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St. Thomas and the World State. By Dr. Robert M. Hutchins.

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(*Stadtgerichten*) —], the attachment of personal property created simultaneously the basis for jurisdiction in those courts.

Professor Riezler—alas—does not tell the whole story, he overlooks the English part. It may be, therefore, permissible for this reviewer to submit a few supplementary lines. Heretofore, it was believed that foreign attachment originated in the "custom of London," as one may see from the outline in *Ownbey v. Morgan*, 256 U. S. 94 (1921). But is this true? First, as a privilege granted to several cities in medieval times, and, later, at the beginning of the Sixteenth Century incorporated in the Coutume of Paris ("Custom of Paris"), Article 173, a right arose for a citizen of the city who had lived there for more than one year and one day to attach whatever was owned by a non-resident debtor of his and was held within the city (p. 73). This was called the *saisie forcaine* (foreign attachment).

The history of foreign attachment seems to originate in the endeavor to facilitate the satisfaction of the creditor's claim, an endeavor which probably first in Italy and France, and later in England had struck roots. This reviewer hopes in a not too remote future to complete a more detailed examination of this subject.

There are a great many other problems presented in the volume which go to the very essence of Conflict of Laws. Only one can be mentioned in passing. In the middle of the Thirteenth Century the *glossatores* arrived at the distinction between the *lex fori* as the law controlling *ordinatoria* and the *lex causae* as governing the *decisoria litis*. The former goes to questions of procedure, the latter to the choice-of-law problems. (See pp. 65 66).

This is a voluminous, but a great book. It forms a worthy counterpart of Ernst Rabel's great comparative work on Conflict of Laws. Both monographs are, so far, the most important book contributions to comparative law in the fields of Private International Law. Dr. Riezler supplies a monumental text of the procedural and jurisdictional problems while Dr. Rabel, fully investigates the choice-of-law part of conflict situations. There is no duplication. I emphatically suggest the translation of Riezler's volume into English.

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Arthur Lenhoff

ST. THOMAS AND THE WORLD STATE. By Dr. Robert M. Hutchins. Milwaukee: The Marquette University Press. 1949. Pp. 53. \$1.50.

In the spring of 1949, Robert M. Hutchins was invited to deliver the Fourteenth Aquinas Lecture under the auspices of the Aristotelian Society of Marquette University. With his customary informed urbanity, Dr. Hutchins merely varied a theme which he had been presenting for many years: the

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necessity for a world state. This lecture has now been carefully edited and published in this complete and inexpensive edition.

On the one hand, Dr. Hutchins' work is a scholarly argument that the political theory and teachings of St. Thomas lead irresistibly to world law, world government and a world state. At the same time, it is also a call to Catholics to assume active leadership in the drive for world organization and to make the special Catholic contribution to such a movement. The latter appeal has, of course, been heard within the Church many times. See *Pope Benedict XV, Encyclical on International Reconciliation*, 1920; Edward A. Conway, S. J., *Catholics and World Federation*, AMERICA, Dec. 4, 1948.

From a few suggestions in Aristotle's *Politics*, St. Thomas constructed a complete and balanced theory of the perfect community which is equally valid for our time and our problems. This perfect community is one which is self-sufficient and peaceful. This community does not need the help of any other for any purpose. St. Thomas' distinctive contribution was the recognition that peace is an essential condition of the perfect community. In modern terms, the only self-sufficient community must be the world itself. St. Thomas understood the necessity for positive law with its attendant coercive effect in view of the imperfection of human beings. This positive law is enforceable as against all save the sovereign. Dr. Hutchins argues from this that a world state requires positive law on a world scale. This is necessary to limit the freedom of action of the sovereign states themselves. He argues that, in the absence of such law, sovereign states may be expected to behave as individuals in the absence of positive law: they may be expected to break the peace. In this atomic era, in the absence of such positive law enforceable as against sovereigns, the continued existence of our civilization is doubtful.

Dr. Hutchins writes with persuasiveness, force and clarity. He has the gift, unfortunately vouchsafed to few contemporary Aristotelians, of being profound without being unintelligible. This slim volume should be read by everyone interested in a rational method for the preservation of peace.

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James W. Sack

MY SIX CONVICTS. By Donald Powell Wilson. New York: Rinehart and Company, Inc. 1951. Pp. 369. \$3.50.

It is a truism that the law advances no faster than the wishes of society. Donald Powell Wilson has recognized this, and has gone to the people to convince them of the necessity for a change in our approach to the basic problem of crime and criminals. He has diagnosed our present approach to crime and