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Comparative Law in the University of Chicago Law School

In 1934 the Max Pam Professorship for Comparative Law was established at the University of Chicago Law School, and since that time instruction in comparative law has been offered at the School. Since 1949 there has also been maintained a small research staff in the field.

The courses and seminars offered in comparative law are partly concerned with sociology of law and partly with introduction to modern civil law.

Like sociology of law, comparative law finds a parallel in such other “comparative” sciences as comparative religion or comparative linguistics.

For centuries philologists have studied the grammar, structure, vocabulary, and history of this or that particular language, especially Latin, Greek, Hebrew, Arabic, and the modern languages of the Western world. Comparative linguistics arose when “exotic” languages, such as those of the East, the American Indians, or the natives of Africa or Oceania, were made the subject of scientific study and when, under the impetus of the acquaintance with the seemingly totally different, philologists came to search for the common features and were then driven to such problems as those of the origin and growth of language in general or its role in human society. It was then discovered that languages could be grouped in families, that languages change, and that their changes can be related to certain changes in the development and living conditions of the peoples in question, that one could find certain structural laws, etc. In other words, in addition to the scholarly investigation of particular languages, there developed a new science of language in general which in many ways came to throw new light upon the structure, the history, and the function of all the several languages, including our own.

Similarly, comparative religion was built up on the side and above the long-established theologies of Christianity, Catholic and Protestant, of Judaism, Islam, Hinduism, and Buddhism, paying attention to the less-developed religions of antiquity and of more primitive or archaic civilizations, and trying to investigate and define the phenomenon “religion” as such, its general role in human life, its types, structures, development, and relations to other phenomena.

In law we have an analogous situation. In each country the men of the law, both as practitioners and as scholars, are concerned only with the positive rules of the particular country’s legal systems. There are as many sciences of law as there are legal systems. While the sciences of physics, of musicology, of medicine, of mathematics, or of practically all others are the same all over the world, the sciences of American, of German, of French, of Japanese, or of Uruguayan law are all different from one another. An eminent expert in American law is still a layman in Mexican or Swedish or any other law.

However, in addition to our being lawyers, we are human beings with curiosity and the urge for knowing and understanding the world in which we live, and in that capacity we may well come to ask questions about the phenomenon “law” as such, especially when we find out that abroad law is not the same as here or that in the past it has not been the same as it is today. Why is it different; why does the law change with changing times; what makes it change; why is it now the way it is; what is this thing “law” in general; what is its role and function in society; can we evaluate it in general and as to its
particular manifestations; is there "good" and "bad" law; what is the standard for such value judgments?

These, or at least some of these, questions have been asked for centuries. They have traditionally been regarded as constituting the sphere of jurisprudence or philosophy of law, and they have been treated in the method of philosophy, i.e., speculation in the sense of concluding, through the use of reason, from the observable and known to the unknown, or through deriving answers to specific problems by conclusions from first principles. This is not the place for a critical evaluation of the role and merits of legal philosophy. It will suffice to state that we are driven to it by that irresistible urge to know and understand that mysterious universe in which we are finding ourselves and, confiding in that cherished gift of reason, to find answers of at least subjective certainty to questions as to which we have to take a stand if we are to live, however insoluble they may be to the finite human mind.

In comparative law we are approaching the same questions about law in general, but in a more modest way. Rather than being a philosophical science, comparative law is an observational one. But its subject matter is constituted by the laws of all times and climes. Refraining from speculation, it endeavors to collect, observe, analyze, and classify them, and, like other sciences in the narrower sense of the word, it searches for typical collocations, coincidences, and sequences, or, in other words, for "laws"; laws, of course, not in the sense of statutes, precedents, or other ought norms of human behavior, but laws in the sense in which the word is used in the natural sciences, laws of the kind of Newton's laws of gravitation or Gresham's law in economics; laws, as it may also be appropriate to observe, not in the sense of immutable intrinsic necessities, but in that sense in which the word is understood in modern natural science, i.e., simply as coincidences or sequences which observation reveals as typically occurring under certain conditions.

The seminar courses which we have offered in this sociology of laws at the University of Chicago Law School are of a twofold kind. In connection with current work of translating and annotating the part on sociology of law in Max Weber's monumental treatise of sociology, we have several times offered a seminar on Max Weber's sociology of law in which we have read and discussed the text which will shortly be available on the book market. This short text ranges over a vast field. Weber's knowledge is truly phenomenal. He literally draws on the laws of all times and climes, on modern civil and common law, on Roman, Greek, and Germanic laws, as well as on Islam, Hindu, or Chinese law, or on the laws of primitive tribes. All this vast material is centered, however, around one basic problem which constitutes the unifying theme of the entire book with its chapters on the sociology of power, of political, administrative, and economic organization, and even of music. Is it true, as the Marxists maintain, that all social phenomena are determined by economic facts, especially the relations of production? Or can it, perhaps, be said, as some have believed in answering the Marxists, that religious phenomena are determinants of all others? Is it possible and permissible at all to search for any one sphere of social life as determinative of all others? Or do we have to recognize a more subtle and more complex interplay of all social phenomena among one another? Having, at an earlier date, investigated the interplay between religious and economic phenomena, Weber, in his magnum opus, undertakes, among other things, to search for the interplay between legal phenomena, on the one hand, and economic, religious, political, and administrative, on the other. Perhaps, the central thesis of his sociology of law is constituted by the section on the types of law specialists by whom the legal system of a given society is cultivated or dominated. Wherever a legal system has been manipulated by priests or theologians, it presents certain characteristic features which are significantly different from a law practiced by tribal assemblies of one or another type, or a law dominated by gentlemen of leisure as in Rome, or a squirearchy as in eighteenth-century England, or conveyancing counselors, or the bureaucratic officialdom of Continental monarchies, or scholars of the type of the nineteenth-century German Pandectists, etc. In constant relation with his central theme, Weber discusses such problems as the development of freedom of contract in different civilizations, the growth of the concept of corporate personality, the modes in which legal concepts are formed in different laws, comparing especially the formalistic rationality of the later civil law with the different techniques of the common law, of ancient Roman law, of the sacred laws of India, Islam, Judaism, and the Roman church, etc. The richness of the contents of Weber's book, the acuteness of his observations, the objective exactitude of his method, and the suggestiveness of his own thought can only be hinted at. The wealth of the book cannot be exhausted in a short seminar of forty hours. But it can be used to stimulate the students' thought, to fire their imagination, and to open their eyes to the vast mass of the phenomena which are comprised within the law and to make them aware of its universality as well as of its infinite variety and of its role and function in civilization in all its variants.

The second kind of seminar in "comparative law—sociology of law" has been built around the theme of the human endeavor to replace the rule of violence by a regime of law and order. It seems that, perhaps universally, we can find a typical sequence of development. In almost all primitive societies of the past or present of which we have knowledge, it seems that we find small kinship groups within which the use of violence is regarded as illegitimate, while in the relations of the group with others resort to violence is the only, or at least the usual, way to adjust disputes. Vengeance and the blood feud seem to constitute the practically universal meth-
Corporate Law and Finance

The program of quarterly public conferences which The Law School launched last year is by now an established part of the School’s extra-curricular program. And it is a mutual enterprise, for at the same time that the School is providing one-day “refresher courses” on a variety of topics, the students and faculty are profiting from their association with practicing members of the bar.

During the school year 1950-51 three conferences were held on the subjects: “The Uniform Commercial Code,” “Criminal Law Enforcement,” and “Illinois Constitutional Amendments.” In addition, the School sponsored its Conference on the Economics of Mobilization, on which we reported to the alumni in the first issue of The Record.

The first conference of the present year was held on December 7, 1951, on the topic, “Corporate Law and Finance.” The conference committee under the chairmanship of Wilber G. Katz sought to provide a program which would reflect the significant developments in corporate finance and in the legal framework for corporate activity which have come into existence in the last two decades. The other members of the conference committee were Walter J. Blum, Sims Carter, Allison Dunham, Edward H. Levi, and Roscoe T. Steffen.

The opening speaker at the morning session was A. A. Berle, Jr., Professor of Law, Columbia University Law School, who spoke on “Implications of the Conditions of Ownership and the Control of the Modern Corporation.” A reply to Mr. Berle was presented by Aaron Director, Professor of Economics at The Law School, who spoke on “The Modern Corporation and the Control of Property.” Commenting on the morning session was Friedrich A. von Hayek, Professor in the Committee on Social Thought at the University and the author of the widely read The Road to Serfdom.

Roger Foster, General Counsel for the Securities and Exchange Commission, opened the luncheon session on the topic, “Enforcement of Fiduciary Obligations.” Following Mr. Foster was Carlos L. Israels, of Berlack and Israels, New York, who spoke on “The Sacred Cow of Corporate Existence: Deadlock and Dissolution.” Benjamin H. Weisbrod, of Wilson and McIlvaine, Chicago, acted as commentator.

The afternoon session of the conference started with an address by Lawrence Bennett, of Milbank, Tweed,hope and Hadley, New York, who discussed “Some Legal Aspects of Funded Debt Financing.” The second afternoon speaker was Homer Kripke, Assistant General Counsel, CIT Finance Corporation, whose subject was “Current Assets Financing as a Source of Long-Term Capital.” John Kearns, Vice-President and Counsel, First National Bank of Chicago, served as commentator.

The after-dinner session was devoted to problems of foreign business. George F. James ’32, Director of the Standard Vacuum Oil Company of New York, talked on “Problems of American Firms Doing Business in Foreign Countries.” Fowler Hamilton, of Cleary, Gottlieb, Friendly and Cox, New York, discussed “The Prospect of American Finance for Foreign Enterprise,” and the day-long conference was concluded by Philip M. Glick, General Counsel, Technical Cooperation Administration, the Department of State, speaking on “The Government’s Program To Attract Domestic Capital Abroad.”
Profile

A few years ago at one of the annual Law School skits, which tradition dictates the student body put on at the expense of the faculty, Malcolm P. Sharp was introduced by this ditty:

Malcolm, Malcolm, you are welcome  
With your ivy covered mind,  
Though no one can understand you  
You are good and wise and kind.

Read in the context of the tradition of genial defamation characterizing such events, this is a remarkably affectionate and apt characterization of one of the Law School’s great teachers. Every school has its few teachers who make the permanent impression and are remembered and slowly worked into legend. Malcolm Sharp is one of these.

Students remember Malcolm Sharp not for any rich eccentricity of manner or any pet doctrine but because he is always himself; his personality does not change when he enters the classroom. He is one of the fortunate few whose vocation coincides perfectly with his avocation. He is fond of quoting a teacher of his to the effect that a man who would not be willing to teach without pay for the sheer fun of it does not belong in teaching.

Malcolm Sharp is also heard to observe that, although his grandfather was a respectable storekeeper, since his day the family has been going down. His father was Frank Chapman Sharp, a distinguished professor of ethics and philosophy at the University of Wisconsin.

Sharp was graduated from Amherst and went on to the Harvard Law School. He later returned to Harvard for graduate studies and received the S.J.D.

His first teaching assignment was elementary Greek; his first full-time one the teaching of flying during World War I; and his next the teaching of economics. And then he got “mixed up with law.” On the Wisconsin law faculty from 1927 to 1933, Sharp has since been at the University of Chicago Law School.

But all his paths have not been those of Academe. After graduating from Law School, he practiced with Lowenthal, Zold and with Root, Clark, Buckner and Ballentine in New York. The years in practice left their indelible mark. Along with the quizzical paradox-loving professor side of his personality there is another which appears steadily in his law teaching: the pragmatic craftsman of the Wall Street bar. The mixture is just about right.

His Teacher’s Directory biography lists no fewer than fourteen subjects he has taught, and no one could doubt that he could, and would, teach the rest of the law curriculum with great ability. But for the last fifteen years his primary field has been Contracts, and he is recognized as one of the top authorities.

The Contracts course under Sharp is a special experience. The organization is subtle but beautifully worked out; the secrets are not given to the students prematurely.

Malcolm P. Sharp

As one temporarily exasperated first-year man said, “It’s like trying to pick up mercury.” But somewhere in the second quarter the light dawns, the pieces suddenly fall firmly into place, and, as student testimony confirms year after year, the class has been led through a rigorous and exciting intellectual experience.

He has contributed an important series of essays on the law of contracts, including Promissory Liability, 7 Univ. Chi. L. Rev. 1-23, 250-80 (1940); Review of Williston, 4 Univ. Chi. L. Rev. 30-44 (1936); Pacta Sunt Servanda, 41 Col. L. Rev. 783 (1941); Review of Ferson, 2 Jour. L. Educ. 235 (1949); and the recent Promises, Mistakes, and Reciprocity, 19 Uni. Chi. L. Rev. 286 (1952). In addition, he has been the guiding spirit behind a coherent and now formidable sequence of student notes appearing over the years in the Law Review on various aspects of Contract Law.

It is widely recognized that the ideal method of achieving the integration of law and the associated social sciences—a subject of much discussion in law schools these days—is not by way of separate courses but by having the teacher so well educated that he can use the material interstitially as the law course progresses. Not many teachers are blessed with the background or the skill this requires. But Sharp is one of these few, and the student has not only a rich and rigorous initiation to the law of contracts but a challenging exposure as well to an urbane civilized intellect.

The variety of Sharp’s interest is readily seen by a further look at his publications. In 1939 the volume Social

In recent years Sharp has been experimenting with two fields on the frontier of the law curriculum: international law and psychology. His concern for a peaceful solution to the "cold war" has brought him insight in the study of the psychology of aggression. In a series of essays he has evolved his central theme: the attractiveness of aggression for all of us and the dominant importance of the role of law in controlling it and directing it constructively. Perhaps the pivotal essay thus far is "Aggression: A Study of Values and Law," published in the International Journal of Ethics in 1947. Sharp has in the back of his mind a book toward which he is slowly working. It promises to be a significant one.

It may seem a mild academic joke that so gentle a man is so concerned with aggression, but, as he would be the first to point out, that is really his point about all of us. A courageous defender of civil liberties, students and colleagues throughout the University think of him as a watchman of freedom. No profile can catch the wit, the mellowness, the charm. Nor can it do justice to his perhaps most endearing characteristic. After even a quarter-century of teaching he remains essentially a young man with an open, fresh, curious mind.

The fruits of Malcolm Sharp's years of teaching experience are now incorporated into his Cases on Contract, edited together with Professor Fritz Kessler of the Yale Law School, which will be published in the fall of 1952.

Among the Students

Again this year the Law School has been awarded the cup given by the Illinois State Bar Association to the winner of the Inter-School Moot Court Competition conducted by the Association. The members of the winning team are David V. Kahn, Julian Hansen, Robert S. Blatt and Maurice Jacobs. The Law School has now won the cup more times than any other school in the competition.

Chicago's loss will soon be Oxford's gain. Francis D. Logan, who entered The Law School last fall as a Kosmerl Scholar, has been awarded a Rhodes Scholarship and will begin his studies at Queen's College, Oxford, in the Michaelmas Term, 1952. Frank, who originally was a Winnetkan, but whose family now lives in Charlo, Montana, graduated from New Trier High School and The College of the University of Chicago.

Henry G. Manne, third-year student, recently won fourth place in a contest sponsored by the Robert S. Marx Foundation of Cincinnati. Manne's study, an essay on an automobile accident compensation plan, was among seven prize-winners in the annual competition.

Though this news properly belongs among alumni notes, The Law School makes claim to its students at least during their clerkships. We are pleased to announce that Robert Walker '50 is serving as clerk to Mr. Justice Clark and Abner J. Mikva '51 is clerking under Mr. Justice Minton. Both men are formerly Editors-in-Chief of the Law Review and members of The Order of the Coif.

David M. Sloan '51, another former Law Review editor, is serving as clerk to Judge Casper Platt '16.

Alumni Directory

In the next months a questionnaire will be sent to all alumni for the School's use in compiling a new directory. We need your co-operation in filling out the form completely and returning it as soon as possible. We want to put the new directory in your hands at the earliest possible date.

While on a trip to California in January, Dean Levi met with a group of the Los Angeles alumni for lunch. Shown, first row (left to right), are: Joseph L. Lewinson '07, Dean Levi, William D. Campbell '21. Rear row: Forrest Drummond '24, Deley T. Walton '24, Judge William T. Fox '20, and Judge Stanley Mosk '33. More than twenty-five alumni gathered for lunch and heard the Dean's presentation of the School's development plans.
Student-Faculty Dinners

The School last year inaugurated a series of quarterly student-faculty dinners. During the first year the Autumn Quarter dinner was for the federal judges of the Seventh Circuit. The Winter Quarter dinner was on the topic of antitrust, and the guest speakers were Lowell Mason, of the Federal Trade Commission, and Hugh B. Cox. The Spring Quarter dinner was on the occasion of the visit of Professors John Jewkes and Roy Forbes Harrod of Oxford University.

The first student-faculty dinner of the present year was held on October 31, 1951. The guests of honor were Howard L. Barkdull, president, the American Bar Association; Joseph W. Hinshaw, president, the Illinois Bar Association; and Cushman B. Bissell, president, the Chicago Bar Association.

Mr. Barkdull, who was the principal speaker of the evening, was introduced by Mr. Laird Bell, Chairman of the Board of Trustees of the University. Mr. Barkdull announced that, although he had been traveling throughout the country since his election to office addressing bar association groups, ours was the first law school at which he had spoken.

In his remarks he stressed to the students present, as well as to the other members of the bar, the importance of the junior bar association groups. He urged them to become affiliated with and to participate in the junior bar activities which he spoke of as the source of continuing strength for the local, state, and national bar associations.

Mr. Barkdull also commended the Student Bar Association at the Law School for its program. Among its activities is a book exchange which makes it possible for students to obtain used copies of case books.

Professor Karl Llewellyn also spoke at the dinner. In his remarks Mr. Llewellyn stressed the importance of devising some means of preserving for law school instruction the craftsmanship and skills developed by great lawyers.

Among the other guests were: Andrew J. Dallstream '17, Judge Samuel B. Epstein '15, Tappan Gregory, Maurice Goldblatt, Ben Heineman, Judge Michael L. Igoe, Judge Joseph S. Perry, George B. Pletsch, George A. Ranney, Jr., Maurice Rosenfield '38, Judge Walter B. Schaefer '28, Judge H. Nathan Swaim '15, Judge Luther M. Swygert, and Henry F. Tenney '15.
Dean Edward H. Levi introduced the guests of the evening (left to right): Cushman B. Bissell, president, the Chicago Bar Association; Howard L. Barkdoll, president, the American Bar Association; Laird Bell; Karl N. Llewellyn; and Joseph W. Hinshaw, president, the Illinois Bar Association.

Board Chairman Laird Bell '07 chatting with Chancellor Lawrence A. Kimpton and Illinois Supreme Court Justice Walter V. Schaefer '28 at the dinner for the bar association presidents.

Left to right: Cushman B. Bissell, president of the Chicago Bar Association, Andrew J. Dallstream '17, and Henry F. Tenney '15.

Judge H. Nathan Swaim '16 and Henry Tenney '15 related to the students at their table stories of the Law School of thirty-five years ago.
Scholarship Notes

This year has seen several important additions to the scholarship and loan funds available at the School. In the first issue of The Record we reported on the Class of 1915 Scholarship and the James B. Blake Scholarship. In the past several months two more funds have been established, and these are important additions to the student assistance resources of the School. Phi Sigma Delta Fraternity has contributed two half-tuition scholarships in memory of Dr. Gerson B. Levi. Through the interest in the School on the part of Louis H. Silver '28, the family of the late Mr. Bernhardt Frank has established a loan fund at the School in his memory.

The donors of scholarship, loan, and student aid funds frequently comment that no more satisfying philanthropy is possible. A kind of "living endowment" is brought into existence through which the funds invested in future lawyers, teachers, and scholars pay lasting human dividends. Among the funds which have operated at The Law School, one of the most helpful has been the Leo F. Wormser Scholarship Fund. The story of this fund, and the achievements of the men whose education it made possible, is a splendid example of this kind of investment in the future.

Leo F. Wormser was one of the leading members of the Chicago Bar whose death in 1934 brought to a close a distinguished career. Mr. Wormser took his degree at The Law School in 1904 and joined the firm of Rosenthal and Hamill, which in 1911 became Rosenthal, Hamill and Wormser. A trustee of the Museum of Science and Industry, Armour Institute of Technology, the Jewish Charities of Chicago, the Orchestral Association, International House, and the Civic Federation, Mr. Wormser also found time beginning in 1922 for a part-time academic career as professorial lecturer at The University of Chicago Law School.

Upon his death, a number of Mr. Wormser's friends established a scholarship fund in his memory at the School. From the period of 1935 through 1948, three honor scholarships yearly were granted from this fund.

Following are the names and present occupations of a few of the many students who were Leo F. Wormser Honor Scholars while at The Law School: Tucker Dean '40, now assistant professor of law at New York University Law School; Monrad Paulsen '42, associate professor of law at the University of Minnesota; Don Wollett '41, professor of law at the University of Washington Law School in Seattle; William Speck '42, now with the Administrative Offices of the United States Courts; John B. Howard '42, a former State Department official who recently joined the Ford Foundation; Kent Larkinhead '42, of Root, Ballentine, Harlan, Bushby and Palmer, New York; William P. Thompson '42, of Hershberger, Patterson, Jones and Thompson, Wichita, Kansas; Dale Stucky '42, of Fleson, Gowing, Coulson and Kitch, Wichita; and Dudley Zinke '42, of Pillsbury, Madison and Sutro of San Francisco.

A recent gift has been received from a number of the late Mr. Wormser's friends, making possible the continued operation of the fund and the award of two honor scholarships for each of the next two years.

Where Do Our Students Come From?

This is a question that every school must ask itself. A recent survey made in the Dean's Office presents a picture which we think will interest the alumni.

Of the 233 students in the School, 143 come from outside Chicago and 122 from outside Illinois. By state representation Illinois, of course, leads; the next five states sending us the largest number of students are New York, Ohio, Michigan, Wisconsin, and New Jersey. But there are two students from Maine, three from California, five from Connecticut, one from Tennessee, and five from Pennsylvania. In all, thirty-four states are represented, giving statehood for this purpose to the District of Columbia.

Panama, Canada, Israel, and Norway are represented by one student each, and two students each are enrolled at the School from Germany, Japan, and Lebanon. The extra-territorial limits of the United States are represented by three students from Hawaii, two from Puerto Rico, and one from Alaska.

The roll of institutions which have granted degrees to students now enrolled in The Law School is as follows:

American University
Amherst
Antioch
Brown
Carleton
City College of New York
College of St. Thomas
Cornell University
Culver-Stockton
Dakota Wesleyan
Dartmouth
De Pauw
Drake
Fordham
George Washington
Grinnell
Gustavus Adolphus
Hamilton
Harvard
Incorp. Law Soc. of N. Ireland
John Muir Junior College
Keio University (Japan)
Knox
Loyola
Marquette
Michigan State
Northwestern
North Dakota Agricultural
Notre Dame
Oberlin
Philadelphia Divinity
Providence
Purdue
Reed
Ripon
Roosevelt
Rutgers
Simpson
St. Mary's
Swarthmore
Syracuse
Talladega
Texas Western
Tokyo University (Japan)
United States Military Academy
University of Bologna (Italy)
University of California
University of Chicago
University of Georgia
University of Illinois
University of Iowa
University of Michigan
University of Madrid (Spain)
University of Maine
University of Missouri
University of Oslo (Norway)
University of Puerto Rico
University of Toronto
University of Virginia
University of Washington
Ursinus
Washington State
Washington University
Wayne
Wesleyan
Western Reserve
Willamette
Wright Junior College
Yale
Yankton

The Police and Racial Tension

During the coming Summer Quarter, The Law School is sponsoring a special seminar on questions of racial tension for police and other law-enforcement officers. The seminar, to be held at the School from July 14 through July 25, will examine and appraise the techniques employed by the police in some of the recent racial tension incidents which have occurred throughout the country. Authorities in the fields of law enforcement, sociology, and psychology have been invited to join with members of the Law School faculty in the seminar. The seminar is under the direction of Joseph D. Lohman, Chairman, Parole and Pardon Board, State of Illinois, and Lecturer in the Department of Sociology at the University.

The program of the seminar has been organized around the following topics:

Case Studies of Racial Violence
Standard Police Practice in Treating General Problems of Violence: The Maintenance of Law and Order
The Special Problems of Violence in Situations of Racial Tension
Recent Developments in the Law Affecting Racial and Related Forms of Discrimination
The Role of the Police in Situations of Racial Tension
A Positive Program for the Police and the Community

The Law School faculty will be represented in the seminar by Harry Kalven, Bernard D. Meltzer, William R. Ming, and Malcolm P. Sharp. Jerome Hall, of the University of Indiana Law School, who will be a Visiting Professor for the Summer Quarter, will participate.

Among the other University participants are William C. Bradbury, Assistant Professor of Social Sciences in The College; Robert Redfield, Professor of Anthropology; and Louis Wirth, Professor of Sociology.
The visiting staff of the seminar includes Captain John I. Howe, Chicago Police Department; Edward J. Kelly, Superintendent of National Capitol Parks; David McCandless, Director, Southern Police Institute; Deputy Commissioner William L. Rawl, New York Police Department; and Dr. Helen McLean, The Institute for Psychoanalysis.

In connection with the seminar a series of public lectures will be held. Jerome Hall will speak on "The Police and the Law" in three sessions covering the topics, "Standards" (the role of police in a democratic society); "Arrest" (the law of arrest; riot; prevention of crimes; duties of the police after arrest; inadequacies in the present law); and "Evidence" (the use of force ['third degree'] in securing confessions and in relation to self-incrimination; search and seizure; civil liberties; needed reforms). The fourth lecture in the series will be given by Harry Kalven on the subject "The Law of Racial Discrimination."

Fees for the seminar, including room and board in Burton-Judson Courts, is $150.00. Applications and further information can be obtained from the Office of the Dean, The Law School.

Summer Quarter

Again this year a Summer Quarter program will be offered by The Law School including two courses open to beginning law students. Three alumni will return to the School as visiting professors: Jerome Hall '23, University of Pennsylvania Law School; Philip Mechem '26, University of Pennsylvania Law School; and Casper W. Ooms '27, of Dawson and Ooms, Chicago. The following courses will be offered:

203 CRIMINAL LAW AND PROCEDURE. Jerome Hall
206 TORTS. Philip Mechem
304 ACCOUNTING. Wilber G. Katz
402 TRUSTS. Allison Dunham
406 EVIDENCE. Bernard Meltzer
408 CONFLICTS OF LAWS. Brainerd Currie
472 SEMINAR ON PATENT LAW. Casper W. Ooms
487 SEMINAR ON UNFAIR TRADE PRACTICES. Edward H. Levi

Mr. Currie, who also will be a visiting professor for the Summer Quarter, is Professor of Law, University of California Law School. The Summer Quarter will run from June 24 to August 30.

Student-Faculty Seminars

Biweekly luncheon-seminars have been inaugurated at The Law School. During the past Quarter some of the guest speakers at these meetings have been Judge William J. Campbell, Ben Heineman, Stanley Kaplan, Andrew J. Dallstream, Judge Willis W. Ritter, and Miles Seeley.

Discussions have ranged from the ethical implication of the preparation of witnesses to the frontier developments in the fiduciary duties of corporate officers. For the most part the guest speakers have chosen material out of their recent experience and stimulated lively discussion between the student and faculty participants.

Miles Seeley, of Mayer, Meyer, Austrian and Platt, at a student-faculty luncheon-seminar.

Federal Judge Willis W. Ritter greeting members of "The Law Review" Editorial Board at the luncheon-seminar he attended during his visit to the School.

Ben Heineman, of the firm of Swiren and Heineman, was a recent participant in a student-faculty seminar.
Problems in Commercial Law

A seminar for members of the bar on the subject "Problems in Commercial Law" was launched on February 14 in co-operation with University College. Meeting at the University's downtown center, the seminar is being conducted by Soia Mentschikoff, Karl N. Llewellyn, and Roscoe T. Steffen.

Nine major topics in the field of commercial law are being covered in the successive late-afternoon meetings. The topics under consideration are: "Planning and Drafting of Sales Forms," "Sales Disputes: Negotiation and Remedies," "Letters of Credit," "Inventory Finance," "Consumer Financing," "Bank Discount of Commercial Paper," "Bank Collections," "Investment Securities and Their Brokerage," and "Investment Banking."

The attention of the participants is being focused on legal questions which have been and are most troublesome to courts and businessmen, with reference to possible legislative solutions and the proposed Uniform Commercial Code.

Corporate Law (Continued from page 2)

ods of dispute "settlement" between kinship groups which, in their internal structure, on the other hand, constitute peace units. What was the way from this primitivist state of affairs to the great peace areas of the modern nations: How did these develop the way stations of mediation, arbitration, adjudication, federation? In our seminar we have been trying to trace these processes in antiquity or the Middle Ages, then to study the spheres of violence still existing in present society, such as the duel, lynching, gang warfare, and permissible self-help. Upon this basis we then proceeded to discuss the possible ways in which the rule of law might be achieved in the last great spheres of force left today—labor relations and the international scene. Necessary expert information has been provided in this seminar by members of the faculties of other departments of the University of Chicago, especially the Oriental Institute and the Department of Sociology. Additional stimulus has been injected by the participation of students of sociology, political science, theology, oriental studies, and other fields.

In the second group of courses in comparative law we have been trying to give to our students an introduction to the so-called civil law, that is, that group of legal systems which prevails in the Western world outside the common-law countries—the United States and the countries of the British Commonwealth. Obviously we cannot even try to "teach" French, German, Swiss, or Mexican law in forty hours. We are an American law school, and within it courses of introduction to foreign law are justified only in so far as they help to make our students better American lawyers. Our instruction is thus to be geared toward practical ends, which can be formulated as follows:

1. Contact with foreign law should make our students aware of the fact that our institutions, laws, and methods are not the only possible ones in the world.

2. Studying some institutions and methods of a highly developed foreign law should deepen our students' understanding of the corresponding institutions and methods of our own law.

3. Our students should be made aware of the fact that when they have to deal with foreign lawyers in business matters, in diplomatic negotiations, or in litigation, they cannot expect these foreign lawyers to think and to argue in the ways we do.

4. Our students should be induced on their own initiative to broaden and deepen their acquaintance with the treasure house of stimulating or useful ideas and experiences which foreign countries have accumulated and from which we may profit for our own purposes.

These aims can be pursued in various ways. In our opinion the best way is that of resorting to the incisive treatment of one or several fairly narrow but important sets of problems which present themselves in all modern countries and which are placed before the students in that way with which they are familiar, i.e., through cases. This method requires that there be placed in the hands of the students a collection of cases, taken from representative foreign systems, and dealing with issues which come up for decision both here and there. They must be centered around problems which are significant in themselves and the treatment of which in the several systems concerned is apt to throw light upon their characteristic methods of legal thought.

In our courses at the University of Chicago Law School we have used materials from various fields of private law. For several years we concentrated upon problems of the law of torts, especially those which are connected with the treatment of negligence cases and with the protection of privacy. In other years we took certain problems of the law of contract (duress, mistake, impossibility), of sales (warranty for quality, risk), or conflict of laws (characterization, substance and procedure, renvoi, personal status). The preparation of the materials, especially the translation of the foreign cases, was, of course, a cumbersome and time-consuming job.

In recent years young foreign lawyers have been coming to American law schools, not to obtain a full train-
ing in American law, but to acquaint themselves with the basic institutions of this country and with the methods of its legal thought. Without special guidance and advice their efforts may be wasted, and they will return to their homelands disappointed. At our Law School we have paid special attention to this kind of comparative law. We have established counseling service for our law students from abroad and a special seminar in which the strange world of American legal, political, economic, and social institutions is sought to be explained to them through comparison with the corresponding phenomena of their own countries.

The task which comparative law can fulfill in American life is vast. Teaching constitutes but a small part. In order to make available to this country the immense store of the world’s legal thought and experience and to make America’s contribution felt in the emerging science of law as a world-wide phenomenon, research and publication are required on a vast scale. The University of Chicago is trying to contribute its share through its Comparative Law Research Center. Under the direction of the Max Pam Professor of Comparative Law the translation of Max Weber’s Sociology of Law has been completed, and, in order to make this work useful for America, there has been added a voluminous apparatus of explanatory annotations. In connection with the American Bar Association’s Interprofessional Commission on Marriage and Divorce Law, there has been undertaken a study of developments in the field of divorce in the principal foreign countries.

Other research work is carried on in the field of conflict of laws.

Together with eleven other law schools, the University of Chicago Law School has combined to form the American Association for the Comparative Study of Law, Inc., which has just started to publish the American Journal of Comparative Law and which thus aligns this country with those other nations in which the cultivation of the science of comparative law has long had important and respected organs of scholarly and practical publications.

MAX RHEINSTEIN
Max Pam Professor of Comparative Law

Faculty Notes

WILBUR G. KATZ, James Parker Hall Professor of Law, gave the opening lecture at the Institute on Accounting for Lawyers sponsored by the Washington University Law School. Mr. Katz spoke on “The Accounting Process and Financial Statements” on March 21, 1952, in St. Louis.

EDWARD H. LEVI and AARON DIRECTOR participated in a symposium on antitrust laws on January 18, 1952, sponsored jointly by the Chicago and Illinois Bar Associations. Mr. Levi also spoke on February 15 at the annual banquet of the Cook County Bar Association.

ALLISON DUNHAM has recently been elected to the Board of Governors of the Metropolitan Housing and Planning Council. His recent book, Cases and Materials on Modern Real Estate Transactions, was published by the Foundation Press in January.

SHELDON TEEFT’S new Cases and Material on the Law of Property, on which he collaborated with Ralph W. Aigler and Allan F. Smith of the University of Michigan Law School, has been issued by the West Publishing Company.

ROBERT MING, who is a member of the joint Committee on Civil Procedure of the Chicago and Illinois Bar Associations, was host to a meeting of the Committee at The Law School on March 7, 8, and 9.

Last summer MAX RHEINSTEIN, Max Pam Professor of Law and Director of the School’s Comparative Law Research Center, was in Europe lecturing on legal thought in the United States. Mr. Rheinstein visited and spoke at the universities of Frankfurt, Kiel, Göttingen, Tübingen, Erlangen, the Free University of West Berlin, and Marburg. He also visited the universities of Oslo, Copenhagen, Lund, Upsala, Stockholm, and Helsinki.

KAREL N. LLEWELLYN was one of the guest lecturers on the University College public lecture series, “The Western Tradition—Its Great Ideas and Issues.” Mr. Llewellyn spoke on February 15 on “The Quest for Justice.” Mr. Llewellyn also spoke at the University of Illinois on March 4 on The Place of Law in Our Society.

ERNST W. PUTTKAMMER, President of the Order of the Coif, recently installed a chapter of The Coif at the University of Tennessee Law School.

BERNARD MEITZER’S article, “Required Records, the McCarran Act, and the Privilege against Self-incrimination,” has recently been cited and referred to as a “thoughtful article” by Judge Clark of the Second Circuit Court of Appeals. The citation appears in United States v. Frederick V. Field et al., Nos. 300–302, C.C.A., 2d Oct. Term 1951, decided October 30, 1951, p. 1929, note 4.

SOLO MENTSCHIKOFF spoke at Peoria, Illinois, on January 19, at the meeting of the Illinois State Bar Association, Section of Commerce and Bankruptcy Law. She participated in a panel discussion of Article 9 on Secured Transactions of the Uniform Commercial Code.

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LOCAL PHOTOS BY STEPHEN LLEWELLYN