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Book Reviews

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BOOK REVIEWS

PRINCIPLES OF THE LAW OF CONTRACTS. Grover C. Grismore. Indianapolis, Indiana: The Bobbs-Merrill Company, 1947. Pp. lxiii, 538.

When a new law book is published, the question at once arises as to who is to be the reader-target: for whom, and why? Professor Grismore states, in the preface to this book, that his purpose was to present the fundamental principles of the law of Contracts as clearly and concisely as possible, and yet with sufficient illustration and explanation to enable the novice not only to comprehend their scope and application, but also to acquire some understanding of the basic assumptions which underlie them.

Now, if the "novice" referred to is the beginning law student in a good law school, much as I might recommend to him the perusal of books like *Selected Readings on the Law of Contracts* or monographs of similar stature on particular topics, I would not suggest the use of other texts. To encourage a beginning law student to resort to text materials when he should be reading and analyzing cases, thereby training and disciplining his mind, would be as destructive as recommending a small saddle horse for a pleasant ride through Virgil's *Aeneid*. If, on the contrary, the text is a clear and concise handbook or spring board for the beginning practitioner, who might also be termed a "novice," then there is justification for the use of small but comprehensive and relatively inexpensive texts. As would be the case of an index or digest, he may thereby be led to cases where the facts and the law applied might be analogous to the problems pressing upon his mind so that, through them, he might find the answers.

The question then becomes one as to whether there are not sufficient directories or encyclopedias of the law of Contracts already in print. Here it may be truthfully said that contract concepts have been broadened and extended, if in fact new species have not actually been created, so that a volume just recently written will more likely include current material, both from cases and from legal periodicals, than is available in older publications. Therein lies the merit of Professor Grismore's modest volume. His propositions and comments are concise and carefully worded. There are abundant citations to cases, to legal periodicals, and to more outstanding publications in the field. The utility of the book might have been enhanced by a table of articles from legal periodicals indexed alphabetically by subjects. But aside from this, it is an acceptable book although one of limited application.

D. CAMPBELL

A DISQUISITION ON GOVERNMENT. John C. Calhoun. New York: D. Appleton & Company, 1854. Reprinted, with an introduction by Naphtaly Levy, by Poli. Sci. Classics, New York, 1947. Paper, pp. xii, 107.

The historic events which ultimately led to the rejection of "state's rights" and "strict construction" in favor of a "nationalist" point of view have long since operated to place the political ideas of prominent Southern statesmen of that earlier period under a cloud of disapprobation. Military defeat of those who upheld such ideas has, too often, been treated as evidence that the principles they espoused were all necessarily false, hence should be discarded. But no product of the thoughtful mind is ever utterly wrong. Ideas that are inappropriate or invalid when offered in one era or for one purpose may find stronger support when reawakened at a different time or to further other ends.

Here, then, lies the significance of this modern reprinting of Calhoun's *Disquisition on Government*, a work which has been called one of the two first-rate contributions made by the United States to the literature of political theory. Its message is as fresh as if it were written yesterday; its thoughtful analysis of the problem of protecting the governed from those who rule is as pertinent now as when first written; its proposed solution as applicable to a system of united nations as it once was to a collection of united states. Stripped of its inaccuracies bred by an acceptance of slavery as a desirable state for those he regarded as unfit for liberty, Calhoun's argument that liberty and equality are not absolute co-requisites in civilized society, although they may be balanced by the adequate weighting of each against the other, still points to a way by which nations, just as individuals, may live together with due allowance to the rights of each, i.e. in true freedom.

The wider dissemination of works like this one, of special importance to lawyers who serve to shape not only the thinking but also the institutions of their fellow men, is particularly desirable especially as they may be rare from age or long neglect. They should not be kept moldering in the dust of the library shelf but ought to be brought forth periodically to invigorate the minds and liven the arguments of all thinking persons.

W. F. ZACHARIAS

AVIATION ACCIDENT LAW. Charles S. Rhyne. Washington, D. C.: Columbia Law Book Company, 1947. Pp. x, 315.

Man's efforts to accelerate his natural pace have long been marked by tragic accidents. The tremendous growth in the field of aviation has had its shocking consequences too. Judges and attorneys have been obliged, and will be called upon in the future, to deal with various aspects of aviation accident cases. This book is designed to serve as a guide to those who seek a quick, yet thorough, understanding of the problems thereby precipitated and the solutions attained thus far through statutory provisions and court decisions. It not only deals extensively with tort liability but also covers such divers matters as workmen's compensation and related insurance problems. Its value is enhanced by complete tables of law review and other articles and of all American cases in the field. It provides not only an extensive case-by-case analysis of these decisions but supplements the same with references to statutes and international conventions.

The author is no newcomer to the subject. Besides being Chairman of the American Bar Association's Committee on Aeronautical Law, and a member of the Board of Directors of the National Aeronautic Association, he is the author of two earlier books on aviation entitled *Civil Aeronautics Act Annotated* and *Airports and the Courts*. He is, therefore, eminently qualified by knowledge and experience to write authoritatively. His book should prove to be an invaluable tool, both to practitioners and others, for it is an important contribution to a growing collection of publications in the realm of accident law.

One remarkable fact developed by this book is the complete lack of uniformity evidenced by the courts when dealing with various types of aircraft accidents. The Uniform State Law for Aeronautics of 1922 contains no provision on the liability of aircraft operators to passengers and has been adopted, with modifications, in only a minority of states. The author rightly deplors this sad failure and points to the weakness in any plan depending upon state action. It is hard to understand, therefore, how Senator McCarran, who wrote a foreword, could reach the conclusion that state legislation seems to be more appropriate on the subject than would be federal treatment. There could be relatively fewer branches of the law where uniform, hence federal, legislation is more nearly required by the very nature of the subject matter. Airplanes move speedily through space without regard to state lines and are used almost exclusively in interstate commerce. Obviously, divergent state laws are utterly out of place.

F. HERZOG