The most striking feature of the present-day international society is the growingly dynamic character of the inter-state environment.

But whatever importance we might attach to our contemporary events, it cannot be denied that during the process of historical evolution, there have been a number of international societies. The character of these international societies during these different periods of human history had not been the same always. Some of them existed side by side with each other, and others have been merged wholly or at least for certain purposes into a greater international society.

Even as far back as sixth century B.C. we find traces of the existence of international society even in Asia Minor and North East Africa. In Babylonic history the universal state comprised "the Neo-Babylonian Empire" of Nabopolassar and Nebuchadnezzar and Nabonidus, which united in a single body politic all that remained of the Babylonic society after the downfall of the Assyrian Power at the close of the seventh century B.C.¹
It was dominated principally by the Babylonian and Median Empire. It comprised within its sphere the Lydian Empire in the north-west, Scythia in the north-east and Egypt in the South-West. But Darius I included the entire region within the Persian Empire which thus became an international society extending its frontiers to the Caucasus, the Caspian Sea and the Indus.

On the other hand, against this onrush of the Persian imperialism, the Greek city states formed a world of their own, with their colonies in the central and Western Mediterranean. With the disappearance of the Lydian buffer state the Greek world was brought face to face with the Persian menace which became a decisive factor in Greek political life.

When Rome gained ascendancy, the emphasis shifted from Asia Minor to Italy, from the East to the West and the Mediterranean world became the centre of the Roman Empire which embraced within its fold the Black and the Caspian Seas in the east, and Elbe in the north.

There were other international societies also which formed worlds of their own. Thus in the eighteenth century B.C. China constituted a political system of kingdoms and city-states.
There were little direct contacts between the two worlds, the Far-Eastern and Mediterranean, although there were some casual intermittent trade connections between the two, carried on by caravans via Persia and shipping along the coasts of India.

The decline and fall of the Roman empire was followed by a general loosening of the bonds which held the various dependencies of Rome together.

The growth and development of Christianity offered a newer prospect during this sombre period of human history. In spite of the interminable feuds and dissensions between the spiritual and the temporal heads, Christianity accomplished a great task by helping to establish the reign of law upon which the salvation of society depended. The diarchy of Pope and Emperor provided a common framework for Christendom, the Pope holding the spiritual sword and the emperor the temporal one. In such a world which seemed to be one empire, headed by the Emperor as its temporal and by the Pope as its spiritual master, there was neither any room nor any need for an International Law.

With the close of the Middle Ages, the unity of the Christendom under a common head fell to pieces and a new order
Peace of Westphalia based on sovereign and independent states came into existence. No doubt Europe lapsed into a temporary period of chaotic anarchy when each nation's hand was against its neighbour and no state was certain of its legal status in the community. It is the Peace of Westphalia which ultimately established the modern European States system.

Henceforward the international community was to consist of sovereign states individually independent of any higher authority. Thus at the end of the Thirty Years War, international comity was to a certain extent established. "In the seventeenth century, the Congress of the Peace of Westphalia offered the astonishing spectacle of a Conference of Ambassadors from every State, laying down the frontiers for the individual countries. This Peace of Westphalia came to be looked upon like a *ratio scripta* of International Law; every one uttered thanks-giving that some sort of status quo had now been established. People began to feel themselves part of an organized European society, and all the sovereign States began, as it were, to form one great family."4

We should not forget the differences in the character of the international society as it was at the time when the early attempts were made to draw up rules for its conduct and that of our present-day international society.
The earlier task was to draw up a body of rules which might be accepted by a large number of independent princes who recognised no earthly superior. The geographical area to which this earlier law applied was very small. The world with which the canonists were concerned was limited to those parts of the former Roman Empire which had not been conquered by the Moslem invasions, that is to say, to what we now call Western Europe. Thus the area within which this law applied was a continuous stretch of territory within which there was a large common ground of religion and of law, of political institutions and of social traditions. But within this area, the number of independent units was very great.

But present-day international society embraces or claims to embrace the entire world in which the total number of sovereign states is perhaps sixty or seventy. It need hardly be added that in the present-day world, such petty principalities as Andorra and Lichtenstein can at best be regarded as picturesque curiosities, as museum relics of a bygone age when these classes of sovereign states were normal in Europe.

Throughout the nineteenth century, international relations among the European states were largely determined by the principle of maintaining the balance of power in the 19th century. "Alliances were balanced against alliances and the art of diplomacy consisted in forestalling the designs of other states and in taking measures to-day which would prevent
situations of danger in some distant future."\(^6\)

In the middle of the nineteenth century the western powers, led by Great Britain and the United States, forced upon the doors of China and Japan. It is interesting to note that the use of force for this purpose was defended on the traditional ground that the law of nations gave a right of free intercourse between all countries of the world, the same reason which the Spanish canonist in the Fastest Vitoria had put forward more than three centuries earlier as justification for the Spanish invasion of South and Central America. Thus it came about that in the Far East the law of nations was really introduced by force, but the use of force was itself justified by an appeal to the law.\(^7\)

The twentieth century has presented a crisis in the fact that while the structure of the international community is still based upon the precarious balance of power among sovereign states, there are developing economic and social interests of states which transcend the national frontiers and call for a growing sense of unity among these states.

The establishment of the League of Nations represented the most ambitious attempt hitherto made to build an enduring structure of co-operation among States.
Yet we should not forget that the League of Nations was never intended to be nor was it a revolutionary organisation. It was a league of sovereign states. It accepted the world of states as it found and merely sought to provide a more satisfactory means for carrying on some of the business transacted by these states between one another. Even in that respect it did not revolutionise the methods for carrying on interstate business. It did not supersede the older methods, but merely supplemented them.

We are told that the present-day international society is passing through its inchoate stage of development before it can be brought under the reign of law.

The creation of a world state with supreme executive powers, if it is not to be reduced to the fatuity of a Kellogg Pact, should be the result of an evolutionary development. Legal order must have its roots in the realities of the social life it is intended to regulate, its differing usages, traditions, moral and religions conceptions and political and economic ideologies.

Viewed in this light, the post-war development of international society in spite of its many inadequacies and
imperfections, reflects the political climate in which it has to operate. The Moscow Declaration of 1943 expressed the need for a new international unity. The Governments of the United States of America, United Kingdom, the Soviet Union and China, "conscious of their responsibility to secure the liberation of themselves and the peoples allied with them from the menace of aggression", "recognising the necessity of ensuring a rapid and orderly transition from war to peace and of establishing and maintaining international peace and security with the least diversion of the world's human and economic resources for armaments," jointly declared,

1. That their united action, pledged for the prosecution of the war against their respective enemies, will be continued for the organization and maintenance of peace and security.

2. That those of them at war with a common enemy will act together in all matters relating to the surrender and disarmament of that enemy.

3. That they will take all measures deemed by them to be necessary to provide against any violation of the terms imposed upon the enemy.

4. That they recognize the necessity of establishing at the earliest practicable date a general international organization, based on the principle of the sovereign equality
of all peace-loving states, and open to membership by all such states, large and small, for the maintenance of international peace and security.

5. That for the purpose of maintaining international peace and security pending the re-establishment of law and order and the inaugurating of a system of general security, they will consult with one another and as occasion requires with other members of the United Nations with a view to joint action on behalf of the community of nations.

6. That after the termination of hostilities they will not employ their military forces within the territories of other states except for the purposes envisaged in this declaration and after joint consultation.

7. That they will confer and co-operate with one another and with other members of the United Nations to bring about a practicable general agreement with respect to the regulation of armaments in the post-war period."

At the Teheran Conference (December, 1943) President Roosevelt, Mr. Churchill and Generalissimo Stalin acknowledged the "supreme responsibility resting upon them and all the United Nations to make a peace which will command the goodwill of the peoples of the world and banish the scourge and terror
of war for many generations! All these nations, "whose peoples in heart and mind are dedicated .......... to the elimination of tyranny and slavery, oppression and intolerance were welcomed into "a family of Democratic Nations" for "co-operation and active participation of all nations, large or small."

These declarations, in so far as they were inspired by a genuine desire to build up an international community freed from the rule of force, are significant achievements towards the process of formation of world community.

But the post-war development of international relations show how difficult it is to realise these hopes entertained by the world from these solemn declarations.

No doubt during the war, a strong common fear of a dangerous common enemy holds the states together in a sort of loose association. The existence of this common enemy served as a life-boat keeping the association afloat.

But with the end of the war it was soon revealed how these alliances were primarily the outcome of the war-time need and hence gradually dissolved in times of peace bringing about a new pattern of relationships among the power blocs. Mr. Byrnes frankly apprehended that "it is not so difficult to keep unity in time of war since there is a joint aim to
defeat the common enemy, which is clear to everyone. The difficult task will come after the war when diverse interests tend to divide the Allies. It is our duty to see that our relations in peacetime are as strong as they have been in war". Mr. Eden in his Speech in the House of Commons of December 14, 1943, also pointed out that "more than once before allies have stood together in war and fallen apart in peace."9

The conviction was shared by President Roosevelt and Mr. Cordell Hull that it would be far easier to reach agreement on a world peace organisation during the war than after. It is significant to note that the United Nations Conference on International Organisation (UNC I O) started its work while fighting against Germany was still in progress and completed it on June 26, 1945 before the end of the war with Japan was in sight. Thus the United Nations, unlike the League, was established during, rather than after, a world war, in an atmosphere of studied realism.

The Preamble of the Charter proclaims the determination of the peoples of the United Nations, under the U.N. Charter to save succeeding generations from the scourge of war, which twice in their lifetime has brought untold sorrow to mankind, their reaffirmation of faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and
of nations large and small. According to Article I of the
Charter the purposes of the United Nations are:-

1. To maintain international peace and security,
and to that end: to take effective collective measures for the
prevention and removal of threats to the peace and for the
suppression of acts of aggression or other breaches of the
peace, and to bring about by peaceful means and in conformity
with the principles of justice and international law,
adjustment or settlement of international disputes or situations which might lead to a breach of the peace.

2. To develop friendly relations among nations based
on respect for the principle of equal rights and self-
determination of peoples, and to take other appropriate
measures to strengthen universal peace.

3. To achieve international co-operation in solving
international problems of an economic, social, cultural or
humanitarian character, and in promoting and encouraging
respect for human rights and for fundamental freedoms for
all without distinction as to race, sex, language or religion,
and,

4. To be a centre for harmonizing the actions of
nations in the attainment of these common ends.
The Charter, accepts certain fundamental principles essential for the development of an international community.

It recognises the principle of state sovereignty as the basic principle more dogmatically than the Covenant. Thus the United Nations "Organisation is based on "the sovereign equality of all its members." Apart from the application of enforcement measures under chapter VII, nothing contained in the U.N. Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the U.N. Charter. 10°

But although the membership in the United Nations is open to 'states' only, it is open to those "peace-loving States which accept the obligations contained in the present Charter and, in the judgment of the organization, are able and willing to carry out these obligations."

The import of such "peace-loving States" was further elaborated in a speech of Mr. Eden delivered in 1944, "When we speak of "peace-loving" States in Article 4 of the Moscow
Declaration, we do not mean by this definition merely to refrain from using physical force against others. We mean something more positive than that. We mean a readiness to contribute something towards the security and welfare of other States even at the cost of some sacrifice of immediate national interest. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendations of the Security Council which will always be subject to the exercise of the veto power. Indeed what has happened since the establishment of the United Nations clearly indicates that the United Nations Organisation can up till now hardly justify its claim for an universal organisation. The qualification of being a peace-loving state involves a subjective evaluation of an applicant's fitness for membership and transferring the question into the strictly political realm. Thus Yugoslavia maintained that fighting against the Axis powers was more peace-loving than remaining at peace as a neutral. Others argued that the test of the peace-loving nature of a state lay not in its past but in its future behaviour. At times the political regime of the applicant was used in evaluating whether or not its nature was peace-loving. The truth is that the primary test is the maintenance of the balance of power among the rival blocs.
Kelsen also thinks that in view of the fact that the admission of new Members depends on the discretion of both the Security Council and the General Assembly and that the unanimity rule applies to the procedure in the Security Council, it is hardly possible to maintain that the principle of universality is realised by the Charter.\(^{13}\)

Dr. Schwarzenberger, however, draws a distinction between absolute and relative universality of an international organisation. If an international organisation attempts to secure the inclusion of all communities, whether great or small, significant or insignificant, for the achievement of its objects, it aims at an absolute universality. But if it is content with the membership or co-operation, willing or enforced, of all 'key' states, it is based on the principle of relative universality. Viewed in this sense, the United Nations, by including all the world powers as original members, achieved only relative universality from the outset.

At the Dumbarton Oaks Conference, 1944 it was realised at a very early date that the chief burden of maintaining peace would fall upon the Greater Powers.\(^{15}\) It was therefore provided in the draft
proposal that the executive power would rest with a Security Council consisting of eleven members in which the Big Five would enjoy a privileged position. It was agreed among the Big Powers "that the only way each of them could be safeguarded was by adding ............the right of each major Power to veto decisions". At Yalta agreement on the veto "was reached with, it would appear, no argument at all." Thus the Yalta voting formula is reproduced in Article 27(3) of the charter. According to that Yalta agreement - right of veto Article, decisions of the Security Council on all matters other than procedural ones, shall be made by an affirmative vote of seven members including the concurring votes of the permanent members.

The Security Council under the Charter has been endowed with true executive and representative functions that is to say, when action is required with respect to threats to the peace, breaches of the peace and acts of aggression. But with regard to these matters, every one of the permanent members of the Security Council holds an absolute veto. Even if one of these powers becomes a party to a dispute, it retains for itself the right to decide on the aggressive
character of its own action under Article 51 of the charter. Thus it is obvious that the exercise of this veto power may cause a breakdown of the whole machinery.

In a sense the Charter of the United Nations, the Covenant of the League of Nations and the Concert of Europe bear striking similarity. The Charter indicates the stage at which the present-day international society has reached by a process of centralisation and consequent reduction in the number of politically sovereign states. The inarticulate major premise of the Charter is the unanimity among the world powers. So long as it stands, the United Nations can impose severe restrictions upon the sovereign rights of states in the name of international peace and security. In the absence of such unanimity, the principle of national sovereignty reasserts itself in its plenitude.

The United Nations organisation as it is constituted has been described by Toynbee as a political machine for putting into effect the maximum possible amount of co-operation between the United States and the Soviet Union - the two great powers who would be the principal antagonists in a final round of naked power politics. In fact the present constitution of the United Nations, represents the closest
degree of co-operation that the United States and the Soviet Union can reach at present.

No doubt from the realistic point of view, the Charter was a clear recognition of the realities of the present-day international relations. The modern world has so shrunk and the world interests of the Greater Powers so swollen, that no matter what the problem, nor where it arises, nor the identity of the parties to it, it must affect the interests of the Greater Powers on whom there rests the decision of war or peace.

In a sense, present-day international society is a reality for the reason that in it various groups co-exist which are both inter-dependent and independent of each other.

World society has reached its present stage of evolution by a threefold process: the disintegration of the Christian Commonwealth of the Middle Ages into a European society; the world-wide expansion of this original nucleus and an ever-growing trend towards the concentration of power in a diminishing number of states.  

In such a society the bond that holds together is not any sense of community of spiritual interests, but the mechanical principle of power. This explains why although the
world has become objectively one in a political and technical sense, the states enjoy such pre-eminent position in the international society. In fact conceptions such as state sovereignty and sovereign equality are mere ideological symptoms of a reality in the international society which they symbolise or disguise. The conception of sovereignty makes this reality articulate in terms of law and political science. Power is the primary test which determines the place of sovereign states in such a society. In such an environment, states have found it necessary to resort to diplomacy and armaments as their traditional weapons for the primary object of their own self-preservation. Thus when there is a persistent tendency all over the globe towards centralisation of power with continuously working force, the world society, based as it is on the precarious balance of power, is left divided into two armed and hostile camps. In such a society based on rule of force, war and peace are not absolute contrasts; peace signifies a negative idea, merely the absence of war.

International society, as it has developed, has been often described as a primitive community. The implication of such a suggestion may be that from such an inchoate
development there will be an eventual and automatic progress towards a fully developed international Analogy of primitive community. It is urged by such theorists that before our primitive international society can reach this state, it will have to pass through all the stages of evolution which the modern state has long left behind. The present-day international society we are often told, is a society of sovereign states and not of their citizens. Within the framework of this society, the sovereign powers are divided by frontiers which constitute vertical barriers from the political, economic, social and cultural points of view. There is no perfect community of interests between states such as exists between the citizens within the national State and thus while we speak about a national community, it is perhaps premature to assume the existence of a community of States.

Thus in reality, the interstate system is not a primitive community but an extreme type of society relations characterized by concentration of power in the hands of an increasingly small number of world powers. These super-Leviathans are trying to rally round themselves the rest of the States in such a way that the present-day international society is confronted with the delicate problem as to whether
this process of centralisation will reach its culmination in traditional ways or whether there is any way of facing the reality in a genuinely constructive spirit.

Yet there are noticeable trends in the international society which point to the development of an international community. Very often it is urged that effective political institutions cannot be established unless we have evolved a social community completely. There is no dispute about the proposition that some degree of social unity is necessary for the effective functioning of all political institutions. Yet it is equally an undisputed proposition that such institutions in turn contribute to developing social solidarity further. The history of the United States affords a striking illustration as to how political institutions can make a valuable contribution towards building a social unity which did not exist before.

The newly developing institutions of international legislation and administration, no doubt, leave their pronounced influence on international relations, ideas and behaviour. The nations have in fact subordinated themselves to the international institutions further than ever before by accepting more advanced provisions for international
It can hardly be true that this tidal wave is a mere artificial creation of dreamers or intellectuals and does not correspond to a vital social unity in the international world underneath.

Thus, the various international institutions like the International Monetary Fund, the International Bank, the Organisation for European Economic Co-operation, are no doubt promising signs of international growth of international institutions. But if these betoken the growth of a new spirit of international co-operation, it cannot also be equally denied that in matters of vital interests, such co-operation is only confined within each of the two segments of world society dominated by the world's two super-Powers. In different ways, they are attempting to constitute themselves into super-Leviathans and to rally around themselves the smaller number of states.

In such a state of our international life, the role that law is expected to play cannot but be subordinate to dictates of force and power. Viewed in this light the doctrine of state sovereignty in the present-day international society cannot be regarded as a mere relic of regulation and decision.
of the past. The very fact that the states are unwilling to surrender their sovereignty is a pointer that there are values which they cherish as more important than the well-being of international society or even the maintenance of peace. In this sense, the conception of State sovereignty and of the "liberum veto" of the sovereign state serve an important function by maintaining in tact the rule of force over the rule of law within the international society. 23

When the war ended, everyone hoped for some kind of international organisation based on peace. But there has been no peace. The wartime alliances dissolved at once and the victors jockeyed avidly across the ruins of a weary world for new positions, new strategic boundaries. All the moods and conflicting interests of the nationalistic sovereign states were heightened rather than lessened. The war's end brought the beginning of a new pattern, not of peace, but of power.

No doubt the different nations responded to the need for a new international unity by setting up the United Nations Organization. But this new organisation, like the League of Nations in the past, was designed not as an instrument for levelling national barriers and
antagonisms but as a stage on which the sovereign states could find their political expression, a mirror in which the real world could find itself remotely and fuzzily reflected.

In fact so long as international relations are guided by considerations of precarious balance of power, this competition for place and power may be necessary for reasons of "security" of the rival power blocs. Thus Russia extends her security zone across eastern and central Europe, across the plains of Manchuria and out to the Kuriles in the northern Pacific, until it meets the rival security zones covered or defended by Britain and the United States.

There is nothing in all this of the building of a true international society based on respect for law and justice. In fact the world lies shattered in fragments and seems further than ever from finding its way to any new wholeness. However we may have bowed the sovereign state out of the front door of our international edifice, there are still sufficient entrances at the back through which it creeps to its old pre-eminence.

Controversies have been regarding as to whether at the present stage of our development of international relations, we can claim to have reached the level of an international community.
Without going into the question as to whether a world community or society is a necessary prerequisite for the effective functioning of a world state, it can still be safety contended that such views alone do not clear the issues confronting the present-day world.

We are told that "If a world community already exists, it is superfluous to bring it into existence. If a world society is already at hand, it is obviously stupid to be waiting for it to emerge." 24

In the biological sense, the entire organic life of an area can be called a "community", thus implying the functional relationship which naturally develops so that each organic type occupies its particular niche. But used in a social sense, the term usually implies some degree of awareness of the entire community by its members. 25

The truth is that the world community can be understood in relativistic terms but not in absolute terms. There are many who believe that we have already a world community and that what is necessary is to develop a corresponding world society. There are others who proceed upon the assumption of an embryonic world society and regard the creation of a world government or world state as the
urgent need of the present.

Dr. Lauterpacht while discussing the completeness of the legal system as a general principle of law admits that the international community is 'ex hypothesi' a community under the rule of law. Oppenheim also thinks that there is such a thing as an international community so far as the States of the civilised world are concerned. Though the individual States are sovereign and independent, though there is no international government above them, there still exists a potent unifying force namely the community of interests which finds expression in continued and varied international co-ordination and organisation. No doubt the application of rule of law which is the essential feature within the national sphere, is constantly put in jeopardy by the conception of the sovereignty of states which deduces the binding force of international law from the will of each individual member of the international community.

Prof. Kelsen thinks that the present international community can be likened to a primitive social order which has not progressed beyond the principle of self-help characterised by the institution of blood-revenge.
Mr. Trainin of Russia seems to be inclined to think that whatever may be the character of international society prior to the second world war, the Moscow Declaration of 1943 has introduced a new process of development by bringing the international society under the reign of law and thus constituting new juridical relations between the member states of the international society.

Dr. Corbett however doubts as to the prevalence of any general sense of community that may be said to exist at the present stage of our international relations.

Louis Wirth, Professor of Sociology in the University of Chicago makes a distinction however between "society" and "community". According to him, when we use the term community we seek to isolate and so to emphasise the physical, spatial and symbiotic aspects of human group life; where as by the term "society" we wish to bring into focus and stress the psychic, deliberative, rational, normative and consensual phases of group existence. When we are dealing with human beings as aggregates of population distributed in space and in relationship to resources it is useful to employ the concept "community". When, on the other hand, human groups are thought of as held together by communication, by the bonds of interest,
and when they move towards common collective goals for which they require a common understanding of symbols and a sharing of common norms, we are dealing with a society.

Dr. Corbett\textsuperscript{34} thinks that whatever drive there has been towards the subordination of the state to a larger collectivity has come largely from the intellectuals.

Maclver and Page also doubt as to whether there is any international community in any effective degree, at the present state of our international life.

Schiffer's\textsuperscript{33} theoretical investigation of the modern concept of world organisation leads him to the conclusion that it is senseless to speak of "the" world state, but only of a concrete type of world state. According to the learned author, a world-state is not possible "by treaty", but only by a change of fundamental conditions.

No doubt the desire for some kind of international governing agencies has slowly increased among many peoples for perhaps several centuries, culminating in such associations as the ill-fated League of Nations and the burdened United Nations. The underlying modern idea of world organisation is, briefly stated, the belief that universal law and order can be preserved through an association of independent states, without fundamentally altering the
political structure of the world. No doubt the basic elements of this modern concept are the idea of natural law, the doctrine of the harmony of reasonable interests of men, the underlying basis of the idea of world organisation in the power of world public opinion. But the practice among the greater powers clearly indicates how they are guided by the consideration of their egocentric national interests than by any clear recognition of the interest of the international community as such.

In the so-called international conferences, practically everyone attends as the representative of either a national institution or a national government. This being so he reports on the affairs of his own country or institution, thus actually widening the gulf between the nations instead of bringing them together. Since everyone happens to belong to one particular country, he is immediately looked upon as an intruder upon other people’s interests or is suspected of ambitious schemes as soon as he attempts to steer clear of a fractional approach to problems which should be dealt with in a more broad-minded way.

The bitter experiences of the working of the League Covenant failed to produce any better lesson in the mind of the greater powers. The United Nations Organisation finds
national interests still dominating nationality, national states and national sovereignty predominate in the field of international relations. The only type of international community that can be expected in such a condition is a group of co-ordinated states with their sovereignty kept in tact.

The world community, in spite of all these, does, indeed, have some compelling motive towards unity. Thus the physical barriers separating the world unity have been rendered less and less significant by the modern developments of communication and transportation. Geographically, as compared with even a decade ago, the earth is fastly approaching the "one world" condition. This has been brought about largely through the growth of modern agencies of intercourse, especially aviation and radio and most dramatically through the development of atomic fission. From the technological point of view, these advances have set the world itself as the only geographical locality appropriate for the large-scale community. Thus it cannot be denied that the territorial basis of an international community has been to a large extent established.
When the division of labour was so little developed that every homestead could produce all that it required, it mattered little if it were cut off from the world for a month or so. But "if to-day an English country is cut off by a general railroad strike for so much as forty eight hours from the rest of the world, we know that the whole sections of its population are threatened with famine." 37

This vital interdependence, cutting athwart frontiers, has by the countless developments of rapid communication, has reached such a condition of complexity that any disturbance in New York involves financial and commercial disturbance in London. Thus the world organization has been given a sensory nerve - a nerve which when one part is injured conveys to the whole a sense of injury.

In fact the technical achievements of the past hundred years have produced a type of society different from any that has ever before existed, posing novel problems for mankind. It has changed the character of the adaptations the individual has to make to his environment. 38

The division of labour into which he is born weaves his own life into a series of interdependencies involving not only his own personal surroundings, but moving in ever-widening circles until they encompass most parts of the earth.
= 253 =

The new weapons of atomic war have further shown the utter hollowness and futurity of thinking in traditional terms. The world has yet to learn whether the atom bomb has really destroyed "selfish nationalism", or ushered in a "new and unpredictable age of the soul". But when we consider the destructive possibilities now open to us, a few miles of territory more or less, a few dotted islands more or less in the vast oceans, seem to acquire an immense irrelevance. The advent of atomic weapons, we are told, means that massed armies, air and sea fleets as we knew them in the recent war have become obsolete and outworn. "We are asked by the experts to contemplate the fact that future wars may not be decided by the huge lumbering movement of millions of men across great distances wielding millions of tons of steel and explosives, but by a few dozen or a few hundred such atomic missiles launched by a few men at push buttons half a world away from their targets. In such a war it will indeed be of small importance who has Trieste, who controls Poland or Manchuria or Iran." 39

Sir Harold Hartley, F.R.S. while speaking of "Man's use of energy" pertinently observed how the rapid interchange of persons and ideas had brought the world together into a much more closely integrated unit. It has quickened the
senses and the nerve fibres of nations and given them a new awareness of events, a new world consciousness which in due time must show their inescapable community of interests.

The two world wars thus have brought to the surface a tendency which had been at work for a long period before its outbreak. The stage has now ceased to be dominated by the sovereign states with their pretension to be universes in themselves. In this new world their independence is limited in one or other ways. Even the Greater Powers are dwarfed in the economic sphere by the world-wide scale on which Industrialism has now come to conduct its operations. In this new world all but the strongest or the most recalcitrant states are feeling less and less able to stand by themselves economically and militarily, and are kicking violently against the pricks by turning for assistance by the surrender of some governmental functions implied in the recently established international organisations. In this new age, the dominant note in the corporate consciousness of communities is a sense of being parts of some larger universe, whereas, in the age which is now over, the dominant note in their consciousness was an aspiration to be universes in themselves.
Thus the world has become so much interdependent socially, economically, politically and even juridically, that the sovereignty of a government consists in making decisions that are primarily adjustments to conditions and demands determined by others.

In this newer context of our international life, the doctrine of state-sovereignty has become as illusory as the Emperor's fine clothes in Anderson's fairy tale. It is not essentially different from State-sovereignty an illusory concept

he is free to decide whether he shall take short steps or long, smile or breathe defiance or weep.

Thus Wendell Willkie's "One World" has been in the making for centuries. We have seen how the technical civilization has created an economic interdependence which generates insufferable frictions if it is not politically managed. "There is moreover in the culture of every nation, a religious and philosophical sense of world community waiting to be actualised and of moral obligations extending beyond the national community". Thus we have been approaching a stage where no completely self-contained community can be found on any scale unless we extend the limits of community to include the whole earth.
Yet in spite of all these, it must be frankly admitted that there is no automatic process through which world community can come into existence. No doubt in building the world of to-morrow, we should start with what we have. We must take the world as it is. Yet we cannot avoid the problem of community organisation.

Sociologists think that community organisation is in part an unconscious development in interaction on a symbiotic basis of competitive co-operation, but it is in part also a product of deliberate construction, of education, of facilitation, of communication, of the building of institutions and of participation in organised life.

No one can fail to observe that we have developed a number of embryonic world institutions. Since the end of the second world war, we have seen an unheard of development of international organisations, principal and specialised, quasi-universal and regional. "Higher standards of living, full employment, conditions of economic and social progress and development, solution of international economic, social, health, cultural and educational co-operation" hold a
prominent place in the United Nations Charter. The number and importance of these international economic and financial organisations has strongly increased. If these are the ingredients of a world community in a series of forms of interaction on a universal scale, it is necessary for us to use these occasions as opportunities for creating a world opinion, a world conscience, a world-wide concerted collective action and a sense of belonging to a world unity. With the deepening of this consciousness of the need for an effective international order based on rule of law, the problem of absolute state sovereignty has acquired a new emphasis and an added significance.

The early writers could state the principle ruthlessly and without any compromise. But during the nineteenth century, certain restraints were thought desirable, particularly with the growth of liberal and constitutional ideas. Although the sovereign national state emerged triumphant and established its supremacy, there were on the other hand wider international contacts which brought about the necessity for establishing international law on a firm footing.

Thus attempts were sought to be made to effect a theoretical and political compromise between the sovereignty
compromise between the national state and the respect for the rules of international law.

Majority of the jurists, while developing the doctrine of absolute state sovereignty tried to blend it with the equally powerful doctrine of the 'Reichstaat' which favoured protection of individual rights and restraint in international relations. Jellinek finds a solution in the doctrine of the self-limitation of the state. Though not bound by any external authority, the sovereign state, according to him, voluntarily consents to observe the customary rules of international conduct on one hand and the subjective rights of the subject on the other hand. Such a theory, as Dr. Friedmann rightly points out, might give the comfortable illusion of having it "both ways," only during a period of comparative social and political stability. But the crisis in such a theory becomes pronounced during times of conflict between state interest and individual right on the one hand and state sovereignty and international order on the other hand. In such a case, Jellinek's theory takes the side of state sovereignty. In the absence of a superior norm or authority, only considerations of ethics or, perhaps
more truly, of balance of power and political tactics, may impose restraint, but not the law.

Triepel seeks to curb the rigour of state sovereignty by proceeding upon the assumption that the agreements made between states merge into an objective body of conventions, which states are no longer free to repudiate. Anzillotti seeks to revive the Grotian doctrine by claiming the validity of international law on the basis of universal recognition of the principle of "pacta sunt servanda". No doubt both the theories recognize a legal value superior to the will of states, yet on a closer scrutiny it is clear that such theories are inadequate to face the full implications of a limitation of national sovereignty by an international authority.

Del Vecchio admits that the logical implication of the freedom of will of the state which is an important aspect of state sovereignty is the negation of international law. But he seeks an ambitious compromise by asserting that real sovereignty can only exist if each state recognises the existence of others as equal. The conflict between state sovereignty and international law seems to be avoided by him by postulating different degrees of "positivity" i.e. effectiveness for different legal systems.
Kaufmann following the Hegelian tradition thinks that the principle of state sovereignty is incompatible with the binding character of international law and is in favour of the preservation of the supremacy of the sovereign state.

While Kaufmann shows the incompatibility of national sovereignty and international order from a nationalist angle, Kelsen comes to the same conclusion from a different process of reasoning. The alleged differences of sources, spheres and objects in municipal law on one hand and international law on the other hand according to him cannot be sustained on sound logical analysis. Both have their ultimate object of regulating the conduct of individuals and of enforcing the legal order by sanction. Consequently there is a clear alternative between a number of sovereign and warring states and an international legal order, superior in law to the national states.

Verdross and Dr. Lauterpacht, following Kelsen, have assumed the logical completeness of international law, although there are gaps in international law yet to be filled up by evolving concrete rules. Dr. Lauterpacht further points out the logical fallacy of the distinction between "legal" and "political" disputes which serve as a convenient means for any state to shift a particular dispute from the "legal" to the "political arena."
In fact the logical weakness of all such dualistic theories which effect a compromise between national sovereignty and international order is bound to be exposed sooner or later." The League Covenant was the very embodiment of the theories of Jellinék, Anzilloti and other dualists - an attempt to establish international law, without touching the foundations of national sovereignty and the power of the national state."\(^{43}\) The failure and the breakdown of the League of Nations and the bitter experience of the working of the United Nations Organisation have shown the profound practical importance of a clear alternative between international anarchy among a number of omnipotent sovereign states and an international legal order\(^{49}\) - an issue which is no longer confined within the realm of mere theoretical controversy. Legal sovereignty of the state is incompatible with the existence of an effective international legal order.