1958


Philip B. Kurland

Follow this and additional works at: https://chicagounbound.uchicago.edu/journal_articles

Part of the Law Commons

Recommended Citation

This Article is brought to you for free and open access by the Faculty Scholarship at Chicago Unbound. It has been accepted for inclusion in Journal Articles by an authorized administrator of Chicago Unbound. For more information, please contact unbound@law.uchicago.edu.
Rutledge; Taney and Stone surely have little in common. One ends the book
with a feeling that the great trait of the best judges is unselfishness, the
capacity to see society clearly, without the distortion of vision that accom-
panies the drive to succeed, to persuade, to gain power. We trust the justices
of our Supreme Court with some of the greatest powers of government; we do
so because they are characteristically beyond the desire for power. Much of
their labor is disclaiming the exercise of power. In a society of frantic grasp-
ing for influence, of shrill competing claims, of strident advertisement, the
good judge is calm and quiet. In the troublesome days between 1935 and 1937
there was much discontent among the loquacious because judges were not
more like legislators. But perhaps the reverse would be a more wholesome ideal
for our time.

ARTHUR SUTHERLAND*

6 Professor of Law, Harvard University.


Professor Berns, of the Yale Political Science faculty, has written an un-
usual book. In considering the function of the Supreme Court in American
government, he rejects the "libertarian" doctrine of "judicial restraint." He
also rejects the "libertarian" thesis that the freedoms of the Bill of Rights are
ultimate and absolute values in our society. He would have the Court exer-
cise all its power to decree the good, the true and the beautiful. Perhaps some
day he will provide the touchstone so that we may all readily recognize these
qualities. In the meantime we must accept on faith his assertion that the nine
robed men in the marble palace in Washington could accomplish his objective
if only they wanted to do so. Professor Berns's book bears all the earmarks of a
revised doctoral dissertation: it is heavy without being weighty.

PHILIP B. KURLAND*

1 See Kurland, The Supreme Court and Its Literate Critics, 64 Yale Review 596 (1958),
of which this review was once a part.
4 Cf. Buckley, God and Man at Yale (1954).
* Professor of Law, The Law School, The University of Chicago.

1957. Pp. xxiii, 231. $4.50.

The Sanctity of Life and the Criminal Law. By Glanville Williams. New