

BOOK REVIEW

INTERNATIONAL LAW versus COMMUNISM, by Ann Van Wynen Thomas, Southern Methodist University Press, Dallas, 1953, Pp. xiv, 98, Notes, References and Authorities, Index. P7.50.

This book, written by Ann Van Wynen Thomas, is the result of a post-graduate research work undertaken by her in the Southern Methodist University School of Law. It is an analysis of the most important and pressing problem which confronts the world today—the menace of communist totalitarianism.

The book, which consists of eight chapters, starts with an analysis of the ethical and moral nature of international law. International law, Mrs. Thomas believes, is composed "not only of rules, but also of principles, conceptions, and standards," and to her, these principles, conceptions and standards are more important than the rules which make up international law from the standpoint of civilized continuity. Indeed, throughout the book Mrs. Thomas vigorously lays stress on the ethical and moral considerations of international law. In the first chapters of the book, Mrs. Thomas also included in her analysis a brief but clear discussion on the influence which the natural law school of thought, the Christian philosophy and democracy, as a social philosophy, have on the modern concept of international law. Her analysis likewise takes into account such concepts as tolerance, equality, good faith, the indestructible rights of the individual, and justice.

Midway in the book, her analysis turns on the impact of the communist ideology on international law. Drawing freely from an impressive list of references and authorities, Mrs. Thomas notes that "much of the collapse of freedom in the present century is the direct outcome of the positivistic teachings of Marx and Nietzsche who carried to the ultimate extreme the philosophies of their common ancestors, Fichte and Hegel." She accuses these writers of denying "the ethical foundations of human activity and set up the state as the inheritor of all the devotion of mankind." For the aim of communism, she continues, "is world revolution involving the abolition of all states and the establishment of a communist universe." And on the basis of this, she is of the opinion that co-existence between the democratic countries of the west and the communist world behind the iron curtain is not possible, for "any cooperation between the democracies of the world and the communist nations is merely political opportunism on the part of the communists, to be used only as a means to ease the path of their revolutionary advance toward the Soviet one world." Whether or not peaceful co-existence between the democracies and the communists can be attained only future events can tell. And

while recent events seem to show that this is not an impossibility, contrary to her belief, her warning merits more than a passing thought.

But Mrs. Thomas does not confine her criticisms to the communist ideology. She also laments the fact that there is at present "a regimentation of the intellectual and spiritual life in the western democracies, whereby under the labels of anti-communistic activities or of secrecy for war purposes, independent progressive thought, freedom of political discussion, and freedom of research are hampered to an ever greater degree." Here in the Philippines it is unfortunately not uncommon to hear people, who, unhappily, includes so-called intellectuals and supposedly responsible government officials, branding those who do not conform to their own ideas as "communists," "pro-communists," or "communist sympathizers," etc. It will do well for these people to heed her warning that reliance on such a regimentation, to serve the expediency of the moment, "may cause irreparable damage." Mrs. Thomas also points out some dangers which the present day set-up of democratic cooperation and coalition failed to overcome; for example she mentions the tendency to reduce the "ideological elements and emphasize increasingly the struggle for power."

The book, though, is not solely devoted to an academic analysis of the struggle between the democracies and the communists. International law can not afford to ignore the changed conditions in the international sphere. But if international law is to remain an effective regulatory instrument in the relations of states with one another, it has to be revitalized. Mrs. Thomas believes in and advocates for such a revitalization in the ethical and moral bases of international law. On this point, she stresses the following objectives: First, the maintenance of freedom and liberty must come first and foremost; second, international law must proclaim its absolute recognition of the moral values of the individual as an individual.

In conclusion, it may be well to say that Mrs. Thomas had had ample opportunity to observe the workings of international law. For she has served in the State Department as a foreign service officer. She has likewise authored, with her husband, an associate professor of law in the Southern Methodist University School of Law, a number of legal articles and monographs in the field of international law.

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