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BOOK REVIEWS

COMPARATIVE COMMENTARIES ON PRIVATE INTERNATIONAL LAW. By Arthur K. Kuhn. New York: The MacMillan Co. 1937. pp. xii, 381. $4.50.

Few if any attempts have been made to write in English a text on comparative conflict of laws. So in one sense this book is unique. If one may hazard a guess, such texts have not been attempted here because the ground work in comparative law in particular topics has not been worked out and because an authoritative treatise on the subject would have to run into many volumes. Before saying more about the feasibility of such a text, let us look at the contents of this volume. The first chapter on the historical development of the conflict of laws is a useful survey for undergraduate students, but will be of little help to students doing graduate work in comparative conflict of laws except perhaps as a preliminary survey.[1] In the treatment of "General Nature and Scope" of the subject,[2] such matters as sanction, comity, public policy, penal and revenue laws, the doctrine of the *renvoi,* and tendencies toward unification are taken up. This part is also useful to students as collateral reading on these basic topics. Curiously enough, its value in the opinion of the reviewer lies in the fact that it is only an introductory treatment and involves no attempt as in the subsequent chapters to lay down the law of conflict of laws of various jurisdictions, as such. The difficulties with the treatment of nationality and domicil,[3] jurisdiction and procedure,[4] status and capacity of persons,[5] the contract and status of marriage,[6] especially dissolution of the marriage status,[7] and parent and child[8] are that these topics from the standpoint of conflict of laws (not to speak of the comparative aspects) can be done only in a superficial fashion in the limited space of a short text. Comparative law just can not be done that way if the results are to be relied upon at all. Truly, the chapters on property[9] (except as to movables and intangible property)[10] and torts[11] (so far as it goes)[12] are better, because the international and comparative aspects being simpler are within the range of possibility of treatment in summary fashion. As for the chapter on contracts[13] little can be said for a text treatment of less than forty small pages on the comparative aspects of one of the most difficult topics in the entire range of comparative law.

A detailed analysis of each chapter is beyond the scope of this review, but two statements of the author's own views (and his views occur often) are worth mentioning as showing that the author has a real scholar's command of the basic problems and solutions of comparative private international law. For example, he has difficulty in seeing how on the assumption of "supremacy of the territorial law"[14] a system of

1. BEALE'S PRELIMINARY TREATISE (1916) is, of course, much more satisfactory from this standpoint.
2. Chap. II.
3. Chap. III.
4. Chap. IV.
5. Chap. V.
6. Chap. VI.
7. Chap. VII.
8. Chap. VIII.
9. Chap. IX.
10. Pp. 233-264.
11. Chap. XI.
12. Pp. 304-313.
13. Chap. X.
14. P. 24.

private international law (as a group of universal rules) can exist except by each sovereign's voluntary acceptance of these international principles as part of the municipal law.[15] The author rightly resolves the dilemma when he adds that "the territorial law includes *within itself* the duty of applying foreign law or local law, . . . according to a system which is international in its principles, philosophy and purpose."[16] That "it is the ideal which is international"[17] in the sense that the duty (international in character) is moral as regards any particular sovereign and nothing more is, in the writer's opinion, quite correct. The other statement of the author deals with the doctrine of the *renvoi*. It seems to me that it is much more unfortunate to say that the doctrine of the *renvoi* "is erroneous, besides being illogical and impractical"[18] than Beale's statement (which the author declares is "unfortunate") that the doctrine is "foreign" to the common law. We think the doctrine of the *renvoi* is erroneous because it is foreign to our practical way of thinking about law. Many civilians and common law "realists" think it quite unnatural and illogical to disregard it in our theory of foreign-created rights. To see what the courts of the foreign state would do, they say, is the only way to find out what the foreign-created right really is.

As a summary treatment the chapter on domicil is fairly good. But what is the analogy between a domicil in England or the United States "for certain purposes" and "elected domicil" in the French law for special purposes?[19] To me the elected domicil in the French law is nothing like our conception of domicil even though domicil does, of course, exist, as every legal conception exists, for certain purposes. One limitation here in the treatment of domicil is that it is descriptive and not analytic.

The treatment of jurisdiction and procedure[20] can only be regarded as approximations of what the law in each country really is. Nor is the author's purpose to get at the common denominators of the variant conceptions of judicial jurisdiction. Such an approach would be quite worth while. For example, the topic, "Local Jurisdiction and Extra-territorial Recognition"[21] is vaguely treated in one page; as applied to jurisdiction over foreign corporations it is done in about another page; and then in two pages the author attempts to treat jurisdiction and public policy, unfortunately dragging in that most difficult problem—the question of application of Soviet Decrees and the effect on this question of recognition and non-recognition of the Soviet Government by the United States. Where are the many cases on this subject? Where are the recent cases, if only the American law, on judicial jurisdiction *in personam;* where do the statutory extensions (*e.g., Hess v. Palowski*)[22] come in? Where are the modern cases on jurisdiction over foreign corporations (*e.g., Doherty & Co. v. Goodman,*[23] *Pope v. Heckscher*[24] and others on this topic) as a basis for comparative study? It would seem that a rather accurate statement of the present law in this country should be stated first, even where the purpose of the author is to do no more than make descriptive comparisons of our law with that of other countries.[25] So, again, proof of foreign law in the common law[26] followed by treatment of the topic in all civil law countries in less than three pages seems to be quite incomplete. The treatment

15. *Ibid.*
16. *Ibid.*
17. *Ibid.*
18. P. 27.
19. P. 72.
20. Chap. IV.
21. P. 79.
22. 274 U. S. 352 (1927).
23. 294 U. S. 623 (1935).
24. 266 N. Y. 114 (1935).
25. Pp. 76-91.
26. P. 97, *et seq.*

of the effect of foreign judgments[27] is more interesting and somewhat more complete. What seems to be the difficulty here as elsewhere in the book is the attempt to work out a comparative law of abstract propositions from texts and codes with comparatively few cases in the common law and with no clear applications analogous thereto in the civil law. The real problems are vaguely skipped over. For example, the case of *Millikin v. Pratt*[28] is correctly cited for the proposition that capacity to contract is determined by the law of the place of contracting;[29] but what is meant by the statement that "the converse is also true"? What follows confirms the original proposition. How far the question is a matter of form or substance and hence governed by the place of making, place of performance, domicil or the nationality of the parties is not clearly worked out. Are marriage cases relating to incapacity within certain prohibited degrees of kindred relevant in matters relating to commercial contracts?[30] And then the author tells us that "this illustrates graphically the repugnance of our courts to accept any fixed classification for determining the choice of law!"[31] How does it? Many modern critics tell us that our recent decisions and the Restatement have unfortunately crystallized our classification and conceptions. In the section on marriage and divorce, involving the law as to incestuous marriages and miscegenation,[32] only a few definite propositions of law are given. So far as they are definite at all, they are rehearsals of *dicta* from cases, of portions of the Restatement and of texts. The feeling of incompleteness and vagueness of the text grows upon the reader as he proceeds.

The chapter on parent and child[33] is certainly far from clear on many questions. So few American cases are discussed and so much of the text is based on other texts that nothing very definite comes out of it all. Under the topic, legitimation by subsequent marriage, why use a *dictum* in *Blythe v. Ayres*[34] where the question was one of legitimation by subsequent acknowledgement and not mention the leading case of *In re Grove*[35] followed by cases modifying its theory or *Moore v. Saxton*,[36] a recent and most interesting turn in legitimation by subsequent marriage? And where is the Restatement on this important topic when the author considers it necessary to give the Restatement rather fully on the simpler topic of creation of interests in land?[37] What of questions as to the nature and extent of recognition of this form of legitimacy elsewhere, especially in the civil law?

Unquestionably there are real gaps at many points. Recent American cases and references to views and theories from periodical literature on the respective topics are, to say the least, rather meager throughout the book. In comparative law a problem should be solved from the standpoint of one theory or doctrine and compared at once with the solution by some other. Merely stating part of a code, a text, the Restatement, does not free the author from the responsibility of making some constructive correlations of his material. If we could have had more of the leading cases discussed throughout the work, more problems worked out on a comparative law basis, some of the author's own views (which I know would be valuable) as to how a doctrine here and there could be improved, one might reasonably enough attribute other limitations

27. Pp. 103-114.
28. 125 Mass. 374 (1878).
29. P. 119.
30. Pp. 119, 120.
31. P. 119.
32. P. 141.
33. Pp. 197-220.
34. 96 Cal. 532, 31 Pac. 915 (1892).
35. 40 Ch. Div. 216 (1888).
36. 90 Conn. 164, 96 Atl. 960 (1916).
37. P. 229.

as justifiable, indeed necessary, in a work covering so large a field in space normally assigned for an elementary text.

One hesitates to pass a final judgment on this book, for the author, in the reviewer's opinion, has taken upon himself a rather difficult task and has tried to carry it out in a rather impractical way. Under what circumstances is it possible to have surveys of any value in any sphere of comparative law? To the writer it seems possible only under the following conditions: first of all, comparative legal aspects of any topic must be approached functionally, that is to say, specific solutions of legal problems must be studied from the standpoint of the different systems; secondly, the solutions must be what the courts would decide in view of the whole jural order of the particular system and not what specific principles in a code or judicial decision would seem to indicate as the solution; thirdly, comparison of laws in books is not what the writer conceives to be comparative law as it is understood today. In the conflict of laws, comparative law problems are even more difficult than in substantive law topics, since the comparative aspects of each subject of substantive law are also necessarily involved. For the student, such a book as this gives nothing more than some ideas of what may be found in foreign law books and codes. The comparisons may be instructive and helpful to students as collateral information (if read circumspectly) even though no actual problems can be said to be solved with such materials as are given here. Comparisons of abstract rules and principles of different legal systems to be of value in any given subject must seek through analytical and historical approaches the common denominators—the underlying theories and doctrines—which may serve as critiques for classifying and harmonizing the precepts as found in the different countries. If, on the other hand, the treatment is dogmatic—seeking solutions of actual problems by applying legal precepts in the conflict of laws of each country to cases—it can not be done for the whole subject (as is attempted here) in a text of less than hornbook proportions.

In this book sometimes we find comparisons of rules and doctrines in the abstract without reaching below the surface of the precepts, and sometimes we see attempts to solve actual problems introduced by stating the facts of certain cases without going on to other systems and applying their law or cases to the same situations. No attempts at correlations of doctrines of different systems are found. It ought not to be said, however, that descriptive studies in comparative law have no value.[38] They are instructive as introductory reading; but comparing laws, without more, has a good deal more significance in topics of substantive law than in the conflict of laws. In the latter, the doctrines mean little apart from their application in actual cases because of such difficulties as classification or characterization of the problems, the effect of the *renvoi* doctrine or variations on the application of rules because of variant ideas about local public policy.

Mr. Kuhn is an authority and has wide experience in this field. This makes the task more difficult for the reviewer, because, though one can see gaps in the treatment at certain points, the author comments most interestingly at almost every turn in the book. Indeed, the work is in a sense unique. Nor is it fair to say that he has failed in his task; for after all these pages are only supposed to be commentaries, not completed treatments of particular phases.

FREDERICK J. DE SLOOVERE†

CASES AND MATERIALS ON INTERNATIONAL LAW. By Manley O. Hudson. (Second edition, Shorter Selection). American Casebook Series. St. Paul: West Publishing Co. 1937. pp. xxxix, 622. $6.50.

The outstanding qualities of Dr. Hudson's Casebook on International Law are

38. See, for example, BUCKLAND AND MCNAIR, ROMAN LAW AND COMMON LAW (1916).

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well known. Already its first edition, appearing in 1929, has received universal recognition as one of the most serviceable tools for the study of International Law. The second (full) edition appeared in 1936.

The present—short—selection is designed to serve the purposes of students devoting only a few months to the study of International Law. It contains some 600 pages as compared to the more than 1400 pages of the standard edition. Despite this, the general arrangement and contents have been left largely intact, retaining even the "Selected Library of International Law" whose 18 pages are perhaps not absolutely indispensable for a short edition.

Completely omitted from the 1937 edition are only a few sections, namely those on the National Character of Business Associations, Territory under Condominium, Determination of Territorial Questions by National Courts, and Enforcement of Foreign Judgments.

While the full edition reports over 350 decisions, the shorter selection contains 150 cases. The choice of cases, in the opinion of this reviewer, has been made wisely, but the cases of *In re Castioni*,[1] *Cunard Co. v. Mellon*,[2] *The Kim*,[3] *The Tinoco Arbitration*,[4] *Vavasseur v. Krupp*,[5] *West Rand Co. v. King*,[6] and *The Zamora*[7] should have been preserved from the editorial scissors.

Of the multipartite international instruments and national statutes only a few have now been omitted, while a somewhat larger number of bipartite treaties has been excluded.

On the whole, the work of presenting a casebook of only 600 pages, which yet covers broadly the same field as the standard edition, has been done remarkably well.

A. N. SACK†

THE NEW YORK CITY CHARTER. By Laurence A. Tanzer. New York: Clark Boardman Co., Ltd. 1937. pp. 684. $7.50.

This is a complete reprint of the Home Rule Charter adopted November 3, 1937, which went into operation January 1, 1938, together with a history of its inception and adoption and an analysis of its provisions, section by section. The new New York Charter covers the organization of the city with its various departments and the allocation of the powers to the different officers. It is a conspicuous example of what can be done by men like Mr. Tanzer and his associates in simplifying the processes of administration by reorganizing the structure of its local government. The Charter does not purport to delegate to the city any additional powers but only to distribute the exercise of existing powers among the new official agencies. The main features of the Charter are the substitution of a small council elected by proportional representation in place of the former complicated plan under which two separate bodies divided the legislative responsibility, the concentration of executive responsibility in the elective mayor, and the setting up of a quasi-independent City Planning Commission, with adequate powers to guide and control the future development of the city. This commission is directly empowered to adopt resolutions, amending, repealing or adding

1. [1891] 1 Q. B. 149.
2. 262 U. S. 100 (1923).
3. [1915] P. 215.
4. 18 Amer. J. of Intern. Law 197 (1924).
5. [1878] 9 Ch. 351.
6. [1905] 2 K. B. 391.
7. [1916] 2 A. C. 77.

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to existing zoning regulations and to budget and submit to the Board of Estimate its plans for permanent improvements. To all intents and purposes it is an independent administrative board with all necessary powers save only the control over expenditures. Its members are appointed by the mayor for overlapping terms of eight years and their tenure is protected against summary removal by the mayor, who can remove a member only on charges of official misconduct and after notice and hearing.[1]

No one probably was so well fitted to set forth the history of the Charter and to state so clearly its various provisions as Mr. Tanzer. He was associate counsel of the Commission which drafted the Charter and largely responsible for its form and substance. The meticulous care of the author in the preparation of the book before us is evidenced by the exhaustive index of more than one hundred pages. The appendices include the Report of the Commission and the statutes creating the Commission, authorizing the drafting and submission of the Charter, the compilation of the Administrative Code and the provisions for proportional representation. This book is the best compendium of this important legislation that is available and the author is to be congratulated upon producing a work that has made its provisions readily accessible to all who may be interested in the progress of local governmental organization.

CHARLES W. TOOKE†

CASES AND MATERIALS ON DEBTORS' ESTATES. By Wesley A. Sturges. (Second Edition). St. Paul: West Publishing Co. 1937. pp. xv, 1008. $6.00.

That casebook craftsmanship is not a static art is plainly to be seen from the most perfunctory inspection of this new edition of Debtors' Estates. Here, for a second time, Professor Sturges sets about the task of realigning the materials in a course which is itself the result of a realignment of the law school curriculum.[1]

Until a few years ago the necessity of presenting the problem of liquidation as an integrated whole was not generally appreciated, and with an exception in the case of bankruptcy the law student was likely either to have given the problem no attention at all or to have considered it as a casual feature of some other course. He may have given some attention to assignments in his course on Trusts, to compositions in Contracts, and to receiverships in Equity; but he gave them no collective study against their natural background of insolvency. Today this decentralized treatment has been supplanted by an integrated course variantly titled Debtors' Estates, Insolvent Debtors' Estates, Creditors' Rights, and Liquidation.[2]

But the book under review is more than a mere comparative treatment of traditional liquidation devices—assignments, compositions, receiverships, bankruptcy. It is also a comparative study of these devices in action in the successive stages of the liquidation proceeding itself. This combined treatment, as I view it, is a prime factor in the Sturges formula and responsible for the continuity which distinguishes the book throughout.

1. As supplemental to the charter, a new so-called "administrative code", consisting of no less than 2240 pages, restating all existing statutes and laws relating to the powers of the city, was prepared and adopted by the state legislature as Chapter 929 of the Laws of 1927.

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1. The author's work in the field of credit devices, STURGES, CASES ON CREDIT TRANSACTIONS (1936) is similar in purpose and manner of presentation.

2. BILLIG AND CAREY, CASES ON THE ADMINISTRATION OF INSOLVENT ESTATES (1932); HANNA, CASES AND MATERIALS ON THE LAW OF CREDITOR'S RIGHTS (1935). GLENN ON LIQUIDATION (1935) is an outstanding text treatment of the same general field.

Part I (302 pages) is a survey of the features and function of the several methods of liquidation, some attention being given also to extension and reorganization as alternative objectives. Considered first are the common law composition and the assignment; and even at this early stage we see the "lawyer approach" in casebook composition at full sweep,[3] for the opening cases lay emphasis upon the overtures which precede any successful resort to these devices. Then follow cases involving the consequences of fraud, concealment and secret preferences and the evolution of debtor relief in the form of discharge as a dominant objective. At this point are discussed the cases like *International Shoe Company v. Pinkus*,[4] in which the Supreme Court has dealt with the vexed and persistent problem of the extent of the suspensory power of the Bankruptcy Act upon state assignment and insolvency legislation. What follows is a skeleton presentation of the legal bases for the control of dissenting creditors, illustrated in bank and foreclosure reorganizations. My thought is that, without sacrifice of time, the student may find it difficult, at this point, to assimilate such material, even for the provisional purposes of survey. In receiverships, next treated, the development is brisk, lucid and thorough—well calculated, on the whole, to suggest the interesting ancestry of our reorganization amendments.

The survey next discusses bankruptcy proceedings, with slight deviation from traditional sequence: first, proceedings for adjudication, followed by liquidation or composition; next, proceedings, without adjudication, for composition, extension or reorganization under the recent amendments. There is an excerpt from the Donovan report presenting a critical analysis of compositions under Section 12. Naturally enough, the emphasis in reorganization cases is almost entirely on Section 77B, since that section is broader in scope than Section 77 and vastly more satisfactory in practical results. Also, the cases present only the preliminary phases of reorganization, upon the plea that "most of the problems relating to the formation of a plan of reorganization appear to be primarily economic and financial rather than legal."[5]

Part II (25 pages), obviously transitional, is devoted to a consideration of the paramount character of proceedings under the National Bankruptcy Act and the effect of such proceedings—whether for liquidation, extension or reorganization—upon liquidation already afoot under some other process. Accelerated as the treatment is, the cases are skillfully chosen and arranged to prevent the student from seeing the material only in fragment.

In Part III (452 pages) the attack gets into high gear. Careful preliminaries have qualified the student to enter upon an exacting comparative study of the administrative aspects of the insolvent estate. Cases selected are representative of all methods of liquidation. After a section on the appointment and qualification of the liquidator, attention is turned to the problem of the continuation of the business and the liabilities incident thereto. There is strong insistence that an embarrassed enterprise does not always stop dead at the onset of liquidation, but is frequently continued under supervision by the liquidator. Next taken up is the matter of collection of assets, with its negative phase, the liquidator's retention of property coming into his hands against the attack of adverse claimants. Despite the occasional suppression of a favored case to the obscurity of footnote or abstract,[6] the treatment is exceptionally comprehensive. In many respects, indeed, it goes beyond the customary treatment, notably in fraudulent conveyances, preferences, and the vicarious liability of stock-

3. For a consideration of this technique as a significant trend in legal education, see Hanft, *Legal Education Yields to the Times* (1937) 47 YALE L. J. 214.

4. 278 U. S. 261 (1929), at page 78.

5. P. iv.

6. For example, at page 484, Lockwood v. Exchange Bank, 190 U. S. 294 (1903), and Chicago B. & Q. R. Co. v. Hall, 229 U. S. 511 (1913), the former in footnote and the latter in abstract.

holder, officer, and director for corporate obligations. This part of the book comes to a close with cases on the proof and allowance of claims and priorities.

Part IV (59 pages) rounds out the panorama of liquidation with a consideration of the nature of discharge, the debts excepted therefrom, and grounds for denial. Finally, the matter of suspended discharge, pending amortization, without the stigma of bankruptcy is introduced by extended citation from testimony given before a Congressional sub-committee in 1932.

Such is the pattern of the book. In method and material it is sound, practical, and keyed to meet classroom demands. The orthodox practise of pressing a case to its logical limits with supplementary questioning is given a fresh turn, as a teaching aid, by the critical and often disturbing character of the questions asked. The law review material that is employed in the book is carefully edited to fuse with the cases. In the case of the Chandler Bill, especially, the selection and arrangement of such material is excellent[7] and, incidentally, should give some degree of protection against obsolescence upon the passage of that bill.

If there is any single purpose which pervades this book, it is to develop in the law student the lawyer's and not the judge's point of view in appraising the different devices for liquidating debtors' estates and to train him to select the one best suited to the needs of a client who has come to him for advice in financial distress.

JOHN J. WALDRON†

THE TYRANNY OF WORDS. By Stuart Chase. New York City: Harcourt, Brace & Co. 1938. pp. 396. $2.50

Recalling the words of Chief Justice Taft, that the law is a "bookish profession", and that words are the tools of the lawyer's calling, the present volume should be of some interest to the legal profession.[1]

In this book the author says that he is attempting an experiment. He proposes the question: "Is it possible to explain words with words?"[2] The general purpose of the book is to point out that language, as currently used, is a cause of great confusion in the world and he proposes to give to his readers a study of the science of semantics, which means the study of the meaning of words and language.

There is a general recognition of the importance of and necessity of clear thinking translated into words of specific and definite meaning. Communication fails when the thought and the word do not synchronize. Proceeding from a sound base, Chase erects a hobby horse of elephantine proportions. His "semantic" lance levels to the earth philosophers, economists, priests, lawyers, judges and logicians. All are indicted because they use meaningless words, "high-order" abstractions and syllogistic nonsense. They shy from rugged facts, and the "operational approach". The general tone of his book is critical of all philosophy and strongly endorses

7. Reference here is to McLaughlin, *Aspects of the Chandler Bill to Amend the Bankruptcy Act*, 4 U. OF CHI. L. REV. 369 (1937).

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1. The interest of the lawyer is not abated when he reads c. xvii, entitled "Round and Round with the Judges."

Chase warmly supports the realist philosophy of law. He pays the following tribute to Jerome Frank, author of LAW AND THE MODERN MIND (1931): "Mr. Frank is a semanticist after my own heart. . . . As a lawyer, he is in favor of giving up not only 'lawlessness' but 'law'." (p. 324) He also endorses the viewpoint of Thurman W. Arnold. Pp. 13, 109, 112-115, 235, 321-322. For a discussion of Arnold's legal philosophy see Realism, What Next? *supra* p. 203.

2. P. v.

scientific methods. Again and again he points out that many words in common use do not have a "referent". By referent he means an external, objective thing or situation to which the particular word may be referred. Under his formula all knowledge is of doubtful value unless it is checked by some tangible object. He holds forth scant hopes for a "semantic discipline" wherein words will conform with observable, referential facts.[3] The trouble seems to be that all the above named groups, and indeed all rationalists,[4] are utterly unable to use words which pass the acid test of semanticism. Chase is nothing if not selective. The only individuals who qualify as users of exact language are the scientists. They alone are capable of turning out machined words, words of micrometric accuracy, words which always refer to something we can touch or see.

He urges his readers to beware of the dangers of lump-concepts like democracy, mankind, Germany, Fascism, *etc.* Take the word, Germany, for example. Instead of saying that "Germany chokes freedom",[5] we ought to split Germany up into parts and designate the exact individuals who are doing the choking.[6] His constant plea is: Get the facts. Be more exact in your referents.

Chase warns us that this book has not been an easy one to write. He is moreover fearful that he may be caught in his own trap "by using bad language in a plea for better."[7] Recalling Chase's admonition against lump-concepts, it may be noted that he is entangled in his own trap before he leaves his title, The Tyranny of Words. What does he mean by "tyranny"? What kind of tyranny? Spartan? Draconian? Soviet? The first thought might be that he uses the term, tyranny, in the sense of *dictatorship* of words. But Chase could not have so used the term because dictatorship itself is one of those elusive words which he condemns as empty and abstract unless pinned down to a definite spot and time.[8] Perhaps he means that words create a *despotism* which enslaves the user. Of course that could not be his meaning, for slavery is a definite condition of serfdom, and requires something more than a jumble of words to bring it into actual existence. Does he mean by tyranny of words that a verbal *bureaucracy* has been created? Clearly not, because bureaucracy is nothing but a concept, and concepts are taboo in Chase's semantic dictionary. We might continue indefinitely with a series of additional terms—all abstractions, which *might* have been in the mind of Chase when he framed his title, The Tyranny of Words. Applying his own mandate that each word must have an exact "referent", we discover that Chase violated his own rule before reaching the first line of his text. Suffice it to say that Chase's tyranny of words proves too much; it proves that he was unable to phrase a title without including an abstract, empty, meaningless metaphor, a type of word-magic which he vehemently condemns throughout his book.

The difficulty which confronts Chase is the difficulty which faces anyone who argues that reality is limited to definite concrete objects and that all else is unreality. Passing into the area of the law let us take one of Chase's examples and consider its face value. Chase criticises the law because it "personifies" corporations and deals with them as though they were human beings.[9] While a corporation

3. P. 360.

4. P. 36.

5. P. 32.

6. Compare Ludwig, *The German Mind,* ATLANTIC MAGAZINE, Feb. 1938, at p. 255. Ludwig's contention is that there are certain characteristics and traits of the German character which have sufficiently crystallized to permit him to distinguish the German mind from the French mind or the English mind.

7. P. 17.

8. Pp. 334-339.

9. P. 22.

is not a concrete thing, does Mr. Chase believe that the corporation is on that account non-existing and of no reality?[10] A possibility is that after writing the lines contesting the existence of a corporation, Chase telephoned to the corporate entity, Harcourt, Brace & Company, and arranged for the publication of his book through this intangible abstraction.

The vice of Chase's materialism is that it posits a "tape measure" philosophy which submits all activity to an X-ray examination in a laboratory and insists that we live our life among test tubes, scalpels and charts. Science is not only important; in his estimation it is the only thing that is important.

Chase has over-sold the potency and value of words. His suggestion that a personal crisis may be alleviated if the forlorn individual shifts from the verbal blockage of such expressions as "I can never succeed" to the two-time exhortation "snap out of it, brother, snap out of it"—is more humorous than convincing.[11] His advice that the distraught person take a trip is certainly more practical. Whether semantics would lessen the dangers of war[12] or minimize the hardships of the world[13] are propositions which are of doubtful validity.

We may conclude with a word about his appendix which includes a list of horrible examples of "high-order abstractions". His objective in compiling this appendix is to point out that many of the words used therein have no exact precise meaning and are without "referents". His first example is taken from one of his own former articles.[14] He endeavors to revise his first draft in the light of his experimentation in the field of semantics. The simon pure model, carefully edited and revised, now offered to his readers as an example of the clarity of language, contains such words as "organization", "capitalism", "principle" and "economic practice"—each one representing an abstraction without a dependable referent! After writing his book, dedicated to the explanation of words with words, we might reasonably expect at least one indication in the concluding pages that Chase has conquered the tyranny of words. The revision of his own passage, still replete with words without external referents, demonstrates that this book, which started as an experiment, ends in failure.

WALTER B. KENNEDY†

THE LAW OF CHEMICAL PATENTS. By Edward Thomas. (Second Edition). New York: D. Van Nostrand Company, Inc. 1938. pp. 675. $9.00.

This book, as the name indicates, deals with the law of patents as applied to chemicals and to chemical and industrial processes. With the advent of synthetic and plastic materials, and of improved industrial processes since the World War, this branch of patent law has assumed a new and ever-increasing importance. Surprisingly little is known about this branch of patent law even by experienced patent lawyers, probably due to the fact that the law is still in a state of flux and also because chemical

10. A similar contention was made by Cohen, *Transcendental Nonsense and the Functional Approach* (1935) 35 COL. L. REV. 809, 811; "Where is a corporation? Nobody has ever seen a corporation. What right have we to believe in corporations if we don't believe in angels?" Later, the writer indicated that he personally did believe in corporations even though they could not be seen. Cohen, Correspondence (1936) 5 FORDHAM L. REV. 548.

11. P. 165.

12. P. 105.

13. P. 116.

14. P. 363.

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patents have assumed a real importance in this country only within the last decade or two.

The present book is a revision of a previous volume of the same title by the same author. The principal difference between the two editions resides in the inclusion in the new edition of cases which have been decided in the interval since the publication of the first edition.

The author approaches his problem in a rather unusual fashion. The book is not a textbook within the usual meaning of the word, setting forth a treatise on the development and present status of the law of chemical patents. It is rather a compilation of innumerable quotations from court decisions bearing on this subject. Thus each chapter is introduced by a paragraph or two of text written by the author briefly outlining the subject matter to be covered in the chapter. The remainder of the chapter consists of a series of separate quotations from pertinent decisions. There is no editorial criticism or explanation between the quotations, nor does the author outline the pertinent facts in the cases from which the quotations are taken. While the author adheres to a definite sequence and includes in each chapter only such quotations as bear upon the title of the chapter, the endless quotations contained in the book necessarily result in a very irregular style which is difficult to read. It produces the effect of a book written by innumerable authors, each writing a separate paragraph on the same subject matter without reference to the paragraphs written by any of the other authors.

The book is not suited for the layman or novice in the field of patent law. It assumes that the reader has a certain amount of knowledge of the basic principles of patent law, and without a knowledge of these basic principles many parts of the book would be unintelligible. To use the book properly it is also necessary that the reader be trained in the principles of Anglo-American common law, for the book contains mere isolated quotations or statements of the courts without any reference to the text of the entire opinion or of the surrounding facts or circumstances. The uninitiated might be tempted to apply some principle of law set forth in a quotation contained in the book to a set of facts which would be entirely irrelevant and quite different from the facts in the case from which the quotation was taken.

"The Law of Chemical Patents" does have a place in the library of a patent attorney. Under each chapter heading and sub-heading the author has compiled quotations from most of the pertinent decisions on the subject. The book is exceedingly well indexed and the patent lawyer can use this book as a handy reference volume to locate decisions bearing upon the various questions in this field which might confront him. The book is of significance primarily to patent lawyers and will be welcomed by the busy practitioner as a time saver and handy reference volume.

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