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BOOKS RECEIVED

AMERICA, INC. — WHO OWNS AND OPERATES THE UNITED STATES. Morton Mintz and Jerry S. Cohen. New York: Dial Press, 1971. Pp. xi, 424. \$10.00. Why did the four American auto manufacturers spend \$1.5 billion on the 1970 model "face-lift" to produce vehicles which, from an engineering standpoint, were demonstrably inferior to the 1969 models? Why are hugely profitable oil companies taxed at rates comparable to those enjoyed by migrant farm laborers and the other disadvantaged members of our society? The answers to these and similar questions relating to contemporary America's extreme concentration of corporate wealth form the basis for a compelling and important probe into what Ralph Nader has referred to as the "morality of the balance sheet." The respective backgrounds of Mintz, a former investigative reporter for the Washington Post, and Cohen, former general counsel for the Senate Antitrust and Monopolies Subcommittee, are very much in evidence in this detailed and disturbing look at America's corporations, a book both readable and superbly documented. That the unchecked growth of powerful industrial concerns is a major threat to both the free enterprise system and democratic processes in general is a thesis neither novel nor startling; the authors' conclusion, that the giant corporate concerns should be dismantled and regulatory power reinvested in the federal government, is an equally well-established view. What sets *America, Inc.* apart from other renditions of the "who owns America" theme is its reliance on painstaking and careful research, coupled with a sprightly, literate style. Despite a tone which occasionally shades into the polemic, *America, Inc.* is must reading for anyone seeking to understand the role played by the prevailing "corporate conscience" in shaping the fabric of our daily lives.

CIVIL DISOBEDIENCE AND DEMOCRACY. Elliot M. Zashin. New York: The Free Press, 1972. Pp. xiii, 350. \$7.95. Professor Zashin's work, which focuses primarily on the historical and philosophical development of civil disobedience subsequent to the fifteenth century, provides the framework for his development of a modern, broadly defined theory of civil disobedience to which he attributes much of the protest which has taken place in the United States during the last 10 years. In asserting this modern theory he rejects present day restrictive conceptualization of

civil disobedience as being strictly nonviolent with no attempt to avoid penalty. In its stead he advocates the legitimacy, within prescribed limitations, of civil disturbance as a viable alternative to grudging acquiescence or more violent forms of protest by persons faced with the American dilemma that results when conventional political techniques are either unavailable or not effective. This book is highly recommended to the lay reader as well as those directly involved in law enforcement and related fields.

THE CONFLICT OF LAWS. J.H.C. Morris. London: Stevens and Sons Ltd., 1971. Pp. xxxiv, 570. £3.25 (paperbound). Dr. Morris, a Fellow of Magdalen College and Reader in the Conflict of Laws in the University of Oxford, has, in this work, provided student and teacher alike with an invaluable aid in the difficult area of conflict of laws. Using the general framework of the classic *Dicey and Morris on the Conflict of Laws*, Dr. Morris sets out in a clear yet scholarly manner the general principles of the English conflict of laws. He devotes particular attention to the difficult areas of torts, marriage, divorce, nullity, legitimacy, legitimation, adoption, succession, and foreign judgments. The final chapter provides an excellent summary of the various theories and methods which have been advanced by numerous American scholars writing in the area. Although the book is heavily weighted toward English law, it nevertheless has much to offer the American reader in search of a clear exposition of the often confusing principles of this body of law.

IMPEACHMENT: TRIALS AND ERRORS. Irving Brant. New York: Alfred A. Knopf, 1972. Pp. 200. \$5.95. Constitutional historian Irving Brant's description of the 12 American impeachments argues persuasively for a return to the founders' intended restraint in its use. The book proceeds from the proposition that the legislature is the most corruptible branch of the government and calls Andrew Johnson's impeachment "the most insidious assault on constitutional government in the nation's history." Equally complimentary words are directed at the 1970 attempt to remove Associate Justice William O. Douglas, a movement managed by Gerald C. Ford. Mr. Brant's book is a meaningful addition to the literature of constitutional history and a cogent recommendation for reform.

THE LOGIC OF THE LAW. Gordon Tullock. New York: Basic Books, Inc., 1971. Pp. 208. \$7.95. This book presents both a suggestion — that the foundations of law need restructuring, and an answer — that the most efficient legal system is one based on

modern welfare economics rather than ethics. Analogizing to the fundamental economic principle that market-related changes should be such that substantially everyone benefits, the author would similarly structure law on logic. After making certain basic assumptions about men and scientific procedures, Tullock presents his concept of civil and criminal law, which he sees to be grounded in a system of behavioral norms. While understandably enthusiastic about his innovative application of the tools of social science to develop a logical legal structure, the author also compels the reader into his own reconsideration of the foundation and justification of law.

THE MONETARY SIN OF THE WEST. Jacques Rueff. New York: The Macmillan Company, 1972. Pp. 214. \$6.95. This book gives one a view of the world monetary system through the eyes of a Frenchman. The author, who was the Minister of Finance to de Gaulle and who is presently the Chancellor of the Institute of France, analyzes the gold exchange standard and its development since World War I. He urges abandonment of the gold exchange system and criticizes American resistance to that concept. The book is largely a collection of previous pronouncements by the author on monetary reform with corresponding commentary which attempts to explain the official French governmental position. One can only marvel at the all-pervasiveness of the spirit of General de Gaulle.

MORALITY AND THE LAW. Gerald Abrahams. London: Calder & Boyars, 1971. Pp. 220. This book, written by an English barrister, demonstrates the degree to which British law expresses morality through the interplay of legal and moral acts and judgments. The moral coefficient of law is most evident when laws change, argues the author, and his thesis is abundantly illustrated by examples of cases in areas of law such as workmen's compensation, products liability, and criminal procedure. In the criminal law, the problem of defining the nature and extent of criminal activity in areas such as homosexuality, prostitution, and obscenity is dealt with extensively. Analogies with American law are numerous, and the author makes frequent mention of the significant variations between the British and American legal systems. Both students of philosophy and those who wish to analyze the development of a particular area of law will find this book valuable.

NEW LIFE STYLE AND THE CHANGING LAW. Libby F. Jessup. Dobbs Ferry: Oceana Publications, 1971. Pp. v, 121. \$3.25. Ms. Jessup, Librarian to the Supreme Court Library, Brooklyn, New York,

has updated her *Law for the Family Man* in this compact lay-peoples' cookbook which surveys a dozen legal concepts that affect us all. There are sections on forming (and dissolving) marriages, womans' rights, consumerism, credit purchasing, the inevitables — death and taxes — civil liberties, and more. The author neither promises nor delivers more than a cursory acquaintance with these areas of the law. Lawyers will have no use for this book, and a layman would be foolhardy, indeed, to appear in court armed only with Ms. Jessup and her cause. But the editors of the Legal Almanac Series, of which this work is a part, point out that while this survey will not supplant the advice of an attorney, “. . . they can introduce you to your legal rights and responsibilities.” That is a tenable claim, and for that reason, *New Life Style and the Changing Law* is a bargain at the price.

PREDICAMENT OF THE UNIVERSITY. Henry David Aiken. Bloomington/London: Indiana University Press, 1971. Pp. x, 396. \$11.95. Mr. Aiken presents a collection of essays which describe his personal efforts to define the nature and problems of the American university today. In the introduction he inquires as to the future of the American university and questions whether it has a future at all. The first portion of the book deals with the author's move from a secure teaching job at Harvard to a job at Brandeis, a move reflective of his desire to find creative answers to the problems of higher education. In the second portion of this work, Mr. Aiken discusses the conflicts between liberal and professional education at both the graduate and undergraduate level and expresses his concern that the universities are failing to uphold the cultural and ethical values of society. The book as a whole reflects the author's basic suspicion of the “ideology of rationalism” and presents his plea for a method of ensuring that technology and “Science” do not become ends in themselves. The final segment of this work is philosophical in nature; therein, Mr. Aiken suggests the contributions which liberated analytical philosophy might make to educational reform and to our perception of the situation facing young people in contemporary society. This extensive critique should interest a varied audience and serve as a foundation for further analysis of the problems of the universities today.

REGULATING THE POOR: THE FUNCTIONS OF PUBLIC WELFARE. Francis Fox Piven and Richard A. Cloward. New York: Pantheon Books, 1971. Pp. xvii, 389. \$10.00. The authors take a close look at the American public welfare system, its roots and purposes.

Piven and Cloward contend that when taken in its social context, welfare is not a function of public largesse and charity, but rather a function of society's need to mollify the poor during periods of economic instability and to create a low-wage labor pool during periods of relative economic and political stability. The welfare system becomes, in effect, a system for regulating the poor. To illustrate their thesis the authors examine in depth the two major relief explosions in the United States — the Great Depression and the 1960's — and briefly treat the intervening period as well. In doing so, they hypothesize a causal connection between social unrest and the government's decision to grant relief. Moreover, they allege that benefits may be shown to have certain normative effects; relief both moderates civil disorder in times of turbulence and regulates the labor supply during periods of stability. This book should be of interest to anyone with more than a passing concern for the American socio-political process.

