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Reviews

READINGS IN JURISPRUDENCE, by Jerome Hall. The Bobbs-Merrill Co., Indianapolis, 1938. Pp. xix, 1183. \$7.50.

The rank-and-file American lawyer looks upon law as a closed sphere—as a system apart from and unaffected by the impact of the economic and social forces of the time. He refuses to believe that old legal forms and procedures should yield an inch to modern scientific technique. He regards law essentially as a mere tool to be used for the attainment of a client's ends, and any proposal threatening its utility for such purpose as bad *ipso facto*. He decries the multiplication of governmental boards and commissions without appreciating that possibly the underlying cause is the inadequacy of legal technique. He defies those who encroach upon the sacred preserves of law practice, and rebukes the seventy per cent of our population who prefer letting their legal business go undone to having it done by lawyers, without realizing that the cause might lie in the ineptitude of the bar itself to solve the problem of the place and function of law in society.

And yet the rank-and-file lawyer should not be blamed. He is the product of a system of education which either ignores or insufficiently emphasizes the study of the function of law in society. Leaders in American juridical thought have been too few, and the few have been too little heeded. Law school courses in jurisprudence, comparative law and legal history have not been able to withstand the pressure of the "bread and butter" subjects.

But there are signs of change. A few seeds have fallen on fertile soil. An American legal philosophy seems about to emerge. Recent curriculum studies not only recognize the inadequacy of present day legal education, but propose that something be done about it. Considerable impetus to this movement in curriculum construction is likely to be supplied by Professor Hall's Readings in Jurisprudence. This volume makes available for convenient classroom use carefully selected materials from most of the great European and American thinkers in jurisprudence from the earliest times to the present. To the embryo lawyer the book draws back the curtain on a vista which portrays the "great line of the universal"—which reveals the ideas of the juridical giants

from Plato to Holmes—a stimulus certain to dissolve incipient provincialism.

Professor Hall has divided his book into three main parts, Philosophy of Law, Analytical Jurisprudence, and Law and Social Science. These parts are not mutually exclusive but represent differences in emphasis. The first part consists of eight chapters and seventy-seven selections (335 pages); the second part, seven chapters and fifty-four selections (334 pages); and the third part, ten chapters and eighty selections (487 pages). Without attempting to list all the important authors whose contributions appear in the book, I might name the following as representative and as indicative of the scope of the work: St. Thomas Aquinas, Aristotle, Austin, Bentham, Bingham, Blackstone, Cardozo, Carmichael, Carter, Cicero, Cohen, Cook, Corbin, Dewey, Dickinson, Duguit, Ehrlich, Frank, Fuller, Grotius, Hohfeld, Holmes, von Jhering, Kant, Kocourek, Korkunov, Llewellyn, MacIver, Maine, Markly, Oliphant, Patterson, Plato, Pound, Radin, Stammler, Terry and del Vecchio.

It would be impossible for the editor of such a work to satisfy everyone as to authors to be represented or in the selections to be made from each author. But, in my judgment, Professor Hall has done an exceptionally fine piece of work—one that shows wide reading, keen analysis and good judgment. The selected bibliography makes easily available favorite selections that are wholly or partly omitted.

With this handy volume now available it is to be hoped that jurisprudence will become a regular course in every curriculum, and that every law student will take the course.

GEORGE W. GOBLE*

MR. JUSTICE HOLMES AND THE SUPREME COURT, by Felix Frankfurter. Harvard University Press, Cambridge, 1938. Pp. 139. \$1.50.

The title of this book is too narrow. The book is in fact a brief and striking analysis of the social and economic problems facing this country and coming before the United States Supreme Court during the period of Mr. Justice Holmes' service on that Court, from 1902 to 1932. It is both interesting and valuable, and

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