

"If it were merely an original statute, the legislature of any State might abrogate it; however, the sacred rights of humanity are intangible and free from the attempt of any country, even if it were the most powerful nation.

"A detailed comment upon these provisions"—adds Mr. Scott—"would seem to be uncalled for; but I would like to make certain remarks. Specific rights are deemed to be acquired rights. We are not now insisting on the fact that they should be innate, inherent or inalienable, but it is the duty of the State to recognize and protect them. It is not the State speaking: it is the voice of the international community that makes itself heard. The community exists, not by reason of a formal act on the part of the State, but owing to the coexistence of the various States, which should have common laws to protect the independence of the constituent members of the community. And this community, over the head of the States, crosses their boundaries to protect the men, women and children who form part of it. The international community is not a discovery of our age. It has existed ever since two States existed, and with the birth and recognition of new nations, the international community grows in scope and power."

Therefore, in theory, there should be no possible difference between nationals and aliens: both should enjoy the same fundamental rights. The day will come when the international community will find a way to establish a minimum standard of rights for all men. This régime is now embodied in a few treaties, but in the not far distant future it might be established as a general principle of international relations. Undoubtedly, the principle will be differently construed for some time to come in its application to certain peculiar cases. But in these same questions that are presently the source of differences among the States, the evolution of the municipal public law and of the international jurisprudence, which will follow a parallel course, will gradually eliminate the points in controversy. The fact is that at the present moment, the fundamental rights and guaranties, viz.: the equal rights to life, property and liberty; the adequate organizations and necessary legal actions to render these rights effective; the administration of justice in fair and honest manner consistent with the public morals of the age; the maintenance of peace and order in regular manner so as to afford to all inhabitants an opportunity to attain the ends of their labor and happiness;—constitute the current standard of the juridical mind of the world. Any State that fails to follow such standard becomes responsible and should make reparation for the consequent injury. The duty to establish it is both international and national in character. Presently, the international character of this duty is more effective, because the alien is also covered by the protection of his own State. The problem for the future will be to extend this standard so that man, by the mere reason of being such, will be entitled to the same protection no matter in what part of the world he may be, and regardless of his nationality.

However, it may be stated that this problem of the legal status of aliens