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Arant, H., Cases and Other Materials on the American Bar and Its Ethics

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it is legal to stage a professional baseball game,[25] but illegal to publish an account of it. It is high time that the legislatures of Pennsylvania and of other states recognize that neither the public conscience nor the law which expresses it should now ban the publication of Sunday newspapers.

In brief, to students in journalism the book is almost a necessity. To lawyers the work is a real aid although it is not exhaustive or highly technical. To all readers the book is a reminder that the law of the press, not having kept pace with these rapidly changing times, presents a challenge to Bench and Legislature.

Harry Polikoff.

Fox, Rothschild, O'Brien & Frankel, Philadelphia, Pa.

CASES AND OTHER MATERIALS ON THE AMERICAN BAR AND ITS ETHICS. By Herschel W. Arant. Callaghan & Company, Chicago, 1933. Pp. xiii, 687. Price: $5.00.

Probably the best general appraisal of this book can be summed up in the wholly complimentary statement that it measures up to expectations. A book on the subject of Legal Ethics by the man who has been the *liaison* officer between the American Bar Association and the law school world on the subject was prejudged as excellent before it appeared. The analysis of the subject matter contains few innovations, but it is certainly adequate. No undue emphasis is given any particular sector of the subject. The materials used are extremely modern and the notes are unusually exhaustive.

Much is to be said in favor of a more or less total disregard of historical materials. They would add little, if anything, to an understanding of the subject. Something is to be gained in forgetting the past here and attempting to pattern present ideals wholly in the light of modern experience. The immediate present forms a very excellent point of departure. Indeed whenever one moves over into the field of the ideal the past is quite irrelevant, for the viewpoint is entirely futuristic. At least the past exerts more than its share of influence without any reference to it.

The most pertinent review of the best book on Legal Ethics necessarily points out its limitations. Any teacher can take this book and use it or misuse it to suit his taste. The materials are there for any course, beginning with the one where Ethics is Ethics and ending with the one where substance triumphs over form. The best compliment which can be paid the book after all is that it can be used for what may be called, for want of a better word (and without attempting to be either facetious or too serious) the "right" kind of a course on The Legal Profession and Its Standards.

It should be offered as a beginning course. The beginning student should be inoculated at once. A third year course, of the "right" sort, is impossible. Three years of common law dogma is too large a handicap for the best case book and the best teacher. The closed mind is an impossible receptacle for an ideal in the proper meaning of that word. The philosophy of the cases is the philosophy of Blackstone and the elderly element of the American Bar Association. It is at odds with the answer to Dean Arant's first question: "The Practice of Law—Business or Profession?"

There is no occasion for attempting to teach this course unless it emphasizes the social element in lawyer conduct and the Law. Individualism and professional ideals are at odds. Professional standards after all seemingly call for impossible conduct, for they ask a lawyer to act socially in an individualistic

[25] PA. STAT. ANN. (Purdon, 1933) tit. 18, § 1994.

society. But, of course, it is not impossible. Lawyer *action* inevitably decides the conflict in favor of one or the other of those repugnant forces.

Any successful outcome depends only slightly upon a formal knowledge of established rules governing the battle. The Canons of Legal Ethics are simply a beginning point. Success or failure here depends upon those qualities of character which insure a choice against personal interests. That is strictly a question of substance. One must start to lay the foundation at the very bottom, and before too much debris and the foundation of another philosophy have been accumulated.

In that sense professional standards are taught for three years. The most which can be hoped for is that with this book a proper beginning may be made. On that score it can only be repeated that the book offers a most respectable tool. Can we find the teachers?

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THE CONSTITUTION OF THE IRISH FREE STATE. By Leo Kohn. George Allen & Unwin, London, 1933. Pp. xv, 423. Price: 16s.

This work is the first critical commentary of any length upon the Irish Constitution. But it is far more than an analysis of a document since not only is it concerned with the history of the instrument and the political philosophy underlying its shaping but with the entire constitutional experience of the Irish Free State. The author is a German political scientist whose English usage deserves high praise for clear expression and close reasoning in a field where accuracy of terminology is essential. The treatment is rigorous and critical and the writer's objective standards are authoritative. Indeed his only personal dislike is of the initiative and referendum in legislation. This substantial study should win for Dr. Kohn membership among the distinguished group of foreign critics of Irish affairs.

Sinn Fein was merely the translation of the philosophy of the Irish Renaissance of the early twentieth century into political terms. Its purpose was to attain the substance rather than the external symbols of national independence. Decrying violence it hoped to assume, without infringement of the existing law, the essential functions of government. The failure of physical force in the Easter Week Rising in 1916 necessarily drew into its ranks all the radical elements. By 1919 Sinn Fein had swept the country, utterly demolishing the Parliamentary Party, only to find itself unable to govern the country in the extra-legal manner which it prescribed. The year 1920 saw Ireland reduced to a state of civil chaos. Fortunately at this juncture the British Government instituted *pourparlers*. The outcome was the Anglo-Irish Treaty, promulgated finally in 1922.

It was no easy matter to reach an agreement between a group claiming as a fundamental natural right that of choosing freely for themselves the path of national destiny and another espousing the legitimist argument that permanent reconciliation could be attained only by a recognition of the physical and historical interdependence of the two states. To create an independent Ireland, unrestricted in function and policy, without permitting Ireland to denounce its historical allegiance to the Crown offered an apparently insoluble problem. Fortunately Ireland's representatives were realists, content with the substance where the letter was impossible. Agreement upon countless secondary matters, followed by a *modus vivendi* upon the Ulster tangle, engendered the feeling among the confreres that they *should* not fail to find the constitutional