The appearance this summer of two case books, one on International Law and one on World Law, coincided with the outbreak of a new war. The culmination of recriminations, suspicions and hatreds going back to 1944 and before, the Communist War broke out in an attack characteristic of our lawless society. From our viewpoint it was a simple attack. It has been justified on the other side as an appropriate response to border incidents, a preventive attack, and a civil war in the interests of national regeneration and unity.

Whatever else it was, it was a symptom of anarchy. As an attack across a more or less accepted boundary, the North Korean advance comprised a great number of acts in the nature of serious and destructive felonies. These acts included homicide and the destruction of physical things of all sorts. One open felony of the sort, in course of commission in Chicago, would lead to prompt police action, without the necessity for getting authority from a magistrate.

As a move in an "internal" conflict, the military advance consisted in the same violence. Considered in this way, however, the violence was of a sort which has been viewed with considerable indulgence, at least in our culture. The revolution, the civil war, the rebellion, the factional conflict within a defined national group, have been indispensable means of adjustment to change. Great Britain might indeed have complained of French aid to American revolutionists, and Colombia might have complained of our aid to Panama, according to the traditions of international law. Franco might have complained had we allowed Republican Spain normal trading privileges. His complaint, however, would have had no standing in international law. Our concern about it was none the less significant. There is a traditional objection—never by itself controlling—to "interference" in "family quarrels." The subject is not dealt with at all in the United Nations Charter, the nearest thing we have to an expression of world law.

The most elementary forms of violence, war and revolution, are accepted by international law. They are as yet hardly touched by "world law."

Nevertheless these two books follow the tradition in the legal profession. Violence is not their problem, at least not as it is the first problem of domestic law. Temporary stabilization of the results of violence (as by recognition of the legitimatization of conquest by cession) and some limitation of its scope (as by the protection of what rights remain to neutrals) are the principal objects of international law. They are the purposes guiding the materials in Mr. Dickinson's "Cases and Materials on International Law."

Violence is recognized as a problem for world law, indeed. Nevertheless, the problem which Mr. Sohn sets himself is a narrower one. He gives us a great
wealth of materials on the structure of the United Nations. One chapter out of ten is devoted to its first function: Maintenance of Peace. The rest deal principally with organization. They are fascinating and useful; but the book, like Mr. Dickinson's, indicates the limited character of the phenomena which are treated under the headings of law of nations, international law and world law.

A shrewd psychoanalyst has insisted that we do ourselves a disservice by using names, as well as ideas, that conceal the difference between phantasy and operative effectiveness in matters of war and peace. He is right; but it is also true that the expression of aspiration has its uses, if kept within bounds. Thus Mr. Sohn's book on World Law exhibits the United Nations Charter as an instructive literary performance, at the least. It may be considered as a specification of the conditions that would be necessary for an effective world law, as an expression of one aspiration among many counter aspirations, and as a factor operative to some extent with all the other familiar factors in the affairs of the world, for example the Korean affair.

This is not what either layman or law student expects to find in a book on world law. The traditional Cases on International Law should be called Cases on Anarchy. The newer Cases on World Law should be called Cases on the Conditions for World Law. Both subjects should perhaps be combined in a single course. Newly named—Anarchy and the Conditions for World Law—the course might take a new direction. Students and teachers would be encouraged to examine the mysterious factors which have thus far impeded the creation of elementary security and safety "between nations," and also—as a result—in Korea, Germany, London, New York and Washington.

MALCOLM P. SHARP*


The high expectations of Willard Hurst's friends are admirably borne out by this important contribution to the history of American law. We have suffered from a dearth of good literature concerning the legal history of the United States as a nation. The English origins of American law, together with a natural appeal of the English materials to scholars, long focused our consideration of the law's historical development primarily on the legal institutions of the Mother Country. During the period since the First World War this lack of balance could be seen in the process of slowly righting itself. How far we have come is evidenced by the fact that Professor Hurst has been able to put this work together chiefly on the basis of secondary sources. How far we yet have to go may be judged from the circumstance that it was this middle year of the twentieth

1 See West, Conscience and Society (1942).

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