

tive study of the development of certain Canadian and American institutions; and he surveys current governmental, legal, and other social institutions of Canada.

Professor Kennedy's main objective is to convince American students that there is much in the constitutional development of the Dominion of Canada that may be studied with profit. He might have omitted his preachment on *sovereignty, law, and state*, and also his arguments for the sociological conception of jurisprudence. Little of moment would have been lost had he done so.

The most valuable section of the book is the third lecture. In this the author outlines the development of Canadian federalism, comparing it with the federalism of America. Those interested in constitutional growth cannot fail to find interest in the interaction of plan, law, and custom in the making of modern Canada.

The book ably introduces to American readers a surprisingly little known subject. The readers will thank Professor Kennedy for his analysis of institutions and trends and will likely overlook his expressed loves, fears, and cautions.

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LANDMAN, J. H. *Human Sterilization*. New York, The Macmillan Co., 1932. xviii, 341 pp. \$4.00.

The author set out to write a "scholarly and scientific" book on the subject of eugenic sterilization, for which there has been long a definite need. Since the subject is so broad—it involves theology, genetics, law, and medicine, all *genre tranchée* of our academic system—it seems almost futile for one man to handle it alone. Landman does much better than might be expected. Of course, the book is not exhaustive, but it is sufficiently so for an introduction to the subject, and some further references are given for those wishing more information on particular points.

In a book such as this, the author's point of view is of the greatest significance. Landman believes that sterilization has some value, but he is not rabidly enthusiastic. Perhaps a few excerpts will indicate his attitude more clearly:

"If every mental subnormal now living were sterilized, the resulting decrease in number of them a generation hence would be insignificant."¹

"These serious criticisms of the present status of eugenics show its great need for more science and less speculation. Any new program for social therapy must be held in abeyance until such time when adequate scientific basis for it is established. Human sterilization, as

¹ P. 195.

a social program, requires more scientific evidence. In the meantime, if human sterilization must be employed, it should be employed cautiously."²

"Segregation would do all that sterilization would do in preventing the propagation of these social unfits and misfits but in addition remove the many dangers to society that would arise from their freedom . . . Sterilizing these few that are stable and well conducted, whom institutional training has helped, is practical and wise, but not wholesale sterilization and release. But then, if such persons can be discharged, why sterilize them?"³

This point of view has been consciously adopted. Sometimes, in the course of the book, we get the impression that, while consciously rejecting the more extreme and doctrinaire point of view, the author does not always recognize the Devil in disguise.

The treatment of the moral aspect of the question is unfortunate. The general tone of the book implies its non-existence, and a scant and badly misinformed paragraph is devoted to the attitude of the "religionists" [to use the author's term], especially the Catholics, which does no more than indicate the author's misunderstanding of the matter.⁴ If sterilization be intrinsically immoral, it cannot be supported by any moral person, despite its attractive features, and the discussion of them assumes an academic nature. Therefore, the moral side of the question is the *sine qua non* to the others, and dismissing it thus casually is a serious error.

In discussing the history of sterilization legislation and litigation, the author omits much that is interesting, if not essential, with the result that the reader is not given even a hint of the existence of a governmental process that is one of the most interesting in the present-day scene. Partial presentation of the influences at work in some states is misleading, and creates an impression of only superficial acquaintance with them that is unforgivable in the face of their widespread discussion. Seventeen pages⁵ are given over to problems of administration, but the shrewd and interesting administrative practices which have sprung up in some states in an effort to keep sterilization statutes out of the courts, or the opportunities for the abuse of authority latent (and sometimes more than latent) in laws authorizing "voluntary" sterilization, to mention two problems only, are quite ignored. A distinct prejudice against administrative tribunals is apparent, and this may explain some of the *lacunae*, but it cannot justify them.

The attitude of the author is a distinct improvement over that of most previous writers on the subject, and is worthy of emulation by them. But the quality of the book is doubtful. It is an introduction to

² P. 197.

³ P. 268.

⁴ P. 9.

⁵ Pp. 269-286.

the subject, but introductory books, which are likely to be the sole source of information on a subject for many people, should be of an even higher quality of scholarship than that expected in less widely read and narrower studies.

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STEFFEN, ROSCOE T. *Cases on the Law of Agency*. St. Paul, West Publishing Co., 1933. xxix, 836 pp. \$5.50

Perhaps the most significant feature of this casebook as compared with its predecessors in the field is the extent to which its contents encroach upon problems traditionally handled in other law school courses. Thus we find treatment of such matters as *ultra vires* corporate transactions, *de facto* corporations, business trusts, partnership liabilities, liability of directors to shareholders, specific enforcement of negative covenants of employees and certain quasi-contract and constructive trust problems. The design is to cover the vast range of agency in the broadest sense. The use of the book in its entirety will consequently require an adjustment with teachers of other courses in order to avoid duplication. While an occasional doubt may arise whether the student taking the course in his first year or even the first half of the second will be adequately equipped for some of the problems, the plan has certainly much in its favor, and inasmuch as teachers of more advanced courses are generally glad to have others take over what can be properly handled elsewhere in order that they may delve deeper into the intricacies of their subjects, little objection is to be anticipated from those whose jurisdiction is thus encroached upon.

At the beginning of each section the author has written introductory paragraphs, which besides serving to describe in a general way the scope of a topic, raise stimulating questions as to the utility of certain legal concepts, the possibility of the adaptation of others and whether those actually employed are properly serving social needs in the modern world. They direct the attention of the student to those underlying, but largely tacit, assumptions of policy and expediency upon which decisions in the last analysis are based.

In all respects the book is distinctly up-to-date. Recent cases abound; the vital and debatable problems of the day receive the fullest treatment, while the well-settled principles or rules from which the battle has moved on, if not taken for granted, are relegated to a less complete consideration. Appendices covering some thirty pages reprint typical statutes. A somewhat strange omission is the failure to refer at the appropriate places or indeed anywhere to the provisions of the American Law Institute *Restatement of Agency*.

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