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Book Review

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BOOK REVIEW

THE ANATOMY OF LIBERTY: THE RIGHTS OF MAN WITHOUT FORCE. By William O. Douglas. New York: A Trident Press Book. 1963. Pp. xxv, 194. \$3.95.

What do our intellectual and moral leaders believe with respect to the conduct of life in the latter half of the twentieth century? Some of them have been persuaded to state their personal views in a series of small volumes known as "The Credo Series." Seventh in this series is one by Mr. Justice Douglas. Another one of the series that might properly be noted here, since both Douglas and Northrop write from a legal background and both taught at the same law school, is by Professor F. S. C. Northrop, called "Man, Nature and God: A Quest for Life's Meaning."

The four chapters that constitute the main body of the book are based on lectures to the law students and faculty of the University of Baghdad. Unfortunately the text still bears traces of its origin that seem unsuitable for American readers. For example, one passage reads as follows: "That kind of question is known in America as a 'case' or 'controversy' that involves a 'political' question which the courts will not resolve."¹ Much of what is asserted is familiar to most educated Americans and the reader is likely to find a good deal that is rather tedious. The reader's patience, however, will be rewarded from time to time by trenchant personal views expressed concerning matters of great concern to all of us. It is good to have a record of the views of such an important person as Mr. Justice Douglas.

At the outset he sets forth a "Credo," in which he states: "*The central problem of our time — one that is shared by all races and nationalities — is to discover the things, the qualities, and interests that peoples have in common so that durable institutions can be designed for mankind's survival.*"² Again: "*We who believe in liberty must indeed live our ethic if it is to be an important influence abroad.*"³

The first two chapters provide a rather rapid survey of decisions of the Supreme Court concerning constitutional guaranties of the rights of individuals against government and concerning the application of the doctrine of the separation of powers. What makes interesting reading here are the personal comments. For example, in referring to the *Dennis*⁴ and *Scales*⁵ cases Mr. Justice Douglas states:

The United States has not always been faithful to these principles of freedom of expression. In one case, those who banded together to teach Marxism were convicted of a criminal conspiracy in spite of the fact that nothing but teaching was involved — no overt acts of sabotage, espionage, or subversion. In another case, being an "active" member of the Communist Party was sustained as a crime; and "advocacy" of its political creed was said to be punishable. Those decisions cannot be squared with the Jeffersonian philosophy.⁶

The third chapter deals with "The United Nations and a Rule of Law." Here the author develops his idea that force must be abandoned in international relations. Liberty is to be achieved by law. Thus, he states: "The true gauge of law is not command but conduct."⁷

The final chapter, on "Federalism and a Rule of Law," is largely a plea for voluntary cooperative action by nations and other groups. The author states: "The anatomy of liberty in this nuclear age includes the structure of the world, the relations of the peoples of the various continents to each other, and the way in which regional problems are managed."⁸

1 Text at 99.

2 *Id.* at xxxiii.

3 *Id.* at xxv.

4 *Dennis v. United States*, 341 U.S. 494 (1951).

5 *Scales v. United States*, 367 U.S. 203 (1960).

6 Text at 9.

7 *Id.* at 124.

8 *Id.* at 177.

Three concrete proposals are made: (1) Presently existing institutions for settling international disputes should be availed of and new ones created, if necessary;⁹ (2) a grand alliance with Russia based on a consensus to provide "ground rules for the avoidance of military clashes";¹⁰ (3) search for "a consensus with the Soviet-Sino bloc" must be intensified.¹¹

Events since the publication of the book may make the third of these proposals seem even more quixotic than when announced, but Mr. Justice Douglas is to be commended for stating his views with his customary vigor, courage and forthrightness.

*Roger Paul Peters**

9 *Id.* at 176.

10 *Id.* at 177.

11 *Ibid.*

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