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HANDBOOK OF INTERNATIONAL LAW  
(Third edition), by George Grafton Wilson. West  
Publishing Co., St. Paul, 1939. Pp. xxiv, 623. \$5.00.

James J. Lenoir

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recommended to be read by all who have ever experienced any difficulty with the two concepts of natural law and positive law.

The closing lecture on Law and Ethics, was delivered by John Burns. Although the recapitulation of what had been said in the previous seven lectures is not necessary to those who read these lectures in published form, the summary was appreciated as an integrating agent for the entire series of lectures.

Beginning by defining and differentiating between law and ethics Mr. Burns continues to show how the influence of the philosopher upon the law is more subtle and less immediate but nonetheless more permanent than the influence exerted by any other agency.<sup>18</sup> Among other examples given in support of this proposition is the one showing the recognition of human personal rights over property rights, arising out of the early spring gun cases.<sup>19</sup>

Like Dean Pound, Mr. Lyne and Mr. Clark, Mr. Burns also touches upon some of the problems of administrative law, and perhaps with a more appreciative and informed attitude than that of the others.

He concludes with a comparison between the pessimism of Spengler and the optimism of the modern Aristotle, Jaques Maritain.

Whatever might be the criticism of the content of any one of these lectures there certainly cannot be anything but praise for the School and its Dean Robert J. White who sponsored them. They are a definite contribution to the jurisprudential literature of our day.

JAMES J. KEARNEY\*

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HANDBOOK OF INTERNATIONAL LAW (Third edition), by George Grafton Wilson. West Publishing Co., St. Paul, 1939. Pp. xxiv, 623. \$5.00.

This is the third edition of Professor Wilson's well-known textbook on international law. In style and general content it is similar to the former editions. In the preface the author acknowledges that "International law has in recent years given more weight than formerly to social and economic factors in the life of nations," then adds, "but the principles of law have remained."

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18. P. 167.

19. P. 169.

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The book, as in the second edition, is divided into six parts: Part I—Persons in International Law (38 pages); Part II—General Rights and Obligations (110 pages); Part III—Intercourse of States (62 pages); Part IV—International Differences (26 pages); Part V—War (204 pages); and Part VI—Neutrality (26 pages). In the Appendices (107 pages) are reproduced certain significant conventions and declarations. The Treaty for the Renunciation of War of August 27, 1928, which appeared in later reprints of the 1927 edition, has been omitted. The text is twenty-two pages longer than in the previous edition, additional material having been added to each of the six divisions of the book.

The book is written in the standard hornbook style, thus differing in form from the usual treatise on international law. Statements are generally substantiated by cases and decisions from "the highest courts in the world, as well as arbitral tribunals," also by treaties and the practice of foreign offices. Unlike most writers in this field, Professor Wilson does not rely heavily upon other text writers on international law.

As in the earlier editions, a large proportion of the book is devoted to the law of war. In the reviewer's student days this was not a popular emphasis, yet events have justified Professor Wilson's judgment. Certainly the attention of the public as well as of the legal profession has been sharply drawn to the international law of war and neutrality in recent months.

After reading Professor Wilson's war chapters, however, the reviewer again felt his old misgivings as to the possibility of war ever being confined to a legal cage. Professor Wilson begins with a definition of "War." "Broadly defined, 'war is a properly conducted contest of armed public forces,' or the legal condition under which such contest would be authorized." But is this a realistic definition? At an early age this reviewer received a lasting impression of the horrors of war as he listened with a boy's eagerness to countless stories of the conduct of invading forces. He remembers a highly respected veteran's comment that "our forces would have done the same things if they had invaded the enemy's territory." Perhaps the answer is that even the best laws are not always observed. Yet the reviewer has the unhappy feeling that force and superior strength make right all too often in matters of war. It is difficult for the family of nations to graduate from Hobbes' state of nature. One need only recall how flagrantly Italy flouted public opinion in regard to Ethiopia—and she got by with it.

This is not to say that war creates no legal problems—for they are innumerable. Moreover, belligerents are usually untiring in their efforts to justify themselves legally. Lists of contraband may be published, blockades (economic warfare) may be declared, vessels may be seized as prize, property on land or water may be taken, individuals may be accused of unneutral service. What is the rule of law in such matters? In the chapters on war and neutrality Professor Wilson relies upon judicial decisions, state practice, and conventions for authority. His handbook has less wishful thinking than any the reviewer has thus far read, with the exception of Professor Brierly's slender volume on "The Law of Nations."

An interesting feature of Professor Wilson's book is his endeavor "to set forth so far as space permits the historical development of the principles of international law."<sup>1</sup> Possibly the author's interest in history and its relation to present day events and institutions has led him to incorporate more historical matter than is actually necessary. For example, why call attention to the fact that though the Monroe Doctrine "is generally called by the name of the President, it was in a sense not his work, but was distinctly 'the work of John Quincy Adams' "?<sup>2</sup> Nevertheless such details give a realistic flavor to the book.

The reviewer has found it a pleasure to review this book. Professor Wilson's mastery of his field, his conciseness of statement and his unique training in the practical aspects of international law are reflected in this work and make it the leading American textbook upon the subject of international law.

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1. P. viii, preface to first edition.

2. P. 67.

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