LAWS OF WAR AND PEACE
41 Noteworthy Titles
September 2, 2020
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John Mendelsohn and Donald S. Detwiler, Editors


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An exploration of Spanish-American relations prior to and during the war. This work is critical, but it leans heavily toward a pro-American point of view. He concludes, for instance, that American military and diplomatic objectives were achieved to varying degrees, that at the end of the conflict Cuba was granted complete sovereignty, and that the treaty of peace was fulfilled.

D.W. Bowett
Self-Defense in
International Law
Bowett observes that the use or threat of force by any state can be a delict, an approved sanction, or a measure taken in self-defense. He examines the evolution of the doctrine in the 19th and early 20th centuries, with the assumption of the existence of a state's unlimited right to go to war.

Samuel B. Crandall
Treaties, Their Making
and Enforcement
Reprint of the 2nd edition, preferable because it is a substantially expanded work. This important treatise analyzes agency and the right of ratification, the essentials of validity, the reality of consent and the operation of treaties from the date they take effect to their interpretation and termination. It explores treaty-making in the United States in great depth, including treaties made before and during the Articles of Confederation era, and discusses treaty-making in Germany, Great Britain, France, Belgium, Italy, Denmark, Switzerland and other countries.

Frances Gardiner Davenport, Editor
European Treaties Bearing on the History of the United States and Its Dependencies
This valuable compilation contains treaties and papal bulls dealing with colonial matters. Although they are fundamental documents for the study of early American history, they are not widely available in print form. Contains 203 treaties with historical introductions and extensive bibliographical notes. Each volume contains a thorough index.

Edward A. Harriman
The Constitution at the Cross Roads
A Study of the Legal Aspects of the League of Nations, The Permanent Organization of Labor and the Permanent Court of International Justice
Harriman offers a thorough, organized treatment of the extent of the legal consequences in which the Constitution of the United States may be affected by the Treaty of Versailles and the United States’ resulting membership in the League of Nations and the Permanent Court of International Justice.
Selected Titles

**Thomas Erskine Holland**

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(Written and Unwritten)


Holland [1835–1926] analyzed the proceedings of the international conventions held at St. Petersburg in 1868, Geneva in 1906 and the Hague in 1899 and 1907. He found that they provided enough common material to create a code of land warfare, so he synthesized the texts of these conventions into a code containing 140 numbered articles divided into five sections. Each is annotated with references to the conventions. A standard authority during the First World War. Still cited today, it is also a primary source for the study of the law of land warfare from 1868 to the mid-20th century.

**Manley O. Hudson**

**International Tribunals Past and Future**


An authoritative survey of significant international courts and tribunals over the last 150 years, beginning with a brief history from the American-British Treaty of 1794 to the time of publication. The work goes on to offer a constructive analysis of the place of tribunals in problems of world affairs, with an emphasis on their organization, operation, function as well as a critical examination of the merits and defects.

**Frederick J. Jacobsen**

**Laws of the Sea**

With Reference to Maritime Commerce, During Peace and War

[Translated] from the German by William Frick


Reprint of the 1818, first English-language edition. Originally published in Altona (Hamburg) in 1815, J.G. Marvin spoke highly of this work in his Legal Bibliography (1847), noting that few have equaled his wide range of research and depth of learning (418-419). As late as 1921, G.L. Canfield, writing in the Michigan Law Review, called this work “one of the pleasures of the legal bibliophile” that “remain[s] essential today to a practitioner’s library (19:580-582).

**Hans Kelsen**

**The Law of the United Nations**

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**William Ladd**
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Reprinted from the Original Edition of 1840 with an Introduction by James Brown Scott
The first important statement on the preservation of peace through international mediation published in the U.S. Well-received in Europe, it became a central text for peace organizations and participants in international law conferences, and did much to persuade Americans to accept the idea of an international peace organization.

**A.T. Mahan**
Armaments and Arbitration
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A collection of influential essays, some originally published in The North American Review from 1911 to 1912, offer an examination of the factors involved in the use of force vs. the use of law in international disputes.

**Lawrence Martin**
The Treaties of Peace, 1919–1923
Maps Compiled Especially for This Edition and a Summary of the Legal Basis of the New Boundaries by Lt. Col. Lawrence Martin
A useful reference, this title contains the complete texts of the peace treaties that concluded the First World War.

**Robert C. Morris**
International Arbitration and Procedure
Traces the legal aspects of international controversies and their resolution, with an emphasis on the role of the United States in such arbitrations. With a foreword by William Howard Taft penned during his presidency, who points out that Morris “has shown the progress that has been made toward the final hope of all the advocates of arbitration, to wit, an arbitral court, sustained by the agreement of all nations.” (p. x).

**Sir Walter George Frank Phillimore**
Three Centuries of Treaties of Peace and Their Teaching
This historical analysis of treaties enacted from 1582 to 1913 was intended to provide guidance to the diplomatic community at the end of the First World War.

**Walter Alison Phillips**
The Confederation of Europe
A Study of the European Alliance, 1813–1823 as an Experiment in the International Organization of Peace
Phillips [1864–1950] believed that World War I, though greater in scale, was similar to earlier European conflicts. Hopeful that the newly formed League of Nations could learn a useful lesson from the past, he offers an account of its most successful forerunner, the European alliance of 1813-1823, which was formed at the end of the Napoleonic Wars. Reprint of the second edition.
**Selected Titles**

**Coleman Phillipson**

Termination of War and Treaties of Peace


**Sir Frederick Pollock**

The League of Nations


A trenchant analysis of the League of Nations by one of the leading legal scholars of the day.

**Jackson H. Ralston**

International Arbitration from Athens to Locarno


This study is notable for its deep understanding of history and the nature of international arbitration. The first part outlines general principles of judicial settlement between nations. The second part is a historical survey of international arbitration from antiquity to the Treaty of Locarno (1925).

**James Brown Scott**

Sovereign States and Suits before Arbitral Tribunals and Courts of Justice


Scott outlines a history of states gradually renouncing warfare in favor of international mediating agencies. His conclusions were overly optimistic, but his book remains valuable for its intellectual history of inter-state mediation and its insights into the relationship between sovereign states and the Hague Tribunal of Arbitration and the Permanent Court of International Justice.

**Robert W. Tucker**

The Law of War and Neutrality at Sea


Reprint of a title in the International Law Studies series published by the Naval War College. Published at a time when international law was processing the challenges introduced during World War II and the Korean Conflict, and when the United Nations, the World Court and other new international bodies were exerting influence as belligerents or judicial bodies, Tucker’s analysis was a timely guide to a legal field in the midst of unprecedented change.

**William Whiting**

War Powers under the Constitution of the United States

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Widely believed to have profoundly affected President Lincoln’s war actions. In Whiting’s legal theories regarding war powers and the abolition of slavery espoused here Lincoln found justification for the Emancipation Proclamation, and the constitutional authority to abolish slavery.
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Richard A. Falk, Editor
Originally published: [Baltimore]: Johns Hopkins University Press, 1971
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D. W. Bowett
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With a New Preface by
H. E. JUDGE ROSALYN HIGGINS
President, International Court of Justice
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