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LAW TRAINING IN CONTINENTAL EUROPE, by ERIC F. SCHWEINBURG. New York: Russell Sage Foundation, 1945. Pp. 129. \$1.00.

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ing clear the tangled history. He lacks the lightness of touch with which Edmond Pearson or William Roughead would have approached the story, and there is a bit too much of this sort of thing:

"As Clark slept on the ship bearing him home, had he been able to hear through the sound of the waves at night the cry of a little child, it might have told him something; had the sunlight glinting on the waters of the Gulf shown him his own eyes looking back at him from the face of a little girl, he might have learned even more."

The reader may wince occasionally, but he should be able to take it in stride. The book should not be missed. The case is, as Mr. Justice Wayne declared, the most remarkable in the history of our courts.

Of the sincerity, ability, pertinacity and strength of character of Myra Clark Gaines there can be no possible doubt. She spent her life in court; she spent a fortune of her own and other people's money; she upset the city of New Orleans and the courts of Louisiana and of the United States as no one has before or since; she won a moral victory, benefited her heirs, and got for herself not one red cent. But think of all the fun she had!

WILLIAM L. PROSSER*

LAW TRAINING IN CONTINENTAL EUROPE, by ERIC F. SCHWEINBURG.
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It demands a wiser humility than most of humanity possesses for a victorious nation to study the institutions of defeated ones. This monograph by a Viennese practitioner of ten years' standing tells of legal education in Austria, France, Germany, and the Soviet Union. With an understandable preference for first-hand knowledge, he has chosen Austria for most detailed treatment. Of necessity, the picture is of the pre-war scene, which must have suffered many changes during the years of the locust. It is a valuable collection of information, some of which may be found in articles in various journals by Deak,¹ Rheinstejn,² and Riesen-

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1. Deak, *Reflections on Legal Education in the United States*, 1939 Wis. L. Rev. 473.

2. Rheinstejn, *A Comparison of Legal Education in the United States and Germany*, 1938 *id.* 5.

feld³ on French and German law teaching, and by Hazard⁴ on Russian. In addition, the author's observations and comparisons seem just and well-balanced. He sees the mote and the beam. Perhaps it is a book that may be read five years from now more than today.

Certainly, there is need for the comparative study of legal education, in this country as well as in Europe. Equally certainly, it will come. As the tasks and the associations of lawyers, judges, and teachers more and more cross national boundaries, and as they more and more come to know and admire their colleagues in other nations, they will increasingly be interested in foreign systems of legal nurture and curious to measure them with their own.

The characteristics which mark off the continental law schools from our own seem to me, after reading this work, to be five. This thread of difference runs through them all: our schools aim to fit students for the practice of law; theirs do not.

First, the students who take law courses in a typical university of Western Europe are a large and mixed group, very many of whom have no intention of practicing law, but are taking law courses for their general cultural value or in preparation for positions in government or business. The law students registered at the University of Paris in 1935 numbered over ten thousand.⁵ In this respect, as in others, Russia stands in contrast. Her major law schools are strictly professional, and the students, selected by competitive examinations, are severely limited in number. In 1935 the permitted maximum for all the major schools in the Union was 1490.

Second, there is a very substantial admixture of purely social science courses in the law curriculum. Thus, in the first year of Austrian law study is a five-semester-hour course in Austrian political history, and in the third, ten semester hours of economics, and five of finance. Nevertheless, the author sadly comments that there is in the Austrian law faculties no attempt at integration of these subjects with the legal material, and that the thinking about law is "rooted in legal positivism."

Third, everywhere the main vehicle of instruction is the lecture. The very large classes contribute to make this a convenient

3. Riesenfeld, *A Comparison of Continental and American Legal Education*, (1937) 36 Mich. L. Rev. 31.

4. Hazard, *Legal Education in the Soviet Union*, 1938 Wis. L. Rev. 562; *Moscow's Law Institute*, 24 A.B.A.J. 130 (1938).

5. See Deak, *op. cit.*, at p. 486.

method, and the fact that the main body of the law is in codified form lends itself naturally to the systematic presentation of principles by the lecture system. Attendance at lectures is usually not compulsory, and the lectures are supplemented by seminars, proseminars conducted by assistants, exercise or problem classes, and outside cram courses preparatory for examinations. In Russia, seemingly where the classes are smaller, more emphasis is placed than elsewhere upon these exercise-classes and upon student-faculty conferences.

Fourth, and perhaps most important, the student in Western Europe after passing his final comprehensive law school examinations, must undergo a long and rigorous period of apprenticeship, usually three or four years, in the courts and in a law office, and at the end pass another comprehensive examination, before he is qualified to enter the practice or the lower ranks of the judiciary. Thus, in Germany in 1930 a uniform training period of three and a half years was provided for, two years at least to be served in the courts, the remainder in a law office and in an administrative department of government. Since no stipend was provided, the financial burden of the apprenticeship, added to the university years, was a heavy one. The French apprenticeship, though similar in length, was less rigorously supervised than in Germany and in Austria, and was not followed by a qualifying examination. In Russia, the apprenticeship system does not obtain. There the law school course, like ours, aims at a practical training for professional work; in the student's third and fourth years of law school he spends a period of about a month in a court or a law office.

Fifth, the state maintains an immediate control over law training. Law professors are appointees of the Ministry of Education, or other appropriate ministry. Apparently, in Germany and Austria the initiative in reforms of the law curriculum has customarily been taken by the officials of the ministry. The National Socialist regime reshaped the system of law training to conform to the Nazi creed. Marxism and Leninism as the official state philosophy are the central core of Russian legal training. There are on the continent no great law schools under independent foundations, such as Harvard, Yale, and Columbia, to furnish leadership in the development of legal education.

It is well for us to understand as well as we may these features of European law schools, and the other characteristics of

organization and method, so different from our own, which this little book reveals. As we know, the life and well-being of our own system depends upon its capacity of response to the changing demands of a society constantly more geared to the movement of a changing world. We shall have need to learn from the successes and failures of like institutions beyond our borders if we are to meet those demands.

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