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Book Reviews

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BOOK REVIEWS


The field of comparative law has received little attention in this country, perhaps because no adequate collection of materials necessary for such study has ever been made readily available. That need is now being supplied, at least in part, through the publication of the first volume of a monumental series designed to furnish a critical background for the understanding of the decisions and holdings of other countries in matters concerning the conflict of laws. Prepared by an eminent European scholar of wide and unusual practical experience, supported by the American Law Institute, and sponsored by the University of Michigan Law School, this series should provide the basis for a critical examination and a comparison of the significant rules on specific problems in private international law.

The first volume deals primarily with the family relationship. It covers such topics as the personal law of the individual, marriage, divorce and annulment, as well as parental rights and obligations. Perhaps more helpful, though, is the splendid introduction to the entire subject, to its literature and to its underlying concepts. It would be difficult, if not impossible, to furnish a critical evaluation of the tremendous amount of information contained in the book. Instead, one can only express thanks that there is a person of such wide learning and indefatigable industry as the author. The reader must form his own conclusions on what is so excellently prepared for his consideration.

No longer should there be an unwillingness to test the validity of American concepts against those fashioned elsewhere. Excuse for insisting upon insularity of thought is now gone. Certainly, if this world is to become one world in more than name, it must reach a common solution to common problems in law as well as in other fields. Here, then, is the point from which a sensible start can be made.


Much has been said and written on the desirability of providing the entering law-school student with an introduction to the
work he is about to encounter. Too often, that introduction does not come until entrance into law school itself. As a consequence, even the best student may flounder through a semester or more before he finds firm footing, for law school disciplines are different, in many respects, than anything which may have been encountered before. Some have suggested that the fault lies with the undergraduate colleges in that they have failed to prepare the student adequately for what lies ahead. Wherever lies the fault, an answer to the problem well recognized by every law school teacher is to be found within the covers of this book. If it could be placed in the hands of every student before he enters law school, it should temper the shock of actual entrance upon the study of law. If not, it should be made required reading within the first few weeks of that career.

Specifically, the materials selected are designed to furnish the student with much background knowledge which he should possess in order to evaluate and understand his daily assignments—things he may not otherwise learn except at the cost of much travail. Some of the materials serve that purpose in excellent fashion, but others are of doubtful value if the book is to be placed in the hands of those who have had no training in law. Zane’s panoramic treatment of the history of the English bar, for example, is replete with technical references that will be apt to confuse the novice. Goodhart’s celebrated article on the ratio decidendi of cases, although of unquestionable merit, needs an introductory bridge to point out why the ratio decidendi is important. Wigmore’s extract is incomprehensible without some similar introduction, not provided even in the editor’s prefatory remarks. One wonders, also, at the diffidence of the editor in placing his own clearly written discussion of prelegal education near the back of the book when, logically, it seems to be the door through which the student must pass to reach the other materials. These criticisms, however, can easily be overcome. They are trivial compared to the good that can be had from attention to the contents of this book.

W. F. Zacharias