Chapter Three

LOOKING FORWARD IN THE TWENTIES

... I do not conceive of law in terms of definite and positive rules. There are such rules, of course, and in certain branches of the law they serve very useful ends... . But how little of public law, and particularly of the law of nations, is susceptible of such formulation! Rather it is principles and standards to which we resort, and, unless I misconceive the facts of our juristic history, which have furnished the basis of international practice in the past. For the law of nations, like municipal law, is not at any time a fixed body either of doctrines or of commands. It is always a process, a method of dealing with competitions of interest...

—Manley O. Hudson


A. THE CHANGING SCENE IN THE SOCIETY

1. Hughes and Finch in Place of Root and Scott

Charles Fenwick, already a prominent Society member in the twenties, had opposed Charles Evans Hughes’ selection as President of the Society in 1924. Fenwick thought that the Society would simply be making a political appointment. He said that if Hughes were selected, it should be for one year only.¹ After Hughes was selected, Fenwick did not relent. In 1925, he opposed Hughes’ re-election. George Finch replied that Hughes had not been selected simply because he was the Secretary of State, but rather because of his accomplishments and qualifications for the office. Finch reported very strong sentiment within the Society in favor of Hughes’ re-election, noting that Hughes had been an active President during his first year in office.²

According to Finch, the Society had been invigorated by the interest and active cooperation of Hughes. Indeed, Hughes seems to have taken his duties as President quite seriously, both during the remainder of his tenure as Secretary

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¹ Letter from Charles G. Fenwick to James Brown Scott, Feb. 16, 1924.
² Letter from George A. Finch to Charles G. Fenwick, Apr. 8, 1925.
of State and thereafter. Like Root, he left the actual administration of the Society to the Recording Secretary, but he diligently performed such tasks as appointing committee members, contacting dignitaries on behalf of the Society, delivering the presidential address at Annual Meetings, and serving as toastmaster at annual dinners.

By 1927, Hughes was ready to turn the office over to someone else. He wrote to Finch just before the 1927 Annual Meeting to say that it was “time for someone else to take the chair.” Finch wrote back that such a suggestion would “cause consternation among the officers and members.” He praised Hughes’ three years in office, and stressed the need for a person with prestige to be in the Presidency. Finch’s view was conservative:

There is no one with the international standing and prestige necessary to carry on the work comparable to yourself. The Presidency of the American Society of International Law is not an office to which the system of rotation can be successfully applied. The Society is an international organization, and its head must be a person of international prominence. Rotation in office would inevitably result in a succession of presidents little known outside of their own universities or bar associations.

Hughes must have been persuaded. He was renominated and re-elected.

Hughes served as President until 1929, when he resigned because of his election to succeed John Bassett Moore as a member of the Permanent Court of International Justice. He thought it necessary to resign not only because his duties as a member of the Hague Court might keep him away from Annual Meetings of the Society, but also because his judicial position would preclude him from discussing issues of international law as freely as he otherwise could.

Finch, like James Brown Scott before him, devoted an enormous amount of time to the Society. He conducted its daily business, writing all the correspondence, keeping the books balanced, making arrangements for Annual Meetings, and, as Managing Editor of the Journal, performing most of the Journal’s editorial duties.

The documents in the Society’s files reveal Finch as an efficient, highly competent successor to Scott as the person in charge of the Society’s daily affairs. Unlike Scott, he did not stamp his personality or his vision of international law on the Society. Rather, he seems to have been characterized by his eye for detail and his acute sense of propriety. He was a cautious person, taking great care not to overstep the bounds of authority the Executive Council delegated to him. On