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Review of “Handbook of International Law,” By George Grafton Wilson

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unsuccessful insurgents, the taxpayers are not liable to a duplicate payment when order is restored.

5. A state is not liable for incidental damages or injuries caused by insurgents if the state used due and reasonable diligence to give protection but still failed to control the situation.

In the publication of this volume Dr. Silvanie has thus supplied a very useful brief and substantially accurate survey and summary without any pretense to an exhaustive and authoritatively definitive treatise.

ARNOLD J. LIEN.†

HANDBOOK OF INTERNATIONAL LAW. By George Grafton Wilson. Third edition. St. Paul: West Publishing Company, 1939. Pp. xxiv, 623.

The present edition of this familiar hornbook by George Grafton Wilson, Professor Emeritus of International Law in Harvard University, appears twelve years after the second edition; the first edition appeared in 1910. It contains fifty-three more pages, partly the result of an improvement in type and format. In the table of cases, for example, only 35 instead of 67 cases are listed on one page. The type and paper are both of better quality.

It is always a difficult problem to condense into brief compass any legal subject; it is particularly difficult with a subject like international law where national variations on accepted norms can be accurately portrayed only in extensive monographs. No two persons would be expected to agree upon choices for inclusion or exclusion. Criticisms pertinent to a treatise are inapplicable to a hornbook. Many suggestions of the reviewer would accordingly be criticism of any hornbook rather than of this particular one. The reviewer notes, for example, that the subject of international organization is disposed of in two pages; that the Pact of Paris receive but one bare passing mention (its text was included in an appendix to the second edition); that the reference to the 1930 London rules governing visit and search by submarines gives no indication of the fact that they have been accepted by some 48 states through the 1936 Protocol; that the three pages 155-158 on exemptions from jurisdiction give little indication of the modern trend toward distinguishing between acts *jure imperii* and *jure gestionis*. On page 133 the revision of the United States law whereby citizenship may be derived through the mother is not mentioned, though it is covered in Professor Wilson's 9th (1935) edition of Wilson and Tucker's *International Law*. On page 86, a reference to the Trail Smelter Reference might have been more helpful than the citation of *Hudson County Water Co. v. McCarter*.¹ The publishers will wish to correct at the next opportunity the transposition of two paragraphs of type on page 256.

In accordance with the policy of the second edition, footnotes have been reduced to a minimum but a bibliography (arranged by authors) occupies six pages.

The personal opinion of the reviewer is that those who use a book of

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1. (1908) 209 U. S. 349.

this character would profit from an expansion of the use of modern materials which could be made possible by a contraction of the space devoted to historical backgrounds and quotations from the early writers.

PHILIP C. JESSUP.†

THE EXPERT WITNESS. By Arthur L. Mundo. Los Angeles: Parker and Baird, 1938. Pp. xi, 365.

It is difficult to determine what benefit this book provides, either to the profession or to the expert witness. From the fourth paragraph of the preface, it may be surmised that the volume is intended as a guide to the expert witness that he may have "a better understanding of his duties, responsibilities, compensation and other matters connected with the case in court."¹ The bulk of the text contains so much on the technical rules of evidence that it does not seem adapted to aid one who might be called upon to testify once or even occasionally. Perhaps this would not apply to one who makes a profession of appearing in court as an expert witness. The frequent repetition of the statement that the admission of matter discussed is within the discretion of the trial judge, or that the admission of evidence of the type mentioned has been held to be nonprejudicial error and no ground for reversal would not seem to be of assistance to a person seeking to qualify as an expert. The brief portion² on the distinction between fact and opinion is inadequate for the purpose stated.

As a handbook for the practitioner nothing is offered which has not already been presented elsewhere in greater detail and with more analysis to those preparing for their profession. Legal periodical literature abounds in articles on the subject, and the great modern texts on the law of evidence contain scholarly expositions and analyses of the various rules. Early handbooks on expert testimony such as Lawson's³ and the more analytical text by Rogers⁴ preceded the comprehensive modern texts,⁵ but would be superfluous today. The California citations which appear frequently may be of advantage to the practitioner in that state but should be readily available in a California digest. On the whole, the book can offer little to the well prepared lawyer.

Undoubtedly there is a place for a guidebook to professional men who may be called upon to furnish expert opinion as an aid in the advancement of justice. Modern schools of engineering, medicine, and other professional schools include in their curricula courses covering the relation of their professions to the law. The author has presented some matters of value

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1. Also see p. 23: "Be sure, however, that your report goes only to those entitled to receive it—malicious and untruthful statements would not be privileged." Privilege needs explanation.

2. Secs. 1 and 2.

3. *The Law of Expert and Opinion Evidence* (1883).

4. *The Law of Expert Testimony* (1891).

5. 3 Jones, *Commentaries on the Law of Evidence* (2d ed. 1926), treats of the subject of Opinions, pp. 2277-2516, to say nothing of the analytical treatments by Wigmore and others.