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Fokosch (ed.): Essays in Legal History in Honor of Felix Frankfurter

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BOOK REVIEW

ESSAYS IN LEGAL HISTORY IN HONOR OF FELIX FRANKFURTER. Edited by Morris D. Forkosch.¹ Indianapolis: Bobbs-Merrill Co. 1956. Pp. xix, 648. \$17.50.

After a preface by the editor and an introduction by Mr. Justice Harlan, this one-volume collection of essays is divided into four major parts. In the first part, the editor asks, *What Is Legal History*. He makes a documented answer that it is a many splendored thing; not restricted to geography, jurisprudence, philosophy, economics, political science, sociology, courts, historians, or even facts, past or current. Legal history provides a means of added perception to modern problems and is a continuing stream constantly increasing the reservoir of knowledge, which is the justification, if one were needed, for the organization of the contents of the book.

The second part of the book concerns the *Use of Legal History*. This is subdivided into three diverse types of contributions and contributors: (a) the use of history by Justice Frankfurter, as seen by six of his former law clerks; (b) topics chosen by six chief justices concerning the use of legal history in the states, which reflects the variety of American judicial interests. Of pride to Florida lawyers may be the short dissertation by then Chief Justice E. Harris Drew of the Florida Supreme Court on the influence of history in the development of the legal profession in Florida by qualification and admission through judicial, rather than legislative, control, culminating in the presently integrated bar; and (c) the use of legal history in the genesis of a federal administrative antitrust agency. This disquisition is interestingly projected, as indeed are all the others, but particular attention may be invoked to the author, Paul Rand Dixon, as an alumnus of the University of Florida College of Law. (LL.B. 1938).

The third section of the book is *Essays in Legal History* by ten professionals of other lands together with six of our own. They "disclose that legal history is not limited to Anglo-American interests, that each country delves within and without itself to comprehend the forces of the past and present, and that ancient doctrines sometimes spread and propagate universally . . . [and] despite national or language separation there is nevertheless a conjunction in purpose and approach." (p. 405).

This work, originally conceived as a living tribute but now published *in memoriam*, is, as said by Justice Harlan in the Introduction, a collection worthy of Justice Frankfurter, and "[T]he range of subjects . . . dealt with and the roster of its contributors are symbolic of

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this remarkable man . . . pre-eminent among [whose] many talents was the gift of stimulating others." (pp. ix, x). What could be a more fitting tribute than an excellent series of essays that acquaints the world with "a clerk's eye view" of a master and that appropriates use of history as a judicial and legislative tool? The book has a great variety of contributions by thinkers in related fields that may stimulate others to find, in individual and common experiences and in all parts of the world and in diverse studies, a better understanding of men everywhere. All so well done, it is truly a worthy book.

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