

to be exercised in a certain way. But the right of entering into international engagements is an attribute of State sovereignty." And similarly in the *Lotus* case: "International law governs relations between independent States. The rules of law binding upon States therefore emanate from their own free will as expressed in conventions or by usages generally accepted as expressing principles of law." The author makes this enlightening comment: "The curbing of some cherished claims of State sovereignty is the result of submission to jurisdiction, and not of any usurpation of powers on the part of the Court."

Professor Lauterpacht has produced a scholarly and readable volume which merits the attention of all who have either a general or a special interest in international law or the World Court—or, for that matter, in the general problem of judicial legislation.

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COMO SE HIZO LA CONSTITUTION DE CUBA, by *Antonio Bravo y Correaso*. La Habana: Rambla, Bouza y Ca., 1928. 113 pp.

BASES PARA UNA CONSTITUTION FUNCTIONAL, by *Oscar Alvarez Andrews*. Santiago de Chile: The Author, 1932. 125 pp.

These two little works on constitution making are about as different as they well could be. The former, by a member of the Cuban senate, is patriotic and historical in character. It is very clearly and simply put, so that even high school students could grasp its contents. After a brief summary of the achievement of the independence of Cuba, and an incidental criticism of the United States for making the treaty of liberation without consulting Cuba on terms of equality (p. 9), the author proceeds to analyze the form of government and to give a circumstantial account of the debates and decisions of the constituent assembly (of which he was secretary) in framing the constitution. This account is very interesting and provides a very good picture of how such assemblies work. Of course the main provisions of the constitution are explained. In discussing the Platt Amendment and intervention some further repressed antagonisms against the United States are mildly displayed.

Alvarez' book is concerned with what should be rather than with what is in the Chilean constitution. He takes a decidedly liberal, although not a doctrinaire, viewpoint, and treats his subject matter from the standpoints of (1) fundamental principles, (2) functional organization, (3) effective public opinion. He is well read in the recent European literature of functional democratic government. The book is really a handbook for the student of constitution making and for the more intelligent type of citizen and is constructed largely in outline with terse, pointed definitions and statements of principles. It should serve its function well. We have nothing just like it in this country and the work most similar to it in Great Britain is Sidney and Beatrice Webb's *Socialist Constitution for Great Britain*—although the two books are by no means wholly comparable. Alvarez' book is much more terse and provocative. He is not content merely with a statement of the principles of government which a constitution should embody.

He has a very challenging plan for the organization of the state on modern lines, and another plan for making public opinion both active and responsible. This book will repay a careful reading.

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TEORÍA GENERAL DEL DERECHO CIVIL INTERNACIONAL, TOMO II, by *Angel Modesto Paredes*. Quito: Talleres Gráficos Nacionales, 1934. Pp. 355.

This work on International Civil Law, by the professor of the subject in the Central University of Ecuador, has been praised highly by such authorities as Sánchez de Bustamante, Cosentini, and Alcorta. The second volume, after attempting to base the civil law on a theory of social justice, proceeds to discuss the exteriority of the law, its authoritative bases, the local applications of the law, its basis in public order, and finally to make a review of legislation with respect to the subjects discussed. The author's primary purpose has been, he says, to discover the fundamental reasons of an intrinsic character which justify the accepted decisions in cases of international civil law covering persons, things, and actions. In this endeavor he has sought to go beyond mere technicality and precedent in search of the fundamental bases of social order. Especially has he sought to avoid all legal rationalizations as such. As is generally the case with Latin American legal treatises, there is much emphasis upon the Roman law and the treatment leans heavily toward the philosophy of law, and but little to precedent as a justification.

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## Books Received

CASES ON EQUITY, by *Zechariah Chafee* and *Sidney Post Simpson*. Cambridge: published by the authors. 1934. Two volumes; pp. 1619.

CASES ON OIL AND GAS, by *Victor H. Kulp*. St. Paul: West Publishing Company; 2nd. edition 1935. Pp. 663.

MODEL PLANNING LAWS, VOLUME VII OF THE HARVARD CITY PLANNING STUDIES, by *E. M. Bassett*, *F. B. Williams*, *A. Bettman* and *Robert Whitten*. Cambridge: Harvard University Press, 1935. Pp. 137.

RESTATEMENT OF THE LAW OF CONFLICT OF LAWS, adopted and promulgated by the *American Law Institute*. St. Paul: American Law Institute Publishers, 1934. Pp. 814.

RESTATEMENT OF THE LAW OF TORTS, adopted and promulgated by the *American Law Institute*. St. Paul: American Law Institute Publishers, 1934. Two volumes; pp. 1338.

CASES ON BUSINESS ORGANIZATION, by *Roswell Magill* and *Robert P. Hamilton*. St. Paul: West Publishing Company, 1935. Volume II; pp. 1349.