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## Book Notes

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# BOOK NOTES

THE LAW OF TORTS. By Fowler V. Harper and Fleming James, Jr.  
Boston: Little Brown & Co., 1956. Pp. xiv, 2062. \$60.00.

This treatise is a valuable and significant contribution to Tort law. It is composed of two volumes of text and a third volume containing tables of cases, statutes and articles, and an index.

Volume one covers "Intended Torts," and includes intentional harms to the physical person and to property, defamation, deceit, malicious prosecution, "business torts," and emotional disturbances. Most of it is based on Harper on *Torts*, published in 1933. Portions of it have been completely rewritten and parts have been brought up to date, with varying degrees of completeness.

The second volume is devoted to what the authors call "Accident Law." This is composed of the law of negligence, with strict liability included. Most of the chapters have appeared earlier as law review articles by Mr. James; but they are here systematized and collected together in one place. Anyone who has read some of his articles knows that the research is very thorough, the citations complete, the analysis incisive and the writing clear and interesting. The conclusions sometimes reflect the authors' tendency to deprecate fault as the basis for tort liability and to seek to accelerate the trend which they see toward a broad principle of social insurance.

The authors include a number of topics not entirely usual in a tort treatise—*e.g.*, conflict of laws in tort cases, damages, and contribution and indemnity. This adds considerably to the usefulness of the volumes. In view of the steady emphasis in the book on the effect of insurance, a similar addition might well have been a chapter on liability insurance.

A comparison of Harper and James with Dean Prosser's treatise is unavoidable. For general reading on a broad topic both are excellent. For looking up a specific small point, experience has shown that both are likely to have some discussion, but that occasionally only one or the other will treat the particular point. In the light of their respective costs and in the language of the consumers' rating organizations, Prosser must be listed as "Best Buy" and Harper and James as "Acceptable—Very Good." Torts treatises are not like electric appliances where a single appliance of a particular type will meet the needs of a household. Any law firm engaged extensively in tort litigation would be well advised to have both in its library. They will both be used.

MANAGEMENT RIGHTS AND THE ARBITRATION PROCESS. Edited by Jean T. McKelvey. Washington: Bureau of National Affairs, 1956. Pp. viii, 237. \$3.50.

This is a collection of the papers delivered at the Ninth Annual Meeting of the National Academy of Arbitrators held in January, 1956. They include treatments of problems which arbitrators have found most troublesome in their experience—matters such as arbitrability and the arbitrator's jurisdiction, seniority and ability, incentive problems, classification problems and discipline problems. The vexed topic of management's reserved rights is treated both from the management viewpoint and the labor viewpoint. Reports on the American Arbitration Association and the Federal Mediation Service, and a reprint of Dean Shulman's posthumous article "Reason, Contract and Law in Labor Relations," together with committee reports, round out the book. The talks are very readable and offer useful suggestions. The book is obviously not a textbook, but persons experienced with the arbitration process will find it most helpful.