Notre Dame Law Review

Volume 31 | Issue 3 Article 10

5-1-1956

Book Reviews

Roger J. Kiley

John W. Bricker

John S. Gonas

BOOK REVIEWS

FOUNTAIN OF JUSTICE. By John C. H. Wu.[1] New York: Sheed & Ward, 1955. Pp. ix, 287. $3.75. This is an interesting book by a remarkable man. Mr. Wu was born and reared in China, was converted to Christianity as a Methodist and later became a Catholic. He pursued post-graduate studies in the law school of the University of Michigan where he won considerable fame as a correspondent of the late Judge Oliver Wendell Holmes with whom he shared an ardent love of the common law. In China, he has been a lawyer, judge, legislator, and Minister Plenipotentiary to the Vatican. He is now a professor of law at Seton Hall University. And Mr. Wu is the father of thirteen children.

The book is written from a wealth of experience in, and an amazing range of reading in the literature of, both the East and the West. Mr. Wu compares with facility the ideas of Aristotle and the latter's Chinese pupil, Mencius, and those of Confucius and St. Thomas Aquinas. He writes with a charming style, blending rich and colorful figurative prose, suggestive of his native land, with western legal writing. Being a development of several papers and addresses read and delivered to principally Catholic audiences, the book is oriented to Christianity and, primarily to, the Catholic Faith. It deals with the natural law and the common law from the viewpoint of religion.

The main title is taken from a quotation of Lord Mansfield, who said "the common law works itself pure by rules drawn from the fountain of justice."[2] In Mr. Wu's study the fountain of justice is the natural law. "[T]he common law is like a beautiful river . . . . [T]he source of this river lies in the higher regions, in a mountain whose immovability and immensity make it a perfect symbol of sublimity."[3]

The "Prologue" recalls "Some Basic Notions": the need of a philosophy of law, the definition of law, the various kinds of law and the different theories of jurisprudence. "Part One" is entitled "The Natural Law and Our Common Law" and its sections cover "The Common Law in Its Old Home," in England, and "The Common Law in Its New Home," in America. "Part Two" is entitled "In the School of Christ." The "Epilogue" is "The Art Of Law."

---

[1] Former Chief Justice of the Provisional Court of Shanghai; Professor of Law, Seton Hall University School of Law.

[2] Text at 64, quoting from Lord Mansfield's opinion in Omychund v. Barker, 1 Atk. 22, 26 Eng. Rep. 15 (1744).

[3] *Id.* at 126.

The basic notions are the classical ideas underlying the scholastic theory of natural law and the definition of law is that of St. Thomas Aquinas. Mr. Wu states that St. Thomas' definition comprehends all kinds of law. This is not to say that he disagrees with Mortimer Adler's view that natural law and positive law cannot both be comprehended in the definition unless one is taken as the analogy of the other.[4] In proving the need of a philosophy of law Mr. Wu states that in the majority of cases the question is "at large" and that philosophy is needed for decision as the "final arbiter." The term "at large" presumably means an absence of binding precedent. The experience of the reviewer in the Appellate Court of Illinois is that the cases in which the question is "at large" are very few. This does not mean, however, that there is no need of a philosophy of law in that court.

Reading "Part One" was a delightful experience, theophilosophic rather than philosophic and poetic-religious rather than legal. This part was clearly a labor of love for Mr. Wu and his devotion to common law shines through the chapters which take the reader quickly through the development of the common law from its birth as a "Cradle Christian" (Roman law being a "deathbed convert") in the early middle ages to the English Revolution of 1688; and through its development in America from the time of the *Mayflower* landing to the *Steel Seizure, Rosenberg* and *Segregation* cases. The emphasis in these chapters appears to be upon common law and Christianity. Natural law philosophy is present but rather as a background than as an element. In this part of the book, Mr. Wu frankly states that he will approach the subject, "The Natural Law and Our Common Law," as if the common law was Our Lady and natural law the Divine Infant in her arms. The Infant is easier to seek "in the arms of Our Lady." These figures are extensions of the metaphor "our lady of the common law" used by Pollock and Cardozo.

In tracing the development of common law from Magna Carta, to the *Year Books,* to Bracton, into Shakespeare's plays, then to Coke, Holt and Mansfield, statements and decisions are quoted to show the influence of natural law and Christianity in the thinking of those who inspired the great charter, and in the decisions of great judges who were responsible for preserving the moral and religious spirit of common law growth. So too, in the revitalized life of common law in its "New Home" after natural law went "underground" in England and departed from common law. Mr. Wu shows how the common

[4] Adler, *A Question About Law,* in ESSAYS IN THOMISM 207 (1942).

law, inspired by natural law, introduced into America by men of deep religious beliefs, has been nurtured by statesmen and judges who had imbibed Christianity from their childhood, and has withstood the onslaughts of skeptics questioning the inspiration.

These delightful chapters of "Part One" may be unsatisfactory to a strict legal philosopher because the treatment of the natural and common law is not definitive and he might wonder from time to time as he reads the pages whether the study is not of common law rather than natural law.

Christ laid the cornerstone for natural law jurisprudence, and the author points out, He did so in a conversation with a lawyer. The lawyer asked Him what was the first of all the commandments. In His answer and His life, Christ raised the Old Law of Justice to the New Law of Love. For love is really the end of the law, for the spirit of the law is reflected in the Golden Rule, "all things therefore whatsoever you would have men do to you, do you also to them." This, says Mr. Wu, is the natural law foundation of all human law. Bracton thought Christ was the Judge of judges as well as the King of kings. The author agrees and refers to His knowledge of the law of the Old Testament and how with an application of equity He softened its rigors, when accused of blasphemy for healing on the Sabbath.

The mention of Christ in court decisions makes Mr. Wu's heart "leap for joy" and he finds jurisprudence enriched by Christianity. This is not Christianity as a religion but as a "vehicle of the precepts of natural law and justice." One can understand this joy and yet it would seem that the mention of the name of Christ in opinions should not of itself stamp the judge as "great." In this connection the author makes an interesting statement of the ". . . ironic situation in modern American jurisprudence. . . . [A]s a general rule, the judges who used the name of the natural law have rendered wrong decisions, while the judges who were skeptical of natural law have reached results which coincide with conclusions of the two great Encyclicals: *Rerum Novarum* and *Quadragesimo Anno*."[5]

"The Art of Law" for Mr. Wu is the imitation of Christ. The excellence of justice is the combination of the true, the good and the beautiful. Know the truth about the facts, see the good which is the aim of the law, and make decisions which are beautiful in their harmony of law and equity and in the ordering of the legal order to the cosmic order. The

[5] Text at 141.

Christian spirit of the common law is in the true notions of the dignity of man, of the meaning of the family, and of the purpose of human law.

It seems to this reviewer that Mr. Wu makes two significant contributions beyond those already mentioned and implied. One is the importance he gives to the place of the practical reason in natural law theory and the other is in advice which he offers to natural law men of the Catholic Faith.

In various places in his book the author dwells on speculative reason and practical reason: they are operations of the same faculty but they differ in the ends assigned to each. The end of speculative reason is truth and deals mainly with cause and effect. The end of the practical reason is good and deals mainly with ends and means. Speculative reason deals with necessary conclusions, practical with conclusions about the contingent actions of human beings. "Human laws cannot, in the nature of things, have the unerring quality of scientifically demonstrated conclusions. . . . [A]s much [certainly] as is possible in its class is enough."[6] It is folly to look for strict necessity in conclusions of practical reason formulating positive law.

It is this folly, according to Mr. Wu, which has been at the source of many errors about natural law in the modern schools of jurisprudence. The "rationalist" philosophers, he says, thought they could construct from the speculative reason a complete code of human conduct. Those who rejected this theory rejected the idea of necessity not only in detail but in principle. Holmes was an example of these, for him "law was experience not logic" and he failed to see the realism of the Thomistic theory which finds necessity in the speculative order but variability in the practical order, in determinations of conclusions and generalities derived from principles.

These determinations the author points out are the work of the practical reason applying moral principles to every day conditions and problems facing men in government. He gives an interesting illustration of the variability of these determinations, in the differences among the members of the United States Supreme Court in deciding under which of two statutes the Rosenbergs should be sentenced for treason.[7]

This reviewer has known many lawyers and students of law to be discouraged and disillusioned when faced with determinations of natural law principles and general conclusions. Inspired by a genuine desire for social progress, they

[6] *Id.* at 139.

[7] Rosenberg v. United States, 346 U.S. 273 (1953).

hope for a strict application of principle in settlement of important issues. They see instead a "watering down" of principle and in disappointment are unclear about the utility of natural law. In FEPC, public housing and public health legislation, to mention a few issues, these men aim their hopes at the ideal and are dissatisfied with less.

Most citizens in our country today accept in principle the good of these social issues, but differ with respect to the means best designed to promote the goodness. The government officials in dealing with these means must consider many factors and pressures and look to experience in deciding what course consistent with peace and order will probably best accomplish the purposes. These prudential judgments are the function of practical reason. These judgments are not prudential, of course, if made for personal motives or from personal fears or the like. The judgments must, as Mr. Wu states, be directed upward toward fuller realization of the common good and individual perfection.

Thomists are advised in this book to take care when discussing jurisprudence with men not of their faith. The discussion, it says, should be held to the level of natural reason and experience and the Thomist should not require the other party to "assume his faith" unless the other is willing that the philosophy be discussed from the standpoint of religion. This advice should please philosophers of law who, like Lon Fuller, insist that discussion of jurisprudence be kept upon the philosophical level.[8] The book warns those it advises, however, to avoid the extreme of refusing to speak of faith as though it were entirely irrelevant to the science of law.

One might wonder whether the author rejected his own advice in writing this book. This reviewer thinks not. He set the stage for discussion by frankly begging his "non-Christian" readers to forgive passages in the book which flowed from faith rather than natural reason. He bravely proclaims himself a "Christian philosopher" of law as others are "Kantian, Marxists" and so on. His purpose is not to defend natural law on religious grounds but to show that natural law needs religion and especially Christianity for clarification and confirmation of the moral precepts. His love of common law may subordinate the sub-title of his book, but who, knowing his background, can complain of this bravery and this love.

*Roger J. Kiley**

---

[8] Fuller, *American Legal Philosophy at Mid-Century*, 6 J. LEGAL ED. 457 (1954).

* Justice, Appellate Court of Illinois.

TREATIES AND FEDERAL CONSTITUTIONS. By James McLeod Hendry.[1] Washington: Public Affairs Press, 1955. Pp. v, 186. $4.50. Professor Hendry has made an exhaustive and scholarly analysis of the treaty-making power of four federal states—the United States, Canada, Australia, and Switzerland. A reader of this book, bearing in mind the prejudices of its author, can learn much about the constitutional capacity of these four countries to make international agreements and about their constitutional powers of performance.

The title of the book is somewhat misleading. The constitutional aspects of treaties and other international agreements discussed by Professor Hendry are, for the most part, not peculiar to federal states. Moreover, only in Canada are the constitutional powers of the provinces protected against invasion by treaty.[2] In the United States,[3] Australia, and, to a lesser extent in Switzerland, treaties can make state lines disappear.

Unfortunately, Professor Hendry's scholarly research is marred by his strong bias for centralization of political power, nationally and internationally. To achieve this dubious end, he argues for greater inroads on state and provincial autonomy, creation of an executive authority omnipotent in treaty-making, and supranational legislation directly applicable to individuals. *Treaties Over Federal Constitutions* would be a more appropriate title for this book.

What most distresses the author is that Ottawa, unlike Washington, has no plenary power in treaty-making. He notes with satisfaction that the treaty power of the United States is virtually unlimited, extending perhaps to taking away rights guaranteed to individuals by the Constitution. His own Dominion government of Canada, on the other hand, cannot, merely by making promises to foreign countries, clothe itself with authority inconsistent with the constitution which gave it birth. The Privy Council so held in *The Labor Conventions Case.*[4] That decision denied to the Dominion Parliament power to implement three International Labor Organization conventions dealing with subjects within the constitutional domain of the Provinces.

The Labor Conventions Case, according to Professor Hendry, has created a "Canadian dilemma"; has rendered Canada's

---

[1] Professor of Law, Dalhousie University.

[2] Attorney-General for Canada v. Attorney-General for Ontario, [1937] A.C. 326 (P.C.).

[3] Missouri v. Holland, 252 U.S. 416 (1920).

[4] Attorney-General for Canada v. Attorney-General for Ontario, [1937] A.C. 326 (P.C.).

treaty-performing power "unsatisfactory"; and has deprived Canada of "a firm and active authority in international affairs."[5] So far as international affairs are concerned, Canada has cooperated fully with her free-world partners. So far as the domestic law aspects of treaties are concerned, it is a simple matter to respect the constitutional prerogatives of states, provinces and cantons by including in the treaty a federal-state clause.[6] Professor Hendry, however, has no interest in protecting any system of dual sovereignty against treaty law. His deep hostility toward a balanced federalism is starkly revealed in these statements:

> . . . the centralization of all forces in the state is not only desirable, but often politically feasible and necessary."[7]
>
> . . . .
>
> "The continuous extension of the activities of the federal authority of that state [Switzerland] into the economic, social and international fields is to be recognized as an outstanding example of wise government.[8]

However, use of the treaty power to make federal states into unitary states would not satisfy Professor Hendry. Believing that ". . . the need for [an] omnipotent executive in the foreign field [is] becoming stronger,"[9] Professor Hendry advocates ". . . a strong executive, having constitutionally a complete discretion to conclude valid international agreements of all types."[10] For the United States, Professor Hendry recommends that the President be given power to conclude treaties and other international agreements subject only to the advice and ". . . aid of a select committee either from the Senate alone or from both Houses."[11]

Switzerland, according to Professor Hendry, is just as reactionary as the United States in failing to recognize the virtues of an omnipotent executive power in treaty-making. Under the

---

5 Text at 62, 131.

6 For example, the International Labor Organization Constitution (art. 19, par. 7) provides that the national government of a federal state may fulfill its obligations to the International Labor Organization by referring to its "states, provinces or cantons" conventions which the national government "regards as appropriate under its constitutional system . . . for action by the constituent states, provinces or cantons rather than for federal action."

7 Text at 176.

8 *Ibid.*

9 Text at 73.

10 *Id.* at 166.

11 *Id.* at 168.

Swiss Constitution treaties cannot be constitutionally concluded without legislative approval. Treaties which would bind Switzerland indefinitely or for a period of more than fifteen years are subject to the approval of the people in referendum. Professor Hendry is right in concluding that "freedom of the executive in foreign affairs is indeed impossible under such conditions."[12] He is wrong in concluding that such freedom is desirable. Professor Hendry says with reference to the Swiss treaty-making procedure:

> To subject international agreements to the whim of the electorate would inevitably lead to delay and possible nullification, because of the public's general incompetence. . . . Great social and economic conventions often have to be tested and tried, to determine whether they are to the general advantage or not. The leaders of the state are in the best position to decide what is advantageous. . . .[13]

Other statements in the book also indicate that Professor Hendry's Brave New One-World is thoroughly anti-democratic. For example, he writes about the "great need to break down the barriers" of national sovereignty and ". . . its concomitant concept of domestic issues to be regulated by the state alone."[14] This destruction of national sovereignty would be achieved by employing multilateral treaties of the United Nations ". . . to regulate many subjects which not so long ago were considered of purely national concern."[15] And, as previously noted, Professor Hendry would have a virtually omnipotent executive make this international legislation effective as domestic law. Yet, no person who has participated in the writing of UN treaty law has ever been elected for that purpose by a vote of the people.

I hope that Professor Hendry's book advocating the Fuhrer principle in treaty-making is widely read in the United States. It should encourage favorable action on a constitutional amendment to safeguard the exercise of the treaty-making power.[16]

*John W. Bricker**

---

12 *Id.* at 167.

13 *Id.* at 79-80.

14 *Id.* at 166.

15 *Id.* at 1.

16 S. J. RES. 1, 84th Cong. 1st Sess. (1955), as amended by the Senate Judiciary Committee (SEN. REP. No. 1716, 84th Cong., 2d Sess. (1956)) contains the following substantive provision: "A provision of a treaty or other international agreement which conflicts with any provision of this Constitution shall not be of any force or effect." See Bricker & Webb, *Treaty Law vs. Domestic Constitutional Law*, 29 NOTRE DAME LAW. 529 (1954).

* United States Senator from Ohio. Member of the Ohio Bar.

YOUTH AND THE LAW. By Frederick J. Ludwig.[1] Brooklyn: Foundation Press, Inc., 1955. Pp. xxii, 386. $5.50. This book is a comprehensive work on a subject that is alarming jurists, parents, teachers, police, probation officers and indeed anyone who has any dealings whatsoever with the youth of today. As such, it is very timely, since it is full of practical information and suggestions. It is thoroughly annotated and documented, with tables of authorities, statutes and cases, plus an unusually efficient index. Not only does the author delve into the history of laws concerning the young; he gives a factual report of the development of these laws through the years; discusses present laws and statutes, analyzes their efficacy and makes recommendations for changes where reforms seem indicated. This is an excellent manual for any student of the law and is strongly recommended for the student who contemplates practicing in the state of New York. It also contains good background coverage for the practicing jurist. The book, published under the auspices of The Youth Counsel Bureau, treats of law from a national standpoint with understandable emphasis on New York State. However, there are numerous comparative charts and tables of statutes showing similarities and variations in the laws of all the states. These tables contain extremely handy reference material for the student. It is obvious that intensive thought, study and research went into the making of this book, and the author gives credit for great assistance to experienced and able workers in many fields.

The machinery of the various New York courts, comparable, of course, to all other state courts, is explained in clear-cut fashion, both as to definite jurisdiction and overlapping authority. The chapter on "Children's Court"[2] covers the subject quite fully with the one exception of the status of dependent children, of which more mention might have been made. The discussion of the "History and Rationale of Criminal Responsibility of Young Offenders"[3] is both informative and thought-provoking. Here, the author manages to put into the minimum number of pages a truly remarkable amount of historical data on this particular phase of the subject. Beginning with the Code of Hammurabi, he traces the development of the fixing of responsibility through some 4000 years; touching on changes and additions of the Mosaic Code, Rabbinic Law, the *Talmud*, Roman Law and English Common Law, down to the present juvenile court system. Fur-

[1] Professor of Law, St. John's University; former acting captain of the New York Police Department.

[2] Text at 51.

[3] *Id.* at 12.

thermore, there are copious footnotes and a wealth of suggested source material for those who wish to make a more detailed study of this part of legal history.

There are two reforms which the author is deeply interested in seeing made. He strongly favors a Unified Adolescent Court, stating that too many courts have jurisdiction over the 16-21 age group.[4] He rather inclines to the belief that rehabilitation should be the sole goal of the juvenile court system, but admits that this goal seems unattainable at the present time. He also favors "youthful offender" treatment for youths of 19 and 20 and discusses this treatment in microscopic detail. His point is one which is well taken and well argued, but it is still a point which the thoughtful and experienced jurist might find debatable.

Four chapters deal with the protection of young people. Included in a discussion of protection from sex criminals there is a very fine comparison of the laws of various states.[5] Particular attention is given to the "indeterminate" sentence whereby imprisonment ranging from one day to a life term is within the discretion of the sentencing judge.[6] His conclusion is that no radical alteration in the present penal statutes is at present to be desired, since neither psychiatry nor criminal law knows all the answers.[7] With any more leniency in this field, he thinks, people may well come to regard sodomy as no more serious than spitting on the sidewalk.

In the treatment of the subject of child labor, there is a thorough review of existing laws, plus a list of objectives to be desired when considering further legislation in this field. With regard to the prevention of narcotic addiction among the young there is a brief discussion of the history of narcotic addiction and an exhaustive examination of the adequacy of existing legislation and international controls.[8] There is some cause for dissatisfaction here, even though Congress has enacted certain penal statutes to supplement international agreements. Both state and federal governments have recently adopted more stringent penalties for drug violation as well as more widespread facilities for treatment of drug addiction. Still, it is a fact that drug addiction is on the increase. The author's thought, implicit throughout the chapter, is that training and teaching in home, school and church must supplement law to combat this evil. An admirably concise statement of the laws devised to

[4] *Id.* at 89.
[5] *Id.* at 196.
[6] *Id.* at 197.
[7] *Id.* at 212.
[8] *Id.* at 239.

protect children in civil proceedings completes this phase of the book and leads naturally into a factual explanation of the laws governing adoption and guardianship. The material in this latter field is not applicable to all states in the same degree as it is in the specific case of New York, but the principles are the same.

One of the finest chapters in the book, it seems to this reviewer, is the one concerning parental responsibility in the case of juvenile delinquency. Here the parent is actually given a kind word. At the same time the author leaves no doubt that the parent is basically responsible for the attitudes and habits formed by the child. He states that the most effective work of prevention should be done at a very early age, before the youngster has a chance to get into juvenile court. Intensive work at the street level is required. We must attack delinquency, Mr. Ludwig believes, where it arises and exists. That would be prevention at its best. It was a bit disappointing that he did not go more thoroughly into the idea of setting up citizen's groups by neighborhoods — a program which certain cities have instituted and which I have already set up in our own community. Experts in general agree that this is a singularly effective approach to curbing juvenile delinquency. All states except two, Delaware and Vermont, have statutes punishing parents for contributing to delinquency of children.[9] To this reviewer, who spent ten years in the state legislature, both house and senate, helping to formulate laws and who has, for the past seven years been administering laws as Judge of the Probate and Juvenile Court, it would be most interesting to know whether the rate of delinquency in those two states is any greater than that of the other forty-six! After a searching and scholarly presentation of the facts in this field, the author comes to the conclusion that the present parent-responsibility statutes are much too broad and sweeping, and that they should be cut down to dimensions that can be effectively administered. Only where there is sufficient proof of a causal relationship between the child's delinquency and the parent's conduct should it be necessary to convict the parent. The author says with unassailable logic, "If the end of preventing delinquency is valuable enough to justify removal of stigma of criminality in cases in which children are defendants, then the same end ought not to be disserved to make their parents criminal."[10]

The status and duties of probation officers are explained, with a suggestion that there should be opportunities for more in-

9 *Id.* at 137.

10 *Id.* at 152.

service training and that provision should be made for scholarships and teachers for this important work.[11]

There is a chapter devoted to "Federal Procedure and Treatment" of juvenile offenders. There is also a discussion of the sentencing and committment of minors which includes some ideas for reform — principally a shift from committment to maximum security type institutions to those of the camp or foster home types.[12]

The "Epilogue," which he calls a "Preface to Reform," sums up the author's views and the real meat of his book very succinctly and concisely. He observes here that law is limited as a means of influencing human behaviour, since criminal law with all its centuries of experience has not been able to build character and the criminal code offers but feeble competition to home influences. Progress, he points out, is not always synonomous with lenient treatment of offenders; but neither must punitive proposals be classed as reactionary retrogression. Certain reforms are needed: the remedy is not new laws, but an awakened community consciousness directed at preventing crime in the neighborhood.

The planning and general make-up of this book are well and efficiently done. The chapters follow in logical sequence, and the subject matter is outlined and brushed in cleanly. The language is graphic, and not unduly polysyllabic except where legal terminology demands it — a fact which should increase its value among those who deal with the young but who have not studied law. Mr. Ludwig brings to his writing the force of a varied and brilliant career. He has been teacher, lawyer, policeman and winner of academic honors. He has served as special counsel to the District Attorney of New York County, and as counsel to the Mayor's Committee on Teen-Age Drug Addiction, New York City. He has written many thoughtful, searching articles on juvenile delinquency. By virtue of his many-faceted background and his unusual wealth of experience with juveniles in many fields, he is able to speak with authority on this subject. In my opinion, his book is a definitive work which should have great value as a manual, treatise and textbook.

*John S. Gonas**

---

[11] *Id.* at 112.

[12] *Id.* at 129-130.

* Judge, Probate-Juvenile Court, South Bend, Indiana.

BOOKS RECEIVED

CONGRESS

GOVERNMENT BY INVESTIGATION. By Alan Barth. New York: Viking Press, 1955. Pp. 231. $3.00. A comprehensive look at the functions and purposes of the congressional investigation. The author points out the latent evils by a review of their history and recommends practical remedies.

CONSTITUTIONAL LAW

OUR NATIONAL CONSTITUTION. By J. A. Rickard & J. K. McCrocklin. Harrisburg: The Stackpole Co., 1955. Pp. 277. $3.00. The avowed purpose of this volume is as a text and an aid toward a better working knowledge of our Constitution. Half the book is devoted to the history of the Constitution and the other half to a minute explanation of it.

DIVORCE

DIVORCE IN THE "LIBERAL" JURISDICTIONS. Edited by David Von G. Albrecht. New York: Federal Legal Publications, Inc., 1955. Pp. 48. $2.50. Reprints of talks given by lawyers from each of the "liberal" jurisdictions — Virgin Islands, Alabama, Florida, Mexico and Nevada — as to the workings of their respective divorce laws.

EDUCATION

ACADEMIC FREEDOM IN OUR TIME. By Robert M. MacIver. New York: Columbia University Press, 1955. Pp. xiv, 329. $4.00. The author sees the present day cries of "patriotism" and "communist" as expressions of dangerous inroads on our educational system. Mr. MacIver indicates various pressure elements to be withstood and implores the university to live up to its heritage as a seat of free expression.

EVIDENCE

FORGERY AND FICTITIOUS CHECKS. By Julius L. Sternitzky. Springfield, Ill.: Charles C. Thomas, 1955. Pp. xi, 101. $4.75. This book is an effort to expose the methods used by criminals in forging and passing fictitious checks and to educate the general public and investigating officer in methods of prevention.

FUTURE INTERESTS

PUBLIC POLICY AND THE DEAD HAND. Thomas M. Cooley Lectures. By Lewis M. Simes. Ann Arbor: University of Michigan Press, 1955. Pp. xxii, 163. $4.00. The sixth in a series of lectures conducted by the University of Michigan Law School in honor of their former dean. The subject matter concerns

itself with the struggle for control of the res between the living beneficiary and the deceased testator.

INTERNATIONAL LAW

THE STUDY OF INTERNATIONAL LAW. By Percey E. Corbett. New York: Random House, Inc., 1955. Pp. vi, 55. $.85. This short work has a three fold purpose: (1) to present and evaluate international law up to the present day; (2) to cement its position in international relations and (3) to recommend changes of approach and method of study of international law.

JURIES

THE JURY DISAGREE. By George Goodchild & Bechhofer Roberts. New York: Macmillan Co., 1955. Pp. 212. $2.75. Twelve people heard the facts. Each in their turn interpret them according to his own prejudices and insight. With each juror the reader's judgment is swayed as to guilt in this fictional mystery.

JURISPRUDENCE

THE RIGHT TO LIFE. By A. Delafield Smith. Chapel Hill: University of North Carolina Press, 1955. Pp. xi, 204. $3.50. Conflict between society and man. What duties does one owe to the other? Where is the individual's proper place in society? What is his role? These problems and others are discussed in detail in this provocative work.

JUVENILE COURT

*YOUTH AND THE LAW. By Frederick J. Ludwig. Brooklyn: Foundation Press, Inc., 1955. Pp. xxii, 386, $5.50.

LABOR LAW

STRATEGY AND TACTICS IN LABOR NEGOTIATIONS. By Edward Peters. New London: National Foremen's Institute, 1955. Pp. xiii, 223. $4.50. The writer says his approach is hard-boiled, with a minimum of sweetness and a maximum of light. He pictures the bargaining table as one of "conflict" and attempts by drawing from many years of experience as a conciliator to suggest methods for better understanding between labor and management.

LEASES

PREPARATION OF LEASES. By Milton R. Friedman. New York: Practising Law Institute, 1955. Pp. 122. $2.00. The work is presented not as a legal treatise but as a working tool in the hands of the professional. With an emphasis on New York law, the monograph thoroughly covers all phases in drawing a lease.

---

* Reviewed in this issue.

LEGAL PROFESSION

HOW AND WHERE LAWYERS GET PRACTICE. By Claude W. Rowe. Durham: The Judiciary Publishing Co., 1955. Pp. xiii, 212. $5.00. A survey of over 700 lawyers, in all facets of the legal profession and in every section of the country, aimed at ascertaining productive methods of adding to a law practice or indicating where to start one.

NATURAL LAW

*FOUNTAIN OF JUSTICE. By John C. H. Wu. New York: Sheed & Ward, 1955. Pp. ix, 287. $3.75.

PROFESSIONS

NURSING PRACTICE AND THE LAW. *Second Edition.* By Milton J. Lesnik & Bernice E. Anderson. Philadelphia: J. B. Lippincott Co., 1955. Pp. xviii, 400. $6.00. A complete revised and rewritten edition of the 1947 volume entitled *Legal Aspects of Nursing,* co-written by a nurse and a lawyer. The new edition encompasses the practical nurse and has extended its coverage of legal status and malpractice.

RAILROADS

THE RAILROAD POLICE. By H. S. Dewhurst. Springfield, Ill.: Charles C. Thomas, 1955. Pp. ix, 211. $5.50. This is the story of the protective force of our railroads. It carefully enumerates the duties of a railroad policeman; it follows his role from training, through his many-sided activities, with the purpose of educating the general public that the "cinder dicks" are something belonging to another age.

TREATIES

*TREATIES AND FEDERAL CONSTITUTIONS. By James McLeod Hendry. Washington: Public Affairs Press, 1955. Pp. v, 186. $4.50.

TRIALS

THE WOMAN IN THE CASE. By Edgar Lustgarten. New York: Charles Scribner's Sons, 1955. Pp. 218. $3.00. A collection of four famous murder trials, chosen because of a single factor contained in each one, the psychology of a woman.

YOU MAY TAKE THE WITNESS. By Clinton G. Brown. Austin: University of Texas Press, 1955. Pp. 223. $3.95. An autobiography by a man who has both lived and worked with the law and who has retained a love of the law. The work is highly instructive for those who aspire to the courtroom and yet retains an entertaining flavor.

---

* Reviewed in this issue.