

Planning, as the lawyer now knows it, includes zoning, subdivision control, building regulation, public housing, eminent domain, excess condemnation, and, in the rural field, soil conservation and land-use control. In the offing is that phase of urban planning, already in the form of enacted statutes, under which blighted areas are to be rehabilitated by publicly controlled, privately owned corporations which will issue stock in lieu of individually owned land parcels, thus applying the *lex Adickes* to America. Dr. Walker's broad conception of planning includes further steps that might be taken to make the city a healthier and happier place to live, ranging from technical master-planning to social and administrative research.

That the lawyer has a stake in learning the law of planning is proven by statistics gathered by the National Resources Committee in 1939. Out of a total of about 1,000 major cases in the field of municipal corporations, which found their way into the American Digest between 1897 and 1935, half were under the category of building regulations including categories related to zoning and planning. It is interesting that the number of decisions for and against the city in this classification were about even. For the lawyer, the crucial problem in planning will be to carry out the double function of protecting private rights and furthering public needs. In doing so, he might have to learn to take seriously the *obiter* of the Virginia Court in a 1937 case cited by Dr. Walker: "Indeed the inalienable rights of the individual are not what they used to be."¹

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The British Constitution. By W. Ivor Jennings.* Cambridge: at the University Press; New York: The Macmillan Co., 1941. Pp. xiv, 232. \$2.50.

This small book is in the nature of a guide to the understanding of basic political institutions of the national government of the United Kingdom. The first two chapters analyze the electoral system and the political parties through which government operates in Great Britain. These are followed by essays on both Houses of Parliament, on the Monarchy, the process of administration and the cabinet government. The last two chapters ("Government in War Time" and "British Democracy") are obvious additions to a book written in war time, "primarily in relation to existing conditions."²

The author needs no introduction or commendation; his earlier treatises on Cabinet Government and on Parliament earned him recognition as one of the ablest of contemporary exponents of English public law. In this instance, he has not written primarily for scholars. Rather, his aim was to give "the ordinary citizen a readable . . . introduction to the problems of the governmental system in which he plays so large a part. . . ." At the same time, he intended to underline the essentially democratic foundations and operations of Britain's governmental processes—apparently in response to accusations voiced in certain quarters in the United States that democracy in England is fictitious.

¹ West Brothers Brick Co. v. Alexandria, 169 Va. 271, 283, 192 S.E. 881, 886 (1937).

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² Preface, p. xi.

² Preface, p. xii.

I am not certain that Mr. Jennings has wholly accomplished the first of his two principal objectives. The book is certainly readable; indeed, except for a few technical paragraphs here and there, it is delightful. It is also instructive and enlightening to readers trained in political science and familiar with English history. But I have doubts as to whether the "ordinary citizen" in the United Kingdom—to say nothing of the United States—can always recollect the occurrences in British parliamentary history cited as illustrations. If they cannot recall these occurrences and unless they view these in their proper setting, much of the implicit education contained in these pages is bound to be lost, at least insofar as their appreciation of British political institutions and governmental processes is concerned.

But as to Mr. Jennings' second objective, he has accomplished more than he perhaps set out to do. He has not only made a convincing case for the genuineness of democracy in England—not a perfect democracy, to be sure, but nevertheless a true democracy—but he has also clearly charted the essential and indispensable characteristics of democracy in general. This would be an important accomplishment at any time, considering the hopeless confusion in this respect which has been so evident in recent political and social thinking. It is doubly important today when democracy—largely because of its own short-sightedness—is subject to frontal attack by powerful forces sworn to its annihilation. In order to face this attack, defenders of democracy ought to know what it is they are called upon to defend.

In the United States particularly, vision has been much obscured by false notions regarding the essentials of democracy. This has been due, primarily, to an inclination to reach conclusions or to pass judgment by the yardstick of one's own standards and experiences. Thus, being the beneficiaries of an exceptionally good and virile fundamental charter, we are inclined to consider a written constitution indispensable for a democracy. Yet, as Mr. Jennings shows, the absence of expressed constitutional limitations on Parliament or the Executive in no way negatives the existence of democracy in England. Again, a wide franchise is not the sole test of democracy—although many of our distinguished political scientists and so-called "liberal" or "progressive" thinkers have classified nations in the democratic or authoritarian column according to the text of electoral laws. As the author repeatedly points out—and this indeed is the central theme as well as the principal lesson of his book—the foundation of British democracy (of all democracies for that matter) rests not on laws or institutions, but on the determination of the British people to defend their liberties against encroachment from within or attack from without. These liberties themselves are obviously not the results of laws but, to quote Mr. Jennings, of "an attitude of mind,"³ "the spirit of a free people."⁴ Again government by, of and for the people does not mean mob rule, since the art of government, growing more complicated as the complexity of modern industrial society increases, is "too difficult to be undertaken by ignorant and vacillating minds."⁵ It means rather freedom for the people to choose the rulers and the obligation of the rulers to govern in conformity with the wishes of the people.⁶ This desideratum seems to be reasonably well satisfied in England, where ministerial responsibility to the House of Commons and the unique relation between majority and opposition guarantee the consonance of government policy with public opinion. In

³ P. 220.

⁵ P. 65.

⁴ P. 226.

⁶ P. 229.

fact England's major contribution to political science is responsible rather than representative government.

As Mr. Jennings frankly admits, British political institutions and their operation do not conform to the Platonic ideal. The same criticism may be leveled against our institutions and their processes, although of course on different counts than in England, and, due to our sharp separation of constitutional law and political science, it would be differently phrased.

Such deficiencies induced many dreamers of an ideal blueprint society—we in the United States seem to have had more than our due share of them—to deny the right of England and the United States to accept on behalf of the democracies the totalitarian challenge. Mr. Jennings will convince his readers that these deficiencies are overshadowed by the unimpaired resolve of the British people to preserve the fundamental liberties of free men. Although our institutions are unlike those of England and our evolution followed a different path, democracy in that country and ours clearly rests on the common basis expressed in the identical resolve of the American people.

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The Regulation of Stock Exchange Members. By Raymond Vernon.* New York: Columbia University Press, 1941. Pp. xvi, 152. \$2.00.

By organizing and presenting both data and historical facts, the author has made a real contribution to the learning on the subject on which he writes. Patient digging at many sources has produced an excellent compilation of statistics relative to various forms of trading activity. There are several illuminating tables. The tabulation of loan values as determined by the Securities Exchange Act of 1934 and Regulations T and U of the Board of Governors of the Federal Reserve System¹ is of special practical value. To a well-done job of research the author adds good interpretative writing. Each topic receives threefold analysis covering its historical background, a survey of available material, and a discussion of the aims which have existed and the questions yet to be answered.

The book is short. Its five chapters deal with the regulation of members of stock exchanges under these headings: "Aims of Member Regulation"; "Brokers' Lending and Borrowing"; "Specialist Activities"; "Dealer Transactions by Other than Specialists"; "Proposed Principles of Regulation." The study is directed to two principal tasks: "The problem of studying the nature of specialists' trading, floor trading, margin trading, and so forth in order to learn in what manner these trades affect the individual and the public interest; and the task of formulating principles by which to be guided in reconciling the interests of the public with those of the individual and in reconciling various aspects of the public interest with one another."²

Anyone putting his hand to the two handles of the above ploughshare has indeed set himself an enormous chore. Mr. Vernon has been, since 1935, an expert on the staff of the Securities and Exchange Commission; he brings to the tasks high qualifi-

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¹ P. 28.

² P. 9.