

St. John's Law Review

Volume 14
Number 2 *Volume 14, April 1940, Number 2*

Article 32

Look at the Law (Book Review)

Maurice Finkelstein

Follow this and additional works at: <https://scholarship.law.stjohns.edu/lawreview>

This Book Review is brought to you for free and open access by the Journals at St. John's Law Scholarship Repository. It has been accepted for inclusion in St. John's Law Review by an authorized editor of St. John's Law Scholarship Repository. For more information, please contact selbyc@stjohns.edu.

Mr. Justice Frankfurter contributed to the perpetuation of the memory of "Three Great Justices". I like to think of the many readers of these collected legal papers as visitors to my imaginary Hall of Fame.

LOUIS PRASHKER*

LOOK AT THE LAW. By Percival E. Jackson. E. P. Dutton & Co., Inc., 1940, pp. 377.

The author of this book is an eminent lawyer, with many years of experience, whose work typifies the concept of the people's lawyer and whose interests in law spring from a desire to view it and to help make it an effective vehicle for social control in a democratic society. The enthusiastic reception which this book was accorded at the hands of lawyers and laymen alike is a heartening indication of the trend of modern juristic thought.

The facts detailed in this volume are of utmost importance to the modern public. They are facts which law schools are apt to overlook. Where interests are necessarily confined to theoretical exposition, the distempers of the law in practice are all too frequently ignored. Here is a book which gives to the law student an opportunity to peer behind the scenes and to see how the standards and principles that are worked out in the classroom fare when they are applied in the courts. The author is not unaware of the difficulties confronting the task which he has so efficiently accomplished. He is conscious of the deep responsibility which rests upon anyone who would undertake an analysis of the legal system from its practical point of view, but he has a gift for clear and trenchant statement and for calling things by their right names. He employs this art dexterously to reveal the fundamental deficiencies of the legal system as it is applied to the courts and to suggest some thoroughly sensible remedies, which certainly will not be long in forthcoming.

Mr. Jackson is not an iconoclast. His suggestions are not destructive and his view of the law does not indicate any hopelessness or any feeling of ultimate despair. On the contrary, throughout the book runs an optimistic note and one gets the feeling that the author is conscious of the considerable progress that has already been made and confident that more is bound to come. Without sparing the sensibilities of lawyers or judges, he yet is able to cast blame only where it belongs and to recognize the essential soundness that exists in the basic concepts of our legal system. He says, speaking of law: "Generally, far from being condemned for its hypocrisies, it should be praised for its ability to reconcile law and life, for its effort to obtain a balance between the requirements of justice and the calls of mercy." Speaking of the law's delays, he weighs a careful balance between a radical innovation and progress, pointing out that "we must be careful to limit the pruning of technicalities so that matters of substance are not emasculated".

He has something specific and detailed to say about almost every branch of

* Professor of Law, St. John's University School of Law.

the law, and reading this book is like reading a running commentary on judicial action.

Some of the things discussed are difficult of objective appraisal, as when the author treats of those delicate hairline concepts involved in the psychological backgrounds of judicial decision.

As one examines this work he feels the familiarity with practice and with affairs of the world which the author reveals. He recognizes the realization which must have come as a result of many years of trained observation, that the average layman's view of the law is so frequently the result of hardships encountered, that it is difficult not to sympathize with the general feeling of discouragement that often exists.

A matter of some importance to law students is unfortunately not discussed in the book, for Mr. Jackson's views in regard to it would certainly be extremely enlightening. I refer to the effect of the quality of a lawyer's work upon legal consequences. Surely, Mr. Jackson must be aware of the varying consequences which flow from the technical efficiency with which some lawyers are equipped. He has not spoken of the place of legal training in the administration of justice. Perhaps that is a book by itself, and perhaps Mr. Jackson will some day write it. It would be of great interest to all of us to know what a man of affairs, himself highly skilled, considers the essential ingredients of a lawyer's training.

This volume lures the reader on to the very last page. It is not only stylistically seductive but is permeated with interesting and enlightening accounts of actual experiences which tend to punctuate the points which the author seeks to make. Judges who have had years of experience on the Bench have recommended this book and opined that it should be required reading for law students. If law students would generally study its contents, many interesting questions might be raised in the classroom which might give direction and pause to consideration of the technical problems even of trespass and the rule against perpetuities.

MAURICE FINKELSTEIN.*

NEW YORK ELECTION LAW MANUAL WITH FORMS. By Lewis Abrahams. New York: H. Wolff Book Co., 1939, pp. xxi, 274. Distributed by Edward Thompson Co., Brooklyn, N. Y.

Lawyers, judges and candidates for elective office have long felt the need of a comprehensive and authoritative text on the Election Law. Curiously enough, despite the numerous questions which arise, and the mass of litigation which has come into the courts in recent years, there was until now no up-to-date manual on the Election Law. Probably the reason for this was twofold: *first*, because the field of Election Law is naturally limited, and *second*, because the law is constantly being changed by the Legislature.

Mr. Abrahams' *New York Election Law Manual With Forms* is a valuable outline of procedure for candidates. It contains a comprehensive compilation

* Professor of Law, St. John's University School of Law.