was a victim of character assassination when he was being considered for an important position with the National Youth Administration. It might be asking too much of an author who has been subject to such attacks to give an equally fair account of the character assassination which is used by so-called liberal groups against their political opponents. After all, labeling persons or groups as being “fascist” without objectively investigating the merits and demerits of their position is as much character assassination as are some of the cases abundantly discussed in this book. If we are serious about doing away with defamation in our public life, it will not do to see only the beam in the eyes of reactionary groups distorting their views, we will also have to recognize the influence of the mote in the eyes of liberals.

While the book contains many new examples of what the author calls character assassination, and reviews a great number of those that are well known, it is unfortunately deficient in analysing the reasons for so widespread a social phenomenon. Nor does it suggest any workable remedies that have not previously been advocated widely, though without much success.

Thus it is a book strong in moral fervor in stating the case against persecution. In this it is similar to the universal caution against sin, but like so much of the cautioning it fails to tell us why people like to sin in the first place, or what they can do to cut down on their sinning.

In the few introductory pages by Robert Maynard Hutchins, more is said of importance about the issue of character assassination and its remedies than will be found in the book. The author shows us that his opponents hold ideas he disapproves of and asks us to fight against them. In his introduction Hutchins says, “The way to fight ideas is to show that you have better ideas.” Unfortunately this advice was not used in the book. Instead of devoting his pages to stating and elaborating his “better ideas,” the author uses most of its space to nailing down bad ideas. This would not have been necessary, had he developed the “better ideas” and fought on that level with as much devotion as he fought against bad ideas. But if we were fortunate in having better ideas that were really workable, we would no longer have to worry about the influence of bad ideas: they would fall by their own demerits.

Bruno Bettelheim*


Commercial law has been in a period of gestation since the war. The old courses on Sales and Negotiable Instruments, which seemed destined to go their separate ways into permanent bachelorhood, have been brought together

* Associate Professor of Educational Psychology, University of Chicago.
at many schools as one course. Though this had some earmarks of a shot-gun marriage, there was at least a hope that, by putting the materials of both courses into one hopper, so to speak, something useful might come of it. Perhaps a clearer picture could be given of the transactions common to each course, with the incidental result of saving some student time.

At all events among the first progeny of the marriage are these two books: one a full-blown casebook under the expansive title, Uniform Commercial Laws; the other, a small volume of statutes, forms and commentary entitled an Introduction to Comercidal Law. It may be said at once that, if the marriage is to be judged by these two siblings only, it has not been a great success. Of course, the evidence is not sufficient to suggest a divorce; it is merely equivocal.

Looking first at the Introduction it seeks to do two things, in addition to overwhelming the reader with fifty pages or more of cold commercial statutes. First, it seeks to acquaint the student with the checks, drafts, bills of lading, insurance contracts and other commercial instruments in current business use. Some forty odd carefully chosen forms are printed. Second, a running account of the way these forms are used is given, with something of the legal framework into which they fit. The whole thing can be read, except for some of the fine print which typically cannot be read at all, in two or three hours.

There can be no question that these forms, and even much of the text, are useful things for any student to have. It fills a long standing, though somewhat exaggerated, need. I must say, though, that the commentary at times impresses me as being unduly puerile. For example, when introducing the bill of lading the authors say: "These things may be new to you. Do not be alarmed [little darlings] if you do not fully understand them; we shall study them again." I assume this annoys the student as much as it does me. And then after discussing negotiability: "If you do not remember any of these things, you have not read this chapter well enough. At the very least, please remember that a holder in due course takes free of (1) claims of ownership, (2) some defenses of the issuer." All of which prompts the thought that perhaps there is no place for an "introduction" anyway, in law study. Better to feed introductory material and raw meat all at one time, and let those who cannot take it go into some other calling.

Now as to Beutel's casebook, which he says is designed "to implement the rapidly developing courses in commercial law which unify the subjects formerly taught as Sales and Bills and Notes." Actually it is primarily a course on negotiable instruments. A gesture is made at pages 14 to 46 to present "The Nature of a Sale." Obviously this is wholly inadequate to give any notion of the legal machinery required in the distribution of goods. Then, following a short section on negotiability and assignability, the student is confronted with 247 pages of cases and questions on the formal requisites of commercial paper. There is probably no more deadly study in the commercial field than that of formal requisites, taken up one after the other as they may happen to have been put together in a
statute for the convenience of the draftsman. This sort of thing will not give
the students much conception of the place of financial machinery in our econ-
omy. The book ends with chapters on liability of parties, discharge, bona fide
purchasers and so on, topics usual to the bills and notes course.

But Beutel's arrangement is at least logical, if you grant his major premise.
It is his view, if I do not misread him, that the courts should approach any uni-
form commercial statute with only the legislative text (and perhaps the drafts-
man's notes) before them. Prior cases are irrelevant. It is an exercise in pure
mathematics, guided by a proper use of "conflicting statutory techniques of
interpretation," to come up with the right answer. Hence, an abstract study
in "formal requisites" makes an ideal testing ground for him. Needless to say I
cannot conceive of construing a commercial statute intelligently without first
looking at the legal and business history which went before it, and without
which it may often have little meaning. When Beutel leaves out all of this as he
purports to do, he deals with dry bones. Only in the latter part of the book,
where the transfer of shipping documents is compared with that of drafts, notes
and so on, does the study take on interest.

The writers of the Introduction cautioned their readers: "through all this you
should retain a sneaking suspicion that negotiability is not terribly important,
except to law teachers." Perhaps they are right. In any case I have long had a
"nonsneaking suspicion" that the basic trouble with the commercial law ma-
terials lies not so much with Negotiable Instruments as with Sales. While the
search for the person having "the property in the goods" can be made quite
mystifying, not to say exciting, it is scarcely worth the great amount of time
and ingenuity which have been expended on it. Better to abandon the present
arrangement of sales materials according to concept, and go directly to a study
of sales transactions. It is a fair guess that there will emerge in such case, not a
marriage of sales and negotiable instruments, but a sequence.

Roscoe Steffen*

xiv, 419. $3.75.

In four hundred and nineteen closely packed, clear and extremely well writ-
ten pages, Quentin Reynolds has attained a high pinnacle as a biographer. This
life of Samuel S. Leibowitz has so much to commend it, that I hardly know
where to begin. Mr. Reynolds has given us a dazzling narrative of a thrilling
professional carrer. It tells in detail some twelve or more of the great cases which
Judge Leibowitz handled when he was appearing for the defense. It depicts a
lawyer deeply concerned with the cause of justice, yet well aware how difficult
it is to obtain a verdict of acquittal in the face of public clamor.

* John P. Wilson Professor of Law, University of Chicago Law School.