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Law, the State, and the International Community

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to problems such as those presented by joint and mutual wills\textsuperscript{17} could have been made, without expanding the book unduly. A seal may not be required in any American state, yet there can still be occasions for its use.\textsuperscript{18} No doubt the complete table of contents obviates, in part at least, the need for an index. One ought to add there are virtually no errors of print.

It is important to note, as a striking characteristic of present-day legal education, the increasing demand for case-books with extensive text material,\textsuperscript{19} — whether this be in the form of erudite footnote explanation or simply textual exposition, as here. The custom of self-education through the medium of dialectic based on the early type of case-book, — such as Ames, \textit{Cases in Equity Jurisdiction}, — seems to have vanished. Unquestionably, the emphasis now on problems of draftsmanship, particularly in the Property courses, has played some part in the gradual evolution towards text. In any event, \textit{Cases and Text on the Law of Wills} appears illustrative of the trend. Taken as whole, it is a most useful and informing book, worthy of success in its field.

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In the midst of war, involving more than half of the world’s population, and with international law broken on all sides, these two volumes appear as one of the most important contributions to the study of the international community that history records. Remarkable too is the fact that the author at the age of seventy-three

\begin{itemize}
\item \textsuperscript{17} Cf. Wilson v. Starbuck, 116 W. Va. 554, 182 S. E. 539, 102 A. L. R. 485 (1935), noted in Comment (1936) 36 Col. L. Rev. 1013. In the fluid state of the law on this subject, there is danger that lower courts will crystallize such doctrine into ironclad rules of construction, ignoring evidence as to the true intent of the testator.
\item \textsuperscript{18} Obviously, a seal is not necessary to the validity of a will, yet it is sometimes desirable to have it. The testator by his residuary clause disposes not only of his own property but also of that over which he has a power of appointment. Infrequently, in the instrument creating the power, there is a provision that it is to be exercised by an instrument under seal. Hence this precaution should be noted, — and note 6, p. 42, understood accordingly (or read with this caveat).
\item \textsuperscript{19} Llewellyn, \textit{Cases and Materials on Sales} (1930) was a representative pioneer in the new movement.
\end{itemize}
still views the future of international law with the greatest optimism. For nearly half a century Dr. Scott has studied and practiced in this controversial field and he still holds fast to the belief that the practical application of the fundamental principles of international law is the only hope for peace in the world. In other words, Dr. Scott forcibly impresses upon us that we cannot ignore today the ancient conceptions of right and wrong, and of individual freedom without endangering our own welfare and the welfare of future generations.

The first of these two volumes contains the text of Dr. Scott's study. Because of the vastness of the subject, he has arbitrarily limited the field to be covered. Beginning with fifth-century Greece, the study ends with the opening of the seventeenth century. The succeeding centuries were a period of general warfare in Europe with the principles of international law pushed into the background. The theory of 'might makes right' largely dominated national policies and under such circumstances there was little chance for the development of political and legal ideals.

The author's approach in the first volume is mostly chronological. Following a discussion of the Greek background, he covers in order the Roman Heritage, the Christian Heritage-Ancient and Medieval, the Transition from Medieval to Modern Thought, the Era of Reform and the Beginning of the Modern Age. Nations, eras and individuals are studied for their contribution to legal, political and international ideals. Whole chapters are given over to the work of such writers as Socrates, Plato, Aristotle, Cicero, St. Augustine, Machiavelli, Bodin, Martin Luther, and Grotius as well as many others. To emphasize his points, Dr. Scott uses numerous quotations which tend to make the particular writer live for the reader. Also, one should not overlook the fact that the value of this volume is greatly enhanced by Dr. Scott's brilliant style of writing.

The second volume consists of excerpts from the various legal authorities from the earliest times on the three topics of Jurisprudence, the State and the Law of Nations. This volume is in fact a codification. Especially interesting, in the light of war in Europe and the Far East, are the quotations on the Law of Nations where such subjects as Arbitration and Judicial Settlement, Freedom of the Seas, Travel and Trade, Self-Defense, Enemy Aliens, and Right of Capture are discussed at some length. Perhaps our interest here is more in seeing how international law on these subjects is being ignored or violated on every hand in the clash of arms in the world today. Even international lawyers admit that
war generally means the suspension of the law of nations. However, this does not mean that international law does not exist, any more than the violation of national law indicates its nonexistence. And if Dr. Scott at his age is not pessimistic about the future of the law of nations, younger men should certainly take hope and see that out of the present catastrophe in Europe and the Far East, there shall come a keener realization of the need for international law and organization to keep our civilization from destroying itself.

Besides extensive footnotes and a lengthy index, Dr. Scott's work contains two invaluable bibliographies,—one of general books and the other of source materials.

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Mr. Brooks believes that an increase in the economic and political power of organized labor is eminently desirable. It is desirable, says he, not only for the betterment of the workers themselves, but also as a protection for all of us against the evils of pressure group influence on government,\(^1\) of over centralization of power in Washington,\(^2\) indeed, as a guarantee against the possibilities of despotism here and the creation of a totalitarian state.\(^3\) With this belief firmly in mind, and ever in the foreground the author undertakes a study of the effect of the National Labor Relations Act on labor's right to bargain collectively.

The reader whose convictions on the broad problems of the labor movement are not quite in line with the author's will wonder slightly at the selection of "typical" cases in the opening chapter,

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\(^1\) "The chief danger of group-pressure politics is that the better organized minority groups may exercise greater pressure upon government policy than the loose organizations of majority interests. In extreme form this superior pressure of minority groups might result in their complete domination of the machinery of government and the suppression of the organizations of opposed economic interests . . . . To just the extent that the National Labor Relations Act promotes the organization of workers, it serves to prevent the capture of governmental machinery by minority interests." P. 250.

\(^2\) "Through the N. L. R. A., the federal government is atoning for its concentration of power by assuring the progress of a check upon itself." P. 248.

\(^3\) It is difficult to imagine a policy more completely at variance with despotic ambitions than the encouragement provided by the N. L. R. A. to an independent labor movement. P. 248.