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Otto Riese: *Luftrecht: Das International Recht der Zivilen Luftfahrt Unter Besonder Berücksichtigung des Schweizerischen Rechts*, Stuttgart, K. F. Koehler Verlag, 1949.

The immediate occasion for this treatise on "the international law of civil air transport under special consideration of Swiss law," to translate the lengthy sub-title, was the promulgation of the new Swiss air law of Dec. 21, 1948. In addition to offering the student an introduction to air law, and the practitioner an over-all survey, the announced purpose of the book is to provide a basis for further legislative action. What might under other authorship have been stillborn as a classroom instructional manual is broadened by this diversity of purpose and deepened by Riese's intimate knowledge of the historical evolution of air law.

Otto Riese's personal qualifications for this study of international air law include membership in the CITEJA, and participation in the conferences of Paris, Warsaw, Rome and Brussels. Since 1935 he has added the professorship of air law at the University of Lausanne to his scholarly credentials.

The sequence of treatment indicated by the sub-title is that followed throughout the book: the description at length of the international law (or in its absence, of the official drafts preliminary to such a law) is followed by citations from the new Swiss code, or comments on Swiss practice. The use of this device of a contrast between international law and the law of an arbitrarily selected national state is explained in this way:

Because of the international character of air transportation, it is incumbent upon us to discuss international law. However, the latter requires the foundation of the air legislation of the individual states. If our study is not to remain a torso, this interpretation of internationally accepted and purely intra-state legal norms must be visualized on the basis of a national legal order. We have selected the Swiss law for this purpose, because it contains the most modern air legislation. . . .

Problems of private air law are approached by the comparative method. A count of footnotes in the first section devoted to private air law, that headed "Ground Rights and Air Law," indicates that approximately a third are citations of Swiss authorities. The other references are derived, roughly equally, from French, German, English, and American sources. This admittedly crude sampling procedure does indicate something of Riese's breadth of documentation.

In accordance with this emphasis on the international, Riese expressly announces his abstention from questions of purely local significance, such as the Swiss Federation-Canton-Community relationship, or the administrative procedure of Swiss regulatory agencies. Understandable is the complete exclusion of air mail and the law of aerial warfare, and the deliberate neglect of the problems of aerial insurance and of international private law, although a separate study of the last two is promised for future publication. Riese freely expresses his opinion on moot questions of the law, but attempts a dispassionate representation of economic and political problems. The expression of opinion on the conflict of interests between the scheduled and unscheduled carrier is of interest:

. . . the air lines feel themselves threatened and ask effective protection. The American authorities have thoroughly complied; particularly,

passenger transport is permitted the irregular carrier only in very definitely irregular traffic, and completely forbidden internationally. We consider this no satisfactory solution; as long as the demand exists, it is to the public interest that the non-scheduled carrier be free to develop. For the same reason, in our opinion, it is not justified to compel the non-scheduled carrier to ask higher tariffs than those called for in regular traffic.

There is too much meaty, closely knit thinking in this detailed study of the evolution and present status of the principal problems of air law for any quick and easy summaries. Structurally, the book is in two parts, the "general" and the "special," further broken down into a total of 52 sections. The first part is subdivided into 4 chapters: "The Concept and Nature of Air Law," "The Sources of Air Law," "The Unification of International Air Law," and "The Airspace and the International Unification of Public Air Law." The detailed and pertinent comparison of CINA and ICAO, and the analysis of the Chicago Convention and the "Fifth Liberty" should probably be specially distinguished.

Of the 8 chapters in the "special" section, the first two, "The Aircraft and Its Crew" and "The Ground Organization," are presented primarily as questions of public law. The concluding chapters devoted to private law are: "Ground Rights and Air Law," "The Airplane in Its Relation to Private Law," "Responsibility in Regard to Third Parties," "Air Transport Law," "Salvage and Rescue," "The Collision of Airplanes." For this reviewer, the most interesting single part of this section is the over 100 pages given the Warsaw Convention and its proposed revisions. Riese's own point of view is that the airplane's coming of age as an instrument of transport should mean its assumption of the same responsibilities as, for example, the railroad. Other sections, particularly the analysis of the Geneva Convention of June 19, 1948 on the recognition of real rights, or the comments on civil responsibility made during the course of the discussion of the Rome and Brussels conventions, are equally thought-provoking.

Unfortunately this book will undoubtedly not receive the circulation its intrinsic worth justifies. Therefore it is all the more to be urged upon those who do not find the language barrier an insuperable one.

LEONARD N. BECK*

AIR TRANSPORTATION, TRAFFIC AND MANAGEMENT, by Thomas Wolfe, McGraw-Hill Book Co., 1950. 725 p. \$6.00.

This long awaited book by a "practical airline man" (the title page lists a number of important airline positions Mr. Wolfe has held), is somewhat of a disappointment. It is more of a hand-book than a text, with its many lengthy tables, its pages of quotations from official publications, its complicated mathematical formulae, its technical charts, its many lists and its lack of analytical and interpretive discussions. It is, however, a valuable addition to the literature of commercial air transportation bringing together, as it does, much material from scattered sources. One might wish, however, that some of this material was a bit more up-to-date but no book in as dynamic a field as air transportation can ever be completely current on publication. It will be valuable as a supplement to the standard texts now available for teaching a general course in air transportation and might serve as the only book used in a course in airline administration and practice. It is in the latter fields that the author proves the worth of his wide practical experience.

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The book is divided into six parts. Part I covers the "framework" of air transportation in the traditional manner but with the inclusion of a chapter on "Geography and Aviation," something not found in other general books in this field. The chapter on "Air Transport of the Armed Forces" seems out of place here as it is concerned with happenings in World War II, with no data later than 1945, and is of only slight interest to the student and of practically no interest to a general reader.

Part II deals with government regulation and airline trade organizations. It is here that the reader will wish for a more interpretive treatment. Policies and regulations in this rapidly growing industry have now become somewhat solidified, so that they might well have been examined by a writer who grew up with them, as Mr. Wolfe has done, and certain predictions might well have been made as to future developments. Part III dealing with the economics of air transportation also lacks interpretation and analysis and it is here that one wishes that figures later than 1946 could have been used. One chapter in this section, however, deserves very favorable mention—that dealing with "Factors Influencing Costs and Revenues." This is the best discussion of such a complicated subject the reviewer has yet seen. Part IV deals with the general organization of airlines in a more complete fashion than is available in other books confirming the opinion that this is really a text on airline administration and practice.

It is in Parts V and VI dealing with technical traffic procedures and sales that the author makes his real contribution. But even here a more interpretive treatment and more up-to-date discussions would have greatly increased the value of the book both for the student and the teacher. (No mention is, for example, made of the air coach service as a means of developing mass air travel). Although there is an aviation dictionary and a list of the abbreviations commonly used in aviation, one seeks in vain for a bibliography.

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