

## Book Reviews

EL PLAN DE ESTUDIO DE ABOGACIA, by *Carlos Cossio*. Buenos Aires: L. J. Rosso, 1933. Pp. 130.

To a North American law student the argument of this little book would seem strange, for it contends for a policy in law education just the opposite of the one that we find active in this country. After tracing the history of law teaching and law curricula in Argentina from their beginnings in 1822, the author summarizes the present practice and proposes a radical departure. In Argentina the purpose of training in law has been much more nearly the aim we have in teaching the social sciences—to train political and administrative leaders of the nation. In fact, the law school of Buenos Aires has been almost a major department of the Argentine government. The instruction has included political science, history, sociology, economics, and the philosophy of law. In a word, it has been, as the author says, encyclopaedic and socially pragmatic. The practical training of attorneys has suffered in comparison with the training of men of public affairs. The author proposes that all this should be changed and that technical training in the law and in its practice should become the chief, almost the exclusive, function of law schools; these latter should turn out well-equipped lawyers rather than politicians and future statesmen. But he would retain courses in the philosophy of law. His proposed revised law curriculum would read as follows: (1) General Science of Law, (2) Gnosology and Metaphysics, (3) Elements of Positive Law, (4) Fundamentals of Constitutional Law, (5) Ethics and Esthetics, (6) Real Property, (7) Penal Law, (8) Obligations, (9) Criminal Procedure and Judicial Organization, (10) Philosophy of Law, (11) Contracts I, (12) Taxation, (13) Civil Procedure, (14) Marine Law, (15) Philosophy of History and Social Philosophy, (16) Contracts II, (17) Public Services, (18) Family Law, (19) Private International Law. The two aims of the course would be practical and humanistic. In addition to regular technical courses he would have the school conduct (1) practice work (now largely neglected) and (2) seminars on the finding and use of the law. While we are moving in the direction of a greater socialization and broadening of the law curriculum, Argentina is agitating for greater technical efficiency.

L. L. BERNARD.

Washington University.

---

LA REVOLUCIÓN Y LA INTEGRACIÓN DE LA TEORÍA PURA DEL DERECHO. By *Carlos Cossio*. Buenos Aires: Imprenta de la Universidad, 1935. Pp. 41.

The professor of the Philosophy of Law in the national university of La Plata, stimulated by constitutional problems growing out of recent Argentine revolutions, raises the question of the legality of revolutionary governments and of the sanctions necessary to render them legal. As an adherent of the neo-Kantian school of legal philosophy, he takes his point of depar-

ture from the viewpoints of del Vecchio and Kelsen, but proceeds independently to the conclusion that anything short of a total revolution leaves the institutions of the country nominally under the tutelage of the existing fundamental laws, but actually the processes of revolution tend, like any other events, to create a variant and hypothetical unwritten constitution which serves as the real fundamental law until the old constitution is amended through the ordinary legal channels. The new political regime may be legitimated either by international recognition (the normal method, since international sanctions are of a higher order of rational, if not of constituted, authority) or by national sanction, through the voluntary adjustment of other continuing institutions (including the courts and the constitution) to the newly developing unwritten constitution. Thus, in reality, the author views revolution merely as a normal, though unusual and non-parliamentary, method of revising constitutions and of changing the order and personnel of governments. That his views will not receive unanimous approval goes without saying, but his viewpoint seems to be growing.

L. L. BERNARD.

Washington University.

---

ROGER B. TANEY. By *Carl Brent Swisher*. The Macmillan Company. New York, 1935. Pp. x, 608.

Successively, each invalidation by the Supreme Court of the more bold of the New Deal measures has been branded, by the more indignant of the critics of the Court as "another Dred Scott decision." Current controversy relative to the practicability of the American doctrine of judicial supremacy is more heated now than at any time since that decision and such generally related decisions as *Ableman v. Booth* and *Ex Parte Merryman* aroused in the North a profound antagonism towards and distrust in the Supreme Court. Historically, the parallel is striking. Mr. Roosevelt's opinion that the *Schechter* decision returned the nation to the "horse and buggy age" is quite comparable to President Lincoln's statement, in his inaugural address, that if the policy of the government upon vital questions is to be irrevocably fixed by the Supreme Court, "the people will have ceased to be their own rulers, having to that extent practically resigned their government into the hands of that eminent tribunal."

Similarly one need not draw the long bow in comparison to detect a clear resemblance between Horace Greeley's statement that the Dred Scott decision was entitled only to the weight to be given to the judgment of the congregation in any Washington barroom and Secretary Wallace's condemnation of the Supreme Court's order for the return of the impounded processing taxes as "a steal." History has indeed repeated itself. No more opportune time for the appearance of a really satisfactory biography of the most criticized judge in American history could well be conceived.

The worth of Roger Brooke Taney as a politician and as a judge has been wholly reestimated by modern historians. Associated as he was with