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## Spring: Risks and Rights

John B. Martineau

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appointed in not finding an index to the "readings" which are included in the volume.

In undertaking the analysis and correlation of what these other disciplines have to contribute to a better understanding of the legal problems of personal and family life, Professor Harper has accepted the almost Herculean task of blazing a trail through the uncharted maze of a prolific literature in each of those disciplines. Whether or not, in each individual instance, the author has chosen the most apt "reading" is a question which can be answered only by the combined thought of the many able teachers and students of Domestic Relations law. Whatever that final verdict may be, it will in no way detract from the noteworthy fact that the author has been a pioneer in opening, in printed form, new avenues of approach to the long sought and greatly desired solution to some of the baffling problems in personal and family law.

This volume will prove an aid and encouragement to those teachers who believe that the student of Domestic Relations should be prepared to take his place in the legal profession as a social physician rather than as a mere dabbler in legal maxims of family law. Again in the words of the author: "It is not the editor's notion that lawyers must become psychiatrists, sociologists and anthropologists in order to deal with the family in trouble. . . . [But] in any event, familiarity with these fields may contribute greatly to [their] grasp of many family problems and [their] understanding of the source of much unhappiness."

It is the belief and sincere hope of the writer that Professor Harper's contribution may prove a help and guide to the lawyers, judges and legislators who are faced with the perennial problem of seeking a solution to the ever increasing divorce rate and the mounting numbers of dependent children of broken homes.

ALBERT A. VAIL\*

*Risks and Rights*. By SAMUEL SPRING. New York: W. W. Norton & Co., Inc., 1952. Pp. xviii, 385. \$7.50.

*Risks and Rights* is aptly introduced in a foreword by Chief Judge Harold M. Stephens of the United States Court of Appeals as a "law book for laymen, but not a home remedy manual" which "seeks only to tell those for whom the book is written what risks and rights are involved in their affairs and what legal means are available for the avoiding of the one and securing of the other."

The author of *Risks and Rights*, however, goes beyond this objective in some instances where he advocates reforms in the law, including the abolition of the distinctions between libel and slander, which he assails as artificial, technical and medieval. One wonders how this can be of help to a particular author or publisher in need of guidance in his affairs. Law books dedicated to laymen sometimes do more harm than good unless strict heed is paid to the warning against self-diagnosis and self-medication, which often bring on additional complications from which our poor layman can only be extricated by the skilled practitioner.

This is not to say that such books serve no useful purpose. Unlike the medical layman who experiences a malaise which sends him to the doctor, the legal layman feels fine until he is served with a summons. Hence, it is impor-

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tant that he recognize the symptoms and consult professional advice to head off the arrival of the sheriff. *Risks and Rights* ably sets down the symptoms in language too plain to misinterpret.

The book contains an interesting vignette on the growth and present status of the right of privacy and warnings against some of the dangers lurking in the path of an author of imaginative fiction. It thus serves the useful purpose of suggesting to such an author that he seek professional legal advice before he becomes enmeshed in a suit for damages. Mr. Spring takes a dim view of the present state of the law of privacy in New York, which he seems to feel is rapidly retrogressing to almost a barbaric, if not ridiculous, level. He proves his case conclusively by an able and deft analysis of the decisions. Obviously, Mr. Spring does not intend the 28 pages he devotes to right of privacy to be a definitive work on the subject. The same may also be said of his treatment of defamation to which he devotes 31 pages. It must be said that Mr. Spring has the gift of clear and succinct expression, and that his criticisms of some of the anachronisms of the law of defamation are very well taken. For these vestigial remnants, the term "medieval" is his favorite reproach.

This reviewer was most favorably impressed by Mr. Spring's chapter on "What is Defamatory," in which he deals with defamation and insinuation, the functions of the judge and jury, the difference between opinion and fact, and the like. He seems to have reached the heart of the matter in extremely lucid language, completely stripped of the abracadabra usually found in works on defamation.

The bulk of Mr. Spring's work is devoted to copyright and associated problems. This part of the work should be of particular value, not only to the layman but also to the practitioner who wishes to get the broad scope of the problems in this field as an introduction and guide to a more detailed study of the decisions and statutes needed to solve his specific problem.

The last 47 pages of *Risks and Rights* contain a very interesting discussion on "Television, Ideas and Censorship," and the author gives a very helpful discussion of some of the problems raised by the new medium of television. He makes the suggestion that since television is completely an interstate affair, and since there is no federal common law, there is needed a uniform federal codification of the right of privacy.

JOHN B. MARTINEAU\*

*Handbook of the Law of Evidence.* By JOHN EVARTS TRACY. New York: Prentice-Hall, Inc., 1952. Pp. 368. \$5.35.

One who believes, as does the writer, that our system of Evidence is a practical guide to the determination of matters of fact, and is not a branch of speculative philosophy, will read Professor Tracy's "Handbook" not only with profit, but with pleasure. As a courtroom practitioner for over thirty years, during which time I doubled as a preceptor of the cult, I can unqualifiedly recommend the book to the student, the practitioner and the teacher alike,—to the fledgling who is blissfully ignorant of the basic tenets of the creed, to the tough old birds who have long ago forgotten them, and to those of us in the classroom who might have become so "sor" in our own methods of presentation as to be myopic to the logic of another's topical sequence. A recall

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