

BOOK REVIEWS

THE SPIRIT OF JEWISH LAW. By George Horowitz. New York: Central Book Company. New York, 1953. Pp. 813. \$12.50.

Over the years, a number of Jewish legal classics have become available to the English reading public. The *Mishna*,¹ the *Babylonian Talmud*² and the *Abbreviated Code*³ have been the object of translation, and presently the *Code of Maimonides* is acquiring an English garb.⁴ However, the *Mishna* provides but the outline of Jewish law; the *Talmud* demands skills that can be commanded only after years of assiduous study; and the *Code of Maimonides*, though the most complete and masterful exposition of the totality of Jewish law extant, is voluminous⁵ and dated.⁶ The *Abbreviated Code* is limited largely to ritual law and suffers from a lack of historical perspective. Thus a concise general presentation is a desideratum for most interested readers. Of course, Chief Rabbi Herzog's volumes on the Law of Property and Acquisitions⁷ are available and some good studies of specific fields may be found in books, encyclopedias and periodicals. But the best single volume presenting a substantial portion of the total area is undoubtedly *The Spirit of Jewish Law*. Written clearly, simply and directly, it offers a general treatment of marriage and divorce, inheritance, property and commercial law, tort, crimes and civil and criminal procedure. Most of the initial 100 pages describe with acumen and historical perspective the sources of Jewish law and the institutions which developed, declared and enforced it. Appendices, including a Glossary of Hebrew and Aramaic Terms, a general index and a full table of contents add to the usefulness of the book. There are spots

1. THE MISHNA, translated by Herbert Danby (The Clarendon Press, Oxford, 1933). The first three tractates of the *Mishnah* have also been translated by Jacob David Herzog (Bloch Publishing Co., New York, 1947), and the first volume of a six volume translation by Phillip Blackman has appeared in London, 1951. Cf. also HYMAN E. GOLDIN, HEBREW CRIMINAL LAW AND PROCEDURE (Twayne Publishers, New York, 1952).

2. THE BABYLONIAN TALMUD, translated by Michael L. Rodkinson. A superior translation has been completed by the Soncino Press, London.

3. KITZUR SHULCHAN ARUCH, translated by Hyman E. Goldin (Hebrew Publishing Co., New York, 1927). Cf. GERALD FRIEDLANDER, LAWS AND CUSTOMS OF ISRAEL (Shapiro, Valentine & Co., London, 1949).

4. As part of the Yale Judaica Series, Yale University Press, New Haven. The first book of the *Code* has also been translated, by MOSES HYAMSON, THE MISHNEH TORAH (New York, 1937).

5. Fourteen volumes of text will eventually be published.

6. It was completed circa 1180.

7. I and II HERZOG, THE MAIN INSTITUTIONS OF JEWISH LAW (The Soncino Press, London, 1936 and 1939).

where factual inaccuracies,⁸ faulty arrangement,⁹ inadequacy of exposition,¹⁰ and egregious typographical slips¹¹ are noticeable, and fuller bibliographical references might have been provided,¹² but these are minor errata and can be forgiven in a work of such broad scope. On the whole, the book presents a skillful, orderly and well organized recasting and summarization of Jewish legal materials in common law terminology, and the student of law, as well as the uninitiated, can refer to it with profit.

The reviewer wishes he could stop here. However, he fails to understand why a book which seeks to fill the need for a good one volume presentation of Jewish law should undertake as a central target "to show that the Talmud and Rabbinical developments generally, represented not a decline from the sublime teachings of the Bible and the Prophets, but rather a carrying onward and forward of those very teachings."¹³ Not only

8. *E.g.*, *Kiddushin* by cohabitation, discussed in § 150, p. 271, is obsolete, not because a Jewish marriage is invalid without a *ketubah*, for a *ketubah* may be prepared and given the bride before the act of cohabitation, but because as a form of marriage it was inesthetic and despite the validity of the marriage, the act itself subjected, at least the male, to the penalty of lashes. TRACTATE KIDDUSHIN 12; TUR EVEN HOEZER c. 26. The statement made in § 144, p. 263, that most of the rules involving a *halal* "have been obsolete for two thousand years" is too broad. The most substantial regulation—unfitness to marry a priest—has remained in effect and is enforced in Israel even today. In § 335, p. 633, the technical term for ordination, *hatarat hora'ah*, is mistranslated as a "license to teach." Actually it signifies "permission to answer or decide ritual questions." See TRACTATE SANHEDRIN 5. In the same section, p. 634, the statement is made that "a person who had witnessed the act or transaction involved in the case may not sit as a judge of that very case." In civil cases, a judge is not disqualified because he saw the act involved. Disqualification occurs upon the receipt of a summons to testify or the actual giving of testimony. CHOSHEN MISHPAT c. 7, subsection 5. See the last *Tosephot* in TRACTATE KESUBOT 21.

9. The material on Penal Causes, §§ 338-42, Chapter XXXVI should have appeared in Title 6, perhaps as part of Chapter XIII, and not together with the material on Judges. Thus the statement in § 335, p. 634 "Even a convert to Judaism, providing his mother was Jewish, was eligible to be a judge, as was also a *manzer*," applies to civil cases alone. Converts and bastards may not sit in capital cases. TRACTATE SANHEDRIN 36.

10. Thus, the discussion in § 118 might have made a more forceful delineation between transgressing a prohibition without a saving act, and one with. The conditions implied in the *ketubah*, involving as they do substantial property rights, deserve better treatment than the cursory reference in § 173, p. 311. The explanation of *miggo* in § 355, should have stated that the plea is available only to a defendant, not to a plaintiff. CHOSHEN MISHPAT c. 82, subsection 12.

11. Thus in § 355, p. 672 line 6 the phrase "plead another possible plea less advantageous to him" should read "plead another possible plea *more* advantageous to him."

12. Appendix IV does give "a general and very brief description of the literature available in English on the subject of Jewish Law with some necessary comments on the material in other languages." (Quote from p. 747.) But some of the most substantial studies in English and Hebrew have appeared in periodical literature, reference to which has been completely omitted. One of the unfortunate results of inadequate notation is the impression that Mr. Horowitz states unanimous opinion, even though the subject may in fact have aroused some dispute. Thus, considerable controversial literature on the functions and complexion of the Sandhedrin during the Second Temple has been published but the reader has not been directed to it. The solution of the *agunah* problem suggested by the Rabbinical Assembly of America has stirred bitter debate to which reference certainly should have been made.

13. From the preface.

does the expressed goal indicate the presence of temptation to lay the facts in a procrustean bed, but it smacks of that type of apologetics which Jewish organizations had at one time broadcast so generously, and to such little avail. As a matter of fact, Mr. Horowitz foredoomed himself to failure in his task. "Jewish Law," which is the subject of the book, refers to "those particular elements found in Torah and Tradition which are more strictly matters of law in the modern sense of the term," in other words, to the laws between man and man, as distinguished from the laws between man and God.¹⁴ Thus the body of Jewish ritual and ceremonial has been placed outside the scope of the work. But the attack on "Rabbinism" which Mr. Horowitz undertakes to refute has been especially directed at its supposedly excessive preoccupation with ritual and ceremonial, and since the book presumably does not discuss these areas, there really is no defense. The tangible result of the vain effort is a 50 page piecemeal treatment of a number of unrelated subjects, including, after all, some ritual items, under the catch-all heading of Humane Legislation.¹⁵

The exclusion of ritual and ceremonial from the scope of "Jewish Law" is dubious in another respect. Jewish law, unlike the common law is religious in spirit, in expression and in approach. Ritual, ethical discipline and commercial practices are intertwined. Purely business matters may be subject to the injunction "And thou shalt do that which is right and good in the sight of the Lord . . ." ¹⁶ Thus, the doctrine of *caveat emptor* never had a foothold in Jewish law; on the contrary, "even to a Gentile to whom it may be a matter of indifference whether meat be *kosher* or not, a seller must disclose whether the flesh is that of kosher cattle ritually slaughtered or of a 'fallen' animal, *i.e.*, one killed by accident and hence not kosher."¹⁷ On the other hand, ritual precepts, such as the prohibition of labor on the Sabbath, have far reaching economic consequences. Long before the King's judges struggled to define larceny, the Rabbis considered "stealing a man's thought" as one of the worst kinds of theft.¹⁸ The inter-relationship between ceremonial and private and public law was so close that violation of many ritual commands entailed criminal sanctions ¹⁹ and the community enforced ceremonial as it did private law. From the Jewish point of view, economic behaviour, like ceremonial, expresses a search for holiness and God consciousness and indicates a conception of the nature of the Divinity and man. Consequently, the spirit of Jewish

14. THE SPIRIT OF JEWISH LAW, § 4, pp. 4-5. Mr. Horowitz, it must be admitted, is in very good company, because he followed closely THE MAIN INSTITUTIONS OF JEWISH LAW by Chief Rabbi Herzog in determining the subject matter of Jewish Law and in defining the phrase. See Rabbi Herzog's Introduction to THE MAIN INSTITUTIONS OF JEWISH LAW, *supra* note 7. However, Rabbi Herzog did not undertake to clarify the spirit of Jewish Law; Mr. Horowitz did.

15. Even the Laws of War are part of the chapter Consideration for Human Beings.

16. DEUTERONOMY 6:18.

17. THE SPIRIT OF JEWISH LAW, § 202, p. 367.

18. *Id.* at 368.

public and private law is not clarified by divorcing one segment from that greater totality where the market place, the home and the synagogue stand on the same level.

A final remark: For his source material, Mr. Horowitz depended primarily on the great codifications, the last of which was prepared in the 16th century, almost a hundred years before Blackstone. Wittingly or unwittingly, the reader remains with the impression that Jewish law has stopped growing since then. Nothing is further from the truth. While the spectacular development of the common and statutory law during the past three centuries has no parallel in Jewish law, nevertheless the many new problems created by great economic upheavals, scientific discoveries and new insights into the social sciences have had their impact upon Jewish law, and the emergence of the State of Israel may well herald the threshold of a great renaissance.²⁰ The fact that some questions are still matters of vigorous debate and that discussions are scattered in numerous *responsa* and periodical publications and are as yet unavailable in a codified, easily accessible form, may explain why a book on Jewish law fails even to hint their presence, but does not exonerate the author from the charge of omission.

Mr. Horowitz has done a commendable and timely job in presenting a portion of the Jewish law to the English reader. However, before a second edition appears—as we hope will prove to be the case—he would do well either to label his work an introduction to Jewish private and public law, or, if he is intent upon expressing the spirit of Jewish law, add ritual and ceremonial to his purview, so that it may become obvious that to the Jew, law is the spirit of God revealing itself in the acts and deeds of man.

Meyer Kramer†

19. See TRACTATE K'REESOT c. I.

20. The only reference in the *Spirit of Jewish Law* to contemporary Jewish legal developments concerns the solution of the problem of the *agunah* suggested by the Rabbinical Assembly of America in 1936, which has yet to be implemented on a consistent basis even by the Conservative Rabbinate. See §163. And yet contemporary Jewish legal output is grappling with such modern problems as does a Communist remain a Jew? What is the paternity of children born as a result of artificial insemination? When does the deposit of a letter in the mail constitute an acceptance? To what degree are fingerprints reliable evidence? All of these questions were discussed during the past two years in the monthly HAPARDES, edited by Rabbis Pardes and Elberg, New York. Especially noticeable are efforts to restudy and reevaluate the basis of legal power and authority, the limits of judicial jurisdiction, and the relationship between the judicial, executive and legislative functions.

Pursuant to the ruling of Rabbinic authorities, a number of innovations in family law have been introduced in Israel. The ketubah, has been increased tenfold, and the father is now obligated to support his children under the age of 15. See Rabbi I. Herzog, *Ordinances of the Chief Rabbinate*, I TALPIOTH, nos. 3-4, p. 457 (New York 1944). These changes are important because they indicate the beginning of a trend. Mr. Horowitz's chapter on Jewish Law and the State of Israel indicates no awareness of these developments, and, speaking most charitably, is woefully inadequate.

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PHILOSOPHICAL ESSAYS, ISAAC HUSIK. Edited by Milton C. Nahm and Leo Strauss. Oxford: Basil Blackwell, 1952. Pp. xli, 349. \$6.75.

It is altogether fitting that the University of Pennsylvania should have made possible the posthumous publication of Isaac Husik's *Philosophical Essays*. Four times it conferred degrees upon him (the B.A., M.A., Ph. D. and LL. B.), for eight years he was one of its research fellows and then for over a quarter of a century he was a member of its faculty. Yet, the publication of his essays represents more than a tribute to an esteemed alumnus. It is an excellent way to convey the portrait of the whole man. Professor Husik was known to students of Judaica as the great historian of medieval Jewish philosophy, to American lawyers as the translator and interpreter of classics in jurisprudence, and to teachers of philosophy as a keen interpreter of Aristotle. Consequently, in an age of specialization such as ours is, Husik's name was known to three different groups of scholars for three different reasons. The publication of his philosophical essays in one volume now makes possible an appreciation of the whole man and a quest for the underlying unity in his life which might even account for the diversity of his own specializations.

Jurists will be most interested in the book's fourth and last section which contains Husik's principal writings on the philosophy of law. Two-thirds of the section consists of two essays on Stammler and Kelsen.¹ These are masterpieces of lucidity and are "musts" for all students of jurisprudence. This reviewer has found nothing in any textbook on jurisprudence that could begin to compare with Husik's clear exposition of the abstruse philosophies of these two thinkers. Had Husik done nothing more than this for American teachers of jurisprudence he would have them in his debt forever.

It is the more remarkable that he was able to achieve so well with respect to two philosophers whose aim and method are so antithetical. Stammler was preoccupied with the discovery of propositions about the law that are universally valid and that would apply to all possible law, past, present and future. As a result he turned in neo-Kantian fashion, to an analysis of the modes of conceiving of reality. Kelsen, on the other hand, regarded the jurist's function as one that required exclusive preoccupation with the rules of positive law of a given legal order. Stammler was interested in a pure theory of justice; Kelsen, in a pure theory of law—law denuded of ethical, sociological, or philosophical norms. Husik understood both well and his essays display this keen understanding.

However, as fascinated as he was by Kelsen's approach to the law, and as satisfying as that approach was for Husik the Aristotelian, the

1. Although his discussion of the differences between Kelsen and John Austin is brief, Kelsen himself later elaborated on that subject in an essay of his own. Kelsen, *The Pure Theory of Law and Analytical Jurisprudence*, 55 HARV. L. REV. 44 (1941). In fact, Husik may have stimulated him to undertake the task.

Hebraic character of Husik's early training came to the fore in his essay on *The Theory of Justice*. This essay reveals Husik groping for something beyond Kelsen's method. Although he did not say it, Husik gives evidence of a dissatisfaction with Kelsen's elimination of all value judgments from the scope of jurisprudence. The Hebrew in Husik could not long tolerate the separation of the ethical from the legal, or the ethical from the political. Although Kelsen expressed this divorce most clearly after Husik's death, Husik grasped the full impact of what Kelsen was doing, and in his essay on justice he attempted to restore the ultimate character of that concept—its being virtually revealed. 'Twere almost as if the "Justice, justice shalt thou pursue" of Deuteronomy had returned to claim the erstwhile Rabbinic student. Yet, alas, Husik did not let himself go, and consequently the essay adds little that is original. On the other hand, its occasional utilitarian approach ill became so fine an analyst as Husik. For even if one assumes the norm of the greatest happiness for the greatest number, one must still ask as Husik well knew from his studies of Jewish philosophy, "What is it that ought to make one happy?" It is not sufficient to ask whether power or possessions, or even the satisfaction of one's feelings of sympathy, makes one happy. Man wants to know what *ought* to make him happy. And while we dare not legislate philosophical answers to this question, integrated philosophies of ethics, politics, and law, cannot ignore them.

Less presumptuous in scope than Husik's essay on justice is his essay on judge-made law. But here he discusses only the relevance of the problem to one specific case in American constitutional law. He adds no criteria for judicial self-control comparable to those which Cardozo presented. Cardozo, for example, when he dealt with the problem of judicial legislation with respect to contracts under seal, suggested that the judge ought never legislate with respect to the seal, when it is likely that the contracting parties had relied thereon.² Husik made no such recommendations.

Reading Husik's two essays on justice and judge-made law—neither of which were ever published before—one cannot escape the conclusion that they were both preliminary endeavors which Husik might some day have used in longer and more penetrating studies. They suffer badly by comparison with his earlier published essays on Stammler and Kelsen.

Husik's consummate skill as the analyst and lucid interpreter of abstruse philosophical writings is revealed not only by the fourth group of essays on jurisprudence but also by the third group on individual philosophers. These contain few generalizations as to either Judaism or other systems of thought but rather meticulous scholarship with respect to specific passages in the texts of both Jewish and non-Jewish philosophers. Husik was at his best in this kind of work. Even in his essay on

2. This is an approach which is based on Pound's analysis of the security of transactions.

Maimonides and Spinoza (the XIIIth essay) the most memorable portions are his interpretations of baffling allusions in Ibn Ezra's commentary on the Bible. As a student of texts Husik had few peers.

Far less impressive are Husik's attempts at philosophical synthesis or originality, found in the first two groups of essays—on Judaism and Jewish philosophy. His generalizations there are the product of lesser talents. The editors must also have sensed this, for they did not include in these groups Husik's essays on individual Jewish philosophers. These latter superb essays they placed in the third group. This group was clearly the product of Husik's genius.

It may even be that Husik would not have authorized the publication of the first two groups of essays which are indicative of almost a myopia with respect to Judaism. Certainly he, as well as time itself, had outgrown them. Their value lies principally in what they reveal of his heart rather than of his mind.

Curiously enough, Morris Raphael Cohen, another great American teacher of philosophy experienced the same intellectual odyssey that was Husik's. Both men, rebelling against their ancestral faith and learning, appear to have found strength in Aristotle at critical junctures in their intellectual developments. Then in middle age the Rabbinic training of their youths seems to have plagued them from subconscious levels, driving them to the study of law. Law is the one field with which Rabbis were ever preoccupied and in which Jewish creativity has been uninterrupted for millenia.

Any man's contribution to philosophy or learning in general must be judged in terms of its intrinsic truth or falsehood, and not in terms of the conscious and subconscious drives and motivations that impelled it. Nonetheless, one must attempt to explain why Husik's philosophical essays reveal tremendous intellectual stature when he examines the texts of philosophers and jurists whereas his discussions of Judaism are seldom impressive. An emotional affinity for Judaism he had. At the same time his penchant for objectivity prompted him to avoid any enthusiasm for his ancestral faith. Consequently his affirmations and negations with respect to Judaism betray only the turmoil within his own soul and little else. Generally it must be said that his essays are uneven in quality, superb when dealing with individual philosophers, and mediocre in the area of Judaism. Fortunately, the essays on Judaism are brief and comprise less than a quarter of the volume.

A detailed critique of Husik's views on Judaism does not properly come within the scope of a review written for lawyers. But since Judaism is more a "legal order" than a religion, one would have expected Husik the jurist to bring his background in jurisprudence to bear upon whatever insights he expressed with regard to his ancestral faith. In fact, he expressed the hope that some day a scholar would do this very thing. However, Husik did not fulfill this expectation. He thought that in Judaism

“sin and crime and vice and tort and breach of contract became simply violations of the one Law of God.” This generalization is both misleading and demonstrably wrong. It is demonstrably wrong insofar as Jewish law, for example, countenanced many more instances of liability without fault than did Roman law and liability without fault cannot possibly be a violation of God’s Law. It is also demonstrably wrong because Jewish law carefully differentiated between actionable crimes and non-actionable sins, between torts that were a matter of private law and crimes that were a matter of public law, and even between law and equity. It was true that unethical conduct on the part of man was regarded by Jewish law as a violation of God’s Law. The religious imperative and the ethical imperative were one. However, to create the impression that because of this identity, all of Jewish law could be understood only in the light of the revealed Law is misleading. As a matter of fact, Husik, even in his philosophical essays in the third group, was much too oblivious to the legal writings of the very philosophers whose philosophical treatises he had magnificently mastered. That is why Maimonides’ monumental work on Jewish law is completely ignored, even to the extent of its philosophical passages. One finds it difficult to explain why Husik the lawyer was only Husik the philosopher when he applied himself to Judaism.

Despite the uneven quality of the essays, however, one must be grateful for the publication of all of them. They reveal the total man who was much beloved by colleagues and students alike. The editors particularly merit commendation. Their biographical and critical introduction is exceedingly well done.

Dr. Emanuel Rackman †

RESEARCH IN PENNSYLVANIA LAW. By Carroll C. Moreland and Erwin C. Surrency. New York: Oceana Publications, 1953. Pp. 91. \$2.50.

It is an old and trite saying that, in the practice of the profession, it is not so much to know the law as to know where to find it. To implement this aphorism, the authors, one of whom is the Biddle Law Librarian and an Associate Professor at the Law School of the University of Pennsylvania and the other the Law Librarian and an Assistant Professor at the Law School of Temple University, have prepared this valuable little book which merits a place on the desk of every practicing lawyer in Pennsylvania. Recognizing the fact that, while there are general books on legal bibliography, there are none designed for use in a single jurisdiction, the authors have succeeded, within the covers of a small and readily useable

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volume, in giving a comprehensive view of the material which is in common use in Pennsylvania. A glance at the Table of Contents, which occupies less than a page and a half, will immediately inform the reader of those books, periodicals, and other publications which are available to him for his research in Pennsylvania law. This Table of Contents is complemented by a well arranged Index of abbreviations, in the back of the volume.

The general categories into which the authors have divided their bibliography are Statutory Law; Court Reports; Digests; Citators; Court Rules; Administrative Law; Practitioner's Books; and Miscellaneous Legal Publications.

Wherever it is appropriate, the authors, in addition to giving the facts with respect to the volumes in which desired information may be found, helpfully describe the method to be used in the citation of the material. For instance, in the chapter on Statutory Law one not familiar with the fact that Pennsylvania has not had an official compilation of its statutes adopted as a "Code," citations to which can readily and understandably be made, is thoroughly instructed in the use of *Purdon* and the formula by which reference to a given statute can be made. Then in the chapter on Citators, he is advised how to shift to an entirely different formula when he undertakes, in *Shepard*, to unearth all recorded references to such statute.

Of historical interest are the descriptions of our former constitutions; the early compilations of our laws by such men as William Bradford, Benjamin Franklin, Peter Miller and Alexander Dallas; the compilation of English statutes in effect in Pennsylvania during the first part of the nineteenth century; and the early collections of cases not only of our Supreme Court but of many of the County Courts. Of equal interest to the student and researcher is the information as to where the books containing each may be found.

The chapter on Court Reports sets forth in concise form the years covered by each of the early Supreme Court reporters by whose name and volume the opinions of the Court in those years may be cited. For the record, it also lists the names of those who have officially reported our Supreme Court opinions since 1845, the year in which the Legislature authorized the appointment of a reporter and, by statute, provided that henceforth the reports were to be published under the title of *Pennsylvania State Reports*. Mention is made of the fact that, while since that date the reports are usually cited by reference to the numbered "Pennsylvania" volume, for a long time after 1845 the Courts continued to refer to the reports by the names of the reporters. In this list the authors have fallen into the error of confusing a distinguished member of our Bar with one of his equally distinguished contemporaries. They indicate that Pennsylvania volumes 310 to 345 are the work of C. B. Brewster, and are sometimes cited as *Brewster*, when in truth the reporter for those volumes was C. Brewster Rhoads. If those volumes are, in fact, ever cited by the re-

porter's name, it should be "Rhoads," and not "Brewster." The error is repeated in the Index.

The chapter on Court Rules is extremely valuable containing, as it does, a reference to the official volume of Supreme Court Reports in which each of the rules of the Court is published. This would be a great boon to the general practitioner in any event; but when it is remembered that at the time of their adoption by the Court the rules are not numbered consecutively, a table such as this, specifying each rule number and where it may be found in the official reports, is almost indispensable.

In these days of many and varied government bureaus, each of which makes its own rules and regulations, many of which have the force of law, it would seem imperative that there be one publication which, if it did not include a reference to all such rules and regulations, would at least direct the researcher to the place where such rules and regulations may be found. Save for the short-lived *Pennsylvania Register*, which was authorized by the Legislature in 1945 as a publication in which the rules and regulations of all administrative agencies would be printed, there has never been any effort made to publish this important material in any one official publication. In 1947 the Legislature repealed the Act authorizing the *Pennsylvania Register* after but one volume had been published which contained the rules of all agencies but that of Labor and Welfare. Since the repeal, each agency has assumed the obligation of publishing its own rules. *Research in Pennsylvania Law* describes the jurisdiction and functions of most of the Boards, Commissions, and Departments of the Commonwealth, and tells succinctly where the rules and regulations made by each may be found. Then, for good measure, it adds a paragraph with reference to the opinions of the Attorney General, and directs the reader to the various Digests and Indices of those opinions. To the modern practitioner this chapter alone is worth the price of the volume.

Chapter VII catalogues a number of "Practitioners' Books," which have been selected by the authors with judgment and discrimination from the many books published on various legal subjects. These are set forth alphabetically.

Chapter VIII, entitled Miscellaneous Legal Publications, describes the various loose leaf services which annotate selected Pennsylvania statutes; Law Reviews; Bar Association Reports and publications; and Legal Periodical Digests and Indices. Most important in this chapter is the list of the Pennsylvania Annotations to the *Restatement of the Law*, to which it may be hoped that there will be added in the next edition the comprehensive and scholarly Pennsylvania Annotation to the UNIFORM COMMERCIAL CODE which will become effective in Pennsylvania on July 1, 1954.

The value of this volume as a desk book for the active practitioner will become apparent immediately one thumbs through it; it is inevitable that there will be further printings. If this prediction is correct, a better job of proof reading must be done, because the text is replete with typographical

errors. While perhaps unimportant, since the sense of the text is not lost thereby, they are so many in number that the critical reader might be led to infer that carelessness in proof reading implies inaccuracy in substance. This would be as unfortunate as it is unjustified because, other than the confusion between C. Brewster Rhoads and C. B. Brewster above referred to, there is but one substantial error which this reviewer has noted, and it is jurisdictional rather than personal: in describing our Federal Courts, Chapter II erroneously includes Maryland within the jurisdiction of the Court of Appeals of the United States for the Third Circuit.

These errors are pointed out, not in any carping way, but because of the firmly held conviction of one who owes a debt of gratitude to the authors, that the book is of such great value to the Bar of Pennsylvania that it should be reprinted with all errors, whether typographical or textual, eliminated.

Arthur Littleton†

A CATALOGUE OF THE LAW COLLECTION AT NEW YORK UNIVERSITY WITH SELECTED ANNOTATIONS. Compiled and Edited by Julius W. Marke. New York: The Law Center of New York University, 1953. Distributed by Oceana Publications, New York 11. Pp. 1372. \$22.50.

This volume is much more than a catalogue of selected titles in the library of the School of Law of New York University. It is, in fact, a selected and annotated bibliography of the whole field of the law, with special emphasis on Anglo-American law. The materials are arranged under eleven broad headings, such as sources of the law, history of law and its institutions, comparative law, with subdivisions where necessary. Within the section or subdivision the entries are listed alphabetically by author (except for autobiographies and biographies, which are arranged by name of subject), followed by title, place and date of publication, pagination and, in almost every case, a short annotation. These annotations are the real meat of the book. They are almost always excerpts culled by the compiler from reviews and treatises by recognized authorities. They give the user some description of the book and an indication of its place in the literature of the law. For example, Holmes's *The Common Law* is annotated by a quotation from Holdsworth's *The Historians of Anglo-American Law*, page 102: ". . . one of the earliest, if not quite the earliest, of the histories of the principles of liability, civil and criminal, of contract, of bailment, of possession and ownership, of succession after death and inter vivos . . . the first to point out the Germanic origin of the law as to uses and trusts . . .

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it is remarkable how well most of Holmes's opinions on points of legal history have stood the test of time during the ensuing period of active historical research."

Any selection such as this is open to criticism regarding omissions and inclusions. However, it is not, and does not pretend to be, an authoritative bibliography of the entire field of the law. Scholars and experts are assumed to know their own fields and have little need for such a book. But for the ordinary practitioner, anxious to learn more about a special interest or to acquire information about broader fields, it will serve admirably as a reading guide. Mr. Marke has not included foreign law, except as to the history and development of various systems of foreign law, since a separate catalogue of this material is planned. Because of space limitations, documentation of international law and relations is confined to references to indexes which lead the researcher to the materials. Within the limitations set by the compiler, this volume is a magnificent job, well printed and bound, with an excellent index. One does not wonder at omissions or inclusions, but rather that the work was done at all.

This is a book about which every lawyer should know, even though many will not add it to their libraries. It is obviously a must for every law library, and certainly belongs among the reference works of any library which contains material on the law.

Carroll C. Moreland†

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