

BOOK REVIEWS

PENNSYLVANIA INTTESTATE, WILLS AND ESTATES ACTS OF 1947. By Philip A. Brégy. Distributed by Geo. T. Bisel Co., Philadelphia, 1949. Pp. 7076 (cumulative). \$20.00.

Here is one book which I intend to have always within reaching distance from my desk chair. It is a working tool to which the practicing lawyer will turn again and again to find in a few minutes reliable answers to problems which would require many hours of library research. Also, to anyone except an expert in the law of decedents' estates, it will suggest the existence of problems which might well have been overlooked and it gives the answer to them. As one goes through this book, he recalls Holmes' reference to legal research "by eyes microscopic in intensity and panoramic in scope."

The book is divided into three main parts, each one covering one of the 1947 statutes named in the title. The fourth part of the book is a general index and a full table of cases. The book is made up in loose leaf form with pagination that provides for additional pages to be added in the future. Thus, the paging goes from 1 to 7076, but contains only a fraction of that number of pages. For example, the page discussing the title to the Intestate Act of 1947 is 25 and the next page is 51, of which you are duly informed by a bracketed reference at the bottom of page 25.

The format is: (1) a page naming the Act and giving its official Pamphlet Laws and also the Purdon's Statutes citations; (2) a table of contents of the Act; (3) a complete text of the Act, and; (4) a detailed analysis of the Act, taking it up section by section, and clause by clause. It is in this detailed analysis that Mr. Brégy has made his contribution to busy lawyers and judges. First, the section, or clause of a section, is printed in black letter. Then follows the "Commissioners' Comment," then the text of the "Old Law," if any, then a "Summary of Effect on Old Law" followed by a full "Discussion." The latter starts off with a detailed analysis of the points discussed. The discussion analyzes the problems which have arisen, and how the decisions have answered them. Reference is made to statutes, case law, the Restatement and to pertinent law review articles. Sometimes, the discussion also points out problems which may arise and suggests how they may be answered.

Illustrative of the way the material is handled is the discussion under Section 1 of the Intestate Act of 1947 (which provides "The real and personal estate of a decedent, whether male or female, subject to debts and charges, and not disposed of by will or otherwise, shall descend as hereinafter provided") which covers 30 pages. The summary of this discussion is:

- "1. General—Persons to Whom Act Applies.
2. Property to Which Act Applies.
 - a. Title Held by Decedent as Fiduciary.
 - b. Beneficial Interests in General.
 - c. Possession Not Necessary.
 - d. Contingent Interests.
 - e. Whether Decedent's Interest in Property Survived His Death.

3. Property 'Not Disposed of by Will.'
 - a. Partial Intestacy.
 - b. Negative Disinheritance.
 - c. Gifts Conditional Upon Renunciation of Intestate Share.
 - d. Renunciation of Gift in Will.
 - e. Spouse's Share—Cross Reference.
4. Property 'Not Disposed of . . . Otherwise.'
 - a. Disposition by Other Statutes.
 - b. Gifts Inter Vivos—Personalty.
 - c. Gifts Inter Vivos—Real Estate.
 - d. Gifts Causa Mortis (Personalty).
 - e. Gifts of Future Interests—Trusts.
 - f. Gifts of Future Interests—at Law (Escrow Deliveries, Joint Bank Accounts, Tentative Trusts, U. S. Savings Bonds, etc.)
 - g. Gifts Under Undue Influence.
 - h. Spouse's Share—Cross Reference.
5. Meaning of the Word 'Descend.'
6. When Heirs Are Determined.
 - a. In General.
 - b. Future Interests.
 - c. Powers of Appointment."

How many lawyers would have realized the number of problems which arise in determining the construction and applicability of this first section of the Intestate Act?

Another example of Mr. Brégy's thoroughness is seen in his 83 page discussion of the Rule against Perpetuities, as set forth in Sections 4 and 5 of the Estates Act of 1947, and which commences with his preliminary observation that "Sections 4 and 5 of the Estates Act represent a novel attempt to change the common law rule against perpetuities in a way which has not hitherto been attempted either in Pennsylvania or elsewhere."

Mr. Brégy is a practicing lawyer and he has put his book together in a manner to make it most useful to busy practitioners. The "Summary of Effect on Old Law" which precedes each discussion shows at a glance what change, if any, has been made by the 1947 statute. For example, this summary of Section 2 of the Intestate Act says, "There are two important changes" (and specifies them) and adds, "The other changes from the wording of the old act are stylistic only and will have no effect on prior law." Another helpful feature is charts included in the discussions of Sections 2, 3 and 4 of the Intestate Act, which again show at a glance what shares particular relatives take in various situations and where the line is drawn between persons who may take and those who may not. The detailed analysis of each discussion, in complete outline form, a sample of which appears above, enables the reader to see the points quickly and to turn at once to the full discussion of the particular problem which confronts him.

Because Mr. Brégy was the Associate Research Consultant to the Advisory Committee to the Committee on Decedents' Estate Law of the Joint State Government Commission, which spent nearly two years in

drafting this 1947 legislation, he approached the writing of his book with a knowledge, not only of the detailed provisions of the three statutes, but also of the reasons which led to the adoption of particular sections and clauses. He has complete familiarity with the many discussions which took place in the conferences of the Advisory Committee. Robert Brigham, Esquire, Chairman of the Advisory Committee, says in his introduction to the book:

"Although Mr. Brégy confines himself to published material, his handling of the material reflects his knowledge and lends an added value to his work. He states his opinions on questions that may arise and, although he speaks unofficially, he nevertheless speaks with actual knowledge of the mental processes which produced the acts in their present form.

"Moreover an exact and detailed knowledge of the prior law, particularly the case law, is frequently indispensable to anyone who must interpret and apply a new statute. While the Advisory Committee has endeavored to explain the new acts by appropriate comments appended to each section, limitations both of time and space have made it impossible for the Committee to prepare any such exhaustive treatise as is now submitted by Mr. Brégy."

This reviewer finds himself in complete agreement with Mr. Brigham's own conclusions that "Mr. Brégy has rendered a much needed service" and "he has done it so well."

Laurence H. Eldredge.†

THE LAW. By Rene A. Wormser. Simon and Shuster, Inc., New York, 1949. Pp. xiv, 609. \$5.00.

The compilation of such a volume by a busy practitioner, particularly one who has specialized in and written extensively about estate planning, is in itself something of an accomplishment. The book was born, we are told, of a suggestion made by the late Wendell Willkie, who it is said felt the need for a book—written for laymen—which would give some idea of how the law which governs us today came into being, how it developed, and something about the great personalities that helped give it shape and substance.

About one-third of the text is devoted to six major headings: The Jews (Moses and Jesus); The Greeks (Homer, Solon, Lycurgus, Socrates, Plato and Aristotle); The Romans (The Ten Men, Appius Claudius Caecus and the Gracchi, Cicero, Augustus, Hadrian and Julian, and The Big Five); The German Barbarians and the Feudal System (Charlemagne); The Churchmen (St. Augustine, Aquinas); The Western Europeans (Bartolus, Luther and Calvin, Alciati and Cujas, Five Reformers—Leibnitz, Montesquieu, Voltaire, Rousseau and Beccaria, Napoleon, Marx and Engels).

As might be expected in any attempt to dispose of such a formidable array in little more than two hundred pages, the presentation consists in large part of thumb-nail sketches of these "great personalities," interspersed with spicy tidbits about them or their wives, doubtless calculated

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to maintain reader interest but contributing little to the development of the story of the law. Aside from brief references to vengeance as an influence in early law, changing notions about property and ownership, and the part played by folkways and tribal customs in establishment of the law, one wonders whether laymen (or anyone else for that matter) will gain very much from this portion of the book. And in spite of the heralded "clear, non-technical language" used by the author, the reader will encounter an abundance of Latin and other phrases (always conveniently translated) that will remind him he is reading a book written by a lawyer.

Mr. Wormser confesses he found his greatest difficulty to lie in the selection of material and he apologizes "to many jurists, statesmen, and writers who have been excluded because others seemed more vital to the story." Still further curtailment of material and more synthesis in the first six parts would have made, in this reviewer's opinion, more effective presentation of this essentially background portion of the book for purposes of laymen. But perhaps the author is right when he writes, "Nobody knows just what the term 'law' means, anyway," and accordingly we might as well have a smattering of knowledge about some of the names associated with law. As Hobbes wrote: "Whereas law, properly is the word of him, that by right hath command over others."¹ In any event, in learning about some of these "greats" of the past, the reader (lay) will understand why Gilbert and Sullivan were no more accurate than they intended to be: "The Law is the true embodiment of everything that's excellent."

The book unquestionably picks up in interest beginning with Part Seven: The English, and there can be less room for difference of opinion as to the selection of material. Again, however, the author is at his best when discussing and comparing personalities, notably Bacon vs. Coke, Blackstone, Adam Smith and Jeremy Bentham; the development of law is rather secondary and incidental.

Part Eight: The Americans deals with familiar history and politics. The layman can get a fairly good picture of "some of [the law's] major past and present problems" in this country and some evaluation of court and legislative "solutions." The chapter on Roscoe Pound and Legal Philosophy is well done and constitutes a well merited tribute.

The final section of the book is devoted to a discussion of public law and, primarily, public international law, in which the author believes we have had "vicious retrogression." Here the material is, I think, handled with greater selectivity and more understanding than in the early portions of the book. The average reader, not limited to lay, will find particularly interesting Mr. Wormser's views regarding The War Trials and U. N. and the Future of International Law. Some will doubtless disagree with the author's conclusions and conjectures, but the subject lends itself to varying opinions.

Other efforts to set forth the story of law and its growth have, it seems to me, been more successful than this one. I rather doubt that this book is what Mr. Willkie had in mind in making his suggestion. I incline to the view that the book is not properly titled. Granted that philosophy, history, anthropology, religion, ethics, economics and others are a part of the law and have left their impress upon it, here the author has spent too much time on the personalities involved, be they philosophers, historians, or politicians, and has too seldom made clear their particular

1. LEVIATHAN 109 (1935 ed.).

contribution to the law's growth or retardation. In fairness, he *has* made the point with respect to Marshall, Kent, Holmes, Brandeis and Pound.

The book is scarcely likely to appeal to the student of the law—it was not so intended; it is doubtful, too, that it will hold for the layman that interest in the story of the law as such, which was intended in the preparation of the volume. It is, perhaps, a little too much of a conglomeration really to tell that story in simple terms.

Earl G. Harrison.†

INTERNATIONAL LAW. (Second Edition.) Three volumes, Volume I: INTERNATIONAL LAW AS APPLIED BY INTERNATIONAL COURTS AND TRIBUNALS. By George Schwarzenberger. Stevens and Sons, Ltd., London, 1949. Pp. liv, 681. £3, 3s.

Those who are acquainted with Professor Schwarzenberger's other writings and are accustomed to find his discussion of international law problems profitable and enjoyable reading may be disappointed to learn that the text of this book is concerned almost entirely, not with the author's views, but with a presentation of the ideas of others. They will discover, however, a useful reference work for research in international law. Professor Schwarzenberger has compiled a detailed guide to the statements of international tribunals on international rights and duties. Every decision and advisory opinion of the Permanent Court of International Justice, of the International Court of Justice, and of the Permanent Court of Arbitration has been meticulously examined, and each statement relating to international law has been carefully extracted, classified and reproduced, verbatim or substantially, in the proper chapter and section. Decisions of the Nuremberg International Military Tribunal, of Mixed Arbitral Tribunals, Claims Commissions, and other subordinate tribunals have also been analyzed so as to include their pronouncements on points which are not covered in the decisions of the major tribunals. The book is a summary in continuous narrative form of the statements of these international judicial institutions upon all the international law problems on which they have made any statement, except that decisions of the lower tribunals are covered only in so far as they deal with matters not dealt with by the major tribunals. It is a great convenience to find in one volume an abstract of all these international court decisions.

At the outset Professor Schwarzenberger states forcefully the case for building international law by induction. The obligations that will be recognized in actual dealings between nations cannot be determined by starting from general principles of natural or other basic right, and proceeding thence to work out specific rules for particular cases by reason, logic, and common sense (even assuming that these processes do not lead to conflicting conclusions). Our basic assumptions and our logic may either or both be faulty, and we have no measuring rod for ideas. We can forecast with more assurance if we begin with specific events—decisions in disputed cases, negotiations, treaties, incidents in interstate relations—and build upon this concrete foundation our conclusions as to the rules approved and applied. Of course the author does not claim to be the originator of this theory. The Anglo-American law student is so familiar with this attitude that he seldom bothers to express it or even to formulate it mentally. But emphasis on this truth as applied to inter-

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national law may be an effective means of pointing out the deficiencies of the international legal system, and so of indicating the necessity for development.

International courts are placed by the author at the top of the "hierarchy of law-determining agencies," which he distinguishes carefully from the "hierarchy of sources of international law." Both hierarchies are based on Article 38 of the Statute of the International Court of Justice, and the author's discussion of the article will give an idea of the close analysis which appears throughout the volume.

Article 38 of the Statute of the International Court of Justice provides that the Court shall apply:

- a. international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;
- b. international custom, as evidence of a general practice accepted as law;
- c. the general principles of law recognized by civilized nations;
- d. subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law."

The first three quoted clauses are seen by the author as speaking in terms of "sources of law" (and as fixing the hierarchy among them in the stated order). He explains however that clause d, in using the phrase "means for the determination of rules of law," speaks of a "law-determining agency," which should be distinguished from a "source of law." The whole body of states is also a "law determining agency," which creates the "international conventions," "international customs," and "general principles of law," each of which is a source of law. The other "law determining agencies" are courts and writers or "publicists." Apparently the author regards the agency as the organization, group, or individual which formulates the abstract concept, convention, custom or principle; and the term "source of Law" can properly be applied in his analysis only to the abstract statement or proposition which the agency formulates. The distinction he draws seems possible, but neither necessary nor particularly helpful. It is not confusing to think of the institution which states or forms a rule of law as the "source" of the law. And a court which was guided in its decision by an international treaty or convention, for instance, would be using that "source" of law as a means of determining what the law was.

A separate classification for the "teachings of the most highly qualified publicists," referred to in clause d, would be understandable. Since these teachings do not actually settle disputes by applying the law they teach, but rather tell how it should be applied for that purpose, they might aptly be described as "means of determining what the law is" rather than as "sources of the law." But even this distinction seems more academic than useful. The pronouncement of a "law-determining agency," to the extent that it is consulted for the purpose of determining the law, and followed, is a source of the law; the two phrases, accurately used, indicate different aspects of the same thing.

To return to the author's analysis, the law determining agencies are states, courts, and writers, and they should be ranked in this order to form the hierarchy of such agencies, if there was agreement among all the states. But each single state is merely a fraction of the law-determining agency, which is the whole group of states; and they rarely, if ever, agree.

Because of this fact, and because the state is less objective and not usually represented by men so highly skilled in international law, the author would place courts first in the hierarchy of law determining agencies. Accordingly this volume deals with international tribunals as law determining agencies, even though the principle of *stare decisis* is not applicable and the decisions are not precedents but persuasive authority only.

The value of the book lies in its complete and accurate analysis of the decisions, and in the organization of the ideas which they express. On each topic taken up in the volume the author sets out the rules which have been applied or approved on that subject by these international tribunals. All the decisions in the Permanent Court of International Justice, the International Court of Justice, the Permanent Court of Arbitration, and the many other international tribunals have obviously been most carefully analyzed; every sentence which might bear upon a subject has been classified and reproduced in the proper chapter in substance or in direct quotation. Sometimes the analysis has been atomic—many cases appear in ten, twenty or thirty entries in about as many separate chapters; some of the entries are merely historical comments. The American lawyer might be disturbed because *dicta* are seldom distinguished from holdings; but possibly the distinction is somewhat less important in a legal system where the doctrine of *stare decisis* is not recognized.

The limitations, as the author explains, are largely those inherent in the project. The volume is not supposed to be a balanced discussion of the whole field of international law. There is much material on territorial jurisdiction, and on treaties, but comparatively little material, for example, on recognition of states or governments, because this is a subject which has not often been passed upon by international courts. Moreover, the volume must not be relied upon as a complete digest of the decisions of the lower international tribunals. It is complete for all cases in the Permanent Court of International Justice, the International Court of Justice and the Permanent Court of Arbitration; material from other tribunals has been used only where the major tribunals have not dealt with a topic. Finally, and possibly most important, the facts of the cases are seldom given, and the purport of a quotation from a decision is not always clear. Certainly, as the author warns, the book is not a substitute for the decisions themselves.

The author describes the trial of Sir Peter of Hagenbach, in 1474, in Breisach, as a parallel to the war crimes trials in Germany. When the Archduke of Austria was forced to borrow money from his ambitious neighbor, the Duke of Burgundy, the latter took over the fortified town of Breisach in pledge, and made Sir Peter of Hagenbach governor of the town. Sir Peter and his garrison established a rule of violence and outrage that was extreme even for that period (possibly it would not seem so bad in 1950). All of Sir Peter's actions were approved, and some of them undoubtedly ordered, by his master, Duke Charles of Burgundy—"Charles the Bold" or "Charles the Terrible." When the Duke was defeated and killed in battle, Sir Peter was tried in the market place in Breisach before a tribunal made up of representatives of the victorious allies. He was accused of what would be called, under the Nuremberg Charter, "crimes against humanity." The principal defense was one largely relied upon at Nuremberg, that the governor had simply followed the orders of his master the Duke. Sir Peter was convicted and executed. The case is similar to the Nuremberg proceedings in substantial respects; and although Sir Peter's crimes were committed before the war had started, the author suggests that it might well be considered that the gov-

ernor's conduct in Breisach was more like that of a foreign conqueror than that of a governor in peace time.

About one-third of the book is in Part Seven, "The Law of International Institutions." This is one of the most interesting and valuable parts of the volume. Here are collected together the comments of the various tribunals on the status and powers of world courts, administrative institutions, and finally world "Comprehensive Institutions." Three chapters collect together the courts' pronouncements on a subject on which the amount of published material is practically in inverse ratio to its importance for the international lawyer, the procedural law in international courts. The sources and principles of that law, the manner of starting proceedings, rules of evidence, and the various forms of interim orders and final judgments, these and similar matters are dealt with.

The decisions referred to in the final chapter, on "Comprehensive Institutions" relate to the League of Nations, the United Nations, their councils and assemblies. The comparison between these two confederations of states shows some progress; for example, courts interpreted the Covenant of the League of Nations as requiring unanimity in voting in the League Council on many matters, while the Charter of the United Nations expressly provides for action by majority vote. The author remarks on one point seldom noticed, that the veto provision in the United Nations Charter has been relaxed slightly by tacit consent of all powers, contrary to the express provision of the Charter, since an abstention from voting by one of the five major powers has never been treated as a veto.¹

Except in introductory material, at the beginning of the volume and the opening paragraphs in the chapters, there is practically no comment or criticism by the author. The text is confined to setting out the rulings by the several tribunals with some explanatory and connecting matter. Occasionally the author gives his own views on a decision. On the Judgment of Nuremberg, for instance, he states that it has not led to the creation of an international criminal law, since it was based primarily upon municipal law administered by the conquering powers after the unconditional surrender of Germany gave the Allied Armies complete jurisdiction over the state and its nationals. The author was also unable to pass by the recent advisory opinion of the International Court of Justice on membership in the United Nations without indicating his agreement with the sound decision of the minority in that case.

Professor Schwarzenberger plans to contribute two more volumes to the foundation of an international law built up by induction. Volume two will be entitled "International Law as Applied in British State Practice"; the last volume will cover international law as applied by courts throughout the British Commonwealth and Empire. The study of British State Practice should be particularly helpful, since we have little material now available from this source, and the series as a whole will be an important addition to the research library.

John P. Dalzell.†

1. The veto power of the permanent members of the Security Council is based upon Article 27, paragraph 3 of the Charter, which reads as follows:

"Decisions of the Security Council on all other matters (*i.e.*, other than procedural matters) shall be made by an affirmative vote of seven members including the concurring votes of the permanent members; . . ."

These words state, about as clearly as is possible in English, that an abstention from voting by a permanent member is an effective veto; yet such abstention has never been so treated by any power. Possibly a power which is not troubled by the fetish of consistency will yet raise the point.

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THE ROAD AHEAD. By John T. Flynn. Devin-Adair Co., New York, 1949. Pp. 160. \$2.50.

This slender volume is a clarion call to awaken the defenders of Free Enterprise to the dangers posed by the legions without the gates. The author's basic premise is that "Socialism" is evil, and "Capitalism" good. With this tenet as a starting point, Mr. Flynn devotes himself to a description of how, unless existing inertia is overcome, we will not only find ourselves on the Road to Socialism, but indeed will have marched into its camp. The first half of the book is given over to a detailed examination of the method by which the Fabian Socialists gained their present ascendancy in England, and the consequences of such ascendancy. From their pitiful Parliamentary representation at the turn of the century, the Socialists through their organ, the Labor Party, triumphed by an overwhelming vote in the 1945 elections. What was the secret of their success? The author explains how the Socialists acquired electoral man-power through an alliance with the trade unions, then enraged by the decision of the House of Lords in the *Taff-Vale* case.¹ Once their lot had been cast with the Socialists, the trade unions found that, while they supplied the votes, the Socialists exercised much of the power. Another crucial event took place in 1923 when the Liberal Party formed a coalition with the Socialists, and thereby succeeded in cutting its own throat. Mr. Flynn emphasizes that, throughout the incubatory period of Socialism, its leaders contented themselves with advocating gradual changes in the existing social and economic structure to allay the suspicions and inhibitions of the British people; as such, the movement constituted a "Creeping Revolution." The official platform emphasized a program of "Soak the Rich"—this became the panacea of the common man who believed that only the indecently wealthy would be pejoratively affected by the Brave New World, while envisioning for himself a life of ease. The promises had been made; the pledges had been given; with the advent of the New Dawn in 1945, the time for performance was at hand—did reality measure up to the dreams?

In his chapter entitled "Socialist Reality," Mr. Flynn makes it evident that the dreams vanished with the Dawn of the New Day. As a substitute for the 1945 campaign slogan of "Fair Shares for All," the British elector was fated to hear Sir Stafford Cripps call for "Austerity." The author concludes that, while the Labor Government through its policy of confiscatory taxation may have brought about a condition of equal shares for all, this result was achieved by leveling the rich rather than elevating the poor. Without laboring the question of whether "Equal and Minimum Shares for All" might not have been a more accurate hindsight definition, Mr. Flynn demonstrates that the average Englishman found retrogression rather than progression in his standard of living in the four years following the advent of the Bright New World. The author is open to criticism for his failure to give much notice to the economic plight in which England found herself at the conclusion of World War II—no doubt apologists for the Labor Government would argue that this rather than government policies was responsible for the precipitate rush toward the waterfall of bankruptcy. However, as Mr. Flynn points out, excessive taxation to supply social services on an unprecedented scale had the effect of raising commodity prices, and can hardly be characterized as proper

1. *Taff-Vale Ry. v. Amalgamated Society of Ry. Servants*, [1901] A.C. 426. An interesting historical parallel can be drawn between this decision and the *Taft-Hartley Act*.

technique for a nation which must undersell the foreign market to survive. The author's conclusion after a reasonably well documented examination of the English picture is that, except for the very poor, the Englishman under Socialism gained but little in material benefits, and, by virtue of the excessive government control necessary for the successful operation of a Welfare State, lost many of the personal rights and liberties which have been considered essential in a free society.

The second half of the book is devoted to a description of what the author believes to represent the present trend in the United States, supplemented by analogies to what has happened in England in the past. While a comparison of American with English political trends is far from novel, Mr. Flynn's contribution lies in his detailed demarcation of the signposts along the Road which we are traveling. The road leads to government ownership or control of the factors of production, and through these, the initiation of the Welfare State. The author's tacit assumption is that the American People would not approve of such steering of the Ship of State, *if they were aware of it*. According to Mr. Flynn, the helmsmen of this course are a group he denominates "Economic Planners." Selected from all classes and professions, they occupy key positions in the policy-making and opinion-forming sections of our society. He believes that these men pose more of a danger to American Free Enterprise than do the Communists, both because they are more numerous (though far from legion), and because their ideas are less suspect. It is the author's belief that the unions have, in many cases, fallen under the domination of these Economic Planners, this being analogous to the past picture in England. Have these men acquired the political power to enable them to abandon their ivory towers? Mr. Flynn believes that by making personalized appeals to particular groups who desire a *specific* facet of socialism, such as socialized medicine, government support of farm prices, or federal housing, the Economic Planners have contrived to group under their all-embracing mantle a large number of individuals who, except where touched by a narrow area of self-interest, are not Socialists. In some cases, the Planners work through the form of the major parties; in others they have organized their own, *e. g.*, the Progressive and American Labor parties. As in the case of the Fabian Socialists, the present policy of the Economic Planners is to move toward their ultimate objective by compromise and indirection, since a frontal attack upon the Free Enterprise System would be doomed to defeat at the hands of an electorate presented with a clear-cut issue. In their technique the Planners resemble many organized pressure groups, but their case is distinguished by the vital importance of the issue which they present.

This book postulates that the majority of the American People oppose an extension of socialist doctrines, and argues that the English experience proves Socialism unworkable in practice. If one disbelieves the postulate, or is incapable of conviction by the argument, this book contains little to interest him. However, if one is willing to assume the postulate, and is open to conviction as to the defects of Socialism in practice (the recent election indicates that, to say the least, the English people retain an open mind on this question), then he will come to agree with Mr. Flynn that Socialism whether jet-propelled or horse-drawn is something which we should eschew, and, more vitally, that unless immediate action is taken by a presently inert electorate, Socialism will be a fait accompli. What can be done to stem the tide? In his final chapter, the author makes several pertinent suggestions. Perhaps the most important is his plea to hold the line, resisting to the utmost each attempt to extend govern-

mental control over the Country's economic life. One need not examine the documentation of this book to realize that we have been drifting increasingly swiftly in the direction of the Welfare State. He suggests that the people through their elected representatives demand necessary improvements in the capitalistic system, instead of the substitution of the socialist juggernaut. For example, instead of replacing our present medical system with socialized medicine, we should remedy any defects within the existing framework. Instead of increasing the national debt by deficit spending in a time of prosperity, we should demand an honest effort to lighten the tremendous burden which is being placed on the shoulders of generations yet unborn—a burden which will eventually make our system of government unworkable, and Socialism inevitable. Most important of all, we, the American People, should abjure the easy way of immediate self-interest, and make a conscious and definitive choice between the mutually incompatible systems which are before us.

Like any argumentative treatment of a controversial issue, "The Road Ahead" lies open to attack upon substantive grounds. However, it has the dual virtues of discussing its subject thoroughly, and presenting the issues squarely. Mr. Flynn is to be congratulated upon his contribution to a largely unarticulated position.

Arthur C. Dorrance, Jr.

BOOKS RECEIVED

- CASES ON THE LAW OF BUSINESS ORGANIZATIONS (Agency and Employment Relations). By Alfred F. Conard. The Foundation Press, Inc., Brooklyn, 1950. Pp. xi, 661. \$7.00.
- COURT OVER CONSTITUTION. (Reprint.) By Edward S. Corwin. Peter Smith, New York, 1950. Pp. ix, 273. \$3.25.
- FOUL, FALSE AND INFAMOUS (Famous Libel and Slander Cases of History). By Clark Gavin. Abelard Press, Inc., New York, 1950. Pp. xv, 237. \$2.75.
- LAWYERS' TAX MANUAL. By Alfred S. Pellard. Clark Boardman Co., Ltd., New York, 1949. Pp. xxiii, 582. \$12.00.
- MAJORITY RULE AND MINORITY RIGHTS. (Reprint.) By Henry Steele Commager. Peter Smith, New York, 1950. Pp. 92. \$2.50.
- PROBLEMS IN LABOR RELATIONS. By Benjamin M. Selekman, Sylvia K. Selekman, and Stephen H. Fuller. McGraw-Hill Book Co., New York, 1950. Pp. ix, 672. \$5.50.
- THE FORMATIVE ERA OF AMERICAN LAW. (Reprint.) By Roscoe Pound. Peter Smith, New York, 1950. Pp. x, 188. \$3.00.