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Review of “The Law of Admiralty,” By Grant Gilmore & and Charles L. Black, Jr.

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BOOK REVIEWS

THE LAW OF ADMIRALTY. By Grant Gilmore and Charles L. Black, Jr. Brooklyn: Foundation Press, 1957. Pp. xli, 866. \$10.00.

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, libellant 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 discussion of limitation of liability is also well conceived. It gives an interesting 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 bareboat 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 admiralty 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 admiralty library. It will also stimulate the young student.

WILDER LUCAS†

SOVIET MARXISM: A CRITICAL ANALYSIS. By Herbert Marcuse. New York: Columbia University Press, 1958. Pp. 271. \$4.50.

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-sophisticated 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 annihilate 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 "immanent critique," "law of the negation of the negation," and "hy-

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