

Handbuch des internationalen Privatrechts unter besonderer Berücksichtigung der Schweizerischen Gesetzgebung und Rechtsprechung. (3rd ed.) By Adolf F. Schnitzer. Basel: Verlag für Recht und Gesellschaft, 1950. Vol. I, pp. xxii, 452; Vol. II, pp. xii, 897. Index.

Since the first edition of this handbook appeared in 1936 political conditions in Europe have had a profound influence even upon private international law. This has induced the author to endeavor to bring his material up to date. In Anglo-American jurisdictions, legislation relating to nationality is not ordinarily a subject dealt with in treatises on private international law. In the countries of the Continent of Europe, however, this is regularly a part of the material to be covered. The author has completely rewritten the part relating to nationality because of the many legislative changes made since World War II. He has also rewritten much of the material dealing with divorce and separation. Problems of conflicts of law in this field seem to have become more frequent in European countries just as they have in the United States. We also observe that new material has been added relating to clauses in conventions entered into by Switzerland with a number of countries relating to the execution of foreign judgments. Considerable attention is also given to the execution of foreign arbitral awards.

Although the work is intended as a treatise mainly on the law and legislation of Switzerland, it will be found valuable to students and practitioners elsewhere because of its comprehensive character and because the author has wisely omitted doctrinal discussions too far removed from actual recognition by the courts.

ARTHUR K. KUHN

Cases and Readings on Law and Society. By Sidney Post Simpson and Julius Stone, with the collaboration of M. Magdalena Schoch. (American Casebook Series.) St. Paul: West Publishing Co., 1948-49. 3 vols. pp. xlviii, xliv, xlii, 2389. Tables. Author Index. \$22.00.

These three volumes include "materials drawn from 4000 years of legal history from the Code of Hammurabi of 2090 B.C. to the 1948 proceedings of the United Nations Commission on Atomic Energy," and are designed to "make possible a course either in a law school or elsewhere which will give an understanding of the part law has played in the social, economic, and cultural history of mankind and its role in domestic and world affairs today" (p. vii). They attempt, their authors declare, "to do what has been so much talked about—correlate law with the social sciences—and in the only way this can be accomplished in the present state of our social knowledge, by a comparative and historical study which is neither dilettante nor antiquarian, but which is directed ultimately and squarely to the

central and pressing problems of the law in present day civilization" (p. x).

The organization of the book is, as promised, "historical" and its method "comparative." Volume I presents materials on "Law in a Kin-organized Society," "Law in an Emergent Political Society," "Law and the Rise of Commerce," and "Law and Expanding Industrialism." Volume II deals with "Law in Modern Democratic Society," and Volume III with "Law, Totalitarianism, and Democracy." With minor variations and differences in emphasis, the theme of development for each "stage" is from "social and ideological background" through "interests pressing and secured" to "the machinery of social control through law." For the content of the various sections the authors draw upon materials of the greatest variety: ancient and contemporary legislative prescriptions, judicial opinions, legal texts and articles, historical works, social science books, popular articles, public addresses, and so on. The great and the not so great, the famous and the unknown, the controversial and the dogmatic, the eloquent and the dull are paraded in a rapid succession of hundreds of items. The authors contribute a number of helpful introductions and explanatory notes. Some of the items in Volume III on the law of totalitarianism, for which the authors acknowledge the assistance of Dr. Schoch and Professor John Hazard, appear in English for the first time.

It must be conceded that the authors have brought together the richest store of materials yet available (among English-speaking peoples) for the teaching of jurisprudence or legal theory. Their work is an anthology which should fascinate anyone interested in law and the social process. It may be questioned, however, whether the authors have contributed greatly to their major objective of effecting a correlation of "law and the social sciences." Their work offers no clear conception of either "law" or "society" or of the interrelations of law and society or of contemporary scientific procedures for clarifying such concepts and exploring social processes. The authors do not make clear what it is they are comparing through space and time or by what criteria and techniques they make their comparisons. The adaptation of Dean Pound's theory of "interests" which the authors employ is an intellectual instrument too imprecise and truncated to bear the burdens they impose on it. For aspirations such as they state, a more comprehensive theory of human nature and of power and social processes in groups and communities of different sizes, from local to global, is required. One notes also in the chapters upon "the machinery of social control" a relative lack of emphasis upon the intelligence or planning function, so essential today to bring the findings of science to bear upon official and private behavior.

Among "the great problems of the democratic world today" the authors include "how to internationalize the world community sufficiently to

permit the survival of man" (p. 2177). Many specific items throughout the work are suggestive for the specialist in international law. Random notation picks up Malinowski's conception of law (p. 36), an editorial note on "Law and the Rise of Commerce" (p. 313), Collinet's remarks on *pacta sunt servanda* (p. 408), and the section on "Implications of Atomic Energy" (p. 2286). The whole of Volume III offers, of course, rich possibilities for comparing power processes in totalitarian and democratic societies. The section directly devoted to the "Internationalization of Positive Law" (Vol. III, Ch. VI, Sec. 5) is brief but to the point. Earlier (p. 1597) the editors had insisted: "Uranium 238 has made us one world." Here they quote from Simpson and Field:

There is no longer a distinction in kind between the subject-matter of international and municipal law. . . . What international commerce and finance and modern communication and transportation began, the release of atomic energy has completed. . . . Either we extend social control to the international sphere, and in so doing greatly modify the structure of our municipal law, or we give up control of our own destiny and wait in scared helplessness for *homo sapiens* to follow the evolutionary footsteps of the dinosaurs. (p. 2326.)

The principal contribution for international lawyers of the work under review is, in sum, in its aspiration and in the model it suggests. The scholars who do for international law and the world power process what the editors have attempted to do for municipal law will make a great contribution toward preventing man from following in the footsteps of the dinosaurs.

MYRES S. McDOUGAL

Foundations for World Order. By E. L. Woodward and others. Denver: Social Science Foundation, 1949. pp. 174. \$3.00.

How Can We the People Achieve a Just Peace? Selected Speeches, Mount Holyoke College Institute on the United Nations. South Hadley: Mount Holyoke College, 1949. pp. viii, 254. \$2.00.

Those who adhere to the fundamental proposition that lasting peace can be achieved by academic analysis and popular discussion of international problems will welcome the above additions to the mounting tide of works devoted to the encouragement of an informed and articulate public opinion.

In 1946 the Social Science Foundation of the University of Denver invited outstanding authorities to address themselves to the *Foundations for World Order*. In his "Historical and Political Analysis," Ernest L. Woodward denies that Western civilization is foredoomed to collapse or that violence is the means of progress. He sees considerable hope in the fact that despite our first failure at world organization (League of Nations) we have made a second attempt through the United Nations. J. Robert Oppenheimer, in discussing the "Scientific Foundations," observes