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Book Reviews: HANDBOOK OF LEGAL MEDICINE. By Alan R. Moritz and C. Joseph Stetler, THE (SOVIET) SOCIALIST THEORY OF INTERNATIONAL LAW. By Bernard A. Ramundo with the assistance of Armins Ruis, and LAW, LIBERTY AND MORALITY. By H. L. A. Hart

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BOOK REVIEW

HANDBOOK OF LEGAL MEDICINE. By *Alan R. Moritz*, M.D.† and *C. Joseph Stetler*, LL.B., LL.M.‡ Pp. 239. The C. V. Mosby Company, St. Louis, Missouri, (2d ed.) 1964. \$5.75.

The 1964 edition of *Handbook of Legal Medicine* by Moritz and Stetler represents the revised version of the 1956 publication of the same title by Moritz and Louis J. Regan, M.D., LL.B., the "dean" of Legal Medicine who died in 1955, shortly before the first edition was published in 1956. Certainly, Mr. Stetler is eminently qualified to have worked on the revised edition of this textbook, having been head of the Law Department of the American Medical Association for many years before assuming his present position in 1963. The other co-author, Dr. Alan R. Moritz, was formerly Chairman of the Department of Legal Medicine at Harvard University and has been personally responsible for the training of many of the foremost forensic pathologists in the United States today.

The *Handbook of Legal Medicine* is aptly titled—it is a small book; however, just as size is not determinative of quality in human beings, so it is with books. The authors have managed to touch upon most of the important areas and to set forth most of the basic principles in the broad field of Legal Medicine, although they do not purport to cover any or all of these in a definitive fashion. The book has been divided into two parts. Part I is entitled SCIENTIFIC MEDICOLEGAL INVESTIGATION; Part II, PHYSICIAN AND PATIENT—PHYSICIAN AND THE LAW. (The latter section was originally prepared by Dr. Regan and has been revised in this second edition by Mr. Stetler.) In the preface to the second edition, the authors have attempted to differentiate between "Legal" or "Forensic Medicine" and "Medical Jurisprudence," a differentiation which has not always been clear, even in the minds of practitioners and teachers in the field of Legal Medicine. The authors define legal or forensic medicine as that subject matter which deals with the application of medical knowledge in the administration of justice. Medical jurisprudence is defined as that body of

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knowledge which concerns the legal responsibilities of the physician, with particular reference to those responsibilities that arise from the physician-patient relationship.

Part I, SCIENTIFIC MEDICOLEGAL INVESTIGATION, deals with what would most appropriately be classified as Forensic Pathology, Forensic Toxicology, and Forensic Immunology, These are excellent chapters prepared by Dr. Alan R. Moritz, an acknowledged world authority in these fields for many years. Dr. Moritz begins with a discussion of the "Physician's Responsibilities in Cases of Death by Violence or from Unexplained Causes" and then logically develops his portion of the book through fourteen chapters that deal with the determination of the identity of the dead person, time of death, and mechanisms of various types of injuries, both nonfatal and fatal. Specific sections are devoted to criminal acts such as homicide by shooting and stabbing, rape, abortion, and poisoning. This material is briefly but clearly set forth in such a way as to constitute a valuable quick reference for physicians as well as lawyers and law students. Almost every sentence contains a pearl of medical-legal significance which the practitioner of medicine or law could do well in remembering. Each chapter is filled with specific examples, most of which have been culled from the personal experiences of Dr. Moritz and his former pupils, many of whom are now medical examiners in various jurisdictions throughout the United States.

Specific sections have been devoted to two rapidly expanding areas of litigation, namely "Trauma and Heart Disease" and "Trauma and Cancer." It should be noted that both these sections are written with the scientific objectivity of a physician more so than with the imagination and ingenuity of a plaintiff's lawyer. Dr. Moritz sets forth rather stringent criteria and gives several reasons why he believes the determination of a causal relationship between trauma and heart disease or cancer can be made only in a small number of cases. Inasmuch as Dr. Moritz does not completely close the doors to these areas of litigation, any argument with him that would be made by an attorney or a physician would not necessarily be based on totally divergent viewpoints of these subjects, but would more likely arise from different nuances in a specific case. Certainly, it would be prudent for any physician to carefully review the thoughts set forth in these sections before testifying as an expert medical witness in any case, particularly in cases involving heart disease or cancer following trauma. Although Dr. Moritz has established excellent guidelines, they should not be too rigidly adhered to. The individual physician should feel free to add his own beliefs and opinions based upon his personal knowledge in a specific case.

Apparently, the limitations of space of this *Handbook* prevented the authors from embarking upon an elaboration of the highly interesting and more frequently litigated areas involving heart disease and cancer—namely, whether prolonged emotional stress following an accident can cause an individual with pre-existing arteriosclerotic cardiovascular disease to later develop a coronary occlusion, and whether trauma can aggravate and accelerate the growth of a pre-existing quiescent and asymptomatic malignant tumor. These questions arise more frequently in the civil courts and in workmen's compensation hearings and pose less of a problem for the physician from the standpoint of establishing causal relationship. Hopefully, these questions will be more elaborately discussed in the next edition of the *Handbook of Legal Medicine*.

Special mention should be made of a very fine chapter on Forensic Toxicology which includes a discussion of most of the toxic compounds that are involved in accidental, suicidal or homicidal poisonings in the United States today. The authors, in fact, feel that the materials covered in this chapter account "for well over 95% of all deaths from poisoning in the United States" (p. 82). This chapter was written in association with Irving Sunshine, Ph.D., Chief Forensic Toxicologist in the Office of the Coroner, Cuyahoga County, Cleveland, Ohio.

Another excellent chapter, entitled "Medical-Legal Aspects of the Individuality of the Blood," was written by Roger W. Marsters, Ph.D., Assistant Professor in the Department of Pathology at Western Reserve University and Director of the Blood Bank at the Cleveland Metropolitan General Hospital. In a limited amount of space, Dr. Marsters has very clearly set forth all the basic concepts involved in Forensic Immunology, as it is applied to paternity cases, identification of lost babies, United States Immigration Service cases, and criminal cases such as rape and homicide. Indeed, a highly complex subject which often puzzles many physicians as well as attorneys has been masterfully handled by Dr. Marsters.

Part II of this textbook is set forth in alphabetical order with most of the important areas of medical jurisprudence covered. The chapters begin with "Abortion" and "Adoption" and end with "Workmen's Compensation" and "Wrongful Death Actions." There are forty-one such chapters, each containing the basic tenets of the particular subject being covered.

To a large extent, Mr. Stetler has understandably emphasized the role of the physician in the administration of justice and has dwelt on those areas of the law which affect the physician's daily practice of

medicine, both in his office and in the hospital. Lest this statement cause the law student and lawyer to shy away from the book on the assumption that it is valuable only for physicians, it should be remembered that approximately 50 to 85% of all civil cases (according to the authors) involve medical facts, analyses, and opinions (p. 187). Thus, it is safe to say that what is important to the physician as far as medical jurisprudence is concerned is even more important to the lawyer whose livelihood depends in part or in toto on personal injury actions.

Apropos this subject, Mr. Stetler has a valuable chapter entitled "The Medical Witness and his Testimony," which admirably covers most of the problems that confront the medical expert witness and the attorney in personal injury cases from the standpoint of determining damages. With all due respect to the learned members of the trial bar and the judges who sit at trial level, this chapter is particularly recommended to them. Mr. Stetler clearly sets forth the necessity and propriety of the utilization by the medical expert witness of diagrams, X-rays, skeletons, and other models when properly introduced by counsel. One cannot help but believe (perhaps with naive optimism) that many attorneys and judges, who immediately become fearful and disturbed when plaintiff's counsel comes forth with a medical sketch or model, would perhaps be less resentful if they were aware that the former head of the Law Department of the American Medical Association, and one of the foremost teachers of Legal Medicine and Forensic Pathology in the country today, both believe the introduction and utilization of such materials is proper and effective.

In another chapter, "Physician Reports," Mr. Stetler and Dr. Moritz have set forth a fine two-page outline for a medical report form, which is recommended for the physician who is asked to submit a report to the attorney or to the court in a personal injury action. There is no doubt that if this particular form were adhered to by treating physicians, many of the problems that befall the trial courts today would be markedly diminished. Moreover, the problem of physicians' reports is brought up again as one of forty-two sets of questions and answers outlined by the authors dealing with various areas of medical jurisprudence. The question—"Does a physician owe a patient a duty to aid him in the event of litigation?" The answer—"Yes, and this includes, when necessary, rendering reports, attending court, and refusing affirmative assistance to the patient's antagonist in the litigation" (p. 179). Many physicians may not be fully cognizant of the existence or the extent of this duty, but there is no hesitation in the minds of medical-legal authorities as to the necessity and duty

of a physician to submit a complete medical report to the attorney when so requested and upon receipt of proper authorization by the patient-client. The authors cite *Alexander v. Knight*¹ as the authority for the question and answer set forth above.

The twenty-six chapters prepared by Mr. Stetler, however, are not limited to medical professional liability and medical expert testimony in personal injury litigation. The author has also included many other important, albeit less frequently litigated, medical-legal problems such as narcotics, insanity, dying declarations, the right to practice in a hospital, membership in medical societies, medical licensure, and medical practice arrangements such as partnerships and corporations. Something that will be appreciated by all law students and practicing attorneys particularly is a rundown of the limitation periods in each of the fifty states for actions in tort, contract, and wrongful death.

A short but highly selective bibliography can also be found at the end of the book, along with a glossary of many of the most commonly used legal and medical words in those areas in which law and medicine meet.

In conclusion, it should be noted that the *Handbook of Legal Medicine* is nothing more than what it purports to be—a handbook of legal medicine. Although it is extremely well written and covers in concise fashion most of the important areas of Legal Medicine and Medical Jurisprudence, it cannot be considered as a large reference work by the serious student of Forensic Medicine, or for that matter by the physician and attorney whose daily practice requires highly detailed knowledge of the field. With this in mind, the reviewer would like to direct the reader's attention to *Doctor and Patient and the Law*², one of the selected references listed by the authors. The reviewer heartily recommends this book as a more definitive work, although it does not contain any of the important areas of Forensic Pathology, a subject with which the attorney doing civil or criminal work must be familiar. For this purpose, another of the books listed under selected references, *Legal Medicine*³, is particularly recommended by the reviewer.

In view of the importance of medical testimony and medical reports in a high percentage of the criminal cases in our courts, the reviewer

1. 197 Pa. Super. 79, *affirming on the opinion of a lower court reported at* 25 Pa. D. & C. 2d, 649, 655; 177 A.2d 142, 146 (1962).

2. Stetler & Moritz, *DOCTOR AND PATIENT AND THE LAW* (St. Louis, C. V. Mosby Co., 1962).

3. Gonzales, Vance, Halpern & Umberger, *LEGAL MEDICINE* (New York Appleton-Century-Crofts, Inc., 1954).

would be remiss if he did not call attention to the fact that the authors of the *Handbook of Legal Medicine* emphasize the necessity of having competent medicolegal investigation in all cases of suspicious, unexpected and unexplained deaths. In their words, "Between 15 and 20% of all deaths that occur in the United States result either from violence of one kind or another, or occur unexpectedly from unexplained but presumably natural causes. If the Office of the Coroner is to discharge the functions for which it was intended, all such deaths should be reported to it. That the Office should have authority and competence to secure complete and reliable medical facts pertaining to such deaths is obvious" (p. 16). The authors go on to cite many examples in which homicide has masqueraded as natural death or suicide and vice versa. Indeed, without reiterating this point verbatim, the authors nevertheless re-emphasize the principle many times in their book. This emphasis can be inferred by the frequent references to the correct and uniform application of scientific principles in the administration of justice in both the civil and criminal courts.

If the authors had accomplished no other objective in their book than to set forth this highly important concept, the book would be considered a "must" for the library of every attorney and physician. Of course, they have done far more than this, and thus have made their *Handbook of Legal Medicine* a very practical and handy little book to have around.

*Cyril H. Wecht, M.D., LL.B.**

THE (SOVIET) SOCIALIST THEORY OF INTERNATIONAL LAW. By *Bernard A. Ramundo*† with the assistance of *Armins Ruisis*.‡ Pp. iv, 108. Institute for Sino-Soviet Studies, George Washington University Press, Washington, D.C., 1964. \$1.75.

This work represents a very welcome addition to the existing *corpus* of literature concerning Soviet conceptions of international law. The authors have admirably succeeded in illustrating the seemingly perennial dilemma of the Soviet specialist in international law: reconciling

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the theoretical and often incompatible premises of Soviet Marxism with the exigencies of Soviet external policy. This dilemma is aptly described as follows: "There is great danger for the theoretician in a system which is torn between orthodoxy and practical need. The Soviet international legal specialist, charged with combining the frequently incompatible elements of Marxism-Leninism and Soviet foreign policy needs, must be especially nimble or penitent to avoid the pitfalls reserved for those who support the old party line" (p. 11). In this context, the authors' concluding assessment of the post-Stalinist, posthumous rehabilitation of Pashukanis and the resuscitation of certain of his international legal theorems is most impressive.

Three especially noteworthy features of this manuscript are: (1) The style—or to employ the vernacular of contemporary American Political Science—the methodological approach. Coupling a brief but analytically incisive commentary with a prolific employment of primary and secondary sources, the authors succeed in presenting a highly objective appraisal of the subject matter involved. This is commendable in an era in which texts are often characterized by excessive commentary and a paucity of documentation. (2) Brief but excellent summaries of some of the major doctrinal contradictions which presently plague Soviet conceptualizations concerning international law: the role of the class struggle; relationship between *Unterbau* (economic substructure) and *Oberbau* (societal superstructure) in ascertaining the existence of a general international law; the ultimate determinant of norm-formulation in the relationships existent among states in the international community; and the sometimes facile rationalizations encountered in Soviet attempts to explain the correlation between a general and a socialist international law, among others. (3) Superior treatment of the centrality of the "doctrine" of peaceful coexistence in current Soviet versions of international law; the international legal implications of certain aspects of the polemics involved in the Sino-Soviet dispute; the role of the "third world" ("unaligned" nations within the Afro-Asian bloc) in contemporary Soviet international law; Soviet interpretations of the role of international law—or more correctly, the absence thereof—during the "final victory and consolidation of socialism in the world arena." These particular passages should prove fruitful for the serious student of Soviet foreign policy as well as the individual specializing in Soviet interpretations of international law.

Hopefully, this work could perhaps have devoted greater attention to the essentially practical and political factors underlying the *fiat* addressed to Soviet international legal specialists: "provide a legal

basis for the foreign policies of the Soviet Union and the socialist camp" (p. 57); however, in sum, it constitutes a notable contribution to the study of international law, and in a broader context, the discipline of Soviet Studies.

*Robert E. Beranek**

LAW, LIBERTY AND MORALITY. By *H. L. A. Hart*.† Pp. 88. Stanford University Press, Stanford, California, 1963. \$3.00.

Professor Hart's little book represents the publication of a series of three lectures given in 1962 under the Harry Camp Memorial Fund, established in 1959 to make possible a continuing series of lectures at Stanford University on topics bearing on the dignity and worth of the human individual. The apt topic selected is one aspect of the relationship between law and morals: whether the legal enforcement of morality is itself moral. Professor Hart states that four questions may be distinguished regarding the subject. The historical and causal question: Has the development of the law been influenced by morals? The analytical or definitional question: Must some reference to morality enter into an adequate definition of law or legal system? A third question concerns the possibility and the forms of the moral criticism of law: Is law open to moral criticism? It is to a fourth question that the lectures are addressed.

The fourth question may be stated in a number of ways: "Is the fact that certain conduct is by common standards immoral sufficient to justify making that conduct punishable by law? Is it morally permissible to enforce morality as such? Ought immorality as such to be a crime?" (p. 4). Professor Hart's answer is negative. The basis for his argument is to be found in two uncompromising assumptions which, with forensic artistry, are most clearly established in the conclusion to the lectures. The author states that he has "from the beginning assumed that anyone who raises, or is willing to debate, the question whether it is justifiable to enforce morality, accepts the view that the actual institutions of any society, including its positive morality, are open to criticism" (p. 81). Further, Professor Hart concludes, "I have also assumed from the beginning that anyone who regards this question as open to discussion necessarily accepts the critical principle, central to all morality, that human misery and the re-

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striction of freedom are evils; for that is why the legal enforcement of morality calls for justification" (p. 82).

The starting point for Professor Hart's position is to be found in John Stuart Mill's essay *On Liberty*:

The only purpose for which power can rightfully be exercised over any member of a civilised community against his will is to prevent harm to others. . . . His own good either physical or moral is not a sufficient warrant. He cannot rightfully be compelled to do or forebear because it will be better for him to do so, because it will make him happier, because in the opinion of others, to do so would be wise or even right¹ (p. 4).

Although he does not claim to defend Mill in all applications of the foregoing statement, Professor Hart finds that "on the narrower issue relevant to the enforcement of morality Mill seems to me to be right" (p. 5). The main focus of Professor Hart's argument is upon the legal enforcement of sexual morality where "it seems *prima facie* plausible that there are actions immoral by accepted standards and yet not harmful to others" (p. 5). More particularly, the object of these lectures is to show that when transgressions against sexual morality committed privately by consenting adults inflict no harm upon society collectively or upon its individual members, they should not be made the subject of criminal sanctions. The general evaluation of such mis-use of legal measures is that there is no moral justification for the legal enforcement of morality in such cases. Professor Hart claims corroboration for his views in the treatment of homosexual practices in private between consenting adults and prostitution by the Wolfenden Committee and its statement in section 61 of the Report: "There must remain a realm of private morality and immorality which is, in brief and crude terms, not the law's business"² (p. 14). Similar opinions are cited from the draft Model Penal Code of the American Law Institute³ (p 15).

The opposite conception of the function of the criminal law Professor Hart finds embodied in the "legal moralism" of the decision of the House of Lords in the famous *Ladies Directory* case.⁴ Although there were two specific criminal charges for which Shaw was found guilty, a third was also sustained, that of conspiring to cor-

1. ON LIBERTY, Chapter 1.

2. Report of the Committee on Homosexual Offences and Prostitution (CMD 247) 1957.

3. MODEL PENAL CODE, p. 277-78 (Tentative Draft No. 4, 1955).

4. *Shaw v. Director of Public Prosecutions*. (1961) 2 All E.R. 446.

rupt public morals by means of the "Ladies Directory". Accordingly, there was reasserted on behalf of the Courts the role of *custos morum* of the people and the superintendency of offenses *contra bonos mores*. Professor Hart sees here a resemblance to the criminal laws of Nazi Germany and assails the disregard of certainty and the possibility of extension of what Bentham⁵ would have termed "ex post facto law" as offensive to the traditional principle of legality in the criminal law (p. 12). It is one of the many merits of Professor Hart's analysis that the occasion of possible abuses is exposed. In speaking of American dead letter legislation against sexual immorality, he says: "No one, I think, should contemplate this situation with complacency, for in combination with inadequate published statistics the existence of criminal laws which are generally not enforced places formidable discriminatory powers in the hands of the police and prosecuting authorities" (p. 27). Examples of abuses of the criminal law abound in the history of Nazi Germany and elsewhere. That they share the same general categories with Professor Hart's observations about our own enforcement of morality does not necessarily lead to the conclusion that they are to be equated or that such is a predictable trend.

In order fully to appreciate Professor Hart's argument generally, and with regard to the examples to which he addresses himself specially, one should observe the distinction he makes between "positive" and "critical" morality. The former term refers to "the morality actually accepted and shared by a social group" (p. 20); the latter refers to "the general moral principles used in the criticism of actual social institutions including positive morality" (p. 20). Therefore, upon the basis of critical principles identified above, Professor Hart is criticizing the practice of one social institution (law) in enforcing conformity with another social institution (morality). It follows, so goes the argument, that if the central value to be preserved is the liberty of the individual, then we are faced with the need to establish a standard for competing values in order to justify any restriction of that liberty.

Professor Hart also notes the distinction between enforcement as punishment for committed crimes and enforcement as coercion against the commission of crimes because of fear of punishment. One might ask whether the creation of "misery of a quite special degree" (p. 22), effected by the coercion of criminal prohibitions against practices considered by society to be immoral, even unnatural, is not justified by the establishment of moral values in the form of an institutionalized statement of shared minimal concepts

5. PRINCIPLES OF THE CIVIL CODE, Part I, Chapter 17 (I[Bowring ed.] WORKS 326).

of morality and the prediction that violations will be treated in an indicated manner. To this Professor Hart would say no, unless the practice objected to has a victim or its prohibition is justified by some other reason than that it is immoral.

The concept of harm could have been treated with more attention to the definitional and functional limits of the term here. Is Professor Hart speaking only of physical damage, or physical discomfort, or physical and psychological discomfort, or physical and psychological damage? Professor Hart concedes that "there may be grounds justifying the legal coercion of the individual other than the prevention of harm to others" (p. 5). He cites as "other grounds" the paternalism of not admitting the consent of the victim in defense to a charge of murder or deliberate assault; the nuisance theory for punishing the bigamist; the affront to public decency theory for punishing for behavior in public which is unobjectionable if carried on in private. It may be argued that the enforcement of morality is at the core of prohibiting these practices and that to recognize the usefulness of criminal laws in these areas only upon nonmoral grounds is perhaps to refuse to accept the inseparable quality of a number of interacting social values. Hence by Professor Hart's own argument the examples of the enforcement of morality as such are few, and one finds that Professor Hart's dialectic is being used as a special pleading for needed reform in our laws regarding homosexual practices.

Recent movements for reforms in the administration of the criminal law may be said to make use of the distinction Professor Hart points out between "What sort of conduct may be justifiably punished?" and "How severely should we punish different offenses?" (p. 36). Modern penology continues to seek more appropriate and humane practices in the treatment of offenders, particularly those offending against sexual morality. This is especially true when there is a disturbed state of mind in the offender. Certainly the life of the offender should not be blighted by treatment and notoriety which secure no reasonable interest of society.

Professor Hart identifies a moderate and an extreme thesis among advocates of the enforcement of morality by the criminal law. The former, generally espoused by Lord Devlin,⁶ considers shared morality to be of instrumental value in the preservation of society. It then follows that "society may use the law to preserve its morality as it uses it to safeguard anything else essential to its existence" (p. 49). On the other hand, the extreme thesis, identified with James

6. *The Enforcement of Morals*, Oxford University Press, 1959.

Fitzjames Stephen,⁷ finds in the enforcement of morals as such an absolute value: "Instead, the enforcement of morality is regarded as a thing of value, even if immoral acts harm no one directly, or indirectly by weakening the moral cement of society" (p. 49). The following may illustrate the clarity of Professor Hart's categorical approach to this aspect of the problem:

Perhaps the clearest way of distinguishing these two theses is to see that there are always two levels at which we may ask whether some breach of positive morality is harmful. We may ask first, Does this act harm anyone independently of its repercussion on the shared morality of society? And secondly we may ask, Does this act affect the shared morality and thereby weaken society? The moderate thesis requires, if the punishment of the act is to be justified, an affirmative answer at least at the second level. The extreme thesis does not require an affirmative answer at either level (p. 49).

Society, however, does not seem to act with the analytical acumen of the logician and the philosopher, and the law must generally be content to rely more upon experience than upon logic. The problem here is as to which more truly is an expression of reason at a given moment. Neat distinctions are probably lost when society considers that certain behavior, whether carried on in public or private, whether painful or not, corrupts persons exposed to its publication. Is this harm not justifiably avoided by the use of legal prohibitions?

Professor Hart adds elsewhere that any analysis of democratic government must be attentive to distinguish "the acceptable principle that political power is best entrusted to the majority from the unacceptable claim that what the majority do with that power is beyond criticism and must never be resisted" (p. 79).

Although he doubts that there is presently much empirical evidence, Professor Hart admits the possibility that, "if deviations from conventional sexual morality are tolerated by the law and come to be well known, the conventional morality might change in a permissive direction. . . . We should compare such a development not to the violent overthrow of government but to a peaceful constitutional change in its form, consistent not only with the preservation of a society but with its advance" (p. 52).

The term morality, that which is called positive morality here, is not easy of definition, especially in language which will express the shared expectations of a pluralistic society. It is the tenuous con-

7. LIBERTY, EQUALITY, FRATERNITY, (2d ed.) London 1874.

sensus regarding the exercise of morality today which Professor Hart cites as the empirical basis for making so fixed a distinction between positive and critical morality. Earlier he has observed, "Plainly the adequacy of Utilitarianism as a moral critique of social institutions is in issue here" (p. 4). There is thus implicit as a corollary to Professor Hart's critical principle that positive morality is open to the criticism, the notion that no precept thereof is to be preserved for its own sake. Now, after all, we reach the impasse between exponents of those "grand but vague" words "Positivism" and "Natural Law" which symbolizes the fundamental difficulty in legal philosophy, that of harmonizing the *is* and the *ought* in the relation between law and morality. Elsewhere Professor Hart questions that "we could ascribe to all social morality the status which theological systems or the doctrine of the Law of Nature ascribes to some fundamental principles" (p. 72). Not all, perhaps, but in a book so positively concerned with the dignity and worth of the individual it is notable that the main use which man can make of the law is to pursue a variety of changing values.

It is beyond the scope of this review to examine the content of Professor Hart's jurisprudence. To expect to find a full explanation of that jurisprudence in a book of eighty pages is to ask too much and to be blinded to the real accomplishment of these lectures. Certainly *Law, Liberty and Morality* should lead the interested reader to Professor Hart's other writings, as well as those of others who have allied with him or opposed him. There is presented in this "slim volume" an admirably clear exposition and analysis of the elements and significance of the problem. Whether or not one agrees with Professor Hart's premises and conclusions, one cannot fail to be instructed by the method of his analysis and benefit from the need to re-examine one's own position in the light of Professor Hart's contribution.

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