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AN INTRODUCTION TO THE PHILOSOPHY OF LAW

by ROSCOE POUND, New Haven

The Yale University Press, 1954 pp. 201. \$3.50

Edited into book form from a series of lectures presented before the Law School of Yale University, Dean Roscoe Pound's *Philosophy of Law* has a stiff and nebulous character unbecoming the lecture hall. The material covered by the venerable Pound has a vital quality and possesses innate stimuli, but these virtues seem to fail under the weighty literary style chosen by the author.

Pound prepares his audience well with a lengthy and overly zealous background of the history, function and philosophy of law. This preface tends to become bogged down in a didactic, scholarly language which just falls short of discouraging the reader from continuing. As to these all-important initial pages it suffices to say that the context lacks the color and vitality necessary to make the treatise interesting as well as informative.

Fortunately, once this background is covered, in a slow and meticulous fashion, the clouds part momentarily, and the subsequent sections dealing with Liability and Property take on a more congenial, informal tone and thereby assure the reader of the anticipated rapport. Happily, this communicative contact continues throughout the thirty-five pages allotted to Liability, and the book reaches an apex by use of an enlightening historical sketch of liability which culminates in a practical picture of liability as seen in the complex social structure of the 20th Century. With penetrating and definitive insight, Pound expresses and explores the philosophy of such liability when he says:

"In civilized society men are entitled to assume that they will be secured by the state against all loss or injury, even though the result of their own fault or improvidence, and to that end that liability to repair all loss

or injury will be cast by law on someone deemed better able to bear it."

With this as a guide, Pound introduces the most stimulating point in the book: the growth, purpose, and above all, the danger of the "service state." Through the medium of the "service state" one can see the "deep pocket theory" merging with the distribution of loss through increased prices, thereby spreading the burden among the masses. Here Pound has presented, in a critical analysis, the theory and explosive potential of the welfare state.

After this short and refreshing breath of fresh air the book returns to its earlier sins, and only with diligence and stamina are the final pages challenged. As is frequently the custom, the last pages take on a glow of the approaching end, and offer, as a parting tribute, an interesting and assimilative finale. As an echoed sentiment on the "service state", Pound closes with these truth-laden words of reminder:

"Additional services by the state, where they can be performed by the state without waste of what we have learned to do well by other institutions without reducing the individual man to passive obedience or to parasitism, is a reasonable program which need not carry us to the omniscient state."

With these well-chosen words, Pound has implied a medicine which carries with it the germ of its own destruction.

This reviewer finds in the book topics which are interesting but which suffer under the literary style of the scholarly Pound. For those who seek knowledge and relish in plowing through tomes of dry and inefficient script, the book is a reasonable investment. To those who seek knowledge, but bask in the warmth of concise expression, the work leaves much to be desired.

S. T. M., JR.