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SEX AND THE LAW. By Morris Ploscowe. New York: Prentice-Hall Inc., 1951.

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would seem to be appropriate to an understanding of public administrative law. On the whole, however, the difference from a private-law philosophy appears to lie in a more detailed explanation and classification of general administrative organization and operation as it affects the individual. This forms the central and most detailed portion of the book. As a means of placing an individual's rights in a perspective of government in action, it is commendable and highly desirable both practically and theoretically. Even so a private attorney would usually be professionally concerned primarily with learning and enforcing or protecting an individual client's interests as against those represented and personified by an administrator, and secondarily (as to a means of doing so) in whether the executive branch can function adequately. Mr. Parker can quite correctly reverse that order of priority, without necessarily going so far as to claim that the latter one is the concern of administrative law, and without having thereby developed another legal philosophy.

These strictures, although applicable to this book and its author, should also be pertinent to others who are tilling the same rocky and stump-studded field. Continuing efforts in recent decades by a growing professorial band, and fertilizer spread in the form of a paternally beneficent government, have not yet transformed the scattered seeds of an amorphous grouping of legal principles into a mature corpus of law. Texts, treatises, articles, courses, loose-leaf services, and hornbooks, now culminating in this concise guide, are not sufficient to create a unified body of knowledge. It might be that the crop is not yet ripe; more likely that phrase is an evasion of the difficulty. Most of the writers on administrative law have described, analyzed, classified, and debated. They have not thought profoundly enough, with rare exceptions. An illuminating principle, now obscured by politics, argument, and legal confusion, must be conceived. Mr. Parker has done well to succeed in making the main outlines of administrative law more intelligible to those whose need for comprehension he felt and has partly satisfied.

RICHARD W. RODGERS

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SEX AND THE LAW. By Morris Ploscowe. New York: Prentice-Hall Inc., 1951. Pp. 310. \$3.95.

Achieving progress has been one of the primary problems of mankind since time began. We constantly seek advancement: technologically at least, this has been true; insofar as the law is concerned, this has been too painfully and acutely untrue. Whether viewed from the standpoint of modern science or from its oldest psychological factors the law today does not fill modern social needs. This is sharply brought into focus by Judge Ploscowe in his work on *Sex and The Law*. It not only points up the glaring lack of understanding shown in the statutes and in law enforcement

today, but it indicates the hypocrisy with which much of this problem has been handled. To say that the law is fifty years behind the times, is merely touching the real question; sex, and its ramifications, has been a major problem since the inception of mankind. Yet, the realities of sex have never been the trouble; it is the fantasies which have clouded the clear picture and it is with these fantasies that we must deal in all branches of the law.

Judge Ploscowe strives to cover all the aspects of this situation as it pertains to the law, not only by encompassing the more popular topics of the day (*i.e.*, sex and crime), but by dealing with the vital problems of marriage, annulment, divorce and illegitimacy as well. The book is apparently designed to reach all classes for in it is suppressed the natural inclination writers in this field have for weighty technical terminology. This by no means indicates that the book will not be of value to the professional—on the contrary, it will etch sharply in the mind of the reader just what confronts society in general, and what must be done to rectify the apparent inconsistencies we have made by confusing fact and fantasy.

The author does not profess to have all the answers but is merely stating one man's opinion as to what can be done. The questions presented are by no means simple. In dealing with marriage, divorce and annulment he has been most careful to consider the religious aspect as well as the statistical information garnered from such sources as the Kinsey report.

Each problem is presented in an authentic, lucid style. The author strives to trace the historical highlights of each topic and correlate it to the present. This is particularly noticeable in his fine chapter on divorce. In the summarizing chapters he indicates the specific realities to be faced by our civilization today. For example, in dealing with annulments he writes:

There is something wrong with a legal proceeding which invites perjury, connivance, and collusion on the part of the plaintiff and defendant, and which requires judges and lawyers to shut their eyes to the realities of the situation before them. The basic reality in annulment actions is the desire of the parties for a dissolution of the marriage. The means used to achieve that end are only incidental.

The discussions on the criminal statutes today with regard to sex are most advanced. With the advent of the Kinsey report, a new wave of thinking has swept the country and only now are we emerging from the cocoon of hypocrisy which has imprisoned any progress in this field. Judge Ploscowe shows clearly that we must adjust our outlook to accord with real behavior and must reject the "fairy tale" philosophy under which our statutes were born. Its standards have been shown to be too high for the majority of the population. Why then allow frustration and guilt complexes to hover over us, when we could revise our statutes to fill the actual needs of society?

If there is any limitation to this book at all, it is in the fact that the

writer has attempted to solve one of the most complex riddles of mankind in a relatively short amount of space. In a certain measure he has succeeded, but frankly, not one of these topics can actually be handled, with the true profundity each requires, in such a limited span.

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PRISONERS AT THE BAR and GUILTY OR NOT GUILTY? By Francis X. Busch.
Indianapolis: The Bobbs-Merrill Company, Inc., 1952. Pp. 288, 287.
\$3.50 each.

The trial practice and procedure of criminal law may yet head the best seller list. In what may be the first volumes in a series, the distinguished trial lawyer and author, Francis X. Busch, influenced to some extent by the now famous series, *Notable British Trials*, has presented in two volumes the accounts of the trials of William Haygood for the murder of Governor Steunenberg; of Sacco and Vanzetti; of Loeb and Leopold; of Bruno Hauptmann for the kidnapping of the Lindbergh baby; of Leo Frank for the murder of Mary Fagan; of D. C. Stephenson for the murder of Madge Oberholtzer; of Samuel Insull and of Alger Hiss.

In most instances the facts and the personalities of all of these trials have largely been forgotten. Only the names remain. In their day, all of these trials were of nation-wide interest; in some cases, of international interest. For the layman they present an opportunity to form his opinion on the facts and evidence as they have been gathered and condensed into an absorbing narrative. To the lawyer, especially the practitioner in criminal law, these accounts are of great interest and contain many valuable suggestions for use in criminal trials. The testimony of the "expert on woods," set out in the account of the trial of Bruno Hauptmann, is not only an extraordinary account of a determined investigation, but also indicates the scientific investigation of which a trial counsel may avail himself. The trial of D. C. Stephenson for murder presents a most interesting question in criminal law, since the victim's death was the result of a self-administered poison. The case of Alger Hiss is of such immediate interest and is undoubtedly so familiar to the reader, insofar as newspaper accounts are concerned, that this more scholarly treatment, superficial as it may be, is indeed welcome.

Many personalities in the legal profession whose careers have always been of interest are here presented to the reader. Particularly of interest is the appearance in the volumes of Clarence Darrow, who defended William Haywood and George Pettibone, and whose plea for clemency in the Loeb and Leopold case was an outstanding performance by an outstanding lawyer. The narrative of that case is liberally interspersed with excerpts from