BOOK REVIEWS

INDIVIDUAL FREEDOM AND GOVERNMENTAL RESTRAINTS. By Walter Gellhorn. Louisiana State University Press, 1956. Pp. vi, 215. $3.75.

The Edward Douglas White lectures at Louisiana State University afforded Professor Gellhorn an opportunity to review three questions: Why have so many people recently changed sides in their attitudes toward the administrative process; are we losing more than we are gaining in the current wave of censorship; and, do we unwittingly sanction, by constant expansion of licensing of trades and occupations, regimentation and monopoly power. The questions may appear discrete, but in each instance the answer given at any time will turn on the weight one gives to freedom of the individual when it is set on the scales with real or imagined need for government intervention. The answers of the immediate past unfortunately suggest that in most instances individual freedom does not tip the scales.

Perhaps the most dramatic proof of this is in Professor Gellhorn's first chapter, on the administrative process. Early mutterings of discontent and disapproval when administrative agencies were few in number rose to a storm with the multiplication of "alphabetical" agencies during the early depression years. The organized bar inveighed against "the evils notoriously prevalent" in administrative tribunals,[1] Dean Roscoe Pound added his criticisms,[2] and a legislative campaign to "improve" the administrative process, temporarily aborted by President Roosevelt's veto of the Logan-Walter bill in 1940, finally culminated in a successful effort to limit administrative authority while expanding judicial review, the Administrative Procedure Act of 1946.

Since then attitudes have changed. The shape of things to come was apparent in the episode of *Wong Yang Sung v. McGrath*.[3] Wong had been ordered deported after administrative proceedings which concededly fell far short of Administrative Procedure Act standards, but when the Supreme Court ruled that such standards must be met in deportation cases, Senator McCarran and Representative Walter, the same two men who had been instrumental in securing the passage of the act, were the moving spirits behind the legislation that overruled that decision. The quondam critics of "bureaucracy" have since been zealous in putting into the hands of administrators a vast new congeries of powers over individual rights.

Professor Gellhorn rejects as too facile the explanation that former detractors have become advocates because they are concerned about national security. Some have, of course. As Alexander Hamilton warned, external

1. 59 A.B.A. REP. 539, 544, 549 (1934).

2. 63 A.B.A. REP. 331, 343 (1938). Dean Pound's strictures are evaluated in Jaffe, *Invective and Investigation in Administrative Law*, 52 HARV. L. REV. 1201, 1211 (1939).

3. 339 U.S. 33 (1950).

threats will bend, in time, "even the ardent love of liberty." [4] But many who favor the extension, Professor Gellhorn believes, are simply "repression-minded as a matter of taste rather than need." (p. 17). These, in the phrase of Richard W. Hofstadter,[5] are the "pseudo-conservatives," who talk of the dangers of "Big Government" while pushing it further into new and hitherto forbidden zones.

The other side of the coin is the disillusionment of the former defenders of the administrative process, among whom Professor Gellhorn is quick to admit he must be numbered. His own fears are compounded by the change in the nature of the problems which now are thrust upon administrators. No longer are the problems essentially economic and essentially factual. "Expertise" in its traditional sense is no longer present, for example, when a consul decides whether to issue a visa to a foreigner wanting to come to the United States. Even the limited judicial review which heretofore has been available is often gone. The administrator has essentially absolute authority in deportation orders, for example, which may result "in loss of both property and life; or of all that makes life worth living," [6] or in dismissals from the government or from private industry for security reasons.

These problems *are* different, and the willingness to concede such powers to administrative judgments is frightening. The combination is quite enough to rally the liberals to the banner of a vigorous critic of the early administrative agencies: "Justice cannot stand half free and half enslaved. . . . We cannot have, in this country, two systems of dispensing justice—one . . . safeguarded by restrictions and limitations and privileges which have been found to be wise and necessary through centuries of experience, and another system administered largely in disregard of our principles of jurisprudence, largely in disregard of the limitations, restrictions and privileges which our courts have found it wise and necessary to observe. . . ." [7]

Professor Gellhorn's second chapter, on censorship, covers with broad strokes the route we have travelled in the United States from the era of Anthony Comstock (and in England from the somewhat earlier Lord Campbell's Act in 1857) to our present combination of private, semi-private, and outright governmental restraints on the books we may read. Since the book was written, the Supreme Court has held in *Roth v. United States* [8] that "obscenity is not within the area of constitutionally protected speech or press." [9] Justice Harlan, one of three Justices who dissented, was unable to see the problem in such a generalized fashion. "The Court seems to assume," he said, "that 'obscenity' is a peculiar *genus*

4. THE FEDERALIST No. 8 (Hamilton).
5. Hofstadter, *The Pseudo-Conservative Revolt*, 24 AM. SCHOLAR 9, 24 (1955).
6. Ng Fung Ho v. White, 259 U.S. 276 (1922).
7. The statement was made in 1944 by the president of the Cleveland Bar Association, E. F. Woodle. See *Let's Decide Every Case on Its Merits*, 28 J. AM. JUD. SOC. 118-19 (1944).
8. 354 U.S. 476 (1957).
9. *Id.* at 485.

of 'speech and press,' which is as distinct, recognizable, and classifiable as poison ivy is among other plants." [10] Professor Gellhorn would, I am sure, join Justice Harlan, and we need do no more than survey his brief history of changing tastes and changing mores to understand that, whatever may be the result for Mr. Roth's books and advertising circulars, the Court has left unanswered many problems by its statement that "implicit in the history of the First Amendment is the rejection of obscenity as utterly without redeeming social importance." [11]

More significant than the problem of definition, however, is the machinery of government censorship. Both the Post Office and the Bureau of Customs of the Treasury Department withhold from delivery to American citizens vast quantities of books and publications. Their procedures are little known, the decisions are largely *ex parte,* and of more importance, there is no public announcement of the decisions and no opportunity for public review and evaluation of the results. And when, as Professor Gellhorn points out, the same machinery is invoked by a somewhat strained interpretation of the Foreign Agents Registration Act to prevent the exposure to the American public of "foreign propaganda," the potential damage is enormously enhanced.

Professor Gellhorn's plea is for a return to common law and common sense. "Public indecency," where unwelcome conduct is thrust upon fellow citizens who cannot escape it is, one thing. Requiring that everyone must first approve of a communication before it can be transmitted to another person is quite different. He would, I think, worry less about the first amendment than about the blindness of men who sanction more and more suppression.

> "Why throw reformist energies into preventing the gratification of low tastes? Why not try instead to unravel the mystery of forming elevated tastes and interests, so that effective self-censorship may replace the clumsy external controls now attempted? Like any other freedom, the freedom to read can be used unwisely. But fear that freedom may be improvidently exercised does not justify its destruction. Foolish reading cannot be ended by force, but only by patient persuasion, by education rather than edict." (p. 103).

The third chapter of the book deals with an aspect of the right to work which deserves far more attention than it has received—occupational licensing. Scores of vocations have come to the point, first, of occupational organization, and then to the demand that they be subject to licensing and regulation. Only rarely is licensing imposed rather than induced, and only rarely is there opposition except sheer legislative inertia. The result has been licensed bee dealers, embalmers, beer coil cleaners, photographers, bait fishing boat operators, egg graders, guide dog trainers, and scores of others.

10. *Id.* at 497.

11. *Id.* at 484.

There are, of course, some advantages to the public. Complaints to a licensing board are more apt to be effective than law suits. Misfits and wholly unsuitable persons may be discouraged from attempts at an occupation in which they would be doomed to failure. But the cost in terms of dwindling freedom to choose a vocation—even if the choice is sometimes wrong—is becoming significant. A society of movement, of freedom, is tending to become a society of status.

Moreover, once a group achieves status it tends to rigidify it as did the medieval guilds. Price—or "fee"—fixing power is often obtained. Entrance requirements are stiffened to prevent undue competition. In one state, Professor Gellhorn points out, a high school graduate who wishes to become a master plumber must undergo a longer course of preparation than one who wishes to become a physician. Each group seeks self-administration, and a few more soft feathers for its own nest. And the existence of the licensing system furnishes a ready-made machinery for intruding irrelevancies into the right to work—citizenship, a period, frequently extensive, of antecedent local residence, and more recently, a non-communist oath, or other "loyalty" requirements.

That occupational licensing has gone too far, as Professor Gellhorn asserts, seems apparent. He would have it returned to its primary justification—a prophylactic measure intended to save the public from being victimized, rather than an economic weapon intended to strengthen the licensees. Where training and special qualifications are important he would extend the use of occupational titles for those who meet special occupational standards without closing the door on all the others; "registered" nurses, for example. Alternatively, Professor Gellhorn suggests that licenses issue on application, but be made subject to suspension or revocation for incompetence or dishonorable conduct relevant to the occupation. The end product he believes can thus be made licensing for the sake of the public at large, and not licensing for the sake of the occupations themselves.

Professor Gellhorn's book does not exhaust the potential of its title. The topics with which he deals are but three of many areas where government has lately become significant, with corresponding reductions in individual freedom. Even together they do not bulk large for the average American, on whom they rarely impinge directly. That, however, is their danger. We grow accustomed to un-freedom, and we fail to realize what we have lost. Professor Gellhorn's thought cannot be repeated too often:

> "If we are in fact to survive not merely as a few blobs on a damaged plant but as a society of free men, we must take pains to keep freedom as well as men alive and vigorous. Today is a perfectly good day for reminding ourselves that the blessings of liberty have been hard won in the past and should not be softly lost in the present through slothfulness, inattention and doubt." (p. 155).

Charles A. Horsky †

† Member, District of Columbia Bar.

PROCEDURE AND DEMOCRACY. By Piero Calamendrei. New York: New York University Press, 1956. Pp. xiii, 104. $4.50.

In 1952 when this reviewer gave a series of lectures in Spanish on international law at the Law School of the National University of Mexico, it so happened that he was preceded and followed, among the foreign professors invited, by two men who were both great authorities in the field of legal procedure, both philosophers of law and comparative lawyers, both practicing lawyers of great reputation: the late Professor Eduardo J. Couture, eminent Dean of the Law School of the University of Montevideo, and Professor Piero Calamandrei of the University of Florence. The latter's lectures, "Processo e Democrazia," are now presented in an excellent English translation by Dr. and Mrs. John Clarke Adams. Fostered by Professor Bernard Schwartz, who recently edited the work on the "Code Napoleon and the Common Law World," this book is published in English under the auspices of the Institute of Comparative Law of New York University School of Law. Professor Edmond Cahn has written a "Foreword to the American Reader," in which he presents Professor Calamandrei, a native of Toscana. We are particularly grateful that the author's "apostrophe to Toscana" is reprinted in the wonderful Italian original, this beautiful language which has started historically from Firenze—"il dolce stil fiorentino."

The book is not a treatise on legal procedure, but a series of lectures in which the author discusses certain connections between the working of law courts and democracy. The author does so with great scholarly knowledge and practical experience, sometimes with humor full of sympathy with human weaknesses, not unmindful of what Unamuno has called "el sentimiento trágico de la vida," and always with deep democratic conviction. Personal experience under Italian fascism allows him to contrast strongly the democratic against the totalitarian type of legal process. Taking the actual Italian law of procedure as a basis, he brings in many other laws comparatively and often gives an historical look at the development of certain institutions. He speaks not so much as an expert in procedural law, as in a philosophical way. That is exactly why these lectures are very interesting not only to the specialists, but to all jurists.

The first lecture deals with the relation between the law of legal procedure and the practice of the courts. Not only is the history of the legal process from the times of the Roman Law in substance the history of the transformation of judicial practice into the law of legal procedure, but also today the practice of those who are called upon to put the system into effect is much more important than the technical perfection of the abstract rules that regulate it. The democratic element in the law of procedure is the "rationalization of power"; each decision must be the product of reason, rather than an arbitrary action. The written law is only a frame. Where there is a deficiency of civic education and social solidarity, the decay of democratic institutions is inevitable.

The next three chapters deal with "the protagonist of the legal drama: the judge." The second lecture deals with the judge's principal quality: impartiality, and his duty to give decision on the basis of law. It is characteristic for revolutionary tribunals and also for courts in totalitarian states that the judge is immersed in politics; more than ever we see today that "political justice" is no real justice. Hence democracies want to separate the judge from politics, to separate politics from law. To that end we have the legislative formulation of law, the concept of the "Rule of Law," and the separation of powers. For the same reason, doctrine has developed the theory that a decision is no more than a judicial syllogism, the postulate of certainty in the law, and the predictability of the decision. The author naturally shows the untenability of the theory of a judge acting as an automaton.

The judge is a man and his decision an act of will for which he must bear the entire responsibility. The necessary pre-condition is the *independence* of the judge, proclaimed by all democracies. The third lecture deals with this independence. Independence includes freedom from hierarchic control. It is true, the author states, that the Continental "career judge" is not subject to any instructions in deciding a single case. But is he really independent under a parliamentary system in which a Minister of Justice is responsible before Parliament? He is an official, he is concerned with promotion, he is dependent on his salary. That is why the author seems to prefer the Anglo-American system of judges. On the other hand, it may be asked whether a judge is really in this sense independent, when he is elected. Calamandrei speaks of the "dependence" of the judge on his future examiners at the time when he is to come up for promotion; is not the elected judge in a similar position when the time comes for reelection? The author also speaks sympathetically of the "inadequate salary of a judge that condemns his family to poverty." (p. 37). Here again much can be learned from the Anglo-American system, which at all times has not only given to the judge the highest honors and prestige, but also a relatively high income.

The rationality of the judicial function, characteristic for democracy, finds expression in the legal prescription of a reasoned opinion. With this problem the fourth lecture deals. The author recognizes that normally the judgment is *a prius,* whereas the reasoned opinion serves to establish by logic the validity of a decision already reached. He criticizes the fact that a decision of a bench of judges is reached behind closed doors, whereas the reasoned opinion appears as unanimous; he, therefore, prefers the Anglo-American institution of "concurring" and "dissenting opinions," an institution which has now also been introduced into international courts.

The fifth lecture treats the other two principal actors of the legal drama, the lawyers who counsel the parties. For the "dialectical aspects of judicial process" are essential in a democracy. The inquisitorial process, the present day "totalitarian" processes, where the judge has before him only unprotected victims, helpless before his arbitrary power and already

condemned, cannot be called legal processes at all. The "three-dimensional aspect" is essential; but skeptically the author remarks that progress in simplification and speeding up of the legal process is made difficult by the mutual distrust between judges and lawyers. Also from this point of view the author admires the British system of selecting judges.

The last lecture, finally, deals with respect for the individual in the judicial process. This respect for the individual is, to a great extent, achieved as far as civil procedure is concerned. The only exception for the author lies in the difference between the rich man, who can choose his lawyer and can choose the best one, and the poor man who, even if counsel is provided without costs, cannot choose and often "must rely on a third-rate lawyer quite incapable of coping with the battery of able attorneys opposing him." (p. 98). But in criminal procedure the author finds the respect for the individual not yet realized. In the sense of Cesare Beccaria, he strongly opposes the death penalty; he finds that the "accused is still an inert object at the mercy of the inquisitor's violence": In criminal procedure, whether he is before the inquisitor who interrogates him, the jailor who imprisons him, or the executor who takes his life, man is still only a thing.

Josef L. Kunz †

DELINQUENCY—THE JUVENILE OFFENDER IN AMERICA TODAY. By Herbert A. Bloch and Frank T. Flynn. New York: Random House, 1956. Pp. 576. $7.95.

Like a breath of fresh air into a somewhat muddled and muddied subject, loosely categorized as juvenile delinquency, comes a book to gladden the hearts of not only those who work and study in the field but also those whose interest is of dilettante proportions.

Written by Herbert A. Bloch, professor of sociology at Brooklyn College, and Frank T. Flynn, professor in the School of Social Service Administration at the University of Chicago, this effort is far and away one of the best treatises on a most complicated theme. It approaches the subject sensibly and realistically and the conclusions it reaches are arrived at only after logical and careful study and explanation. If the authors cannot find answers for various aspects of the studies, they frankly admit it instead of torturously attempting to arrive at surface-like findings. The book contains desirable information for the "non-professional" reader together with sufficient technical information for the student in the field. The reviewer was personally deeply interested in this volume because of his acquaintanceship with one of the authors, Professor Flynn. Professor Flynn, a short time before his death, consulted with the reviewer while he was aiding in the survey of the Juvenile Division of the Municipal Court of Philadelphia.

† Professor of Law, University of Toledo, College of Law.

The book is divided into four parts:

1. The Meaning and Scope of Delinquency.
2. Pressures Toward Delinquency.
3. Treatment Agencies.
4. Prevention.

The meaning and scope of delinquency is viewed from two aspects—What is delinquency and who are our delinquents? The authors explain that the generic meaning of delinquency or delinquents can vary from jurisdiction to jurisdiction, from court to court and from community to community. Thus, they say that each case must reckon with motivation, environmental opportunity and community attitude, as far as the meaning of delinquency is concerned, whereas the definition of delinquent must be gleaned from both a legal and sociological standpoint.

In explaining pressures toward delinquency the authors admit that the studies to date in this field are not too satisfactory. They feel that we must in each case search for the elusive causes, take account of the personality and physical constitution of the delinquent, his emotional pressures and the pressures of environment. The authors, in this respect, make a great point in demonstrating that there is no real definition for the constitutional psychopathic because in all the studies there is a danger that the conclusion might express the moral views of the diagnostician or, actually, his inability to diagnose.

A wealth of material for governmental agencies and subdivisions is contained in the section of the book which concerns itself with treatment agencies. The roles of the police, detention homes, juvenile courts, training schools, etc., are all analyzed and given a very realistic appraisal. The authors, further, have set forth an inter-dependent pattern of these facilities from which much can be learned by those who have in their power the setting up and augmenting of training facilities.

The final section of the book is devoted to the prevention of juvenile delinquency and concerns itself mainly with the responsibility of society in this respect. The authors make a point of saying that here again there is no panacea available but that each community must gear its prevention facilities to the problems within the community.

As I have indicated throughout this review, the appeal of this volume comes about by virtue of its very realistic approach to the entire problem rather than to a segment thereof. For instance, in the section dealing with treatment agencies the authors first set forth four preliminary considerations and then proceed to cover the role of the treatment agency as it exists and as it should be. When they speak of emotional pressures they speak in the language of the layman rather than that of the professional. This type of approach occurs throughout the entire book and should be most gratifying to the reader.

In conclusion, it is felt by the reviewer that this volume is a definitely worthwhile addition to the field which concerns itself with the problems of the young. Although fairly lengthy it must necessarily be so because of the fact that the subject itself is not one which can be glossed over with a few cliches and conclusions. As a judge who spends considerable time dealing with the problems of youth, I can recommend this volume most highly.

Leonard M. Propper †

† Late Judge, Municipal Court of Philadelphia.

BOOKS RECEIVED

THE ADMINISTRATION OF JUSTICE IN RETROSPECT: ROSCOE POUND'S 1906 ADDRESS IN A HALF-CENTURY OF EXPERIENCE. Edited by Arthur L. Harding. Dallas: Southern Methodist University Press, 1957. Pp. ix, 99. $3.00.

AMERICAN DEMOCRACY UNDER PRESSURE. By Donald C. Blaisdell. New York: The Ronald Press Company, 1957. Pp. viii, 324. $5.00.

ARCHEION: OR, A DISCOURSE UPON THE HIGH COURTS OF JUSTICE IN ENGLAND. By William Lambarde. Charles H. McIlwain and Paul L. Ward, Editors. Cambridge: Harvard University Press, 1957. Pp. ix, 176. $5.00.

BOUNDARY CONTROL AND LEGAL PRINCIPLES. By Curtis M. Brown. New York: John Wiley & Sons, Inc., 1957. Pp. xi, 275. $7.50.

CITADEL, MARKET AND ALTAR. By Spencer Heath. Baltimore: The Science of Society Foundation, Inc., 1957. Pp. xxiv, 259. $6.00.

THE CIVIL LAW SYSTEM; CASES AND MATERIALS. By Arthur Taylor Von Mehren. Englewood Cliffs: Prentice-Hall, Inc., 1957. Pp. xxii, 921. $11.00.

CONTRACTS AND CONTRACT REMEDIES; CASES AND MATERIALS. (4th ed.) By Harold Shepherd and Harry H. Wellington. Brooklyn: The Foundation Press, Inc., 1957. Pp. xxiv, 1194. $11.00.

CONTRACTS; CASES AND MATERIALS. (4th ed.) By Edwin W. Patterson, George W. Goble and Harry W. Jones. Brooklyn: The Foundation Press, Inc., 1957. Pp. xvii, 1243. $11.00.

COPYRIGHT LAW SYMPOSIUM NUMBER EIGHT. American Society of Composers, Authors and Publishers. New York: Columbia University Press, 1957. Pp. xiv, 146. $3.50.

THE CRISIS OF THE OLD ORDER. By Arthur M. Schlesinger, Jr. Boston: Houghton Mifflin Company, 1957. Pp. xiv, 557. $6.00.

CRITICAL ISSUES IN LABOR ARBITRATION. Proceeedings of the Tenth Annual Meeting National Academy of Arbitrators. Edited by Jean T. Mckelvey. Washington: BNA Incorporated, 1957. Pp. xvi, 211. $5.50.

EQUAL JUSTICE UNDER LAW. By Carroll C. Moreland. New York: Oceana Publications, Inc., 1957. Pp. 128. $2.75.

THE FEDERAL TORT CLAIMS ACT. By William B. Wright and Emile Z. Berman. New York: Central Book Company, Inc., 1957. Pp. xii, 246.

FIRST OFFENDERS—A SECOND CHANCE. By Aaron Nussbaum. New York: Aaron Nussbaum, 1957. Pp. v, 55. (paper bound).

THE FREEDOM TO READ. By Richard McKeon, Robert K. Merton and Walter Gellhorn. New York: R. R. Bowker Co., 1957. Pp. viii, 110. $2.50.

FREEDOM, VIRTUE AND THE FIRST AMENDMENT. By Walter Berns. Baton Rouge: Louisiana State University Press, 1957. Pp. xiii, 264. $4.00.

FUNDAMENTAL LIBERTIES OF A FREE PEOPLE: RELIGION, SPEECH, PRESS AND ASSEMBLY. By Milton R. Konvitz. Ithica: Cornell University Press, 1957. Pp. xiii, 420. $5.00.

GOVERNMENT UNDER LAW AND THE INDIVIDUAL. By Milton Katz, et al. Washington: American Council of Learned Societies, 1957. Pp. viii, 73 (paper bound). $1.00.

HANDBOOK OF PARTNERSHIP TAXATION. By Arthur B. Willis. Englewood Cliffs: Prentice-Hall, Inc., 1957. Pp. xviii, 585. $15.00.

INTERNATIONAL GOVERNMENT. (3d ed.) By Clyde Eagleton. New York: The Ronald Press Company, 1957. Pp. xxi, 665. $6.50.

INTERNATIONAL LAW FOR SEAGOING OFFICERS. By Commander Burdick H. Brittin, USN. Annapolis: United States Naval Institute, 1957. Pp. xiv, 256. $4.50.

THE JOINT VENTURE AND TAX CLASSIFICATION. By Joseph Taubman. New York: Federal Legal Publications, Inc., 1957. Pp. xvii, 493. $15.00.

JURISDICTION OVER FEDERAL AREAS WITHIN THE STATES: REPORT OF THE INTERDEPARTMENTAL COMMITTEE FOR THE STUDY OF JURISDICTION OVER THE FEDERAL AREAS WITHIN THE STATES. Part II. Washington: United States Government Printing Office, 1957. Pp. xxxvii, 351. $1.25.

THE LAMONT CASE. Edited by Philip Wittenberg. New York: Horizon Press, 1957. Pp. xxxi, 331. $5.00.

THE LAW OF ADMIRALTY. By Grant Gilmore and Charles L. Black, Jr. Brooklyn: The Foundation Press, Inc., 1957. Pp. xli, 866. $10.00.

THE LION AND THE THRONE. By Catherine Drinker Bowen. Boston: Little, Brown and Company, 1957. Pp. xiii, 652. $6.00.

NOT GUILTY. By Jerome Frank and Barbara Frank. Garden City: Doubleday & Company, Inc., 1957. Pp. 261. $3.75.

ON THE TEACHING OF LAW IN THE LIBERAL ARTS CURRICULUM. By Harold J. Berman. Brooklyn: The Foundation Press, Inc., 1956. Pp. 179 (paper bound).

PARKINSON'S LAW. By C. Northcote Parkinson. Boston: Houghton Mifflin Company, 1957. Pp. viii, 113. $3.00.

THE PRESIDENCY IN THE COURTS. By Glendon A. Schubert, Jr. Minneapolis: University of Minnesota Press, 1957. Pp. xi, 391. $5.50.

THE PROFESSION OF LABOR ARBITRATION. Edited by Jean T. McKelvey. Washington: BNA Incorporated, 1957. Pp. vi, 185. $4.50.

RACIAL DISCRIMINATION AND PRIVATE EDUCATION. By Arthur S. Miller. Chapel Hill: The University of North Carolina Press, 1957. Pp. ix, 136. $3.50.

RUSSIA SINCE 1917. By Frederick L. Schuman. New York: Alfred A. Knopf, 1957. Pp. xii, 508, xxvii. $4.85.

THE SANCTITY OF LIFE AND THE CRIMINAL LAW. By Glenville Williams. New York: Alfred A. Knopf, Inc., 1957. Pp. xxiv, 350. $5.00.

STATE OF NEW YORK—1957 REPORT OF THE TEMPORARY COMMISSION ON THE COURTS —III FIRST PRELIMINARY REPORT OF THE ADVISORY COMMITTEE ON PRACTICE AND PROCEDURE. Legislative Document No. 6(b), 1957. Pp. 624 (paper bound).

THE SUPREME COURT: CONSTITUTIONAL REVOLUTION IN RETROSPECT. By Bernard Schwartz. New York: The Ronald Press Company, 1957. Pp. v, 429. $6.50.

TAXATION OF LIFE INSURANCE. By Bertram Harnett. Englewood Cliffs: Prentice-Hall, Inc., 1957. Pp. viii, 296. $6.50.

TAX EFFECTS OF OPERATING AS A CORPORATION OR PARTNERSHIP. By Houstin Shockey and Henry W. Sweeney. Englewood Cliffs: Prentice-Hall, Inc., 1957. Pp. xi, 321. $8.50.

TAX FACTORS IN BASING INTERNATIONAL BUSINESS ABROAD. By William J. Gibbons. Cambridge: Law School of Harvard University, 1957. Pp. x, 177. $5.00.

THEORY AND REALITY IN PUBLIC INTERNATIONAL LAW. By Charles De Visscher (Translated by P. E. Corbett) Princeton: Princeton University Press, 1957. Pp. xvi, 381. $5.00.

TORTS; CASES AND MATERIALS. (2d ed.) By Young B. Smith and William L. Prosser. Brooklyn: The Foundation Press, Inc., 1957. Pp. lx, 1298. $12.00.

TRIAL AND TORT TRENDS. Edited by Melvin M. Belli. New York: Central Book Co., Inc., 1957. Pp. lix, 584.

THE UN-AMERICANS. By Alvah Bessie. New York: Cameron Associates, Inc., 1957. Pp. 383. $4.75.

THE UNPUBLISHED OPINIONS OF MR. JUSTICE BRANDEIS. By Alexander M. Bickel. Cambridge: The Belknap Press of Harvard University Press, 1957. Pp. xxi, 278. $6.00.

WHAT IS JUSTICE? JUSTICE, LAW AND POLITICS IN THE MIRROR OF SCIENCE. Collected Essays by Hans Kelsen. Berkeley and Los Angeles: University of California Press, 1957. Pp. 397. $7.50.