After all, it is necessary for the law student to acquire an understanding of at least two aspects of the trust: the trust as the administrative agency of settled property and as an instrument of wide and developing usefulness. Every teacher of trusts will agree with this. He will ask himself how this task can best be performed or, to recur to a question raised at the beginning of this review, which shall be the main subject and which that of subsidiary stress.\(^6\)

Various emphases are possible with the present volume; and Professor Bogert, recognizing the lack of agreement on organization, suggests in his preface how those preferring another type of organization may change the order of the cases.

The question as to the emphasis and stress of the course, inevitable as it is, does not detract from the great merits of the principal work. This is a book with a coherent theme, resting on a most thorough knowledge of the cases, and built up with exceptional care and skill.

E. E. CHEATHAM*

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This is a provocative book, written by the Chief of the International Law Section of the Danish Foreign Office. In the conflict that has raged between “isolationists,” the adherents of traditional neutrality based on impartiality and non-participation, and the advocates of collective security, Dr. Cohn has injected a novel and thought-inspiring idea: that of “neo-neutrality.” To be exact, the idea is not wholly new, for the author has written extensively on the subject in various European legal periodicals since 1924\(^6\) and defended his thesis energetically at the International Studies Conferences on Collective Security held in Paris and London in 1934 and 1935. It is the first time, however, that his system has been fully expounded in the English language.

The first chapter of Dr. Cohn’s treatise is an analysis of traditional neutrality, that is to say, neutrality as it was conceived prior to the first world war and culminating in the Hague Conventions of 1907 and the unratified Declaration of London of 1909. He then proceeds to an examination of the collective security system, built upon the Covenant of the League of Nations and other post-war treaties, and of the attempts to blend traditional neutrality with collective security. Dr. Cohn’s conclusion is that neither neutrality nor collective security is helpful in localizing, much less in eliminating, wars. Traditional neutrality, according to him, was wholly a passive attitude, perhaps the most practical and rational under the conditions then prevailing, for states desiring to stay out of a war to adopt, but incapable of bringing effective pressure on belligerents not to resort to or to discontinue the war. The objective of preserving one’s own peace was viewed from the position not of the neutral but from that of the belligerent. Collective security, on the other hand, by legalizing “defensive”

\(^6\) Jacob, Trusts, Future Interests, and All That; Being again a Review of Reviews; To Which Are Both Prefixed and Appended Certain Thoughts on the Present Discontents, 18 Corn. L.Q. 351 (1933).

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\(^1\) See his writings in the Bibliography, p. 355.
and penalizing only “aggressive” wars by “sanctions,” economic and possibly military, imposed on the aggressor or covenant-breaking state, has not only proved ineffective in practice but is to be rejected a limine because paradoxically it seeks to eliminate war by war itself.

"Neo-neutrality," proposed by Dr. Cohn as an honest system of peace preservation, would approach the matter from the neutral’s point of view. "The initial aim must be," he says, "the preservation of peace, and it is the security of trade and other relations of the neutrals, which under all circumstances, must be protected. War, on the other hand, must be seen as the irrational and worthless thing which it really is." The new system, therefore, "disqualifies" war, irrespective of cause or character, whether it is for the purpose of righting an injustice, of acquiring “living space,” defensive or aggressive. In other words, "neo-neutrality" is aimed against war as such, which it considers a fact, regardless of the ideology, and not against certain kinds of war. This system, according to Dr. Cohn, allows for greater consistency and efficiency than the aggression theory. Moreover, "neo-neutrality" requires no active, military participation in the war. It requires an active and common front of neutral states to take appropriate action, short of the use of force, to prevent the outbreak of war or to terminate it after it has begun. Just what measures are proposed is not quite clear; presumably they would be, in addition to diplomatic pressure, of an economic and financial nature. Regard for belligerent rights, given impartially under traditional neutrality, would be replaced by impartial disregard of such rights. To this extent, neo-neutrality and traditional neutrality coincide. The only wars which would have legal status in Dr. Cohn’s system are wars of self-defense, as distinguished from "defensive" wars, the standard of self-defense being determined by a study of analogous situations in municipal penal law.

Much of the author’s criticism of collective security and of the theory of aggression is sound and often unanswerable. Some will perhaps disagree with his conclusion as to the ineffectiveness of passive traditional neutrality, since despite passivity, respect for neutral rights, however often and grossly they have been disregarded, has had a localizing effect and has imposed restraints on the conduct of wars.

As to the workability of Dr. Cohn’s "neo-neutrality," several questions will doubtless be raised. Is the fundamental assumption correct that war is a mental disease, a pathological phenomenon, which cannot be endowed with a logical or rational basis? War of course is horrible, but how is it to be explained that for thousands of years humanity has resorted and continues to resort to this ultima ratio for settling conflicts of real or fancied interests, and has not found a politically equivalent instrumentality? Since neo-neutrality would require that the majority of the nations of the world accept the “disqualification” of all wars (save wars of self-defense), what can be done so long as some very powerful nations, far from “disqualifying” it, hold war as praise-worthy in itself and indeed glorify it to the extent of considering it the supreme self-expression of the nation? Would the definition of individual self-defense in municipal law supply a practical standard for determining international wars of self-defense?

2 P. 185. 3 P. 309. 4 P. 320. 5 P. 331.

6 Pp. 262-5. Dr. Cohn deals at some length with the psychological aspects of war. The applicability of Freudian psychology to mass reaction and behavior seems, however, to this reviewer, somewhat far-fetched.
By the application of such a standard, would Ethiopia's war against Italy, Poland's war against Germany, or Finland's war against Soviet Russia be considered "defensive" wars in which the rest of the world would practice disregard of the belligerent rights of both combatants, or wars of self-defense in which they would recognize the belligerent rights of at least the defender?

Students of peace, war and neutrality will doubtless attempt to explore such and many other questions which this timely book is bound to inspire. For Americans, among whom the verbal battle over the issues herein presented has been fought with particular intensity during the last few years, the chief significance of Dr. Cohn's study lies in the fact that it brings to us a clear and reasoned appraisal of collective security which many of our people have advocated as the ultimate panacea for a warless world. His appraisal is doubly valuable since it comes from a country which has been a loyal and active member of the League of Nations since its foundation (an experience denied to the United States), whose people are as anxious as the American people to preserve peace, and which, by reason of size, equipment, resources and, above all, geographical position, is in an infinitely more exposed situation than the United States to the consequences of this system.

A word of praise is due to the translators who have discharged a difficult task with distinction, for there are few things requiring more acumen than the faithful and yet intelligible rendition in another language of a highly technical text.

FRANCIS DEÁK*


For a long time there has been a crying need for a fairly short, definitely readable book on parole, to which to refer the layman who wished to gain some genuine and reliable information on that much misunderstood and misrepresented subject. Decidedly Mr. LaRoe has filled that need. In his capacity as chairman of the Board of Indeterminate Sentence and Parole of the District of Columbia he has had ample opportunity for personal and practical knowledge of his subject. He is thoroughly convinced of the soundness of the theory of parole (and who who knows anything about it is not?), and his purpose is to present a logical analysis of it so as to convince even the most hostile reader that he is right. To this end his treatment is broad, rather than intensive. At times he allows himself to wander far afield, for the underlying clarification thereby to be brought to his main subject. Thus, for example, crime prevention, juvenile delinquency, the "big brother" movement, all get mention, but the charge of superficiality is, in the reviewer's opinion, fully overcome by the author's insistence that parole is only a single contact, only the final contact, in a long series that the individual has with the law, and that how he will react to that contact is dependent at least as much on how, cumulatively, these other contacts have affected him. Parole gets the praise or blame, like the final green apple in a boy's stomach. It is a wise course on Mr. LaRoe's part to stress so persistently, all through his book, the fact that parole is only a small part of the whole correctional process, and

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