



A COMMON LAWYER LOOKS AT THE
CIVIL LAW, by F. H. Lawson. University of
Michigan Law School, Ann Arbor, 1953. Pp. xxi,
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BOOK REVIEWS

A COMMON LAWYER LOOKS AT THE CIVIL LAW, by F. H. Lawson.
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xxi, 238. \$4.00.

Oxford's professor of comparative law delivered the 1953 Thomas M. Cooley lectures at the University of Michigan Law School. These five lectures, now in book form, were intended to be and are excellent *antipasti* to whet one's appetite for modern civil law and the Roman law proper.

Professor Lawson states the purpose of his lectures quite clearly. The comparison of the common law and the modern civil law is not only fruitful for legal science but also most useful as an educational device. Intelligent comparison, however, requires a fairly general knowledge of the background of civil law, principally the Roman law itself, but in both England and America it is difficult to interest students in the study of Roman law as such. His suggestion, therefore, is to develop courses which will make Roman law "completely alive . . . by using it as a vehicle for teaching modern Civil Law," and accordingly his aim in the lectures is to give a demonstration of what can be done in this direction. The central theme of the lectures, as distinguished from their purpose, is that what distinguishes common law from modern civil law is not so much methodology, but the conceptual form and substance of their institutions, principles, and rules — what Professor Lawson calls the "actual content" of the law. This is the point made in the first two lectures, "The Historical Background" and "The Forms and Sources of the Civil Law." The third, fourth, and fifth lectures discuss the "actual content" of the modern civil law in terms of "The Contribution of Roman Law," "The Advance beyond Roman Law," and "Non-Roman Elements in the Civil Law."

Professor Lawson's five lectures of course do not make up a treatise, but are in the same general spirit as Professor Ernst Rabel's masterful and penetrating series of lectures, delivered at Louisiana State University Law School in 1949 and published under the general title *Private Laws of Western Civilization*. They merit careful reading by common lawyers simply for the improvement of their liberal legal education and they should be

considered essential reading for Louisiana "civilians," all too many of whom romantically adhere to misconceptions of civil law which Professor Lawson so well refutes. Indeed, after reading Professor Lawson's lectures it should be perfectly clear why Louisiana adopted a Civil Code embodying Spanish and French civil substantive law, but not a commercial code modelled on civilian lines, and why the Louisiana property, succession, and marital régimes have resisted almost all Anglo-American inroads while all other "civilian" branches of that law have received modifications through the legislative or judicial processes or the practice itself. It may be suggested that *A Common Lawyer Looks at the Civil Law* could be employed most effectively as the syllabus or outline of an American law school's course in comparative law. It should not, however, be regarded as an all-sufficing text. Professor Lawson's remarks should serve only as the points of departure for the investigations and comparisons to be made.

The reviewer may indicate his general agreement with Professor Lawson's belief in the pedagogical utility of introducing law students to comparative studies in common and civil law at a very early stage in their careers by noting he has offered such a course to first semester students since the fall of 1953. Furthermore, the three parts of the course: the historical development of the civil and the common law, the relative importance of the formal sources of the law in the different systems, and the comparative study of particular institutions of private substantive law, correspond fairly closely to the outline of Professor Lawson's lectures. That both professor and students are very thankful for their publication hardly need be said.

Though to Professor Lawson belongs the credit for the lectures themselves, it would be a neglect of obligation not to recognize the role of Professor Hessel E. Yntema in making them available to us. No doubt the editorship of the lectures is his and equally without doubt must it have been in large measure his interest in the advance of Roman and comparative law studies that prompted the University of Michigan to invite Professor Lawson to give them.

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