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## Wittenberg: DANGEROUS WORDS

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## RECENT BOOKS

This department undertakes to note or review briefly current books on law and matters closely related thereto. Periodicals, court reports, and other publications that appear at frequent intervals are not included. The information given in the notes is derived from inspection of the books, publisher's literature, and the ordinary library sources.

## BRIEF REVIEWS

**DANGEROUS WORDS.** By *Philip Wittenberg*. New York: Columbia University Press. 1947. Pp. ix, 335. \$5.

The expressed purpose of the author, a member of the New York bar, is to present a book which will help writers and journalists to appreciate the possible legal consequences of careless publication. The compact, readable product can certainly be of assistance to the chosen audience. Of particular value are the comprehensive tables, which present lists of expressions held to be libelous in decisions since 1812 with separate tables indicating defamatory publications about particular occupations. The lay reader should be able to get from the book a good idea about privileges of fair comment and criticism, about the consequences of inadvertent error, and of the dangers in innocent republication of a libel; but several topics are not adequately covered and this deficiency could possibly lead to erroneous conclusions by one not versed in law. In the first place, the author refers almost exclusively to actual adjudications without exercising his imagination so as to present possible situations which have not yet been adjudicated but which might result in legal liability. Secondly, there is no adequate discussion of the present status of criminal libel although the author indicates that convictions for libel have been had in the past.<sup>1</sup> The most serious omission is the absence of any discussion of the right of privacy, and the erroneous conclusion might be drawn by the inexperienced reader that no action can be maintained so long as publication states only the truth.<sup>2</sup>

<sup>1</sup> Criminal libel was a weapon used by the British Crown against criticism of the government, and has been looked on with suspicion in the United States since the famous case of John Peter Zenger in 1735. At common law truth was no defense to such a charge. There have been numerous convictions for criminal libel since 1787. See 2 BISHOP, CRIMINAL LAW, §§ 905-949 (1923).

<sup>2</sup> This error seems to have been made in 50 TIME, p. 81, Nov. 17, 1947, in a leading article on Mr. Wittenberg's book.