

This book should help to bridge the gap in tax literature between books written for and by lawyers or accountants on the one hand, and those written for and by economists on the other. (The gap will still remain, perhaps, until someone is brave enough to attempt the inclusion of tax incidence in a work of this kind.) The book also supplies a missing link between the procedural aspects of taxation and the economic and political issues in this field. Furthermore, its bibliographical feature is unusually complete and descriptive. The book should command not only a wide audience among lawyers and economists, but also among statesmen and laymen.

HAROLD M. GROVES*

Principles of International Law. By Hans Kelsen. New York: Rinehart & Co., 1952. Pp. 461. \$5.00.

When young Woodrow Wilson wrote *The State* in 1890 he contended that international law is really "not law at all," since "it is law without forceful sanction. There is no earthly power to enforce obedience to rules of conduct between nation and nation." A quarter of a century later he was embarked upon an effort to create such an earthly power, i.e., the League of Nations, in the fond but vain hope that international organization and collective security might make the "rule of law" as effective in the community of nations as in some of the Western communities of men. The same conception, implicit in the U.N. since its transformation into a vehicle of U.S. foreign policy, confronts us with the logical absurdity and moral paradox of "war for peace" in Korea, with almost everyone taking it for granted that international law can somehow be "enforced" through the armed coercion of law-breaking States by law-abiding States. That this assumption is not only wholly fallacious but conducive to the horrors of Holy Wars and the monstrosity (as Charles A. Beard once put it) of "perpetual war for perpetual peace" is understood by all federalists and by some international lawyers (e.g., the late Edwin Borchard) but is largely ignored in most of the literature of international law and in some of the literature of international politics.

The brilliant and erudite Hans Kelsen, Professor of Political Science at Berkeley and author of many learned tomes (including *General Theory of Law and the State* and *The Law of the United Nations*), rejects Wilson's original view and, amid much metaphysical pyrotechnics, comes close to accepting the now popular and always unworkable theory of collective security as the basis of law enforcement in the society of sovereigns. But his prime purpose is to offer a new textbook in public international law. He has indeed written a most excellent text which should find good use in and out of schools of law.

Kelsen's contribution covers briefly but ably most of the topics usually dealt with in works of this kind. His treatment is more "philosophical"—sometimes

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in the worst, and sometimes in the best, sense of the word—and also fresher and more provocative than is commonly the case with legal textbooks. Since war is “outlawed,” to the edification of all unrealists, Kelsen relegates the law of war to his discussion of sanctions, where war against law breakers, *mirabile dictu*, becomes legal “counterwar.” Under the Charter, Kelsen opines, even wars of aggression are legal if waged against a State which has resorted to illegal war against another. If this appears confusing, the confusion is not of Kelsen’s making but is a product of the befuddlement of modern mankind in its weird conviction, long before 1984, that “War is Peace” (as the late George Orwell put it) and that collective armed hostilities against armed outlaws are the best means toward a stable legal order.

There is, it seems to me, no way out of this dilemma save through international federation, whereby rules of law would be enforced on individuals rather than upon sovereignties, or through a literal return to the old international law and to traditional concepts of neutrality and nonintervention, coupled with prudent *Realpolitik* in place of crusades against sin. Kelsen offers no way out, nor would it be fair to expect him to do so in this type of work.

What he offers us is a solid and thoughtful exposition of the customary precepts, plus a suggestive discussion of principles. In view of the deadlock at Panmunjom, it is not without interest to note his flat assertion (p. 71): “The belligerent in whose power the prisoners of war are is obliged to release them and repatriate them as soon as the war is terminated.” Many will question his repudiation of “natural law” as the source of international law and his derivation of national or municipal law from international law. But all will welcome his careful documentation, his up-to-date citations of relevant cases, and the general lucidity of his analysis.

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Law and Society in the Relations of States. By P. E. Corbett. New York: Harcourt, Brace and Company, 1951. Pp. 326. \$4.75.

Realistic analysis of the world community process is a task which has currently engaged the talents of large numbers of scholars categorized as lawyers, political scientists, economists, social psychologists and cultural anthropologists. All too often this departmentalization results in products that reflect a narrowly circumscribed view of the problem. Professor Corbett, a legal specialist, has recently contributed his efforts to an “unprejudiced evaluation” (p. 3). However, his book might better be entitled “Chaos and Anarchy in the Relations of States,” for the author adopts an initial hypothesis that there is no effective international “law” or “society.”¹ The extent to which Corbett mini-

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¹ The reader will have some difficulty in finding the author’s frame of reference for the term “society.” See, e.g., p. 40. For precise articulation of operational indexes in regard to group