

1976

## Books Received

Follow this and additional works at: <http://scholarlycommons.law.hofstra.edu/hlr>

---

### Recommended Citation

(1976) "Books Received," *Hofstra Law Review*: Vol. 4: Iss. 3, Article 14.

Available at: <http://scholarlycommons.law.hofstra.edu/hlr/vol4/iss3/14>

This document is brought to you for free and open access by Scholarly Commons at Hofstra Law. It has been accepted for inclusion in Hofstra Law Review by an authorized administrator of Scholarly Commons at Hofstra Law. For more information, please contact [lawcls@hofstra.edu](mailto:lawcls@hofstra.edu).

## BOOKS RECEIVED

**THE CONSCIENCE OF THE COURTS: LAW AND MORALS IN AMERICAN LIFE.** By *Graham Hughes*. Garden City: Anchor Press/Doubleday, 1975. Pp. 324. \$8.95. One of the most controversial areas of criminal law is the role of legislatures and courts as mechanisms of prohibition against moral wrongs. Mr. Hughes examines the problems of criminal sanctions against prostitution, homosexuality, drug abuse, and civil disobedience. His analysis of recent case law dealing with pornography, abortion, and school financing suggests that the courts are not the proper forum to secure radical social reforms.

**CONTEMPORARY ISSUES IN CRIMINAL JUSTICE: SOME PROBLEMS AND SUGGESTED REFORMS.** Edited by *Rudolph J. Gerber*. Port Washington, New York; Kennikat Press Corp., 1976. Pp. ix, 157. \$12.50. In this collection of articles on the inefficiencies of the administration of the criminal justice system and its ineffectiveness in deterring crime, nine recognized authorities from diverse fields of criminal law offer proposals for reform. Part one focuses on the legislative process and the regulation of sexual conduct, gambling, and obscenity. Part two is addressed to court administration including the jury system and state programs to compensate crime victims. Part three is a study of the problems of the corrections process. The final chapter is a summary of new areas of research in criminal justice.

**THE ECONOMICS OF LEGAL RELATIONSHIPS: READINGS IN THE THEORY OF PROPERTY RIGHTS.** Edited by *Henry G. Manne*. St. Paul: West Publishing Co., 1975. Pp. xvi, 660. This book is a collection of 37 essays on the application of micro-economic theory to legal rules of liability. The recent shift in emphasis in economic studies from wealth maximization to efficiency and utility maximization has led to the examination of legal subjects previously thought to lie beyond the economist's interests, such as criminal law and domestic relations. The primary objective of the book is to introduce both lawyers and economists to basic literature on property rights and to demonstrate in economic terms behavioral responses of individuals to the legal system.

**HANDLING THE EMPLOYMENT DISCRIMINATION CASE.** Edited by *Grace W. Holmes and Quenda B. Story*. Ann Arbor: The Institute of Continuing Legal Education, 1975. Pp. 285. This

is a useful reference manual for attorneys involved in employment discrimination cases. The issues discussed range from financing the lawsuit to the types of relief which are available. Most of the book is devoted to trial techniques including the formation of employment discrimination complaints and specialized methods of discovery.

**THE KEY TO JUDICIAL MERIT SELECTION: THE NOMINATING PROCESS.** By *Allan Ashman and James J. Alfini with Jeffrey S. Lubbers and Vincent J. Connelley*. The American Judicature Society, 1974. Pp. 337. Allan Ashman and James J. Alfini, respectively the Director and Assistant Director of Research for the American Judicature Society, have made the first complete study of the "Missouri Plan" and judicial nominating commissions throughout the country. Their well-documented findings challenge much of the conventional wisdom of traditional judicial selection reformers. The first half of the book views the selection commissions as a group, while the second half is an in-depth treatment of the commissions operating in Birmingham, Alabama, New York City, Alaska, Colorado, and Kansas. Also included in a comprehensive appendix containing the sources that the authors used in making their study.

**LAW AND BUREAUCRACY: ADMINISTRATIVE DISCRETION AND THE LIMITS OF LEGAL ACTION.** By *Jeffrey L. Jowell*. Port Washington, New York: Kennikat Press Corp., 1975. Pp. 214. \$15.00. The primary purpose of this study is to determine the extent to which bureaucracy can be controlled by legal techniques. The book begins with a consideration of the merits and defects of rulemaking and adjudication as devices to regulate the administrative decisionmaking process. The author then analyzes the operation of three agencies in Boston that serve a primarily poor urban clientele to determine where obstacles preventing access to the administrative process may lie. Mr. Jowell focuses on the problems of using legal criteria to determine the issue of need in welfare cases. The study concludes with suggestions about the roles of discretion and advocacy in public assistance agencies.

**LAW AND RESPONSIBILITY IN WARFARE: THE VIETNAM EXPERIENCE.** Edited by *Peter D. Trooboff*. Chapel Hill: The University of North Carolina Press, 1975. Pp. xiv, 280. This collection of articles by leading participants in the national debate

about the United States involvement in the Vietnam War focuses on the legal implications of the tactics and weaponry employed by American forces against the insurgents. Part one of the book considers the legal issues involved in using high technology weapons for aerial bombardment, crop destruction, and search and destroy missions. Part two raises important questions about the legality of the use of napalm, herbicides, and antipersonnel weapons. Part three is an analysis of the individual responsibility of government and military leaders and the troops that took part in the Vietnam War.

**LAW AND STATE: THE CASE OF NORTHERN IRELAND.** By *Kevin Boyle, Tom Hadden, and Paddy Hillyard*. Amherst: University of Massachusetts Press, 1975. Pp. ix, 194. In this study of the legal system of Northern Ireland during the past six years, the authors explore the relationship between the judiciary and the state in times of internal dissension. The work traces the legal responses to the civil rights movement of the 1960's, the consequent outbreak of guerrilla warfare, and the prevailing state of emergency. In addition, there is a thorough examination of the arrest and interrogation of terrorists and the operation of the criminal courts. The authors' research, gathered with the purpose of influencing the course of events in Northern Ireland, includes tables detailing varying treatments of Protestant and Roman Catholic defendants and surveys of the public's attitudes toward the legal system.

**THE QUESTION OF GOVERNMENT: AN INQUIRY INTO THE BREAKDOWN OF MODERN POLITICAL SYSTEMS.** By *David Fromkin*. New York: Charles Scribner's Sons, 1975. Pp. 228. \$8.95. Mr. Fromkin's book examines the inability of contemporary ruling systems to solve the problems of their societies. He commences his analysis with an assessment of government and a case study of the failure of past institutions, including the Roman Empire. The author concludes that governments must be structured in proportion to the loyalties of the communities that they serve. The concluding portion of the book is an examination of alternatives to modern government including the possibility of a world governing body.

**THE ROLE OF JUDICIAL DECISION AND DOCTRINE IN CIVIL LAW AND MIXED JURISDICTIONS.** Edited by *Joseph Dainbow*. Baton

Rouge: Louisiana State University Press, 1974. Pp. xvii, 350. \$16.00. This book is a collection of articles by prominent legal scholars on the increasing importance of jurisprudence in civil law jurisdictions. Special attention is given to the legal systems of Quebec, France, Scotland, South Africa, Israel, Mexico, and Louisiana. The editor includes a bibliography of additional source material which makes this volume a useful work for reference and research.

**SIMPLIFY LEGAL WRITING.** Second Edition. By *Elliot L. Biskind*. New York: Arco Publishing Co., Inc., 1975. Pp. 177. \$8.95. This is a useful guidebook for the attorney who wishes to avoid the pitfalls of ambiguous words and awkward style. The author analyzes common drafting errors found in statutes, briefs, and legal documents. Included are chapters on special techniques to prepare wills, contracts, and real property instruments.

**STATE TRIAL COURTS AS BUREAUCRACIES: A STUDY IN JUDICIAL MANAGEMENT.** By *James A. Gazell*. Port Washington, New York: Kennikat Press Corp., 1975. Pp. 168. \$12.50. In this thoroughly documented analysis of the inefficiencies of the present state trial court system, the author makes specific proposals for change including the consolidation of courts of overlapping jurisdiction. Mr. Gazell states that the problems facing judicial organizations are similar to those facing large public and corporate entities, such as specialization, delegation, unity of command, staff functions, personnel selection, and human relations. The author foresees increased use of computer technology and systems analysis to improve judicial management.

**THE TRIAL OF BEYERS NAUDÉ: CHRISTIAN WITNESS AND THE RULE OF LAW.** Edited by *The International Commission of Jurists, Geneva*. London: Search Press, 1975. Pp. 188. This account of the trial of the Reverend Dr. C. F. Beyers Naudé in South Africa is an exposition of the inhumanity of apartheid. Naudé believed that no one should be excluded from a church on the basis of race and that each individual has the right to own land and participate in government. This book demonstrates how a modern judiciary is able to co-exist with a system which permits detention without trial and secret inquisitions. The detailed record of the trial and appeal is a fascinating study of nonviolent resistance to oppression in South Africa.

**UNEQUAL JUSTICE: LAWYERS AND SOCIAL CHANGE IN MODERN AMERICA.** By *Jerald S. Auerbach*. New York: Oxford University Press, 1976. Pp. xiii, 395. In this historical analysis of the growth of elitism in the legal profession, the author demonstrates the central role that many lawyers have played in perpetuating social injustices ranging from denial of adequate legal services for the poor to religious discrimination and racism. Mr. Auerbach's study focuses on the influential corporate lawyers as guardians of professional interests and their use of the American Bar Association to protect their political and economic goals. The author charges that the history of the legal profession is replete with bigotry and injustice with the result that many of the character committees which are used to screen prospective attorneys have disqualified people on the basis of ethnic undesirability. After arguing that the American Bar Association is not the proper body to promulgate a Code of Professional Responsibility in light of its history as a lobbyist for an elitist group, he discusses the possibility of public regulation of the conduct of attorneys.

#### PAPERBACKS

**COMMUNITY ORIENTED CORRECTIONAL PROGRAMS: PARTIAL CONFINEMENT AND TEMPORARY RELEASE IN NEW YORK STATE.** By *The Committee on Youth and Correction*. New York: The Community Service Society, 1975. Pp. xvi, 93.

**FACULTY GRIEVANCE ARBITRATION IN HIGHER EDUCATION: LIVING WITH COLLECTIVE BARGAINING.** By *June Weisberger*. Ithaca: Institute of Public Employment, New York State School of Industrial and Labor Relations, Cornell University, 1976. Pp. 44. \$2.25.

**GROUP LEGAL SERVICES.** By *Susan T. McKenzie*. Ithaca: New York State School of Industrial and Labor Relations, 1975. Pp. 68. \$3.00.

**STATEMENT FOR STATE OF NEW YORK DIVISION OF CRIMINAL JUSTICE SERVICES: A HEARING ON IMPLEMENTATION IN NEW YORK STATE OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.** New York: Community Service Society, 1975. Pp. 9.

**PERIODICALS**

- 4 CONTEMPORARY DRUG PROBLEMS. Summer 1975. Edited by *Laurence London, Esq.* New York: Federal Legal Publications, Inc., 1975. Pp. 142. \$20.00 yearly subscription.
- 3 THE JOURNAL OF PSYCHIATRY AND LAW. Fall 1975. Edited by *Gerald N. Epstein, M.D. and Howard M. Nashel, Esq.* New York: Federal Legal Publications, Inc. 1975. Pp. 151. \$20.00 yearly subscription.
- 1 TAX PRACTITIONERS FORUM. October 1975. Edited by *Irving Schreiber.* New York: Panel Publishers, 1975. Pp. 20. \$60.00 yearly subscription.