

## Book Review

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## Book Review

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ADMINISTRATIVE LAW, ITS GROWTH, PROCEDURE AND SIGNIFICANCE. By Roscoe Pound. Pittsburgh. The University of Pittsburgh Press, 1942. Pp. x, 138.

Professor Pound distills the legal philosophy and history of centuries as easily as advocates marshal the evidence of a current case. This book focuses the significance of administrative law against a background which includes the works of continental jurists, the struggle for the independence of courts in England and Colonial America, the case law of judicial review, and the social and economic reasons underlying the growth and procedure of the administrative process. Professor Pound recognizes the need of administrative law "and of a great deal of it, in the urban industrial society of today." It is needed, he affirms, as an administrative element in and as a supplement to the judicial process. "It is needed as a directing process in a society so organized economically and so unified economically that things must be done more speedily, with more adjustment to unique situations, with more co-ordination of special skill and technical acquirements than the judicial process, looking at controversies after the event, can afford." The fact that he is not attacking administration as a means of government nor deploring the rise of administrative justice gives added weight to his warning

that we may pay too high a price for efficiency. "We must pay a certain price for freedom; and a reasonable balance between efficiency and individual rights is that price. If the balance does not leave absolute power to administrative agencies, it does not follow that it may not leave them enough power to function intelligently and effectively under a government of laws and not of men."

With the breadth of point of view which characterizes all of his work, Professor Pound envisages the administrative tribunal as one of the vital parts in an integrated system of justice, doing its necessary work, but within its proper limits, subject to the fundamental American requirement of fair play under law. The legislation which he believes is needed further to establish the integration of administrative bodies within our general system of justice involves four basic points, all relating to the judicial function of the administrative process: a full hearing; administrative determinations arrived at only on the basis of information made available to all parties; findings of fact and a clear record to make review possible; and a simplified procedure, so that courts acting within their proper province can determine whether the administrative agency has acted fairly within its own orbit.

There is general agreement as to the need of these essentials where they are not already provided; the discussions, pro and con, have largely related to details. For lawyers and students of government in Maryland, Professor Pound's lectures<sup>1</sup> emphasize the necessity of a thorough study of our State administrative agencies. It was only in the last session of the Legislature that a statute was passed providing that administrative agencies must file copies of all rules and regulations with the Clerk of the Court of Appeals and with the Department of Legislative Reference before they can become effective (Chapter No. 872, 1943 Session). The Committee on Administrative Law and Procedure of the Maryland State Bar Association has urged that a commission be appointed to make detailed studies of the workings of some or all of the State agencies and to make recommendations. "Administrative Law" is a cogent argument for such a survey.

—REUBEN OPPENHEIMER.\*

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<sup>1</sup> The book is a reprint of lectures delivered by Professor Pound at the University of Pittsburgh, and before the Allegheny County Bar Association.

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