

Legal Realism and Justice (Book Note)

Lenore Benario

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except as it is used to present the information needed by the judge. An additional element of worth is the complete treatment given to the subjects of Reargument, Examinations Before Trial, the Provisional Remedies, and the various matrimonial motions. And though the book is brief, which is a definite asset, it contains an exceptional index of 27 pages.

It has been said that motion practice is an art in itself. However, the acquisition of some degree of skill is not beyond reach for the average practitioner if he has the tools. For the attorney who does not specialize this book will provide expert help in the choice and preparation of his motion. And if the recommendation of the author to follow up his citations to statute and case is followed a really intelligent use of motions should result.

HARRY J. DONAGHY, JR.

LEGAL REALISM AND JUSTICE. By Edwin N. Garland. New York: Columbia University Press, 1941. Pp. xii, 161, bibliography, index. \$2.00.

This book is more than its title indicates; it is a philosophy of law, presented not from the historical aspect but from the evolutionary-ethical one. By demonstrating the relation between law and the economic society Mr. Garland attempts to give law its proper value.

Expressions in this work such as: "the search for justice is the major enterprise of law, and the attempt to characterize justice is inseparately connected with that which characterizes law," further: "Not all law is just, nor is all justice law," show that the conceptions of the author as to the function of law could perhaps better be classified as a philosophical procedure to improve mankind and simplify its problems. The tools for attaining this goal are the laws, but as their application is in the hands of mortals and all too human ones at that, the fallacies in modern jurisprudence are dwelt upon to quite some extent. In addition, by showing some inconsistencies, *i.e.*, the principle of "equality before the law" and legislation designed to favor the weak and poor, the author demonstrates that law has not yet reached the state of perfection which its long existence would have merited.

The book is written for the thinker who looks beneath the surface of the law and the studies pertaining to it, and it will, therefore, appeal not only to the attorney who naturally is interested in the philosophy of law and our legal system, but also to the layman who wishes to obtain a clear conception of the principles and rules which govern and control the life about him.

LENORE BENARIO.