of the course, with the New York Factors' Act and the New York Bulk Sales Act thrown in for good measure.

In conclusion it may be noted once more that Bogert and Britton is not a functional presentation of the law of Sales. However, with such a wealth of excellent material at his disposal, no type of Sales teacher, be he functionalist, conceptualist, pragmatist, factualist, or plain garden variety, should encounter any difficulty in giving an excellent course.

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Cases and Materials on an Introduction to Law and the Judicial Process. By Bernard C. Gavit. Chicago: Callaghan & Co., 1936. Pp. xxiii, 633. $5.00.

Mr. Gavit's book introduces the first year law student to many of the issues which have been fought over by the more jurisprudentially inclined law professors during the past years. It also retains the more traditional material for an introductory law course in the form of material on the court system and organization, and some material on briefing, and on common law procedure and common law actions. Having gone through the traditional material the freshman is then given a dose of what Mr. Gavit terms, with others, "the judicial process." The clear merit of the book is that any student having used all of the book will have a sense of awareness of how the law develops and a feeling for the conflict which is implicit. I suppose, also, that the student will be bewildered by what he finds. This bewilderment will be both good and bad.

The book represents, I take it, most of the old and new notions about law and law teaching now current among law teachers. Retaining the material on common law actions, I think, is a mistake. Such material is not introductory for it leads nowhere. It should either be taught as history, in which case it cannot be quickly taught and needs full development, or as a device whereby almost anything can be accomplished. I am aware that some persons believe that it can be taught as logic, although what that means I do not know, and at any rate to do so would not be to give an introductory course. The place of logic in the law does need treatment in an introductory course, and Mr. Gavit has included it, although I do not think that he has a prize collection of cases on it. Mr. Gavit bows rather deeply to the Hohfeldian concepts, which I also think is something of a mistake. A middle sized bow would be much better and than not because the concepts are useful but because some people think they are. About one hundred pages are given over to what Mr. Gavit calls the judicial function. Here the place of law in any theory of government may be well developed, but I think it extremely questionable whether it can be done by the case method alone. The material on statutory interpretation which appears some one hundred and thirty pages later might better fit in here, and so might the material on constitutional interpretation, which is now placed at the end of the book. Of course the book has in it a great deal of the talk about what is law, and includes Mr. Hutchins' life-story for the edification of the freshman. I do not know why the material on what the law is, is separated by most of the book from the judicial process, but perhaps this is an adaptation of the circular method of instruction.

Certainly it is a mistake to take casebooks too seriously. They are, after all, only

convenient ways of getting some material into the hands of students. This book does not attempt to do more through the medium of footnotes; it does not have that type of author's footnotes which gives a book a literary tone, as is currently popular, nor does it have those penetrating notes with which, let us say, Mr. Ames used to embellish his works. This book, however, will raise many fundamental questions in the student's mind about the law, and thus will make his law work more interesting. It probably will not answer these questions, nor will it tell the student which questions are by their nature unanswerable. But an instructor using these materials could give these answers, if he knows them. The instructor also could impose some order on the materials. I don't know why Mr. Gavit chose the particular brand of disorder that he did. Perhaps as a matter of pedagogy it works, and that would be all that matters. And to the extent that the materials are confused and confusing I suspect they correctly mirror current ideas about law. In such a case I suppose it is better for the freshman to get over that stage in his first year, rather than to have him emerge with the confusion in his third—or worse, have him not even see the confusion by that time.

Mr. Gavit's book fills many of the needs of an introductory course. I do not think it does as good a job as might be done. By and large an introductory course must be a course about the judicial process. It must discuss the nature of problems, that is, distinguish between those which have been finally settled (or unsettled), and those which are practical and in which a choice in any particular case must always be made. A discussion of the principles by which this choice must be made would not be out of place, but possibly the kindergartens of the country will have to be reorganized to give effect to these principles since the only adequate training in the moral and intellectual virtues probably occurs around that time. An introductory course must discuss the place of law in the governmental system. Most importantly, it must trace the rise of some legal concepts in order to show their utility and to give some standard by which legal concepts may be judged. All of this may be placed under the heading of "precedent, logic and social policy." It is obvious that such an inquiry would constantly link law with other disciplines and would constantly attempt to find first, what kinds of information would be useful in the law, and secondly, attempt to correlate some of the information already present in other fields, as an example of what can be done. Thus one might have a systematic introductory course dealing with something other than procedure, raising problems as to the ultimate ends of law, and the practical nature of legal problems, integrating law and other disciplines, and developing the history of legal symbols.

There will be one danger in doing this. The assumption of such a course must be that there is something worth saying on these problems, and that there is a right view and a wrong view. It must assume this unless it is going to be merely a history of what people have said. But it must be careful to see that somehow or other counter-views are presented in equally strenuous fashion. It must face the dilemma involved in presenting one view clearly and intolerantly, and yet, insisting that other views must be equally strenuously represented. In other words, it must remember that in these fields the spoils do not belong to the victor.

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