

aim of the conflict of laws may be stated more modestly as the protection of expectations which are regarded as justified under the principles of legal policy prevailing in the forum. Like any other branch of the law, conflict of laws is inspired by the ideal of justice, but this ideal may well be attained, or at least, pursued, without postulating an unattainable international uniformity of decision. Everywhere courts tend to decide cases under their own substantive law, the *lex fori*. The decision of a case under foreign law is always cumbersome and time-consuming. It should not be attempted unless it is indicated by an urgent demand of justice or international policy. A clear recognition of this basic notion will alleviate the task of courts and lawyers and will destroy many of the subterfuges utilized by the courts in applying the *lex fori* to a case, wherein a broad, dogmatic, or inflexible application of conflict principles would result in a decision predicated on foreign law. The time has come for a complete reorientation of the conflict of laws. Rabel not only presents the necessary materials but also makes a substantial contribution to this process of reorientation to anyone who feels attracted to this task. This book is indispensable to the attorney who is practically engaged in international legal affairs. He will find in it reliable and exhaustive information on the practice of the conflict of laws in Latin America and the Far East, as well as in Europe. The succeeding volumes are eagerly awaited.

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Economic Freedom for the West. By Wendell Berge. Lincoln: University of Nebraska Press, 1946. Pp. 168.

Wendell Berge, in his new book, presents clearly, concisely, and convincingly the case of the West for relief from monopolies and monopolistic practices which have retarded its economic growth. This he has achieved with a readability seldom found in works treating economic subjects. Mr. Berge makes it clear that the economic development of the West is a matter of concern to the entire nation.

As is natural in view of his service to the nation as head of the Anti-trust Division, Department of Justice, Mr. Berge stresses especially those barriers to economic freedom for the West which arise out of monopolies and restraints of trade in the principal industries. And the antidote, as he sees it, is Western ownership and operation of Western industries. Particularly important is the large production of steel in the West. Mr. Berge believes that "with steel as a center of gravity, other industries will be drawn into the orbit of Western Markets."¹ In view of his convincing discussion of this subject, one must note with some concern that recently the gigantic government-constructed wartime steel plant at Geneva, Utah, has been turned over to "Big Steel" in the East for ownership and operation.

The growing aluminum industry also offers, in the author's opinion, "an open invitation to Western business to apply initiative to the task, because in the final analysis it is not what Government alone may or may not do, but rather what free enterprise actively does that will carry the field for competition or abdicate to monopoly. The latent market for aluminum is tremendous. . . . Western enterprise has a special opportunity to show that in the era of light metals a Western aluminum industry can

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¹ P. 30.

thrive. . . ."² It is to be hoped that in connection with this important industry the disheartening experience of the Geneva steel plant will not be repeated.

Other chapters of the book deal with the tremendous resources of the West in land, people, forests, minerals, and waterpower; with the opportunities which arise from new technologies; and with the possibilities of conversion to peacetime use of the many war plants constructed by the Government. Of particular interest from the standpoint of the industrial development of the West is the discussion regarding the development of another TVA in the Missouri Valley. But the three chapters devoted to the significance of public transportation and its effect upon the industrial growth of the West emphasize the primary importance of that most basic industry to all industries. As Mr. Berge states:

Rate policies may determine the location of industry, the sources from which raw materials can be drawn, the markets to which finished products may move, the possibilities of geographic shifts of population and industry, and the opportunities for both improvement and enterprise within all regions. Even though prosecution under the antitrust laws may do much to remove private restrictions in the transportation field, there is a matter of basic economic policy which the American public and its Government must decide. A free competitive economy cannot operate if the chief arteries of trade and commerce are subject to the decision of private monopoly groups or if interregional discrimination places handicaps in the way of parallel development by the various sections of the country.³

In this connection, Mr. Berge discusses the pending anti-trust suit against the Western railroads and the now famous "Western Agreement" by which all the railroads west of the Mississippi River agreed not to compete in rates, services, and technology.

Mr. Berge's book is timely and should be read by everyone who is sincerely interested in the future of America. But it should be of special interest to lawyers, who, besides being leaders in their respective communities, because of their profession are aware of the importance of the Sherman Act in the American economy. Mr. Berge states:

To the West the antitrust laws represent one of the principal instruments not only for eliminating subjection to monopoly power but also for attaining greater economic independence in the years ahead. In the future, even more than in the past, the West must be concerned that the program of monopoly shall not prevail. If it does so, the West will be in many ways a greater loser than any other area. The seats of monopoly power are not in the West. The industry of the West is not an interest that entrenched monopoly groups wish to preserve. Quite the reverse. To a considerable extent it is the potential competition of Western industry that monopolistic groups in our economy would like to control or to eliminate. . . .

The triumph of monopoly would in time become the nemesis of our system of free enterprise.⁴

Mr. Berge's book is not then primarily a factual analysis of economic conditions in the West, or a mere enumeration of past and present practices which have adversely affected the economic growth of the West and the nation, but it is a call to arms for all in America who believe in the American ideals of industrial democracy and free enterprise.

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² P. 41.

³ P. 121.

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⁴ Pp. 132 and 141.