injury is beyond the reach of the common law courts.

However, the analogy between common law and free market is overdrawn, and Leoni's account of the workings of the common law is oversimplified. A common law decision is not a result of the voluntary cooperation of the parties involved, as he often seems to suggest. Unlike arbitration agreed to by both parties (which incidentally is an increasingly important method of settling disputes) one party forces the other into court. The judge's decision is as coercive and binding on the defendant as it would be if it were a result of legislation. If the common law rule is based on a custom to which he did not consent, he is not free to defy the custom with the same ease with which he can speak Esperanto or wear a toga. Further, the common law has often developed in a way so restrictive of individual freedom in some areas of contract law (especially usury) torts or civil wrongs (especially defamation), property law, and trade regulation that even from Leoni's viewpoint legislation liberalizing the common law rules would be desirable.

Leoni describes the common law judge's function as "discovering" the law, i.e., applying by logical deduction legal principles developed in previous cases. He also finds a virtue in the common law's ability to reflect the spontaneously developed customs and usages of the time. Actually, when customs and usages undergo change, these two goals may be in conflict. Freedom to "contract" or to do business may be enhanced by the judicial statesman who will bring the law in line with changed institutions by ignoring or twisting the logic of previous cases. A noted example is Lord Mansfield's incorporation of the "Law Merchant" or customary commercial practice into the English common law. While a close study of the relative values of legislation and common law in maintaining individual liberty would disclose many advantages in the common law, the differences are not sufficient to warrant the classification of the latter as a "voluntary" institution and representative of a "common will."

This minor criticism is not meant to detract from what is a pioneering theoretical work which is generally both lucid and tightly reasoned. The book is especially valuable because of the light it may shed on the alleged libertarian-conservative controversy. Although an eloquent representative of libertarian thought, Professor Leoni argues that a society of minimal government is necessary to allow the development and maintenance as well as the slow evolution of the delicate web of customs, usages, and conventions which the conservative sees as the basis of an ordered society. While Leoni would part company with the authoritarian conservative who is ever anxious to enforce majority (or even minority) customs and goals on dissenters most conservatives will find in Freedom and the Law a convincing case for freedom as the best means of utilizing the accumulated wisdom of the past.

Reviewed by ROBERT M. HURT

Failures in State Medical Care


For some years the American Medical Association has had an Economic Research Advisory Committee which met regularly to discuss questions related to the establishment of various systems for providing medical care. From their discussions the present volume evolved. Under the editorship of
Dr. Helmut Schoeck, economists, actuaries, political analysts, physicians, professors of medicine, and statesmen have prepared chapters dealing with health services in various nations of the world.

The preponderance of the points of view reflected in the chapters of this book are against the systems that now prevail. The British are particularly sensitive to criticism of the National Health Service; yet they themselves in their publications often point out its inadequacies. From what I have myself seen in Great Britain, I am ready to confirm many of the criticisms mentioned in this book. In Great Britain the budget rises while the services apparently diminish. Great Britain has lagged far behind in the building of hospitals. The shortage of physicians that confronts the National Health Service is even worse than the shortage of physicians in other parts of the world. Some of this shortage is no doubt due to emigration of physicians from Britain to other countries. I have myself seen in England people going into chemists’ shops to buy self-treatment simply because they could not endure the waiting which is a major frustration. One of the chief objections seems to be that people without any real understanding of medicine or even hospital organization, make final decisions which hamper a high quality of medical service. Particularly to be condemned is that system which prevents the general practitioner from following his patients into the hospital, where specialists dominate.

The French system has always been inadequate, consisting of a huge organization of provincial insurance funds. Physicians have on several occasions gone on strike against the government. One of the special objections to the French system is the control system: about one thousand physicians actually control the practices of some 30,000 others. These physicians investigate irregularities of reimbursement, fraud, and errors made by the insured, or by the administration.

Compulsory health insurance began in Germany, which does not have a national health service. The sickness societies are still the bodies which provide medical care. Under the German system compulsory coverage applies only to those whose monthly income from wages does not exceed $162.00. About 85% of West Germans are covered under the compulsory plan. Only 15% may provide for medical needs as they see fit. This they do by membership in private health insurance agencies. The system is constantly disturbed by fraudulent issuing of certificates. Again in Germany it is the full time medical staff in a hospital that takes over from the doctor who first sees the patient. Dr. Schulten points out that the hospitals are constantly overcrowded notwithstanding the fact that Germany has more hospital beds for its population than any other country. Incidentally, Dr. Schöllgen notes that more quackery and folk medicine prevail in Germany than in most other countries.

Austrian physicians in recent years have struck repeatedly against the sickness societies. The Austrian Social Security budget is far out of proportion to the total economy. The payment for physicians is, nevertheless, inadequate. Most serious, however, is the attitude of patients towards physicians whom they consider simply employees of about the status of any government clerk.

In a recent visit to Sweden I have observed tremendous numbers of buildings now housing private insurance companies. These have had a phenomenal growth in response to continued encroachment of the Swedish government into medical care. Indeed the whole Swedish system is now under fire because of its immense cost and the constantly rising burden of taxation.

In Switzerland left-wing groups have
been urging national health schemes similar to the Scandinavian or British systems, but the majority of the Swiss are still convinced that they do better under their combined public and private insurance. The tendency is more and more to coverage for people in the exceedingly low income level.

In Australia the health care is through voluntary insurance agencies which are included under the Australian Medical Plan. There is no separate or special tax to pay for health services, nor is any such charge withheld from wages. Except for Queensland, all other Australian governments impose a means test on hospital patients.

This volume on Financing Medical Care brings to light many facts not usually called to the attention of American citizens where medical care of the aged has become a highly inflammable political issue. In such times particularly, people ought to be made aware of the experiences in other countries of the world. These may well guide them in their ultimate decisions as to what they want in the way of government participation in medical care in our own country.

Reviewed by MORRIS FISHBEIN, M.D.

Portrait in Rose Color


WILLIAM MANCHESTER, managing editor of the Wesleyan University Press, has subtitled his latest book, "John F. Kennedy in Profile." Unfortunately it is not much more than a profile, or, more accurately, a succession of profiles snapped on the run. But the author is not necessarily to blame for the absence of what the dust jacket bills as "new depth" and "insight."

The picture we get—if we didn't have it already—is of a man in a hurry, a man of such relentless drive that every minute of his time, every word, and every gesture must sound a bell on his public relations cash register, either in direct achievement or in improving his "image." During his two-year courtship of Miss Bouvier, according to Mr. Manchester, the senator-going-on-President managed to write her only once, and this was a postcard reading, in full, "Wish you were here." At stop lights, the book tells us, he would snap his fingers impatiently, muttering, "Let's go!"

True or not, these stories are characteristic of a man who has little time for venturing outside of the limelight, for reflection, or for writing the revealing sort of letters which continued to come to light long after Teddy Roosevelt's death, refreshing and embellishing the people's memory of him.

It isn't easy for an author to delve "inside" a man whose every side seems to be outside. This, perhaps, is why the book consists largely of anecdotes, many of them familiar; fleeting comments from various ex-roommates, relatives, and other acquaintances; and the accounts of two interviews which, though they appear to have been conducted in a leisurely manner, yield more in the way of trivial observations (the President's "burnished black shoes gliding in a Boston social gait") than in the way of constructive conversation.

Getting to know John F. Kennedy by such means is a little like trying to find out what a Hollywood actress is really like at a crowded cocktail party given by her press agent.

This leads to a second and perhaps more valid criticism of the book, and that is its persistent tone of adulation. Mr. Manchester