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Rutledge: A DECLARATION OF LEGAL FAITH

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RECENT BOOKS

This department undertakes to list and when possible, describe briefly current books on law and matters closely related thereto. Periodicals, court reports, and other publications that appear at frequent and regular intervals are not listed. The information given is derived from inspection of the books, publishers' literature, and the ordinary library sources.

BRIEF REVIEWS

A DECLARATION OF LEGAL FAITH. By *Wiley Rutledge*. Lawrence, Kansas: University of Kansas Press. 1947. Pp. 82. \$2.

Inaugurating the Stephens Lectureship at the University of Kansas Law School, Justice Rutledge sets forth the tenets of his legal faith. For those familiar with his opinions, its most significant aspect is its brevity. For those seeking to predict Justice Rutledge's future Supreme Court opinions, the book, because of its generality, is devoid of clues. But for those interested in the working philosophy of a man who helps mould the course of the nation, the book is an important guide. The philosophy is not new. Familiar words endowed with new meanings are used to express it. Law, meaning the adherence to precedent, must be balanced against freedom, meaning loosely the desire of man to change and experiment. The result is justice, that is, Dean Pound's justice of permitting the people to enjoy the maximum pleasures of life with a minimum of conflict. As an example of what can be done in the way of proper balancing, Justice Rutledge points to the commerce clause of the federal Constitution. A major part of the book eulogizes the commerce clause as an essential cog in our federal democracy and concludes with the timely but unoriginal observation that the world today would do well to adopt the federal system as a step away from the abyss of future war and toward world government. While the cynic may complain that the book preaches a philosophy of expediency without guiding principles, Justice Rutledge seems to hold that it is unwise in this unpredictable world to adhere to anything more concrete than the welfare of mankind.

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