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Book Reviews

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BOOK REVIEWS

THE AMERICAN LAWYER

By Albert P. Blaustein and Charles O. Porter, with Charles T. Duncan. Chicago: The University of Chicago Press, 1954. Pp. xiii, 360. $5.50.

It is a refreshing thing to come across a book like that written by Albert P. Blaustein and Charles O. Porter, with Charles T. Duncan, and the University of Chicago Press should be complimented for publishing so valuable a volume. It might have been a very dull and tedious book but it is not. Indeed, it is a singularly able performance. In it will be found a simple, well written and scholarly account of the legal profession. I have been delighted with its clarity, its insight and its good style.

A survey by the authors of this book was espoused by the Carnegie Foundation and the American Bar Association at a cost of a quarter of a million dollars. The work that went into this survey was prodigious. More than three hundred research workers collaborated on the project and their labors produced several thousand printed pages of reports. All of this vast information has been condensed into 360 well written and very interesting pages.

Because of its general excellence we were not surprised that the survey on which the book is based had been begun by Chief Justice Arthur T. Vanderbilt, whose all but miraculous erudition seemed to have inspired not only the survey but the book resulting from it. "It was designed," writes Reginald Heber Smith in the foreword, "to make available to readers of public opinion — business executives, economists, editors, journalists, labor leaders, clergymen, scholars, social workers, sociologists, teachers, and vocational guidance counselors — as well as to the members of the public generally, and to the members of the bar, a summary of the facts, cognate material and recommendations assembled by the survey of the legal profession during the last seven years." We share the belief expressed by Mr. Smith that we "can rely on this volume as an honest summary of the survey reports" and his faith "that this volume will be widely used."

To pick and choose from the many excellent things set forth in this volume would be to slight those not mentioned, yet how can we omit the authors' quotation from de Toqueville's famous book: "The profession of the law," this youthful Frenchman wrote, "is the only aristocratic element which can be amalgamated without violence with

the natural elements of democracy . . . I cannot believe that a republic could subsist if the influence of lawyers in public business did not increase in proportion to the power of the people."

Appreciating as we all do that "lawyers have never been popular in American society," the authors, although obviously not with approval, quote Carl Sandburg's lines:

> "Why is there always a secret singing
> When a lawyer cashes in?
> Why does the hearse horse snicker
> Hauling a lawyer away?"

If lawyers are misjudged, it is due (our authors tell us) in part at least, to the failure of the bar to make its work plain to the public. This book, more than any I have come upon, presents to public view the nature of the lawyer's work.

They discuss the way in which our profession is organized into various Bar associations and the work which these Associations do, and gives us an interesting history of the Association of the Bar of the City of New York, the New York County Lawyers' Association, the American Bar Association, and many others. One of those reviewed is the Chicago Bar Association, and there is nothing in the book that recalls more nostalgically the difference between our hard-bitten times and the Lucullan '80's. In 1881 the menu for the annual dinner of the Chicago Bar Association was as follows:

> Oysters on Half Shell Green Turtle Soup
> Small Patties a la Financiere
> Boiled Salmon, with small Potatoes
> Filet of Beef, Larded, with Mushrooms
> Asparagus Baked Mashed Potatoes
> Roast Turkey Stuffed Cranberry Sauce
> Green Peas Stewed Tomatoes
> Cutlets of Partridge, a la Villeroy
> Escalloped Oysters — Baked in Shell
> Punch, a la Romaine
> Saddle of Venison, Larded and Braised
> Game Sauce
> Roast Quail on Toast, with Jelly
> Boned Turkey, with Jelly.
> Chicken a la Mayonaise Lettuce Dessert
> Fruit Coffee Edam Cheese Crackers Roquefort Cheese

If there were no better lawyers then than now, at least they must have weighed more than their modern counterparts.

This book is really an informative, relevant and useful compendium of the vast research which went into it. From it you will find out

just how many lawyers there are in the United States, what their average and median net income is, how much it costs to run a law office, the lawyers' working hours, how women fare as members of the bar, the various ways in which lawyers serve the public, legal aid, the lawyer as a law maker, the lawyer as a fighting man, the reforms of judicial administration, legal education, the case method—its merits and defects, the model law center, the lawyers' pre-law school education, the reading habits of lawyers, the growth of law libraries. And there are many other topics.

But the best chapter is, I think the eighth, which deals with legal ethics. It does so in great detail and with sober scholarship; nothing here is urged or applauded with which lawyers of the highest character could possibly disagree. The authors quote Wigmore: "If the law is thus set apart as a profession, it must have traditions and tenets of its own, which are to be mastered and lived up to. This living spirit of the profession, which limits it yet uplifts it as a livelihood, has been customarily known by the vague term of 'legal ethics.' There is much more to it than rules of ethics. *There is a whole atmosphere of life's behavior.* (Italics mine). What is signified is all of the learning about the traditions of behavior which mark off and mask the legal profession as a guide of public officers, and the apprentice must hope and expect to make full acquaintance with this body of traditions, as his manual of equipment, without which he cannot do his part to keep the law on the level of a profession."

It is a refreshing thing to read a book so temperate, so fair, and so just. We find here no cynical view of the legal profession, no suggestion such as that contained in a book published at about the same time by the Harvard University Press and written by Charles P. Curtis[1] where, among other things, he wrote that "The law has always been unintelligible and I may say that perhaps it ought to be" and that "The administration of justice is no more designed to elicit the truth than the scientific approach is designed to extract justice from the atom." Then Mr. Curtis wrote "There is no reason why a lawyer should not recognize the knavery that is part of his profession. An honest man is not responsible for the vices or stupidity of his colleague and need not refuse to practice them."

After reading Mr. Curtis' volume, it is a refreshing thing indeed to come upon the clear, fair and authoritative discussion of the legal profession which Messrs. Blaustein and Porter have produced for us.

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1. CURTIS, IT'S YOUR LAW (1954).

AMERICAN BUSINESS CORPORATIONS UNTIL 1860; WITH SPECIAL REFERENCE TO MASSACHUSETTS. By Edwin Merrick Dodd. Cambridge: Harvard University Press, 1954. Pp. xix, 524. $7.50

Comparatively few modern legal scholars manage to pursue their subjects historically. To breast today's torrent is challenge enough. Like the ordinary practitioner, distinguished teachers tend to concentrate on the recent and current law of their jurisdictions or specialty—and leave history to the seminars and Ph.D's. Law schools and the Bar thus are primarily, and increasingly, hives of analyzers; more and more, synthesis consists in filling and refilling the current combs. An annual survey of a subject or a jurisdiction is a respectable undertaking in itself. *Corpus Juris Secundum* has for years been a continuous corporate enterprise. Treatises tend more and more toward the practical—threads through the labyrinthian maze—with criticism relegated to prefaces such as those the late Robert H. Montgomery wrote for his tax manuals[1]—incandescent bits of fury and frustration! Quite evidently, our age is one of specializing practice and of corporate research and authorship, with seemingly inevitable neglect of history and broader social context. Happily, we still live on our capital. But once the elders are gone the longitudinal view may get turned completely sideways: History then will be straight Legislative History, and law authorship and practice more akin to industries than professions.

There is a paradox, a disturbing dilemma here. Law is an historical, social science. It grows, amoeba-like, forever flowing and becoming in interaction with its materials and surroundings; unplanned, undisciplined, unstable—chaotic and vital as life and the American Digests themselves. To study only the end-buds, to watch movement alone, to tabulate or to attempt to anticipate merely the course and results of growth, rather than to study the process as such, and attempt to mold and direct it, ultimately will be to abandon the garden to the jungle, or renounce social physiology and pediatrics for anatomy and prescription writing. Forms reflect and express function; rules are *rationalized* behavior, not random growths. Law divorced from history is life severed from its roots. Context always is the key to law; yet with both law and environment growing progressively more complex, to study and master legal rules alone becomes first a temptation, then a necessity. Analysis begins to outstrip criticism and resynthesis; technics become ends rather than means; a profession in danger of losing its way at length finds itself throwing overboard instruments necessary for its survival.

The American law of business corporations has been a dramatic

1. See MONTGOMERY, FEDERAL TAXES ON CORPORATIONS 1942-43 (1943), and succeeding annual volumes; also MONTGOMERY, FEDERAL TAXES: ESTATES, TRUSTS AND GIFTS 1948-49 (1948).

instance of such neglect. The corporation is one of the basic inventions of our age and increasingly is recognized as such.[2] Moreover, this division of our law, as Professor Dodd points out, is largely indigenous. (p. 195). English precedents on most points were few and counted for little. Rarely has legal growth been more rapid or more completely enmeshed in politics. "The history of the developing meaning of the word 'corporation'" as Professor Schlesinger has reminded, literally is a "history of American economic life."[3]

Ordinarily circumstances such as these would bespeak overwhelming interest and research. Yet not here! Except for Professor Davis' generation-old study[4] of the period to 1800, and the late Gerard Henderson's classic monograph on the constitutional position of the foreign corporation,[5] there has been almost no attempt to view the corporation genetically. And until recent pioneer works by the Handlins,[6] Hartz,[7] and Cadman[8] bearing on the corporation's rise in Massachusetts, Pennsylvania and New Jersey, respectively, the period from 1800 on was virtually a blank book. Our federal system—so often and understandably a boon to promoters, and a catalyst of corporate growth—also has been the despair and nemesis of historians. The corporation literally conquered and transformed our economy in the century and a half after 1800, yet we still know very little of how it happened, or why.

These final studies by Professor Dodd, edited and posthumously published by his colleagues at Harvard as a memorial volume, go far toward redressing this neglect. Professor Dodd's introduction ought to be read by all who direct or undertake historico-legal or economic studies in the American states. Observe, for example, the way the author knifed thru the hoary "fifty-two jurisdiction" bogey that so often stymies or delays attack on such problems: early American corporation law was predominantly public law and state law—state law, moreover, weighted heavily on the statutory side, yet all interacting and interdependent. Statutes varied widely from state to state, and needed to be studied genetically by jurisdictions. Case law, slower to develop, was more uniform and truly national, but took complexion from local statutes. Starting from scratch, and in one lifetime, how disentangle and correlate these functions?

2. See *e.g.* BERLE, THE 20TH CENTURY CAPITALIST REVOLUTION (1954).
3. Schlesinger, *Principles of Historical Criticism* in HARVARD GUIDE TO AMERICAN HISTORY 24 (1954).
4. DAVIS, ESSAYS IN THE EARLIER HISTORY OF AMERICAN CORPORATIONS (1917).
5. HENDERSON, THE POSITION OF FOREIGN CORPORATIONS IN AMERICAN CONSTITUTIONAL LAW (1918).
6. HANDLIN AND HANDLIN, COMMONWEALTH, MASSACHUSETTS, 1774-1861 (1947). See also, Handlin and Handlin, *Origins of the American Business Corporation*, 5 J. ECON. HIST. 1 (1945).
7. HARTZ, ECONOMIC POLICY AND DEMOCRATIC THOUGHT, 1776-1860 (1948).
8. CADMAN, THE CORPORATION IN NEW JERSEY: BUSINESS AND POLITICS, 1791-1875 (1949).

Professor Dodd's solution was not the series of disconnected studies at first planned, but rather to treat the case law nationally by topic, and under the broad divisions, Public and Private, during two successive periods—1780-1830, and 1830-1860. His third and fourth chapters then survey the Massachusetts statutes during these periods, tracing legislative policy with reference to each of the main types of business corporation. Since Massachusetts and New York were the most important states in the early history of corporations, this section affords a yardstick by which to measure both the statute law of other jurisdictions and the nationally-treated case law. (Professor Dodd's tragic death, with Mrs. Dodd, in an automobile accident in 1951, prevented completion of his projected survey of New York statutes). The final section of the work surveys "The Evolution of Limited Liability in American Industry," first in Massachusetts, then in other states of New England.[9]

The whole book thus is a model and foundation, one that will give immense impetus to allied studies. Historians and economists have steered clear of this field largely because lawyers themselves neglected it and because authoritative coverage of the law was a prerequisite. Professor Dodd's first aim was a clear statement of "practitioner's law" in the New England states. But no one ever was more aware that law reflects and expresses policy, that policy in turn is formulated and crystallizing public and political opinion. So far as socio-political and economic studies were available, Professor Dodd made good use of them. This book accordingly is no mere digest, but marks a tremendous stride toward reconstituting, and frequently, in interpreting,[10] the historical and legal backgrounds.

Many Americans will be astonished to learn that by 1830 they could have found "answers in American decisions to many more questions relating to business corporations than an English lawyer . . . could have found in the English cases, and that despite the fact . . . American case law on the subject had been practically nonexistent" 30 years before! (pp. 120, 195). Charter phraseology too was largely indigenous. The colonists seem to have taken few if any English models. Yet forms soon began to standardize; legislative committees became expert draftsmen; general acts developed for the commoner types of

9. Four portions of uncompleted chapters, "The Statutory Regulation of Turnpikes, Canals, and Railroads in States Other Than Massachusetts," appear as Appendix A, pp. 441-51.

The book's scholarly apparatus is impeccable. In addition to an excellent index, tables of cases, statutes, books, articles and sources, and the Dodd Bibliography cited *infra* note 17, there is a useful Table of New England Corporations, organized into twelve classes—Banking, Bridges, etc. Dean Griswold's Foreword and Professor Chafee's memoir, Edwin Merrick Dodd, complete the distinguished volume.

10. *E.g.*, see p. 134 for an interesting analysis of how the minority stockholder problem was affected by the shift from turnpikes and canals to railroads.

incorporation; by 1830 these acts in states like Massachusetts had "assumed a distinctly modern form"—had already "marked out the general lines on which the statutory business corporation law of the United States was to develop." (p. 198).

Some pioneer decisions were equally prescient, even when maturation came slowly. For example, corporate personality under the due process and "natural rights" clauses of the *state* constitutions began to emerge *in public corporation* cases as early as 1805.[11] But after receiving the blessing and support of Webster and Kent, the doctrine got sidetracked by Marshall's shrewd preference in the *Dartmouth College Case*[12] for the federal Contract Clause. Not until decisions upholding the legislatures' reserved powers to "alter" and "amend" corporate charters had thoroughly riddled Marshall's screen and shield was interest in corporate personality destined to revive.

By contrast, corporate citizenship for *foreign* corporations under both the Diversity and Comity Clauses remained thorny issues throughout the period. (pp. 34, 46, 150). Today interstate comity and sufferance strike us as frail props for business nationalism; yet nothing more substantial was available during and after the Bank War and in a nation rent over slavery. The wonder, accordingly, is not that the Taney Court's interpretation of the Diversity Clause proved so tortuous and became larded with fictions,[13] but that so thin a margin of social and judicial tolerance proved almost ideally suited to secure corporate growth—certainly far more so than the opposing and dissenting views of timid conservatives like Story and Webster would have been. (pp. 19-34, 124ff). Professor Dodd's account leaves no doubt that Taney's *Charles River Bridge*[14] and *Bank of Augusta*[15] opinions were masterpieces of intuitive statesmanship. Together with the wavering line of Diversity Clause decisions, they enabled corporate and interstate business to go where it was needed and tolerated, to demonstrate its utility, safeguard its contracts (and be held to them) without at the same time sheltering the old bridge, canal and turnpike monopolies at the expense of new railroad interests, and without antagonizing Jacksonian opinion, which, in theory at least, was hostile to *all* corporations.[16] Here again Americans were marching forward while facing backward, yet the outcome of itself scarcely warrants

11. Trustees of the University v. Foy, 5 N.C. (1 Murph.) 58 (1805), discussed by Dodd at 19-20.
12. Dartmouth College v. Woodward, 4 Wheat. 518 (U.S. 1819).
13. *Cf.* HENDERSON, *op. cit. supra* note 5; McGovney, *A Supreme Court Fiction*, 56 HARV. L. REV. 853, 1090, 1225 (1943).
14. Charles River Bridge v. Warren Bridge, 11 Pet. 420 (U.S. 1837), discussed by DODD at 124 *ff.*, 240.
15. Bank of Augusta v. Earle, 13 Pet. 519 (U.S. 1839), discussed by DODD 150 *ff.*; see also *id.* 46-57.
16. See SWISHER, ROGER B. TANEY. cc. 18-19 (1935); 2 WARREN, THE SUPREME COURT IN THE UNITED STATES HISTORY cc. 21-22 (1922); SCHLESINGER, THE AGE OF JACKSON (1945).

criticism. So far as the role of the judiciary is concerned, and on the basis of Swisher's and Schlesinger's as well as Dodd's conclusions, the implication is that judges whose faith in new enterprise and in democracy predisposes them to take some chances with those who still believe there are good chances to take are the judges whose views history is likely to vindicate. Taney, in short, not Marshall nor Story, was the real godfather of the American business corporation. He viewed it moreover, with as strict and puritanical a conscience as Professor Dodd often did himself in later years.[17]

Traditionally, greatest interest has lain in these constitutional problems. For that very reason Professor Dodd's definitive summaries of the private law are most valuable. His evidence and conclusions sometimes are startling: For example: Was limited liability indispensible to development of the business corporation? Surveying the evidence, Professor Dodd holds not:

> "No doubt the development of American industry would eventually have been seriously retarded if our legislatures had failed to encourage investment by limiting the investor's risk. Nevertheless, the early industrial history of Massachusetts and Rhode Island as well as that of England furnishes persuasive evidence that, granted otherwise favorable conditions, the factory system of industrial organization can live and thrive under a legal system which denies to those who invest for profit the right to limit their risk taking to the amount of their investment.
>
> It is probably true that the wide distribution of corporate shares among large numbers of small holders which has come to be a characteristic feature of most of the larger industrial enterprises of the present day could not have come about if share-ownership still involved personal liability for corporate debts. But, although trading in the shares of industrial corporations was not unknown in quite early days, stock-market activity was mainly concerned with railroad securities until towards the end of the nineteenth century. Investment in industrial shares by the general public did not take place on a large scale until the 1890's—a period when investment bankers were beginning to form industrial combinations and to sell the securities created in the process to their customers. Fifty years after 1830—the year in which the Massachusetts legislature substituted the limited-liability manufacturing charter for the full-liability charter—the characteristic type of American manufacturing company was still the corporation with a rather small number of owners. It is doubtful whether the development of corporations of that type and the growth of American industry through their instrumentality would have been greatly retarded if all the states had withheld the privilege of limited liability from American industrial entrepreneurs for a half-century after 1830."[18]

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17. See Appendix B, Biblography of Published Writings of Merrick Dodd, 452-458, and particularly *For Whom Are Corporate Managers Trustees?*, 45 HARV. L. REV. 1145 (1932); *Is Effective Enforcement of the Fudiciary Duties of Corporate Managers Practicable?* 2 U. OF CHI. L. REV. 194 (1935).

18. P. 390. See also 379-380 for Professor Dodd's skepticism of claims that Massachusetts' full-liability policy precipitated a flight of capital to other states.

Together with other recent works by Hartz[19] and Pierce,[20] Professor Dodd's elaborate summaries should dispel forever the myth that early American law and polity were *laissez faire,* non-interventionist in character. Government played a creative role in establishing and guiding our economy—did so both as a promotional and regulatory force. The notion of an enterprise system that originated and somehow persisted to 1860—or even until 1932—unsullied by statutes and policed only by village constables, certainly is not Professor Dodd's picture. The scope and detail of early Massachusetts charters—provisions requiring loans to agriculture and manufacturing, for example (p. 203)—suggest that "creeping regimentation" has been with us from the start, and was almost as palatable then as it is still, sugared with government loans, subsidies, and franchises.

Overall, the impression gained is of the creative, yet at times perhaps, adventitious, statesmanship of pre-Civil War corporation law, both case and statutory. (*viz.* p. 268). Legislative strictness, mistrust of corporations, public caution, experimentation, even partisan rivalry and political vacillation in chartering and control[21] were for the most part fortunate, even beneficial. The United States plainly needed both the Whig and the Jacksonian traditions. Professor Schlesinger's thesis[22] that the Jacksonian reforms democratized the corporation and saved it, finds broad support in these pages (Cc. IV-VI and pp. 435-36), just as it finds parallels in our day, however unappreciated in some quarters. Marshall's Contract Clause would have been insufferable without Taney's qualifications of it. Taney's police power was the necessary counter to doctrinaire vested rights. Federalism and separation of powers unquestionably have given us complex government. Second and third guessing makes for delay, and has some serious disadvantages. "State laboratories" are not always "insulated"; certainly not all "experiments" in them have been happily contrived or executed. Yet,

> "We hae meat, an' we can eat,
> Sae let the Lord be thankit."

Readers generally as well as stockholders and directors, can join in the Covenanter's Grace as they ponder the evidence and backgrounds in this fascinating book.

Singlehandedly, Professor Dodd has covered the first half of the corporation's story. He has laid the foundations for the remainder. By 1860, the corporation had reached maturity—stood poised for another

19. *Op. cit. supra* note 7.
20. PIERCE, RAILROADS OF NEW YORK: A STUDY OF GOVERNMENT AID, 1826-1875 (1953) (New York state alone contributed $10.3 million; and its 300 cities and towns $36.8 millions over a 50-year period.)
21. See DODD'S index: "Whigs," "Democrats."
22. *Op. cit. supra* note 16, at 384.

phenomenal advance. Though the statutory and case groundwork had been laid, there still was one significant gap: constitutional status remained clouded, uncertain. The Contract Clause had been hedged; the full negative possibilities of the Commerce Clause still were academic, hypothetical.[23] Counsel for interstate businesses like insurance remained infatuated with a hopeless formula based on the Comity Clause. Due process was burgeoning, but still only a potential. (p. 156). Another generation of unfettered economic growth, of judicial hesitation, of counsels' despairing trial and error were needed before the corporation found its ultimate niche—a constitutional "person" under the Equal Protection[24] and Due Process Clauses.[25] It can hardly be doubted that this problem of integrating the corporation and corporate property into the Constitution was one of the most troublesome faced by the Court—the more so because the guises were so deceptively simple, because the Court's maneuverability often was so limited, because the whole problem became submerged in Reconstruction and bedevilled by the strong need and prevalent demand for legislative regulation. Ultimately the solution came by default rather than by positive choice—one of the instances where the Court tacitly and passively accommodated and chose between two conflicting circuit holdings without stating the policy considerations that dictated the choice.[26]

This is an equally fascinating story. One wishes Professor Dodd had lived to write it and to chart its branches and backgrounds: the simultaneous upsurge, for example, of post-Civil War legislative regulation and of hog-wild competitive chartering; of the migratory corporation and liberalized removal acts;[27] of jammed appellate dockets and insular-minded judges like Field, parroting old dogmas and at times undisposed even to question shocking misstatements in a distinguished

23. *Cf.* the arguments and opinions in Paul v. Virginia, 8 Wall. 168 (U.S. 1869) and Pensacola Telegraph Co. v. Western Union Telegraph Co., 96 U.S. 1 (1878).

24. County of San Mateo v. Southern Pacific Railroad, 13 Fed. 722, 8 Saw. 238 (C.C. Cal. 1882); County of Santa Clara v. Southern Pacific Railroad, 18 Fed. 385, 9 Saw. 165 (C.C. Cal. 1883), 118 U.S. 394, 396. (1886). For the history and significance of these cases, see Graham, *An Innocent Abroad: The Constitutional "Person,"* 2 U.C.L.A. L. REV. No. 2 (Feb., 1955).

25. Minneapolis and St. Louis Ry. v. Beckwith, 129 U.S. 26, 28 (1889).

26. See Graham *op. cit. supra* note 24.

27. Liberalization of corporation laws during periods of ascendant anti-corporate opinion, notably during the Jacksonian and Granger eras, is one of the recurrent paradoxes of corporation history. See DODD at 435, and SCHLESINGER, *op. cit. supra* note 16 for rationales. One of the most striking instances of such legislation is Congress' passage of the Carpenter Act of March 3, 1875, 18 STAT. 470, at the height of the Granger agitation, "vastly extending the domain of the federal courts" in corporation cases. Thompson's new and in many respects admirable biography, MATTHEW H. CARPENTER, WEBSTER OF THE WEST (1954) fails to clarify, and indeed barely mentions, Carpenter's relation to this crucial measure. But see FRANKFURTER AND LANDIS, BUSINESS OF THE SUPREME COURT 65-69 (1927).

counsel's brief.[28] Truly, some rich lodes await continuers of this narrative—and power shovels will be more helpful than Geiger counters in New Jersey, Kentucky and Delaware!

Patently, our introduction overstated a case. Given proper care and planning, History still can guide the law, even in most complex fields, and forty-eight jurisdictions or not. Over a period of a century and a half we have been learning how to live with the corporation; it is time today to begin understanding it. Professor Dodd's professional career was dedicated to both purposes. His critical writings contributed immeasurably to the former. The major historical studies here collected greatly advance the latter. It is an impressive, fitting memorial. Yet by itself it would not have satisfied Professor Dodd. He looked to completion of this story—as one basic to our national life. It now remains for his colleagues and successors in the social sciences to follow through.

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28. See Graham, *supra* note 24.

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