the concept of a fair and decent trial. But the game of analogies can be carried too far. The Dreyfus case was the single episode of its time. France had sense enough to expend its energies on one scapegoat. It did not put the machinery of intrigue to work on a full-scale government loyalty project. Furthermore, the French contented themselves with charging Dreyfus with an objective offense: stealing documents. They did not strike on the happy idea of trying his character. They asked the court martial the simple question, "Did he write the *bordereau*?"—and not "Would he ever, under any conceivable circumstances, have been capable of writing it or of associating with someone who would, or capable of any other kind of disloyalty imaginable?" (This, incidentally, raises one of the great ironies of the case: Dreyfus would have been a superb security risk. He was so apolitical he never fully understood the implications of his experience. Had he been anyone but the victim of the *affaire* he would not have been a *Dreyfusard*, according to Clemenceau.)

But it is the *Dreyfusards* themselves who really make the Dreyfus case unique. The odds against them were enormous in 1894. The risks they ran were serious to a degree that is difficult to appreciate now: one of the lawyers, for instance, was shot and his brief case stolen as he was walking to the court. Zola would have been lynched by the mobs outside had he not been acquitted at his trial. Above all the story of the Dreyfus case is the story of their courage. History will be hard pressed to nominate their equals in our own time.

WILLIAM D. ROGERS†

BAD HOUSEKEEPING; THE ADMINISTRATION OF THE NEW YORK COURTS. The Association of the Bar of the City of New York, 1955. Pp. x, 159. $1.00.

THIS attractive little booklet invites comment as to both its subject matter and the circumstances that gave it birth. It comprises a report by a committee of one of the leading bar associations of New York State, and indeed of the country, based upon careful research into the operation of the extensive and involved system of courts of that state. It comes at a crucial time when New York is once again engaged in a study of its courts looking to the improvement of the administration of justice. Judicial reform unfortunately does not generate its own steam. Unless there is some outside stimulus, the ordinary political forces of a state are not likely to produce changes of serious moment. So the history of English judicial reform has been a long demonstration of the triumph of lay pressure over the conservatism of both bench and bar.[1] And in the more recent New Jersey reorganization, lay support proved invaluable.[2] But surely

†Member of the District of Columbia Bar.

1. The classic account is Sunderland, *The English Struggle for Procedural Reform*, 39 HARV. L. REV. 725 (1926); *cf.* CLARK, CODE PLEADING 17-21 (2d ed. 1947).

2. See, *e.g.*, Vanderbilt, *Reorganization of the New Jersey Courts*, 34 CHI. B. REC. 161 (1953).

we are in an unfortunate pass if we must rely solely upon some nonprofessional impetus for improvement in our courts. After all, both the professional skill and the leadership of the lawyer are needed here perhaps more than in any other area of social or governmental activity. It is heartening to see that bar associations are more and more recognizing this responsibility and rising to meet its challenge. This bar association is playing a notable part in the current movement in New York; and it is significant that the first Director of Research for this particular project, Mr. Leland L. Tolman, is now leaving the service of federal court administration to become the Deputy Administrator of the newly organized State Administrative Office for its busy Metropolitan area.

Here we find the Association's Special Committee on Studies and Surveys of the Administration of Justice reporting on the administrative functioning of the existing New York courts. Though at least eighteen "identifiable different kinds of courts" were discovered, this is not primarily a critique of organization or a plan for the integration of courts; nor is it a plea for better or modern procedure in these courts. Those two major objectives of the usual reform program were left for later development; indeed they are currently under consideration by New York's Temporary Commission on the Courts. What this report centers upon are the day-to-day activities of the courts. And the picture it paints is one of disorganization, diversity, and overlapping or conflicting personnel, with inexplicable variations in numbers, salaries and duties. Such a state of affairs amply justifies the apt title, *Bad Housekeeping.* The report concludes with a recommendation for the establishment of a statewide judicial conference, with power to set up an administrative office with a director, as well as departmental administrative committees. The Temporary Commission made similar recommendations which have now been enacted into law as a new article 7-A of the Judiciary Law entitled "Judicial Administration."[3]

Since this is a wholly admirable tract so far as it goes, it is perhaps ungracious to ask for more. Even a bar association must not get too far beyond its constituency, and the least appreciation of the facts of judicial life must include the knowledge that the way of judicial reform is particularly hard in New York, because of the strong political opposition it faces. It is not the reviewer's intent to cavil at what we have; but it is necessary to point out the limitations of the present study as we note the particularly perilous state of worth-while reform in New York. This monograph does not undertake the vital tasks of court integration and simplification of procedure. The reform of the proposed judicial conference is proving altogether too limited, as the President of this Association has well pointed out.[4] The latest development, as the daily press discloses, is now a rather amazing opposition by the judges to real

3. N.Y. Sess. Laws 1955, c. 869.

4. See MEDINA, THE NEW YORK COURTS, 1955 Homer S. Cummings Lecture, New York University Law School; Karlen, *Civil Remedies and Procedure, 1954 Survey of New York Law,* 29 N.Y.U.L. REV. 1705, 1706 (1954). On the reform of procedure, see Clark, *A Modern Procedure for New York,* 30 N.Y.U.L. REV. 1194 (1955).

simplification of court structure—amazing even against the background of normal judicial conservatism. So we must say that this is an excellent job in an important corner of court administration; but it is to be viewed as only a beginning. "Manifestly judicial reform is no sport for the short-winded or for lawyers who are afraid of temporary defeat."[5]

CHARLES E. CLARK†

THE POLITICAL IDEAS OF HAROLD J. LASKI. By Herbert A. Deane. New York: Columbia University Press, 1955. Pp. xiii, 370. $5.75.

I MUST begin in all candor by writing a personal confession which might well be thought to put me out of court so far as this review is concerned. Somewhere about 1928 I was a member of an undergraduate society at Oxford called, I believe, the Christ Church Essay Club. One evening the members of this society were gratified to entertain a distinguished guest, Mr. Harold Laski, then at the height of his fame at the London School of Economics. His paper, as I well remember, was on the French revolutionary François Noël Babeuf, and his thesis—noted, I was amused to see, by Mr. Herbert Deane in his scholarly book—was that the ideas of Babeuf had played a notable part in forming the opinions, first of Karl Marx, and later of the Russian Communists.

This theory, intrinsically by no means implausible, was clinched in Laski's paper by a personal anecdote so remarkable as to leave an indelible impression on the mind of a youthful hearer. It seemed that Laski was sauntering down Charing Cross Road one day when he fell upon an old edition of Babeuf's work in the remainder shelf of a secondhand bookseller. As he idly turned the pages, he noticed at once heavy underlinings and marginal comments in a handwriting that seemed vaguely familiar. He purchased the volume and, hurrying back home, was gratified but not altogether surprised to find that the marginal comments were unmistakably in the handwriting of Karl Marx himself.

The incident made a considerable impression on me, and I had no particular reason for doubting the facts until some years later, when Laski wrote in the press accusing King George V of playing an unconstitutional part in the crisis of 1931. This thesis, perfectly sustainable on theoretical grounds (though I happen to disagree with it), was corroborated by the claim that one of Laski's friends had access to the contents of a waste paper basket emanating from Buckingham Palace. In the waste paper basket was, I think, a Daily Mirror, and, believe it or not, the margin of that Daily Mirror contained a number of strongly worded comments in a very well known handwriting indeed.

When I told the story in an Oxford senior common room a well known professor cried out "Good God! The fellow has done the same thing to me."

At that moment I made a vow that I would never read another word written

5. VANDERBILT, MINIMUM STANDARDS OF JUDICIAL ADMINISTRATION xix (1949).

†Chief Judge, United States Court of Appeals, Second Circuit.