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REVIEWS AND CRITICISMS

THE MANNER OF MAN THAT KILLS. By *L. Vernon Briggs,* M. D. Boston: Richard G. Badger, 1921. Pp. 444.

This volume comprises a life history of three murders who have attracted nation-wide attention: Spencer, Czolgosz and Richeson. It is a plea for the detection and segregation of mentally unfit and dangerous characters early in their childhood before they shall have had opportunity to do harm in the community.

The life history of the three murders mentioned is, Dr. Briggs says: "Proof that their character might have been detected very early in their life. By their segregation, possibly by appropriate training so that they could have found their proper niche in life, the community in which they live might have been saved an untold suffering and the lives of at least three persons might have been spared." "What are we doing to prevent crime which is so rampant now in our midst, resulting in the loss of lives and property and the increase of our dependents? It is to bring the above conditions to the attention of the public; it is to make communities realize that crimes, including murder, may often be prevented if the people are once awakened, that I have written the history of three crimes which might have been prevented, crimes which were inexcusable and a disgrace to our country. Society here punished the person it created. The original fault was the fault of society. Society, upon whom rests the responsibility, should be arraigned at the bar of Justice and put on trial and convicted instead of its product. There is no excuse for any community not taking measures to recognize mental disease during its earliest manifestations. We should recognize the defectives not only in the schools but earlier, and then apply the remedy and not cease diligently to use all scientific means to cure mental illness before the disease becomes chronic, and so to direct and train the mind of the defective that at least he will become if not a useful, then a harmless member of society. In either case we must protect these individuals and the community from any harm consequent on their defectiveness or disease by directing their lives, if necessary, in hospitals or in schools." "Invariably an early study of the personality of these individuals will reveal certain character traits, such as jealousy, cruelty, suspicion, egotism, negative self feelings, false pride, etc., which unless recognized and corrected while their mind are still plastic will eventually lead to paths which will prevent them from making the proper adaptation to their environment, the results being crime, pauperism, mental and physical disease.

"On the other hand, if these same instinctive forces be guided and directed and perhaps the environmental factors altered, and mental and physical occupation selected to suit each case, an avenue would be established which would take that individual out of chaos into a useful and happy life."

"A plan for the defectives should, I believe, eventually be carried out along the following lines: A building, or number of buildings, should be erected where this group may be individually studied according to their various medical, educational or re-educational requirements. It should not have any title suggesting hospital or custodial treatment. but might be called a school or training school. It should, however, be under expert medical supervision. The organization should also include one or more psychological and vocational experts and social workers, and a pathologist. There should be well equipped laboratories, a department where the three R's, ethics and hygiene would be taught, with classes for languages, music, etc.; departments of trades, craftsmanship and domestic arts, where instruction might be given in carpentry, cabinet work, carving, masonry, brickmaking, tile and cement work, plumbing, electrical work, shoemaking, tailoring, printing, farming, dressmaking, cooking, canning, preserving, laundry work, etc.; a department of occupational therapy, where a certain small group, incapable of continuous effort in any one direction, should be employed in various handicrafts, according to their therapeutic needs, such as basketry, weaving, lace-making, rug braiding and hooking pottery, etc."

"To illustrate the deplorable results of neglect by society of mentally ill and defective individuals, I have written the life history of three cases where failure to appreciate the seriousness of their mental condition resulted in the death of six persons and involved untold suffering. In any of these three men, defectiveness or mental disease could have been recognized early in their lives. Their condition was actually recognized long before their crimes were committed, but when recognized nothing was done to help them owing to the neglect of society and to the short-sighted policies of our government as at present organized and administered."

The author suggests new legislation for the State of Massachusetts in which the State shall grant licenses to practice medicine only to applicants who have complied with all existing requirements and in addition shall have passed an examination in psychiatry.

Also, he suggests new legislation providing that physicians be compelled to report to the Department of Mental Diseases every known or doubtful case of mental defect or dangerous form of mental disease within twenty-four hours after becoming cognizant thereof. He proposes legislation to abolish the distinction between medical and legal insanity in chronic cases, if not in all cases, and at the same time prevent the deplorable condition which now exists whereby the mentally defective and diseased are returned to our prisons again and again.

On this point, the law, as he suggests, would run as follows: "Whenever a person is indicted by a grand jury or bound over for trial in the Superior Court who has previously been convicted of crime or who has previously been indicted, the clerk of the court in which the indictment is returned or the clerk of the district court or the trial justice, as the case may be, shall give notice to the Department of Mental Diseases and the Department shall cause such person to be examined with a view to determining his mental condition and the

existence of any mental disease or defect. The Department shall file a report of its investigation with the clerk of the court in which the trial is to be held and the same shall be presented to the court or jury as evidence of the mental condition of the accused."

The author vigorously denounces, as many others have done, the ancient practice of calling a jury of laymen to officiate in the commitment of those who are pronounced insane.

Northwestern University. ROBERT H. GAULT.

HUMAN TRAITS AND THEIR SOCIAL SIGNIFICANCE. By *Irwin Edman*. Houghton-Mifflin Company, 1920. Pp. 459.

This book, as its title indicates, represents an attempt at a general review of human characteristics, with special reference to their social bearings. "It is an attempt to give a bird's-eye view of the processes of human nature, from man's simple inborn impulses and needs to the most complete fulfillment of these in the deliberate activities of religion, art, science, and morals. It is hoped that the book may give to the student and general reader a knowledge of the fundamentals of human nature and a sense of the possibilities and limits these give to human enterprise" (p. iii).

The book is divided into two main parts, the first treating of "Social Psychology" and the second of "The Career of Reason." The "social psychology" offered in the first part is, as might be expected, more general and inclusive in its nature than the psychology usually offered under that special title. "Those fruits of psychological inquiry have been stressed which bear most strikingly on the relations of men in our present-day social and economic organization. In consequence, there has been a deliberate exclusion of purely technical or controversial material, however interesting. The psychological analysis is in general based upon the results of the objective inquiries into human behavior which have been so fruitfully conducted in the last twenty-five years by Thorndike and Woodworth" (p. iii). Part II, dealing with Religion, Art, Science, and Morals, is written largely from the point of view of pragmatic instrumentalism. The four topics treated are discussed "as normal though complex activities developed, through the process of reflection, in the fulfillment of man's inborn impulses and needs. Thus descriptively to treat these spiritual enterprises implies on the part of the author a naturalistic viewpoint whose main outlines have been fixed for this generation by James, Santayana, and Dewey" (p. iii).

The book presents, at first sight, the appearance of a compendium of useful facts about human nature. It has, however, a unity of thought which becomes evident in the selection of material and the order of its presentation, no less than in the theoretical treatment of the topics discussed. The author's hearty note of indebtedness to John Dewey (p. iii) is none too fervent to express his actual obligations to the great pragmatist. Edman's purely psychological views, no less than his logical, moral, and social ideas, proclaim him an ardent Dewey-

ite. As a follower of the author of *Democracy and Education* it is natural that he should show especial appreciation of such writers as James and Santayana, and profound respect for psychologists of the type of Thorndike and Woodworth. The naturalistic, descriptive, biological, and genetic trend of these several writers marks them as kin in spite of certain superficial differences which might seem to set them apart.

Edman's views, then, are in the first place naturalistic. No souls, no transcendental egos, no spiritual principles in nature, trouble his thought or his writing. The book is absolutely ghostless. The primary postulate of the author's naturalism seems to be that the mental process, however it may further be described, must be accepted as a natural process occurring in a concrete human individual. It is, that is to say, a process which may be empirically observed and investigated. And, again, the author's method of study is "descriptive." Mr. Edman means to indicate by this term, I presume, that method of study which aims to confine itself to the analysis and description of empirically observable phenomena, without having recourse to hidden essences and entities for the explanation of what happens. In this expression of preference Mr. Edman is in fashion. What writer, of what school—if we except the courageous and redoubtable McDougall—has recently attempted to employ extra-experiential factors in the explanation of natural phenomena? Mr. Edman, however, inclines too severely towards the *purely* descriptive to meet the present reviewer's unqualified approval. He shares this peculiar bias with John Dewey; but he might have corrected it by a closer study of Woodworth's dynamic geneticism. Human nature is not, after all, something that just happens. We cannot, as James suggests, say that "it thinks" as we might say "it rains." The conscious processes do not merely take place; they are *performed* by dynamic, energetic, self-asserting individuals. But it would be quite useless to try to carry out that debate to a clear issue in a brief review. I merely desire to point out what seems to me the one weakness in our author's attitude towards human nature. The criticism which I have made is one that would naturally suggest itself to an individualist who is temperamentally opposed to too intimate a control of human persons by *Dei ex machina* who look upon human desires and aspirations as so many organic phenomena. The stand-off-and-describe-it method will never give us any insight into the dynamic human motives; we require, for that, a sympathetic intuition that pierces through surface phenomena and correlates mine with thine. Mr. Edman attains so nearly to this appreciative attitude that I cannot resist calling his attention to the small drag which contemporary prejudice is still exerting upon his reflection.

Mr. Edman's book, as a whole, it is a pleasure to say, is sane and well-balanced, clearly written and altogether serviceable. The subject-matter is selected carefully and presented in good order. The range of facts covered is, as we have said, very extensive, but there is no tendency on the author's part to clutter the text with superfluous details; it contains nothing that looks like "padding." Mr. Edman's philosoph-

ical training shows itself in a keen eye for the essential and fundamental. The work fulfils admirably the purpose for which it was designed, and will be found useful in many a general course in psychology. Nor will it fail to interest the non-professional reader who desires a survey, in brief compass, of the most important facts about human nature that modern science has to offer. The book is beautifully printed and well bound, agreeable to eye and hand.

Northwestern University. D. T. HOWARD.

MEDIZIN UND RECHT. Die Beziehungen der Medizin zum Recht, die Kausalität in Medizin und Recht and die Aufgaben des gerichtlich-medizinischen Unterrichtes. Eine Orientierung für Studierende, Juristen, Aerzte, Techniker, Experten und speziell Behörden. Von Professor Dr. H. Zangger, Direktor des gerichtlich-medizinischen Institutes der Universität Zürich. Zürich, 1920. Druck und Verlag: Art. Institut Orell Füssli.

(MEDICINE AND LAW. The relations of medicine to jurisprudence, the causality in medicine and jurisprudence and the tasks of medico-legal instruction. An orientation for students, jurists, physicians, technicians, experts and special boards. By Professor H. Zangger, director of the Medico-Legal Institute of the University of Zurich. Zurich, 1920. Art. Institut Orell Fuessli.)

Out of a review of "the tasks of medico-legal instruction" offered to the London Congress of 1913, Zangger has developed a discussion on a broad philosophical basis. The first half of the book was printed in 1914 and the second half was completed in 1920. What problems have medicine and law in common? What are the peculiarities of medico-legal thought and work and the resulting problems for training? What are the kinds of cases which law students and medical students should have first-hand experience with and should learn to study together? Zangger discusses in a most illuminating way the problems arising in cases of carbon monoxide poisoning—the task of the physician in the actual study of the specific case, the utilization of similar cases, the possible issues arising immediately, and later in connection with insurance disputes. He takes up the formulation of the problems connected with necropsies, especially the peculiar task of time-determinations. The fourth chapter is devoted to the fundamental principles of causal connections in medicine and law (pp. 173-288), including the theory of presumptions. Chapter V treats the large problem of risks and jeopardy with a breadth that shows one of the greatest contrasts between Anglo-Saxon and Continental law. He deals with the production or toleration of situations which create a certain probability of risks and dangers to others, no longer controllable by the responsible person; in other words, with the responsibility for avoidable carelessness, etc., i. e., the really constructive and preventive part of medico-legal work (pp. 289-512). The closing chapter (pp. 523-694) is one of the most interesting evidences of the gigantic efforts

in the direction of determined constructiveness as opposed to haphazard opportunism, more than ever urged upon the growing generation after the terrible upheavals of the last eight years.

It is much to be hoped that this philosophy of medical jurisprudence will be widely read in this country. The book suffers from a mode of presentation which, through its length and continual insisting on the many principles, will create some difficulty for the American reader. But the reviewer is convinced that every reader who actually works in this field will realize that we do not deal with a mere theorizer but with an ardent worker whose whole nature breathes thoroughness and constructiveness and an untiring devotion to the creation of a responsible and effective attitude and philosophy of work.

Zangger is a most unusual man. With untiring tenacity he uses the concrete developments in the fundamental advances of physics and chemistry and bacteriology and experimental pathology where we are willing to leave the field to the haphazard opportunism of self-appointed experts. The book does not, however, devote itself to the strictly technical aspects which must be learned in practical work with the master, but it is the record of the commentaries on the work and of the true philosophy of the worker's temperament. It is much to be hoped that capable workers in this country may be stimulated by the reading of this book to devote a period of work with this most interesting figure in the reconstruction and new construction of Europe.

Johns Hopkins Hospital. ADOLF MEYER.

PRACTICAL PSYCHOLOGY AND PSYCHIATRY. By *C. B. Burr*. Fifth edition, revised and enlarged. Philadelphia: F. A. Davis Company, 1921. Pp. 269.

This volume is prepared for use in training schools for attendants and nurses, and in medical classes, and as a ready reference for the practitioner. The author is a well-known psychiatrist of Philadelphia, who, during many years, has been in important association with institutions for the study and treatment of mental diseases. In the new edition important additions have been made to the chapters on Psychology and Forms of Insanity. The recommendations of the National Committee for Mental Hygiene have been largely adopted with respect to classification of mental diseases. There is, in this edition, a new chapter on the Prevention of Insanity. The book will be found useful not only to those for whom it is primarily prepared, but as well to those in college and university departments of psychology.

Northwestern University. ROBERT H. GAULT.

HUMAN EFFICIENCY AND LEVELS OF INTELLIGENCE. By *Henry Herbert Goddard*, Princeton University Press, 1920. Pp. 128. $1.50.

This little book comprises lectures delivered at Princeton University under the Louis Clark Vanuxem Foundation, on April 7, 8, 10, 11, 1919. The chapter titles are as follows: Mental Levels, Effi-

ciency, Delinquency, Mental Levels and Democracy. The author says in the closing paragraph of his introduction: "Any attempt at social adjustment which fails to take into account the determining character of the intelligence and its unalterable ..... in each individual is illogical and inefficient." The volume will be very useful to the lay reader who wants to be acquainted with the bearings of studies of psychology amongst abnormal classes upon broad social problems.

Northwestern University. ROBERT H. GAULT.

THE FAMILY AND THE NEW DEMOCRACY. By *Anna M. Galbraith.* A study in social hygiene. W. B. Saunders Co., Philadelphia, 1920.

The book is an irritating mixture of much that is common sense, much that is trite and conventional and much that is pseudo-scientific. The author sees in the disintegration of the family a national calamity, and endeavors to point out some of the social evils that are undermining the family and the race, and suggests methods whereby the welfare and happiness of the family can be increased. She wants a commission appointed to investigate social vices and to suggest how they may be eradicated.

The dedication of the book to ancestors from great-great-grandfathers down, gives an insight into the author's bias, and suggests Laura Jean Libby assuming a scientific guise. Notwithstanding much excellent data, misstatements like the following are accepted: "Psychologists have erred greatly in considering women's sexual desires for the most part negligible." "There can be no true companionship where husband and wife are not equals in birth, that is, in ancestry, education, environment, altruistic and religious sentiment and economic independence." These are statements built supposedly upon scientific foundations, and as such are intolerable and detract from the often sensible and practical views expressed.

Chicago. CLARA S. BETTMAN.

TRAINING FOR THE PUBLIC PROFESSION OF THE LAW. By *Alfred Zantzinger Reed.* Bulletin Number Fifteen. Carnegie Foundation for the Advancement of Teaching. New York City: 1921.

In 1910 the Carnegie Foundation for the Advancement of Teaching published a report on medical education in the United States which exerted an immediate and profound influence upon schools of medicine throughout the country. More recently reports upon other fields of education have been made. The latest publication is Dr. Reed's report upon *Training for the Public Profession of the Law.* This investigation of legal education was undertaken by the Foundation not only as an appropriate part of its study of education in the United States, but also in response to a request made in 1913 by the Committee on Education of the American Bar Association for an investigation of legal education and of the requirements for admis-

sion to the bar in the various states of the Union. Accordingly the staff of educational inquiry of the Carnegie Foundation began the proposed research, and Dr. Reed, an experienced educator, was put in charge of the work. The report just published is the result of eight years of study. In the course of the investigation the educational staff personally visited 133 of the 142 law schools in this country. The Foundation has announced that the present volume will be followed by one dealing with the temporary situation in greater detail. Somewhat connected with the work of Dr. Reed are two other publications issued by the Carnegie Foundation, the first being the report on *The Case Method in American Law Schools* made by Dr. Josef Redlich of the University of Vienna in 1914, and the second being Mr. Reginald H. Smith's report on *Justice and the Poor* (1919) which included among other things a comprehensive study of Legal Aid Societies and their possibilities of development.

Dr. Reed's historical account of the development of legal education and admission to the bar in the United States begins with a comparison of legal education and admission requirements in the civil law countries of continental Europe with legal education and admission requirements under the common law of England. Under each system there is a divided bar. In France, for instance, we find the *avocats,* the *avoués* and the *notaires,* while in England there are the barristers and solicitors. But in continental Europe the education of lawyers of the higher grade is in the hands of the state-controlled universities, while in England there is a self-determining bar.

In colonial times the American legal profession resembled the British. At that time, admission to practice in the English lower courts was granted by the judges; and accordingly the legislative assemblies in the colonies adopted the same method of admission to their local courts. As in England, the legal profession was graded. There were the upper-court practitioners and the lower-court practitioners, and in Massachusetts a third grade of gowned barristers. The low esteem in which the leaders of the profession held the lower-court practitioners is illustrated by a letter of Jefferson written in 1779, in which he refers contemptuously to the "insects from the county courts." A relic of this division of the bar in Virginia remained until 1849 in the shape of a prohibition upon the carrying up of an appeal by the original attorney. The Jacksonian democracy, however, swept aside all the gradations of the bar throughout the states of the Union and fused all practitioners in the common mould of the American "attorney and counsellor at law" privileged to practice all branches of his profession in all courts. At the same time the democratic desire to keep the privilege of practicing law within the reach of the average man reinforced the tendency to keep governmental functions under control of the state, and consequently prevented the English traditional system of a self-determining bar from taking root in America. The power of admitting lawyers to practice was considered to be the function of the bench rather than of the bar, and was lodged by the legislatures in some part of the judicial department. Furthermore, the idea of making the

profession more accessible to the average man resulted in a tendency which prevailed almost universally, at least until the Civil War, to make admission to the bar more and more easy.

The laxity of regulations for bar admission gave an advantage to American colleges such as English universities never possessed. In the early days it was the custom for students to read law in the office of some practicing attorney. Some of these law offices accordingly developed into well-known schools, such as that of Judge Tapping Reeve at Litchfield, Connecticut. Soon the colleges broadened their curricula to include law studies. Under the influence of Jefferson this was done by William and Mary College in 1779. Franklin's College of Philadelphia—now the University of Pennsylvania—introduced law courses in 1790, and King's College—Columbia University—in 1794, Transylvania University in 1799 and Harvard in 1817. When these colleges became universities the law departments became colleges or schools and law degrees were established.

In time the law schools drew most of the law students. Attorneys who desired to teach law could so more easily and effectively in a law school; and while students might still prepare themselves to pass the bar examinations without attending a law school, it became increasingly difficult for them to succeed in view of the fact that following the Civil War the examinations were stiffened. On the other hand, a law school, even when run by practitioners, cannot duplicate the work of an office engaged in actual practice, and the instruction of the schools is necessarily theoretical in character. Furthermore, the national law schools which prepare students to practice in all jurisdictions find it difficult to prepare students to pass the bar examinations in any particular state of the 48 states of the Union. Hence the appearance of local schools which specialize upon the law of the local jurisdiction.

We have been speaking of law schools which require practically the full time of their students. The democratic principle that admission to the bar should be accessible to all citizens gave rise to the part-time schools and the night schools. These institutions arose to meet the hopes of ambitious young men who lacked the economic advantages that would insure a university and law school education, but who desired to carry on their legal studies while earning their bread and butter. Naturally the instruction in these institutions varies considerably and the examination systems have been confronted with the task of providing uniform tests for radically different types of preparation. Indeed, the examining boards have not been able to prevent a great number of incompetent persons from gaining admission to the bar. Students who cannot secure the degree from even a poor law school are admitted to practice with the same privileges as enjoyed by honor graduates of the best schools!

The American Bar Association has been aware of the unfortunate irregularities and inconsistencies in the bar examinations, but its attempts at reform have widened the gap between organized practitioners and the leading group of law teachers known as the Association of American Law Schools. Hardly nine per cent of the practicing

lawyers in the United States are members of the American Bar Association, and because of professional jealousies, legal traditions and prejudices, this association exerts no influence upon the profession comparable to the enlightened influence exerted by the American Medical Association upon physicians and surgeons. There seems to be a fundamental antagonism between the lawyers trained in the full-time schools and those trained in the part-time schools, and between the lawyers trained in the schools using the case method and those using the text-book method. About 1870, Dean Langdell introduced in Harvard a new method of teaching law. Instead of lecturing to students upon Torts, Contracts and so forth, or instead of having them memorize principles of law as expounded in text-books, he led his students to the sources of the law itself. He required his students to study the actual cases—the decisions of the courts—and to extract from these cases the principles and doctrines which go to make up the science of law. In a few years the Harvard case-method was adopted entirely or in part by the majority of American universities. It is the opinion of those who favor the case-method that this sort of instruction produces a superior type of lawyer—a more scholarly type who have a better grasp of principles and who have more ability to promote the intelligent development of the law. But instruction by the case-method requires that the student be mature, that his general education be good, and above all this method takes time. The part-time schools and the night schools must find shorter roads to legal proficiency. Hence they rely upon text-books; while practitioner-teachers drill the students in the practical knowledge required to pass the local bar examinations.

Altogether, four types of law schools now exist in the United States. The smallest group (about ten per cent of the 142 law schools) consists of schools whose course of instruction leading to a law degree can be completed in less than three years whether of full-time or of part-time. This type of school survives partly because of the deficient bar admission rules in eight southern states, in Indiana and in the District of Columbia. It is the one contemporary type of law school which is clearly destined to disappear. Next in size (about twenty per cent of the total) comes the group that require superior general education for entrance and full-time on the part of the students. These schools, like Harvard, teach national law by the case-method. The third group (about thirty per cent of the total) may be defined as low-entrance schools offering full-time courses of standard length. Half of these schools require a single college year for admission, and some offer part-time in addition to full-time. These schools emphasize the local law. The largest group of all are the part-time schools (forty per cent of the total). These schools are not connected with a genuine college or university, but they are superior to the first group inasmuch as their course of instruction requires three years. They meet the needs of students who can study law only while earning their livelihood, and consequently they hold sessions in the late afternoon or evening. While this group, as a whole, is not esteemed by the lawyers of high educational and professional ideals, nevertheless these schools exist through

practical necessity. Moreover, the growth of these schools has been justified upon political and humanitarian considerations. The law must be kept close to Lincoln's plain people, and young men of average ability must not be barred from access to the governing class simply because they possess modest means.

This, in brief, is the story of the development of American legal education as traced by Dr. Reed. In the opinion of this investigator, the present system of legal education and bar examinations in the forty-eight states of the Union is manifestly defective. The fault lies primarily in the unsuccessful attempt to maintain a unitary bar. We are too "democratic" to admit that there should be a gradation of the profession, whereas in actual practice such a differentiation already exists. We do not have barristers and solicitors as in England nor *avocats* and *avoués* as in France; but successful attorneys in America generally specialize in some particular branch of the law and make reputations as corporation lawyers, trial lawyers before juries civil or before juries criminal, and so on. The fault with the law schools is that they do not recognize this differentiation of the profession and consequently all of them attempt to produce the standardized American "attorney and counsellor at law." It would be better if Harvard, Northwestern, Columbia and all of the case-method universities became the recognized source of the higher grade of lawyers and the nursery for judges and writers of text-books, while the part-time and text-book schools should train the group of ordinary lawyers—men who are well informed and expert, but not necessarily profound, whose knowledge is gained at second hand but is none the less adequate for the purpose in view, namely, the ordinary routine of advising clients. And logically it would seem that if this were the case the bar examinations for the two types of lawyers should be different.

It may be that the reviewer has summarized Dr. Reed's conclusions somewhat more distinctly than the context of his report will warrant, but it cannot be gainsaid that the broad lines laid down by Dr. Reed lead directly to such conclusions. The break-down of the unitary bar and the necessity for abandoning the attempt to educate the standardized attorney is the theme to which Dr. Reed returns again and again in the well-rounded divisions of his report. It would be highly incorrect to say that Dr. Reed has proposed to foster a class of privileged lawyers like the ancient English barristers, nor to promote a differentiation of the types of lawyers as determined by the economic status of their clients. Nevertheless his conclusions tend to promote something which is so frequently resented in democracies, namely, an intellectual aristocracy. Reforms savoring of that nature—no matter how much they may improve our public efficiency—meet a chilly reception in America. A few years ago an attempt by a group of eminent attorneys of national reputation to organize the Chicago Society of Advocates, consisting of the lawyers in Chicago that were engaged in advocacy rather than in general practice, met with unqualified failure. The mere suspicion that one branch of the profession is claiming superior intellectual attainments is enough to smother such movements.

It would seem that Dr. Reed's proposal to accomplish by radical educational reforms what cannot be accomplished naturally within the profession itself or by political action is ill-advised. To emphasize the difference between the high-grade university law schools and the part-time law schools would result in inflaming the dispute between the text-book lawyers and the case-method lawyers; and the former, being more powerful in politics than the scholarly lawyers, would double their efforts to keep the aristocrats of the legal profession off the bench. It is true that some aspects of this question appear rather discouraging. In no great country of the world is criminal and civil procedure so antiquated and unreasonably complicated as in the United States. It may be that the true line of progress looks toward a broader plan of education of the whole American people whereby political reforms may be accomplished resulting in the abolition of the popular election of judges and in the re-establishment of the principle of appointment of judges by the executive, together with a general reform of our present legal procedure—a reform that can be accomplished only by superior judges on the bench and by statesmanlike lawyers in the state legislatures and constitutional conventions.

Regardless of conclusions reached or policies suggested, Dr. Reed has written a thoughtful, well-balanced and masterly report. Naturally it will not produce the same immediate effect upon the legal profession that the Carnegie Foundation's report of 1910 produced upon the medical profession. The defects of medical education in 1910 were apparent and the remedies to be applied were obvious to any observer with common sense. But the situation with regard to legal education is far more subtle. It is complicated by political and humanitarian considerations and by long-standing traditions and prejudices. The fruit of Dr. Reed's excellent investigation will be long in appearing.

Northwestern University. KENNETH COLEGROVE.