exhaustive rather than selective. For the instructor's use, that may be desirable, though very few instructors would be able to read all of this material in preparation for teaching the course for the first time, and certainly no one could expect any student to become familiar with even a small fraction of it. It is at least open to question if the books would have been more useful to the students if the editors had undertaken the task of selecting from this mass of material only so much of the best as it would be possible for him to read. How far are we justified in expecting a student to pay for material which is useless to him but which saves the instructor a good deal of time that would otherwise have to be spent on digests and indexes? But there is no question that this material would be of immense value to any practicing lawyer who has cases in the field covered by these collections. Either book will give him excerpts from much material to which he could not otherwise have access without considerable trouble, and besides will give him references to practically all of the cases and legal writings on the problem he has at hand.

But the criticisms that can be made of either of these two books are trivial when compared with their merits. A teacher of a course on trade regulations ought to be profoundly grateful if he had the use of only one of these books, when he has the opportunity to choose between them, and to use the best of each to guide his own thinking on the subject, he must realize how fortunate he is.

H. L. McCLINTOCK*

How Lawyers Think. By Clarence Morris. Cambridge: Harvard University Press, 1937. Pp. 144. $1.50.

There seems to be an inverse relation between the ability to expound a systematic theory of an art and successful work in that art. The greatest advances in science have been made by men who either have no explicit theories of scientific method or who, when they talk about 'how they think' at all, talk badly. The world's greatest music and poetry have been the work of men who had no clearly formulated theories of these arts. Political scientists have not built empires and there appears to be little connection between the acquisition of great wealth and the ability to formulate economic theories systematically. It is obvious, then, that to do or make things well one need not be able to make explicit the nature of one's activity. However, in order to communicate to others what it means to do or make things weil, one must be able to exhibit the principles of the art he is attempting to teach. Mr. Morris's book, *How Lawyers Think*, undertakes to do this for the art of "legal problem solving."

He says, "It is an attempt to generalize expressly on the subject of the solution of legal problems so that the student of the law may have a systematic theory which may be useful in formulating or criticizing habits of thought." Such a theory Mr. Morris attempts to provide by a few hundred words each on such topics as "The Natural History of Problem Solving," "Past Experience and Present Problems," "Logic and the Solution of Problems," "Immediate Inference," "Syllogisms and Problem Solving," "Classification and Definition," "The Extension and Intension of Terms," "Inductive Logic," and "Theory and Reasoning." The briefness of Mr. Morris's presentation is not due to his skill in grasping essentials nor to his extraordinary capacity for contracted exposition. On the contrary, despite the slightness of his book, it wanders at random high above the surface of dozens of the chief problems of metaphysics,

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psychology, logic, grammar, and legal casuistry. The author is unaware of when he is hovering over any of these problems and hence of the relations between them.

The student who looks to this book for a systematic theory will find instead a few commonplace remarks about what is involved in thinking. In addition to this, he will find a few disconnected bits of information which he might otherwise have gleaned from a hasty reading of contemporary textbooks in logic. The student will find that "legal thinking, like all purposive thinking, is directed toward the solution of problems." He will discover the simplest figure of the syllogism, that words can be used with a variety of meanings, and that to assert that all S is P implies some S is P, whereas to assert that some S is P does not imply all S is P. He will see, too, that these things have something to do with applying rules of law to particular cases. Assuming that he has an ordinary man's intelligence and familiarity with the law, the student will not learn a thing from this book that he did not know before he read it. In so far as the book contributes anything to its purpose, it does so by furnishing another example which illustrates the importance of having an explicit theory of critical thinking before one attempts to communicate it to others.

No lawyer thinks the way Mr. Morris says lawyers do, nor would they want to if they could. Thinking is not a matter of making definitions in one place, classifying things in another, inferring in a third, and making practical judgments in some fourth place. How these activities are organically related to each other and to the use of language, a systematic exposition of the nature of thinking should make clear. Mr. Morris's book does not do this.

It is clear that lawyers may be successful without ever having engaged in any special study of philosophy or of the arts of logic, grammar and rhetoric. This is not the place to consider whether the study of philosophy and special training in these arts would either produce better lawyers according to contemporary standards or produce a different kind of lawyer altogether. However, those who hold to either of these positions clearly will receive no encouragement from Mr. Morris's book. If the relations between the study of philosophy, logic, grammar and rhetoric and the solution of legal problems are as trivial and insignificant as they appear to be in Mr. Morris's presentation, legal educators and practitioners are thoroughly justified in not giving these studies even the slightest consideration. Philosophy and the liberal arts might well say of some of their friends as Voltaire said of his, "God protect me from them; I'll take care of my enemies myself."

ARTHUR L. H. RUBIN*

Fundamental Principles of the Sociology of Law. By Eugen Ehrlich, translated by Walter L. Moll, with an introduction by Roscoe Pound. Cambridge: Harvard University Press, 1936. Pp. xxxvi, 541.

Eugen Ehrlich's book is one, the reading of which can afford great pleasure and instruction, but only at the cost of unusual patience and concentration. It is an utterly unsystematic book. It contains twenty-one chapters which follow each other in a sequence, the logic of which is not apparent to the reader.[1] The author remarks in pass-

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[1] The German original, published in 1913, contains neither an index nor an analysis of chapters. The addition of both to the English version of Ehrlich's book is a great improvement. If I may offer advice to the reader it is this. Read first the last two chapters of the book which