

Rutledge; Taney and Stone surely have little in common. One ends the book with a feeling that the great trait of the best judges is unselfishness, the capacity to see society clearly, without the distortion of vision that accompanies the drive to succeed, to persuade, to gain power. We trust the justices of our Supreme Court with some of the greatest powers of government; we do so because they are characteristically beyond the desire for power. Much of their labor is disclaiming the exercise of power. In a society of frantic grasping for influence, of shrill competing claims, of strident advertisement, the good judge is calm and quiet. In the troublesome days between 1935 and 1937 there was much discontent among the loquacious because judges were not more like legislators. But perhaps the reverse would be a more wholesome ideal for our time.

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**Freedom, Virtue, and the First Amendment.** By Walter F. Berns. Baton Rouge: Louisiana State University Press. 1957. Pp. 264. \$4.00.

Professor Berns, of the Yale Political Science faculty, has written an unusual book. In considering the function of the Supreme Court in American government,<sup>1</sup> he rejects the "libertarian" doctrine of "judicial restraint."<sup>2</sup> He also rejects the "libertarian" thesis that the freedoms of the Bill of Rights are ultimate and absolute values in our society.<sup>3</sup> He would have the Court exercise all its power to decree the good, the true and the beautiful.<sup>4</sup> Perhaps some day he will provide the touchstone so that we may all readily recognize these qualities. In the meantime we must accept on faith his assertion that the nine robed men in the marble palace in Washington could accomplish his objective if only they wanted to do so. Professor Berns's book bears all the earmarks of a revised doctoral dissertation: it is heavy without being weighty.

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<sup>1</sup> See Kurland, *The Supreme Court and Its Literate Critics*, 64 *Yale Review* 596 (1958), of which this review was once a part.

<sup>2</sup> Cf. Hand, *The Bill of Rights* (1958).

<sup>3</sup> Cf. Douglas, *The Right of the People* (1958).

<sup>4</sup> Cf. Buckley, *God and Man at Yale* (1954).

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**Reflections on Hanging.** By Arthur Koestler. New York: Macmillan Co., 1957. Pp. xxiii, 231. \$4.50.

**The Sanctity of Life and the Criminal Law.** By Glanville Williams. New York: Alfred A. Knopf, 1957. Pp. xii, 350, xiii. \$5.00.