

## Outlines of the Law of Torts (2nd Ed.) (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](mailto:selbyc@stjohns.edu).

## BOOK REVIEWS

*Editor*—CYRIL SULLIVAN

OUTLINES OF THE LAW OF TORTS. 2d ed. By David Stewart Edgar and David Stewart Edgar, Jr. Brooklyn: Remsen Publishing Co., 1933, pp. 150.

Some years ago, I had the opportunity of reviewing the first edition of this book. At that time, I called attention to the inspired qualities of the *Outlines*, the visible evidence in the printed word of the intellectual personality of the authors and the orderly arrangement of the subject matter.

I ventured then to suggest that the first edition failed to give proper attention to the quarrels of the law writers about the basis of legal liability. Since I wrote those words, apparently the authors of these *Outlines* as well as this reviewer have somewhat altered their respective opinions. For myself, the quarrels of the law writers seem less important now than they did at the beginning of the last decade. Although useful in class discussion, I sometimes begin to fear that a good deal of our classroom debate is bewildering to the student and not productive of analytic experience.

On the other hand, the authors of these *Outlines* now give more serious attention than they did heretofore to the opinions of juristic writers. The book abounds with opinions of judges from other jurisdictions and one sees constant reference to such experts in the law of torts as Dean Pound of the Harvard Law School. As they move in one direction, and I in the other, we surely will come to a common resting point.

Edgar's course in the law of torts has become an institution within an institution. It lends color and tradition to the law school and is part of the equipment of countless young men who are now successfully encountering the problems of the law. As he rounds out a quarter of a century of pedagogic effort in law, the elder author of these *Outlines* must have come to realize how much things legal have changed in the past twenty-five years, in form as well as in substance. Twenty-five years ago these *Outlines* would have been impossible in their present form. The ease and felicity of phrasing, the simple but positive statement of rules of law, the collection and grouping of various basic principles in scientific orderliness, the frank recognition of the effect of abstract thinking upon judicial decision; all these are the products of a modern age and years of experience with the practical problem of unfolding legal realities to inexperienced students.

Originally, this reviewer attributed the good qualities of the first edition to the inspiration of A. M. E. and M. J. E. Since then, there has been no evidence among colleagues of the authors as to whether that clairvoyant judgment was correct. It need only be added that if it was, the good work seems to have been carried on.

MAURICE FINKELSTEIN.

St. John's University School of Law.