

William & Mary Law Review

Volume 11 (1969-1970)
Issue 1

Article 18

October 1969

Books Noted (v. 11, no. 1)

Follow this and additional works at: <https://scholarship.law.wm.edu/wmlr>

Repository Citation

Books Noted (v. 11, no. 1), 11 Wm. & Mary L. Rev. 286 (1969), <https://scholarship.law.wm.edu/wmlr/vol11/iss1/18>

Copyright c 1969 by the authors. This article is brought to you by the William & Mary Law School Scholarship Repository.
<https://scholarship.law.wm.edu/wmlr>

BOOKS NOTED

COURT AND CONSTITUTION IN THE 20TH CENTURY: THE OLD LEGALITY 1889-1932. BY WILLIAM F. SWINDLER. New York: Bobbs-Merrill, 1969. Pp. 458. \$11.50.

This book, the first of a two-part history of constitutional crises of the past three-quarters of a century, describes the major turning points in American law from the 1890's to the era of the New Deal. The subtle and complex issues of constitutional decisions are placed in the political context of their times and told in terms of the people and institutions which were contemporary to them.

This is both a comprehensive history and an analytical study of our most important political document, the American Constitution, seen from a practical perspective.

CARDOZO AND FRONTIERS OF LEGAL THINKING (REVISED EDITION). BY BERYL H. LEVY. Cleveland: The Press of Case Western Reserve University, 1969, Pp. 365. \$9.95.

This study, with Justice Cardozo as its focal point, explores the process of the continuous re-creation of legal doctrine by the judiciary. The book illuminates the intimate connections between law and philosophy.

The first half is an essay on the significance of the Justice's career, dealing with Cardozo's philosophic approach to law, his relationship to the jurisprudence of his day, and his methods and practices as a judge. Dr. Levy examines the legal realist movement, to which Cardozo related himself—a movement that sought to free law from the bondage of precedent worship. He develops the theme that the judge is potentially an artist: in the construction of his opinions, in the realignment of the legal corpus, and, ultimately, as a molder of society.

Twenty-two of Justice Cardozo's opinions, as they originally appeared, make up the second half of the book.

In this 1969 revision of the 1938 edition, Dr. Levy discusses significant recent contributions to legal thinking in terms of their relationship to Cardozo's philosophy and to his catalytic influence as a judge. A major theme of the author's discussion is the relation of law to ethics.

MR. JUSTICE JACKSON: FOUR LECTURES IN HIS HONOR.
New York: Columbia University Press, 1969. Pp. 136. \$5.00.

This is a compilation of four memorial lectures in honor of Supreme Court Justice Robert H. Jackson. The series of lectures delivered some years after Justice Jackson's death in 1954 was designed to fill, at least in part, the void he left. It was hoped that it would serve to refresh the recollections of those who knew him and remind a new generation of his personal, professional and judicial qualities.

The four lectures in this volume, which cover the main facets of Jackson's career, was delivered by former Chief Justice Charles S. Desmond of the New York Court of Appeals, Professor Paul A. Freund of Harvard Law School, Potter Stewart, Associate Justice of the Supreme Court, and Lord Shawcross, Chief British Prosecutor at the Nuremberg Trials.

THE LIFE AND LEGAL WRITINGS OF HUGO GROTIUS. BY
EDWARD DUMBAULD. Norman, Oklahoma: University of Oklahoma Press, 1969. Pp. 206. \$4.95.

In this volume Edward Dumbauld, a well-known jurist analyzes the five treatises that form the major legal writings of Hugo Grotius, the "father of international law." The celebrated seventeenth-century Dutch scholar has influenced generations of salesmen and philosophers. His famous treatise *On the Law of War and Peace* (first published in Paris in 1625) left its mark on the thinking of such men as Hobbes, Rousseau, and Locke, and was frequently consulted by the founding fathers of this nation.

Judge Dumbauld has provided a colorful historical background to his analysis of Grotius' legal writings, which originally appeared as a series of articles. A biographical sketch is also included, giving a unified, comprehensive picture of the man who contributed so much to our own system of government and about whom so little has heretofore been published in English. A convenient and useful bibliography is appended.

THE POLITICS OF THE BENCH AND THE BAR. BY RICHARD
A. WATSON AND RONALD G. DOWNING. New York: John Wiley
& Sons, 1969. Pp. 393.

This book is an extensive empirical examination of the Nonpartisan Court Plan. First adopted in Missouri in 1940, it is now in use in

eighteen states and under consideration in many others. It has recently been proposed for the selection of federal judges as well.

Analyzing factors in the recruitment and selection process that winnow the chosen few from the large number of judicial aspirants, the authors explore the attractions and deterrents of a judicial career; the interest other lawyers have in the kinds of persons who sit on the bench; and the role sitting judges play in the selection of their future colleagues. Political dimensions of judicial selection are viewed from the perspectives of a given state's party leaders, social and economic groups, and governor. The study also compares Plan and elective judges with respect to social background, tenure, the liberalism or conservatism of their decisions, and the quality of their performance on the bench.

DISPASSIONATE JUSTICE: A SYNTHESIS OF THE JUDICIAL OPINIONS OF ROBERT H. JACKSON. EDITED BY GLENDON SCHUBERT. New York: Bobbs-Merrill, 1969. Pp. 342. \$9.50.

An articulate, witty, often brilliant spokesman for conservatism, Justice Jackson wrote the essays and opinions compiled here to justify his position in Supreme Court decisions and to bring to public attention the important issues raised by the cases involved. As a writer he is in the tradition of Justices Holmes and Cardozo, sharing with them an enviable literary talent. With graceful prose, candidness, and epigrammatic skill, he discusses in these pages political and social issues of fundamental concern to our society—the limits of civil liberties, social stability, economic justice, policy-making by judges, and the role of the legal profession itself.

Glendon Schubert has chosen selections representing both the excellence of Jackson's writing and the scope and substance of his thinking. He has reconstructed enough of the judicial context of each decision to make the debate comprehensible while in each instance allowing Justice Jackson to speak for himself.

FEDERAL HABEAS CORPUS (REVISED EDITION). By RONALD P. SOKOL. Charlottesville: The Michie Co., 1969, Pp. 439.

Designed as a handbook for the practicing lawyer and sitting judge, this revised edition of *Federal Habeas Corpus* might be classified a treatise on one of the most basic of remedies. Both the first edition (1964) and this one were prompted by a surprising dearth of books

devoted solely to the subject. The great writ of habeas corpus, the best and most sufficient defense of personal freedom, has been thoroughly discussed in this handbook. Although admittedly practical in nature, the author does deal with conceptual problems important to the theory of the remedy. Cases cited are not exhaustive but selected for their impact on the subject from those of the United States Supreme Court and other federal appellate courts. Appended, it is perhaps the most exhaustive bibliography on habeas corpus to be found anywhere.

GUIDEBOOK TO LABOR RELATIONS. BY COMMERCE CLEARING HOUSE EDITORIAL STAFF. Chicago: Commerce Clearing House, 1969. Pp. 376. \$6.00 (Paperback).

Designed as a desk or field reference, the *1969 Guidebook to Labor Relations* gives a complete explanation of the basic principles of labor law as it operates today. Geared to practical use, the book discusses federal labor relations rules developed under the NLRA, the Labor Management Reporting and Disclosing Act and the Taft-Hartley Act. Also reflected are interpretations made by new Supreme Court, federal court, and NLRB decisions and 1968 congressional legislation.

This book is nearly a complete library on labor relations from 1926 to date. A topical index has been included for ease of reference.

FEDERAL ESTATE AND GIFT TAXES EXPLAINED. BY COMMERCE CLEARING HOUSE EDITORIAL STAFF. Chicago: Commerce Clearing House, 1969. Pp. 294. \$5.00 (Paperback).

This CCH guidebook is designed for everyone who works with federal estate and gift taxes in areas of tax return preparation, tax payment, planning, and instrument drafting. A reference for day to day use, *Federal Estate and Gift Taxes Explained* is based on the Internal Revenue Code and the latest available court decisions, rulings, and estate and gift tax regulations. Emphasis is placed on estate planning, describing ways to conserve estate assets through effective planning. Tables illustrating the tax savings of alternative tax-planning devices have been provided.