A shrewd psychoanalyst has insisted that we do ourselves a disservice by using names, as well as ideas, that conceal the difference between phantasy and operative effectiveness in matters of war and peace. He is right; but it is also true that the expression of aspiration has its uses, if kept within bounds. Thus Mr. Sohn's book on World Law exhibits the United Nations Charter as an instructive literary performance, at the least. It may be considered as a specification of the conditions that would be necessary for an effective world law, as an expression of one aspiration among many counter aspirations, and as a factor operative to some extent with all the other familiar factors in the affairs of the world, for example the Korean affair.

This is not what either layman or law student expects to find in a book on world law. The traditional Cases on International Law should be called Cases on Anarchy. The newer Cases on World Law should be called Cases on the Conditions for World Law. Both subjects should perhaps be combined in a single course. Newly named—Anarchy and the Conditions for World Law—the course might take a new direction. Students and teachers would be encouraged to examine the mysterious factors which have thus far impeded the creation of elementary security and safety "between nations," and also—as a result—in Korea, Germany, London, New York and Washington.

MALCOLM P. SHARP*


The high expectations of Willard Hurst's friends are admirably borne out by this important contribution to the history of American law. We have suffered from a dearth of good literature concerning the legal history of the United States as a nation. The English origins of American law, together with a natural appeal of the English materials to scholars, long focused our consideration of the law's historical development primarily on the legal institutions of the Mother Country. During the period since the First World War this lack of balance could be seen in the process of slowly righting itself. How far we have come is evidenced by the fact that Professor Hurst has been able to put this work together chiefly on the basis of secondary sources. How far we yet have to go may be judged from the circumstance that it was this middle year of the twentieth

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1 See West, Conscience and Society (1944).

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century before such a volume appeared. Its appearance, I feel sure all will agree, can be depended on to make the rest of the journey an easier and a richer one.

What the book undertakes is a general survey of the functions performed by the five legal "agencies" whose roles are central to the operation of our system of government. These are, in the order in which Professor Hurst considers them, the legislature, the courts, the constitution makers, the bar, and the executive. Emphasis rests throughout on the processes of growth and development as we proceed from the early days of the Republic down to the present time. There results a vivid portrayal of the historical shifts in the balance of authority and power which mark the course of American legal institutions. Those shifts, as the book makes clear, have been occasioned by changes—usually gradual enough but sometimes rushing in with unexpected suddenness—in political, social and economic conditions that have from time to time modified the effectiveness and the influence of one or another of the five law-making agencies.

Professor Hurst's real achievement does not lie in any particular conclusion or group of conclusions that may be found scattered throughout this volume. Rather, it is to be found in this: While wary of generalizations, he has nevertheless marshalled the materials into a meaningful and cohesive study of the development of our law-making agencies; and he has done it with a happy combination of perspective and good sense that imparts to the work considerably more than a scholarly significance.

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