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Book Reviews

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BOOK REVIEWS

CASES ON THE LAW OF PROPERTY, Volume 3, TITLES TO REAL PROPERTY ACQUIRED ORIGINALLY AND BY TRANSFER INTER VIVOS, by Ralph W. Aigler, Professor of Law in the University of Michigan Law School. American Casebook Series. William R. Vance, General Editor, St. Paul. West Publishing Company, 1916, pp. xx, 953.

This is an admirable book for the use of students in any properly organized law school; that is, a school possessing an instructor able to so develop the subject of Titles to Real Property as neither to confuse the student with a mass of historical detail, nor, on the other hand, to lead him to believe that in considering the modern law of Real Property he may ignore what is obsolete in practice. The book can well be used, as the editor seems to have intended it to be used, as "the basis of the beginning course in Property." Both the arrangement of the topics and the selection of cases and readings are well adapted to show the true relation between the past and the present. The cases are judiciously selected from a wide field: of the three hundred in the book about one-fourth in number are English, yet almost every American State is represented; though, for obvious reasons, decisions from the reports of New York, Massachusetts and Pennsylvania predominate. Very recent decisions have not been overlooked, and the inclusion of these must cause the student to appreciate the fact that ancient principles have often an interesting and unexpected application to modern conditions. The order in which the topics are discussed, from Seisin to the Conveyance Operating under Modern Statutes, is scientific and will aid the student in obtaining a correct perspective. The notes will prove most helpful to the teacher and will induce the industrious student to investigate. There seems to be no valid reason for the omission of an index from a case book; this volume has an index which adds much to its utility. The General Editor of the American Casebook Series is to be congratulated on adding to his valuable list such an excellent work as Professor Aigler's Volume on Titles to Real Property.

J. H. B.

THE GOVERNMENT OF THE PHILIPPINE ISLANDS; ITS DEVELOPMENT AND FUNDAMENTALS, by George A. Malcolm, Professor of Public Law and Dean of the College of Law in the University of the Philippines. The Lawyers' Co-operative Publishing Company, Rochester, N. Y., 1916, pp. xv, 794.

The world war has taken on the character of a struggle for democracy and freedom. Many of the more recent discussions of probable peace terms have favored the application of the principles of racial and national unity and the consent of the people concerned in any annexation or transfer of territory at the close of the war. Nearly all such discussions consider the adoption

of some plan to secure a permanent world peace. A general recognition of these principles as the proper basis for the disposal of territory and the formation of governments is almost certain to result in an insistent demand that the same principles be recognized and applied in the relations of peoples and the government of territory not immediately affected by the war. The relations of the allied nations to their colonies and dependencies may demand consideration, and for consideration by this country may arise the question of advancing the time for granting complete independence to the Philippine Islands. If any arrangement to guarantee a stable world peace is adopted, one of the weighty objections against granting immediate independence to the islands, *i. e.* the danger of their seizure by some powerful nation, will be removed. It is a happy coincidence that a new discussion of the history and principles of the government of these islands of such excellence as the volume reviewed has appeared at a time when a revival of interest in the question of Philippine independence is so likely to occur.

The matter of this volume, which was prepared primarily for use as a text in the University of the Philippines, is divided into two parts, which the author denominates "Development" and "Fundamental," respectively. The first three hundred and two pages, under the first title, are given over to a consideration of the history of governmental administration in the islands; herein the author deals in chronological order with the "Pre-Spanish Government," the "Spanish Administration," the "Revolutionary Government" and the "American Administration." The remaining pages of the book, under the title "Fundamental," are devoted to a discussion of the legal principles involved in the relation of the United States with the Philippine Islands and on which the government and laws of the islands rest. The American reader will find of especial interest the discussion of the reasons for the retention of the islands by the United States, Philippine independence, the relation between the United States and the Philippines and the status of the Philippines.

The text bears evidence of careful and accurate preparation. It is freely annotated—the first division with citations to historical works, governmental reports and proclamations and the speeches and statements of administrative officials—the second part with citations to reported cases and legal texts. Though the book was avowedly written for use as a text, it is not the dry reading that is often found in texts on government. The author's treatment of his subject is dignified and sympathetic. In his discussion of the American administration of the islands he makes use of neither scathing criticism nor bombastic praise. He recognizes the mistakes of the American administration, but concludes that it has been in the main both efficient and altruistic.

Throughout the volume the author displays his faith in the Filipino people, in their ability and in their capacity for self-government and his belief that before many years they will merit the independence which our government has promised them. In certain portions of the book, notably the pages discussing the capacity of the Filipinos for self-government, his in-

terest in the island people has led him to take the attitude of an advisor to them rather than that of an observer of the development of their institutions.

The book covers the subject quite as thoroughly and completely as can well be done in a volume of this size. The bibliography included is extensive and will be found valuable by one interested in the Filipinos and their government. The author is thoroughly interested in his subject and his ten years' experience in helping to shape and administer the government of the islands has qualified him to write this book, which is a valuable contribution to the literature on this subject.

G. S.

INTERNATIONAL REALITIES. By Philip Marshall Brown. New York: Scribner's. 1917, pp. xi, 226.

A large literature has already been evoked by the fall, during the great war, of that flimsy fabric which pacifists had foisted on the world as international law in recent years by a sort of legislative process. The attempt to make nations good by law is a horribly patent failure. Much of the resulting literature is pessimistic. A little of it is hopeful and helpful, and to this class belongs the present book.

Two main ideas are presented. First, the author would eliminate the so-called law of war from international law, whose true task is that "of regulating the *peaceful* relations of states". "War is the very negation of law". Secondly, he would base international law "not on theories and abstractions, but on solid realities". By "solid realities" he means the "security of the state". Of the neglect of this principle he uses the not overly fortunate illustration of the abrogation of the Panama Canal tolls, which he says came from the "almost morbid self-abasement" of the American people.

Pursuing the search for "realities", the author analyzes destructively the "absolute rights" of states which are commonly postulated, and makes his most valuable contribution in the assertion that it is interests, not rights, which are the fundamentals of international law. Only after an intelligent determination of these interests is it possible to proceed to a new and better formulation of rights. It will then be time to consider the agencies through which they are to be realized.

The first five chapters consistently develop these ideas. The remaining five appear not closely related to the essential theme. There is an excessive amount of repetition, due only in part to the fact that the book is constructed around four chapters originally written as magazine articles.

R. T. C.