

Journal of Air Law and Commerce

Volume 5 | Issue 2

Article 11

1934

Book Reviews

Fred D. Fagg Jr.

Frank E. Quindry

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Recommended Citation

Fred D. Fagg Jr. et al., *Book Reviews*, 5 J. AIR L. & COM. 340 (1934)
<https://scholar.smu.edu/jalc/vol5/iss2/11>

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BOOK REVIEWS

LA CONVENTION DE VARSOVIE. By D. Goedhuis. The Hague: Martinus Nijhoff, 1933. Pp. 295.

For many years the jurists, as well as those actually engaged in aircraft operation, have asserted that the international character of air navigation demands as an absolute necessity the unification of the rules of private air law. The Warsaw Convention represents the first substantial move in that direction and, in time, will be found to possess many of the limitations that generally find their way into pioneer efforts. The monograph under review undertakes a study and evaluation of that Convention in a most thorough-going manner.

Following a short introduction, the author summarizes, in some seventy-five pages, the liability of an air transport operator in The Netherlands, France, Germany, and England—as developed in the period from 1919-1933. This first chapter serves as a very desirable background for the discussion to follow.

The second chapter, of some two hundred pages, presents a careful study of the various sections of the Convention. The sections are treated in order, and the actual language of each provision is set forth and followed by more or less extended comment.

The complete Convention appears in Annex C and there is included a short bibliography, an excellent index and a useful reference table pertaining to Convention sections.

While the author has discussed each provision quite extensively, it is obvious that his interest is centered in the liability sections. His comment on Section 20, for example, covers some thirty-three pages, and it is apparent that he believes the liability provisions decided upon to be more burdensome to the air carriers than should have been imposed. He recognizes quite clearly the difficulty of attempting to harmonize the principles of Continental and Anglo-Saxon law and rightly fears that a tremendous lack of uniformity can develop from differences of interpretation. With that in mind, he believes that a more careful wording of the sections may make clearer the meaning intended and so obviate the probability of non-uniformity of interpretation.

The thorough manner in which each term and phrase is tested in terms of actual air transport operations commends the book to the attention of all those interested in international aviation. The criticism at times seems to be directed to minute and unimportant matters, but when it is remembered that this discussion is aimed at an eventual revision of the Convention, the criticism is highly desirable.

In the reviewer's opinion, this book is well worth adding to an aeronautical law library.

FRED D. FAGG, JR.

AIR POWER AND WAR RIGHTS. By J. M. Spaight. London: Longmans, Green and Company, Second Edition, 1933. Pp. ix, 495.

The first edition of this book appeared in 1924 and may be considered a standard discussion of the problems of aerial warfare. The international law elements are amply illustrated by practical situations.

This second edition is virtually the same in context as the first. Citations of authorities have been brought up to date and Chapters I and VIII to XI have been changed as to conclusions regarding aerial bombing of civilian objectives. Chapter X considers the recent Disarmament Conference relative to bombardment aviation, and Chapter XXII compares the rules laid down by the London Naval Conference, 1930, with the Washington Rules of 1922.

The author had previously taken the position (which he still believes may sometime prove to be correct), that it would be practicable to restrict aerial bombing of non-military targets as to times and places so as to least endanger the lives of civilians.

Mr. Spaight now advances an opinion which evidently attempts to reconcile the views of theorists who believe that aerial warfare changes the old concepts of military strategy and the orthodox view that the aerial arm is only supplementary to the basic land and sea arms and that destruction of the enemy's armed forces is the primary objective:

War today is a matter of machines and metals. The mechanical element of armed strength has gained the predominance. Destroy it, or prevent it from coming into being, and you destroy your enemy's physical power to resist. You destroy his armed strength as a whole as effectively as if you destroyed it in battle. Hitherto battle has been the sole means of destroying it. Now another way is open—the way through the air. Air power need not wait for the battle. It can strike at the mechanical, the predominant constituent of armed strength at a far earlier stage. It can accomplish then the object of battle—disarmament—before the two elements of battle—strength, the human and the material, are combined. It can disarm without the accustomed bloody prelude to disarmament; and it can disarm not physically alone.

This idea represents an advancement in thought as to the true purpose of an air force in coordination with the surface arms. However, it would not seem that, by merely taking away a dangerous toy from its citizenry of a belligerent nation, its mental attitude would be changed thereby. A defensive belligerent might employ tactics directed solely against the enemy's armed forces or its means of mechanical supply; but would a nation bent on a war of territorial conquest wherein a populace must be subjected do the same thing?

FRANK E. QUINDRY.