

have discussed them in very concrete form. However, all of these objections and new suggestions are entirely too systematic in so far as their justification of practical responsibility is concerned. It is manifest, of course, that when the injurious consequences of a wrongful act are imputed to the State, this cannot involve the question of individual intention, which it does not naturally possess. Otherwise, the State could be charged with fraud or negligence, should its organs act fraudulently or without due diligence. There are certain cases, however, in which serious complications arise in the construction of these principles; for instance, as Professor Anzilotti points out, when the State organ discharges its legal obligations under municipal law, which are, on the other hand, contrary to the law of Nations. It would seem altogether too artificial to charge either the executive or the legislative organs with bad faith in respect of an act the origin and development of which are so different from the consequences of some act being executed through a period of time in violation of an international obligation. Notwithstanding these considerations, it would not be, properly speaking, an artifice; but rather a juridical construction, or, in other words, a process of legal reasoning similar to the one which establishes the legal entity in order to arrive at conclusions that will permit the administration of justice.

In municipal law responsibility has a practical tendency, inasmuch as the relations of man require that his interests be duly guaranteed and protected. In order to maintain these interests in proper equilibrium, it is necessary that in disposing of the patrimony it should be distributed among the individuals who bear relation to one another, either through family ties, business connection, or membership in the same community. The activities of man, either with his capital or with his labor, are complementary elements of the same economic system. Those who act in the capacity of agents of a community are to be deemed the instruments thereof, and the community should bear the injurious consequences incident to every transaction within the range of its activities. These very same principles should be applied by international law whenever the relationship between principal and agent has been properly established. However, the present individualistic tendency in the Law of Nations does not, for the time being, permit the absolute exclusion of certain cases in which every State should assume a defensive position, based on the fact that it has not been a party to the injury, or that it was not in a position to prevent it, in spite of having taken every reasonable precaution and exercised due diligence to avoid it.

It is the task of the law to gradually incorporate the various juridical tendencies arising out of the necessities of the administration of justice. While the smaller States can shield themselves against abusive force by pleading their innocence in the cause of certain injuries, the future balance