

# Washington University Law Review

---

Volume 1952 | Issue 3

---

January 1952

## Review of “Conflict of Laws, Cases, and Materials,” By Fowler V. Harper, Charles W. Taintor II, Charles Wendell Carnahan, and Ralph S. Brown, Jr.

Joseph M. Cormack  
*College of William and Mary*

Follow this and additional works at: [https://openscholarship.wustl.edu/law\\_lawreview](https://openscholarship.wustl.edu/law_lawreview)



Part of the [Conflict of Laws Commons](#)

---

### Recommended Citation

Joseph M. Cormack, *Review of “Conflict of Laws, Cases, and Materials,” By Fowler V. Harper, Charles W. Taintor II, Charles Wendell Carnahan, and Ralph S. Brown, Jr.*, 1952 WASH. U. L. Q. 481 (1952).  
Available at: [https://openscholarship.wustl.edu/law\\_lawreview/vol1952/iss3/10](https://openscholarship.wustl.edu/law_lawreview/vol1952/iss3/10)

This Book Review is brought to you for free and open access by the Law School at Washington University Open Scholarship. It has been accepted for inclusion in Washington University Law Review by an authorized administrator of Washington University Open Scholarship. For more information, please contact [digital@wumail.wustl.edu](mailto:digital@wumail.wustl.edu).

the food consumer. What place they have in what is otherwise a well written law book could be subject to argument.

The first paragraph in the introduction reads,

The growth of agencies that employ modern technology, complex fabrication, and mass production, into 'clusters of private collectivisms' has drastically upset any supposed balance of power between the economic entities whose interplay of mutual demands and concessions gave to Adam Smith's self-regulating economy its motive power.

The last sentence in the book reads,

Even where it is appropriate to emphasize direct governmental surveillance, the pressure of unfettered civil responsibility is frequently a valuable instrument of government in buttressing hard-to-enforce criminal sanctions.

In general, the topics discussed in the Introduction and in Chapter V represent the author's analysis of the defects in the present civil remedies in food cases. Several suggestions are made, but the author states that statutory changes cannot cure defects inherent in civil action and suggests that the job is a preventative one "which cannot be completed without the supplementary aid of direct government regulation in the form of adequate pure food laws and laws setting standards for labeling, packaging and advertising." In the light of the language of the sentence last quoted, it is difficult to tell whether the author, even though he has made numerous references thereto, practically appreciates the application to the food industry of the Federal Food, Drug and Cosmetic Act of 1938, the regulations thereunder and the conforming state laws. These have served to make the food industry one of our most stringently regulated major industries. In fact, had they not been enforced by an intelligent agency they would have been a serious burden and could have restricted progress in the food field.

In general, it would appear that the Introduction and Chapter V of the book might more appropriately appear in magazine or law review articles rather than in a law textbook. The same pages devoted to an index of cases under suitable fact headings would be more useful to the lawyer. However, the presence of this additional matter in a text dealing primarily with products liability law cannot affect its practical value as a current, well annotated reference to the products liability cases in the food field.

Maurice L. Stewart\*

---

CONFLICT OF LAWS, CASES AND MATERIALS. By Fowler V. Harper, Charles W. Taintor II, Charles Wendell Carnahan and Ralph S. Brown, Jr. Indianapolis: Bobbs-Merrill Company, 1950. Pp. xxxix, 1090. \$7.50.

Notwithstanding the excellence of other casebooks in this field, this one has enabled me to do a better job. This is primarily because of the material upon renvoi and related problems which has been collected, and which has been placed in its proper position, at the beginning of the book. These problems are basic and fundamental in getting the student's mind working

---

\* Member, St. Louis Bar.

along the proper lines in dealing with this subject. The student should have the concepts developed in dealing with these problems thoroughly in mind as he takes up the cases dealing with specific problems. He should be constantly on the alert to consider in connection with each case the presence or possibility of renvoi and characterization problems. In the past, I have had to lecture upon these matters at the beginning of the course, without effective casebook assistance; now the students have valuable materials at hand with which they can work while these problems are being developed.

In giving a three-semester-hour course, I found it advisable to go through the book to page 451, and then to skip to page 850, and proceed from there to the end of the book, finally returning to the omitted portion, done with less thoroughness. This is in order not to leave until near the end of the course a subject as important in this field as divorce, and also to take up before the end the very important material in the final chapter upon the Supreme Court's control over conflict of laws.

At first glance, I was shocked to find only seven cases devoted to divorce, support and custody, but came to the conclusion that as the law has developed the seven cases are adequate.

Any professor familiar with the field will feel that this book, like any other, omits cases which should appear in any conflict of laws casebook. However, on the whole an excellent job has been done throughout.

Joseph M. Cormack\*

---

\* Professor of Jurisprudence, College of William & Mary.