

The establishment of capacity standards might also lead to misallocation of resources. The nature of the review procedure suggested by Broude leaves ample room for the exertion of effective political pressures by congressmen seeking to have production facilities or contracts awarded to firms in their districts. Surely, the long history of the undesirable effects of the "pork barrel" is a cause for concern in giving Congress the power to geographically distribute employment in the industry. Even if the process could be insulated from political forces, there still is no guarantee that government experts on the review board would choose economically ideal locations for new capacity. Certainly the government's selection of Fontana, California (60 miles inland), and Dangerfield, Texas, as steel production centers in the early 1940's (even taking account of the military situation at the time) is not reassuring in that regard.²⁶

Other difficulties with regulation (including retarding effects on technological progress) might also be cited. Taking all these disadvantages into account, there is sufficient room for skepticism about the efficacy of utilizing a capacity review board to achieve socially desired behavior of the industry to urge that other alternatives be considered and carefully investigated. Efforts to obtain a less concentrated industry structure and more competitive market actions under the Sherman and Clayton Acts should not lightly be dismissed in favor of far more easily implemented, but potentially more harmful, regulation, whatever its form. This is all the more true because Broude has not demonstrated that the steel industry has or will retard the economy; in this light, his recommendations for control must at the least be regarded as unfortunate, if not capricious and irresponsible.

GARY FROMM†

JAHRBUCH DES OFFENTLICHEN RECHTS DER GEGENWART (Neue Folge). Edited by Gerhard Leibholz. Tübingen: J. C. B. Mohr (Paul Siebeck). Volume I (1951) pp. xv-941; volume 2 (1953) pp. viii-300; volume 3 (1954) pp. lv-397; volume 4 (1955) pp. iii-415; volume 5 (1956) pp. iii-365; volume 6 (1957) pp. iii-404; volume 7 (1958) pp. iv-400; volume 8 (1959) pp. iv-482; volume 9 (1960) pp. iii-480; volume 10 (1961) pp. iv-549; volume 11 (1962) pp. iv-481; volume 12 (1963) pp. iv-511.

The *Jahrbuch* has a distinguished tradition. Founded in 1906 as a forum for description and analysis of public law problems from the comparative view, the annual has provided a useful and reliable measurement of the evolution of constitutional and administrative law in many countries. Publication of the *Jahrbuch* was discontinued in 1939, but since 1951, with the appearance of

26. Cf. Trozzo, *Locational Inefficiency: The Case of Basic Steel Production Centers*, †The Brookings Institution.

the New Series (*Neue Folge*), the grand endeavor of the *Jahrbuch* has been renewed.

That the annual is published in Germany, and edited by an eminent scholar of German law, Gerhard Liebholz (who has sat on the Federal Republic's Supreme Court from its inception in the early 1950's and is Professor at Göttingen University), is no reason to dismiss it as having importance only for those dedicated to German law. The *Jahrbuch* is without geographic limitation; it embodies discussions of major issues of public law throughout the world, discusses various international treaties and agreements, and concerns itself as well with the emerging normative system of international organization.

The twelve volumes thus far published in the *Neue Folge* have brought forth valuable individual surveys of nearly fifty different national systems of law. These surveys, in the main, have been compiled by native scholars and leading practitioners. While it may be difficult, if not impossible, for impartial assessments of legal institutions in some nations to flow from resident sources, it is hoped that the *Jahrbuch* will continue and expand its efforts to include native compilations of national systems of law.

The majority of the entries in the twelve volumes under review here deal with the constitutional evolution of specific nations and with the concomitant development of judicial review. Second in numerical importance are more limited investigations of constitutional and administrative law and considerable monographic investigations of constitutional and administrative law and articles on specific issues in a comparative law context.

While it is impossible here to digest the twelve volumes of the *Neue Folge* in detail, a random sampling of the articles which supplement the investigations of national legal systems may afford a sufficient basis to appreciate the depth and reach of the *Jahrbuch*.

The first volume is devoted entirely to the *travaux préparatoires* of the Federal Basic Law (the Constitution of the Federal Republic of Germany) and was prepared by members of the Reference Service of the Federal Constituent Assembly. This volume has become an indispensable tool for those concerned with cases arising under the German Constitution.

Among the more significant articles in succeeding volumes is one by Professor Charles Eisenmann (University of Paris Law School) on the "Actes du Gouvernement" in contemporary French law, which is as interesting for its devastating criticism of the doctrinal basis of that theory as for its detailed analysis of French judicial and administrative practice. Another valuable contribution is that of Professor Ernst Fraenkel (Free University of Berlin), which traces the history of judicial review in the field of labor law by the United States Supreme Court.

An interesting approach to the history of international institutions is taken by Professor Paul Guggenheim (Graduate Institute of International Studies, Geneva) in his analysis of the European Communities against the background of the custom and usages developed by members of the "concert européen"

between the Congress of Vienna in 1815 and the outbreak of the First World War. For the first time in history the modern European supra-national communities provide, Professor Guggenheim finds, an autonomous system of public law governing a number of states and distinct both from general international law and the municipal law of the included states.

Most interesting in quite another way is the article on constitutional developments in Hungary since 1945 by Professor Tibor Kneif (University of Budapest). Here the reader, especially if he is familiar with the atmosphere of a totalitarian state, will find keen insights into Eastern European events revealed as much by reading between the lines as by noting what actually appears in the text.

Dr. Hans-Justus Rinck (Reference Service of the Supreme Court of the Federal Republic of Germany) traces the evolution of judicial treatment of the constitutional principle of equality in the Federal Republic, Switzerland, Austria, Italy, India, and the United States — a pioneer study of a subject, whose complexity has long deterred other eminent scholars. And in a concise, yet well-documented piece, Professor Arnold Kottgen (University of Göttingen) has analyzed the experience of the German Central government in its ever-growing administrative "intrusion" upon the once exclusive governmental domain of the *Länder*. This description of a trend seemingly common to all modern industrial nations with a federal structure examines not only statutes, judicial decisions, and constitutional usages, but also the economic and political necessities that have shaped the evolution of the common pattern.

Constitutional law is directly or indirectly the subject of much of the significant writing in the *Jahrbuch*. In addition to the first volume study of the German Constitution, the next eleven volumes contain excellent articles on constitutional developments throughout the world. A piece on constitutional law in the United States between 1933 and 1954 by Professor Karl Lowenstein (Amherst College) has already become the standard text on the subject in German-speaking countries. Professor Edward McWhinney (University of Toronto) has written a fine study comparing the constitutional roles of the Supreme Courts of Federal states, and the President of the Italian Corte Costituzionale assesses the status of his court, which is constitutionally distinct from the rest of the judiciary, in the constitutional system of Italy. Also a significant contribution is the analysis of Professor Toyowo Ohgushi (Meijo University) of the origins of the Japanese constitution of 1946 as a case study of constitution-writing in a transitional period of military occupation. Other fine pieces concern recent development in the constitutional law of Brazil, Great Britain and Yugoslavia.

One cannot conclude without recalling again the wide variety of subjects considered in those volumes, through mentioning a few of the topics particularly well-covered in the *Jahrbuch* must suffice. They range from a history of the development of municipal self-government in the United Kingdom between 1928 and 1958 to a description of the organization and operation of state gov-

ernments in the United States, from an analysis of relations between church and state in Western Germany since 1945 to a study of American attitudes toward European integration. And certainly well-worth reading are several articles on comparative taxation, civil rights, status of political parties, and legal machinery of elections.

The standards of the *Jahrbuch* continue to be uniformly high. Well-researched and well-written, its usefulness is further enhanced by the high quality of its substance and methodology, as well as by a system of subdivision of the numerous articles which facilitates easy reference to and among them by particular subject. This reviewer also congratulates the *Neue Folge's* editor for not excising or discouraging the strong value-orientation running throughout the articles in favor of the constitutional form of government and the rule of law as the safeguard of individual liberty.

While the annuals continue primarily to emphasize particular multi-national developments in administrative and constitutional law, these volumes ought not to be left to those who occasionally find need of ready reference to isolated problems in far away legal systems. To any reader who pursues an interest in public law — international, national, or comparative — the *Jahrbuch* offers a continuing collection of valuable and thought-provoking work.

The renewed publication of the *Jahrbuch* is a formidable undertaking, especially considering the minimal permanent staff involved. Full admiration is due the editor for successfully continuing in the high tradition of his predecessors.

HUGO J. HAHN†

†Legal Adviser of the Organisation for Economic Co-operation and Development.