Lectures on Communications Media Legal and Policy Problems. (University of Michigan Law School, Ann Arbor, Michigan, 1954), pp. i-v, 1-234. No price given. (Our copy from the publishers.)

The First Amendment to the Constitution of the United States of America declares that 'Congress shall make no law . . . abridging the freedom of speech, or of the press.' Like many other enthusiastic attempts to resolve outstanding problems by the use of a few well-chosen words it has not eliminated, or even severely restricted, legal argument. Indeed, like many Australian and American constitutional provisions, its main effect would appear to be to transfer the topic from the political to the legal arena.

This series of lectures dealing with problems surrounding the First Amendment are divided into three main subdivisions: Gathering and Disseminating Information; Freedom of the Press and Judicial Contempt; Official Control Versus Self-Regulation of Communication Media. Naturally the constitutional provision and the legal argument which it has engendered occupies a considerable part of the discussions, but it would be unjust to suggest that the writers have not realized that the problems arise out of the organization of modern society and cannot be answered by a simple *ipse dixit.*

> The people's right to know has faced, and still faces, a challenge as new in dimensions as in nature. Its prime causes are explosive expansions first, in governmental activities and resulting responsibilities of our servants in public office; second, in the volume of functions shifted from the relative glass bowls of legislatures and courts to the relative opaqueness of legislative committees and administrative agencies; and, last but far from least, in the means of disseminating information. Dynamic change has enormously increased the people's need for more information. Their organs of information have kept abreast therewith the means to disseminate to them such information as might be obtained.
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> But the people and their organs of information were, and still are, at grips with another challenge – the burgeoning activities of cults of secrecy.[1]

Obviously the publication of information depends on a quickly enforceable right of access to the sources of information, but it is here that the straightforward declaration of the Constitution meets practical problems. It is admitted that some form of selection in the material which is published must take place. In the light of the First Amendment, who is to make this selection?

Edwin M. Otterbourg tells the sad history of a proposal for a voluntary code to govern the reporting of criminal trials[2] and a similar problem is faced in the motion picture industry.

[1] p. 51.
[2] p. 78.

Perhaps we expect too much of these attempts to solve the problem of competing policies, for our solutions will vary with the changing conditions of modern society. Perhaps some of the contributors saw the problem as the simple conflict of two individual policies—one of liberty and one of repression—when the problems are far more complex. Yet the problems are ones to which a working solution must be found if democratic values are to survive, and when a working solution is being sought the material in the book will prove of inestimable value.

D.J.M.

Selected Topics on the Law of Torts, by WILLIAM LLOYD PROSSER (University of Michigan Law School, Ann Arbor, Michigan, 1953), pp. i-xi, 1-627. No price given. (Our copy from the publishers.)

Dean Prosser is one of the foremost torts authorities and each additional publication of his work is eagerly sought far beyond the confines of his native United States. This volume, consisting of his Thomas M. Cooley lectures, delivered at the University of Michigan in February 1953, and the re-publication of two law review articles, is a valuable collection of his most important studies of recent years. It presents in the form of seven essays an intensive re-appraisal of the basic concepts of seven topics of torts law.

The opening chapter on 'Comparative Negligence' (apportionment in contributory negligence cases) has considerable significance for all jurisdictions which have adopted this means of rationalising their negligence law. Dean Prosser takes it for granted that apportionment is desirable, but argues that the irresponsible jury is one of the major difficulties in the way of ensuring the successful operation of this concept. To overcome this problem he urges the introduction of special verdicts to keep juries under control and force them to reveal more of the reasoning behind their decisions. This would eliminate the need for judges to give long and complicated instructions and would often prevent costly appeals and subsequent remittals on the question of damages.

The 'Interstate Publication' chapter, presents a problem which has not been pressing in Australia, but which could prove at any time a bone of contention. In the United States the nineteenth-century law of defamation is proving itself inadequate. In an age of simultaneous transmission of radio and television programmes, and of newspapers, magazines and films circulating in every state, multiple actions for defamation can and do occur. Late in the nineteenth century Annie Oakley, the original Annie of 'Annie Get Your Gun', brought fifty actions for libel against the Associated Press. She won forty-eight awards ranging from $500 to $27,500. More recently Professor Hartmann brought six different actions in different States against the national magazine *Life*. The host of problems which arise in such cases, particularly in the field of private international