

# Washington University Law Review

---

Volume 20 | Issue 1

---

1934

## Review of “The Permanent Court of International Justice,” By Manley O. Hudson

Arnold J. Lien

*Washington University in St. Louis*

Follow this and additional works at: [https://openscholarship.wustl.edu/law\\_lawreview](https://openscholarship.wustl.edu/law_lawreview)



Part of the [Courts Commons](#)

---

### Recommended Citation

Arnold J. Lien, *Review of “The Permanent Court of International Justice,” By Manley O. Hudson*, 20 ST. LOUIS L. REV. 092 (1934).

Available at: [https://openscholarship.wustl.edu/law\\_lawreview/vol20/iss1/3](https://openscholarship.wustl.edu/law_lawreview/vol20/iss1/3)

This Book Review is brought to you for free and open access by the Law School at Washington University Open Scholarship. It has been accepted for inclusion in Washington University Law Review by an authorized administrator of Washington University Open Scholarship. For more information, please contact [digital@wumail.wustl.edu](mailto:digital@wumail.wustl.edu).

## Book Reviews

THE PERMANENT COURT OF INTERNATIONAL JUSTICE, by *Manley O. Hudson*. New York: The Macmillan Company, 1934. Pp. XXVII, 731. Published under the auspices of the Bureau of International Research of Harvard University and Radcliffe College.

Professor Manley O. Hudson of the Harvard Law School is the latest appointee of the United States to the panel of judges of the Permanent Court of Arbitration. He significantly dedicates his new treatise on the Permanent Court of International Justice to Elihu Root and James Brown Scott, American veterans in the long campaign for the establishment of the Court, and to Bernard C. J. Loder, Max Huber, Dionisio Anzilotti, and Minéitcirö Adateci, the first four presidents of the Court. His publications on the Permanent Court of International Justice already fill a shelf of considerable size, but his new volume is his first comprehensive treatise on the Court and for that matter the first comprehensive treatise on the Court to appear in print anywhere. That the voluminous materials now available on the Court have been exhaustively examined by the author is evidenced on every page of the volume as well as in the appended lists of references to documents, cases, authors, and persons. In addition to the impressive documentation, the names of the eminent authorities whose aid in preparing the volume is given acknowledgement lend further distinction.

If a better summary of the "Precursors of the Permanent Court of International Justice" exists than that found in Part I of this volume, this reviewer does not know of it: the plan and the work of the Permanent Court of Arbitration, the development of the International Commission of Inquiry, the establishment and the work of the Central American Court of Justice and the International Central American Tribunal that succeeded it, the aborted International Prize Court, and the progress of the two Hague conferences towards the creation of a Permanent Court of Arbitral Justice.

Part II is a complete history of the Permanent Court of International Justice, with a detailed analysis of the original statute, the revised statute, and the Protocol for the Accession of the United States. It is the opinion of the author that "the long and difficult road which has been travelled to effectuate the participation of the United States in the maintenance of the Court may be said to have been due to exaggerations, both on the part of the signatory states and on the part of the United States." That "The importance of American participation was exaggerated" by the former appears from the fact that "For twelve years, the Court has been maintained without aid from the United States, and it would be difficult to say that the value of its functioning was in any important respect diminished by American abstention." In the case of the latter, "The spirit of nationalism prevailing led not only to unsound criticism of the structure and work of the court, but also to a distrust of the purposes which it might be made to serve." "In spite of the American government's past record in urging the establishment of a court, the step was looked upon in some quarters as one of involvement."

In Part III the author makes a detailed analysis of the rules of the Court, article by article, and a critical survey of its organization. The comments on the operation of the system of nominating and electing the judges and the biographical data relating to the personnel of the Court are set down in an impressively objective manner. In spite of various weaknesses and discrepancies pointed out by the author, the general conclusion is reached that "on the whole the system of nominations has worked with quite satisfactory results" and "the system of elections must be pronounced a success which augurs well for the future maintenance of the Court."

Part IV consists of an exhaustive, effectively organized analysis of the jurisdiction of the Court. In Part V the author makes his most original contribution in the form of a detailed exposition of the procedure and practice of the Court. "Under the Statute the Court is bound by few procedural limitations. It has the responsibility of building a law of procedure which will meet the needs of interstate litigation, and to some extent this law must be developed *de novo*. Since its early years the court has sought to follow the course 'which it considers best calculated to ensure the administration of justice, most suited to procedure before an international tribunal and most in conformity with the fundamental principles of international law.'"

The different classes of law which the Court applies and the general canons which guide the Court in its interpretation of these laws are considered in Part VI. This part might more logically have preceded Part V. In the appendices appear all of the most basic documents relating to the Court and a list of the publications of the Court.

In the Preface Doctor Hudson states that "The time would seem to have arrived for comprehensive studies of the law of the Court for the assistance of lawyers who may appear before it and of others who must deal with its problems. The present volume is designed to serve as such a study." If occasional revisions are made, it is certain that this volume will serve preeminently as the standard comprehensive study of the Court for years to come.

ARNOLD J. LIEN.

Washington University.

---

DOCTRINA DE MONROE Y COOPERACION INTERNACIONAL, by *Camilo Barcia Trelles*. Madrid: Mundo Latino, 1930. 741 pp. 10 ptas.

This lengthy monograph was the first fruit of the Carnegie Endowment for International Peace fellowships granted to European scholars. The author, a professor in the University of Valladolid, Spain, spent the year 1928-1929 at Washington making use of the splendid library of the Carnegie Endowment, and he expresses the warmest appreciation of the direction in his studies which he received from Dr. James Brown Scott and of American scholars generally for their friendly cooperation. He says he was surprised at the strength of our devotion to the Monroe doctrine and also to the doctrine of isolation. He believes that it prevents us from lending proper cooperation in the conduct of the world's affairs. It is from this viewpoint that he comments on the development of the Monroe doctrine. He has found himself to the early history of the doctrine, and especially to its