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Book Reviews

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And, also because most states consider intention an essential element of proof in a disbarment proceedings.

In recapitulation it may be said that an attorney who employs one to shadow and investigate jurors may be held in contempt of court under the doctrine of *Sinclair v. United States*, 279 U. S. 749, 49 S. Ct. 471, 73 L. Ed. 938, 63 A. L. R. 1258 (1929). He may be subjected to suspension or disbarment if an intention to influence the jurors can be proved. And he might also be subjected under some penal codes to criminal prosecution for attempting to influence jurors.

James Edward Mann.

BOOK REVIEWS

LESSONS IN LIBERTY. By Clarence Manion.¹ University of Notre Dame Press. \$1.50.

To Professor Manion belongs the distinction of having written the first text on political science which builds around the "Eternal purpose that American Government is intended to serve." Eminently constructive in his outlook, the author focuses the spot-light of his legal acumen on the most efficient and only means of safeguarding our precious heritage of freedom. "The best defense is a good offensive," we are told in the Preface. "To defend 'Americanism' properly, the great resources of our popular patriotic feeling must be marshalled 'For' and 'In Support of' the sacredness of American political principle." This is the challenge of the whole volume through the 240 pages of its 42 chapters, grouped in three sections, with thought-provoking captions: Substance and Purpose of Government; Terms of Government, and Methods of Government. Not for a single moment does Professor Manion allow us to lose sight of the tremendous import of his initial thesis. With a breadth of view that envisions today's conflict with piercing lucidity, he reaches a climax in the simple truth that the "future belongs to the people of Faith." "God's creative purpose," he continues, "is climaxed in the futurity of Eternity. Attuned as it is to that divine purpose, American Government is a living instrument of faith."

Even a cursory examination of *Lessons in Liberty* reveals an intelligent and penetrating mind, an independent thinker who has a deep and scholarly grasp of his subject in its myriad ramifications, and who has, moreover, the courage of his convictions. The backbone of the entire treatise consists not of theoretical assumptions, but of facts that have been tested and tried during the author's wide and varied experiences in the practical domain of Constitutional Law and of actual class-room procedure. He speaks, furthermore, with the authority of a teacher who understands both the exigencies of the subject and its imperative need and the futility of superficial methods of teaching that ignore the basic principles upon which our governmental structure is built. "The strength of Americanism," declares Professor Manion, "depends upon the strength of your faith in God." A truth this, profound enough to engage the mind of the scholar, yet simple enough for a school boy to grasp. Regretting the fact that the majority of people have forgotten this truth, he points to God as the foundation stone of the lives of individuals and of society, at large. Hence God is for him the fountain-source of all authority. "God's creative purpose demands strictly equal justice for all of His

¹ Professor of Law, University of Notre Dame, College of Law.

children," he observes. "God deals with us as individuals . . . as the possessor of an immortal (everlasting) soul, each individual has a personal relationship to God."

Professor Manion fearlessly discountenances the attempts of education to legislate human beings into stagnation by refusing to recognize individual differences. Inveighing against the Spartan ideals of standardization, which eliminate the unfit, he counsels us to adopt instead the broad principles of tolerance—racial, economic, geographic, and religious tolerance. God-giving instinct, is for him fundamental in the whole program of human activities. "God is the author of life, liberty, and the other unalienable rights. . . ." According to the Declaration of Independence "the people can never direct or empower government to take a course of action that will deprive any person or group of persons of their inalienable God-given rights." The very diversity of our country is the essence of its freedom, according to the author's basic arguments. He would have leaders who love right more than life. Sacrifice local autonomy to uniform standardization and the only nation that enjoys true freedom will soon be but the host of another parasitic central governing power. We are forcibly struck by the incongruity between the philosophy made fundamental in the Godless tenets of dictatorial governments in the limelight today and that upon which our author solidly builds.

His clear-sighted critical acumen accomplished a work that by every canon constitutes him an authority in his special field. Nothing could be more opportune at this critical juncture in the history of our civilization than a book telling us not merely the *how*, but also the *why* of our American government. The more European governments are distraught and disorganized in the present upheaval, ignoring the most sacred human rights, the more imperative is it for a heterogeneous nation like ours to examine her own body politic and to investigate its life-tissues in an earnest effort to arrive at the best means of safeguarding and protecting God's greatest gifts. There is need of enlightenment in doing this very thing on the part of every teacher of youth, and the book under discussion is an emphatic gesture of recognition of this need and also its fulfillment. The added circumstance that such a wealth of information is succinctly and completely presented in text-book form, enhances its worth, particularly for the large body of teachers in the land. Though designed specifically for high school students, the book will, it is safe to predict, make a wide appeal far beyond that necessarily circumscribed group. The manner of collating and presenting the matter makes for exceptional values, as text books go; its attractive format is a tacit invitation to "take up and read," a potent factor where youth is concerned.

College students, who are the potential leaders of the immediate tomorrow, will find much purpose in the clarified and convincing "Lessons" of Professor Manion's book. They will prove a prolific source of inspiration and guidance to study clubs and discussion groups. (A Catholic College graduate, secretary of the local Young Americanist League, who chanced to see the book on the present reviewer's desk, at once placed an order for a personal copy.) Where the teaching of political science keeps pace with Professor Manion's *Lessons in Liberty*, the rising generation will be able to glory in his most heartening and wholesome pronouncement.

"GOD GOVERNS AMERICA"

—Sister Mary Aloysi Kiener, S. N. D., Ph. D.²

² Notre Dame College. South Euclid, Ohio.

LAW, THE STATE, AND THE INTERNATIONAL COMMUNITY. By James Brown Scott.¹ Columbia University Press. 1939. Pp. Vol. I, xxiv, 613, Vol. II, vi, 401. \$8.75.

It is difficult to evaluate this set of books within the ordinary confines of a review. It represents a summation of practically all that has been written on "law," "the state," and the "international community:" from the time of fifth century Greece to the opening of the seventeenth century.

In the hands of a lesser author the subject matter of this work would be badly mangled, but the skill of Dr. Scott has developed it into a masterly synthesis of the thought on the matter.

In volume one Dr. Scott discusses the principal contributions of individuals, nations, and individual eras to the legal thought on "law," the "state," and the "international community." Following an excellent introduction we find chapters commenting upon and evaluating: First, the Greeks, including Socrates, Plato, Aristotle, and the Stoics; Second, the law of Rome, and Cicero, and Seneca; Third, the Christian heritage, with comments upon, the Hebrew Prophets and Christianity, St. Augustine, Isidore of Seville, John of Salisbury, St. Thomas Aquinas, Dante Alighieri, and the Church as an Institution; Fourth, the transition from Medieval to Modern Thought, dealing with the influence of Roman Law, Marsiglio of Padua, Machiavelli, Castiglione, Christopher St. Germain, Vitoria, Jean Bodin, Ayala, and Gentili; Fifth, the Era of Reform, including a treatment of St. Thomas More, Calvinism, Luther, and Erasmus; Sixth, and finally we find the beginnings of the Modern Age, with chapters dealing with Grotius, Bellarmine, Suarez, and Hooker.

Each chapter of the first volume gives not only some biographical notes about the subject, but also a valuable critical analysis of the subject's works, or of the era discussed. These chapters are done in a masterful fashion by the author who long ago indicated his mastery of the thought of the centuries considered.

Volume two consists in excerpts of the thought of people living during the period considered, on the three general topics of this work, that is, "law," the "state," and the "international community." The material is arranged not according to author, nor according to time, but entirely according to the subject. For example if the reader is interested in a definition of Natural Law he will find² excerpts from the writings of Cicero, Isidore, Egidio Colonna, St. Thomas Aquinas, Gratian, Suarez, Hooker, St. Germain, and Gentili. Under a problem such as the approval of legislation by the people is found³ excerpts from Demosthenes, Gaius Suarez, and Hooker. This desirable technique is followed throughout this collection of extracts.

Volume one gives an excellent evaluation of the works of the authors considered. Volume two lets such authors speak for themselves without benefit of comment by this able compiler. Although comparisons are frequently undesirable it seems that volume one of Dr. Scott's work supplies what is lacking in *Hall's Readings in Jurisprudence*, which is also reviewed in this issue. Professor Hall gave just the extracts from admittedly sound and unsound philosophies of law, without any critical evaluation, Dr. Scott in his work has supplied this evaluation which is so necessary to the immature reader.

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² Pp. 60-64.

³ Pp. 237-238.

These two volumes could be read with profit by everyone having an interest in law, politics, or international affairs, however general that interest may be. They should be read by students prior to their formal legal training, and later perused after they have become lawyers. Professors of law, politics, and philosophy in general, should read them. They contain material which will amply repay serious study.

James J. Kearney.⁴

READINGS IN JURISPRUDENCE. By Jerome Hall.¹ Bobbs-Merrill Company. 1938. pp. xix, 1183. \$7.50.

This tremendous tome contains excerpts from the writings of about two hundred authors covering the centuries from the time of Plato to the present and subjects as varied as Natural Law and the methods of legal research. In addition to this it contains hundreds of citations to other articles not quoted from, and a few notes original to Professor Hall the editor and compiler.

The book is divided into three parts. Part One, on Philosophy of Law, is divided into eight chapters containing excerpts on, Natural Law, Historical Jurisprudence, Transcendental Idealism, Utilitarianism, Social Functionalism, Pragmatism, Further Aspects of the Conflict Between Empiricism and Idealism, and Idealism in the Judicial Process.

Part Two, on Analytical Jurisprudence, consists in seven chapters on, Logic and Law, The Nature of Law, Terminology and Basic Concepts, The Syllogism, Analogy, Classification, and Formal Science.

Part Three, on Law and Social Science, contains ten chapters dealing with, Science and Scientific Method, The Nature of Social Science, The General Theory of an Empirical Science of Law, Primitive Law, Law and Custom, Social and Legal Institutions, Social Control, Legislation and Social Problems, The Judicial Process, and Methods of Research.

Even a cursory reading of the titles to the chapters as set out above advises one of the wide scope of this work which is the first book of its kind. On the whole it is well done. The Editor has quoted from the works of good and bad "jurisprudes," and this was in keeping with the purpose of the volume. However, it seems that it might be confusing, if not dangerous, in the hands of an unskilled student.

It should be read by all students of legal theory and of the philosophy of law. Its readers might well remember, however, that erroneous conclusions might be prevented if the original, from which the excerpt in this book is taken, is read in its entirety, and opinions *contra* are consulted.

James J. Kearney.⁴

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¹ Former Professor of Law, Louisiana State University, now Professor of Law, Indiana University.