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# World Peace Through World Law by Grenville Clark and Louis B. Sohn

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# *Book Reviews*

WORLD PEACE THROUGH WORLD LAW, by GRENVILLE CLARK AND LOUIS B. SOHN. Harvard University Press, 1958, 525 pages, $7.50.

For the first time, we have available to the public a comprehensive and detailed plan for revising the United Nations Charter to establish legislative, executive and judicial institutions backed by a strong world police force for the prevention of war. Aided by a Ford Foundation grant, this monumental work appears at a time when leading statesmen and thinkers throughout the world are echoing the necessity for world law. The need having been widely recognized, we are fortunate in having a blueprint from two such able and well qualified authors to form a basis for the extensive discussions which will inevitably be required before truly effective world institutions for the maintenance of peace can be accepted by the peoples of the world.

Grenville Clark is a retired partner of the New York firm of Root, Clark & Bird where he was associated with Elihu Root, while Louis Sohn, a generation younger, is a professor at Harvard Law School and United Nations legal officer. Both men have been dedicated students of the problems of world law and order for the past 20 years and have been collaborating on methods of remedying the weaknesses of the United Nations Charter since October, 1945.

The authors have not treated disarmament as an end in itself but as one of several interrelated and equally indispensable elements of eventual world order. For ease of comparison, the proposed revision of the United Nations Charter is set out in parallel columns with the 111 Articles of the 1945 Charter, followed by the seven entirely new Annexes, carrying such titles as: *Disarmament, The United Nations Peace Force, The Judicial and Conciliation System, The World Development Authority, Privileges and Immunities* and *Bill of Rights.* Each proposal is followed by the authors' interesting explanation and discussion of the motivating reasons therefor.

Any reader will be impressed with the thoughtfulness and ingenuity with which the authors have developed their plan. They have given due weight to the practicalities of world politics, realizing that certain checks and balances would have to be provided if such proposals were to be palatable to the leading powers.

Many critics will point out that we would be giving up some of our sovereignty in adopting the Clark-Sohn proposals. The same cry was raised by several of the colonies who were reluctant to ratify the constitution proposed by our founding fathers. The scientific-military revo-

lution through which we are passing has rendered war obsolete as a method of solving disputes among nations. It remains to be seen whether man will have the intelligence and perspective to develop institutions adequate to prevent the threatened annihilation of humanity. The Clark-Sohn proposals may vastly increase our chances of survival.

ROBERT E. BINGHAM

TRAFFIC VICTIMS, by LEON GREEN. Northwestern University Press, 1958, 127 pages, $4.00.

Something must be done about the traffic cases. Lawyers and nonlawyers alike are finding themselves on the same platform in criticism of the manner in which the victims of the auto age are being handled — or mishandled — within the legal processes. Now that venerable gentleman of the law of torts, Leon Green, has come forward with something more than a modest proposal for handling one of the most serious legal problems of our time. This is the man who thirty years ago turned negligence doctrine one hundred and eighty degrees about and disclosed how it really worked,[1] to the great advantage of the student of law and I suspect to the benefit of many who have not even heard of his work. Today, in a comparative few but significant words, he suggests abandoning that doctrine, that "professional ritual" as he calls it, altogether in favor of a new realism.

There should no longer be any shock in the way Dean Green pierces through the legal fictional process as part of his persuasion toward a new approach. In a neat historical package, he quickly traces the general movement of tort law from what has been called a "fault" kind of basis to a "spread the risk" concept of liability. While it does appear that the negligence-doctrine product of the "horse and buggy" era has caused a lag in the parallel drift in today's traffic cases, still even here the lag is more in the legal fiction than in the actualities of litigation and settlement. The way Dean Green looks at it, for instance, the doctrine of proximate cause really serves little more function than to allow the appellate judge to exercise a heavy hand over the trial process.

Whether you habitually represent a particular side of a personal injury case or play the field, you cannot ignore the social significance of liability insurance. Nor has the legal process ignored this relative newcomer. Yet, despite the widespread change in attitude toward the victim of traffic, some judges are blinded by the fictions of fault. The rest

1. GREEN, RATIONALE OF PROXIMATE CAUSE (1927); JUDGE AND JURY (1930).