

Collectively the twelve authors outnumber overwhelmingly the single critic; individually each is an expert of substantial reputation. The general subject, however, perhaps opens the way for some comment. It is the Future, and however many and distinguished these prophets, this reviewer will inhabit that future at least one-twelfth as much as they!

The marshalling of facts—even though the limitations of space require summary statement—that is shown in Miss Overacker's essay, bringing her earlier studies up to date, seems a valuable way of estimating future trends. The same method is admirably exercised by Professor White in his study of the public service, by Professor Gosnell when he examines the salient features of the parties, and by Professor Veig when he assesses the work of planning agencies. These sections of the book bring solid information to the reader at the same time that they suggest ideas. The other authors have written suggestive and penetrating commentaries, and it is doubtless this reviewer's misfortune that the elaborate terminology of Lasswell's social psychology, and even the appropriate eloquence of Schuman's forecast of America's place in world affairs, suggests less to him than do the other short studies.

These are, however, mere statements of prejudice. The book as a whole is provocative and stimulating; and is an appropriate and valuable tribute to the great scholar to whom it is dedicated.

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A Study of the Law of Opinion Evidence in Illinois. By Willard L. King and Douglas Pillinger.* Chicago: Callaghan & Co., 1942. Pp. xii, 389. \$6.00.

The writer of a legal treatise today is faced with a dilemma for which there is often no solution. The practicing attorney requires that a text be exhaustive; that it treat every point in the field which it purports to cover and consider; that, at least, it cite substantially every relevant case. Yet the increase of printed judicial opinions in the last half century has been such that principle tends to become lost in detailed treatment of any save the most minute point. As a result the recent output of legal scholarship has tended toward one or the other of two forms: the law review article intended to explore some single point of doctrine, and the multi-volume treatise which by its very size must serve as a reference work to be consulted like an encyclopedia but seldom read or studied as a whole. In this text on opinion evidence the authors have taken a middle road. By selecting for consideration a single, broad but manageable topic, and then limiting themselves to the precedents in a single state, they have been able to combine thorough and complete coverage with a clear and understandable outline. Like the late Albert Kales, they have demonstrated that, granted the necessary scholarship and understanding, an entire subject in the law can be analyzed, developed, and demonstrated from the cases of a single state.

It cannot well be doubted that the rule excluding opinion evidence deserves such careful treatment. Even those who most strongly question the justification of the rule admit its practical importance. Thus Judge Learned Hand is quoted by the authors for the proposition that the rule against opinion evidence "is the most annoying rule in its application that I know." If the most annoying of all the rules of evi-

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dence is not dying of natural causes—and the authors present tables which at least cast doubt on Wigmore's prophecy that the rule will, in substance, disappear—either it should be abrogated by statute or its administration should be improved by study of its principles and by education of the bench and bar. The American Law Institute is following the first course with little likelihood of early success. The present volume is a substantial step on the far more promising second course.

Perhaps the chief adverse criticism of the book is that it is too sharply pointed to a single thesis. The authors have a touchstone for admissibility of the opinion of a witness. Most of the decided cases are consistent with the theory advanced, some support it directly, and some are difficult to support on any other theory. Yet there remains a stubborn group which must be treated as an exception, based upon a subsidiary principle, and many cases, explicable and definable on the principle advanced, are still more readily explained by another analysis. In particular, insufficient attention is given to the distinction between "opinion" objectionable merely because it is too vague and remote a conclusion from the data of observation, where a judge, using the author's language, might properly say, "Will you be more specific, please?"; and "opinion" objectionable because the conclusion was beyond the competence of the witness, in that it involved matters of law, matters of value, or, in the case of expert testimony, matters of common observation or inference. To take a concrete example, a medical witness may testify to the extent of injuries and—subject to the substantive law of damages—to probable consequences in the future, because these are within his field of competence, even though they may be ultimate issues. He is forbidden to state that injuries resulted from rape, not because this is an ultimate issue, but because he is not competent on such subjects as statutory age of consent, the requisite degree of resistance in the face of force or threats, or the marital rights of a husband. The criterion which the authors advance is a very important one in many cases, and a limitation both on jural theory and in judicial practice upon classic doctrine. The book would be even stronger if somewhat greater recognition had been given to the multiplicity of factors which may operate within the frame of the ancient doctrine that the best evidence of which the case permits should be admitted and required.

Because of the frankness with which the authorities are discussed, simplification of theory does little practical damage to the work. A thesis is advanced and maintained, but no effort is made to minimize difficulties or to sweep inconvenient facts under the rug. The cases are here, they are well classified, stated, and discussed. Alternative theories are expounded, not as straw men, but with full candor. If one cares to differ with the authors on any point, the data are made available. Certainly the authors' own approach has the great merit of supplying cohesion to an apparently confused mass of precedents and of nudging the law in the right direction. The book is well put out physically, with a full and convenient index and table of cases. It should be of great interest to all students of evidence, and is a "must" for anyone attempting to handle trial or appellate litigation in Illinois.

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