

the case of the large corporations, more or less formalities. The inadequacies of existing controls account for the editors' prophecy that "more likely than not, the great legal battles in corporation law in the next generation will be fought in this (the sociological) field, rather than in the financial field as in the past." In view of this realization, it is surprising that the contents of the book should be confined almost exclusively to a collection of appellate court decisions and extracts from statutes. It is doubtless true that certain sociological implications may be extricated from these materials, but it is also true that different materials could have been presented that would be more effective in making the implications clear.

The book follows the traditional case method of teaching and does not compromise to any appreciable extent with either the textbook or problem methods. This is probably not to be regarded as a serious shortcoming if the objectives of the course are limited to the development of the professional skills. The individual instructor can assign as collateral reading the standard textbooks and law review articles on the subject of corporations. Also, he can with some effort formulate his own problems to give the students practice in applying the cases and to stimulate them in constructive thinking. However, if the instructor assumes a responsibility for furthering the so-called policy-making skills, he is at a disadvantage as the supplementary materials that may be recommended for this purpose are not easily discovered. It is not intended to over-emphasize this criticism. The use of the allied social sciences as a technique for training lawyers is still in the experimental stage. In not intruding there, the book follows the credo of the successful corporation lawyer that tells him to stand by tested and accepted methods of reaching results and let the other fellow do the experimenting.

*Edmund O. Belsheim.**

A Modern Law of Nations. By Philip C. Jessup. New York: The Macmillan Company, 1948. Pp. viii, 221. \$4.00.

The movement towards internationalism has had two phases: one, a purported reform in international law designed to substitute subordination for co-ordination, with a non-existent police force as the enforcer of law; and, two, the first having been frustrated, to create a super-state which shall prevail by overwhelming power against any state. This book represents the first phase. The eight chapters, which do not seem to have any relation to each other, have to a large extent appeared before in the form of periodical articles, mostly in the *American Journal of International Law* and *Foreign Affairs*. The author has been a middle of the road man heretofore, concerned with defending international law against modern innovations. In this book, however, he assumes that the innovations, principally the United Nations Charter, has or will become law in due time. As contrasted

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with his teachers, Mr. Jessup shows a liking for the new fashions. The League of Nations died some years ago. It is surprising that it is cited as if it still existed. The author molds international law to accommodate what he thinks he sees. He thinks he sees a community of nations which will apply the new law. The antics of Soviet Russia seem to render the supposed "community" a dream. The author's major postulates of the individual as a source and subject of international law and the interdependence of states seem belied by the event. The United Nations looks as if it is about to die. As we go to press, seventeen senators are reported to have introduced a resolution looking to the fundamental revision of UN. The Military Staff Committee seems unable to agree on a formula by which troops or a UN commission are to be sent to the countries surrounding Greece, to Palestine and to Korea to enforce the judgment of UN. It may be, of course, that Russia will step out and not stymie the whole show by her veto, but this seems unlikely and with her departure a new war is likely to begin. It is true that war is now made more difficult, but not by the Charter. War has now become so terrible that the victor is liable to suffer as much as the vanquished. That is the one ground for hope that war may abolish itself.

But the postulates are without foundation. Politics anticipated the author in making individuals the subject of international law, but Osten Unden as umpire refused to adopt this view in the arbitration under article 181 of the Treaty of Neuilly. The few exceptional cases in which international law has been applied to individuals can be explained without making them a subject of the science, as is rather indicated by the terms "inter-national" and "law of nations," a title used by the author. If we want to bring in individuals it can be done without maltreating international law. Besides, as Jean Spiropoulos once said to the writer, "What difference does it make whether the individual is a subject or an object?" Those interested in the United Nations Charter as a piece of machinery, unworkable in practice, can probably derive some benefit from this book. There is also no quarrel with the author's presentation of existing law, except what he has to say on "aggression," which is always a characteristic of an opponent. But the author is concerned to show that the United Nations can regulate the use of national force—a phenomenon which we have never seen. In view of the author's devotion to individuals, we should expect to find him partial to world government, but he shows some of the practical difficulties in the way of such a logical, but impractical, suggestion. Being justly devoted to international law, not in a dream world, but as a reality, I can derive no benefit from this book. Others may be more fortunate, but I still think it doubtful whether the United Nations can be successful in enforcing peace or preventing war, a demonstration of fact which has become clear since the writing of this book.

It is certainly a fact that the injury to the state through the injury to the person is a fiction; but it is a useful fiction. The author, Mr.

Jessup, does not commit himself to the consequent universal intervention, except in the matter of treaties. The enforcement of such a rule, however, would substitute for law a general anarchy in that every nation could intervene and deprive the only justified nation of all rights of intervention. We need only contemplate the condition that his own state refuses to prosecute a claim which is prosecuted on behalf of thirty other nations.

In a sense it seems incongruous to find that a committee of UN is codifying international law. The greater the success of that organization along the line of a super-state, the less will it reflect international law. The incongruity does not seem to have come to the author's notice.

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Annotated Rules of Civil Procedure in Texas. By M. E. Shafer. Austin: Gammel's Book Store, 1948. Pp. 620, xc, 188; pocket supp., pp. 14. \$12.50.

Believing that many attorneys, particularly those who were in military service when the new rules were adopted, have a feeling of insecurity about matters of procedure, the author has prepared this book "for instant usage in the courtroom as well as in the office." With this purpose clearly in mind he has cited only selected cases interpreting prior statutes now embodied in the Rules, has pointed out changes and amendments to prior statutes and rules in concise statements rather than by re-copying in full, has attempted to state the holdings of leading cases in very brief sentences, and has used a system of "hanging indentation" to make "the rules, notes and annotations distinguishable on sight."

Prior to the publication of this volume the attorney has had two main sources of information as to the Rules. His membership in the State Bar provided him the Texas Bar Journal's compact and efficiently prepared text of the rules, but that publication only states the rules, their sources and changes, without attempting to carry any interpretations either by the sub-committee on Interpretation, or by the courts. Vernon's Texas Rules of Civil Procedure, by Julius Franki, is the other source of information, and it is with Franki's Rules that this new book will be most frequently compared.

As an example of the entirely different treatment the two authors have used, attention is directed to Rule 185. Under this Rule, Mr. Shafer has a digest of selected decisions interpreting Article 3736, Texas Revised Civil Statutes, as the article unchanged has become Rule 185. Franki carries no digest of the interpretations of this prior statute, but refers the reader to Vernon's Texas Annotated Civil Statutes, where all of the decisions involving the statute may be found. This, of course, necessitates turning to another set of books to find out how the courts have interpreted the statute, and that is what Mr.

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