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ROSCOE POUND AND THE SCIENCE OF INTERNATIONAL LAW

YUEN-LI LIANG†

"In the house of jurisprudence," says Roscoe Pound, "there are many mansions." Assuredly, there live few contemporary jurists who can claim to preside over as many mansions as Pound. In the mansions of equity, of tort, and of criminal law in the Anglo-American legal system, to say nothing of that of general jurisprudence, Pound occupies a predominant place. In that particular one whose portal bears the inscription of international law, Pound has not fully asserted his dominance, although his achievements as a "jurisconsult of recognized standing" won for him the nomination by a foreign state in 1931 to the candidacy to the Permanent Court of International Justice. As American Arbitrator in the American and British Claims Arbitration he had intimate contact with the actual functioning of the international judicial process, and contributed no small share to the rendering of several significant opinions by the tribunal.¹

While among his prolific writings one finds relatively little that strictly concerns international law, Pound has to his credit a lecture entitled "Philosophical Theory and International Law" delivered at the University of Leyden in 1921,² which has remained a classic and a source of inspiration to students of international law who are interested in examining the basic concepts of the subject. Also, in 1926 he read a paper entitled "Philosophy in

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¹Tribunal established by the United States and Great Britain pursuant to the provisions of the special agreement of August 18, 1910. It is a well-known fact that Pound actively participated in the decision of the Cayuga Indians case (1925), in which the tribunal invoked equity as a basis for the decision, although it reached the conclusion that the decision might rest upon a strictly legal basis. This is one of the few international law cases in which equity principles were applied. See 1 Hackworth, *Digest of International Law* (1940) 8; Nielsen's Report (1926) 315-321.

²1 *Bibliotheca Visseriana* (1923) 73-90.