

1966

Books Noted

Western Reserve Law Review

Follow this and additional works at: <https://scholarlycommons.law.case.edu/caselrev>

 Part of the [Law Commons](#)

Recommended Citation

Western Reserve Law Review, *Books Noted*, 17 W. Rsrv. L. Rev. 1439 (1966)
Available at: <https://scholarlycommons.law.case.edu/caselrev/vol17/iss5/16>

This Book Review is brought to you for free and open access by the Student Journals at Case Western Reserve University School of Law Scholarly Commons. It has been accepted for inclusion in Case Western Reserve Law Review by an authorized administrator of Case Western Reserve University School of Law Scholarly Commons.

BOOKS NOTED

SOVIET CRIMINAL LAW AND PROCEDURE: THE RSFSR CODES. By Harold J. Berman. Cambridge: Harvard University Press. 1966. Pp. viii, 501. \$11.95. Using the basic criminal law of Russia — the largest of the fifteen Soviet Republics — as the focal point of his discussion, Professor Berman analyzes Soviet criminal law and procedure from post-revolution Russia through the period of reform after Stalin's death to the present time. A lengthy introduction to the Soviet law and an explanation of the composition of the Soviet legal system help to facilitate a better understanding of the Russian Soviet Federated Socialist Republic (RSFSR) Codes. The codes are printed in the book as translated by Professor Berman and Mr. James W. Spindler. Professor Berman traces the formulation of the RSFSR Codes from the first RSFSR Constitution in 1918. In addition, he discusses the major revisions of the codes resulting from the reform movement which began after Stalin's death. He also comments on the RSFSR law on court organization, military law and military tribunals. Professor Berman concludes the introduction with an informative treatment of the language used in the codes.

THE PRESS IN THE JURY BOX. By Howard Felsher and Michael Rosen. New York: The Macmillan Company. 1966. Pp. 239. \$5.95. The recent United States Supreme Court decision in the Sheppard case in which the Court attempts to strike a balance between the constitutional guarantees of free press and fair trial is the culmination of a controversy which has produced such works as *The Press in the Jury Box*. The authors of this book take a firm critical position against the exploitation of sensational crimes by vivid news accounts which create bias and prejudice in the minds of the public. They deride the news media for its inability to exercise effective self-restraint in spite of its protestations that regulatory laws are unnecessary, that such laws would infringe on the constitutional right of free press, and that effective news media codes of ethics could be formulated. *The Press in the Jury Box* contains poignant illustrations of cases such as that of Sam Sheppard and Bobby Baker in which the accused were prejudged guilty by the news media. The authors conclude that while they do not advocate curtailment of the right of free press, the apparent conflict between an unrestrained right of free press and the right to a fair trial must be resolved in favor of the latter in order to assure the accused individual due process of law.

THE GOLDEN AGE OF AMERICAN LAW. Edited by Charles M. Haas. New York: George Braziller, Inc. 1965. Pp. xiv, 533. \$8.50. Professor Haas has selected the period from 1820 to 1866 as America's golden age of law. This period of moral values and philosophy in law had a dominant role in the development of social affairs. This was the period which Roscoe Pound entitled the "Formative Era of American Law." *The Golden Age of American Law* is a collection of contemporary writings of the 1820-1860 period, selected by Professor Haas as reflecting the interaction of law with the ideals, technology, and environment existing in that period. The book contains such essays as *A Separate Rank in Society* by Alexis de Tocqueville, and *The Fault is Not in the Constitution* by Daniel Webster. The selected

essays mirror a period of development, of a coalescence of ideas and ideals, and of attempts at and achievements resulting from the application of such thoughts to the national community which was composed of a *mélange* of immigrants with varied backgrounds who were affected by the law and who in turn affected it.