

BOOK REVIEWS

Claims to Territory in International Law and Relations. By Norman Hill. New York: Oxford University Press, 1945. Pp. vi, 248. \$3.00.

This is indeed a model of a monograph dealing with one of the basic problems of international law and relations. Professor Hill of the University of Nebraska avoids the pitfalls which threaten a writer treating a subject such as claims to territory. He approaches his subject with the analytical mind of the true scholar. He is neither swayed by the futile hopes for an over-all solution which the manufacturers of panaceas instill in the minds of those who see that the world needs improving and want to improve it; nor does he fall prey to the cynicism of the disappointed utopian who has just discovered that power counts on the international scene and now thinks that nothing else counts.

In twelve chapters Professor Hill surveys the main disputes over territory which have occurred in the nineteenth and twentieth centuries in Europe and the Western Hemisphere. He classifies these disputes according to the claims advanced. The basis for the classification is the time-honored distinction between legal and nonlegal claims. The few pages in which the author discusses the criterion for this distinction, which has been one of the most confused and controversial problems of international law for many years, excel in clarity even though they leave the problem as the author found it.

The nonlegal claims, which are, of course, the most numerous and most important ones, are of a strategic, geographic, historic, economic, or ethnic nature. The particular character of these different types of claims is analyzed, and a fortunately cautious and tentative attempt is made to rate them according to their relative importance.

The importance to be attached to any one of the principles necessarily varies from time to time as the conditions of international relations change. The ethnic principle today would be the first choice of most people, but were a more cosmopolitan attitude to modify the extreme nationalism that now exists, it might deserve a lower rating. Freer trade conditions would weaken the economic principle, as the extension of economic nationalism would strengthen it. The establishment of a workable system of collective security would diminish the force of the strategic argument. To assign a permanent fixed value to any principle of settlement today would do injustice to the disputants of tomorrow.

At the end the author surveys the different attempts at solving territorial disputes by the instrumentalities of modern international law and organization. It is here that the author's gift for detached analysis and his sound, truly realistic judgment shine most brightly. The examination of the different legal, diplomatic, and organizational methods of settling territorial disputes peacefully leads him to the conclusion that the fundamental problems which territorial disputes raise cannot be completely solved within the framework of international relations as they exist today.

It is difficult to believe that any organization or procedure can chain the territorial ambitions of the modern state so long as it is true that the ownership of territory brings power. Only when the position of states and their consequent relations with each other are drastically altered, so that they are less "sovereign," less competitive, less suspecting, and more neighborly—as the members of a federal union—only then will territorial problems become so unimportant that, like those between the states of the United States, they will be solved by a court, with the people unaware of their existence.

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