

LOS MODOS DE INICIACIÓN DEL  
CONTRALOR JUDICIAL DE LA  
CONSTITUCIONALIDAD DE LAS LEYES EN  
LOS ESTADOS UNIDOS, by George H. Jaffin;  
and Los MODOS DE INICIACIÓN DEL  
CONTRALOR JUDICIAL DE LA  
CONSTITUCIONALIDAD DE LAS LEYES EN  
LA REPÚBLICA ARGENTINA, by Roberto  
Pecach. Ediciones de la Revista Univeritaria  
"Jurídicas y Sociales," Buenos Aires, 1939. Pp. 45.

Carlos E. Lazarus

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agreement between the government and insurgents; and (6) responsibility under a protocol of arbitration.

Although the author has done a good job of analyzing the various aspects of the subject, the book has some minor defects. The reviewer felt that there is too much repetition. In several places it was felt that the writer is too much the advocate. For example, in the discussion of the obligation of Soviet Russia for the loans made by the United States government in 1917, it is said, "For the purpose of the American loan of 1917, which was used for a national object and was not detrimental to the state, the Provisional Government therefore should be regarded as acting for and in the name of Russia although opinion may differ as to whether it was the government or not. On this score, also, it thus appears that the claim of the United States is justified on every ground of law and fact." This sounds like the argument of a state department lawyer.

A short summary chapter would have enhanced the value of this study. A separate and complete table of cases is also lacking. As for the footnotes, this reviewer finds it helpful to have the date included in a case citation, especially when the decision is that of a national tribunal. In most citations to cases the dates were omitted.

This book does not inspire superlative praise; yet the author treats his subject in a scholarly manner. He has a pleasing style and has written an interesting book.

JAMES J. LENOIR\*

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LOS MODOS DE INICIACIÓN DEL CONTRALOR JUDICIAL DE LA CONSTITUCIONALIDAD DE LAS LEYES EN LOS ESTADOS UNIDOS, by George H. Jaffin; and LOS MODOS DE INICIACIÓN DEL CONTRALOR JUDICIAL DE LA CONSTITUCIONALIDAD DE LAS LEYES EN LA REPÚBLICA ARGENTINA, by Roberto Pecach. Ediciones de la Revista Universitaria "Jurídicas y Sociales," Buenos Aires, 1939. Pp. 45.

These are two short articles written in Spanish and obviously intended for the Argentine bench and bar, although the information given with regard to the development of the judiciary in the South American republic, might be of some interest to the student of comparative law.

Beginning with the land mark case of *Marbury v. Madison*,

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7. P. 57.

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Mr. Jaffin follows his dissertation on the development of the judicial power of the United States with a short discussion of the different methods of questioning the constitutionality of the laws before the courts.

The development of the three methods of initiating the judicial investigation of the constitutionality of the laws in the United States [(1) the defense or exception of unconstitutionality, (2) the action of injunction and (3), the declaratory judgment] is vividly traced. This and the discussion of the leading cases upholding the constitutionality of these methods might prove of valuable assistance to our neighbors from the south and to the American student in understanding the basic principles from which the court has derived its power.

In Argentina, Mr. Pecach points out, the judiciary works much in the same manner as in the United States. The Federal Constitution of Argentina invests in the Federal Supreme Court the judicial power which, as in the United States, has been extended to give the federal court the power to investigate the validity of the laws. But the procedure employed to bring these questions before the court is somewhat different from that followed in this country. The injunction is unknown in Argentina, and the declaratory judgment has yet to be introduced. The action and exception of unconstitutionality, and the *recurso extraordinario Federal* (which is a proceeding similar to our procedure for removing cases from state to federal courts) are the only methods by which a litigant may raise questions respecting the constitutionality of a law.

The necessity for legislative reform following American tendencies is urged with special emphasis on the adoption of the injunction and the declaratory judgment as additional methods of presenting questions of unconstitutionality.

CARLOS E. LAZARUS\*

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THE LAW IN QUEST OF ITSELF, by Lon L. Fuller. The Foundation Press, Inc., Chicago, 1940. Pp. vii, 147. \$2.00.

This small volume by a distinguished legal scholar is a welcome addition to our rather scanty store of American jurisprudential writings. Delivered at Northwestern University as the Rosenwald lectures for 1940, they fit in admirably with the tradi-

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