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Book Reviews

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BOOK REVIEWS

COMMON MARKET LAW OF COMPETITION. By C. Bellamy and G.D. Child. New York: Matthew Bender, 1973. Pp. xxvi, 361. $22.00.

Except for scholarly discussions and research generated at a handful of centers for European studies throughout the United Kingdom, there has been a paucity of British literature on the functional aspects of European Community law.[1] In particular there has been a scarcity of literature about antitrust matters. With the accession of the United Kingdom to the Community in 1973, however, the amount of published material that is directed toward the British practitioner, businessman, and student and that explains the impact and nuances of Common Market antitrust law as well as other commercial law has burgeoned. Publication of *Common Market Law of Competition* comes as part of this sudden and belated swell of available material.

The primary purpose of the book in the authors' words is "to explain [to the British reader] the general principles of the Community antitrust rules from a practical point of view and to illustrate those general principles by reference to the available decisions." The book's treatment of the subject matter is sufficiently broad, however, to serve as a general guide for the American businessman, attorney, or student interested in Common Market antitrust laws. The *Common Market Law of Competition* places emphasis on a practical discussion of articles 85 and 86 of the Treaty of Rome, the key articles of the Treaty dealing with competition or antitrust matters. To date, article 85 has been construed as applying exclusively to restrict trade practices, while article 86 has been used to attack abuses of a "dominant position," but the two

1. As used in this article, the term "Common Market" will be used interchangeably with "European Community," the "Community," and "EEC." Nine states presently comprise the Common Market: the six original members—Belgium, France, Germany, Italy, Luxembourg and the Netherlands—and three new acceding members—Denmark, Ireland and the United Kingdom. The primary governing institutions of the Common Market set up under the Treaty of Rome, which established the Common Market in 1958, are: (a) the European Assembly, (b) the Council of Ministers, (c) the European Commission, and (d) the European Court of Justice.

articles should not be read as being mutually exclusive.[2] The enforcement and implementation of the Common Market rules of competition are essentially administrative functions of the European Commission;[3] however, the ultimate interpreter of the Treaty's antitrust provisions is the European Court of Justice.[4] The Court of Justice has had a significant influence on the evolution of Common Market antitrust law,[5] and because of such influence, a consideration of *Common Market Law of Competition* by Bellamy and Child is particularly germane to the present edition of the *Journal.*

Almost every aspect of Common Market antitrust law is treated to some extent in this useful work, but certain deficiencies are notable. The book gives little insight into exactly how Common Market law will interrelate with existing British practice. Such insight certainly would have made the book more substantial since

2. Paragraph 1 of article 85 prohibits "all agreements between enterprises, all decisions by associations of enterprises and concerted practices which are apt to affect trade between the Member States and which have as their object or effect the prevention, restriction or distortion of competition within the Common Market." This paragraph also contains certain illustrative, but not exhaustive, examples of particular restrictive trade activities that would be incompatible with the establishment of the Common Market if the general restrictions of paragraph 1 are met. Under paragraph 2, any agreement, decision or concerted practice violative of paragraph 1 shall be "null and void;" that is, without any prior decision of the European Commission or the Court of Justice, such acts will be deemed null and void *ab initio.* Paragraph 3 provides conditions under which prohibited acts may be granted specific exemptions (at the discretion of the Commission) from article 85. Further, article 86 specifically prohibits "[a]ny abusive exploitation by one or more enterprises of a dominant position within the Common Market or within a substantial part of it . . . ." Activities that violate article 86 are absolutely null and void and, unlike article 85 violations, are not subject to exemption.

3. *See generally* Graupner, *Commission Decision-Making on Competition Questions,* 10 COMM. MKT. L. REV. 291 (1973).

4. *See* Treaty of Rome, art. 167.

5. For landmark decisions see *Brasserie de Haecht Case (No. 2),* 2 CCH COMM. MKT. REP. ¶ 8170, 12 Comm. Mkt. L.R. 287 (1973) (effect of nullity under article 85(2)); *Continental Can Case,* 2 CCH COMM. MKT. REP. ¶ 8209, 12 Comm. Mkt. L.R. 199 (1973) (applicability of article 86 to abuse of a dominant position); *Deutsche Grammophon Case,* 2 CCH COMM. MKT. REP. ¶ 8106, 1 Comm. Mkt. L.Q. 631 (1971) (abuse of industrial property rights); *ICI Case,* 2 CCH COMM. MKT. REP. ¶ 8161, 11 Comm. Mkt. L.R. 557 (1972) (such matters as nature of "concerted practices," parent-subsidiary relationships, and extraterritorial effects of EEC antitrust laws); *Wilhem Case,* 2 CCH COMM. MKT. REP. ¶ 8056, 8 Comm. Mkt. L.R. 100 (1969) (relationship of Community laws to national antitrust systems); *Parke, Davis Case,* 2 COMM. MKT. REP. ¶ 8054, 7 Comm. Mkt. L.R. 47 (1968) (patents).

the Community law of competition has now become the law of the land in the United Kingdom, and since significant problems, both substantive and procedural, confront the British practitioner in his attempts to adapt his past approach and techniques to the system as it is modified by Community law.[6] Further, *Common Market Law of Competition* makes only scant reference to the economic and political underpinnings of Community antitrust law. This is unfortunate since the convergence of law, politics, and economics forms the heart of any antitrust system; indeed, the fundamental differences between previous British regulation of competition and concentration and regulation by the Community and the United States are rooted primarily in their varying economic and political philosophies.[7] As with all literature on Community law, the movement of time and the rapidly evolving nature of the law unavoidably result in a built-in obsolescence.[8]

The authors, while admittedly not purporting to provide a scholarly and critical analysis of Common Market competition law, make little or no reference to the voluminous opinions in foreign (including American) works on the subject. Rather, the book contains only citations to decisions of the Court of Justice and the various municipal courts of the Member States, decisions and notices of the European Commission, and regulations of the Council of Ministers.[9] The treatment of original sources, however, is most useful in helping the student of Community law develop an absolutely essential understanding of the primary legal sources that deal with the Common Market law of competition.[10] Although *Common Market Law of Competition* lacks a summary of biblio-

6. On certain general legal considerations surrounding British accession *see generally* LEGAL PROBLEMS OF AN ENLARGED EUROPEAN COMMUNITY (M. Bathurst, *et. al.* eds. 1972).

7. *See generally* D. SWANN & LEES, ANTITRUST POLICY IN EUROPE (1973).

8. For example, since the publication of *Common Market Law of Competition* in 1973, the Court of Justice has decided the *Continental Can Case* and is in the process of deciding *Sterling Drug.* In addition, the European Commission has handed the Council of Ministers a Draft Regulation on the Control of Concentrations.

9. The primary positive source of Common Market law generally is the Treaty of Rome, which, despite the complexity of some 248 articles covering a variety of economic and noneconomic matters, is a *traité cadre.* Secondary sources include the various regulations, directives, and decisions of the Council of Ministers and the European Commission, the decisions of the European Court of Justice, the resolutions of the European Assembly, and the general principles of law among the Member States.

10. *See generally* PERRY & HARDY, EEC LAW (1973).

graphical materials, the indices do contain an exhaustive list of legislative and judicial source materials with adequate cross references to the discussions in the book and appropriate references to the *Bulletin of the European Communities*, *Common Market Law Reports*, *Common Market Law Review*, the *Official Gazette of the European Communities*, the *Official Reports of the European Court*, and to the *CCH Common Market Reporter* (which proves to be a most convenient source for the American reader).

Despite its apparent drawbacks, *Common Market Law of Competition* is a well conceived and organized primer on Common Market antitrust law. After a brief introduction into the general nature of the Community law and its basic antitrust structure, the authors logically and coherently analyze articles 85 and 86. As with the basic American antitrust provisions of the Sherman and Clayton Acts, articles 85 and 86 are skeletal provisions, and, therefore, give rise to very difficult problems in their application.[11] Chapters 2 and 7 adequately assess, in light of then existing Community statutory, administrative and case law, such knotty legal concepts as "undertakings," "concerted practices," "effects on trade between member states," "dominant position," (and abuse thereof) and "extraterritorial effect." A summary treatment of the common types of agreements that might fall within the ambit of article 85(1) is contained in chapter 3. Chapters 8 through 11 treat more extensively such matters as exclusive distributorships, licensing, specialization, and research and development agreements. The latter area will prove to be particularly interesting to the American businessman and attorney because of the amount of shared knowledge between American and Common Market businesses. Chapter 4 contains a brief but excellent consideration of the impact of article 85(2) on the concept of nullity, including a well-balanced discussion of the *Brasserie de Haecht (No. 2)* case, decided by the Court of Justice in February 1973, which made suspect the prior reliance on the concept of "provisional validity."[12] The nature and

11. *See generally* W. ALEXANDER, THE EEC RULES OF COMPETITION (1973); C. BELLAMY & G. CHILD, COMMON MARKET LAW OF COMPETITION (1973); J. CUNNINGHAM, THE COMPETITION LAW OF THE E.E.C.; A PRACTICAL GUIDE (1973); A. DERINGER, THE COMPETITION LAW OF THE EUROPEAN ECONOMIC COMMUNITY (1968); EEC COMMISSION, PRACTICAL GUIDE OF THE COMMISSION, ARTICLES 85 & 86 OF THE EEC TREATY AND RELEVANT REGULATIONS; A MANUAL FOR FIRMS (Megret ed. 1962), 4 LE DROIT DE LA COMMUNAUTÉ ÉCONOMIQUE EUROPÉENNE (1972).

12. For further discussion see Vogelaar & Guy, *The Second Brasserie de Haecht Case: A Delphic Oracle*, 22 INT'L & COMP. L.Q. 648 (1973); and Wertheimer, *The Haecht II Judgment and Its Repercussions*, 10 COMM. MKT. L. REV. 386 (1973).

distinction between negative clearance for purposes of article 85(1) and notification procedure for purposes of article 85(3) are treated in chapter 5.[13] Article 85(3), which is often described as the Community's "rule of reason," is discussed in chapter 6.[14] The concluding chapter deals with the powers of the Commission within the overall framework of the Common Market antitrust regulations. The appendices contain relevant provisions of the Treaty of Rome that deal with antitrust matters, relevant regulations of the Council of Ministers, and announcements and notices of the European Commission.

As most American businessmen and attorneys doing business in Europe are aware, the Common Market laws of competition constitute the basic and overriding antitrust regulations in Western Europe today.[15] While not precluding the continuing existence of national antitrust laws, the Common Market antitrust laws and regulations are directly applicable within the Member States and give rise to rights and obligations therein. Moreover, in instances of conflict between Common Market laws and national laws, the municipal courts resolve the conflict under the principle of supremacy of Community law.[16] *Common Market Law of Competition*, despite its British pedigree, should be a helpful starting point for the American businessman and attorney into the conceptual and practical labyrinth of Common Market antitrust laws and regulations.

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13. Simply, negative clearance is a qualified statement of the European Commission that in its view and on the facts given article 85(1) is not applicable to the questioned agreement, decision or practice. Notification of the Commission is the procedural prerequisite for an exemption under article 85(3) and presupposes a contravention of article 85(1).

14. *See* R. JOLIET, THE RULE OF REASON IN ANTITRUST LAW, 115-16 (1967). *But cf.* Zapheriou, *Rule of Reason and Double Jeopardy in European Antitrust Law,* 6 TEXAS INT'L L.F. 1, 6 (1970).

15. Such American controlled enterprises as Continental Can, Parke Davis, Kodak, Scott Paper, Sperry Rand, Smith Corona, Davison Rubber, Commercial Solvents, Pittsburgh Corning, Burroughs and Sterling Drug have been the subject of Common Market antitrust proceedings. For an interesting discussion of whether Common Market antitrust laws are discriminatory toward non-EEC firms see Dietz, *Enforcement of Anti-trust Laws in the EEC,* 6 INT'L LAW. 742 (1972). 16. *See* Wilhelm v. Bundeskartellamt, 2 CCH COMM. MKT. REP. ¶ 8056, 8 Comm. Mkt. L.R. 100 (1969).

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PUBLIC AND PRIVATE ENTERPRISE IN MIXED ECONOMIES. Edited by Wolfgang G. Friedmann. New York: Columbia University Press, 1974, Pp. xi, 410.

Professor Wolfgang Friedman was, without doubt, a leader in the world community of legal scholars. He was a prolific author on a vast range of topics, with special emphasis on legal philosophy and international law. He left a profound impact on those who were associated with him personally, at Columbia Law School and far beyond. And he provided stimulation and opportunities for scholars from many countries to participate in a series of international legal studies projects at Columbia from 1955 until his death in 1972.[1]

Public and Private Enterprises in Mixed Economies is the last of the collaborative books resulting from these projects. It includes chapters contributed by other authors, on France (Roland Drago), Italy (Giuseppino Treves), Nigeria (T. O. Elias), Turkey (Tugrul Ansay), the United Kingdom (Terence C. Daintith), and the United States (Arthur Selwyn Miller and Ralph C. Ferrara), followed by Friedmann's chapter setting forth his comparative observations. Each chapter includes a relatively brief discussion of the structure and types of public enterprise. More detail of this nature appears in *Government Enterprise*,[2] an earlier volume resulting from the Columbia program on international legal studies, in similar format, edited by Friedmann together with J. F. Garner. The book under review carries the analysis further, by inquiring into the relationship between public and private enterprise in "mixed" economies, that is, systems which are neither totally dominated by state enterprise, nor operating under a totally unregulated system of competitive private enterprise.

Friedmann's conclusions focus on the need, which he regards as crucial, for the legal system to guarantee equality and fairness of competition, whenever public and private enterprises compete. Thus he asserts, as a matter of principle, that public enterprises competing directly or indirectly with private enterprises should not

1. Professor Friedmann was killed by robbers on the streets of New York City on September 20, 1972. This tragedy is noted in an obituary by Professor A. A. Faturos, at the beginning of the volume under review, which was published in 1974.

2. GOVERNMENT ENTERPRISE: A COMPARATIVE STUDY (W. Friedmann & J. Garner eds. 1970). The book includes contributed chapters on the United Kingdom, France, Italy, Germany, Sweden, the United States, Canada, Australia, Israel, and East Africa, followed by Friedmann's comparative analysis.

be given tax exemptions, immunity from suit, or other advantages not enjoyed by their private competitors.[3]

The conclusion is not derived from a consensus of the jurisdictions studied in the book. Turkey alone clearly recognizes and purportedly applies the principle. According to Professor Ansay's chapter, the Turkish constitution recognizes that country's commitment to maintaining a mixed economy, and the government's Second Five Year Plan proposes various means of achieving this commitment, including the assurance of equality and fairness of competition between public and private enterprises.[4] At the opposite extreme, the United States Supreme Court has held that the constitution does not guarantee the protection of private enterprises, either from competition by public enterprises, or from the grant of tax exemptions or other preferences to the public competitor.[5] The traditional practice has indeed been to confer tax exemption and other privileges upon public enterprise. This tradition developed at a time when public enterprises played a relatively small role in the overall economy, but has continued during the significant expansion of that role in recent decades. Between the Turkish and United States positions, Nigeria accepts the principle of equality between public and private enterprises, but only in context of a declared national policy of steadily increasing the extent of public ownership of major industries.[6] France[7] and Italy[8] recognize freedom of commerce and equality before the law, ostensibly supporting Friedmann's principle, but the contributing au-

3. PUBLIC AND PRIVATE ENTERPRISE IN MIXED ECONOMIES 383, 390 (W. Friedmann ed. 1974) (hereinafter cited as MIXED ECONOMIES).

4. Ansay, *Turkey*, in MIXED ECONOMIES, at 137; Friedmann, *id.*, at 361, 385.

5. Miller and Ferrara, *United States*, in MIXED ECONOMIES, at 291; Friedmann, *Id.*, at 389. In support of the basic propositions in the accompanying text, as applied to federal government enterprises, the authors cite *McCulloch v. Maryland*, 17 U.S. (4 Wheat.) 316 (181); *Ashwander v. TVA*, 297 U.S. 288 (1936); *Alabama Power Co. v. Ickes*, 302 U.S. 464 (1938) and *Tennessee Electric Power Co. v. TVA*, 302 U.S. 122 (1938). The present reviewer notes that similar principles govern the federal constitutional status of state and local government enterprises. *See, e.g.*, Puget Sound Power & Light Co. v. Seattle, 291 U.S. 619 (1934) (recently reaffirmed as "good law" in *City of Pittsburgh v. Alco Parking Corp.*, 417 U.S. 369 (1974)). However, state constitutional law presents a less uniform approach. *See, e.g.*, City of Cleveland v. Board of Tax Appeals, 153 Ohio St. 97, 91 N.E.2d 480 (1950); 63 AM. JUR. 2d *Public Funds* § 75; 56 AM. JUR. 2d *Municipal Corporations* § 210.

6. Elias, *Nigeria*, in MIXED ECONOMIES, at 87.

7. Drago, *France*, in MIXED ECONOMIES, at 3; Friedmann, *id.*, at 387.

8. Treves, *Italy*, in MIXED ECONOMIES, at 43; Friedmann, *id.*, at 384-85.

thors demonstrate how the practice in both countries has repeatedly favored public enterprises despite the controls attempted by the administrative courts. The United Kingdom partially recognizes the principle, generally conferring equal treatment by means of legislative and administrative action.[9] However British courts have not developed effective remedies in the event of departures from this practice.

Neither the contributed chapters nor Friedmann's conclusions provide convincing support for Friedmann's choice of the Turkish model, which recognizes equality and fairness of competition, over the American model, which does not. Friedmann justifies his choice by asserting, with minimal discussion, that it derives from the "express or implied principles of a mixed economy."[10] His previous writings, however, provide further insight into the genesis of Friedmann's conclusions. In *Legal Theory*,[11] he discusses the nature of the mixed economy as a characteristic feature of social democracies distinct from Marxist legal systems. In a mixed economy, "it will probably have to be regarded as part and parcel of a social democratic legal ideology that public and private enterprise should be treated as equals. This may mean the creation of administrative and judicial organs to safeguard the application of equal standards."[12] Additional discussion along similar lines is found in the Tagore Lectures, published as *The State and the Rule of Law in a Mixed Economy*.[13]

The book under reveiw would have been improved by a more elaborate evaluation of the Turkish and American models, together with the author's explanation for his adoption of the Turkish approach as a matter of principle. The discussion could usefully have included not only the conceptual arguments, but also some exploration of the practical consequences of choosing one model rather than the other. In addition, valuable insights could have been provided into the factors which tend to encourage private investment in mixed economies, and into the techniques of negotiating on behalf of the various parties. The impact of non-

9. Daintith, *The United Kingdom*, in MIXED ECONOMIES, at 195; Friedmann, *id.*, at 386-88.

10. Friedmann, in MIXED ECONOMIES, at 389.

11. W. FRIEDMANN, LEGAL THEORY 383-86 (5th ed. 1967).

12. *Id.*, at 386. Friedmann's view on this matter can be traced back to W. Friedmann, *Law and Social Change in Contemporary Britain* 301, 308-10 (1951), a volume which was the precedessor of *Legal Theory*.

13. W. FRIEDMANN, THE STATE AND THE RULE OF LAW IN A MIXED ECONOMY (1971).

governmental groups, such as consumer associations and environmental defenders, could also have been usefully discussed. Finally, some comparisons with socialist economies, and some discussion of trading relationships between socialist and non-socialist systems would have added to the value of the work.

If circumstances had permitted, the publisher's editorial staff could—and indeed should—have invited Friedmann to expand and explain his conclusions. This approach was unfortunately precluded by his death within a few days after completion of the manuscript.[14]

As published the book serves two distinct purposes. First, it provides a medium through which the contributing authors present their descriptions of the several jurisdictions studied. Secondly, it provides an insight, albeit incomplete, into Friedmann's view of mixed economies, based not so much upon the contributed chapters in this volume, as upon Friedmann's own prior publications. As indicated previously, the theoretical framework flows from *Legal Theory* and the Tagore Lectures. The practical understanding of the problem, seldom expressed in the volume under review, was previously mastered by Friedmann in two sets of case studies, *Joint International Business Ventures* (with George Kalmanoff)[15] and *Joint International Business Ventures in Developing Countries* (with Jean-Pierre Beguin).[16] The dynamics of negotiating private investment in mixed economies were emphasized in some of Friedmann's law review articles.[17] The status of public enterprise in socialist systems was explored comparatively in Friedmann's study of governmental enterprises in the *International Encyclopedia of Comparative Law*.[18]

When considered as an installment in the unfolding of Fried-

14. The author's preface to *Mixed Economies* is dated September 5, 1972. He died just fifteen days later. *See* note 1 *supra*. The book, published in 1974, gives no indication that anybody other than Friedmann undertook any editing.

15. W. FRIEDMANN & G. KALMANOFF, JOINT INTERNATIONAL BUSINESS VENTURES (1961).

16. W. FRIEDMANN & J. P. BEGUIN, JOINT INTERNATIONAL BUSINESS VENTURES IN DEVELOPING COUNTRIES (1971).

17. *See, e.g.*, Friedmann, *Foreword, Foreign Investment Planning and Economic Development*, 17 RUTGERS L. REV. 251 (1963); Friedmann, *The Role of Law and the Function of the Lawyer in the Developing Countries*, 17 VAND. L. REV. 181 (1963); Friedmann, *Foreword, Law and Economic Development: Symposium*, 10 COLUM. J. TRANSNAT'L L. 195 (1971).

18. Friedmann, *Governmental (Public) Enterprises*, in INTERNATIONAL ENCYCLOPEDIA OF COMPARATIVE LAW (K. Zweigert ed. 1969). In this work, Freidmann also presents a useful comparative bibliography.

mann's views, based on his earlier writings, the conclusion to the book under review is to be cherished. When considered, on the other hand, solely in context of the contributed chapters of the same volume, the conclusion does not emerge as Friedmann at his most forceful or persuasive. To find the best of Friedmann, we need only sample his prolific contributions to the law reviews, whether on the United States involvement in the Vietnam conflict,[19] the judgment of the International Court in the *South West Africa cases*,[20] the risks to humanity arising from genetic engineering,[21] or

19. Friedmann severely criticized certain United States government lawyers who invoked principles of international law to justify "what is patently, by standards of international law, an illegal action. But by using the language of legal rather than political justification, the argument comes unintentionally close to the attempts made by Nazi and Communist lawyers to justify the interventionist and aggressive actions of their respective governments in terms of a legal order of the future." Friedmann, *United States Policy and the Crisis of International Law*, 59 AM. J. INT'L L. 857, 869 (1965). *See also* Friedmann, *Law and Politics in the Vietnamese War: A Comment*, 61 AM. J. INT'L L. 776 (1967); Friedmann, *Intervention, Civil War, and the Role of International Law*, 59 PROC. AM. SOC. INT'L L. 67 (1965).

20. Friedmann deeply regretted the failure of the International Court to deal effectively with the South West Africa controversy. "It is to be feared that the Judgment of the International Court in the South West Africa case has dealt a devastating blow to the hope that the International Court might be able to deal with explosive and delicate international issues. The valuable and penetrating discussion of these matters in some of the dissenting judgments cannot mitigate the fact that the Court, for whatever reasons, failed to meet the challenge. This doubt that the Court will function as a judicial arbiter in some of the major international issues of our time is likely to be a far graver consequence of the Court's verdict than the political disappointment of some of the states, and of many groups and individuals, that the Court failed to condemn the apartheid policies of South Africa." Friedmann, *Jurisprudential Implications of the South West Africa Cases*, 6 COLUM. J. TRANSNAT'L L. 1, 16 (1967).

21. "[M]ankind has not even begun to understand—let alone translate into terms of social and legal values—the consequences of interference with the qualitative composition of man . . . . the manipulation and indeed the manufacture of human beings according to certain predetermined standards would sweep away the foundations of all human history. The task of finding the proper borderline between social planning—and corresponding legal controls—and the acceptance of an order of nature that man cannot alter, except at the price of self-destruction, will no doubt be the most important single task of the next few decades. The answer is far from certain. What we cannot afford is to let scientific developments proceed any further without close coordination with their social and legal consequences." Friedmann, *Interference with Human Life: Some Jurisprudential Reflections*, 70 COLUM. L. REV. 1058, 1076-77 (1970).

the relationship between law and mankind's sense of justice.[22]

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22. Friedmann revealed many of his own values in his review of Professor Julius Stone's trilogy, *Legal System and Lawyers' Reasonings; Human Law and Human Justice*; and *Social Dimensions of Law and Justice*. "Professor Stone's final message is relatively simple: that conceptual analysis is insufficient, that the quest for justice is necessary, unending, and never conclusive, except for a given society at a given time, and that the study of concrete social phenomena and developments is always a necessary complement to the analysis of law and the theories of justice. Behind the message is the faith of a modern liberal, who believes in human freedom and social responsibility, and who derives from a lifetime's study of jurisprudence, past and present, the faith that men will not ultimately sink back into barbarism. Mankind's survival depends on his faith's being proved right." Friedmann, Book Review, 67 COLUM. L. REV. 1344, 1348-49 (1967).

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