

his book will be sought primarily as a reference by those who wish to find what the law is on a particular point. For this purpose, the elaborate table of contents and index will be of service, and the excellence and completeness of the discussion of every point will assure many users.

QUINCY WRIGHT*

The Faith of a Liberal. By Morris R. Cohen. New York: Henry Holt & Co., 1946. Pp. 471. \$3.75.

Unless the reader is already familiar with Mr. Cohen's meanings for the words *faith* and *liberal*, the depth, richness, and delight of this collection of his essays cannot altogether be anticipated from its title. The collection consists of some fifty-five papers varying in length from two to thirty pages and varying in subject matter sufficiently to suggest the range of Mr. Cohen's mind and interests. All but four of the pieces have been published before but in widely scattered places over the past thirty years, and it is in the nature of a public service to have had them collected here for us.

There is enough of law here for those who would insist on an intimate connection with their special field. Thus, we have memorial essays on Cardozo, Brandeis, and Holmes, who is a particular hero of Mr. Cohen; we have a study in constitutional law; some remarks on the Sacco-Vanzetti case; a legally sophisticated analysis of the Bertrand Russell case; and, of course, the effective review of Mr. Arnold's *Folklore of Capitalism*.

But, like the title, such an enumeration does not do justice to the catholicity of Mr. Cohen's interests. It is sometimes said that a good book is really a conversation between author and reader. That, I think, goes to the root of the appeal of this book; it is simply mellow, wise, generally wonderful conversation. And it is conversation which lights up corners of human interest from the technical difficulties of Spinoza's conception of God to debunking the Magna Charta; from the dilemma of philosophy in the modern curriculum to whether one should turn Communist; from the weaknesses of Frazer's anthropology to baseball. In fact there is everything here but a special theory of Hamlet and even on that score we are reminded: "That men's thoughtless or impulsive acts are always wiser than their reasoned conduct is hardly shown, even in the case of Hamlet."

It is Spinoza with his serenity and his intellectual love of God who appears on these pages as Mr. Cohen's chief hero, and liberalism for Mr. Cohen appears as the quality of mind of the Spinozas and Socrates. Mr. Cohen, too, is throughout an intellectual gadfly, consistently and delightedly stinging us out of our complacent generalizations, whether from law, economics, metaphysics, art, or biology. It is of Mr. Cohen's liberalism to remind us repeatedly of the pathetic and permanent finitude of human knowledge and of the infinitude of human ignorance and yet to insist that the seeking of rational explanations is one of the best businesses for man. And again it is liberalism in his sense to face frankly the considerable and permanent amount of evil in human life and yet to retain and to inspire a zest for living. We may perhaps suspect by this time that liberalism for Mr. Cohen has become, in effect, wisdom, and wisdom, "as Sophocles said long ago, is a major part of happiness."

A special word about the wit which seems an integral part of the wisdom. We are

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enriched with the old Chinese proverb that the first result of any war is that the adversaries exchange vices, and reminded of the man who wanted to unite Heaven and Hell by combining the best features of each. To the suggestion that all this intellectual activity is perhaps unnecessary since some men attain bliss through ignorance, "we reply that success in a lottery is no argument for lotteries." And we are reminded of Hegel, while the Battle of Jena was raging on his doorstep, writing his *Phenomenology* which "for good or evil will last for many years." We are told that "after all, the useful has no intrinsic value." And in an essay written in 1919 on philosophy in wartime: "And when people begin to admonish me that if everyone did as I did, etc., I answer that humanity would probably perish from the cold if everyone produced food, and would certainly starve if everyone made clothes or built houses."

Finally, in one of the concluding essays there is an admonition that has perhaps special relevance today for those in law and in the social sciences: "He who wishes to preach to those in the market place must see more than the market place."

HARRY KALVEN, JR.*

The Constitution and What It Means Today. (8th ed.) By Edward S. Corwin. Princeton: Princeton University Press, 1946. Pp. 263. \$2.50.

This is the eighth edition of a book which, first published in 1920, has long been accepted as one of the most useful commentaries on the American Constitution. The last previous edition appeared in 1941. The intervening period has been overwhelmingly preoccupied with the fact of war. And since, as Corwin says, in wartime "interpretation of the Constitution falls much more largely to the political branches of the government than to the judiciary," considerable attention is given in this new edition "to executive and legislative acts illustrative of the war power and suggestive of its effect both on private rights and constitutional structure."

Professor Corwin is not disposed to be too critical of wartime infringement of normal constitutional standards. As he says, "Total War is itself a highly justifying, not to say compulsive circumstance, in the presence of which judicial review is apt to be properly self-distrustful, and hence ineffective." And so he apparently hesitates to criticize the Supreme Court for failing to declare illegal the army's evacuation of Japanese residents from the West Coast, though he expresses his own skepticism as to the necessity for such measures. He believes that the destroyer deal with England violated several statutes, but was sanctioned by public opinion and later congressional action. He disapproves of President Roosevelt's threat on Labor Day, 1942, to disregard certain statutory provisions unless Congress repealed them by the following October 1, but adds that "any candid person must admit the possibility of conditions arising in which the safety of the republic would require the waiving of constitutional forms." He expresses no opinion on the use of presidential seizure powers in the *Montgomery Ward* case,¹ though referring to Judge Sullivan's "informative" opinion;² the reversal of this decision by the circuit court came too recently to be noted in this book.

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¹ *United States v. Montgomery Ward & Co.*, 150 F. 2d 369 (C.C.A. 7th, 1945).

² *United States v. Montgomery Ward & Co.*, 58 F. Supp. 408 (Ill., 1945), reversed on appeal; see note 1 supra.