

CHAPTER VIII.

Rules with Respect to Foreigners.

§ 99. General idea of the proper conduct of a state towards foreigners.

We have elsewhere spoken (Book I, § 213) of *residents*, or persons who are domiciled in a State of which they are not citizens. We are here speaking only of foreigners who are either passing through or temporarily remaining in a country, whether on business or as mere travelers. The relations which they sustain with the State in which they happen to be, the object of their journey and temporary residence, the duties of humanity, the rights, the welfare and safety of the State which receives them, the rights of the State to which they belong—all these considerations, taken together and applied to the circumstances of each case, serve to determine the proper conduct of a State towards them and its rights and duties with respect to them. But the purpose of this chapter is not so much to show what humanity and justice call for in our treatment of foreigners as to lay down the rules of the Law of Nations on this subject, rules whose object is to secure the rights of both parties and to prevent the peace of Nations from being disturbed by the disputes of individuals.

§ 100. Admittance into the territory.

Since the lord of the territory may forbid entrance into it, whenever he thinks proper (§ 94), he may undoubtedly fix the conditions on which admittance will be allowed. This, as we have already said, is a consequence of the right of ownership. Need we add that the owner of the territory should be mindful in his regulations of the duties of humanity? The same holds good for all rights; the possessor may use them freely if in so doing he does not injure anyone; but if he wishes to be free from blame and to keep an upright conscience he will never use them except in full conformity with his duty. We are here speaking of the general right which belongs to the lord of the country, reserving for the following chapter the consideration of the cases in which he can not refuse admittance into his territory; and we shall see in Chapter X how his duties towards all men oblige him, on other occasions, to grant the right of passage through, and temporary residence in, his States.

If a sovereign attaches some special condition to the permission to enter his territory, he must see that notice of it is given to foreigners when they present themselves at the frontier. There are States, such as China and Japan, which forbid all foreigners to enter without express permission. In Europe free access is granted to all who are not enemies of the State, though certain countries exclude vagabonds.

§ 101. Foreigners are subject to the laws.

But even in States which freely admit foreigners it is presumed that the sovereign only grants them access on the implied condition that they will be subject to the laws—I mean to the general laws established for the maintenance of good order and not operative only in the case of citizens or subjects. The public safety and the rights of the Nation and of the sovereign necessarily impose this condition, and foreigners impliedly submit to it as soon as they enter into the country, and can not presume to obtain admittance on any other footing. Sovereignty is the right to command throughout the whole country; and the laws are not limited to regulating the conduct of the citizens with one another, but they extend to all classes of persons in every part of the land.