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RECENT BOOKS

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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

THE ADMINISTRATIVE STATE. By *Dwight Waldo*. New York: The Ronald Press Company. 1948. Pp. 227. \$3.25.

Dwight Waldo is an assistant professor of political science at the University of California at Los Angeles. This book is one of a series in political science edited by Rufus D. Smith, professor of politics at New York University, and Rinehart J. Swenson, professor of government at New York University. The author presents a penetrating study of public administration from the viewpoint of political theory. He reviews and analyzes the theoretical element in administrative writings, integrating the development of the public administration movement into our political thinking. Mr. Waldo first discusses the rise of public administration, pointing out the factors which have been largely responsible for the public administration movement, such as the schools, research, personnel, and foreign influence. An intensive review is then made of that part of the literature of public administration which bears on the following five problems in political philosophy: (1) the nature of the Good Life, (2) the criteria of action, (3) "Who should rule," (4) the separation of powers, and (5) centralization versus decentralization. The author also analyzes some of the fundamental concepts of public administration: principles and theory of organization and scientific management, economy, and efficiency. This book will be of great interest and value to students of public administration.

INTERNATIONAL GOVERNMENT. Rev. ed. By *Clyde Eagleton*. New York: Ronald Press. 1948. Pp. xx, 554. \$5.

This volume represents a revision of Professor Eagleton's 1932 edition, and, in view of world conditions and recent international developments, it comes at an opportune time. Professor Eagleton concerns himself "not with international relations in general, but with the slowly evolving constitutional law and organization of the community of nations, developing toward international, or world, government." The five main parts into which the book is divided discuss the community of nations, including a passing reference to the development and theory of international law; membership in the community of nations, jurisdiction, individuals, and official intercourse between states; international institutions, including administration, legislation, and pacific settlement of disputes; systems of international government, including the League of Nations, the United Nations, and smaller specialized agencies; and the control of war, the experiences of the League of Nations and the United Nations, and regionalism. The Covenant of the League of Nations, the Dumbarton Oaks Proposals, the

Charter of the United Nations, and the Statute of the International Court of Justice are appended. Where not inconsistent with world developments since the first publication of his book, Professor Eagleton retains the original context, but the latest edition shows substantial revision with reference to those aspects of international government under the purview of the United Nations. Because of his experience with the Department of State from 1943-1945, and as technical expert at the Dumbarton Oaks Conference and the United Nations Conference on International Organization at San Francisco, Professor Eagleton is well qualified to report on the United Nations, and excellent discussions of that organization are appropriately integrated into his book. The book is not a text on international law, but would serve as a sound introduction to that field. It is well written and adequately documented, and presents to the general reader as well as to the student a rounded and lucid survey of the forces and developments in the field of modern international government.

JAMES MADISON: THE NATIONALIST: 1780-1787. By *Irving Brant*. Indianapolis: Bobbs-Merrill. 1948. Pp. 484. \$6.

This scholarly book is the second volume of Mr. Brant's analytical study of the life of James Madison. Like the first, *James Madison, Virginia Revolutionist*, it elucidates little known and much misunderstood events in the early history of our country. Madison, though quiet in manner, emerges as one of the most aggressively nationalistic representatives of our Continental Congress. Sent by Virginia, a state with huge claims to western lands, he aided in the fight to have all this territory ceded to the national government. He advocated fiscal policies later adopted by Hamilton and a doctrine of implied powers under the Articles of Confederation which was strikingly similar to that later adopted by the Supreme Court under the Constitution. The book also casts new light on other revolutionary figures: vain, opinionated John Adams, whose mistrust of our French allies nearly ruined the peace treaty; vacillating, oratorical Patrick Henry, who struggled to lead the fight for state sovereignty in the Virginia legislature and still oppose the Lee brothers in every issue; and shrewd, old Benjamin Franklin whose unbelievably clever diplomacy managed to cover up the blunders of Congress, to excuse the unwillingness of the states to support the war, and still to obtain loan after loan from the long-suffering French. Carefully written, and well-documented, this illuminating book is a worthwhile addition to our revolutionary history.

THE NATURAL LAW. By *Heinrich A. Rommen*. Translated by *Thomas R. Hanley*. St. Louis, Mo.: B. Herder Book Co. 1948. Pp. xi, 290. \$4.

Dr. Rommen, a student of political economy and of civil and canon law, was closely associated with the program of Catholic social action in Germany during the later years of the Weimar Republic. Now an American citizen, he is a professor of political science in the College of St. Thomas, St. Paul, Minnesota. This book is Dr. Rommen's protest against the pronounced trend, in modern jurisprudence, away from the concept of natural law. He believes that a recognition of natural law is essential to a sound philosophy of social order and justice. The history of the idea of natural law from early Greek philosophy

down to the present time lends support to his belief. He finds recognition of the existence of a natural law, called by one name or another, in the philosophy and jurisprudence of every nation. Recognizing the ascendancy of positivism in jurisprudence, which he feels reached its peak near the end of the last century, he attributes the widespread rejection of natural law to a misconception of what its basic principles really are. The latter part of the book is devoted to an analysis of the philosophy and content of the natural law. Natural law is essentially a framework; it does not provide all the myriad rules necessary to regulate a complex society. It is based on metaphysics, the relation between the real and the good, which is the foundation of all the sciences. It is a fundamental norm of morality and justice against which the positive law of the states must be tested. Without the natural law, the solution of the crucial political and economic problems facing the world today is impossible. Dr. Rommen's analysis and conclusions are provocative of thought and argument; certainly they present a challenge to those who would justify the rejection of natural law in jurisprudence.

THE PAPERS OF WALTER CLARK: 1857-1901. Vol. I. Edited by *Aubrey Lee Brooks* and *Hugh T. Leffler*. Chapel Hill, N.C.: University of North Carolina Press. 1948. Pp. xv, 607. \$6.

Aubrey Lee Brooks, distinguished lawyer and author of *Walter Clark: Fighting Judge*, and Hugh T. Leffler, professor of history of the University of North Carolina, here present the first volume of selected letters, essays, and articles of North Carolina's late Chief Justice Walter M. Clark, one of America's great liberal jurists. These papers vividly document Clark's early years and education, his battlefield experiences as the youngest lieutenant-colonel of the Confederate Army, his career as a farmer and lawyer during the Reconstruction Period, and his role as a dissenting liberal upon the bench. Chief Justice Clark was an early advocate of industrialization of the South, a vigorous opponent of railroad and tobacco monopolists, and a pioneer proponent of a federal income tax, annexation of the territory of Hawaii, and revision of the federal Constitution to provide for elected senators, judges, and postmasters. The reproduced 'writings, letters, and comment of the chief justice' enable the reader to evaluate the constructive contribution of Clark to these important issues. He was a distinguished legal scholar, two of whose best-known works are the *Annotated Code of Civil Procedure of North Carolina* and "The Supreme Court of North Carolina." By introducing each chapter with a succinct summary of the matters referred to in the papers, and by arranging the papers in chronological order, the editors have achieved a clarity and continuity often lacking in the "selected-papers" type of work. Finally, in a separate, concluding chapter, Clark's principal articles, essays, and speeches are set forth at length. In their first volume, the editors have succeeded admirably in presenting documentary proof that Chief Justice Clark devotedly practiced his watchword on the bench: "The public welfare is the supreme law."