level of implementation of basic governmental policies. We, on the other hand, have accorded a much more substantial role to the legal system at the highest levels of controlling government policy and activity. Somewhere in the middle, as is apparent from the Hazard and Shapiro materials, is a large body of what both of us conceive to be problems for "legal" regulation. In this area of less politically-oriented material, the Western legally-trained observer can with some justification compare and criticize both the basic norms and the way in which disputes are resolved.

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An Introduction to the Legal System of the United States. By E. ALLAN FARNSWORTH. Dobbs Ferry, New York: Oceana Publications, Inc. 1963. Pp. 184. $5.00.

This book is the answer to a prayer. Time and again I have received inquiries from abroad: What is the best book to read as an introduction to American Law? Always, I have had to answer, there is none, except the book by André Tunc[1] which is excellent, but is written in French, emphasizes constitutional law and is voluminous. There simply has not existed any book on American law that could help an interested foreign lawyer, scholar or student to find his way in the labyrinth of American law by presenting its essential features. It is not easy to write good introductions to the study of such monolithic systems as those of France or Germany. For American law, the task is even more difficult. We are a federal nation with fifty-one, or, if you count the District of Columbia, the Commonwealth of Puerto Rico and the overseas possessions, some sixty separate jurisdictions; the sources of our law are spread over tens of thousands of volumes of cases, statutes, constitutions and administrative regulations. Our law combines the most modern institutions and ideas with the most ancient traditions. It has never undergone the great housecleaning of a major codification. Our legal profession is diverse in education, activity, standards and reputation. How can anyone write a book on the most unsystematic of all legal systems without either remaining in the realm of vague generalization or being lost in the mass of detail?

Professor Farnsworth has tackled the impossible, and he has succeeded. His *Introduction to the Legal System of the United States* informs the reader about the essential characteristics of American law without

1 LE DROIT DES ETATS-UNIS D'AMÉRIQUE (1955).

misleading him. It is obvious that the book has grown out of practical pedagogical experience. It originated, as the author states in his preface, in a series of lectures on American law delivered to a class in comparative law at the University of Istanbul. What do you present to such a class? What do you do with a group of foreign students who have come to an American law school for one academic year to obtain a grounding in American law? That latter question has troubled many a dean and many a foreign student adviser. Most of the foreign law graduates are interested in some special field, such as corporation law, antitrust law, international commercial and financial transactions or constitutional law. Simply to take such courses will not do. They presuppose the ability to understand the peculiar ways of American legal reasoning and to handle American legal materials. The student will thus be advised to attend a few of those courses which, while elementary in content, will expose him to the typical ways of American legal thinking: courses in contracts, torts or procedure. But again, the student from abroad is not sufficiently familiar with the atmosphere in which American law operates and develops. The American law student has absorbed much of this background knowledge simply by having grown up in America, by living the life of an American boy or girl, by being an active citizen. What he has not absorbed before coming to law school, the American student can pick up during his three years there. The foreign graduate student's time with us is usually one year, and in that year, a good part of time and energy is to be spent on adjustment to language, methods of instruction, techniques of examinations, American social customs and etiquette, not to speak of the vagaries of the climate.

At the University of Chicago Law School, we have sought to help our students from abroad by means of a special seminar called "Problems of American Law for Foreign Students." It is designed to help them acquire that background knowledge without which courses in American law cannot be profitably followed, such as the federal system of the United States, the relation between federal and state law, and between federal and state courts; the characteristics and organization of personnel by which justice is administered; the institutions and techniques to preserve amidst diversity the measure of legal uniformity necessary in a unified nation. Attention is also given to the structure of our courts and their procedure, and especially to that mysterious institution, "trial by jury." These topics together with problems that arise from other courses form the bulk of our Chicago seminar discussions. In the seminar, we have been using a set of materials, composed primarily of cases, and the history of a personal injury case.[2] But the teaching job would be easier,

2 BRADWAY, THE HISTORY OF A LAW SUIT (1958).

and much time could be saved, if a text were available which would convey information that need not be presented in the class room. Now, at long last, that supplementary text is available. It is reassuring to see that, in the main, Farnsworth's selection of topics coincides with ours: historical background, legal education, legal profession, the judicial system, case law, and legislative system, statutes, secondary authority.

The American instructor of a foreign students' seminar at an American law school may limit his coverage to the chapters just enumerated. Readers abroad will welcome the second part called "Organization and Substance." It deals with American terms of classification, procedure, private and public law. These chapters are brief; indeed one might call them extremes in condensation. To contracts, for example, four pages are devoted; to administrative law, six. In spite of such brevity, they well serve the purpose of indicating to the reader trained in Civil Law the essential differences between his law's approach and ours. If he wishes further information, he is helped by references to carefully selected books and articles. Indeed, the selective biographies and the bibliographical notes on personalities important in American legal development, constitute one of the most useful features of this useful book.

Somebody has defined a professor as a man who disagrees. Being a professor, I naturally do not agree with Farnsworth in each and every detail. I should have liked to see included in the book a, perhaps condensed, record of a simple jury trial, followed by an appellate brief. Such material could illustrate the techniques of trial as well as the law of evidence, the significance of which is difficult for a Civil Law lawyer to grasp. In addition, an appellate brief will indicate that the problems of our substantive law are difficult to understand if they are not seen in their proper procedural setting. There being no jury trial in civil cases in Civil Law countries, the Civil Law appeal aims directly at the substantive law problem without wrapping it up in an exception to the trial court's decision upon a motion to direct a verdict or to grant a new trial.

In talking about legal education, I would have said more about night schools, whose graduates occupy the benches of many a local court. I might also have said more about administrative aspects of our court machinery, especially the absence of state ministries of justice as agencies of judicial administration, and the present trend toward the establishment of offices of judicial administration as adjuncts of the United States Supreme Court and the highest courts of some states. Perhaps a word would have been in order to point out the steadily growing role of the scholars as developers of the law and preservers of its unity throughout the nation. In the discussion about the bar and the wide range of opportunities open to its members, the foreign reader might also be told that in

the classical country of antimonopolism the members of the bar enjoy a monopoly unequalled in most foreign countries where the privilege of the bar is limited to the representation of parties in court and anybody may engage in giving advice on legal matters and in drafting.

In a book of this kind, diversity of opinion on what to include and what to omit is inevitable. Farnsworth's selection is well justified throughout. In his presentation, he has, in spite of brevity, achieved the feat of indicating relationships between the legal phenomena and the underlying aspects of social, political and economic life. He has not shied away from pointing out controversies and incipient trends. In consequence, the book is not only informative but also stimulating. It is written primarily for foreigners. It ought also to be read by entering law students, by college students considering the study of law, by ordinary citizens, and, not the least, by members of the profession. They will find it refreshing to see their specialty placed in its proper niche within the totality of our complex legal order.[3]

MAX RHEINSTEIN*

[3] Such a reader may perhaps feel stimulated to look up Charles Szladits' bibliographical guide to the laws of France, Germany and Switzerland, GUIDE TO FOREIGN LEGAL MATERIALS: FRENCH, GERMAN, SWISS (1959), which, like Farnsworth's book, was published for the Parker School of Foreign and Comparative Law, Columbia University.

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ADDENDUM TO BOOK REVIEW, 30 U. CHI. L. REV. 784 (1963). **Lawyers on Their Own: A Study of Individual Practitioners in Chicago.** By JEROME E. CARLIN. New Brunswick: Rutgers University Press 1962. Pp. x, 235. $6.00.

In my review, I criticized on a number of grounds the methodology employed by the author. One criticism was directed to the validity of the method of selecting the sample. As internal evidence that the sample was imperfect I cited the exceptionally high percentage of solo practitioners in the sample—77 per cent as compared with 55.6 per cent for Chicago.[1]

A letter from the author makes the point that I misunderstood his methodological note which stated:

> To obtain a sample of 100 lawyers, every *n*th *individual lawyer,* beginning with a lawyer chosen at random on the first page, was selected from the *Martindale-Hubbell Law Directory,* excluding lawyers over 70 years of age.[2]

[1] Book Review, 30 U. CHI. L. REV. 784, 789 (1963).

[2] CARLIN, LAWYERS ON THEIR OWN 212 (1962). (Emphasis added.)