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A Guide to Diplomatic Practice

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To any who doubt the wisdom and utility of a "general" course in modern pleading, the reviewer would recommend this book as a practical demonstration of how that which they think is impracticable and undesirable is both possible and highly desirable.

CHARLES E. CLARK

Yale University School of Law

A Guide to Diplomatic Practice. By Sir Ernest Satow. In Two Volumes. Second Edition. New York, Longmans, Green & Co., 1922. Vol. I, pp. xix, 419. Vol. II, pp. ix, 438.

Sir Ernest Satow's *Guide to Diplomatic Practice* was first published in 1917. It was the first systematic treatise on the practice and procedure of diplomacy to be printed in the English language, covering a field already occupied in other languages by such well-known works as the *Guide Diplomatique* of Charles de Martens, the *Cours de Droit Diplomatique* of Pradier-Fodéré, and many others. In the new edition, in addition to incorporating numerous minor revisions and corrections, the author has eliminated matter pertaining to Russian court ceremonial, amplified his account of the diplomatic archives in European countries, rewritten the history of the British Foreign Office, enlarged the chapter on Conferences to include the recent Peace Conference of Paris and the Washington Conference on Limitation of Armaments and Far Eastern Questions, and at various points has brought the content of the volumes down to date.

It will be evident that changes in content have not been radical enough to justify a new essay in detailed comment or criticism, even if the present reviewer were inclined to attempt it. For that the reader may still refer to reviews of the earlier edition and especially to the exhaustive review by Sir A. W. Ward in 32 *ENGLISH HISTORICAL REVIEW*, 418, an estimate which appears to have had considerable influence in determining the changes made in the new edition. The present reviewer will confine his comment to observations somewhat more general in character.

Sir Ernest Satow's qualifications are most notable. He presents a rare combination of scholarship, taste for research, and long experience as a professional diplomat. His viewpoint, the reader will soon discover, is the viewpoint of the professional diplomatist of the nineteenth century. The necessary qualifications for the diplomatic career are summarized as follows: "Good temper, good health and good looks. Rather more than average intelligence, though brilliant genius is not necessary. A straightforward character, devoid of selfish ambition. A mind trained by the study of the best literature, and by that of history. Capacity to judge of evidence. In short, the candidate must be *an educated gentleman.*" (sec. 224) There is an apology in detail for Sir Henry Wotton's famous witicism (sec. 200), but times are not much changed, we may infer, for the young diplomatist is counselled that among other things he "must be able to listen to a travesty of the truth, without giving any indication of his disbelief." (sec. 166) The author does not admire the "dollar diplomacy" which has become so characteristic of the twentieth century. (sec. 147)

From such a viewpoint, the author compiles a wealth of data accumulated in research and long experience in what may perhaps be described as the professional diplomatist's book of forms and precedents. There is a good deal of history in it, but it will hardly appeal to historians. There is international law in it, particularly in the chapters which treat of diplomatic immunities, but it will not be of much interest to international lawyers. It is chiefly a digest of diplomatic data intended to afford practical guidance in the routine of diplomatic organization, precedence and ceremonial, procedure, immunities, international

congresses and conferences, the making of treaties and other international agreements, and the use of good offices, mediation, and arbitration. The volumes contain much that has general interest, notably some of the accounts of contests over precedence and immunities, but it is a long, arid route which the reader must pursue to find them.

Sir Ernest Satow's work could have been made a good deal more interesting if the author had been willing to incorporate more of discussion instead of so much repetitious quotation and summary. His own opinions, the ripe fruit of a long and varied experience, would have been welcome on many points. The extracts from foreign sources might well have been rendered into English. And a good deal of the triviality of diplomatic routine would have been well enough omitted.

The reviewer has been sorely tempted to indulge in some harmless *facetiae* about the trivialities. For one who cannot claim to appreciate fully the diplomatist's meticulous concern about these matters, it has been something of a strain to ponder seriously the truth that a diplomat should have a copy of his speech in his pocket when presented to the head of state, that court carriages are used to fetch an ambassador to the palace, that an embassy presented to the Pope kneels three times upon three designated spots respectively before advancing to kiss the Holy Father's foot, that the United States at one time presented gold chains to foreign diplomats upon the termination of their missions, that international conferences pass numerous votes of thanks, and that treaties sometimes begin *Au nom de Dieu Tout-Puissant*. There has been a temptation to be facetious. But opportunely the reviewer left off writing and looked across his desk at the stupefying accumulations of a modern law library. There they were, the trivialities of form and precedent, bound in sheep and buckram, hundreds of thousands of them, shelf upon shelf, stack upon stack, row upon row. The intended *facetiae* were lost in a new understanding of the difficulties experienced by professional diplomatists. The proverb about those who live in glass houses seemed somehow to fit the situation.

It will be enough to repeat that Sir Ernest Satow's volumes afford the only treatise of the kind in English. What the learned author set out to do, he has done in really excellent fashion. The new edition achieves substantial improvements through the elimination of minor errors, an amplified treatment of certain topics, and revision to date.

EDWIN D. DICKINSON

University of Michigan Law School

A Selection of Cases under the Interstate Commerce Act. By Felix Frankfurter. Second Edition. Cambridge, Harvard University Press, 1922. pp. xii, 789.

This is a second edition of one of the earliest of the casebooks, now increasingly more numerous, arranged not according to traditional law school ideas but according to the practical business divisions which the lawyer makes in shaping his career at the bar. The classification of the original edition has been retained, but there has been an extensive addition of recent cases, and certain desirable changes of form such as the omission of names of counsel have been made.

The great importance of the field of the law thus staked off is of course obvious. Many lawyers are devoting their lives to this kind of practice alone, and the social importance of the transportation interests involved is at least as important as that of any of the interests treated in other law school courses. Moreover the reviewer is heartily in sympathy with any rearrangement of law school courses which will more nearly approximate the divisions into which the profession is falling. He therefore welcomes this new highly suggestive and