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THE LAW OF AWOL. By Alfred Avins. New York: Oceana Publications, 1957. Pp. 288. $4.95.

The initial reaction to a request to review a book on absence without leave comprised horror and incredulity. It recalled dreary stacks of records of trial in which the only evidence for the prosecution consisted of extract copies of two morning reports and the accused either remained silent or made some lame statement about going to visit his ailing mother. What question of law could arise in such a record unless the signer of the morning report failed to add his official title? How could a statutory offense which the Uniform Code of Military Justice defines in 63 words warrant a commentary of 288 pages, closely-printed in small type? The 1951 Manual for Courts-Martial covers the subject quite adequately in two pages. Even Winthrop's monumental treatise devotes only half-a-dozen pages to this commonest of military offenses.

The reading had not progressed far before the initial reaction was wholly dispelled. Here was an author who had ferreted out hundreds of knotty problems of sufficient difficulty to interest any legal mind which delights in mental wrestling and illustrated them with cases drawn not only from the Court of Military Appeals, the Boards of Review and the opinions of the Judge Advocates General but from the civil courts of the United States, the states, England and the most remote British colonies. Here was an author with a thesis to be proved; a thesis that the meaning of the 63 words of the statute is to be found in military common law; that that common law is a product of logic and centuries of experience; in effect, that Article 86 of the Uniform Code, like the Statutes of Uses and Frauds, can be understood only in the light of an enormous gloss which comprises materials ranging from the Articles of Richard II through eighteenth, nineteenth and twentieth century cases and commentaries produced in every part of the world where English law has permeated. Here was an author who could find the doctrine of *res ipsa loquitur* being applied by summary courts-martial; an author unafraid to challenge, on historical and logical grounds, such august authorities as the Court of Claims, Winthrop and the Manual for Courts-Martial, on topics like constructive condonation and absence in civilian confinement.

Knowing that most absence without leave cases are disposed of by inferior courts-martial without lawyers, the author hopes that his book will serve non-lawyers engaged in such work. His hope may be vain. Such men are chiefly concerned with procedure, evidence and practical hints. This is not a book on procedure, evidence or practical hints. It is a book on substantive law and legal theory, written in the historio-logical tradition set by that great master of American military law, Colonel William Winthrop. Colonel Winthrop would enjoy this book and so will military lawyers who like to think. Perhaps, to aid such a disciple, the great master would produce his yellowed copy of the record of trial in the case of *United States v. Major William Winthrop, U. S. Volunteers*, in which the accused was honorably acquitted of absence without leave on the ground of impossibility.

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