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BOOK REVIEWS


This work on the law of admiralty by Professors Gilmore and Black, of Yale University, represents considerably more in certain branches than a simple textbook to be used in law schools. It commends itself in many regards to the practitioner of admiralty law for its clarity and thoroughness.

There are certain chapters which are quite outstanding treatises on the difficult subjects involved. The rights of seamen and maritime workers, for instance, is a painstaking and very intelligent treatment of a very complex subject. To those who practice admiralty law, the humor of certain parts is appealing, but at times, quite grim, inasmuch as it points up the great difficulty practitioners encounter in trying to defend the different claims asserted by seamen on various theories. Since the book has appeared, the rather amazing opinion of the United States Supreme Court has been handed down in the case of Kernan v. American Dredging Co.,¹ which makes a violation of a Coast Guard regulation equivalent to a violation of the Federal Safety Appliance Act, so that even though the rule violated was not designed to prevent the casualty resulting therefrom, liability is nevertheless imposed. This book will be very helpful to anyone practicing in this field, whether he represents plaintiff or defendant, libelant or respondent.

The chapter on marine insurance is helpful, but unfortunately relatively short. It must therefore necessarily confine itself only to rather fundamental questions. The admiralty bar is in dire need of a definitive American treatise on this subject.

The treatment of the carriage of goods under bills of lading is a well-done, interesting, and an up-to-date exposition of the question. It will have considerable value to those who must, from time to time, advise bankers and shippers on the nature of these documents and their negotiable aspects.

Although the chapter on collisions does not go into all ramifications as a work like Griffin on Collisions² does, it is well worth consulting for an over-all view on this subject. The chapter on ships' mortgages and maritime liens is thoroughly done, and is clearly written. Indeed, there has been very little written in the past years on these subjects, so that this comprehensive review of the law, as it presently stands,

¹ 78 Sup. Ct. 394 (1958).
² (1949).
will be helpful to both the novices as well as the initiates. The dis-
cussion of limitation of liability is also well conceived. It gives an in-
teresting historical background on the development of the law—how, 
from the high point of its application by the courts about the turn of
the last century, it has been reduced in importance as a result of the
shipping business being more and more conducted by corporations
with limited liability. But it combines this historical analysis with
a practical present-day point of view, and helps one to ascertain the
state of the law as of the date of publication.

The chapter on charter parties is, however, in the opinion of this
writer who practices law in the inland waters, too sketchy on bare-
boat charters. These are more in use in these areas than elsewhere,
and a more detailed treatment of this type of charter party would
have been welcome. However, the treatment of the voyage charter is
well considered and helpful, as is the chapter on salvage.

This work points up many of the weaknesses in the field of admi-
ralty that require remedying. It is, in many places, quite provocative
of thought. For those who practice admiralty law, this book will be
both entertaining and rewarding because of its fresh approach to the
several subjects. In this writer's opinion, it is a must in any admi-
ralty library. It will also stimulate the young student.

WILDER LUCAS

SOVIET MARXISM: A CRITICAL ANALYSIS. By Herbert Marcuse.

To appreciate this important and suggestive volume, American
readers will find it necessary to set aside some of their most cherished
prejudices. For Dr. Marcuse, Professor of Politics and Philosophy at
Brandeis University, rejects the smug and pervasive conviction that
ideological formulations are largely irrelevant for the analysis of
political and social behavior. He does not share the pseudo-sophisti-
cated and pseudo-scientific assumptions that Soviet doctrine "merely"
serves to rationalize the behavior of Soviet decision-makers, or
"merely" constitutes an aggregate of symbols cleverly manipulated
by unscrupulous leaders, or "merely" provides an arsenal of verbal
ammunition with which power-hungry communists attack and an-
nihilate each other. Nor does Marcuse pander to the widely-held
predilection for neat operational concepts; the study presupposes a
considerable knowledge of Marxism, refuses to sacrifice intellectual
nuance for readability, and casually employs such phrases as "im-
manent critique," "law of the negation of the negation," and "hy-

† Member of the Missouri Bar.