

COMMENT AND CASE NOTES

THE LAW SCHOOL

The enrollment of The University of Chicago Law School for the Autumn Quarter, 1943, was forty-seven. Fifteen of the forty-seven were women. Twenty-five entered the School either in the Summer or Autumn quarters, 1943; more than one-third had made honors in college. Eleven of the regular members of the Faculty are expected to be in residence during the year. For the period of the war, the School intends to offer instruction in each of the four academic quarters. It is, therefore, possible to complete the Four-Year Program in three years and the Three-Year Program in two and one-fourth years.

REPORT TO THE MAX PAM TRUSTEES*

MAX RHEINSTEIN†

IN HIS first report¹ the present holder of the Max Pam Chair of Comparative Law pointed out that the comparative method may be applied to law in at least three different ways, viz., those of "functional comparison of legal rules and institutions," of "sociology of law," and of "structural morphology of law." In the periods covered by his earlier reports; the research and teaching activities of the present holder of the chair were centered around problems of functional comparison of rules and institutions of contemporary common law and civil law. During the last two years attention has been paid primarily to the sociological method of comparative law. In a course entitled "sociology of law," the comparative method has been applied to the purpose of determining the role played by law in human society in general, and of clarifying the methods which society has employed in various times and at various places for achieving those ends for which law has been developed; of these ends the principal one is conceived as being that of rendering social

* Submitted and published in pursuance of the terms of the Max Pam Professorship of Comparative Law.

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¹ 5 Univ. Chi. L. Rev. 615 (1938).

life orderly and predictable and thus making possible the growth of civilization. Since law, however, constitutes but one of the various techniques developed toward this end, it has been found necessary to determine those criteria by which law is distinguished from such other techniques as religion, ethics, and social etiquette and tradition. In this context law is then defined as that body of normative ideas which tell the determination officers (judges) of a politically organized society under what circumstances they are to order the enforcement officers (sheriffs, policemen, prison wardens, executioners, militia, army) of that society to apply physical force against an individual. The slow development of this institutional set-up through its preliminary stages in primitive and archaic society is being traced, culminating in an investigation into the techniques applied in various cultures, and especially in our own contemporary civilization, for the purpose of securing the observance of those normative ideas which constitute the law by the yielders of supreme political power (supreme court judges, chief executives, commanders-in-chief of armed forces). Finally, there are being opened up the problems of the forces by which the contents of the legal norms of a given society are being determined and of the ways and methods by which legal norms are being kept in harmony with fluctuating economic and political conditions and with changing religious and ethical convictions. The course has been open to students not only of the Law School, but also of other departments of the University. The presence of students of sociology, political science, history, education, social service, and divinity has been a stimulating influence; particularly valuable contributions were made by members of the staff of the Oriental Institute who participated in the course in pursuance of their research work in cuneiform laws.

Other courses taught by the holder of the chair during the last two academic years were: history of the Civil Law, conflict of laws, law of family relations, a seminar on transfer of family wealth, a course on modern political theories for students of political science, and a course on military law. The last named course was taught under the auspices of The University of Chicago's Institute of Military Studies. The purpose of this course has not been that of giving detailed instruction in the work of the department of the Judge-Advocate General of the Army or Navy. The intention was rather that of arousing among lawyers and among the educated public in general an interest in a sadly neglected field of law which is now playing a vital role in the lives of millions of Americans. Two articles, one on "Military Justice" and the other on "The Armed Forces and the Civilian Population," have grown out of this lecture-

course and will be published shortly in the forthcoming volume of Walgreen Lectures on "The War and the Law." In the course on military law as well as in the other courses, extensive use has been made of the comparative method for the purpose of elucidating the rules and institutions of present American law.

Recently comparative law has been used in the Army Specialist Training Program, Area and Language Studies, in which the holder of the chair took a part during the Summer Quarter of 1943.

For the academic year 1943-44 the present holder of the chair has accepted an invitation to act as visiting professor of law and political science at the University of Puerto Rico at Rio Piedras, Puerto Rico. The island of Puerto Rico constitutes one of the few regions where the two principal legal systems on the earth, viz., the Common Law and the Civil Law, have been mutually interpenetrating each other. Hence it constitutes a rare laboratory for comparative law research. The holder of the chair expects that his stay on the island will afford him a rare opportunity for observation.

FAMILY ALLOWANCES FOR THE DEPENDENTS OF SERVICEMEN

CAPTAIN HARRY GROSSMAN*

Family allowances in addition to the regular pay of men in the armed forces have been provided for under the Servicemen's Dependents Allowance Act of 1942, which became a law June 23, 1942.¹ Payments under this act have been made since September 1, 1942.² Recently, on October 26, 1943, the President signed a law which provided a number of amendments to the original act.³ These amendments became effective on

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¹ Public Law 625, 77th Cong., 2d sess. (56 Stat. 381; 37 U.S.C. 201).

² The original act provided for payments to be started not prior to November 1, 1942. A later amendment advanced the initial payment date to September 1, 1942. Public Law 705, 77th Cong., 2d sess., approved August 20, 1942.

³ Public Law 174, 78th Cong., 1st sess. (S. 1279) was introduced on June 28, 1943. Hearings were held on the same day. The bill was reported on July 2 with amendments and passed the Senate July 8. See Senate Committee on Military Affairs, Report No. 383, Servicemen's Dependents Allowance Act Amendments, July 2, 1943. See also Senate Committee on Military Affairs, Hearings on Servicemen's Dependents Allowance Act Amendments, June 28, 1943.

The same bill with amendments was reported in the House on October 7. See House Committee on Military Affairs, Report No. 734, Allowances and Allotments for Dependents of Military Personnel, September 29 and 30, October 1 and 5, 1943.

The bill was considered and passed by the House by a unanimous vote of 389-0 on October 18, and the Senate concurred with the House amendments on October 19.