REVIEWS AND NOTICES

The Economic and Financial Organization of the League of Nations: A Survey of Twenty-Five Years Experience. By MARTIN HILL. Washington: Carnegie Endowment for International Peace. Pp. xv, 168. ($2.00)

This little book is not so much a survey of experience as a short history of the constitution and structure of the Committees of the League of Nations set up throughout the years to advise governments on world economic and financial problems.

Mr. Hill writes from an extensive knowledge of the work, having been a member of the staff for many years, first under the directorship of Sir Arthur Salter and later under Dr. A. Loveday who has written the preface.

The Covenant of the League provided equitable treatment for commerce of all Members; and international machinery had to be provided for the exchange of views. This study traces the Organs and Committees set up over a period of twenty-five years beginning with the Brussels Conference of 1920; comments on the ineffective World Economic Conferences of 1927 and 1933; indicates the growth of economic intelligence and world statistics prepared by the Organization; and carries an extensive record down to the present day when the small staff still left after the vicissitudes of war was transferred to the United Nations.

It is a faithful and detailed record, well documented and objectively set out, with the references carefully noted. It offers a short description of the purpose in the minds of the Committees whose invaluable work—alas—was not sufficiently appreciated or understood to be followed. The broad outline of policy advocated by some of the best brains of the world to effect permanent improvement in international trade was indeed rejected by the Economic Conferences of 1927 and 1933 and the Organization while struggling against lack of world knowledge had perforce to assume a less important role and concern itself with a great many important but rather subsidiary affairs, such as the drafting of conventions for bilateral agreements—customs nonenclature (an excellent and useful plan which achieved a moderate success), double taxation and other valuable studies. By awaking world opinion through its reports it brought to fruition the work on nutrition which the Health Organization had been studying for many years.

We may not always concur with Mr. Hill in the objects for which studies were made and Committees set up, nor always like his short summary of these objects, but he was behind the scenes throughout and therefore writes with considerable authority. The main object of the Organization was to help governments by preparing studies and drawing sound conclusions from events for their information.

To read a history of any of these events known to many of us is not inspiring. We, who have passed through the optimism of the early twenties, the pessimism of the later twenties and early thirties, the era of clearings, barters, tariff excesses and rampant nationalism, are glad of an easy reference book of this kind as a reminder of our struggles in however humble a capacity to stave off the calamity to which the world with misunderstood nationalism

was tending. But young people who have not passed through these events will find here in synopsis form an invaluable recording for consultation. It may assist them to avoid our failures and foster a brisk determination to pull together with other nations towards a cooperation which will not fail to bring more economic sanity and its attendant prosperity.

SEYMOUR JACKLIN *

New York

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The Problem of Pre-War Contracts in Peace Treaties. By ERNST WOLFF. London: Stevens & Sons Limited. 1946. Pp. xii, 143. ($3.75)

As the reviewer finishes the reading of this book and turns to the writing of a review he feels impelled to take as his text the following paragraph from Sir Arnold McNair's Foreword:

> "I do not know to what extent the forthcoming Peace Treaties are likely to resemble in the clauses dealing with private relations the treaties of 1919 to 1923, but I think that both those who are concerned with the framing of the new treaties and, if the clauses are at all like their predecessors, those who are concerned with their practical application, will find much to interest them in Dr. Wolff's book."

With rare exceptions only two classes of reader will regard the treatise as offering anything concrete. To the first class—the draftsmen of the coming Peace Treaties—the book is an admonition as to the provisions they should insert when dealing with private relations. To the second class—those who are concerned with the practical application of those provisions—the book is a forecast of their effect, but it is a forecast the accuracy of which depends on the actual contents of the Treaties and on the extent to which the draftsmen follow the author's advice. Most other readers may be tempted to regard the book as an exercise in abstract analysis.

Sir Arnold also describes it as a study of the contract clauses contained in the Peace Treaties which concluded the first world war. That however is hardly one of its primary functions; its exposition of the effect of the Treaty of Versailles and of the Treaty of Lausanne is definitely subordinated to the endeavour to formulate recommendations as to the provisions of the impending Peace Treaties. It would be impossible to regard the book as a well-organized, complete or easy-to-read history of the effects of the Peace Treaties of 1919 to 1923; it is not intended to be; its intent is to suggest the solutions of the future rather than to explain the solutions of the past.

At the same time the author could have made his work much more acceptable by the inclusion of a schedule of the pertinent provisions of those Treaties and of the rules proposed by the International Law Association to which reference is made so often. Time and time again the reader's interest is aroused to the point where he would like to pursue a reference or verify a conclusion by an examination of a Treaty clause in the light of its surrounding context but the necessary schedule of clauses is not available. Moreover the reader of a technical treatise on an unfamiliar document would often like to smooth his own path by an introductory scanning of the text of the document. Even in the case of such a text as Benjamin on the Sale of Per-

* Mr. Jacklin was formerly Treasurer of the League of Nations.

sonal Property a copy of The Sale of Goods Act proves to be an indispensable adjunct.

One instance is enough: on page 19 is to be found what is presumably a verbatim statement of the first sentence of Article 299(d) of the Treaty of Versailles; the second sentence of Article 299(d) is mentioned on page 16 but it is not set out verbatim; other references are made to Article 299(d) on pages 20 and 21; Article 299(c) is mentioned in a footnote on page 7; Article 299(e) does not appear until page 135—almost at the very end of the book. What is the complete text of Article 299(d) and what is its exact relation to Article 299(c) and Article 299(e)? The question persists from page to page but the answer always eludes.

An author's expert and intimate knowledge of the fundamental substrata of his subject should not blind him to the necessity of commencing by furnishing the average inexpert reader with the same essential foundation. Without an adequate communication of the text the most expert exegesis may prove partially fruitless.

The main tangible product of the book is a series of recommendations as to the method in which the forthcoming Peace Treaties should deal with private relations. These recommendations are impressive in their completeness, symmetry and precision. But the obvious contrast between the imperfections of the existing Treaties and his stringent suggestions for their improvement leaves serious premonitions as to the extent to which his solutions will be adopted and even as to the extent to which his general standard of perfection will be met. His refinements may be too many and too intricate for the negotiators and their draftsmen. The relevant contents of the Treaties may not only discard many of the learned Doctor's proposals but may, like their predecessors, consist of a relatively small bundle of clauses, phrased in broad general terms and fraught with self-contradiction, ambiguity and *casus omissus*.

As a text on the effect and interpretation of the new Treaties its value is contingent on the extent to which their provisions enact the author's views. The student who speeds towards a newly discovered astral body with nothing but Euclid in his pocket may well wonder whether he has brought the right book when he is not sure whether the geometry of his new surroundings will be Euclidean or Hyperbolic.

But even in a world that apparently chooses to be Euclidean a text on Hyperbolic Geometry can be intensely interesting and so it is with the present book. Even though the exact provisions which Dr. Wolff envisages never come into effect his work stands as a masterly piece of jurisprudential analysis. It is not only masterly; it is instructive, fascinatingly so. One may be blithely nonchalant as to whether quasi-contractual relations arising out of dissolved executory contracts are to be governed by the Treaties themselves or are to be left to be governed by the municipal law applicable. At the same time one is glad to have read the discussion of the topic because it has refreshed and added to one's knowledge of contracts, quasi-contracts and conflicts.

Time may demonstrate that this is a book which provides very few ready-made solutions, but to read it does impart facility with the technique by which legal solutions are devised. The author's mastery of fundamental legal concepts, especially in the realm of contract, quasi-contract, property, agency, partnership, corporations and other private relations arising from

consensual transactions, is so great and his faculty for logical rationalization is so well developed that one cannot help but learn from his presentation of his subject.

Many a teacher has endeavoured to communicate to his students the substance of the following sentence from page 27 and yet has been unable to equal the beauty and accuracy of its language:

> "The most elaborate system of legal casuistry is poor beside the inexhaustible power of life to produce new combinations, and no code can be more than a legal alphabet."

The Foreword describes the author as "an eminent German legal practitioner who found it necessary to leave his country and settle in London in February, 1939". His presentation may differ from the typical treatment of the common-law lawyer but it leaves no doubt as to the appropriateness of the description "eminent".

E.F.W.

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The Law of Trade Unions. By H. SAMUELS. London: Stevens & Sons Limited. Second Edition. 1946. Pp. xv, 96. (6s. net)

There is not a great deal for a Canadian reviewer to say about this excellent little book. The publishers describe it on the wrapper as "a concise and authoritative guide to the new law for everyone in industry", the "new law" being British trade-union law since the passing of the Trade Disputes and Trade Unions Act, 1946. This claim of the publishers sufficiently indicates the uses and possible limitations of the book for the Canadian lawyer. For a quick, bird's-eye view of the British law on trade unions he could not do better than turn to Mr. Samuels, but if he is looking for something more, if for example he wants authorities to assist in the solution of a problem, he is likely to go to one of the fuller treatments of the subject.

Since the 1946 act repealed the Trade Disputes and Trade Unions Act, 1927, the statutory position of trade unions has been restored to what it was prior to 1927. The 1927 act was of course the aftermath of the General Strike of 1926. In Mr. Samuels' words, it declared illegal those strikes and lockouts that had an object other than the furtherance of a trade dispute in the strikers' or locking-out employers' own trade and were coercive of the government. It placed an important restriction on what had hitherto been understood by peaceful picketing. It extended the definition of intimidation to cover any behaviour that caused in the mind of a person a reasonable apprehension of injury to himself or any member of his family or dependent, including injury in respect of any of his sources of income. It provided that no trade unionist could be required to make contributions to a political fund unless he had given a contracting-in notice, where before 1927 such contributions could be collected unless a a contracting-out notice had been given. It prohibited established civil servants from belonging to trade unions, other than certain civil-service organizations, and prohibited local and other public authorities from making membership in a trade union a condition of employment. With the advent of a labour government to power in Britain, trade unionists have secured the repeal of restrictions against which they have been agitating for almost two decades.

It may be hoped that Mr. Samuels' book will move some courageous Canadian to go and do likewise for Canadian law. There is a real need for a concise and authoritative guide to trade-union law for everyone in Canadian industry. Undoubtedly a contributing cause of the current industrial unrest is the ignorance among employers and workers of their legal rights and responsibilities. Such a book might not enhance its author's popularity, but it should lead to an ultimate improvement in labour relations.

G.V.V.N.

* * *

Chief Justice Stone and the Supreme Court. By SAMUEL J. KONEFSKY. Toronto: The Macmillan Company of Canada. 1945. Pp. xxvi, 290. ($3.25)

In this book Mr. Konefsky surveys the judicial harvest of the late Chief Justice Stone, his purpose being as he tells us "to present, by means of the analysis of the great public issues that have come to the Court for decision, Mr. Stone's conception of the Supreme Court's special function in interpreting the Constitution". He has imposed upon himself a task deserving of his talents, and has accomplished it with admirable workmanship and restraint.

Chief Justice Stone was nominated as an Associate Justice of the Supreme Court of the United States by President Coolidge in January 1925. He had spent his life "in an atmosphere of big business, of corporations, of monopolies and trusts". (One of his partners in the practice of law was a son-in-law of J. Pierpont Morgan.) Fearing that the tree would incline as the twig had been bent, certain Liberal senators, the "fighting liberal" Senator George W. Norris among them, fought an unsuccessful battle in the Senate in opposition to the confirmation of his nomination.

The new justice had not been long on the bench before he revealed himself as a man built on too generous a scale to have become the prisoner of his professional environment. He soon took his place with the liberal minority of the court. Disappointed friends, who had taken it for granted that he would be in the other camp, said that he had been captivated, if not captured, by Justices Holmes and Brandeis, those judicial giants who espoused the liberal faith with such forthright earnestness, literary grace and down-to-earth logic that in time they made it popular.

After sixteen years as an Associate Justice of the Supreme Court Bench, Mr. Justice Stone was nominated by President Roosevelt to fill the post of Chief Justice, as successor to Chief Justice Hughes. Speaking in the Senate on the debate that followed the nomination, Senator Norris, who had come to realize that the only sure way of knowing a judge is by the fruits of his labour, generously admitted that he had been wrong in opposing confirmation of Stone's nomination as an associate justice; and, in voting in favour of his elevation to the Chief Justiceship, characterized his act as one of the pleasantest duties that had ever come to him in his official life.

What better tribute could be paid to Chief Justice Stone's labours in the law than that they turned this man of uncompromising mind from foe to friend?

Chief Justice Stone's work on the bench is proof of the truth of the wise words of Mr. Justice Cardozo: "We may try to see things as objectively as we please. None the less, we can never see them with any eyes except our own. To that test they are all brought — a form of pleading or an act of parliament, the wrongs of paupers or the rights of princes, a village ordinance or a nation's charter."

As Mr. Konefsky's book makes abundantly evident, Chief Justice Stone looked at his judicial labours through his own eyes—the clear, far-sighted eyes of a statesman, awake to the changing needs of this changing world, alive to the fact that what was true of yesterday is not necessarily true of today — or to-morrow.

The judge had been inherent in the man and the man showed himself to be a man of sound instincts. In the great battle of first principles, that battle which is joined afresh in every age and generation as further light breaks upon the human mind, he generally ranged himself against the forces of reaction, those forces which have so long delayed man's slow climb towards civilization. He held consistently that the rights of property, sacred in an earlier century, must be made to harmonize with present-day principles of social justice. He never hesitated to strike out, straight from the shoulder, in defence of civil liberties.

Through his analysis of his judgments, Mr. Konefsky shows Chief Justice Stone in many moods.

We like him best in this mood — his mood, when he dissented in the case of *Minersville School District et al.* v. *Gobitis*, reported in the Supreme Court Reporter, Vol. 60, at page 1010.

The Gobitis children were expelled from public school because of their refusal, on religious grounds, to salute the national flag as part of a daily school exercise. As members of the sect of "Jehovah's Witnesses", they had been brought up to take literally the Biblical injunction "Thou shalt not make unto thee any graven image". The opinion of the Supreme Court, which was delivered by Mr. Justice Frankfurter, upheld the action of the school board in expelling the children. Mr. Justice Stone stood in lonely eminence as the sole dissenter from the opinion of the court. We cannot refrain from quoting a few lines from his judgment.

". . . . by this law", he said, speaking with tempered logic, "the state seeks to coerce these children to express a sentiment which, as they interpret it, they do not entertain, and which violates their deepest religious convictions". And later in his judgment he hit the nail on the head. "History teaches us", he said, "that there have been but few infringements of personal liberty by the state which have not been justified, as they are here, in the name of righteousness and the public good, and few which have not been directed, as they are now, at politically helpless minorities."

As Mr. Konefsky tells us in his book, time soon brought Mr. Justice Stone vindication for the solitary stand he had taken in this case. In 1942, just three years later, in the case of *West Virginia Board of Education* v. *Barnette* (63 Supreme Court Reporter, at p. 1178) the Supreme Court reversed its opinion in the *Gobitis* case. The Supreme Court was then differently constituted, but three members of the court, who had concurred with Mr. Justice Frankfurter in the first case, openly recanted the opinions they had held when that case was before the court.

In a prefatory note, Charles A. Beard, who can speak with the authority of the scholar and the thinker, refers to Mr. Konefsky's book as "a labor that renders a distinct service to all citizens of the United States who cherish the form, spirit, and substance of constitutional government". If these words be extended to embrace all citizens who put their trust in constitutional government, they may well pass as the final judgment on the merits of Mr. Konefsky's book.

ROY ST. GEORGE STUBBS

Winnipeg

* * *

Studying Law. Edited by ARTHUR T. VANDERBILT. New York: Washington Square Publishing Corporation. 1945. Pp. viii, 753.

Materials for Legal Method. By NOEL T. DOWLING, EDWIN W. PATTERSON and RICHARD R. POWELL. Chicago: The Foundation Press. 1946. Pp. xii, 580.

It is perhaps not fair to join in one review books that are, from many points of view, so dissimilar. On the other hand, both mark a tendency to deal with a situation that has for years been crying for adequate treatment in our law schools. How is the subject of law to be introduced to the student who merely has a hazy notion that he would like to become a lawyer? For that matter, how does he know he would like to become a lawyer? Are there any guides to the type of work a lawyer may be called upon to do? Is there a legal method of reasoning different from that which the student may have acquired in his pre-legal education? What, indeed, should a student looking to the study of law have acquired from his pre-legal work and what, apart from information, should he obtain and be prepared to acquire from his law school work?

These are but a few of the problems every law teacher has had to face. They are problems that beginning students of law have pondered, sometimes throughout the entire length of their law course, without receiving any satisfactory answer. In a sense they are part of a broader question —what is legal education directed to and what are the basic aims, objects and methods of acquiring that education? Both these books deal with these problems in a different way and from a different approach.

Mr. Vanderbilt (who, following an extremely successful practice at the Bar, has taken over the Deanship of New York University Law School and who has, in this reviewer's opinion, been achieving there one of the outstanding developments in legal education on the North American continent) was concerned to design a book, according to his own statement, for the young man contemplating the study of law and in particular the returning veteran who might be contemplating that study and was seeking for some understanding both of the role of the lawyer in society and the prerequisites for obtaining qualification in that role. With that object in view, he collected a series of articles of a rather mixed character designed, in his view, to bring home to beginners in law the fundamental virtues, difficulties and rewards of the lawyer's position. In addition, it is obvious that the editor was concerned to provide some view of the legal order as a whole and of the basic problem of acquiring a working skill in the material

that a lawyer uses in his contribution towards the maintenance and improvement of that order.

To readers of this Review who are familiar with Vanderbilt and his manifold activities in the interests of legal education and the advancement of law, and to those who meet him for the first time in the preface to this collection of essays on *Studying Law* and who take the trouble to trace the dominant note there struck throughout the essays, it will be apparent that his general theme is that law is inevitably interwoven with life itself and that to understand and succeed in law requires a knowledge of what people are, and do, and think. There is nothing new in this. The astounding thing is that it should be necessary from time to time to stress this view, particularly to the profession itself. How often do we find members of the profession attempting to treat the study of law as if law existed for itself alone and was not as dynamic as the life it purports to regulate. What an amazing paradox to find the active practitioner seeking to confine the study of law to the bare bones of arid legal doctrine to be found in textbooks.

Not so Mr. Vanderbilt. From his opening introduction (p. 6), where he recounts his mental recoil from "simple and systematic" textbooks on law in which, as he states, while "the skeleton remained intact . . . the nourishment was gone", up to the closing pages of his book, where he reproduces his own article on pre-legal education, there is the predominant theme that a lawyer is vitally concerned in the world about him and that his entire course of study should be directed to the acquisition of a reasoning power and a skill to deal with live problems concerning real people. If there is one thing more than another that is constantly impressed on the reader of these essays, it is the theme which, in a way, represents Vanderbilt's own philosophy of a lawyer's life, and is, shortly, "Work, work, work" and "Read, read, read".

There is no doubt that Vanderbilt holds a very high opinion of the lawyer's role and his participation in modern society. While one could be cynical about this, a student's preparatory book is certainly not the place to manifest such cynicism, and one may, therefore, accept the somewhat florid opening article of Beveridge upon the "calling" of the lawyer even though it has a rather distinct flavour of the Rotary Club. The inclusion by Vanderbilt of Zane's classical essays on "The Five Ages of the Bench and in England" was no doubt prompted by the picture it portrays of the lawyer's place in the scheme of things at various periods in our social history; his influence on the facts of history and the impact of social facts on him. Again, a cynical lawyer might conclude that much of Zane's writing is of the "fable" category, but considering that the purpose of the author was to create that burning zeal without which education for the Bar can become a mere training for a trade, this aspect can and, we believe, should be overlooked in a beginner's book. There is too much to the lawyer's credit, whatever may be on the debit side, to subject a beginner to such lamentations as those of Rodell in "Woe Unto You Lawyers". It might, however, be well to give a beginner some idea of the change in emphasis today from "courts" and professional lawyers who, in the past, have staffed such "courts". This is not to admit that the "lawyer" class is "doomed". On the contrary. Regardless of name, the function of the lawyer as adviser, counsellor and prophet of official state action must always remain an important one in our system of society.

Of more doubtful validity is the inclusion of some two hundred odd pages (being in the main Mr. Vanderbilt's classroom notes) of Professor Monroe Smith's lectures on the "Elements of Law". These lectures cover what used to form the classical English course on Introductory Jurisprudence, largely of the analytical type and with a strong flavour of comparative law and history. Personally, the reviewer is inclined to believe that this part of the book might discourage rather than stimulate a beginner's approach to law, valuable though it may be to a person looking back over the field of law after some acquaintance with its more dynamic qualities. Pound's article on the "Introduction to American Law" is again of the skeletal type but his succeeding article on "Social Interests" tosses the student right into the heart of the sociological approach to legal thinking. If there be any criticism of this book it probably lies in the unevenness of treatment indicated. This is not to say that it will not serve its purpose of spreading before the student a picture, disconnected though it may be, of the type of thing with which the law deals.

The other articles in Mr. Vanderbilt's collection include Goodhart's well-known discussion on the determination of the *ratio decidendi* of a case. This, of course, is one of those things which a student can really only acquire by actual participation in case study. Vanderbilt knows this because in his own article on pre-legal education he extols the virtue of education from the study of cases and states that the use of textbooks in a good law school is "if not entirely taboo . . . at least of very subordinate importance". We would doubt whether a study of Goodhart's article in itself would assist in the solution of the problems a lawyer has to meet in the technique of handling cases, unless it were accompanied by experience in case study itself. We imagine that Vanderbilt would agree with this and the present book is not, of course, designed to supplant the work of a proper law school. Bearing that in mind, the inclusion of Pound's article on "Interpretation of Statutes" and Wambaugh's article on the "Use of Statutes and Decisions" will further, even if inadequately, introduce students to the legal method of the common-law lawyer.

It is idle to criticize the choices that Vanderbilt has made. As indicated, his purpose was to provide a book that would either encourage or discourage students returning from the Armed Services to enter upon the serious study of law. With that limited object in view, there can be no doubt of the value of this collection. On the whole, the essays point to the myriad social services open to a lawyer. They also sound the warning that preparation for those services involves an intensive development of a lawyer's reasoning powers and demand that he acquire as much knowledge as possible of the world about him, how people think, their hopes, aspirations and social ideals. A student willing to make the sacrifices that Vanderbilt requires should, of course, have a law school which will stimulate and encourage the acquisition of these prerequisites. All this Vanderbilt recognizes and, in his own school, provides. It would be interesting to know whether the Canadian profession would approve of the aims, objects and methods of this successful teacher-practitioner. We have no doubt that the parts laudatory of the profession would find general acceptance. From our knowledge of the state of legal education in Canada we doubt whether the aims, objects and methods of legal education which Vanderbilt requires for the maintenance of that position are anywhere available or obtainable. It seems a pity that if we encourage our young men to expect

and seek the promised land which essays such as these hold forth, we do so little to fulfil their expectations in the providing of legal education which will train a lawyer for participation in the broader role of social experiment and control which Vanderbilt and these essayists envisage.

The second book which furnishes the subject matter of this review is also designed for beginning law students. Every teacher of law has grappled with the problems of how best to start a student in study of the common law system. In the past (having discarded the approach of the analytical jurists like Holland and Salmond), it has been customary to pitchfork him into the midst of a selection of cases on Contracts, Torts and Crimes in the pious hope that out of his mental travail and despair he will somehow acquire the technique of handling legal materials. Professors Dowling, Patterson and Powell have for the first time produced a book designed to deal exclusively with the training of a student in the legal method of the common law, apart from its substantive content. A student should know and appreciate what he is expected to gain from a study of case law. This involves the technique of reading and studying decisions with a view to understanding the methods of legal reasoning used by judges and lawyers in deciding issues. To this end, the student is given concrete illustrations taken largely from groupings of the law that he will meet in his basic courses in the first year. The object of this book is to provide an ability to extract from the cases themselves the vital "principles", "rules" or what have you, which can be used for further synthesis and development. Great emphasis is placed on an examination of what the modern law lecturer is trying to obtain from his students or what he is trying to impart to his students. Vanderbilt and these authors are at one on the object. This student's book for use in class study is, however, brought down from the abstract to the concrete and shows a student how he can analyze, dissect and synthesize. It shows him in a very practical way how he can trace law down in a working library. It should, if worked over by a student with an intelligent instructor, explain at a very early date what it takes some students years to learn (and what some students never learn) namely, what, if anything other than his own amusement, a lecturer has in mind as he sits on the platform "juggling the balls", as Llewellyn styles it. It also shows him the inter-relationship between statute law and judge-made law, and it is interesting to note that in this course on legal method the authors have included the technique of interpreting statutes. This is a healthy advance and should do much to break down that attitude of the common law which has, in the past, tended to treat the statute as "exceptional", as opposed to judicial legislation itself.

This reviewer believes that the collection of materials on legal method is one of the most valuable contributions to legal teaching that has appeared in many a year. It should eliminate much of the waste time in the first year course in which various lecturers in various haphazard manners attempt to instil a knowledge of legal method without co-ordination of effort. It should, further, assist to bridge the large gap that exists between case law study from casebooks and the individual research of students. Of course, individual research is impossible save in the full-time law school. There are even those who think that the study of law from concrete facts and cases to "principles" is inappropriate to any but a full-time law school. We believe that an examination of the materials on

legal method, which is concrete evidence of what the modern law school is attempting to do for the student who must go out into a practical world, taken in conjunction with Mr. Vanderbilt's essays, should convince even the most hardened devotee of the study of law by the "black letter" text that legal education in the United States is still about half a century in advance of legal education in Canada.

Vanderbilt points out to the student approaching law that the lawyer's work, being concerned with what Mr. Justice Holmes has called "the prophecies of what the Courts will do in fact", is of necessity an amalgamation of the "is", the "ought to be" and the "must or else" (*Studying Law*, p. 637). The *Materials for Legal Method* brings to the students' attention in very short order how this works in practice. Thus, for example, the editors deal with actual decisions involved with "judicial" behaviour in connection with a new problem and then show how the student must make his own synthesis from a line of seemingly divergent cases. For this purpose, the editors chose that line of cases dealing with the liability of a manufacturer of goods. As the editors point out, the book is not an introductory one to the study of jurisprudence. No teacher of law, however, can hope to deal successfully with law as an instrument of achieving justice in a real world, without paying some regard to the theories prevailing at any given time and in any given society as to the aims and objects of the judicial process. How these aims and objects are used by courts, how lawyers and courts use past decisions to reach new and novel results, how a lawyer should ascertain the "choice" that is usually available in the solution of practically any problem coming before a court, forms the subject-matter of this collection of material. It is admirable in every way and, to a law teacher, is an absolute necessity. Further, we would like to suggest that from it persons who are dubious about the practical results of so-called theoretical law training may find an answer to many of their doubts.

Both these books are concerned with the beginning law student. There can be no doubt that the way in which a law student's training is begun is the most important part of legal education. Indeed, it has been said by a well-known legal educationist that no man should be qualified to teach to first year students unless he has served his apprenticeship for many years in teaching the higher classes. The collection of essays by Vanderbilt should be read by law students in order to realize that the subject of their study and of their chosen profession involves much more than the learning of a trade. It involves a study of human relationships, and a student's education should be designed to equip him to assist in the solution of the problems arising from the conflict of human desires. Such education must be itself practical in the sense of imparting a technique and a skill, in short, an ability to get things done, while, at the same time, it should provide an ability to appreciate that very little in the adjustment of human relations is in the category of the "inevitable". The good lawyer is the man who can appreciate the choice between conflicting possibilities and who has sufficient knowledge to make an intelligent choice within the existing technique. The book on *Legal Method* shows the "know how" of doing this. Vanderbilt's collection should furnish the beginning student with the desire to acquire that "know how" for the broader participation in the social life that is the theme of Vanderbilt's book. In this sense, both books are themselves practical and inspirational guides to the work

of the modern lawyer. Both of them are indispensable to a student who has the desire to study law, as Holmes would say, "in the grand manner".

CECIL A. WRIGHT

Osgoode Hall Law School

BOOKS RECEIVED

The mention of a book in the following list does not preclude a detailed review in a later issue.

Charters of our Freedom. By REGINALD G. TROTTER. Toronto: Ginn and Company. 1946. Pp. vi, 138.

Comparative Law: An Introduction to the Comparative Method of Legal Study and Research. By H. C. GUTTERIDGE. Cambridge Studies in International and Comparative Law. Toronto: The Macmillan Company of Canada Limited. 1946. Pp. xvi, 208. ($3.00)

Democratic Government and Politics. By J. A. CORRY. Toronto: The University of Toronto Press. 1946. Pp. vii, 468. ($3.75)

Dictionary of Words and Phrases Judicially Defined, and Commented on, by the Scottish Supreme Courts. By A. W. DALRYMPLE and ANDREW DEWAR GIBB. Edinburgh: W. Green & Son, Ltd. 1946. Pp. viii, 382. (45/- net)

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