

Conference. Many reforms are needed both in its constitution and in its procedure. But it has not to be created. There it stands, ready for adjustment to the needs of the new epoch.

It is evident that in the course of his busy life of three score years and ten, Dr. Lawrence published many well-known and valuable contributions to international law, of which he was an acknowledged master, although by profession he was a clergyman of the Established Church of England,—a fact which militated against his preferment, inasmuch as some churchmen of influence were inclined to consider him as merely an international lawyer and some laymen of influence to regard him as primarily a churchman. His language was at times calculated to offend both classes, as when, for example, he called the writer's attention to a room in a deanery in England in which "His Majesty George the Third was first graciously pleased to go mad."

JAMES BROWN SCOTT.

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PROFESSOR OPPENHEIM

The death of Professor Oppenheim, Whewell Professor of International Law at Cambridge University, occurred after a brief illness on October 7, 1919.

His eminence as a teacher, scholar and writer in international law is such as to call for mention in this JOURNAL of his services and achievements.

Lassa Francis Lawrence Oppenheim was born March 30, 1858, being a son of Aaron Oppenheim, of Frankfort-on-Main. He was educated in the local lycée and at the universities of Göttingen, Heidelberg, Berlin and Leipzig. After serving as lecturer and extraordinary professor at Freiberg and professor at Basle, and publishing several legal works in both Germany and Switzerland, he removed from Basle to London, and in 1905 became lecturer on international law in the London School of Economics. Abandoning all other branches, he devoted himself to a profound and exclusive study of the literature of international law in many languages.

He produced the first volume of his comprehensive "International Law" as to Peace in 1905. A year later this was followed by his second volume as to "War and Neutrality." Both were published by Longmans, Green and Company.

As the *Cambridge Review* for November pointed out:

No complete treatise on the law of nations had been written in England since W. E. Hall's book in 1880. That had been through many editions, but Hall died in 1894, and, while much of his work was for all time, other parts had been rendered inadequate by the course of events. John Westlake, the Whewell Professor, had just published a volume on "Peace," but it was, like an earlier volume, a series of chapters rather than a treatise. Dr. Oppenheim's book immediately caught the eye of international lawyers, who admired its comprehensive treatment, the remarkable depth of research, the close and masterful exposition and the keen power of judgment which marked the pages.

It points out that other English writers on this subject had relied on English and American precedents, disregarding the continental practice. Oppenheim's continental training enabled him to "strike a balance between the Anglo-American and the continental schools in a way which found general acceptance."

His work served as a guide to the periodical literature on the subject in all languages as well as a clear, animated and comprehensive treatise. It assured his reputation, and, in 1908, he succeeded to the Whewell Professorship in International Law at Cambridge University on its resignation by the venerable Professor Westlake.

He edited the collected papers of Westlake on International Law, contributed a volume on the Panama Canal Conflict, one on the "Science of International Law" and another on "International Incidents for Discussion in Conversation Classes," and wrote for various periodicals. In 1911 he brought out a new edition of his main work largely rewritten, and this takes its place as a leading authority throughout the world.

Oppenheim addressed himself to his professorial duties with great zeal and devotion. He built for himself a house at Cambridge, which he called Whewell House, and there he exercised a wide, constant and cordial hospitality, especially to lawyers who shared his fervid interest in international law. He had acquired British citizenship in 1900 and married in 1902 an English lady, Elizabeth Alexander, daughter of Lt. Col. Phineas Cowan, and became thoroughly English in feeling. In the great war he stood loyally by his adopted country and sharply attacked the German practices.

Jointly with Colonel Edmonds he prepared for the British Government "An Exposition of the Laws and Usages of War on Land for the Guidance of Officers of His Majesty's Army," which bot

English courts and diplomats quoted and relied upon. By reason of his continental reputation he was of great value in supplementing the English views. At the end of the war he published three lectures on the League of Nations, which, with various other publications, he generously sent this writer, and was at work on a new volume of "Contributions to International Law and Diplomacy" up to his last illness. He was also preparing a new edition of his great treatise. It was intended to apply the lessons of the great war to the promotion of peace. He found the task overwhelming, and in July his health seriously declined. August and September were spent in Wales and he was thought improved though not well. The end came suddenly October 7th.

He impressed his associates with his industry and learning and his marked powers of discrimination, and, beyond these, by a generous and untiring devotion to the cause of international law, sustained by patience and enthusiasm. He was helpful to all who came to him and his services were zealous and never perfunctory. His warm response to others commanded their enduring friendship in return. The *Cambridge Review*, to which I am indebted for much concerning Professor Oppenheim, thinks that he "became perhaps the greatest authority of his generation upon the law of nations." Having regard to the breadth of his view and the comprehensive character of his great treatise, it seems difficult to name any contemporary writer for whom a higher rank can be claimed.

Dr. Oppenheim was made an Associate of the Institute of International Law in 1908 and attained the honor of full membership in 1911. He became an honorary member of the *Real Academia de Jurisprudencia* of Madrid in 1912, and a corresponding member of the American Institute of International Law in 1916.

His exertions for his students and his helpfulness to all fellow scholars endeared him greatly to a wide and international circle. His death terminates a correspondence and interchange of publications which, for this writer, had always been an inspiration and delight. May those of us who are attached to the same great branch of knowledge emulate his noble and intellectual zeal, his hospitable and humane spirit, even if we cannot attain to learning of such extended scope and varied comprehension as he brought to the service of us all. His mind, so richly stored with both continental and Anglo-American thought and precedents, was peculiarly equipped to be of

service at the present time, and his untimely loss must therefore be doubly deplored. The eminent publicist, Dr. A. Pearce Higgins, has been chosen to fill the chair at Cambridge vacated by his death.

CHARLES NOBLE GREGORY.

#### THE SOLUTION OF THE SPITSBERGEN QUESTION

In the early part of the present year, representatives of the United States, Great Britain, Denmark, France, Italy, Japan, Norway, the Netherlands and Sweden signed at Paris a treaty relating to Spitsbergen. This action doubtless almost brought to a final solution certain questions discussed by the Honorable Robert Lansing in this JOURNAL in the number for October, 1917, as "A Unique International Problem." Under the provisions of this agreement the contracting parties recognize the sovereignty of Norway over the archipelago of Spitsbergen, including Bear Island, which has for centuries been in the anomalous situation of being *terra nullius*.

The Government of Norway being particularly interested in an early international understanding respecting the archipelago, and being of the opinion that the Peace Conference at Paris afforded an opportune occasion for dealing with this question, requested the Conference to consider it. Action was taken in accordance with the desire of the Norwegian Government on the initiative of the five Powers designated in the treaties of peace as the "Five Principal Allied and Associated Powers." The complete success of such action was assured by the friendly coöperation of certain interested neutral nations, namely, Denmark, the Netherlands and Sweden. These nations, which were not represented at the Peace Conference, were invited to offer suggestions. The fact that such suggestions as they saw fit to present were accepted doubtless in some measure accounts for the considerable length of a treaty which is concerned with comparatively few important subjects.

An attempt to solve the Spitsbergen question was made in the year 1914 at an international conference at Christiania, called by the Government of Norway, which was attended by representatives of Germany, the United States, Denmark, France, Great Britain, Norway, the Netherlands, Russia and Sweden. The conference in its endeavor to frame an administration for the archipelago, to preserve