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Book Reviews

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employee on her own premises upon returning home from a special task.

The court's decision is significant in that in interpreting the "going and coming" rule the return journey was not over, even though the employee had reached and was on her own property when injured. The court seems to base its whole conclusion on *causation*, not in relation to the injury, but in relation to the travel. As the court states, "The errand for the employer was the occasion of her leaving the house and returning to it. Her walk from the car to the house was occasioned by the errand."

Justice Magney in his dissent in the instant case says:

I see no logical distinction between an accident happening in employee's own home and an accident happening on employee's privately owned walk. The hazards of the journey end when employee crosses the property line and steps upon her own privately owned property. . . .

Logically enough the journey must end some place, and so too must the coverage. The employer should not be treated as an all-coverage insurer. How far the coverage may ultimately go is a matter of conjecture.

Jack Fena

BOOK REVIEWS

BIG GOVERNMENT: The Meaning and Purpose of the Hoover Commission Report. By Frank Gervasi.¹ New York City: Whittlesey House, McGraw-Hill Book Company, Inc., 1949, Pp. xxii, 366. \$4.00. —The Eightieth Congress on July 7, 1947, passed by unanimous consent a law creating a Commission for Organization of the Executive Branch of the Government and calling for "economy, efficiency and improved service in the transaction of the public business in the departments, bureaus, agencies, boards, commissions, offices, independent establishments, and instrumentalities of the executive branch . . ." ²

A bi-partisan commission of twelve outstanding citizens of the republic was appointed, chaired by former President Herbert Hoover. Newspaper men immediately, in typical fashion, dubbed the commission the Hoover Commission, but the public has subsequently adopted that "nickname" as a token of respect and gratitude for the monumental service performed by Mr. Hoover in

¹ Washington correspondent and staff editor of *Colliers*.

² 61 STAT. 246 (1947), 5 U. S. C. § 138a (1947).

searching out, pointing up, and suggesting the reforms presented in the "Hoover Commission" Report.

The aims and purposes of the Commission were to be accomplished by "(1) limiting expenditures to the lowest amount consistent with the efficient performance of essential services, activities, and functions; (2) eliminating duplicating and overlapping of services, activities and functions; (3) consolidating services, activities, and functions of a similar nature; (4) abolishing services, activities and functions not necessary to the efficient conduct of government; and (5) defining and limiting executive functions, services, and activities."³

Research and investigation for the Commission was carried on by 300 workers organized into twenty-five task forces. Their efforts resulted in reports to the Commission totaling 2,500,000 words, which the Commissioners in frequent meetings digested, debated, and condensed into the now famous Report of the Hoover Commission. Nineteen months of work went into the project, and the cost to the taxpayers was about two million dollars.

Mr. Gervasi's book is a masterful attempt to bring to the taxpayer, in readable form, the meaning and purpose of the Commission Report. Probably almost every taxpayer who has had any contact with governmental functions, services, or activities, however slight, has been bewildered or mystified, perhaps incensed, at the "government's way of doing business," but upon reading Mr. Gervasi's book, he will be dismayed at the extent of the confusion, overlapping, and inefficiency that exists in the government's performance of its services for him at his expense. He may well wonder whether the book might not have been more properly entitled "Too Big Business."

Although, as Mr. Gervasi points out, the Hoover Commission does not represent the first attempt at re-organization of the executive branch of the government, it does indicate that the mushroom growth of governmental functions, activities, and services in recent years now makes it imperative that the operations of the executive department be streamlined and brought up to date in order to avoid having the structure collapse of its own weight.

The Hoover Commission made it clear that it did not intend to reduce the number of services rendered by the government except in certain cases, but intended simply to see that the citizen gets fair value for his money. Government being what it is, "an instrument for developing and implementing national and international policies,"⁴ and not a business concerned only with furnishing goods

³ Text, at 15.

⁴ Text, at 5.

or services in order to make a money profit for its owners, it is not fair to compare the operation of our government with any of our big corporations no matter how monstrous in size, efficient in operation, or successful in achievement of aims and purposes. Government belongs to the people; it exists only for purpose of effectuating their desires. The demands of the people upon the government for services and more services is limited only by the peoples' willingness and ability to pay for them. But, says the Hoover Report, there is no good reason why, in the operation of the government for the furnishing of those services, the taxpayer is not entitled to the most that can be got for his tax dollar. To that end it is frankly pointed out that, not in its policies, but in its operations government might well borrow many practices that have been tried and tested by big business. The Commission, in its research and investigation, availed itself of the talents of several of the country's leading business services, management engineers, purchase analyzers, traffic consultants, accountants, university professors, insurance company presidents, and others, all of whom had performed similar services for private, semi-private or public enterprises with brilliant results. Their reports to the Commission, evaluated in the light of the purposes of government and rewritten by the commissioners in the light of their directive from Congress, make up the Hoover Report.

Mr. Gervasi divides his book into three parts, entitled "Executive Jungle," "Areas of Waste," and "Global Responsibilities."

In the rather short first part the author indicates that, while the problem is not new, it has become acute in recent years. He points out the unbelievable growth of the nation since the turn of the century in every dimension—industrially, commercially, militarily. "Its national income has multiplied and so have its debts. Its power has increased and so have its responsibilities."⁵ With facts and figures, which the compass of a book review prohibits repeating, Mr. Gervasi emphasizes the present enormity of the *business* of running the peoples' government. The government of the United States today is indeed "Big Government." "But," says the author, "government bigness is not necessarily an evil per se. This is a big country and it needs big government. One cannot expect a twentieth-century America to be run by eighteenth-century governmental machinery."⁶ He then goes on to review briefly the history of efforts at reorganization, none of which accomplished much, indicating that political pressures were too much for the would-be reformers. Even the Hoover Commission, says Mr. Gervasi, was, as a product of the Republican Eightieth Congress, to have been the grand overture of the Republican party's return to control of the national government.

⁵ Text, at 3.

⁶ Text, at 5.

That the Commission and its objectives were not wrecked by the unexpected rejection of Mr. Dewey and company on November 2, 1948, by the electorate, must be due to the fact that the reorganization movement would not only have been good politics but that it was good statesmanship as well.

The second part of Mr. Gervasi's book, which he calls "Areas of Waste," comprises almost two-third of the book. It presents a devastating indictment of the confusion and overlapping among governmental agencies and of the archaic methods by which the people's business is run. Not a single function, service or activity of the executive branch escapes castigation. Quoting from Woodrow Wilson's second annual message to Congress, Mr. Gervasi says, "Governments grow piece-meal both in their tasks and in the means by which those tasks are to be performed, and very few Governments are organized as wise and experienced businessmen would organize them if they had a clean sheet of paper to write upon."⁷ But, this reviewer submits, the patriots who organized this government in 1787 had a clean sheet of paper and they wrote on it very well. How many wise and experienced businessmen could have stayed in business a hundred and sixty-three years without constantly, or at least periodically, improving and modernizing their methods of doing business, keeping their records, and maintaining their stocks? The rewards for efficiency in business are increased profits to the owners. The rewards for efficiency in government are decreased taxes on the citizens. Moreover, Mr. Gervasi suggests, ". . . financial relief to the taxpayers would not be the only benefit to be derived from intelligent reorganization. A more important boon, in the long run, would be the resultant increase in popular confidence in democratic government."⁸ It would seem that no better time could be chosen to increase confidence in democratic government than right now when we are engaged in a "cold war" with a foreign power, which has spread itself over half the earth's surface by the simple expedient of filling the vacuums created by lapses of confidence in democratic governments.

Reading Mr. Gervasi's "Areas of Waste" will certainly not excite admiration for our government's ways of doing business; but, of course, that is not the purpose of the book. Neither the Hoover Report nor Mr. Gervasi's book was intended or expected to contain hymns of praise. People customarily go to the doctor not to be told they feel fine, but to have their troubles diagnosed and a remedy prescribed. The Hoover Report makes the diagnosis and prescribes the remedy. Mr. Gervasi doubtless hopes that his summary of the

⁷ Text, at 10.

⁸ Text, at 21.

report will make his readers so "hopping mad" that they will exert the necessary pressures on Congress to see that the medicine is taken.

In the third part of his book Mr. Gervasi moves from consideration of domestic activities, services and functions into the realm of our international activities, with this gloomy introduction: "It must not be thought that because we move from the domestic to the foreign scene, however, we leave waste behind us. There is so much of it in the military establishment, as we shall see, as to reduce to insignificance the waste in other departments and bureaus."⁹ But not only the military comes in for criticism. The State Department, the Foreign Service and our Intelligence Service are demonstrated to be as encrusted with archaic methods of operation as are any of the domestic services such as the Post Office Department, the Budget Bureau, or any of the others. Not until his "Epilogue," as Mr. Gervasi calls his last chapter, does a cheerful note appear in the score. Having reviewed the whole of the Hoover Report and, in the main, having naught but praise for its findings and recommendations (although he gently chides the Commissioners for their inability to avoid policy issues in their study of the business enterprises of government), Mr. Gervasi comments briefly on the favorable acceptance of the report by both officials and taxpayers. He concludes that: "The odds in favor of the fulfillment of at least a substantial portion of the reforms desired by the Hoover Commission seem to be rising daily. But only an alert and articulate public opinion can ensure the adoption of the highest number—and thereby ensure better government at a price the people can afford."¹⁰

Interspersed throughout the book are charts showing the proposed organization of the several departments, offices, bureaus, etc., but, lacking interpretation, much of their value is lost for all but the most thorough student of Mr. Gervasi's book, or of the Report itself.

The book concerns itself mainly with the majority reports of the Commission, but to round out the picture five appendices give some of the more outstanding minority reports and separate statements of dissenting Commissioners. Also included is the very interesting list of the men who "did the job," and, appropriately for a book of this character, an excellent topical index.

*Edward A. Westin**

FREE GOVERNMENT IN THE MAKING: Readings in American Political Thought. By Alpheus Thomas Mason.¹ New York City:

⁹ Text, at 213.

¹⁰ Text, at 295.

*Judge, Second Judicial Circuit of Michigan.

¹ McCormick Professor of Jurisprudence, Princeton University.

Oxford University Press, 1949. Pp. xviii, 846. \$6.00.—Professor Mason's book is a collection of readings on the evolution of political theory in America, covering the entire period from its Seventeenth Century antecedents in England to the present day. By means of a carefully selected group of speeches, letters, treatises, and other writings, he displays divergent views on some of the major political differences of American history, and thereby outlines the role of the "thinker" in the development of government.

Although Professor Mason's treatise was developed primarily for use by students of political science, such a collection has inevitable utility for scholarly references, as well as value for the rare men among us who wish to read of the development of our institutions without immediate application for the knowledge. For the latter groups, as well as for the students, this book will prove most valuable. Here between one set of covers the reader finds, in addition to some of the more familiar historical documents, lesser known expressions of extremes of opinion from which policy emerged as compromise in critical periods of history. Using the volume as a desk reference in the short period since I have had it, I have already found several instances in which it has provided material for immediate use, material which I had known in a general way to be available, but which I could not have found easily without this aid from Professor Mason's work.

The wisdom of the past collected here comes partly as a reminder of lasting American values, and partly as a depressing memento of how ephemeral has been the resolution of American problems, and how circular their recurrence.

Two threads emerge in the readings. One is the recurrent profound regard for property. Five hundred and fifty pages and over 200 years after Commissary General Ireton urged in the Putney Debates that "men who have no interest as to Estate should have no interest as to Election," Andrew Carnegie proclaimed that "upon the sacredness of property civilization itself depends," and Russell H. Conwell, a spirited man of the cloth, informed his listeners that if they could "honestly attain under riches in Philadelphia, it is your Christian and Godly duty to do so."

Another recurrent thread, running through American history alongside this deep respect for property, is an equally deep respect for the personal rights of man, the rights of speech and conscience, the right of religious freedom, the right to suffrage. Mason has shown the cross currents on these issues, beginning with the Seventeenth Century Nathaniel Ward's, "He that is willing to tolerate any unsound opinion that his own may also be tolerated hangs God's Bible at the Devil's Girdle," and countering with repeated excerpts from

Jefferson. He concludes the volume with almost an entire chapter devoted to the opinions in the Flag Salute cases of recent memory.

The problem which takes much of Mason's attention is that of adjustment of deeply held values. There are times when the "rights of property" and the "rights of man" are in at least seeming conflict. Mason sets the stage for that collision and then pursues it. His readings are not abstractions. Debs, Gompers, and Wilson are quoted here stating their fundamental credos; and they are answered by, among others, Justices Sutherland and Brewer in addresses fortunately made more practically available to the Bar by this volume.

Mason had headed an excerpt from Andrew Carnegie with the quotation from its text, "It is a waste of time to criticize the inevitable." Applying that advice to reviewers of anthologies, there is no use grieving at omissions. To catch up the history of American political thought, viewed as broadly as Mason views it, in one volume of readings is like catching up the ocean in a water glass—it is impossible to do more than take a sample.

And hence, I would express only one regret, which may be too provincial to be sound. Would that the volume might have included a representation of the agrarian movement in the Middle West. Among those not present are Beveridge of Indiana, LaFollette of Wisconsin, Altgeld of Illinois, Bryan of Nebraska, representatives of the Grange, the Populists, or the Farmer-Labor movements. Excluding the Supreme Court Justices, most of those quoted are Easterners. Granted, the geography by itself is not significant; but the omission of the philosophy of the region was a hard choice to make.

Professor Mason cheers himself by entitling his last chapter "Free Government Vindicated." A view of the total events of the last decade leaves me doubtful that any historian will find that phrase an apt description for the 1940's. Mason does not suggest the contrary. The message of his volume is that there is never a certain or universal vindication of free government; but rather that there are always men seeking to vindicate it. Mason, with superb insight, chose as his conclusion an excerpt from an address by Mr. Justice Douglas, given on the Freedom Train. Though Mason's introduction to that address is not in form an expression of his own views, it is so in substance. Mason, the biographer of Brandeis, gives his own message to our times thus: "To urge tolerance, however, in the lofty spirit of Justice Holmes is not enough. The main burden of the Freedom Train address is that we must refuse to emulate Communist coercive methods, must be more ready in the dauntless spirit of the late Justice Brandeis to persist in realizing our democratic ideals."

*John P. Frank**

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MINIMUM STANDARDS OF JUDICIAL ADMINISTRATION. Edited by Arthur T. Vanderbilt.¹ New York City: The Law Center of New York University for the National Conference of Judicial Councils, 1949. Pp. xxxii, 752. \$7.50.—One of the shortcomings of the legal profession today is the set of inadequate tools with which we work. Our system of administering justice is so full of archaic devices that at times it is a marvel that justice is done. Yet, to improve the system, even in part, is almost a super-human job. Justice Vanderbilt, in his introduction to the *Minimum Standards of Judicial Administration*, says:

One of the strangest phenomena in the law is the general indifference of the legal profession to the technicalities, the anachronisms, and the delays in our procedural law. While our substantive law, dealing with legal rights, has been developing from year to year, gradually adapting itself to the changing needs of the times as the result of the unstinted efforts of judges, lawyers, legislators, and administrative officials laboring in the workaday world and of law professors reading and reflecting in their libraries, our procedural law, dealing with the means of enforcing our legal rights, has been relatively neglected.

The lawyer is acquainted with the present-day procedure. He is apt to resist change of any kind—good or bad—just as the old craftsman in industry resisted the streamlined efficiency of modern factory.

Thirteen years ago the Section on Judicial Administration of the American Bar Association made a detailed study of the problems of administering justice and made recommendations as to the minimum standards of justice. The Section's report covered several fields: judicial administration, pre-trial practice, trial practice, trial by jury and jury selection, evidence, appellate practice and administrative agencies. These recommendations, adopted by the American Bar Association in 1938, together with the recommendations of the American Bar Association of 1937 dealing with judicial selection and tenure, and the recommendation of the Warren Committee on inferior courts approved by many groups including the American Bar Association in 1940, are the basis of the study reported in this book. An effort has been made to find out how each of our states "stack up" when measured against the minimum standards as recommended in the aforementioned reports. The result is an amazing amount of information, some of it pleasing to those interested in improving the administration of justice, but more of it painting "a black picture." The amount of information in its 750 pages is so vast that any attempt to review it in detail would be doomed to failure. The facts stated have been digested in short readable form and made more interesting by the use of sixty-two different maps

¹ Chief Justice, Supreme Court of New Jersey.

and charts showing the present status of various reform movements throughout the country, in black, white and shaded areas. It is interesting just to thumb through the book, looking at the maps indicating that in many fields the minimum standards are being adopted. Unfortunately, in other areas, particularly those dealing with certain rules of evidence, a black mass faces us on each chart and map, indicating complete lack of approval of the recommended change. This may indicate lack of merit in the proposed change or the lack of vision on the part of the profession and others responsible for improving the administration of justice in a given area. There appears, however, a genuine trend in most areas to approach what has been laid down as the minimum standards of judicial administration.

One of the things that makes the book so valuable is its emphasis on "what is done" in the various states rather than on "what is authorized or what is the rule." It is all too easy to examine statutes and rules and obtain a distorted picture of what the actual practice is. This survey was conducted by the Junior Bar Conference, and in addition to collating the rules and laws, these younger lawyers reported what actually was the practice in their areas and how the rules and laws were applied by the judges, lawyers and administrative officials. Because of the vast number of reporters, there are bound to be inaccuracies in the material showing the application of a rule of law, but even with such inaccuracies, the materials collected are most valuable and should have a very definite effect in improving the administration of justice in the states where fewer changes have been made. Whether or not we agree with the recommended "minimums," the dissemination of information as to what has been done in other places, how successfully it has been accomplished, and an appreciation on the part of the Bar of their professional responsibility for improving the administration of justice, should in the long run result in some very definite steps being taken by all of the states to improve their procedural devices. Unless procedure is improved, any change in the substance of the law is apt to be of little value. Information of the type covered by the book is the type of ammunition needed to aid an entire program for the correction of procedural defects in a given area. Until these defects are corrected, this book of facts should remain on the desk of every lawyer.

*Charles W. Joiner**

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SUCCESSFUL TAX PRACTICE. By Hugh C. Bickford.¹ New York: Prentice-Hall, Inc., 1950. Pp. xx, 428. \$5.65.—Experiences of a long and varied career in handling federal tax cases are reflected in this fascinating book. The author has not given us, however, a mere collection of anecdotes. Sound, practical instruction of incalculable value for undertaking the responsibilities of federal tax practice are set forth in an orderly and eminently readable fashion. At the outset there is a brief discussion of the purpose and importance of tax practice. The author touches on the subject of the division of labor between lawyers and accountants. He states that the interest of the client will be best served by friendly cooperation between the lawyer and accountant, and that there is plenty of room for both in the many pastures of tax practice.

Special emphasis is placed on getting the facts of each case, and methods are set forth for developing all the facts from the very beginning of the case. An entire chapter is devoted to the subject of proving representative, factual cases. The author reveals that he himself spent more than a month preparing for the trial of one of the cases explained in this chapter. The case in question involved the reasonableness of compensation paid to certain officers of a corporation. Other factual cases treated in this chapter deal with depreciation, obsolescence, and the use of expert testimony.

Since, in the opinion of the author, no single question of fact is of greater importance in taxation than value, accordingly, the problem of how to prove fair market value has a chapter allotted to it. Succeeding chapters deal with methods of proving value, such as by comparative sales, the capitalization method, and the cost of reproduction method.

Following the material on the factual aspect of tax cases will be found an excellent treatment of the legal aspect. The working tools of tax practice, namely, the Internal Revenue Code, legislative materials, Treasury Regulations, administrative rulings, court decisions, and federal tax services are treated in the order indicated. "A tax man's tools are his books," says the author, and "to try to practice taxation without constant use of such tools would be like trying to dig a ditch without a pick and shovel."² Valuable precepts are laid down in the chapter on how to find the law of the case.

Delightful for certain incidents recounted and very helpful for the beginning practitioner is the chapter on how to write opinions and briefs. The very important topic of controlling the tax burden is treated all too briefly in a separate chapter. This portion of the

¹ Instructor in Taxation, American University; Chairman, Committee on Tax Court Procedure, American Bar Association (1947).

² Text, at 111.

book, in the opinion of this reviewer, should be considerably expanded. The same observation might justifiably be made with respect to the treatment of the preparation of returns.

The organization of the Bureau of Internal Revenue receives rather detailed explanation. The audit processes in the Bureau are also carefully explained. These matters are of prime importance to the tax practitioner. They are especially valuable because, as the author points out, only five or six thousand returns out of two million investigated each year ever reach the courts and the others are settled in the agent's office by conference procedure. The author discusses at considerable length how to protest an agent's report and how to appeal to the Technical Staff in the case of failure to reach an agreement with the Internal Revenue Agent-in-Charge.

The latter part of the book deals with the litigation of tax cases in the various courts: the Federal District Courts, the Tax Court of the United States, the Court of Claims, and the Court of Appeals. The rules of practice before the Tax Court are reprinted in the appendix.

Certain trifling errors in detail and occasional repetitions indicate undue haste in the preparation of this volume. Minor defects, however, do not substantially mar its really noteworthy contribution to a proper understanding of the right way to go about preparing a tax case, whether for trial, for conference, for the preparation of a return, or for rendering legal advice in connection therewith.

For students who have had basic courses in Federal Taxation, the book offers an introduction to tax practice that is to be highly recommended. The book will doubtless be welcomed by those who are just beginning tax practice, and also by many lawyers and accountants who are already "in the thick of the fray."

*Roger Paul Peters**

THE RAMPARTS WE GUARD. By R. M. MacIver.¹ New York City: The Macmillan Co., 1950. Pp. 152. \$3.00.—Like most books devoted these days to current issues, *The Ramparts We Guard* is concerned with the problems and perils that beset the American political system. With fellow publicists Professor MacIver agrees that democracy is gravely endangered by Communist totalitarianism. With as much force as other writers he insists that democracy loses ground be-

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¹ Leiber Professor of Political Philosophy and Sociology, Columbia University.

cause its alleged devotees often fail fully to practice it. The chief failing of American democracy on this score, he repeatedly points out, is the racial and other varieties of discrimination under which millions of our citizens continue to suffer. Well aware, then, that democracy fails when it refuses to practice what it preaches, MacIver also stresses what other students of modern politics have for the most part overlooked—namely, that the weaknesses of democracy stem largely from the inability of its beneficiaries to understand its true nature and to appreciate its priceless worth.

Amazed, even a bit indignant, that so few philosophers have penetrated the real meaning of democracy, this greatest American political sociologist devotes nearly half his pages to "The Failure to Understand." Only "fraternity"—the last in the triple battlecry of the French Revolution—has not been misunderstood. The implications for democracy of "liberty" and "equality," especially the latter, have never, the author asserts, been clearly thought out. He argues that democracy must demand equality of civil rights by virtue of its constitutional frame, and seek equality of opportunity as the fulfillment of its logic. Additional equality is not essential to, and may be inconsistent with democracy. Under the law all persons should be accorded, he thinks, not *equality* but *equity* of treatment. As for those democrats who insist that democracy provide *equality of equipment*, that is, that all things be divided equally, they forget, MacIver reminds them, that to realize such an objective it would be necessary to invest government "with a deadly and all-embracing power before which all other inequalities shrink into insignificance."²

By propagating false notions of equality, democrats unwittingly prepare the way for the Communists, with their claim that the Soviet Union and its satellites are the only "true democracies." Writers like the late Harold J. Laski, who constantly insist that "socialist democracy" is vastly superior to "capitalist democracy," have confused and poisoned the public mind. Actually "socialist democracy" in a Marxian context is a contradiction in terms, while it remains an open question whether the concentrated economic power exercised by the moderate socialism of Great Britain and Western Continental Europe can co-exist with the effective responsibility of government to the suffrage of the people. It is a falsehood to assert that true democracy is impossible in "capitalist society," for democratic governments may and do combat in sufficient measure the great power of capital and capitalists. To attach to democracy qualifying economic terms is to turn attention from its essence: the one rational method of governing and of being governed. By the same token the term "democracy" should be as-

² Text, at 127.

sociated only with government and kept out of discussions concerning churches, trade unions and similar organizations. Free groups, these bodies are under no obligation to conduct their affairs in a democratic manner. MacIver takes issue with the widely-held view that democracy in England and America is an outgrowth of "church democracy" practiced by some of the Protestant sects. In MacIver's opinion (and the reviewer shares it), the influence of religion on the growth of democracy "has been indirect rather than direct."³

The reviewer does not share, however, the author's depreciation of religious morality as a bulwark of democracy. To MacIver, men like Monsignor Fulton J. Sheen, who see no hope for society apart from Christian morality, constitute one of the numerous "elites" in modern society, all of whom seek to confer the right to govern on the possessors of some exacting virtue or special intellectual quality. In exposing the "aristocratic fallacy," MacIver makes the telling point that the elites have no need to dominate society in order to make their contribution to the world's progress. For democracy liberates all men, elites and common men alike, from the chains of power.

The failure to grasp the nature of democracy endangers its existence in the present age of social change and social unsettlement, of rifts and cleavages. With the old bonds of cohesion now largely gone, democracy is imperiled by group anarchy on the one hand and by individual irresponsibility on the other. The first is only another name for pressure groups with which most Americans are quite familiar. They are hardly aware, however, of the second—individual irresponsibility—which MacIver deems so great a threat to democracy that he anglicizes Emile Durkheim's apt word, "anomie," to describe the malady. Anomy in politics corresponds to dadaism in art and existentialism in philosophy. The anomic person is one who has lost all sense of social value, of continuity, of folk, of obligation. The violence of change during the last two generations has produced millions of such "displaced" people who constitute a standing menace to democracy because, conceiving power to be an end and not a means, they are ever-ready for revolution whether of the Right or of the Left. The author significantly portrays Karl Marx as the first among modern anomic men.

From beginning to end in this book the reader is rewarded with interesting and generally valid observations on the nature and problems of modern government. The volume is indeed a treatise on democracy—one of the finest that has appeared in recent years. The literary style, even in the "Notes and Comments,"⁴ is unusually

³ Text, at 38.

⁴ Text, at 123 *et seq.*

distinguished. The author, it may be said, concludes in optimistic vein. The faith in democracy, he says, is the only truly unifying influence in the modern world. "The power of this faith is that it does not depend on power, but on a concensus that leaves other faiths free and still provides a ground on which the diversities of faith can stand."⁵ The author has "faith" that the desired "concensus" can be secured. In keeping with the Jeffersonian political psychology, MacIver believes that men can discover and abide by "a sense of community," "the common good," "the general will."

*Aaron I. Abell**

BOOKS RECEIVED

ATHENIAN EXPOUNDERS OF THE SACRED AND ANCESTRAL LAW, THE.
By James H. Oliver. Baltimore: The Johns Hopkins Press, 1950. Pp. xiii, 179. \$5.00.

***BIG GOVERNMENT: The Meaning and Purpose of the Hoover Commission Report.** By Frank Gervasi. New York City: Whittlesey House, McGraw-Hill Book Company, Inc., 1949. Pp. xii, 366. \$4.00.

BUSINESS CYCLES IN SELECTED INDUSTRIAL AREAS. By Philip Neff and Annette Weifenbach. Berkeley and Los Angeles: University of California Press, 1949. Pp. xiii, 274. \$4.00.

CASES AND OTHER MATERIALS ON WORLD LAW: The Interpretation and Application of the Charter of the United Nations and of the Constitutions of Other Agencies of the World Community. Edited by Louis B. Sohn. Brooklyn: The Foundation Press, Inc., 1950. Pp. xxii, 1363. \$8.00.

EFFECTIVE APPELLATE ADVOCACY: How to Brief and Argue a Case on Appeal—Including Examples of Winning Briefs and Oral Arguments. By Frederick Bernays Wiener. New York City: Prentice-Hall, Inc., 1950. Pp. xv, 591. \$8.50.

FEDERAL ESTATE AND GIFT TAXATION: Cases and Materials. By William C. Warren and Stanley S. Surrey. Brooklyn: The Foundation Press, Inc., 1950. Pp. xvii, 518. \$7.00.

⁵ Text, at 112.

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*Reviewed in this issue.

- FEDERAL INCOME, ESTATE AND GIFT TAX LAWS, CORRELATED (10th ed.). By Walter E. Barton. Washington, D. C.: Tax Law Publishing Co., 1950. Pp. xxv, 893. \$35.00.
- FEDERAL TAX REFORM. By Henry C. Simons. Chicago: University of Chicago Press, 1950. Pp. x, 161. \$3.50.
- FEDERATION: The Coming Structure of World Government. By Howard O. Eaton and others. Norman, Oklahoma: University of Oklahoma Press, 1944. Pp. xii, 234. \$3.00.
- *FREE GOVERNMENT IN THE MAKING: Readings in American Political Thought. By Alpheus Thomas Mason. New York City: Oxford University Press, 1949. Pp. xviii, 846. \$6.00.
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*Reviewed in this issue.

STATEMENT OF THE OWNERSHIP, MANAGEMENT, CIRCULATION,
ETC., REQUIRED BY THE ACT OF CONGRESS OF
AUGUST 24, 1912.

Of THE NOTRE DAME LAWYER, published quarterly in the Fall, Winter, Spring and Summer, at Notre Dame, Indiana, for June, 1950.

State of Indiana }
St. Joseph County } ss.

Before me, a Notary Public in and for the State and County aforesaid, personally appeared E. A. Steffen, Jr., who having been duly sworn according to law, deposes and says that he is Editor-in-Chief of THE NOTRE DAME LAWYER and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management, etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, embodied in Section 411, Postal Laws and Regulations, printed on the reverse of this form to-wit:

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E. A. STEFFEN, JR.,
Editor-in-Chief.

State of Indiana }
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Subscribed and sworn to before me this 3rd day of June, 1950.

VERONICA C. BATCHELDER,
Notary Public.

[SEAL]

My commission expires July 2, 1953.