

briefly at the subject—one volume, major points presented in outline form, and succinctly elaborated. It is a reminder, in the author's own words, "that this law [is] . . . more than the archeological museum it has often appeared to be and something less than a set of general rules abstracted from time, and space, and circumstance." (Preface, page v).

LEO STONE

LAW AS LIBERATOR — *Joseph C. Hutcheson, Jr. The Foundation Press, Chicago. 1937*

Law as Liberator consists of six lectures delivered by Judge Hutcheson before the University of Virginia Law School. They are written in oratorical style, and set forth in vigorous fashion the writer's faith in the democratic form of government.

The author deplores the prevalent attitude of indifference toward governmental problems. In contrast to the present period when the principles of democracy "have lost their dynamic power to stir," he points to the confidence which writers of the 18th century had in democracy. "Men learn but to forget, to learn and forget again. Because they do it has been difficult, until recently, for some of us to feel, or even to sympathetically understand, the dynamic, the shattering force of the politico-legal ideas which in the 17th and 18th centuries, came to dominate the thinking and the life of a great part of the Western world." Judge Hutcheson is more in sympathy with the writings of this era than with the developments of the present. He finds himself in accord with what he terms "the older value judgments" and views with alarm the modern trend toward a declining emphasis on moral and spiritual values and on political and civil liberty. He deplores the aims of the "social justice economists" who are attempting to remake the government into an institution designed to control the economic destiny of the nation. "They speak and act," he writes, "as though but for them and their ideas, the world would be lost. But the really, the deeply wise, know better. They have always known that the good life, social as well as individual, is rooted deep in proven, though changing ideals."

Despite the advocacy of a program which is essentially reactionary, the author characterizes himself as a liberal. By training as well as by practice he is, he says, a balancer of interests. He recognizes the need for change and is confident that change will come if we simply have the patience to follow the methods of the common law. Through advances in judge-made law, through legislative enactments, and, on rare occa-

sions, through constitutional amendments there has been a continuous development in law to meet the need of ever changing social conditions and customs.

This is in essence the substance of the book. It is the credo of one who believes that economic matters are for the most part self-regulating. At least the government should attempt only a minimum of control. There is also, the author appears to believe, an automatic regulator of political affairs arising from the fact that our government is one of "laws and not of men." It is a system of checks and balances, of legislatures, executives, and courts which can be counted upon to provide protection to the welfare and liberty of the people.

Despite the emphasis placed upon the function of law in the social order, one suspects that the author relies more upon the judge than upon the law as the source of justice. As he has explained elsewhere in his widely-read article on "the judicial hunch" the function of the judge is to cut through the maze of apparently contradictory precedents to reach the justice of the particular case. Law is the regulator of society, but it is meted out by men who will temper strict rules with decisions which show a feeling for the needs of occasion. By providing justice in each particular case there is maintained in motion continuous judicial legislation appropriate to a changing social order.

CRAIG STOCKDALE

PUBLIC NOTICE OR SERVICE BY PUBLICATION IN HISTORY,
LAW AND PROCEDURE — *James E. Pollard*.* 1938

This 40-page brochure is an urge to bigger and better legal advertising in newspapers to be paid for at not less than regular commercial rates. If one were to infer from the title that the booklet contains instruction upon methods of preparing a public notice in proper legal form, he would be in error, for it is in no sense a text book.

The author objects to the use of the term "legal advertising" on the grounds that the word "legal" may be defined as "something that is not illegal" and the word "advertising" may be defined as "the offering of goods for sale." In the face of the fact, however, that "legal" also means "of or pertaining to the law" and that such publications always appear in the advertising columns and are paid for at advertising rates, one is inclined to the opinion that objection to the phrase "legal advertising" is based more upon personal preference than exact definition.

The author prefers the term "public notice" for such publications

* Professor of Journalism, Ohio State University.