

ciais? O autor mostra as causas que originam as divergências, e sua relação com o direito examinado?

7º — O método comparativo, tal como foi aplicado, adapta-se bem ao objeto do estudo feito?

8º — O trabalho se restringiu a direitos positivos de um mesmo sistema? ou a sistemas de tendências semelhantes? A comparação se fez intersistematicamente?

9º — O trabalho comparativo se restringiu a uma determinada instituição? Ou, ao contrário, estendeu-se ao conjunto das matérias dos direitos focalizados?

10º — O autor tratou seu assunto apenas na órbita interna dos direitos positivos focalizados? Ou, ao contrário, fez considerações a propósito de relações de Direito Internacional Privado ou de Direito Internacional Público?

MORRIS, ARVAL A. * — **The Constitution and American Education; American Casebook Series.** St. Paul, Minnesota, West Pub. Co., 1974. XXXIV, 883 p.

Justice Hugo Lafayette Black once expressed his deep respect, admiration and love for our Constitution by saying:

The Constitution is my legal Bible; its plan of our government is my plan and its destiny my destiny. I cherish every word of it, from the first to the last, and I personally deplore even the slightest deviation from its least important commands. I have thoroughly enjoyed my small part in trying to preserve our Constitution with the earnest desire that it may meet the fondest hope of its creators, which was to keep this nation strong and great through countless ages.¹

These same feelings can be found in Professor Arval A. Morris work, **The Constitution and American Education.**

The first three chapters of this casebook provide an introductory framework of the United States Constitution: its origins and creation, its Bill of Rights, and the federal judicial power which has flowed from it.

* Professor of Law and Adjunct Professor of Education. University of Washington.

1. BLACK, Hugo L. **A Constitutional Faith.** N.Y., Kroff, 1968. p. 66.

Part one is probably unnecessary for the second or third year law student, but it is a good background source for school officials. The remaining eight chapters explore the freedoms preserved by the Constitution and the various political and practical problems associated with equal educational opportunities. Not only is Professor Morris' work an excellent casebook for law students on the constitutional doctrine applicable in the field of education, but it is a superb guide for present or future school faculty members and administrators. The text amply demonstrates that the Constitution governs the educational scene.

Ideal education, to the author, should reflect the democratic process, not mini-dictatorships in which the administrators and teachers have no respect for the rights of the students. The teachers and administrators have responsibilities to prepare the students for the outside world where they should take their own responsibilities.

Professor Morris believes that the first amendment stands for a society that is pluralistic and diverse. «Freedom in America implies a trust in the individual».² The more of an individual each person is, the more diverse the society is, the freer each individual is to exercise his own right to grow and develop the nation's amalgamated culture. The author believes that the educational process should be a process in which the student is not taught traditional standardized doctrine, but is taught that he has an individual mind, that the student should learn to pick and choose which beliefs he or she wants to follow and to intelligently and reasonably choose the path that he or she wants to go.

His selection of cases is excellent and plentifully supports his ideals and beliefs. On certain topics he picks relevant specific cases the reader should know, while as to other topics he gives you a historical background from the first case to the most recent one. His introduction to these cases is informational and leads into the cases quite well. He gives you the basic background of these cases and leaves quite a bit of the dimensions to the readers to digest the cases instead of digesting in his own way.

Certainly, Professor Morris exposes a liberal interpretation of the Constitution. For example, in regard to the first case in chapter eight which dealt with the right to wear long hair in school, he could have quite easily chosen a case which reflects the opposite side in the controversy which would also have shown that there is a split of authority in this particular field. Naturally he picked the case which was in line with his liberal point of view.

Considering the freedom of ideas, he picks the **Tinker** case, which concerned the right to wear black armbands in the classroom and protest

2. MORRIS. *The Constitution and American Education*. St. Paul, West, 1974. P. 208.

against the Vietnam War, in chapter five and quotes Justice Brennan, speaking for the court: «The vigilant protection of constitutional freedom is nowhere more vital than in the community of American schools . . . the classroom is peculiarly the marketplace of ideas. The nation's future depends upon leaders trained through wide exposure to that robust exchange of ideas which discovers truth out from multitude of tongues, rather than through any kind of authoritative selections». ³

The final fruit of my ripe experience perceived from the author's ability to apply the beloved ideals prescribed in the Constitution of the United States to the American education, is absolutely sublime. The ideals of insured freedom, human dignity and sublimity are supported by his choice of cases and his interpretation of them. His diction is literal conformation rather than clear-cut and incisive statement which may appeal to jurists. This is a casebook but you get a feeling that you are reading jurisprudence from some sections of this book. The whole work is composed rather well and orderly. This is the type of book which arouses the reader's profound respect and love for the Constitution.

(Mrs.) T. SUSANNE LEE — Comparative Law
Librarian University of Washington Law Library.

FERRAZ AUGUSTO, ANA MARIA — **Sistematização para Consolidação das Leis Brasileiras de Direito Econômico**. Belo Horizonte, Fundação Brasileira de Direito Econômico, 1976, 645 p.

Ana Maria Ferraz Augusto, prometendo trabalho teórico de maior e mais profunda indagação, dá a lume o presente livro, de características confessadamente didáticas, através do qual pretende proporcionar aos alunos amplo material para estudo, bem como oferecer uma visão do tratamento jurídico dado ao fenômeno econômico, quer em seus aspectos globais quer setoriais. Ainda com preocupações didáticas, limita a autora a quantidade do material oferecido.

Seu trabalho se desenvolve em três etapas, dando numa primeira noções propedêuticas de Direito Econômico, apresentando depois o fato econômico em suas variadas faces como objeto de regulação jurídica, para finalmente focalizar a aplicação das leis de caráter econômico.

A autora não discute nesta obra a viabilidade da concepção do Direito Econômico como ordem jurídica, como disciplina ou como um ramo do Direito, aspectos analisados por Gérard Farjat em seu *Droit Economique*. Admite como pacífica esta questão, mencionando somente sua concepção de Direito Econômico, segundo a qual se norteou no seu esforço de sistematização. Aceita-o como «direito de síntese», através do qual os contrários se defrontam, formando uma unidade bipolar, sem

3. Id. P. 317.