

International Law and Diplomacy of the Spanish-American War. By ELBERT J. BENTON. Albert Shaw Lectures on Diplomatic History. 1907. (Baltimore: Johns Hopkins Press, 1908. Pp. 300.)

This volume, treating Spanish-American relations during the Cuban insurrection and the Spanish-American war, in its general plan is similar to several other recent monographs over various recent wars. In treating the controverted points of international law which arose during this period, it exhibits the foreign policy and practice of the United States both as a neutral and as a belligerent. Especially in the discussion of neutrality the author has made large use of La Fur's *Étude sur la guerre hispano-américaine de 1898, envisagée au point de vue du droit international public* (Paris, 1899). Though he has not had access to Spanish materials, he has evidently made a careful examination of the American materials and has presented the results dispassionately—possible erring sometimes in favor of Spain. In large part his study is a criticism of American usages in warfare. Though the book contains no bibliography or discussion of authorities, it is supplied with many footnote references. It also has a good index.

In Chapter I, on Cuba and National Policy, the author illustrates the domination of national interests over national policy by the seventy-five years of Spanish-American diplomacy in regard to Cuba. In Chapter II he treats the difficulties of maintaining neutrality in face of increasing troubles in Cuba (1895-1897), which were largely due to filibustering expeditions conceived by exiled or naturalized Cubans in the United States, and which through the justifiable but ill-advised Spanish expedient of concentration of the population as a military measure (and through exaggerated American press reports) increased American sympathy for the Cuban insurgents—who were more ferocious in their warfare than the Spaniards and from whom the United States still wisely withheld recognition of belligerency. Though the American judiciary “showed a laudable purpose to interpret the obligations of neutrality as rigorously as could be desired,” the efforts of the American national government to enforce the laws were often rendered ineffective by the “laxness of local government,” which Benton says “is the scandal of the American system of government and a constant international humiliation.” Though the treaty rights of American citizens whom Spain arrested on the charge of aiding the insurgents were the occasion of constant friction between Spain and the United States, and though inflammatory reports of Spanish procedure in such cases kept American popular opin-

ion at high tension, the author concludes that "the testimony of American official sources exonerates Spain from injustice."

In Chapter III the author traces the series of events, from October, 1897, to March, 1898, which led to American abandonment of the non-intervention policy. In regard to the concessions which Spain offered Cuba as a preliminary to fuller liberty which was to follow successful autonomy—concessions of reform which were opposed by both constitutional unionists and insurgents—he says recent events have tended to justify the view of Spain that Cubans were not yet ready for a fuller degree of self-government. He says official Spain in promptly recalling De Lome made the fullest reparation for whatever real offense she had committed; and that on any real basis in reason or fact she could not be held guilty of any deliberate criminal act in the case of the Maine disaster, which she properly proposed should be settled by joint investigation or by arbitration. He thinks the American refusal of arbitration in the Maine case was a mistake. In Chapter IV, on Intervention, he refers to the significance of the several concessions of March 30, 31, and April 9 (revoking the concentration orders, leaving matters of peace to a proposed Cuban parliament, and agreeing to suspend hostilities) by which Spain adequately responded to the expressed wishes of the United States, and states that McKinley was premature in submitting to Congress his message of April 11 which resulted in the resolution of April 19 committing the United States to forcible intervention in Cuba. "Of the grounds set forth by the United States in intervention in Cuba, taken separately and isolated from a century's history," says Benton, "not one could have warranted intervention. . . . In the opinion of nearly all writers on international law the particular form of intervention in 1898 was unfortunate, irregular, precipitate and unjust to Spain." He concludes that McKinley did not exhaust the resources of diplomacy, and that intervention on humanitarian grounds without concert or coöperation with other nations was not good practice in international law.

Chapters V, VI and VII treat various interesting questions of international law connected with the transition from neutrality to belligerency, the relations of the belligerents, and relations between the belligerents and neutrals. The decisions of the courts in the prize cases and in allied subjects are reviewed in detail. Chapter VIII relates the history of the negotiations for peace.

In the final chapter, on the interpretation and fulfillment of the treaty of peace and the status of the islands annexed, the author intimates that

the United States was not justified in exacting such a large territorial indemnity and that she should have submitted the question of change of sovereignty in the islands to a popular ratification of their inhabitants. Concerning the question of status, in face of decisions of the Supreme Court he says: "The conduct of the United States with reference to the new territories seems to be a dangerous stretch of the true intent of the uniformity clause of the constitution. There was no valid reason for denying the rule of the Constitution in the Philippines or Porto Rico, though it is well known that there have been precedents for such practice." Referring to the recent American intervention under the wise conditions for preventing internal disorder in the young republic of Cuba, the author says it seems to illustrate the truth of the contention set forth by Spain in defense of the form of autonomous government offered to Cuba in 1897—that the Cubans were unprepared for more.

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The United States as a World Power. By ARCHIBALD COOLIDGE. (New York: The Macmillan Company. 1908. Pp.vi, 385.)

That the Spanish war, the acquisition of insular possessions, the vigorous prosecution of the Panama Canal, participation in the march on Peking, active efforts on the part of our secretary of state in behalf of the principle of the open door in China and the promotion of closer relations between ourselves and Latin America, intervention in Santo Domingo and Cuba, the determination of the people of the United States to have a powerful navy and to bring to greater efficiency the army and organized militia—that these and numerous other events of the past decade point in the plainest way that the United States has, since the beginning of this period, entered upon a new and momentous phase in its national existence is a fact so evident as to be of universal acceptance. Taken together, these occurrences may be said to signal the definite entrance of the United States into the great arena of world politics. It is one thing to know of the existence of certain phenomena, but quite another to appreciate the underlying causes that have brought such phenomena into being and to determine their significance for the future. Professor Coolidge has attempted the latter task in a book which does not have a single dull line in it from cover to cover. He has more than attempted. He has given us a work that is at once exceedingly interesting, well-written and sane. Though necessarily it treats, in great part, of matters