

a bibliography and a map. The book throws light upon a situation little known beyond the fact that a dispute exists, and the author deserves our thanks for a useful contribution.

CLYDE EAGLETON

*Problems of Public and Private International Law.* Grotius Society Transactions for the Year 1952. Vol. 38. London: 1953. pp. xxxiv, 170. 25 s.

This small volume contains a great deal of valuable material, which can be no more than listed here. It gives an account of the meeting of the Grotius Society at which, in the morning session, Professor Henri Rolin discussed with much skepticism the European Defense Community and, in the afternoon session, two British delegates to the 1951 Hague Conference on Private International Law, Professors B. A. Wortley and G. C. Cheshire, discussed the problems of that conference. The following papers were read before the Society during the year: "The Residence of the Individual in Anglo-American Law," by A. Farnsworth, who concluded with the statement that "American law has not rid itself of the idea that intention is essential to constitute residence"; "The Problem of Neutrality under the United Nations," by T. Komarnieki, from which one would conclude that neutrality is not gone but is modified into "non-belligerency," an unsatisfactory legal status; "The Handling of Foreign Law by English Practitioners," by Professor F. H. Lawson, a study of supply and training; "International Authority and the Enforcement of Law," by Charles Reith, an argument for an international police; "The Meaning and Scope of Article 38(1)(c) of the Statute of the International Court of Justice," by Professor H. C. Gutteridge, discussed more fully by Dr. Bin Cheng; from the viewpoint of interest of this reviewer, an outstanding article by G. G. Fitzmaurice on "The United Nations and the Rule of Law," which brings out the insufficient respect for law in the current practice of the United Nations; and "Some Aspects of the Anglo-Norwegian Fisheries Case," by R. O. Wilberforce, which gives interesting information as to the preparation for such a trial, and suggests that the opinion of the Court was not sufficiently reasoned.

CLYDE EAGLETON

*Problems of Stability and Progress in International Relations.* By Quincy Wright. Berkeley and Los Angeles: University of California Press, 1954. pp. xiv, 378. \$5.00.

This volume, published in honor of Hans Kelsen, brings together in convenient and accessible form nineteen of Professor Wright's essays, written between 1946 and 1952, and adds two new essays on "institutionalizing" international peace and security, especially written in honor of

Professor Kelsen. These essays are here presented under the seven headings of Institutionalizing International Peace and Security, Progress in International Organization, Politics and International Stability, Education and International Stability, Law and International Stability, and Technology and International Stability. The two essays under the titles of "Should International Peace and Security be Institutionalized?" and "How Can International Peace and Security be Suitably Institutionalized?" are intended as a summary of Professor Wright's more abstract ideas upon "the general problem of stability and progress in international relations" (p. ix), and the other essays are offered in elaboration and illustration of such ideas. The changes in peoples' expectations since 1946 date a few of the essays, but most of them, such as "Accomplishments and Expectations of World Organization," first published in the *Yale Law Journal* in 1946, were written with such prophetic insight that they read as if contemporary.

For stating his major thesis Professor Wright begins by contrasting "the material point of view," from which, in terms of "economic interdependence, of effective and abundant communication, and of vulnerability of each people to influences military, economic and propagandistic from the most remote quarters, it may indeed be said that one world exists," with "the point of view of symbolic loyalties and institutional effectiveness," from which it "is far from true" that we have one world (pp. 10, 11). Hence he formulates "the outstanding problem of international relations" as follows:

International peace and security require a centralization of institutions of information, education, regulation, and control at a rate proportional to the development of economic and cultural interdependence among nations and of vulnerability of each to destructive attack by others. (pp. xi, 15.)

For achievement of this global desideratum he offers no magical formula or grandiose solution. His primary emphases are upon further development of the "science" of international relations and upon education. He sees that the creation of appropriate institutions is dependent upon a very real consensus of the peoples of the world with respect to such values as are incorporated in the United Nations Charter, but, in the present context of bitter world ideological struggle, he does not expect such a consensus to come easily or quickly. He recommends, in the various essays following and illustrating his introductory theme, the increasing use of all instruments of policy, and increasing co-operation with respect to all the values of a free society, for hastening such a consensus. His summary conclusion is

that the institutionalization of peace and security can proceed through the development of a science of international relations, through more extensive education in that science, and through the developments of

the international institutions which exist, but that the key task is that of interpreting the powers and functions of these institutions so that their authority will develop in pace with the opinion necessary to support it. (p. 36.)

This final need is for an appropriate, non-destructive balance between progress (the welcoming of change) and stability (the fear of change).

In days of increasing demands for withdrawal by the United States from the United Nations, it is difficult to disagree with Professor Wright about the importance of education. One can only hope that such education will proceed rapidly enough to justify the author's restrained optimism that the cause of international law, and of course all that such law represents, "is not hopeless" (p. 272). The remark attributed to Elihu Root, that "if the people are going to conduct foreign relations they ought to know something about the business" (p. 22), could scarcely be more aptly applied.

It is perhaps too much to ask of an author that he should in a collection of casual essays make completely explicit his theory of world power and social processes and of the rôle of law in such processes.<sup>1</sup> Failure to come clear on a few critical points does, however, weaken the total impact of Professor Wright's customarily brilliant synthesis of "realism" and "idealism." Thus, the contrast between "law" and "power," suggesting that it is "clearly impossible for states to be guided predominantly at the same time by precepts both of power and of law" (p. 68), uses both words in very limited senses and could be confusing. Similarly, the contrasting of "international law" and "other aspects of international relations" which "tend to proceed from particular and practical points of view" on the ground that international law proceeds "from the universal and ideal points of view" and "seeks norms of behavior and procedures for realizing them which give consideration to more remote interests, consequences, and possibilities" (p. 198) may obscure that what the student of law is actually observing is a flow of decisions, and that comprehensive inquiry about such decisions must include descriptive and predictive tasks as well as preferential or normative—and preferential or normative tasks from short-term as well as long-term, and regional as well as universal, perspectives. Removal of some of the ambiguity in the concept of law, and in appropriate intellectual tasks, might suggest a much broader rôle for "the science of politics" than the emphasis upon the virtues of compromise and tolerance so correctly stressed (p. 127), a more consequential complementary impact of law upon public opinion (p. 39), and some caution about insistence that a "world state" (obviously admitting of many different alternatives in the organization of power) is indispensable to "security through law" (p. 78).

<sup>1</sup> Such theory is of course made explicit in high degree in the author's classic *Study of War*, Vols. I and II (1942).

With most of Professor Wright's particular conclusions—such as with respect to the legality of the United Nations action in defense of Korea, the President's authority to send armed forces to Korea to assist the United Nations, the impact of the United Nations Charter upon traditional conceptions of war and neutrality, the recognition of the individual as a subject of international law, the application of the Bill of Rights to the treaty power in the United States Constitution, the impolicy of the proposed new limitations upon the treaty power, and so on—the reviewer is so much in agreement that criticism is difficult. With a deference and with admiration, the reviewer can only join with Professor Oliver, author of a gracious foreword, in proclaiming that Professor Wright has, with “a wise, sane, intelligent view of the whole,” once again made a pre-eminent contribution to that education, both realistic and idealistic, for which he so eloquently pleads.

MYRES S. McDOUGAL

*Foreign Relations of the United States, 1935.* Vol. I (pp. xviii, 1074), \$4.25; Vol. III (pp. cviii, 1128), \$4.50; Vol. IV (pp. lxxxix, 988), \$4.00. Washington: Government Printing Office, 1953. Index for each volume.

These volumes record American diplomacy at a time when there were many unsettled international problems in the political and economic realms, and when the United States had not moved very far toward assumption of the type of international responsibility which the nation was subsequently to accept. Volume I comprises “General” material as well as that on the Near East and Africa, Volume III relates to the Far East, and Volume IV, to the American Republics. In view of the developing tensions in the Far East and worsening relations between Japan and the United States, it is not surprising to find more than 500 pages given to the “Far Eastern Crisis,” as well as sizeable sections on China and Japan, respectively. In spite of the changes which have occurred in the intervening nineteen years, some of the problems touched upon in these volumes are suggestive of recent and current ones, such as, for example, British-American co-operation on Far Eastern policy (Vol. III, pp. 613, 616, 836), the attitude which the United States should take with respect to internal difficulties in Guatemala (Vol. IV, p. 614), Communist propaganda in the Far East (Vol. III, p. 440), and Russian attitudes with respect to the Turkish Straits (Vol. I, p. 1030).

Mussolini's move against Ethiopia elicited various expressions of opinion, such as one foreign minister's suggestion that it was folly for anyone to attempt an idealistic point of view in the face of the situation with which the world was confronted (Vol. I, p. 712), and an American diplomat's observation that “Popular clamor at home is not to be weighed in the same scales with treaty obligations” (*ibid.*, p. 826). On the international