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## Jural Relations

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BOOK REVIEWS

**JURAL RELATIONS.** By Albert Kocourek, Professor of Law, Northwestern University, with an Introduction by John H. Wigmore. Indianapolis, Ind. The Bobbs-Merrill Company. pp. xx, 482 (1928).

This is an extraordinary book. On first leafing it through one gets the impression of a treatise in advanced mathematics. The bitterness and hate of contested litigation are reduced to algebraic formulae. We find that there is a certain basic relationship between the body of rules of the law and the social activities upon which these rules operate, just as there is a relationship between the earth and a falling body which is pulled toward it by the force of gravitation.

It further appears that the relationship of the law and social activities can be as scientifically studied and as exactly set out in mathematical formula as the law of gravitation operating upon falling objects. There is, in brief, a science of jural relations as definitely descriptive as the science of physics. The body of legal rules operates in various ways upon A and B, not in a haphazard manner but in a way which can be expressed by mathematical symbols, plus and minus signs, brackets and radicals. These definite relations are also capable of classification, and to express this classification a new and very difficult terminology has been invented. Taking a few of them at random there are conjunctive and disjunctive jural relations, polarized and unpolarized relations, mesonomic and zynomic, prevenient and postvenient relations, and countless others. Most of these relations are expressed by mathematical formulae or graphs.

Strange and outlandish terms appear and reappear. The terminology becomes increasingly more complex as the book progresses. A complete new vocabulary, built on logical and systematical lines, emerges. When the book is completed if the reader has been able to follow its logical scheme the various possible jural relationships have been dissected, classified, named and thrust into appropriate pigeonholes, just as plants are named in herbarium.

It is easy for the practical man to make fun of such a book as this, bristling as it does with weird, quaint and occult terminology. The book will have to face much criticism of this type. That, however, is the inevitable fate of any philosophical work which is called to the attention of people who do not understand it. It is not fair criticism.

The author of this work has done something which requires real genius to accomplish. Whether it has any practical use or not is another question. Even if it is of no more practical significance than a system of non-Euclidean geometry that, nevertheless, cannot detract from the credit which is due such a comprehensive piece of logical analysis, for if the book is read with understanding it becomes apparent that once you have granted the author's premises the logical development from these premises is a work of extraordinary ability.

The fundamental premises of the book, however, are difficult for the present reviewer to accept. They may be stated as follows: (1) Legal phenomena, according to Mr. Kocourek, involve three elements, a system of potential legal rules existing in the abstract, potentially, awaiting application. (2) The second element is the situation of fact on which the rules operate. (3) The third element is the connecting link between the rules and social activities which they control. This element is called by the author, *jural relations*.

If law were only as simple as that it could be reduced to an exact science, but we fear that it isn't. The idea of rules existing in the abstract is a comforting one to a theologian, but to our mind it has no reality. Courts decide cases and courts are composed of individuals. What makes them decide these cases the way they do is as mysterious as the cause of any decision in human conduct. Logical systems and legal creeds are the tools which courts use in making their decision. Sometimes these systems are the cause of the result, sometimes they simply justify a result which has been reached on different grounds. These systems do not exist in the abstract to any greater extent than that they may indicate a certain habit of thought and language technique on the part of the judges.

Economic ideas, moral ideas and inevitable prejudices are fully as important in determining what the law is to be as any logical creed. If this is so then the law is not an exact science and any logical system such as the author of this book sets up must be judged by its utility in deciding cases. It will be useful only as it is simply and easily understandable. Our objection to the system set forth by Mr. Kocourek is that while it is a very ingenious-ly constructed logical machine it is entirely too difficult to operate.

—T. W. ARNOLD.