

Michigan Law Review

Volume 29 | Issue 2

1930

CASES ON INTERNATIONAL LAW

Hector G. Spaulding

George Washington University, Law School

Follow this and additional works at: <https://repository.law.umich.edu/mlr>



Part of the [International Law Commons](#), [Legal Education Commons](#), and the [Military, War, and Peace Commons](#)

Recommended Citation

Hector G. Spaulding, *CASES ON INTERNATIONAL LAW*, 29 MICH. L. REV. 270 (1930).

Available at: <https://repository.law.umich.edu/mlr/vol29/iss2/39>

This Book Reviews is brought to you for free and open access by the Michigan Law Review at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Michigan Law Review by an authorized editor of University of Michigan Law School Scholarship Repository. For more information, please contact mlaw.repository@umich.edu.

BOOK REVIEWS

CASES ON INTERNATIONAL LAW. By Manley O. Hudson. St. Paul: West Publishing Company. 1929. Pp. xxxv, 1538.

Professor Hudson's case-book is much more than an enlargement and modernization of Professor Scott's book. It differs from it in at least four striking respects. It devotes much less space to the law of war, so called; it omits the traditional preliminary chapter on the nature and authority of international law; it gathers most of the cases on responsibility of states into a chapter on the modern and increasingly important subject of the law

and procedure of claims tribunals, and it draws much more freely from case law other than Anglo-American.

Taking the last first: Hudson's idea seems to be to give the student an idea of what is going on today in the world at large. For instance, in terms of comparative percentages, he gives to international tribunals 20% of his cases, while Dickinson gives 17% and Scott 9% (using in Scott for this comparison only the part on peace). From national courts of non Anglo-American countries, Hudson gives 8%, Dickinson 3% and Scott less than 1%. All three books show about half the cases drawn from the United States, with Dickinson slightly in the lead, at 53%; but Hudson draws more freely from the lower federal courts than either of the others. This does not, however, tell the whole story. Hudson has generously and copiously printed statutes and treaties; and he has done so at the points where they are needed in the book, not in an appendix. In fact one of his chapters, that on International Regulation of Commerce and Industry, has more of that than of case material in it. The very inclusion of that subject shows what is going on and Hudson's effort to help the student keep not too far behind.

In greatly curtailing the treatment of the law of war, Hudson follows in the direction taken by Professor Dickinson in his case-book, though he does not go as far as the latter and omit it altogether. There will still doubtless be a place for Scott's book on account of the desire of some teachers to deal adequately with the law of war; and yet it is surprising how many of those principles have been covered in Hudson's book in the smaller space. It seems to the reviewer to be adequate for the needs of a prospective practitioner of law.

But in eliminating the chapter on the nature of international law, Hudson takes the opposite direction from Dickinson, who starts his book with an elaborate treatment of that subject. Professor Dickinson has stated to the reviewer that he finds the discussion of that material valuable in getting the student into a critical frame of mind, after having accepted and then later been compelled to reject certain a priori conclusions. It doubtless depends on how the material is handled; but the reviewer's experience coincides with Hudson's, that this material is better left out. The student can speculate better on ultimates after he knows the subject. Even clawing the air requires claws, I suppose. This reviewer would have had Hudson go even further and relegate to the rear the chapter on the Society of Nations, and states as members thereof. The result of starting with that subject is to draw into the discussion points from many different fields of international law; and it emphasizes too much the moribund idea that international law deals properly only with relations between states, and that states are the units of international law. It would seem better to start with Territory or Nationality, and let the student get his teeth in before he is confronted with the subject of states.

Hudson has not condensed his cases editorially as much as could have been profitably done; though in case of doubt it is better to put in too much than too little. In a few instances he has pared them too much for easy understanding, as in *Irish Free State v. Guaranty Trust Co.* and in *Le Louis* (though the latter is better than in Scott's book in this respect).

The preface tells us what is the minimum library on this subject that a law school should have. Even what is there named would not suffice if one wished to run down the myriad suggestions of interest which the book contains. But if one had no library at all the book itself enables one to go further without outside help than its predecessor. The foreign cases, however, are hard reading, and the reviewer found he had to omit most of them from classroom assignment. Most of them seem to be illustrative rather than foundation cases, and any attempt to cover them all would give mental indigestion to a class taking the preliminary course.

The book follows a logical rather than pedagogic unfoldment of the subject; but perhaps it is not possible to frame any scheme in this field which will not call for some knowledge or discussion of points further along in the book. At any rate, it is full of information, extremely stimulating, and emphatically a book for real professional students of the law. It presents legal materials, not readings, and gives footnote references to primary, not secondary sources.

HECTOR G. SPAULDING

George Washington University, Law School
