
BOOK REVIEWS

THE BOTTLENECKS OF BUSINESS. *Thurman W. Arnold. New York: Reynal & Hitchcock, 1940. pp. xi, 335. \$2.50.*

The Assistant Attorney General of the United States in charge of the Division of Antitrust Law Enforcement has written a book about his work. It is obviously his hope that the country may come to realize its importance, to look upon it with favor and to give it the necessary financial and moral support.

As the title suggests he believes the basic problem of distribution to be one of removing the "bottlenecks" created by monopolistic control. Such bottlenecks are to be found in many industries which produce or process the necessities of life. They thus have a profound effect upon the budget and standard of living of the average family. With refreshing frankness he describes the manner in which prices have been controlled in second-hand automobiles (p. 22), gasoline (p. 26), spectacles (p. 28), hosiery (p.30), cigarettes(p. 34), and building materials (p. 38).

In the present crisis of preparedness the Government itself is the consumer whose interests need protection. The book describes (p. 69) the situation with regard to optical glass used by the Army and Navy; also potash (p. 75) and other war materials (p. 77).

As a realist Mr. Arnold takes account of the practical results to be obtained through alternative methods of dealing with the monopoly problems. One method is that of a broad plan of economic organization which theoretically would eliminate the bottlenecks and get the goods produced and distributed in proper quantities and at fair prices. His objection to this is that it is too much of a departure from that to which we are accustomed and smacks of totalitarianism. On the other hand we have had antitrust laws for fifty years and their enforcement makes use of grand juries and regular courts—institutions with which we are familiar and in which we have confidence.

He attributes the failure of the antitrust laws to accomplish their purpose in the past to several factors. (1) There has been a mistaken notion that they were aimed at bigness and were intended to prevent large organizations from functioning regardless of their efficiency. He says that functioning in the public interest should be the criterion rather than size. (2) The Antitrust Division has been undermanned in view

of the magnitude of its job. At the beginning of the present Administration it included 18 men. Today it has approximately 200 (p. 276). (3) Due in large part to the small staff, enforcement was previously left to a great extent in private hands, which was not so good from the public point of view.

The present methods of enforcement include widespread criminal prosecutions aimed at all the restraints in a given industrial situation with a follow-up by one or two men to preserve the gains so made. The civil decree is also utilized to fix the limits beyond which collective action may not go (p. 154).

The author justifies (Ch. XI) the application of antitrust laws to labor organizations when they are acting against the public interest in matters which are not reasonably connected with wages, hours, health, safety or the right of collective bargaining.

The book will be criticized by purists because of its broad generalizations and its frequent quotation of "scare headlines" and other unorthodox devices. To this reviewer it is a most interesting description of the philosophy and work of the present Antitrust Division. It is to be hoped that it accomplished its purpose of enlisting public support for that which can be a most important function of government.

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THE CHANGING AMERICAN LEGAL SYSTEM. *Francis R. Aumann. Columbus: The Ohio State University Press, 1940. Pp. x, 281. \$2.25.*

William Howard Taft, in an address before the American Political Science Association in 1917, said, "The greatest question before the American people is the administration of justice, civil and criminal, both in the matter of its prompt dispatch and the cheapening of its use." The same person also remarked that the "administration of criminal law is a disgrace to our civilization." Obviously, questions of reform of our legal system have been overshadowed by problems arising out of the Great Depression and out of World War II. The administration of justice is still the primary object for which government exists, however, and reform of our legal system is still basic to progress in other fields of governmental action. While it would not be correct to say that judicial reform stands first in public demand today, it is, nevertheless,