

question of teaching method. To review a casebook without knowledge of the direction of classroom discussion and supplementation is akin to describing a human being from a view of his skeleton.

In this instance the skeleton is admirably constructed. The cases do illustrate the material within the outline of the work. As illustrations of his points Mr. McCurdy has chosen, where possible, cases which are factually as well as legally interesting. That the cases are long is caused by the nature of the subject: the more closely is a case related to human factors, the more carefully balanced must be the social evidence and the more inclusive the picture of the entire situation. Most important of the book's virtues is its absence of partnership. Casebooks as well as texts can be so constructed as to attempt the proof of the editor's theories. In the field of the domestic relations theories are as diverse as the emotions. In leaving sociological theories entirely to classroom discussion, Mr. McCurdy has made his book the more universally of service.

In the practice of the law in this country the domestic relations have largely been looked at askance by the bar. That the subjects are of vast consequence is obvious. That there is a need of instruction in their legal elements, and a need to inculcate a social point of view, can be seen from the unfortunate diversity in our statute and case law. Toward this end Professor McCurdy's volume, with its avowed purpose of modernizing the subjects of domestic relations and its consequent popularizing of them in the law schools, is a distinct step in advance in its potential influence on the law of the coming generation.

GEOFFREY MAX.

*Les Gouvernements de fait devant le juge.* By Noel-Henry. Preface by Prof. J. Basdevant. Paris, Libraire R. Guillon, 1927. pp. xxxii, 260.

This is an interesting study of an increasingly important problem of constitutional and international law. The *de facto* Government, the unrecognized administrator of a particular area, local or national, enters into factual and legal relations with citizens and aliens, resident in the territory controlled, and to some extent with foreign governments. The effect that is to be given to such acts of *de facto* Governments (a) by the courts of the parent State or *de jure* Government, (b) by the courts of third States which have not recognized the *de facto* Government, and (c) by international courts, is the special problem with which the author is concerned. He has drawn, as sources, upon the decisions of municipal courts in France, Germany, Italy, England and the United States and upon certain decisions of international tribunals.

In his approach to the problem from the three distinct points of view mentioned, the author has thrown light upon it. Briefly, his thesis is that the term *de facto* Government is one of constitutional, not international law. Before (a) domestic judges, who are bound by the views of the political department, the matter presents a simple constitutional question. Before (b) judges of third states, the issue turns on the recognition or refusal thereof by the political department, the courts deducing the necessary legal consequences. The author criticizes some of the recent decisions of the New York Court of Appeals in dealing with the acts of the Soviet Government and challenges the views of certain authors by asserting that precedents from group (a) are drawn upon for the solution of problems in group (b) and by characterizing as improper the independent investigation by the courts of political facts and the drawing of conclusions therefrom. Possibly the peculiar anomaly presented by the relations of the United States to Soviet Russia, the impossibility of disregarding obvious

facts and the desire to do justice in particular cases account for some of the decisions of our courts, even if they depart from scientific theory. Besides, it is doubtful if the author's postulated thesis is as general or politic as he assumes. Before (c) the international judge, the author maintains, the problem is not one of governments *de facto*, but of the recognition of insurrectionary governments, and the extent to which they may validly bind the State. These matters are, he says, to be judged by international law exclusively; so that he imposes on the international judge the duty and function of determining whether recognition was properly granted or withheld, and thence deduces legal consequences. Thus, he concludes that Judge Taft, as Sole Arbitrator of the claim of Great Britain against Costa Rica arising out of the acts of the unrecognized Tinoco government, should have dismissed the British claim because Britain had failed to perform, its "international duty" to recognize the Tinoco government. (1924) 18 AM. J. OF INTER. LAW 155. Presumably, he would also, on the same ground, consider the United States estopped from pressing claims against Mexico arising out of acts of the Huerta government. But the Mixed Claims Commission did not so decide and was probably correct. *Hopkins v. Mexico*, Opinions of the Commissioners 42, 50 (Mixed Claims Comm., 1927). The author's view is interesting and not without merit *de lege ferenda*, but it can hardly be deemed an existing rule of international law. Recognition is still a national political act, not yet subject to criteria set by international law. Incidentally, it may be said that the work of Spiropoulos, *Die de facto-regierung im Völkerrecht* (1926) has dealt more thoroughly with the international law aspects of the problem.

EDWIN BORCHARD.

*The Social Sciences and Their Interrelations.* Edited by William F. Ogburn and Alexander Goldenweiser. Boston, Houghton Mifflin Co., 1927. pp. viii, 506.

The editors in a rapid survey in the introduction show the "one becoming many" as points of view develop into sciences. The efficacy of these points of view in bringing new hypotheses to light obscures the fact that the separate techniques are fundamentally different ways of attacking the same problems. The separation becomes the more pronounced because each discipline requires a life time to master, and because one inevitably leans toward what one has worked long and hard to acquire, and what one has found to be useful. It becomes complete when complicated technical vocabularies make communication all but impossible. The aim of the present volume is to make a new "one" by coordinating the many sciences, so that each will cast its own particular illumination on every problem.

The essays that make up the body of the book are restatements of the general aim with regard to specific sciences. The importance of combining, for instance, economic and anthropological methodology in studies of primitive societies; of anthropology and law in studying modern society; of psychology and political science; sociology and law; history and economics etc., through the whole series of permutations and combinations of the various social sciences. The need which the editors point out is emphasized by the succeeding papers; the thesis is strengthened but not clarified by the cumulative evidence presented. Only occasionally, as in Allport's article on Political Science and Psychology (p. 259) is there any indication of the development of a new method.

Omniscience being rare, the problems of social science will not be solved by single persons who are necessarily expert in only one field of learning, and who must therefore depend upon hearsay when they stray outside