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LAW, THE STATE AND THE INTERNATIONAL COMMUNITY, by James Brown Scott. Columbia University Press, New York, 1939. 2 volumes: pp. xxiv, 613; vi, 401. \$8.75.

Robert R. Wilson

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## Reviews

LAW, THE STATE AND THE INTERNATIONAL COMMUNITY, by James Brown Scott. Columbia University Press, New York, 1939. 2 volumes: pp. xxiv, 613; vi, 401. \$8.75.

The author of this work is the distinguished Director of the Division of International Law of the Carnegie Endowment for International Peace. The two volumes deal with the history of Western thought concerning law, the state, and legal relations between peoples, from the time of the ancient Greeks to the opening years of the seventeenth century. The plan has been to deal in the form of a commentary with individual writers and with some special topics (such as tyrannicide) in separate chapters in the first volume, and in the second to present, in topical rather than chronological order, excerpts from texts (especially from the writings of Suárez), "in effect a codification of the fundamentals of political science and jurisprudence, both national and international." The first chapter is designed as a "reminder of certain legal and political truths." Dr. Scott rejects the view that "law is a command of the so-called sovereign state,"<sup>1</sup> stresses the importance of the fundamental concepts of the law of nature, and, without attempting prophecy, expresses his faith in humanity and in the ultimate realization of justice through law in the international community as well as in national ones.<sup>2</sup>

In the course of his tracing the thought of others, with a wealth of quotation, Dr. Scott indicates in some instances his own estimates. For example, he believes that Machiavelli's *Prince* stands for "retrogression in the evolution of human government" and is "not in harmony with the normal development of law and political institutions,"<sup>3</sup> and thinks that Bodin's political conceptions were in some respects obstructive and "an obstacle to the normal growth of political ideals from their historical bases."<sup>4</sup> He ascribes particular importance to Vitoria, Bellarmine, Suárez and Hooker. At several places Dr. Scott has drawn attention to an analogy which in other writing he has presented in greater detail, i.e., the analogy between the obligatory jurisdiction of

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1. Vol. I, p. 28.
  2. Vol. I, pp. 35, 613.
  3. Vol. I, pp. 278, 280.
  4. Vol. I, pp. 341, 351.

the United States Supreme Court for disputes between States of the American Union, and a possible jurisdiction of an international kind for international controversies.

Concerning the relative importance of some of the selected writers or writings, there will doubtless be divergence of views. With some opinions expressed there may be disagreement, e.g., the statement that Blackstone is "held in even higher esteem today than formerly,"<sup>5</sup> or that the words "general principles of law" as used in Article 38 of the World Court Statute mean essentially natural law.<sup>6</sup> But disagreement of the kind need not detract from the usefulness of the compilation which is provided. There is an occasional reference to American political experience, illustrated in the mention<sup>7</sup> of Lincoln's remarks concerning international law. There is a 37-page index, in addition to a general bibliography and a separate bibliography of source material.

ROBERT R. WILSON†

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PRAMNÖN KÖTMAI ROC'ĀKAN T'Ī NŪNG CŪLĀCĀKĀRĀT 1166 (CODE OF THE FIRST REIGN [OF SIAM] 1166 [A.D. 1804-05]). Edited by R. Lingat,\* from the Official Manuscripts of the Triple Seal. Bangkok, Vols. I, II, 1939; Vol. III (in press).

Siam was the second (following Japan) of the organized independent nations of Asia to undertake to revise its legal system into correspondence with Occidental forms; this undertaking it achieved some forty years ago. In so doing, it demonstrated its progressive prescience in advance of China, Persia, Afghanistan, and Turkey. But it had already made a unique political record (in contrast to an American nation) in peaceably freeing, over the course of a single generation, a body of slaves amounting to one quarter of the entire population. And the political talent of this small but ancient nation, in maintaining its international independence against the encroachments of Occidental powers, has long been known to the world.

In these volumes, edited by a French scholar who is today the greatest (and almost the only) authority on Siamese legal

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5. Vol. I, p. 263.

6. Vol. I, p. 270.

7. Vol. I, p. 362.

† Professor of Political Science, Duke University.

\* Legal adviser of the King of Siam and professor in the University of Moral and Political Sciences.