is evident that more and more judicial settlement rather than diplomatic controversy and actual war will be resorted to as a method of settling disputes. It is of importance that the Bar and the public should understand that there exists a great and well reasoned body of precedent through which most justiciable controversies can be adequately dealt with.

The old view that international law was but a body of rather vague principles strung together under the head of international comity or politeness and founded upon the speculations of academic writers can no longer be maintained by intelligent people. International law is law in the approved and best sense of the word. It is founded on actual judicial usage and precedent. It is pragmatically sound because it has worked and its highest development has come in our time in the founding and functioning of the Permanent Court of International Justice.

FREDERIC R. COUDERT

Cases on Criminal Law. By William E. Mikell. Second Edition. St. Paul, West Publishing Company, 1925. pp. xxvi, 799.

The first of the American Casebook Series was Dean Mikell's *Cases on Criminal Law*, published by the West Publishing Company in 1908. This volume is the foundation of the second edition now under review, and the changes which have been incorporated into the new edition are in no sense fundamental. They consist chiefly in the addition of new cases, of which there are more than 100. But some 30 of these are in substitution for cases in the earlier edition which, according to the author's preface, experience had shown to be less valuable for class discussion. The net effect upon the size of the volume is an increase of 200 pages. There have been, also, some rearrangement of material within certain of the chapters and slight modifications in the chapter headings. The only new subject matter is a section entitled Proof of the Homicide in the chapter on Homicide.

But in noting the relative slightness of the modifications in topical arrangement and in subject matter, the reviewer should not be thought to depreciate the value of the new edition. On the contrary he approves of all the changes. In every instance better teaching material has been substituted for the cases dropped out; the new cases have strengthened the chapters into which they have been introduced, and the rearrangements of sections and the modification of titles have made for logical sequence and clarity. The new edition is a more useful teaching medium than the old. As a very minor criticism regret may be expressed that the author did not see fit to include in the footnotes, many of which have been amplified by the citation of late cases, references to pertinent notes and articles in legal periodicals.

In many law schools the time allotted to Criminal Law is only three hours per week for half a year. A casebook of nearly 800 pages cannot be completely covered in such time and the teacher must use his individual discretion in selecting the portions of the casebook to be taught. The second edition of Mikell's *Cases* is better adapted for such selection than was the first edition, both because of the greater number of cases and because several of the sections which in the original edition contained too slight an amount of material for adequate presentation of the topic have been amplified. The book is almost evenly divided into two parts, the first half dealing with general principles, the second devoted to a consideration of specific crimes. Some teachers no doubt will prefer to change the arrangement and teach first the specific crimes of assault, battery and false imprisonment—topics with which the beginning law student is at the same time gaining some familiarity in studying Torts.

Criminal Law is an excellent subject for introducing a student to an analytical study of cases and an historical view of the common law method of the development of law. But the reviewer never finishes teaching the subject without feeling that the class has been offered a very inadequate picture of the living law. Interpretation and application of criminal statutes, problems of practice and procedure in criminal trials, cases involving probation, the indeterminate sentence and theories of penology, form a very important part of the grist which the courts are daily grinding. Yet these subjects are completely ignored in the law schools in the course on Criminal Law—at least in so far as text material in the casebooks is concerned. It is to be hoped that the casebook of the future will be able to present a truer picture of the field of modern criminal law and that the curriculum will provide adequate time for its study. Until such a book shall be written, Dean Mikell's *Cases* will doubtless continue to be, as the first edition has been in the past, the most widely used, and the most usable, collection of cases for law school teaching of the subject.

THOMAS W. SWAN

Arbitration and Business Ethics. By Clarence Birdseye. With a Foreword by Charles L. Bernheimer. New York, Appleton & Co., 1926. pp. xiii, 305.

This little book is devoted not only to Commercial Arbitration, but also to Common Law Arbitration, Statutory Arbitration, Industrial Arbitration and Other Examples of Arbitration—and Business Ethics. Such are the headings of the five parts into which the book is divided. The discussion of these several types of arbitration is found in the space of 177 pages, including the last chapter in which the author makes a twelve page recapitulation of his preceding twenty chapters.

"Strict or pure commercial arbitration," according to the author, is found only in self-governing commercial organizations, such as exchanges, and in trade associations. A permanent tribunal is a necessary element. By-laws providing for the sanction of expulsion or suspension to abide an award form another essential element. Rules providing for the arbitration of future disputes are also indispensable. Economic considerations, such as costs and delays of court litigation, "do not have much or any weight in connection with strict commercial arbitration. The activating motives are of a much higher nature."

Contrasted with this strict Commercial Arbitration, with its "ocean liner perfection" is the crude Common Law Arbitration. Parties attempted only spasmodically to settle a dispute by such arbitration as came under the common law rules. Their attempts were chiefly "to avoid litigation with its expenses and delays," and such arbitrations were without "any suggestion of higher business ethics which lie at the very foundation of strict commercial arbitration of any time or clime." These attempts to arbitrate were "merely a temporary and really worthless makeshift, and might well earn the contempt of the judiciary."

The author's treatment of Statutory Arbitration embraces a reference to the English Arbitration Act, a summary of difficulties deemed incident to procuring legislation in the United States to change common law rules and a twenty-nine page report of the history of arbitration in the New York Chamber of Commerce (1768–1926), and a reference to arbitration statutes recently enacted in the United States.

In discussing Industrial Arbitration the author reports on the industrial reorganization following the English Industrial Revolution of 1760, the advent of the "factory system," the development of labor unions, and the