teacher of a first course in equity unless he agrees with the editors in their rather startling theory that such a course need not include—except perhaps incidentally—such topics as injunction against tort, protection of rights of personality, bills of interpleader, bills *quia timet*, etc. This theory derives apparently from the editors' feeling that the basic quality of equity jurisdiction lies in the power to act specifically and *in personam*, that a thorough understanding of that power is the prime and all-inclusive purpose of a basic course in equity, and that, finally, such an understanding can be sufficiently as well as most effectively attained by a genetic study of the development of the remedy offered in the Chancellor's court together with an intensive study of the special use of that remedy in the field of contract. With the first two of these propositions one cannot quarrel. The third, however, cannot pass without serious challenge.

The present reviewer does not claim to be an old hen either in the practice or the teaching of equity. What little experience he has had in both, however, convinces him that the theory of Messrs. Chafee and Simpson, at least as it is implied in the limitation adopted by them, is emphatically wrong. In the first place, from the point of view of interest for the student, the reviewer has found that the subject-matter of specific performance of contract is far less stimulating than the vast and exciting field of injunction against threatened wrongs apart from breach of contract. In the second place, the reviewer finds it hard to believe that in the current practice of law the cases involving specific performance as a contemplated remedy are so numerous that they should be singled out as the wellsprings from which to drink and appreciate the waters of equity as these waters are used today—not as they may have been used in the time of Lord Ellesmere. But, more than all, the present reviewer simply cannot see the wisdom of letting students go through a full basic course in equity without ever having handled such star-cases as *Richards v. Dower, Gee v. Pritchard, Emack v. Kane, Carleton v. Rugg, Commonwealth v. McGovern, Tribette v. Illinois Central Ry. Co.*, and many others that are either wholly omitted from the present work or relegated to an inconspicuous footnote. It may be that such cases are treated with particularity in subsequent advanced courses in Equity in the Harvard curriculum. The reviewer believes, however, that to cut them off from a basic course in equity is to commit something akin to mayhem.

Despite the above strictures, however, it is to be repeated that the publication of this work is an event of first-rank importance. It is certain to give a "push" to the art as well as the science of legal pedagogy.

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FILOSOFÍA JURÍDICA CONTEMPORÀNEA, by *E. F. Camus*, of the University of Havana, with a Prologue by Hans Kelsen, of the University of Cologne. Havana: Jesus Montero, Editor, 1932. Pp. 198.

In Latin countries legal philosophy is an important subject, both in the law schools and in the courts. This book attempts to represent a modern

point of view in this subject. Kelsen states the background in his prologue. He says that returning European and Latin emphasis upon natural law is the result of a search on the part of the capitalist element in our culture to find a stable and authoritative defense of their privileges to take the place of the old "divine right" theory; while the proletarian rejection of both state authority and legal systems is in defense of their struggle to overthrow the existing economic order and to establish one of their own. His own viewpoint of the philosophy of law seeks to steer clear of both of these "defense" philosophies and to study law as it is, as an historical institution and as a functional mechanism for adjusting social conflict. This view the author adopts in essentials and justifies it by means of a historical treatment of theories of the law. He emphasizes especially the neo-Kantian school and in particular the legal philosophies of Stammler, del Vecchio, and other seekers after absolutistic naturalistic norms. On the basis of his criticism of these fallacious attempts to establish a naturalistic fundamentalism in law, the author adopts a more relativistic view, but escapes legal chaos by appealing to the historical fact and the unity of law inherent in consensus and practice and precedent. But he always considers law as an adjustment mechanism, not as a revelation nor as a metaphysical absolute.

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FRANCISCO DE VITORIA, FUNDADOR DEL DERECHO INTERNACIONAL MODERNO; AND FRANCISCO SUÀREZ (1548-1617). By *Camilo Barcia Trelles.* Valladolid, Spain: Sección de Estudios Americanistas, Universidad de Valladolid, 1934. 2 vols. Pp. 229, 178.

These two separate works by the distinguished Spanish historian of International Law and professor in the University of Valladolid, Barcia Trelles, were in each case first delivered as lectures before the Academy of International Law at The Hague and later published in French and Spanish. The author maintains that Vitoria, rather than Grotius, was the true founder of modern international law and that Spain rather than Holland was the cradle of this science. Spain's early development of world commerce and her conflicts with other west European powers upon the seas forced this development upon her legal and diplomatic leaders. He justifies the inclusion of Suàrez among the sixteenth century authorities on international law on the ground that his theories were taught then at the University of Coimbra, although his work on the subject was not published until 1612.

Anyone who is familiar with the research and authorship of Barcia Trelles in his chosen field will be prepared for the brilliant and highly systematic treatment he gives to both these men, on the historical and critical side, as well as the exposition of their theories of international law. He never forgets to be a social scientist while at the same time he is a legal technician.

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