the whims and caprices of them all, into effectuating the agreed-upon policy is another matter. The efforts to maintain some degree of stability during the reconversion period after World War II, for example, simply fell apart under the fierce and almost hysterical pressure of internecine economic warfare. The result was not only to belie every prediction made by those responsible for premature dismantling of the control machinery, particularly as to the stability of the price level and the volume of production; but, as Professor Hart is so acutely aware, to make the task of our present administrators infinitely more difficult.

Here is a field of study almost unexplored, and one which should commend itself to the splendid public spirit of the Twentieth Century Fund. Not merely in fighting inflation but in the effectuation of all economic policies, the rock upon which democratic government seems most likely to flounder is the rock of divisive pressure politics. How can we keep government responsive to the demands of popular opinion and at the same time make it possible for public servants to legislate and administer in an unbadgered and rational atmosphere? Such a challenge offers the Fund opportunity for an effort worthy to rank with the study which Professor Hart and his associates have completed with such distinction.

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JURISPRUDENCE: ITS AMERICAN PROPHETS. By Harold Gill Reuschlein.* Indianapolis: The Bobbs-Merrill Co., Inc. 1951. Pp. xvii, 527. $7.50.

With the appearance of this book, a much needed tool of jurisprudential instruction has at long last been supplied. Here, all the divergent views so well known among legal scholars are brought together in such a way as to emphasize the most favorable points of each. This method of presentation, it will be noted, differs radically from the practices of most of those about whom Professor Reuschlein is writing. Many jurists, in emphasizing their own contributions, all too often deemphasize the virtues and stress the defects of competing philosophies. Despite the favorable treatment here accorded by the author, the clashes are obvious for one to find; but the juristic fights are not held out on the stage with the author finding personal zest in the conflicts.

The subtitle of the book fairly describes its actual content. So comprehensive is the coverage that the views of both the third and fourth-

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raters are concisely and sympathetically presented, along with those of their stronger brethren. Most are contemporaries who are writing and teaching now or have done so within the consciousness of men now living. In view of the scope of the work, it is therefore surprising to find such men as Petrazhiski and Dabin left out. Surely Petrazhiski is one of the greatest of modern legal philosophers and should be in any book that deals, as this one does, with men like Stammler, Ihring, Duguit, Kelsen and Pound. Petrazhiski and Dabin are special favorites of mine, perhaps in part because they do not follow the natural law technique, although they are devout adherents to the canon law discipline and are profoundly learned in the scholastic approach to natural law.

Reuschlein gives a good deal of attention to the Neo-Scholastic views of natural law and to natural law generally. For instance, he gives a most illuminating account of natural law among the English Puritans who settled New England and who equated natural law with the law of God, with the general understanding that the law of God was found in the Bible. Perhaps as in the case of scholastic natural law, Reuschlein does not point out that these respective views of natural law were indigenous to the moral and religious thinking of almost everyone in the community when they were dominantly asserted. At the present time things are quite different in this country. We have many religions in the United States and there are many sects within the several religions. Furthermore, there are many divisions in the philosophic thought of a large number of our citizens who are not official adherents of any religious dogmas or organizations. We emphasize democracy and tolerance, assuming that all of us can meet together happily in our efforts to solve legal problems, while each receives spiritual strength and comfort from his particular moral or religious views.

Might it not be fortunate to drop natural law and natural rights entirely from purely legal discussion of a general nature, leaving them as Dabin and Petrazhiski do, in the realm of their own deep moral and religious thought; making them, if you like, a part of ethics or culture in a general sense, but not a part of the general law in any direct sense? For instance, if, in order to discuss a plain question of moral values in a particular legal problem, we take the Puritan view that natural law is the law of God as found in the Bible we immediately must discuss the many quarrelsome interpretations of the Bible, with the danger of most unhappy animosities on religious issues. To somewhat less degree perhaps there is the same danger in the scholastic approach which asserts quite definitely that it is not an ideal system of law only but also an objective fact. Of course, there is the ideal element in the scholastic view, but

quite definitely it is also a particular pattern which in turn is immutable. For instance, their five official divisions into which natural law is divided substantially are: (1) God's relation to man; (2) Man's relation to himself; (3) Man's relation to the family; (4) Man's relation to other men; (5) The common Good. These are most practical and admirable choices, but in each case they do presuppose religious issues, since in sober fact all of our citizens do not agree on the nature of God nor the nature of man, while the scholastic teaching on this side of natural law is very definitely emphasized and contains their precise doctrines.

Among present jurists, there seems to be a division between those who adhere to natural law in some form and those who do not. For instance, one often thinks of Jefferson's frequent reference to "the law of nature" and sometimes "the law of nature and nature's God," not as an assertion of personal religious belief and certainly not an intentional assertion of pantheism, somewhat in the manner of Spinoza, but rather given by way of general moral emphasis to indicate his fervent belief in those concepts of liberty and equality to which he gives expression. But this too is called natural law, and Professor Reuschlein treats it in the most sympathetic and laudatory way. But the three instances we have given (and there are many more) may serve to indicate how widely different is the content that may be found in the common phrase "natural law." When used alone, that general expression may in fact represent almost contradictory views. It simply is not a common meeting ground for lawyers, and there is grave danger in its producing unhappy results.

Rather than differ over the character of natural law, especially in a country where there is no general support for any single interpretation of this concept, might it not be better to drop the controversial thing entirely? Why not talk about ethics, culture, and psychology directly and frankly for their own sake, rather than court needless difficulties by trying to fit them into the concept of natural law upon which lawyers do not agree? The grave danger that we will end in discussing the technical dogmas of different systems of natural law while we fail entirely to use ethical and cultural and other values in the worthy solution of our legal problems seems a sufficient reason to seek another approach. I hesitate to suggest any substitute term that will meet this difficulty. Perhaps if we abandon natural law, our general effort to find moral values will bring about a reasonable agreement on new terms. And surely what we need is not necessarily some literal definition, but sufficient agreement to do the job of making ethical standards count in the actual work of the law.

As a purely tentative suggestion, could we not talk about "value judgments?" They compare conveniently with law judgments or indeed with court decisions, or the total content of the law in a general sense. For my part, I quite agree that moral values are more than "criticized experience" or other pragmatic concepts, no matter how expertly these concepts are developed. But I submit that value judgments are made in the active sense by human beings and that the whole of the human conscience, understanding, and will (along with consciousness and other elements which may be included) are used in producing these value judgments. On conscience, then, we can all stand, in giving every element of the Good to the law that is so dear to us, while each retains for himself the sources of spiritual strength which he derives from his own personal allegiances.

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SEX AND THE LAW. By Morris Ploscowe.* New York: Prentice-Hall, Inc., 1951. Pp. ix, 310. $3.95.

Sex and the Law is a comprehensive, well-organized examination and analysis of the case and statutory law, both civil and criminal, regulating sexual activity in the United States at the present time.

Judge Ploscowe's approach to such a diversified and far-reaching subject is ideal, for he not only compares and discusses state by state the various laws, pointing out the defects, inconsistencies, and problems caused by their differences, but also makes an internal analysis of the laws within various states. In consequence, the full effect of society's attempt, through law, to regulate sexual behavior is exposed.

Nowhere is the sex law more incongruous and lacking in reality than in the regulation of marriage. For example, every jurisdiction has, either by statute or by common law, established an age of consent for marriage—that is, the age at which a boy or girl may enter into a legally binding marriage. At the English common law, the age of consent was fourteen for the boy and twelve for the girl. The age most frequently found throughout the United States at the present, however, is eighteen years for males and sixteen years for females. In no instance has a legislature set the age at twenty-one, which is the usual age of consent in the case of ordinary contracts. The anomaly exists, therefore, that while a boy or girl under twenty-one years is not bound by an agreement to

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