

BOOK REVIEWS.

PROFESSIONAL IDEALS OF THE LAWYER. By Henry W. Jessup, M. A., J. D.
New York, G. A. Jennings Co., Inc., 1925, pp. xlii, 292.

This interesting study in Legal Ethics is additional evidence of the new emphasis which is being given to this important subject. The accompanying pamphlet describes it as "A Text Book for Law Students; A Guide for Grievance Committees; A Help to Professors in Law Schools; A Handbook for the Practicing Attorney."

This description suggests the many points of view from which the subject may be approached. I happened to meet the author this summer and had an opportunity of learning his own thought with reference to the matter. From the point of view of the law student, he feels, as I do, that Professor Costigan's Case Book on Legal Ethics is entirely satisfactory, but expresses the hope that his new book may appeal to many teachers who are not prepared to discuss the subject along the line of cases; my own experience is that even in a subject of this unusual nature the reading of actual cases is the best way to bring home to the students the real practical bearings of the subject which he is studying. Mr. Jessup, as pointed out by Mr. Beston, the well-known chairman of the Grievance Committee of the New York Bar, has himself served on that committee for many years and is, therefore, more than usually qualified to make use of the valuable questions and answers which are published by that committee. In addition to the new canons of judicial ethics recently adopted by the American Bar Association and which themselves raise interesting new questions, some of which Mr. Jessup refers to, the most original and suggestive part of Mr. Jessup's book is Part I entitled "Ethical Questions Discussed." As I read the seventy-five pages devoted to this and to thirty-two moot court questions closely related to the preceding, it seems to me to be a very interesting effort to summarize under the form of questions and answers the principles that govern the whole subject of Legal Ethics. I am inclined to think that both Grievance Committees of the Bar Associations and the practicing attorney who needs assistance in present-day problems of Legal Ethics will be likely to find much of value in these pages—not to mention the professor in the Law School who will find them useful both as a convenient reference for his students and also as an extremely suggestive field for examination questions. I cannot close this brief review without referring to the author's preface. His summary of the history of the canons of the Bar Association and his suggestions as to their further elaboration are most valuable. Particularly do I like his thought that it would be profitable for each student to "build up for himself a summary statement of the discipline of lawyers reported in the decisions of the court in his state"; the book under review naturally and properly contains in Part 7 a long summary of the causes for discipline of lawyers in New York; doubtless

these decisions would be relevant and convenient in other tribunals, but it would, of course, be helpful in determining problems of Legal Ethics that might arise in any state to start with a summary of the decisions, whether numerous or scarce, dealing with that subject in such states, and the bare preparation of such summary would, I think, be an excellent way of impressing on the minds of the students the status of the whole question in their separate jurisdictions.

On the whole, while as a teacher of the subject in the Pennsylvania Law School, I do not feel inclined to abandon a book like Mr. Costigan's cases which I have found so satisfactory, yet I am sure that both teacher and student in our school will find much of value in this recent contribution to the subject.

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TRANSACTIONS OF THE GROTIUS SOCIETY, VOL. 10. Problems of Peace and War.

Papers read before the Society in the year 1924. London, Sweet & Maxwell, 1925, pp. 188.

These ten papers, read by persons of various nationalities, form a sort of running commentary upon the changing relations of people to people during the year preceding the summer of 1924.

America figures in the first and second paper. Sir Arthur Hopkinson's paper on "America and the League of Nations," is an attempt to answer a question of interest to the English mind; that question being, "Why the nation whose representative was the strongest advocate of the League of Nations, having security for peace as its main object, refuses altogether to join that League." Having rejected the answer that it is due to the "conditions of party politics" he is at a loss for an answer, but finally decides that it is because of Article X and Article XVI, since these articles seem to him to bind the signatory nations to go to war at the request of the League. So thinking, Sir Arthur finds that England and the United States are very much alike in their intense desire to avoid entangling alliances, and he earnestly recommends the amendment of both these articles. He had, however, no very specific contribution to make to the long and heated controversy over the points involved in the interpretation of the language and intent of these parts of the Treaty of Versailles.

The second paper which brings this country into view is by Lord Charnwood, and is upon "The Relation of the United States to the League of Nations."

Here we have a paper of a very different type. Lord Charnwood states that he had no time for preparation, which may account for some inaccuracies of statement, and for some other points which perhaps might as well have been deleted from a paper intended to add something to international amity. He may have perceived a "certain childishness in the American National mind," and by that he may have intended to indicate that we, as a nation, were of those that belong to the kingdom of heaven, but when he speaks of our nation as "an

expanding imperialistic power" and as "the most important empire now existing in the world," it begins to be amusingly plain that someone has been reproaching Lord Charnwood with England's Imperialism, and that he is retaliating by using the reproachful phrases in his turn. The discussion of the Monroe Doctrine presents no new view of the question but gives Lord Charnwood several opportunities for other felicitous phrases of the same kind.

"The German Mind Since the War" is discussed by G. P. Gooch in a manner strikingly different from that of Lord Charnwood toward the United States. In this paper a real and apparently successful attempt is made to understand the German mind after the shock of the conflict has been in a measure overcome. The paper is serious, well considered, and most interesting in the light it throws upon the German mind not only since the war, but upon some of the events of the war.

"The Legality or Illegality of the Ruhr Occupation," is discussed in the first place by Frederick Allemés, and secondly by E. J. Schuster, since deceased, whose obituary also appears in this volume. It is to be expected that the first paper would uphold the legality of the French occupation, and the argument is technical, as is also to be expected since it appears to be upon a technicality that the occupation can be upheld as legally justified. Mr. Schuster, while a German, was a man whose family had long been settled in England, and whose mind was practically that of an Englishman. He makes an able argument against the legality of the occupation, the argument again turning upon the interpretation of certain words and phrases, which were again taken up for discussion after the reading of the paper. Dr. Schuster finally said that "there were other means of redress open than occupation," an argument upon which he had not relied in his paper.

Among other echoes of the war, the subject of Nationalities is one of the loudest. Mr. G. Lloyd Jacob, of the Middle Temple, in his paper on "Nationality and Domicile; with special reference to Early Notions of the Subject," treats of the question, as yet unsettled, between the doctrine of nationality and that of domicile. The historical exposition given in the paper is most interesting and admirable. The remark of Mr. Bewes in the discussion of the paper, that, "the paper covered such a wide ground that it was almost impossible to discuss it in detail," is applicable here, although it is difficult to pass over so much that is interesting without comment.

In the paper on "The Defects in the Protection of Racial and Religious Minorities," Baron A. Heyking, touches on the sore spot of the present situation in Europe. The strange conditions under which most of the European countries existed for centuries, with solid little states, racially and religiously alien to the governing state, living to themselves, with their own language, their own religions, their own customs and traditions, without assimilation with the super-state, has practically nullified the provisions of the Treaty of Versailles, and left many of these little states without protection. "Minorities" they are called, and like other minorities have been made the subject of injustice and oppression. Half a dozen of these little states might exist under one controlling,

but not too drastic, governmental control. Now the old order has changed, and the toleration, if not justice, of the old order has given way to the legalized oppression of the new order. This wholly unintentional result of the attempt to do justice to the formerly oppressed nations has probably come from the fact that the situation of these states within states was not a part of the consciousness of those who took part in the making of the treaty. The knowledge was there, but not a consciousness of the situation. So the result seems to be very much as if a surgeon should operate upon a living organism, remembering the arteries and the greater organs and forgetting that inextricably mixed with these were the smaller veins and articulations. The patient evidently cannot survive. Baron Heyking evidently thinks that these minorities cannot survive under the conditions which now prevail. "Europe is still destitute of racial freedom, the idea that each nationality should have its own state still possesses the old world . . . and this idea has a fatal concomitant, the oppression of the racial minorities by the governing racial majority of the population. . . . At any rate, there is no doubt that the minorities problem, viz.: the question how defenceless human beings, in the face of an overwhelming racial majority, can be safeguarded against oppression, is a question that can only be solved by international guaranties." These guaranties, Baron Heyking thinks it the duty of the League of Nations to create, and he proposes a certain procedure to effect this end. The proposition seems to be one which is wholly within the discretion of the League itself, and cannot be discussed here with any authority, but under the present situation it would seem that even a temporary arrangement might be made for the protection of the individuals within these minorities while the wider propositions as to their eventual status is being decided.

The paper by Josef L. Kunz, "On the Theoretical Basis of the Law of Nations," covers the fundamental propositions of International Law, and is a profound and philosophical treatment of that law. He covers, as thoroughly as can be done in one short paper, the well-known and diverse theories as to the existence of an International Law; the nature and character of that law if its existence is conceded; the earlier and later developments of these theories. His own theory he sums up in the sentence: "The hypothesis of the primacy of International Law alone is able to create a systematic connection of all the present positive rules of International Law . . . To treat International Law scientifically (which has not yet really been done), to justify the hypothesis of the primacy of International Law juridically, theoretically, by the positive rules of the Law of Nations, and then to use this hypothesis as a 'useful means of further research,' seem to me to be the programme of the science of International Law, in so far as it is a theoretical science."

The three remaining papers on "The Foundations of Modern Prize Law," by Harold Potter; "Effect of the Protocol and Covenant," by Herbert F. Manisty, and "Upper Savoy and the Free Zones Around Geneva and Art. 435 of the Treaty of Versailles," by F. Llewellyn Jones, are short papers all well treated and of interest in their specific fields.

This small volume of only 188 pages is well worth the attention of any one who is in the least interested in the situation of International Law today.

Margaret C. Klingelsmith.

OTHER BOOKS RECEIVED.

*PUBLIC UTILITIES AND THE LAW. By William H. Wherry, Jr. New York, Writers' Publishing Company, 1925, pp. x, 337.

*THEORY OF JUSTICE. By Rudolph Stammler; translated by Isaac Husik. New York, MacMillan Company, 1925, pp. xli, 589.

*FEDERAL INCOME TAX. By George E. Holmes. Indianapolis, Bobbs Merrill Co., 1925, pp. xcvi, 2007.

*HISTORICAL FOUNDATIONS OF THE LAW RELATING TO TRADEMARKS. By Frank I. Schechter. New York, Columbia U. Press, 1925, pp. xxviii, 211.

*ANATOMY OF THE LAW. By Hon. Adolph J. Rodenbeck. Boston, Little, Brown & Company, 1925, pp. xi, 292.

HANDBOOK ON THE PROTECTION OF TRADE MARKS, PATENTS, COPYRIGHTS AND TRADE NAMES IN CHINA. By Norwood F. Allman. Shanghai, China, Kelly & Walsh, Ltd., 1924, pp. iii, 207.

REPORT OF THIRTY-THIRD CONFERENCE OF INTERNATIONAL LAW ASSOCIATION. London, Sweet & Maxwell, 1925, pp. cxliii, 716.

PROCEDURE AND PRACTICE BEFORE THE U. S. BOARD OF TAX APPEALS. By George E. Holmes and Kingman Brewster. Washington, D. C., John Byrne & Company, 1925, pp. viii, 225.

*To be reviewed in a later issue.

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