the channels of communication to citizens. Compulsion cannot stop any tendency toward meaninglessness and vulgarity, and it will do more harm than good as a remedy for the uncertainty that truth will prevail over error. The only direct cure for these evils lies in the internal ideals of the enterprises. Organized outsiders can improve these ideals by persuasion and approval, but not by force or extensive financial support.

And so Chafee hopes that newspapers, radio stations and film producers will become like endowed universities. President John Gilman of Johns Hopkins took Professor Gildersleeve into a bare room and said, "Now radiate." A free society needs newspaper editors, broadcasters and film producers who will "radiate"—who will shape what they communicate in accordance with the social purpose, and not merely the commercial purpose, of the enterprise.

One field which Chafee and the commission unfortunately failed to explore is the possible changes in the structure of communications ownership which might encourage this sort of "radiation." What about some form of trust ownership, where the stockholders take their dividends but leave editorial direction of the enterprise in the hands of professional "radiators"? The *Manchester Guardian* and some other publications in England now operate under such a trust.

On the whole, it is difficult to deny Chafee's contention that government cannot do much about the press. We fall back on the hope that its owners and managers will come to understand its social mission and its shortcomings in fulfilling that mission—and on the hope that such work as that of the Hutchins commission will stimulate this kind of self-examination. For ". . . . institutions become vulnerable when they cease to do their main jobs well. . . . . The strongest assurance which the press can have against governmental encroachment is the vitality of its service to the community."

ROBERT LASCH*

Dangerous Words. By Philip Wittenberg. New York: Columbia University Press, 1947. Pp. ix, 335. $5.00.

This is a book on the law of libel, the substance of which consists pretty largely of quotations from the opinions of appellate courts, often without benefit of the factual context of the opinions or, indeed, the decisions. As about anyone might guess, the result is not startling for accuracy or clarity. What, for instance, is one to think when he reads on the same page[1] that ". . . . it [fair comment] must not contain imputations of corrupt or dishonourable motives on the part of the person whose conduct or work is criticized *save in so far as such imputations are warranted by the facts*," and that ". . . . a comment is fair when it is based on facts truly stated and free from imputations of corrupt or dishonourable motives on the part of the person whose conduct is criticized"? Confusion resulting from negative pregnants and inferences is scarcely less pardonable than that resulting from the literal meaning of language.

Not only are the quotations mixed up, but one cannot escape the suspicion that the author occasionally suffers from the same trouble. In a chapter entitled "Privilege of Political Criticism," he is loose to the point of recklessness in his treatment of absolute privilege, conditional privilege, the in-between privilege of reporting governmental and other "public" meetings, and that trickiest of all privileges to defame, "fair comment."

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[1] P. 62.

Sometimes it is impossible to tell what the author is talking about. For example, we learn on page 49 that the privilege to report judicial and legislative proceedings ". . . . differs from *other forms of qualified or conditional privilege*" in certain respects. On page 50, however, we are told that ". . . . *this absolute privilege* created by law arises out of the character of the occasion," etc. Again, it is explained that ". . . . in order to assure *this absolute privilege* more exactly and firmly, the several states have adopted statutes," the first example given being a California provision that "a fair and true report, *without malice*, ... of a judicial proceeding" is privileged. This seems pretty silly to one familiar with the law of libel and it must be confusing to one who is not.

Again, in discussing fair comment, it is said that ". . . . the criticism must be such as a man of reasonable intelligence and judgment might make,"[2] although on the next page, it is correctly pointed out that ". . . . it is essential that honest criticism and comment, *no matter how foolish or prejudiced*, be privileged." In fairness to the author, it should be observed that he may, in the first reference, be talking about the rule applicable to imputations of corrupt motives to public officers and, in the latter, to the criticism of the act or product which is the subject of fair comment. It is more difficult to find an explanation for citing, as an example of fair comment, the publication of a fair and impartial report of the Federal Trade Commission.[3]

To continue with things wrong with this book, the author has the irritating and all-too-common habit of dealing with complicated problems as though they were simple ones. The point at which the public life of a government official ends and his private life begins is by no means obvious. Everyone knows that in many respects a man's private character affects his fitness for public office. Our author has this to say on the problem: "Granted: a privileged occasion. It must, however, be used fairly and in good faith, with a view of the public interest and good and without evil or malicious motive, but it cannot be used to attack the private character."[4] To make the distinction perfectly clear, he cites *Bingham v. Gayner*,[5] of which he remarks, ". . . . the [defamatory] article was not only a comment upon his [the plaintiff police commissioner's] official acts but defamatory of his character insofar as it charged him with incompetency, corruption, buffoonery, despotism and lawlessness." He then quotes the Court of Appeals that ". . . . the privilege . . . . does not extend to attacks upon private character." One may be pardoned for wondering what could have a more direct bearing upon the public service of a police commissioner than "incompetency, corruption, buffoonery, despotism and lawlessness."

On the asset side, it may be pointed out that the book deals with a large number of cases. Sometimes the extensive quotation is helpful, although it is a bit puzzling to read practically the entire opinion of a case which stands alone on the question of a newspaper's liability for publishing a defamatory news item received from a press association.[6] More helpful are the cases in which the facts are stated and the decision given on the facts. The extensive statutory provisions, by state, are also of value. Adding to the liveliness of the book are the more interesting English and American cases involving the defamatory episodes of well-known public figures. One runs across Artemus Jones, Congressman Sweeny, Judge Corrigan, the Cherry Sisters, Sportsman Burton, "Dusting off Dr. Berg," "Your Money's Worth," Buster Brown, Stanislaus Zbyszko, Benny

[2] P. 54. [3] P. 63. [4] P. 79.

[5] 203 N.Y. 27, 96 N.E. 84 (1911). [6] Pp. 161–66.

Friedman, Whistler and Ruskin, Professor Triggs, and many other names famous in libel lore.

The author states that his book was written for practical purposes. He thinks that writers, reporters, editors, etc. are presumed to know the law when they don't. Although such persons are not presumed to know the law, it is true that for the most part they don't know it and are dealt with by the law as if they did know it. The author's idea is to furnish them a practical guide as to what they can say about other people without letting themselves in for a libel suit. "If the individual were conscious of the elements of legal libel," he says in the Preface, "he could avoid the harmful utterance." Such awareness, the author thinks, calls for ". . . . the development of a sense of danger so that, almost subconsciously, there is recognition of risk and the necessity to consider and rewrite, or change." As a part of his scheme, the author has added an appendix containing a long list, in "capsule summary," of words, epithets, phrases, and innuendos that have been held libellous, arranged under such headings as sexual libels, libels of public officers and employees, candidates for office, political leaders and bosses, professions and other vocations (clergymen, lawyers, doctors, teachers, publishers-wrestlers, insurance agents, etc.), labor unions, and others.

The avowed purpose of this volume no doubt accounts for the lack of systematic arrangement. Beginning with chapters dealing with what amounts to libel and how language is to be interpreted, the book continues with sections on political libels, anonymous libels, etc., with such unrelated sequences as a chapter on truth as a defense followed by one on libel of children, and sections on group libel followed by one on radio libel. Here again, however, as a working tool for the libel-frightened editor, the arrangement is probably as good as any other.

Dangerous Words has merit in another and important respect. The author has far more than a superficial grasp of the public policies reflected in the morass of technicalities of the law of defamation. Conflicting social objectives are analyzed in understandable language, and the appraisal of community values implicit in the rules of law involved is explained with clarity.

As a handbook for newspapermen and others, this book probably can serve a useful purpose. As a scientific exposition of the doctrinary phases of the law of libel, it leaves a good bit to be desired. Since the author had the former rather than the latter end in view, it is not unlikely that he has attained at least a moderate degree of success.

FOWLER HARPER*

Studies in African Native Law. By Julius Lewin. Philadelphia: University of Pennsylvania Press, 1947. Pp. vii, 174. $2.50.

Mr. Lewin, who is an advocate of the Supreme Court of South Africa, of the Middle Temple, barrister-at-law, and Lecturer in Native Law and Administration in the University of Witwatersrand, Johannesburg, combines the practical experience of a skilled lawyer with the functional perspicacity of a keen social scientist. The result is the kind of approach to problems of legal administration and realistic jurisprudence that is refreshing and fruitful. His little book on African Native Law bids fair to win a wide reading among lawyers and social scientists in this country.

In the first place, it is easy to read. The essays were prepared as addresses or con-

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