

ciently well and generally understood even by political scientists so that it can be employed to advantage throughout the book without a suggestion of a definition.

The excellence of style with which this monograph is written makes one regret that it was not employed in further analysis especially with reference to the nature and influence of public opinion on the work of the convention. Despite limitations in techniques and scarcity of facts,⁷ more could have been done in this area.

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Digest of International Law. By Green Haywood Hackworth. Vols. V, VI, VII. Washington: Government Printing Office, 1943. Pp. v, 851; iv, 655; v, 709. \$2.50, \$1.50, \$1.75.

These three volumes complete the substantive part of the series—the index volume is still outstanding—which in the main represents the official position of the Government of the United States on the basic problems of international law. Volume V deals with the subject of treaties, hemispheric security, state responsibility, and international claims. Volume VI embraces modes of redress, war, and maritime war, while interference with neutral commerce, prize, and neutrality are treated in the last volume.

Mr. Hackworth as the legal advisor of the Department of State has labored under an inevitable handicap in compiling these volumes. On the one hand, he chose as his task the continuation of the classic work of John Bassett Moore, that is, the writing of a digest of international law, which is more than the mere compilation of official documents under chapter headings, but, to use Judge Moore's own words, "contains much that is of an expository nature, in a form suitable to a treatise." On the other hand, the publication of a digest of a subject as controversial as international law implies of necessity the performance of a creative task, revealing the personal point of view of the author, and such a task one of the highest officials of the Department of State cannot perform. Consequently, the Hackworth *Digest* fulfills a somewhat different function from Judge Moore's work. The latter was largely a treatise of international law, appearing in the form of a collection of documents and cases. The former, to quote Professor Hyde, "offers food for thought rather than directions for thinking." It illustrates through documents and excerpts from theoretical writings certain problems of international law with which the reader is supposed to be already completely familiar.

A typical example of this method of presentation is paragraph 511.² This section, dealing in the beginning with the *Clausula rebus sic stantibus*, starts with an excerpt from the Harvard Research in International Law, followed by five bibliographical references. Then mention is made of the declaration which certain signatories of the Optional Clause of the Statute of the Permanent Court of International Justice made after the outbreak of the present war to the effect that they did not regard their signature operative with respect to events connected with the war. As an example, the note of the Union of South Africa is reprinted, together with reservations by the Swiss and Swedish governments. An excerpt from the decision of the Permanent Court in the case of the Free Zones follows. After this, we find a brief excerpt from Brierly, *The Law*

⁷ P. 245.

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² Vol. V, p. 349.

of *Nations*, which, in turn, is followed by references to and excerpts from decisions of the Swiss Federal Court and the German Supreme Court. The section ends with two cases in which the United States Government expressed its attitude toward the *clausula*, in one case against it, in the other in favor of it.

The purpose here and elsewhere obviously is, not to give merely the official position of the Government of the United States, but to put the American practice into the framework of the general theory and practice of international law. From the point of view of this purpose, the representative character of the references is then of decisive importance. Paragraph 689² deals with the League of Nations and neutrality. Of the voluminous literature which considers the important problem whether or to what extent neutrality was possible under the Covenant of the League, two books are quoted, Oppenheim-Lauterpacht's standard treatise and Georg Cohn, *Neo-Neutrality*. It is hard to see what the representative character of the latter work is. If, however, it has any such character, no indication is given why this volume deserves citation while none of the other writings relevant to the subject is mentioned. It would have served the purpose better to cite only Oppenheim-Lauterpacht or to make reference to several publications representative of the different positions taken with respect to the problem.

Such minor flaws cannot detract from the essential value of the series which, in its own way, is a worthy continuation of the tradition established by Wharton and Moore.

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Die Aktiengesellschaft nach dem Gesellschafts-, Bilanz-, und Steuerrecht der Vereinigten Staaten von Amerika. By Professor Dr. H. Trumpler. Basel: Verlag für Recht und Gesellschaft A. G., 1942. Pp. xxiii, 518.

This book is intended to serve as an introduction into the American law of corporations for the European lawyer. It may be said at the outset that the author has succeeded in presenting, on some five hundred pages, a complete and accurate "biology" of American corporate organization, accounting, and taxation—a unique achievement which may prove of occasional value even to the American lawyer.

In the first part, Professor Trumpler gives a brief summary of the American legislative and judicial process and of the history of the American corporation (not only of American stock corporations, as the title, probably in consequence of the lack of a comprehensive German term, might indicate). In this first part, the European lawyer will find not only a fascinating general picture of American corporate organization, but much detail of stimulating significance. He will notice with satisfaction that the common law is inclined to sacrifice the concept of corporate "personality," which has haunted European legal minds for centuries, to practical considerations, wherever this may seem desirable. He will meet legal institutions such as the "de facto corporation" or the "corporation by estoppel," and business creations such as employees' stock corporations, which, though familiar to him from cautious beginnings in European theory and practice, are new to him as independent legal entities.

While the average Continental lawyer may have difficulty in evaluating the second part, dealing with the law and practice of corporate accounting, he will be greatly attracted by the third part, probably the most brilliant part of the book, which discusses

² Vol. VII, p. 668.

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