

BOOK REVIEWS

ENGLISH LAW FROM ACROSS THE CHANNEL.

The English Legal Tradition: its sources and history. By Henri LÉVY-ULLMANN. Translated from the French by M. MITCHELL, and revised and edited by F. M. GOADBY, D.C.L. With a foreword by SIR W. S. HOLDSWORTH. pp. lvi, 383. London, Macmillan, 1935.

This is a book that students will hear a good deal more about. Its publication will in the long run rank as one of the most important events even in a law-book publishing year which has already seen the issue of Dr. G. C. Cheshire's *Private International Law* and Mr. H. G. Hanbury's *Modern Equity*. In substance the book was delivered in the form of lectures to advanced classes in the University of Paris, in which Professor Lévy-Ullmann occupies the Chair of Comparative Law. The translation from the French is worthy of the book itself—unobtrusively scholarly and completely adequate. The classes for whom the work was originally prepared consisted primarily of Continental and Oriental students. Clearly, concisely and comprehensively, Professor Lévy-Ullmann expounds, from a comparative point of view, the system on which English law is constructed, the inter-relation of its essential materials or sources, the most distinctive of its characteristic institutions. As its sub-title indicates, the book covers a ground closely related to two important English books published just ten years ago—Professor Winfield's on the *Chief Sources of English Legal History*, and Sir William Holdsworth's on the *Sources and Literature of English Law*. Whereas, however, the chief interest of the former is bibliographical, and that of the latter historical, the chief interest and importance of Professor Lévy-Ullmann's book is juridical. High praise comes from Sir William Holdsworth (in a foreword full of such insight and learning as to tempt a reviewer to content himself with transcription) when he says that it is the best introduction he knows to the study of English Law.

The book is not one of original research, but one of authoritative interpretation. Over a period of thirty years, Professor Lévy-Ullmann had made himself familiar with all the literature of English legal history, even before he undertook the ten-year task of writing the book. His own claims for the book are absurdly modest. "It is, indeed, elementary, but our one ambition has been to make it entirely lucid. . . . We do not pretend . . . to teach anything to Anglo-Saxon lawyers." Lucid, the book certainly is—entirely lucid. One forms, too, the highest opinion of the standard which comparative legal studies have reached in the University of Paris. Our author's students will leave him with an altogether enviable grasp of the English legal tradition. But an English translation has been made—and dubbed "absolutely necessary" by Sir William Holdsworth—precisely because of what the English student of English law would learn from it.

There could, in fact, be no clearer demonstration than this book of the value of comparative legal studies. To say that the book deals

in its three parts with the inter-relation, in forming the English legal tradition, of common law, statute law, and equity respectively, is to give not the slightest hint of what is revealed within: the synthetic power associated with a philosophic outlook; the perception of essentials which comes from a knowledge of the dissimilar; the characteristically French qualities of incisive generalization and happy phrase.

The whole book is full of good and quotable things. Professor Lévy-Ullmann delights the student of jurisprudence by remarking (p. xxxvi) that "that strange and sometimes ironical Fate which at all times and in all places governs legal terminology" has allotted to the word "jurisprudence" a meaning in England which is the exact opposite of that which it bears in France. The student of constitutional history or law will appreciate the observation (pp. 222-3) that whereas to-day the English phrase "the supremacy of the law" means the supremacy of the written law (*lex*), the phrase in its original use meant something entirely different—the supremacy of unwritten law or the common law (*jus*). The brilliant summary of the development of Equity (p. 294)—"To ecclesiastical Chancellors Equity owes its formation. To legal Chancellors it owes its transformation"—is only one example out of many.

The chapter on the Books of Authority is perhaps one of the most important in the book. It contains not only a valuable appraisal of Blackstone's Commentaries, but a warning that case law is not enough, and that perhaps the common law tradition has gone too far in its depreciation of the text-book, and in its neglect of synthesis.

Professor Lévy-Ullmann in this book has served practical as well as academic ends. In his view, the task of the twentieth-century jurist is not only to organize a public law for the international community but to elaborate, "in the relations of private individuals, a body of uniform law to govern the business transactions between subjects of different states" (p. liii). The jurist, he says, must aim at the creation of a world-wide body of law by the drawing together of the two original systems, English and Roman, which between them order the affairs of Western civilization. But such a synthesis demands imperatively a deep understanding on both sides of the essentials of the two traditions. This book is a splendid contribution to that great enterprise.

K.H.B.

THE AUSTRALIAN DIGEST.

The Australian Digest 1825-1933. Being a Digest of the Reported Decisions of the Australian Courts, and of Australian Appeals to the Privy Council. Editor in Chief, B. SUGERMAN, LL.B., and with him Joint Editors, Associate Editors, and State Editors. Sydney, Melbourne and Brisbane. The Law Book Co. of Australasia Ltd., 1935. Price, £2/15/- per volume.

The task of the individual who in the past has attempted to investigate thoroughly all the relevant case law on a detailed or rather