

BOOK REVIEWS

A NEW INTERNATIONALISM (A PRACTICAL INTERPRETATION OF HISTORY) *By Kojiro Sugimori. Waseda Guardian. 1940.*

This is a collection of thirty-two articles, most of which have been published in the *Waseda Guardian* from August, 1932 to May, 1940. They reflect the author's interpretation of contemporary world events; and, taken together, they form a frank and ingenious explanation and justification of imperialism, particularly Japanese imperialism. This little volume is, therefore, a welcome relief from the pronouncements of the Japanese Foreign Office. The Imperial Japanese Army and Navy should welcome this philosophical (so the author claims) defense of their program of conquest. To uneasy Japanese liberals—if there are any left—this should also come as a much needed assurance that, taking the "larger" view, Japanese Imperialism (as well as the Nazi, Fascist, and Soviet imperialisms) is simply a process towards what Prof. Sugimori naively calls the "internationalization of democracy." The thoughtful reader is not so easily misled.

The articles abound with such terms as International Morality, New Cosmopolitanism, International Regionalism, Super-modern Nationalism, New Federation—all of which are descriptive of the new world order the author foresees when present historical processes complete themselves. As to how exactly the new order is to be brought about, the author is not so clear, but he is quite emphatic about the necessity of redistributing the world's wealth. "Effective and equitable world government," says the author, "can only be established by a system which seeks constantly to readjust basic economic possessions according to the needs and rights clearly manifested by the development of each nation in its internal structure and social capacities." Since Japan is obviously an advanced nation, politically

as well as industrially, she is "entitled" to expand. National boundaries and historical rights are of no consequence. "International morality" must take the place of international law.

In the specific case of China, the author says that Japan has the "responsibility, duty, and right" to "help" China, regardless of what the Chinese may think about it. For the minor matter of a nation's right of self-determination must give way to the larger interests of an "international regionalism," which, in the Far East, can best be facilitated by a New East Asia Movement under Japan's leadership. Besides, China, according to our author, is "in capability of government and industrialization, practically hopeless. The China of bandits, not to mention the China of real Tuchuns as regarded by the people themselves, is alone a sufficient proof. This is of course a most unhappy description, but the fact is there." When these lines were written (August, 1932) China was neither governed by bandits nor by Tuchuns; the National Government at Nanking was in fact making great progress along all lines, and if success was not all that could be desired, Japanese interference and intrigue were largely to blame. The author carefully avoids discussing Japan's "duty and right" to "help" other Asiatic peoples, but following the line of his reasoning (development of the world's resources by "advanced" peoples) the Japanese "sphere of influence" must include other Oriental countries, not excepting the Philippines. If in establishing the "new East Asia order," Japan has to resort to military conquest, we must take **comfort** in the thought that the road to **Utopia** is not always a peaceful one. Professor Sugimori therefore is not bothered by the means. He looks to the future: "If the present European war as well as the China Incident could politically be managed most intelligently henceforth, a new world order should come

out of it a new group of spheres of influence and interests should appear after the present conflicts which are found the world over have been purified and sublimated wisely."

In his quest for a New Internationalism, a New Order based on "justice," "morality," "democracy," the author is not concerned whether the means of achievement are just, moral, or democratic. To him the end justifies the means.

As to the end, it is to be gravely doubted whether Hitler, Mussolini, Stalin, and the Japanese militarists are imbued with our author's high idealism of establishing a new world order based—to use Professor Sugimori's words—on "international liberty, fraternity, and equality." Their manner of administering conquered territories certainly gives no evidence of any high-minded internationalism. It is only fair to the author to say that he does not claim that the leaders of the aggressive "have-nots" (except Japan) are proceeding on the right track; but neither does he attempt to criticize their methods. He is content to view the present conflicts as inevitable—and probably salutary—historical processes that, if "intelligently managed," will usher in a new age in human relations. He is quite emphatic about what his New Internationalism is; but he is conveniently vague and evasive as to exactly how it is to be achieved, or, more directly, whether or not the methods presently employed are the proper ones. Of course, his is—so he claims—a *historical* interpretation of contemporary events; but since his "new order" is essentially based on international morality, it is pertinent to inquire whether the means employed are moral or not.

Of particular interest is the author's criticism of the United States' "legalistic" approach to international problems. He urges America to face the facts, and pursue a foreign policy based on present-day actualities, instead of having John Hay's Open Door Policy and the Nine Power Pact as a starting point. For the Phil-

ippines, the author has only the friendliest sentiments.

Although not written in very readable English, this book will repay reading by students of contemporary affairs. The viewpoint of an idealistic and intellectual imperialist must be, at the very least, interesting.—A. SyCip.

PHILIPPINE GOVERNMENT (Revised Edition) By Eufonio M. Alip, R. P. Garcia and Sons. 1939.

This is a textbook which has been approved for use in secondary schools by the Bureau of Education. The author, Dr. Alip, is professor of History, Sociology, and Government in two colleges and a university, and is, furthermore, the author of numerous other published works, as the title page tells us. The presumption, therefore, should be that this is a good textbook, or, at least, an adequate one. But an examination of its contents will prove the very contrary. The book abounds with errors and inaccuracies, and is written in consistently deplorable English.

A textbook should be clear, concise, and accurate. The material in a textbook should be chosen with discrimination and organized with care. A textbook should, moreover, be written in good, readable English. This particular textbook falls short of all these essential requirements.

The first obvious thing about this book is that it contains too much History. Philippine history is given as a separate course in high schools, and students can refer to their history textbook and references for what historical background may be necessary in their study of Philippine government. Where correlation between history and government is needed, brief explanations should suffice. This book is also characterized by clumsy organization of material. The reader often encounters unnecessary discussions and repetitious statements. But these could be overlooked if the book were reasonably free from errors and inaccuracies. Such, however, is not the

case. It would perhaps take a book of equal length (481 pages) to fully demonstrate the errors and inaccuracies in this book. Time and space permit us to only cite a few.

On page 3, under the very first topic of discussion, *What is a State?* the author enumerates the essential elements of a state, and proceeds to say: "In accordance with this concept of a state, Japan, Great Britain, Germany, Italy, the United States, France, and the Netherlands are states; *but not Canada, Ireland, Australia, California, Virginia, and Michigan* and neither is the Commonwealth of the Philippines. These latter territories, altho possessing three elements of a state, lack one element; namely, sovereignty. The Filipinos, thus, still owe allegiance to the government of the United States, and *all their external affairs are subject to the approval of the President of the United States.*" (Italics ours.) It is patently absurd to classify Canada, Ireland, and Australia with the states of the American Union. The Republic of Ireland is a state, possessing full sovereignty. Canada and Australia are now recognized as states: they conduct their own foreign relations, make declarations of war, and exercise other acts of sovereignty. And it is also error to say that "the external affairs of the Philippines are subject to the approval of the *President of the United States.*" Section 2, a. (10) of the Tydings McDuffie law says: "Foreign affairs shall be under the direct supervision and control of the United States." The President of the United States is quite different from the government of the United States, for obviously the latter includes Congress.

On page 8, discussing the different classifications of government, the author says: "The cabinet and the presidential types are also regarded as proper classifications. The cabinet system, which is best exemplified in England, is that form of government in which the cabinet is the *real governing body.*" (Italics ours.) This definition is obviously incorrect. In the English cabinet system

the real governing body is the parliament, and not the cabinet, which is only a committee of the parliament.

On page 92, discussing the powers of the Governor General, Dr. Alip says: "The *signature of the Governor General was necessary for the enactment of any law.*" (Italics ours) The author evidently forgot that a vetoed bill could be reconsidered by the Legislature, and upon a two-thirds vote of the members elected to each house it would be sent to the Governor General again, and in case the latter still refused to approve it, he must transmit it to the President of the United States, who had the final decision in the matter. (Section 19, Jones Law.) Furthermore, "if any bill or joint resolution shall not be returned by the Governor General as herein provided within twenty days (Sundays excepted) after it shall have been presented to him the same shall become a law in like manner as if he had signed it, unless the legislature by adjournment prevent its return, in which case it shall become a law unless vetoed by the Governor General thirty days after adjournment." (Section 19, Jones Law.) We see, therefore, that in the above instances the approval of the Governor General was not necessary for the enactment of a law.

On page 102, the author says: "The constitution of the United States . . . can be amended only by either of the following methods: (1) originating from Congress, the proposed amendment requires a two-thirds vote of the two houses and three-fourths of the state legislature, or (2) originating from any state legislature, it requires two-thirds vote of the state legislature and three-fourths of the votes of a constitutional convention called by Congress." Compare this to Article V of the Constitution of the American Constitution, and Dr. Alip's distortion of that provision will be readily seen.

On page 116, discussing the organic acts governing the Philippines, Dr. Alip says: "But such other (organic) acts

as run counter to the spirit and letter of our Constitution *have no binding effect, for our Constitution nullified them.*" (Italics ours.) Dr. Alip's contention is absurd on its face. Any student of constitutional law knows that the Constitution of the Philippines can in no way nullify acts of the American Congress.

On page 129, the author says: "... to guard against the possible misuse of their powers and privileges, the Assembly, *by virtue of its rules*, has the power to punish its members." (Italics ours.) The power of the National Assembly to punish its members is not derived from its rules. Such power is expressly granted by the Constitution (Article VI, Sec. 3 [4], [5].) The Assembly adopts rules to determine the *procedure* for punishing its members; this is quite different from saying that the Assembly has the power to punish its members *by virtue* of its rules.

On page 156, discussing the President's power of supervision and control, the author says: "He (the President) may exercise the power of *supervision and control over provincial and municipal officials*, both elective and appointive, and over the personnel of different departments and bureaus." The Constitution says: "The President shall have *control* of all the executive departments as may be provided by law." *eral supervision* over all local governments as may be provided by law." (Article VII, Sec. 11 [1].) To say that the President has "supervision and control" over provincial and municipal officials is totally unwarranted. There is a great deal of difference between supervision and control, the former being much lesser in scope than the latter: there is also a difference between *general supervision* and supervision, the former being more limited than the latter. These distinctions have been affirmed time and again by adjudicated cases, both American and Philippine. The author, however, is apparently unaware of the distinctions, for he makes the same er-

roneous statement many times, in different chapters.

On page 156, discussing the military powers of the President, Dr. Alip says: "He (the President) is also vested with the sole power to declare a defensive war, although in case of an offensive war, the power belongs to the National Assembly." The only pertinent provision of the Constitution on *declaration* of war is Article VI, Section 15: "The National Assembly shall, with the concurrence of two-thirds of all its members, have the sole power to declare war." By no stretch of statutory construction can it be inferred that the President has "the sole power to declare a defensive war." Possibly the author had in mind the power of the President, as commander-in-chief of the armed forces to call out the armed forces "to prevent or suppress lawless violence, invasion, insurrection, or rebellion." (Art. VII, Sec. 11 [2].) To suppress invasion is, however, entirely different from declaring war, even a "defensive" war.

On page 378, discussing the rule of the majority, the author makes another unwarranted statement. He says: "But the minority must respect the will of the majority; it is the duty of the minority to respect the law. While respecting and obeying the law, however, it may use all legal means to *nullify* that law." (Italics ours) The minority may work for the repeal or amendment of a law; if the minority ascends to power (becoming the majority) it may forthright change the law. But under no circumstances can it "nullify" the law. The author is guilty of either bad diction or of ignorance of the law.

On page 392, Dr. Alip says: "Our Bill of Rights provides: 'No law impairing the obligations of contracts shall be passed.' Generally speaking, therefore, the inhabitants of the Philippines may make such contracts as they please provided that they employ no frauds or deception. Obligations created by such contracts are binding on contracting parties.' The author quotes an important portion

of the Bill of Rights, but he does not explain it correctly. (See Sinco, *Philippine Government and Political Law*, Chapter XXXII).

A glaring and inexcusable error is found on page 405, where our author says: "*Although the Constitution of the Philippines does not yet give complete independence to the Philippines*, this country is gradually being welcomed to the family of nations." (Italics ours) Any college freshman—and many high school students—know that our Constitution can in no way determine our independence.

The author is profuse in his citation of authorities, but he does not always cite them with proper care. To give but two instances:

On page 262, he quotes *Malcolm and Kalaw, Philippine Government (1923)* on the American Congressional budgetary system, and further quotes Malcolm and Kalaw's criticism of the same. As a matter of fact, the American budgetary system he discusses had been significantly modified by the Budget and Accounting Act of 1921. Such changes were noted by Malcolm and Kalaw in the 1932 Edition of their book, but Dr. Alip evidently was satisfied with the earlier edition.

On page 274-5, Dr. Alip quotes *Sinco, Principles of Philippine Constitutional Government (1927)* on the functions of the Bureau of Customs, among which enumerated functions is "the execution of the laws relating to immigration and exclusion." That was the law when Prof. Sinco's book was written, but at the time Dr. Alip wrote his book, this function had been transferred to the Immigration Division of the Department of Labor.

And so on. As the reader reads through the book he gets over his surprise at finding errors and inaccuracies like these; he is surprised when he doesn't meet them.

As to the bad English which characterizes almost every page of this book, we quote a few typical passages, with

no comments save what are implied by our italization:

"We know very well that in seeking to understand *the news from Europe*, we are forced to look backward. For events do not just happen hourly or daily without rime or reason. The events of today are just the outcome or *outcroppings* of earlier events." (P. 12).

"It was precisely against the *mercantilists*, the adventurers, etc." (P. 28).

"The (Constitutional) Convention was indeed most representative and its members possessed solid experience in practical politics and economics, and *richly steeped in the philosophic wisdom and literary lore of the ages*." (P. 106).

"As occasions arose, he (Recto) would descend from his rostrum and *pronounce telling blows* on the enemies of the cause he was sponsoring." (P. 111).

"In north-central Luzon, especially in Pampanga and Nueva Ecija, there is the so-called Socialista Party, whose greatest *advocate* today is Pedro Abad Santos." (P. 321).

"The political parties keep the voters informed of the election issues, if there are any; and if there are none, the leaders limit themselves to extolling the good qualities of the candidates, or *revealing the hidden intimacies in their private life*." (P. 323).

"Extradition is a *concomitant accompaniment* of inter-state relations." (P. 421).

"The government of the Philippines possesses the power to *eliminate from its borders* all aliens whose presence is found detrimental to the peace, order, and tranquility of the community." (P. 422).

We have enumerated but a few of the amazing number of errors in this book, but sufficient, we think, to prove that this is all that a textbook, or any book for that matter, should *not* be. As a textbook for one of the most important courses in secondary schools, we fear that Dr. Alip's book will do more harm than good. High school students do not read critically, and are apt to regard a text-

book as the gospel truth. Reading this book, they will believe that the President of the Philippines can declare "defensive wars," that minorities can "nullify" laws, that our Constitution "nullifies" Congressional Acts inconsistent with it, etc., etc.

Undoubtedly Dr. Alip's book contains a good deal of correct and useful information, but until its many errors and inaccuracies are corrected, and until it is rewritten in better English, its use in the schools cannot be justified.—A. *SyCip*

“THE law is not a closed logical system like pure mathematics, in which every proposition is absolutely necessitated. Was there ever a case carried up to a higher court where the losing side did not have some reasons and precedents on its side? Legal reasoning depends on multitudes of assumptions, based on experience and judgments as to public policy.”—COHEN, *Law and the Social Order*.