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Review of “Handbook of International Law,” By George Grafton Wilson

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unsucessful insurgents, the taxpayers are not liable to a duplicate pay-
ment when order is restored.

5. A state is not liable for incidental damages or injuries caused by
insurgents if the state used due and reasonable diligence to give protection
but still failed to control the situation.

In the publication of this volume Dr. Silvanie has thus supplied a very
useful brief and substantially accurate survey and summary without any
pretense to an exhaustive and authoritatively definitive treatise.

ARNOLD J. LIEN.

HANDBOOK OF INTERNATIONAL LAW. By George Grafton Wilson. Third

The present edition of this familiar hornbook by George Grafton Wilson,
Professor Emeritus of International Law in Harvard University, appears
twelve years after the second edition; the first edition appeared in 1910.
It contains fifty-three more pages, partly the result of an improvement in
type and format. In the table of cases, for example, only 35 instead of 67
cases are listed on one page. The type and paper are both of better quality.

It is always a difficult problem to condense into brief compass any legal
subject; it is particularly difficult with a subject like international law
where national variations on accepted norms can be accurately portrayed
only in extensive monographs. No two persons would be expected to agree
upon choices for inclusion or exclusion. Criticisms pertinent to a treatise
are inapplicable to a hornbook. Many suggestions of the reviewer would
accordingly be criticism of any hornbook rather than of this particular one.
The reviewer notes, for example, that the subject of international organiza-
tion is disposed of in two pages; that the Pact of Paris receive but one
bare passing mention (its text was included in an appendix to the second
edition); that the reference to the 1930 London rules governing visit and
search by submarines gives no indication of the fact that they have been
accepted by some 48 states through the 1936 Protocol; that the three pages
155-158 on exemptions from jurisdiction give little indication of the modern
trend toward distinguishing between acts jure imperii and jure gestionis.
On page 133 the revision of the United States law whereby citizenship may
be derived through the mother is not mentioned, though it is covered in
Professor Wilson's 9th (1935) edition of Wilson and Tucker's International
Law. On page 86, a reference to the Trail Smelter Reference might have
been more helpful than the citation of Hudson County Water Co. v. Mor-
carter. The publishers will wish to correct at the next opportunity the
transposition of two paragraphs of type on page 256.

In accordance with the policy of the second edition, footnotes have been
reduced to a minimum but a bibliography (arranged by authors) occupies
six pages.

The personal opinion of the reviewer is that those who use a book of

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1. (1908) 209 U. S. 349.
this character would profit from an expansion of the use of modern materials which could be made possible by a contraction of the space devoted to historical backgrounds and quotations from the early writers.

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It is difficult to determine what benefit this book provides, either to the profession or to the expert witness. From the fourth paragraph of the preface, it may be surmised that the volume is intended as a guide to the expert witness that he may have "a better understanding of his duties, responsibilities, compensation and other matters connected with the case in court." The bulk of the text contains so much on the technical rules of evidence that it does not seem adapted to aid one who might be called upon to testify once or even occasionally. Perhaps this would not apply to one who makes a profession of appearing in court as an expert witness. The frequent repetition of the statement that the admission of matter discussed is within the discretion of the trial judge, or that the admission of evidence of the type mentioned has been held to be nonprejudicial error and no ground for reversal would not seem to be of assistance to a person seeking to qualify as an expert. The brief portion on the distinction between fact and opinion is inadequate for the purpose stated.

As a handbook for the practitioner nothing is offered which has not already been presented elsewhere in greater detail and with more analysis to those preparing for their profession. Legal periodical literature abounds in articles on the subject, and the great modern texts on the law of evidence contain scholarly expositions and analyses of the various rules. Early handbooks on expert testimony such as Lawson's and the more analytical text by Rogers preceded the comprehensive modern texts, but would be superfluous today. The California citations which appear frequently may be of advantage to the practitioner in that state but should be readily available in a California digest. On the whole, the book can offer little to the well prepared lawyer.

Undoubtedly there is a place for a guidebook to professional men who may be called upon to furnish expert opinion as an aid in the advancement of justice. Modern schools of engineering, medicine, and other professional schools include in their curricula courses covering the relation of their professions to the law. The author has presented some matters of value

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1. Also see p. 23: "Be sure, however, that your report goes only to those entitled to receive it—malicious and untruthful statements would not be privileged." Privilege needs explanation.
2. Secs. 1 and 2.