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A Revue of Books

Paul A. LeBel

Sure, anyone can review the latest book by Roberto Unger. This is not to say those reviews don't serve a purpose. If it weren't for reviews of such books, how would we be able to sit around the faculty lounge and nod knowingly when the Critical Legal Studies people monopolize the conversation? But what about the books that don't show up in *The New York Review of Books*? The books that appear in the "Other" category in the law library's List of Recent Acquisitions? How are we to separate the wheat from the dross? And what's so wrong with dross, anyway? If Nelson Bunker Hunt tried to corner the dross market, you can bet the rest of us would be looking for dross under our beds.

As a public service, I've looked at some of the less noticed but no less significant recent publications in law. The capsule reviews that follow admittedly do not do full justice to the impressive scholarship and acute analysis displayed in these books. These reviews necessarily can be little more than an encouragement to encounter for yourself the hours of pleasure afforded by intense scrutiny of these offerings.

The Rights of Foreign Car Owners

The choice of the topic for this, the latest addition to the American Civil Liberties Union series of handbooks for the oppressed and downtrodden, is undoubtedly motivated at least in part by the charges of elitism which greeted the organization's last publication, *The Rights of Montessori Schoolchildren*. Lest there be applause for an apparent return to egalitarianism, a check of the index reveals four times as many entries for Volvo as for Volkswagen.

Of particular interest to the jurisprudentially inclined is the chapter entitled "What Not to Say to Someone Holding a Large Wrench." The exhaustive survey of the states' treatment of verbal provocation as a defense to tort actions for battery and criminal charges of assault and battery reflects

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a discouraging lapse into a rigid legal conceptualism one would have more expected to find in the work of the Mountain States Legal Foundation than in an ACLU publication. One must wonder whether this is to be understood as an explicit organizational rejection of sixty years of adherence to a robust legal realism.

While the reader probably has come not to expect a great deal of original research from these guides, designed as they are more for the layperson than for members of the legal profession, this volume does include some hitherto unrevealed information (obtained through the use of procedures outlined in the organization's excellent guide to the Freedom of Information act, *The Rights of Nosy People*) about the treaty of Turin. Printed in its entirety is the full text of the treaty's secret codicil, prohibiting the export of more than two dozen automobile parts at any one time, thus assuring a two-month minimum delay in the performance of any major repairs.

Sister Mary Margaret

Had this volume in William Twining's series *Jurists: Profiles in Legal Theory* not appeared, students of legal philosophy would undoubtedly have continued to attribute the revival of natural law theorizing to Continental jurists. Now, after publication of this carefully researched and elegantly written book, the philosophical influence of the title figure—a nun who taught the fourth grade in Altoona, Pennsylvania—will be indelibly imprinted in the history of legal theory.

No longer will we be left to wonder who won the Hart-Fuller debate, or who did the catering. Sister Mary Margaret's decision is not only revealed (Fuller, by TKO, in Chapter 3 of *The Morality of Law*) but explicated with all the care usually reserved for *Carolene Products* footnote 4.

The creative use of semiotics in her teaching of the Baltimore Catechism opened new vistas for Sister Mary Margaret's pupils. Thanks to this book, the reader is transported into her classroom and invited to observe such scintillating exchanges as "Who made me? God made me. Why did God make us have to wear uniforms?"

Proving that a positivist foundation is never very far below any natural law superstructure, the author describes the nun's artistic use of a ruler across the knuckles as an eminently effective means of forcing ever deeper insight into such carefully crafted and movingly poetic exercises as the 8x multiplication table. While the Toscanini-like use of a ruler takes up a full chapter, ear pulling is relegated to an appendix, thus giving the reader a surprisingly overt display of the author's (long suspected, but until now cleverly concealed) bias in favor of a mechanical jurisprudence.

The Burton-Minton-Vinson Connection

A penetrating study of the troubles encountered by Washington hostesses in the middle of this century, focusing on the question that dominated the cocktail party circuit, "Which Supreme Court Justice is that over there in the corner?" Included in the book is a detailed study of the bow-tie ploy of the October 1950 term, but little is added to the disappointingly tawdry story of

follow-the-leader gamesmanship revealed by the *Washington Post* Supreme Court/Style correspondent.

The author purports to shun the psychoanalytical approach so much in vogue, but this choice proves to be a serious shortcoming when it comes to attempts to explain the principal characters' decisions to retire and/or die. Nevertheless, the witty in-chambers dialogue meshes well with the grainy black-and-white photographs to capture the ambiance of the period that saw the emergence of such political figures as Joseph McCarthy and Richard Nixon.

However delightful one may initially find this book, it is nevertheless a pale shadow of the magnificent volume on which it is so obviously patterned, and of which it is so patently derivative. Still, this book will serve a valuable role if it does little more than stimulate the interest of a new generation of readers in that too long out-of-print United States Senate classic, *The Fong-Long-Spong Songbook*.

The Holmes-Laski Letters: Companion Volume

For those readers who have demanded more than just edited correspondence of these two intellectual giants, the publishers have now made available photocopies of the original envelopes tracked down in private and museum collections throughout the world. The editors' essay on comparative postmarking is unmatched in the English language, and is alone worth the hefty price of this slim volume.

Glimpses of the British class structure are provided by the curious notes from Laski to the local postmistress. Whatever one's views about practices of the sort alluded to, even the casual reader can't help but come away from this book with admiration for a nation that can provide twice-a-day mail delivery from what are essentially corner grocery stores.

Recognizing the potential for attracting readers from a wider audience composed of people who, while not initially all that interested in either Holmes or Laski, do want to read other people's mail, the editors have included a comprehensive table providing, for each of the dates of a Holmes-Laski letter, a brief synopsis of the correspondence of Virginia Woolf written on that date, with appropriate cross-references to her *Letters*. One can only regret the commercial necessity that induced the publisher to rush this volume into print before the editors were able to complete the corresponding table for the Virginia Woolf diaries.

Gstaad, 1979

The appearance of this book recounting these events in a thriller-like style worthy of Robert Ludlum or William Thackeray, lends support to the rumor that receipt of the manuscript led Harvard Law School's Roger Fisher to reopen the Oxford University Press series on International Crises and the Role of Law. No better evidence of the central position of law in affairs international can be found than this superb case study of the implications of snowless Alpine trails.

This volume introduces to the series a welcome interdisciplinary flavor regrettably absent from some of the previous volumes. The economic, social,

and moral issues are explored with as much skill and fervor as the author brings to the rise and ultimate fall of the infamous *caveat slalom* doctrine.

The author draws on his first-hand, behind-the-scenes role to show us international law in action. This book does more than merely recite the now-familiar details of the Saudi sand solution. The last minute maneuvering before the International Court of Justice is spelled out in all its intricate detail. Early drafts of the "let them jog" brief demonstrate the hardening of the Swiss position even as their thin layer of snow melted. Even the confused efforts of the Panamanian government to intervene in the lawsuit, thus entangling the Shah in what was already a sticky situation, become as clear as they are capable of being made.

This book, one hopes, will lay to rest the idle queries of those scoffers who ask "Where's the statute book? Where's the jail?" The relevance of international law is established once and for all by this admirable effort. But the significance of the book should extend beyond the community of specialists in international law: First-year law students will find no better source to arrive at a clear understanding of the slippery slope doctrine.