of law lectures without charge to the students and others who should attend them. It was inevitable that a professor of the eminence of Sir William Holdsworth should be chosen to lecture on some historical subject relevant to the birth and development of the common law system which India had inherited.

The English legal system owes a great debt to its great lawyers, as counsel as well as judges, in our courts of justice. Throughout our legal history there runs a sense of the practical character of English law. Hale pointed out that as law is designed to settle the infinitely various affairs of men, something more was needed to make a good lawyer than sound general principles and a capacity to reason correctly. Experience and training were far more important qualities than the untried fancies of philosophers. English law was built up by the slow accumulation of day by day decisions pronounced on the actual disputes of everyday life. Our system of law and order, more than any other system, has been influenced in its growth by the judiciary. It is most important therefore that an easily accessible study be made of the characteristic contributions of our greatest judges. From such a study one can see how these men were able to mould the law to fit the changing conditions of social life whilst preserving its traditional continuity which protected it from the dangers of arbitrariness. Legal history, like any other subject, can be presented in a dull and boring manner, but Professor Holdsworth, by linking the history of legal doctrine with the careers and achievements of famous jurists, has been able to endow the evolution of the law with a living and a dramatic interest and incidentally to make it more easily remembered. From Glanvil to Sir Frederick Pollock is a long period of time, some 750 years, and in tracing the progress of the common law and of equity through all this period, Professor Holdsworth was required to maintain a high sense of proportion and a gift of discrimination.

The production of these lectures in a paper back edition will make them very easily accessible to all students. This is a book which all who seek to learn the law, or who in any way hold dear our legal heritage, must read at regular intervals throughout their lives. One can best conclude this review by quoting the opening sentences of the last chapter of the book:

> All these Makers of English Law, by their decisions or books or opinions, have helped to construct a system of law, the rules of which can be studied as a science, because they are dependent on leading principles logically developed. They have done for English law what the great Roman jurists, whose writings are preserved in the Digest, did for Roman law.

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OPEN OCCUPANCY VS. FORCED HOUSING UNDER THE FOURTEENTH AMENDMENT. General editor, Alfred Avins. New York: Bookmailer. 1963. Pp. 316. ($6.00).

This symposium on anti-discrimination legislation as it affects housing in the United States purports to be a calm presentation of "the many and varied understandings" on the subject.[1] It is true, the reader is

treated to a copious stream of viewpoints but they are nearly all in one direction. The consensus of opinion, presented somewhat less than calmly, is that this legislation is bad any way you look at it, bad as a piece of social legislation, invalid constitutionally. Arguments in favour of the legislation are there too, but nearly always are found in analyses written by its opponents. More depth and balance would have been achieved had these arguments received full articulation by those persuaded by their merits. Notwithstanding this imbalance, I was left fairly convinced by good argument supported by sufficient factual data[2] that this type of legislation does not achieve in any meaningful degree the social objectives which on its face or in fact it was designed to achieve, namely, to ensure a proper quantity and quality of housing for Negroes and the consequent eradication of many of the social ills which stem from improper housing, the promotion of integration and, more comprehensively, the economic and social advance of minority groups.[3] Of proper means to achieve these objectives, comparatively little is said. On the other hand, these alternatives were not intended to form an integral part of the analysis.

The allegation that anti-discrimination legislation deepens dissension and impairs the general welfare is one part of the argument made against its constitutionality. The analysts were reasonably skilful in dealing with this aspect of the problem. Entry into the philosophical, the humanity of the problem was another matter. Discussion of the moral basis of the law was fragmentary and ranged from near summary dismissal of the moral argument[4] to prattle about the relativity and subjectivity of morals. No artful attempt was made to subject these arguments together with the repeated alleged analogy of prohibition legislation to the test of application. A learned philosophic analysis of the distinction between racial discrimination and other kinds would have added a great deal. An attempt should have been made to draw distinctions of balance or otherwise between reasonable refusals to rent or sell housing and reasonable refusals, perhaps between discrimination in housing, employment and in public facilities. Furthermore, could it be argued that this type of legislation is efficacious and constitutional simply as a well founded legislative statement of public morality helpful "to create a climate in which the only effective agents, the hearts and minds of men, can change, influenced in a slow, evolutionary manner by social forces and education"?[5]

In large part, the analyses are devoted to the proposition—at times enshrining it—that such legislation is a grave unconstitutional infringement of property rights and freedom of choice and association. The repetition seen in this constitutional analysis prompts me to make an observation about the technique of symposia generally. By and large, symposia exhibit a lack of cohesion due to a failure of contact between the participants prior to preparation of their papers. Difficult as it may be, participants with help from the organizer should establish a brief correspondence with one another if only for the purpose of eliminating

1 Foreward, at 1.
2 Well footnoted, this book should be an excellent vehicle for further research.
3 At, 26-7, 44.
4 At 35.
5 At 161.

repetition of the wasteful kind. More constructively, this contact would serve them to clarify and join upon the issues involved. In symposia involving live presentation, this would arouse more efficient discussion after the delivery of the papers.

The repetition in substance was somewhat saved by the mixture of disciplines and article forms. In particular, an engaging dialogue by one John Herbert Tovey and some refreshing excerpts from House of Lords debates provided a nice change of pace.

In the final analysis, the greatest impact of this book is made by the no-holds-barred demonstrative tenor of its opposition to the legislation. Vigour has to be one of the book's greatest virtues.

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