

## BOOK NOTES.

IN a prefatory note to *International Law: a Simple Statement of its Principles* (New York, G. P. Putnam's Sons, 1896), the author, Mr. Herbert Wolcott Bowen, says that the work is "to a great degree but an amplification of notes taken on treaties, municipal laws and the works of publicists, especially Wheaton, Woolsey and Wharton." This candid, modest statement indicates the character and scope of the work, besides disclosing on the part of the author, who is a consular officer of the United States, a commendable employment of his spare moments. There is nothing, however, that requires a more comprehensive knowledge of a science than the making of a concise statement of its principles; and this requirement is not lessened by the attempt to blend the views of other writers. Many of Mr. Bowen's statements of principle are sufficiently accurate; but some of them he would on further investigation probably desire to modify. Of the latter we may cite as an example the section on domicile (s. 143), in which it is stated that the native-born and naturalized citizens of a country, and "persons that have their domicile therein," are "entitled to claim the protection of the nation both at home and abroad, and international law gives them the same nationality." If this be so, what is the meaning of our naturalization treaties? And why is it that the statutes of the United States do not authorize the issuance of, and that the Department of State refuses to issue, passports to merely domiciled inhabitants of the United States? The statement in question is obviously based on the passage from Marcy's Koszta note, given in Wharton's *Digest*, s. 198 — a passage which, being torn from the context, presents, like many other passages in the same work, an utterly insufficient and misleading view of the case to which it relates, and of what was actually maintained in it.

Mr. F. J. Stimson has followed his *Labor in its Relation to Law* (which was noticed in this *QUARTERLY*, vol. xi, p. 196) by a bulkier work entitled *Handbook to the Labor Law of the United States* (Scribners, 1896). This is a readable and successful attempt to set forth the law of labor disputes, and the methods of regulating industrial affairs and protecting employees. It rests on a careful collation, not only of the commonwealth statutes, but of the numerous court decisions on each branch of the subject. It is not only a handbook, but a handy book, and meets an undoubted want.

Under the title *La Funzione pratica della Filosofia del Diritto, considerata in sè ed in rapporto al Socialismo contemporaneo* (Bologna, Zanichelli), Sig. Icilio Vanni reprints the first of a series of lectures upon legal philosophy delivered by him in 1894 at the University of Bologna. The philosophy of law, he contends, is not a branch of jurisprudence; its task is not to set forth in systematic form the most general and abstract principles of law; it is a branch of philosophy, and its function is to consider law "in its relation to life, to its needs and its ends." Such a consideration is practically forced upon modern society by the socialistic criticism of existing law; and to the examination of socialistic theories Sig. Vanni devotes a large part of his pamphlet. The premises on which these theories are based are, as he shows, individualistic, consisting in assumptions regarding "natural rights"; but the realization of the socialistic program would involve the suppression of individualism and "a return to that social state in which the individual belongs to the community as its mere organ, deprived of independence, of free will, of personal liberty." With the substance and tendency of Sig. Vanni's legal philosophy we have no quarrel; but from the point of view of system and nomenclature it would be of interest to learn how he distinguishes philosophy from sociology.

A clear and convenient critical summary of many different views will be found in *Théories Modernes sur les Origines de la Famille, de la Société et de l'État*, by Adolphe Posada, professor of public law in the University of Oviedo. The Spanish original was published at Madrid in 1892, and the present translation is included in the Bibliothèque Sociologique Internationale (Paris, V. Giard et E. Brière). No other book that we have seen presents so compactly and on the whole so well the theories of the original writers on social origins. The reader who takes up these questions for the first time will find here the gist of the arguments and conclusions of Maine, Morgan, McLennan, Bachofen, Girard-Tenlon, Lubbock, Spencer, Letourneau, Dargun, Post, Starcke, Jhering and Westermarck. Dr. Posada thinks independently; his criticisms are able and his own conclusions are judicial. He does not admit that primitive society was a primitive family only: it was also, he believes, a primitive state.

An interesting analysis of the concepts "society," "state," "law" and "government," an examination of the relations of the state to society, and some sound conclusions upon the relations of law and political science to sociology, are contained in *L'État comme Organisation Coercitative de la Société Politique*, by Sigismond Balicki (Paris,