

Washington Law Review

Volume 43 | Number 2

12-1-1967

Books Received

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Recommended Citation

anon, Books Received, *Books Received*, 43 Wash. L. Rev. 495 (1967).

Available at: <https://digitalcommons.law.uw.edu/wlr/vol43/iss2/7>

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BOOKS

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A TIME TO LISTEN . . . A TIME TO ACT. A Report of the United States Commission on Civil Rights. Washington, D.C., 1967. Pp. vii, 133.

The U.S. Commission on Civil Rights is a temporary, independent, bipartisan agency established by Congress in 1957. This report, subtitled "Voices from the ghettos of the Nation's cities," summarizes testimony given at Commission hearings and at open meetings concerning urban racial problems. "The testimony—generally given by residents of slum ghettos or persons who deal with ghetto problems daily—often was vivid and provided insights into what slum residents think and feel about the conditions in which they live, about white people, about government, and about American society."

AN UNCOMMON CONTROVERSY: AN INQUIRY INTO THE TREATY-PROTECTED FISHING RIGHTS OF THE MUCKLESHOOT, PUYALLUP, AND NISQUALLY TRIBES OF THE PUGET SOUND. By a study committee of the American Friends Service Committee. Seattle: National Congress of American Indians, 1967. Pp. iv, 200. \$3.00.

This inquiry reviews the history and background, together with the current status, of the controversy over the treaty fishing rights of three Puget Sound Indian tribes. The committee recommends that Indian groups be included in the planning and implementation of the salmon and steelhead conservation programs, that they be recognized and respected separately as Indians with their own representation, and further that all who are concerned about the human element of this controversy study the circumstances fully, disseminate their information and stimulate discussion on the complex considerations involved.

THE ARBITRATOR, THE NLRB, AND THE COURTS. Proceedings of the Twentieth Annual Meeting of the National Academy of Arbitrators. Edited by Dallas L. Jones. Washington, D.C.: The Bureau of National Affairs, Inc., 1968. Pp. xi, 423. \$10.00.

To what extent should an arbitrator selected by the parties to resolve disputes under a collective bargaining agreement be concerned with statutory issues that may be intertwined in the matter before him? Should an arbitrator render an award consistent with the agreement but repugnant to state or federal public policy? Should an arbitrator

consider applicable National Labor Relations Board and court decisions under the National Labor Relations Act in reaching his decision? This volume constitutes an exploration of these issues made by the National Academy of Arbitrators at its Twentieth Annual Meeting in San Francisco, February 28 through March 1, 1967.

THE CONFIGURATIONS OF GROSS INCOME. By Joseph T. Sneed. Columbus: Ohio State University Press, 1967. Pp. 340. \$7.00.

This book is a current and systematic treatment of the legal, historical, and policy contexts within which many of the principal problems relating to the base of the federal income tax exist. Mr. Sneed first traces the configurations of gross income as it is initially defined by the Internal Revenue Code, and then describes the more important modifications and qualifications imposed by specific statutory provisions. The solutions provided by current law within each problem area are measured against the policy framework originally presented.

HONESTY AND COMPETITION. By George J. Alexander. New York: Syracuse University Press, 1967. Pp. xv, 315. \$10.00.

The author, professor of law and associate dean of the College of Law, Syracuse University, presents a critical analysis of the Federal Trade Commission's bar of deception in advertising. He examines the Commission's actions from a dual perspective: avoiding consumer deception and enhancing competition. Because information suppressed in adherence to honesty may be necessary for the maintenance of a competitive economy, these two goals are often in conflict. Professor Alexander believes that the Commission often overlooks complex interrelationships between competition and consumer deception which have led to serious interference with the competitive process not in keeping with the spirit of traditional antitrust legislation. This interference is most acute in the determination of the amount or quality of information in advertising necessary for a consumer to make a rational decision. In this area, it is the author's view that the commission ought not suppress information unless strong policy reasons independent of possible consumer deception so demand.

LAW IN IMPERIAL CHINA. Exemplified by 190 Ch'ing Dynasty Cases With Historical, Social, and Juridical Commentaries. By Derk Bodde and Clarence Morris. Cambridge: Harvard University Press, 1967. Pp. xiii, 615. \$17.50.

This is the first book to provide a comprehensive picture of the basic concepts and the functioning of imperial Chinese law, as exemplified by 190 cases translated into English from the more than 7,600 con-

tained in the largest of the Chinese casebooks—the Hsing-an huilan, or *Conspectus of Penal Cases*—covering the years 1736-1885. The study contains an examination of the history and development of Chinese law from its earliest beginnings, and an analysis of what can be inferred about crime, punishment, society, and government in Ch'ing China from the cases presented in the book.

THE LAW OF THE SEA. OFFSHORE BOUNDARIES AND ZONES. Edited by Lewis M. Alexander. Columbus: Ohio State University Press, 1967. Pp. 162. \$12.50.

Should the limits now established to define those areas of the waters lying off the United States coast over which national control is exercised be abolished in favor of a less restrictive delimitation of American territorial waters as a means of protecting the domestic fishing and mining industries from encroachment on the part of other nations? It is to questions such as this that the papers in this volume are addressed. Written by authorities representing a wide variety of fields—law, marine science, business, government, and the social sciences—they were delivered initially at the first annual conference of the Law of the Sea Institute, convened in 1966 to afford an opportunity for increased exchange of ideas and information on matters relating to the use and control of the sea and its resources.

THE LAW REVOLT. By Melvin M. Belli. Belleville, Va.: Trial Law Service Co., 1968. 2 vol., pp. x, 1126. \$31.50.

Belli has written a two volume "mini-encyclopedia on current law" which contains some interesting commentary on the direction the law is heading, accompanied by a quick illustrated tour of law from "abortion" to "zoning".

LAW AND THE COMMON MAN. By C. H. Rolph. Springfield, Ill.: Charles C. Thomas, 1968. Pp. xiii, 282. No price given.

In this collection of essays by the legal correspondent of the British publication, *The New Statesman*, the author endeavors to explain that the British not only demand a far speedier rate of change than other countries, but are ready to adapt to it.

LEGAL FICTIONS. By Lon L. Fuller. Stanford University Press, 1967. Pp. xiii, 142. \$1.65.

This is the first publication in book form of three classic articles on legal fictions that were first published in 1930-31. For this edition, the author has slightly revised the text, updated the references, and

contributed a new Preface. The three articles deal successively with the definition, rationale, and functioning of the legal fiction. The author attempts to answer such questions as whether it would make sense to abandon legal fiction and restate the law in terms of reality, whether any such attempt could succeed, whether there are good and bad fictions, and if so whether there is any sure way of telling the good ones from the bad.

THE LOGIC OF CHOICE: AN INVESTIGATION OF THE CONCEPTS OF RULE AND RATIONALITY. By Gidon Gottlieb. New York: The Macmillan Company, 1968. Pp. 188. \$5.95.

This volume is a critical study of the concept of "rule" as it is used in a wide range of fields—from language, law, and ethics to games and logic—and as it relates to the notion of "rationality." The author indicates in what manner the modes of reasoning involved in reliance upon rules are unique and in what fashion they provide an alternative both to the modes of logico-mathematical reasoning and to the modes of scientific reasoning. He utilizes current examples drawn from English and American legal decisions to suggest how the positions of legal positivism and of natural law are equally artificial and misleading.

MANUAL OF PUBLIC INTERNATIONAL LAW. Edited by Max Sørensen. London: Macmillan & Co., Ltd., 1968. Pp. lxxv, 930. £ 8 8 0 net.

The group of twelve international lawyers who have contributed to this volume have produced a coherent treatise on the nature, content and functions of international law, considering its actual and potential usefulness in interstate relations and as the foundation of a peaceful international community, and in doing so they have produced a unique and objective reflection of its present status and role. The editor is Professor of International and Constitutional Law at the University of Aarhus, Denmark, and is also Legal Adviser to the Danish Ministry for Foreign Affairs and a member of the European Commission of Human Rights.

OMBUDSMEN FOR AMERICAN GOVERNMENT? Edited by Stanley V. Anderson. Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1968. Pp. vii, 181. \$1.95.

What is an Ombudsman? A civil rights commissioner? A one-man police review board? Or is he just another bureaucrat? Such definitions are misleading, argue the contributors to this book. As established in other countries, the Ombudsman is an independent official who receives, investigates, and recommends action on citizen complaints. This volume presents the arguments both for and against the office of Ombudsman in our society, and it explains special problems

of transplanting the idea to this country, examines ways of protecting Ombudsmen from political influence, and proposes a model Ombudsman statute. Without succumbing to "Ombudsmania," Americans should experiment with the Ombudsman concept, state the eight contributors, as an aid to both citizens and public servants.

POLITICAL THEORY AND THE RIGHTS OF MAN. Edited by D. D. Raphael. Bloomington, Indiana: Indiana University Press, 1967. Pp. viii, 151. \$5.75.

This volume is a symposium of ten essays by political theorists, philosophers, and jurists which arose from a discussion of Human Rights at the Sixth World Congress of the International Political Science Association. The main theme is the distinction between the original Rights of Man as civil and political rights and the more recent idea of economic and social rights. The international character of the subject is reflected in the contributors, who are drawn from six different countries.

TRIAL MANUAL FOR THE DEFENSE OF CRIMINAL CASES. By Anthony G. Amsterdam, Reporter, and Bernard L. Segal and Martin K. Miller, Associate Reporters for a joint project of the American College of Trial Lawyers, National Defender Project of the National Legal Aid and Defender Association, and the ALL-ABA Joint Committee on Continuing Legal Education. The American Law Institute, 1967. 2 vol., pp. xxiii, 500. \$35.00.

This Manual is the work product of three sponsoring groups. Each was interested in creating and placing in the hands of the legal profession a tool which could be used reasonably well in the criminal defense of an accused by the disciplined lawyer experienced in some degree in the trial of civil cases. The result of this interest is this effort to make available in compact form a summary of the criminal process, the basic principles involved, and a red-flagging of the essential steps in the defense of one charged. "It is the fervent hope of those who have put so much of themselves into the work that it provides another useful tool for the improvement of the administration of justice." There is also included an exhaustive bibliography of criminal procedure keyed to the outline of the Trial Manual.