



1960

## Book Review

Ford L. Noble

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whom will be astounded at some of the author's time-tested procedures for settling claims. It is his belief that better results follow from the adjuster making the first move as far as amount is concerned. This, he feels, brings the lawyer or claimant down from the clouds immediately at the first meeting. The astounding feature of this section of the book is the fact that the author claims that this settlement offer should be the full amount of the adjuster's settlement authority.

Another of the author's astounding ideas is that claimants are basically honest and that by treating them as such an adjuster will be able to retain control of the claim. In addition to this, he advocates admitting liability to the claimant, if liability exists, upon the initial contact, thus forestalling the entry of a lawyer into the case, as the only question remaining in the claimant's mind is "how much."

The author also believes that unless there is a question of liability, the adjuster should not attempt to secure a signed statement from the claimant nor a formal medical report, as both of those activities only tend to excite the claimant's suspicions and exaggerate the claim. In those instances where there is no liability, no contact should be made with the claimant, as this will be viewed by him as an admission of liability.

The book is very easy reading, consisting of statements supported by cases from the author's personal experience. If only a few of his ideas were adopted by adjusters, the result would be revolutionary, but whether for good or bad would be questionable.

\* Librarian and Prof. of Law, Cleveland-Marshall Law School.

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*Reviewed by Ford L. Noble\**

**THE LIMITS OF FREEDOM**, by David Fellman. Published by Rutgers University Press, New Brunswick, New Jersey; 144 pp. (1959).

In these times of radical and abstract analyses and theories about the political, economic, and social facets of our civilization, it is refreshing to come upon a book that does not attempt to dissect our basic ideals for the sake of cynical criticism, but that presents a survey of our traditional democratic ideas in a frank and affirmative manner. This book was originally a series of lectures delivered by Dr. Fellman at the College of Puget Sound in May of 1959. It deals with three fundamental elements of our social structure: religious freedom; freedom of speech, generally; and, the right of free political discussion.

The first section of the book is an essay on the historical background of the freedom of worship enjoyed by United States

citizens from the earliest days of our nation. In developing the principal theme, the author takes the reader down an interesting side road in explaining the manner in which several so-called "off-beat" religions have been absorbed into our conglomerate society and have sought and received the same First Amendment protections and limitations accorded to the major religions. Also, in this chapter is a definitive account of the separation of church and state, the brevity of which belies its value. There is no attempt to propose a solution, as the author does not admit there is a problem. A careful reading of his definition of the theory behind the idea of the separation of church and state is likely to convince the reader that there is in fact, no real problem here at all.

The second section of the book deals with the broad First Amendment guarantee of freedom of speech. As is true with most fundamental ideals, the limitations of the right constitute a better definition of its scope than a discussion of the various types of behavior permitted by the right (which, here, would be voluminous indeed). Consequently, the primary idea in this section is to discuss the acts that freedom of speech does not include, and the court-born evolution of our ideas and basic approach to what has been called "the first freedom."

The more limited topic of the right to discuss politics is the theme of the last section, the value of which cannot be understated in these times when left or right-wing advocacy is more liable than not to brand one a radical or a reactionary, and the only safe line to follow is the impotent middle. Here, again the limitations of the basic right are discussed. The reader is led to the inescapable conclusion that in our time Thomas Jefferson, Alexander Hamilton, James Madison, Ben Franklin, and their Revolutionary contemporaries would all be jailed for treason.

Most lawyers and law students are accustomed to, and actually prefer, a legal treatise which is verbose, complex, and abounding in redundant adjectives and high-sounding phrases. To these readers, the book is not recommended. It was intended to be, and is, a simple survey of three fundamental supports of what we like to call "the American way of life." The bulk of the author's material comes from the opinions of our Supreme Court Justices, primarily from recent cases. It is a fresh, uncomplicated legal essay by a non-lawyer; but in reality it is more than that. It is an American writing to and for Americans about some American contributions to man's search for the perfect state—ideas which we too often take for granted and which we need to air and re-evaluate from time to time lest we complacently ignore them out of existence.

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