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Police Power and Individual Freedom - The Quest for Balance, edited by Claude R. Sowle. Aldine Publishing Company, Chicago, 1962. Pp. 287. \$7.50.

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review articles of Louisiana's own Professor Malone to remind us of the immense contribution he has already made to development of tort and workmen's compensation law. By this work, he and his co-editor, Professor Plant of Michigan, have, in the opinion of the reviewer, made yet another valuable contribution to the study and application of compensation law, by furnishing not only an excellent teaching device, but also a stimulating and most useful aid to thinking and research concerning practical compensation problems. The usefulness of this work should extend beyond the law schools and into the working libraries of practicing judges and attorneys, who I am sure will find this work as valuable and as interesting as did the present reviewer.

*Albert Tate, Jr.**

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Freedom under law is not unfettered freedom: through law, society often, in order to promote freedom, curtails it. A law prohibiting murder limits the freedom of the would-be murderer, but certainly promotes that of prospective murderers. Our criminal law in a sense reflects the balance struck by society between our interests in freedom from restraint and our interest in protection for freedom.

The point is important also when we come to the question of the administration of criminal justice. For such a system to be effective, some sacrifice in personal freedom must be borne by someone — sacrifice that must be suffered if society is to be protected for freedom. Clearly, a system must make provision for arrests, for searches and seizures, and even for compelled testimony, but under what circumstances, what conditions, and with what safeguards?

Stated succinctly, the question is this: "What price *in* freedom is to be paid *for* freedom?" Although the balance struck from country to country will differ, the problems faced are similar. As witnessed by recent decisions of the United States Supreme Court, we in this country are now in the throes of "agon-

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izing reappraisal" of our own system. A consideration of the experience and thinking of other countries in this connection is therefore particularly appropriate.

Police Power and Individual Freedom — The Quest for Balance, it seems to this reviewer, was designed to afford just such consideration. Taken as a whole, from concept to completion, it does an excellent job. Edited by Professor Claude R. Sowle of Northwestern University, this book brings together in a single volume papers delivered at the International Conference on Criminal Law Administration,¹ held at Northwestern University in connection with its School of Law's centennial celebration. Outstanding legal scholars from all over the world were assembled, with the aid of a grant from the Ford Foundation, and were asked to direct their attention specifically to four of the most challenging problems of evidence and criminal procedure: (1) Police Detention and Arrest Privileges, (2) The Exclusionary Rule Regarding Illegally Seized Evidence, (3) Police Interrogation Privileges and Limitations, and (4) The Privilege Against Self-Incrimination. These four topics constitute the four Parts of this book, and each Part follows a like format. Following splendid comprehensive articles in each area by American scholars, foreign authorities comment on the law in that area in their respective countries (Canada, England, France, Germany, Israel, Japan, and Norway).

In the preparation of the papers under each of these Parts, the writers were asked to consider certain specific questions. Illustrative of the kind of questions considered, those asked in connection with arrest and detention may be cited:

"(1) In the absence of sufficient grounds for an arrest, should the police have a right to stop and question a person as to his identity and reason for being where he is, if the appearance or conduct of that person has reasonably aroused police suspicion?

"(2) Should the police be permitted to search such a person for weapons or for incriminating evidence?

1. The papers were previously published in the *Journal of Criminal Law, Criminology and Police Science*: The Privilege Against Self-Incrimination: An International Symposium, 51 J. CRIM. L. 129 (1960); Police Detention and Arrest Privileges: An International Symposium, 51 J. CRIM. L., C. & P. S. 385 (1960); Police Interrogation Privileges and Limitations: An International Symposium, 52 J. CRIM. L., C. & P. S. 1 (1961); The Exclusionary Rule Regarding Illegally Seized Evidence: An International Symposium, 52 J. CRIM. L., C. & P. S. 245 (1961).

"(3) If police practices of this nature are to be legally sanctioned, what limitations should be imposed?"

"(4) With respect to police arrest statutes generally, should more freedom be granted to the police in recognition of their contentions that existing laws are obsolete and hamper police attempts to meet the public demand for adequate police protection?"²

The impact of the book in its entirety is highly effective. Although at times individual papers, particularly in the foreign law section, seem to be unduly concerned with the minutiae of rule, and lose contact somewhat with broader policy considerations, generally the book successfully pursues its objective — "the quest for balance." The inclusion of foreign law commentaries is certainly appropriate, for, as suggested by Justice Black in his concurring opinion in *Rochin v. California*,³ the search for the balance "implicit in the concept of ordered liberty"⁴ is not the exclusive concern of the people of the English-speaking world. This fine book is an articulate witness to the magnificent contribution which Northwestern University's School of Law has long made in the areas of evidence and criminal procedure, and thus a most appropriate outgrowth of its centennial celebration.

George W. Pugh*

A Short Commentary on the Law of Scotland, by T. B. Smith, Q.C., D.C.L., LL.D., F.B.A., Professor of Civil Law in the University of Edinburgh. (Edinburgh: W. Green & Son, Ltd. 1962. xx and 865 and (appendices, tables and index) 112 pp.)

Also published as:

Scotland: The Development of its Laws and Constitution, by T. B. Smith, Q.C., D.C.L., LL.D., F.B.A., Professor of Civil Law in the University of Edinburgh. (London: Stevens & Sons, Ltd. The British Commonwealth—The Development of its

2. POLICE POWER AND INDIVIDUAL FREEDOM — THE QUEST FOR BALANCE 9 (Sowle ed. 1962).

3. 342 U.S. 165, 175-76 (1952).

4. *Palko v. Connecticut*, 302 U.S. 319, 325 (1937).

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