whole structure of theory falling to pieces. Furthermore, no essential part must have to rest always on faith, thus contaminating the whole system's validity.

Obviously, showing just how operational the theory of *Power and Society* can be is beyond a single work. The authors indicate that the theory is so by illustrating their propositions profusely from existing general works in political science. In fact, there is a startling amount of relevant material in the literature of the field and a notable contribution of this study is its translations of the fact statements of classicists, who have been relegated to oblivion by most contemporary empiricists, into terms conforming well to the theories of the book. The authors might, with several more years of work, have fitted into their theories the multitude of “minor” articles and monographs written, principally in America, over the past half century. These myriad and scintillating fragments have already given us a political science in America, capable, when properly stated, of far surpassing the political science of the Greeks, Italians, Englishmen, Germans, and Frenchmen.

Ultimately, and this is too much to demand of a single work, the theories of the book should be subjected to the crucible of practice; seminars should be devoted to designing studies, using the theories of this work, and to preparing empirical reports on the results of the studies. Only then will we truly begin to know how deep, how strong, and how useful is the structure of Lasswellian political science.

**ALFRED DE GRAZIA**


This new volume is a truly good casebook which any instructor can use with a great deal of satisfaction. It is essentially a modification and rearrangement of the Harper and Taintor volume of 1937 and definitely an improvement.

The editors adhere to the basic plan of the former book. In the first two chapters they offer material on the nature and bases of the conflict of laws and such technical matters as renvoi and qualifications, substance and procedure, and public policy. The second group of materials is on the so-called “choice of law” rules, the third on jurisdiction, and the fourth on the impact of the Federal Constitution on the conflict of laws in the United States. This is orderly and logical: underlying principles are considered before the ramifications of the conflict of laws itself, and this before the constitutional limitations superimposed on conflicts law in the United States. It is not to be expected that every instructor will agree that this arrangement of materials, logical as it is, represents the best pedagogical approach. The first chapters on the nature and bases of conflicts

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law are difficult to teach before the student has become familiar with at least some cases applying conflicts rules. Then too it would seem that in teaching American students it might be better to introduce the constitutional questions fairly early so that they might be raised repeatedly in different contexts. Finally, it may be observed that the treatment of “choice of law” before jurisdiction seems inconsistent with the approach to the conflict of laws, apparently accepted by the editors, under which the law applied is always that of the forum state (whether internal law, or conflicts law incorporating in whole or part the law of another jurisdiction). If this view is correct, jurisdiction should be considered first, if only to impress upon the student the approach in conflicts cases. The instructor, of course, is not bound by the order of presentation adopted by the editors and may vary it according to his pleasure.

An impressive feature of the coursebook is its extensive use of editors’ notes to cover portions of subjects which do not require classroom case discussion. Thus much of the conflicts law of domicile, marriage, divorce, negotiable instruments, workmen’s compensation, and the administration of estates is presented. These notes, the introductory notes to chapters and sections, the footnotes throughout the volume, and the selected chapter by chapter list of essay materials help to make the whole a valuable sourcebook as well as teaching instrument.

A deficiency which some are certain to regard as sufficiently serious to warrant the use of another casebook is the editors’ failure to present any materials on party choice of law and foreign exchange problems in contract cases. Some may note in addition an insufficiency of material on taxation, agency, and commercial arbitration. No one covers all aspects of the conflict of laws, but an instructor likes to cover those which he feels are most important or instructive. Thus the more selective policy of the editors may result in a less extensive use of the book than otherwise could have been expected.

It may also be observed that the editors have not attempted, generally, to do more than present representative case materials. Thus there is little mention of the non-case materials pertaining to the conflict of laws, such as the extent to which international treaties have provided conflicts rules, or the manner in which uniform laws and the widespread use of standard form contracts have served legally or practically to eliminate conflicts. Nor is any attempt made to indicate the extent to which commercial arbitration has served to remove conflicts cases from the law courts. Similarly there is no indication of the extent of current activity domestic and foreign to find better conflicts rules or draft suitable uniform laws. It is true that classroom time should be devoted largely to a discussion of the case materials, but the book could have been made more helpful to instructors and students in the areas mentioned.

I personally, however, regret that the opening chapters on the nature and bases of the conflict of laws seem to sanction the sovereignty-territorial theory without question. It may be that the editors have simply tried to present the
most widely accepted view, leaving it to the instructor to evaluate it against others, but if so, there is insufficient evidence of this fact. I dislike this because I believe that it would be philosophically correct and practically better to approach the conflict of laws as the science of the legislative and judicial competences of states. This theory, which assumes the possibility of discovering norms for an unwritten international conflicts law, could do much to eliminate present refusals to apply foreign laws and to secure the desired uniformity of result without resort to the renvoi doctrine. In addition, the recognition of spheres of legislative and judicial competences would facilitate the eventual acceptance of a federal conflicts code enacted under or independently of the full faith and credit clause, and eventually perhaps even an international code of the conflict of laws. Certainly a nation which found it possible to find an unwritten international law of crimes should not find it too difficult to recognize limits to national or state legislative and judicial competences.

Of course, no coursebook in the field can give sufficient attention to the bases of conflicts law and its future development. The simple reason is that conflicts issues are usually ignored in the rest of the curriculum, thus forcing the conflicts course and coursebook to treat material largely of an informational character and to restrict discussion on the foundations of the subject. My own belief is that it would be better to consider in each course the conflicts law currently accepted and applied in that field and to reserve the conflicts course for a truly jurisprudential consideration of the subject. Our future lawyers need that kind of training.

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