

that Puritans and lawyers of the common law held joint ideas about many aspects of political philosophy, and that these ideas and the struggles of the two groups helped to formulate modern political philosophy. For instance, they have bequeathed to us the concept of authority which is now a fundamental part of our legal thinking. He also discusses such diverse subjects as law courts, universities, judges, the Inns of Court, the Crown, Parliament, Puritan theology, and common law.

All librarians can well justify the purchase of this book. It is extremely well written in a style marked by clarity and readability, and the type is pleasing to the eye and the format easy to handle. The book also contains a very valuable legal bibliography.

ROY M. MERSKY

Yale Law Library

Fugate, Wilbur L. *Foreign Commerce and the Antitrust Laws*. Boston: Little, Brown, 1958. Pp. 384. \$16.00.

Foreign Commerce and the Antitrust Laws by Wilbur L. Fugate, a trial attorney in the Antitrust Division of the Department of Justice, is one of a Trade Regulation Series which has been described by its editor as ". . . practical guides to good faith compliance with antitrust and cognate trade regulation laws." The purposes of this "hand book," as stated in the editor's foreword, are to provide a guide for the general practitioner who has little experience in this field, to provide a quick orientation for the economist or business executive, and to provide a ready reference tool for the specialist. Such a multi-purpose task is particularly formidable in this area because the basic statute, the Sherman Act, has general reference to both interstate and foreign commerce. As the author recognizes, there is no limited frame of reference. All important antitrust cases are applicable to an understanding of restraint or monopolization of trade with foreign nations.

The principles which run through the foreign trade cases, as the author points

out, are not new. The 1949 *Timken* case has much in common with the 1911 *American Tobacco* case. And in general because the same principles which govern trade among the states can be said to govern foreign trade, the problem of how much general antitrust background to provide cannot be avoided. Fugate's resolution of this problem is to provide a short general background introductory chapter, then to proceed directly to the jurisdictional problems (chapters 2 and 3) which raise special "foreign trade" issues. Problems of antitrust relief also are special, but their discussion is postponed for subsequent treatment.

Substantively, the principal distinguishing characteristic of the foreign trade cases, as contrasted to the interstate cases, is the question of the incidence of the restraining effect. Mr. Fugate finds, that apart from actual conflicts with foreign law, the question of the power of the United States over acts abroad affecting its commerce must now be taken as settled if the effect is substantial. One might expect, then, that considerable attention would be given to an organization and analysis designed to evaluate the substantiality of the restrictive effect on exports from imports into or trade in the United States. The book does not do this either directly or systematically. The organization and structure of the work places great stress on means and methods. Thus there is a chapter on patents and technology which runs the gamut of the practices which are used throughout the world for purposes and with effects which antitrust lawyers have come to recognize. A similar chapter deals with trademarks, another with foreign subsidiaries and foreign acquisitions. Joint exploitation abroad is also separately treated as is foreign investment. This method provides interesting and useful "foreign trade" references but the central question remains—what is the substantiality of effect on the United States.

A serious question is raised as to whether any book of this kind should be recommended, as it is in the foreword, as

" . . . a guide for the general practitioner who has little experience in this field." The book does provide interesting and useful introductory information to both the antitrust expert and the non-expert. But more is required. Landmark "foreign" cases are relatively few in number. Mr. Fugate's organization calls for repeated reference to the most important cases. The number of page references following the case reference in the index makes for ready identification. It is not to disparage this work to suggest that it is a supplement to rather than a substitute for these cases for any of those for whom this book is intended.

Despite the usual and necessary disclaimer that his opinions do not represent those of the Department of Justice, Fugate has nevertheless provided what will undoubtedly be viewed as an indicator of Department thinking concerning the propriety of the foreign trade practices he discusses.

This book, according to its author, is an attempt to provide a safe path a bit back from the cliff-edge, citing Brandeis' refusal to advise clients how to walk on the brink. Risk-takers will undoubtedly prefer alternative trails closer to the precipice even though the edges are crumbly.

WARD BOWMAN

Yale Law School

proper to a history of legal science and exclude all else.

For this purpose he believes that law is best understood as a body of rules considered justiciable. Law is distinct from morality because the former consists of prescriptions directed at external conduct, the latter of prescriptions directed at internal mental states. But within the field of rules directed to external conduct only those are law which are considered suitable for application to individual cases, in the event of conflict between the interested parties, by a representative of the group within which the conflict arises, acting according to a definite procedure.

This book merits inclusion in libraries because it provides an indication of the sorts of problems which are currently thought to be important in English jurisprudence. Dr. Goodhart in his introduction seems to regard the book as driving a nail into the coffin of the American realists, of whom he speaks in the past tense. But if this book represents current legal thinking the American realists are not merely dead—they have vanished without trace. Their work is not even part of the history of legal science, though a systematic exposition of the rules of golf in 1908 is a part of that history.

WILLIAM L. MORRISON

Yale Law School

Kantorowicz, Hermann. *The Definition of Law*. Edited by A. H. Campbell with an introduction by A. L. Goodhart. Cambridge [Eng.] University Press, 1958. Pp. 113. \$3.00.

This essay was designed to form the first part of the Introduction to a comprehensive *Oxford History of Legal Science*. The major project was abandoned, or at least indefinitely postponed, after Dr. Kantorowicz' death in 1940. But the nature of this project determines the author's approach to the definitional problem, for his view is that definition is no more than a proposal about the use of a word for the purpose in hand. He therefore sets out to define law in a way which will enable him to include what he thinks

Law in Eastern Europe; a series of publications issued by the Documentation Office for East European Law, University of Leyden. Ed. by Z. Szirmai. No. 1, Leyden, Sijthoff, 1958. \$2.50.

Difficulties encountered in obtaining information on the law of Soviet or Soviet dominated countries are manifold. Not only do librarians face incredible problems in ordering Eastern European books and in obtaining regular delivery of serials published there, but also the language problem poses frequently obstacles concerning the utilization of materials received. Translations of source and secondary materials into Western languages and critical writings in the latter languages on Eastern European law find a