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Book Review

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*Reviewed by James P. Huddleston**

THE END OF OBSCENITY. By Charles Rembar, New York, N. Y., Random House, 1969, Pp. 528, $8.95.

Someone once said that there is money in sex, and since time immemorial, authors have been attempting to cash in on the literary phase of this business. They have reached their zenith in this, the last half of the 20th century, after a long, hard struggle for "literary freedom."

We are all aware of the current turbulence raging in this area of smut literature, T.V. violence, and sex in education. The battle rages between those who say that society is degraded by these violations of our valued mores and those who say that the destruction of ancient inhibitions will lead ultimately to a better society. The forces of tradition are being forced to the wall, and the exponents of the new, liberal, unrestricted freedom of publication are prevailing. One of the men in the advance of this new freedom guard, Charles Rembar, has written a book detailing for posterity his contributions to this new way of life. The book is titled *The End of Obscenity.*

Mr. Rembar is an attorney whose field of expertise includes, but is not limited to, I am sure, the field of Criminal Law. He has made what most other lawyers would be happy to consider a career in defending authors and publishers of literary works that the agents of government have deemed violative of the public good or public law. His book deals with his successful fight on behalf of his clients to remove from our legal structure all restrictions on publication. His weapon is the First Amendment, and one cannot deny that this man has made new law and served his clients well.

The book is divided into two main portions. One is the discussion of the law prior to Mr. Rembar's appearance. It is replete with sarcastic comments about the mental and physical capabilities of those whose opinions he found unacceptable in creating the law as he came to it. It deals with his frustrations in attempting to convince courts of last resort of several states of the error of their ways. Here he failed. The second part of the book deals with his efforts in the Federal Courts, and particularly in the United States Supreme Court. He carried forward the argument that, unless literary work were utterly without redeeming social importance, it could not be proscribed, or its authors and publishers prosecuted. Here there was not frustration, but the court, following proper constitutional interpretation as delineated by Mr. Rembar, accepted his rationale. Here he succeeded.

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The intellectual thrust of the book, if indeed it has any, is that any work must be permitted to be published if any literary authority would say it had any literary value or importance whatsoever. In a "number-of-angels-dancing-on-a-pin" exercise, the author attempts to distinguish between the terms *literary value* and *literary importance,* realizing the ultimate conclusions his argument would require. It would be, he says, that literary importance requires more literary stuff than literary value. It is obvious that his thesis effectually emasculates any and all anti-obscenity laws, and completely destroys society's power to regulate in this area at all. For literary critics are like psychiatrists in that, if you look around enough, you will find one who will say anything you want him to say. The author places total reliance upon the genius of the Constitution and of the First Amendment guarantees as his weapons for victory, implying that the mores of the majority of society cannot be permitted to interfere with the absolutes of the law. Oddly though, the author goes so far as to suggest that books deemed by other nations to be violative of their laws, be printed in the United States under the protection of our First Amendment guarantees, and sent back to those other countries with returning visitors from our shores. This naked attempt to violate the laws of another country is hard to reconcile with Mr. Rembar's heroic assertion of the fundamental law as the defense for his clients' actions.

From the lawyer's point of view, the book has very little to offer. It may be a literary work of great social importance. I am unqualified to judge. It tells the story of successful litigation from the viewpoint of the victor. Philosophically, certain ancient arguments regarding the uselessness of social mores are rephrased and reissued. The book closes with the prediction that, because of the author's activities, the world will be a greater place in which to live. This may all be true, but legally to paraphrase, the book is "utterly without redeeming [legal] importance."

*Reviewed by C. Ellen Connally**

VENTURING TO DO JUSTICE. By Robert E. Keeton. Harvard University Press, Cambridge, Massachusetts, 1969. 179 pages.

The setting forth of one's personal ideas and opinions, and the right of others to raise questions and objections, are basic in the reforming of both private and public law in America.

In his recently published book, *Venturing to Do Justice,* Professor Robert E. Keeton has reiterated his controversial proposal for the reform of the system of automobile negligence law in American justice. Insofar

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