

4-1927

Introduction to Anglo-American Law

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Recommended Citation

Moll, Walter Lewis (1927) "Introduction to Anglo-American Law," *Indiana Law Journal*: Vol. 2: Iss. 7, Article 5.
Available at: <http://www.repository.law.indiana.edu/ilj/vol2/iss7/5>

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REVIEWS

INTRODUCTION TO ANGLO-AMERICAN LAW*

This volume, which has appeared as Study No. 69 of the Indiana University Studies, is the outgrowth of a law course, which is given by Professor Willis at the Indiana University Law School for first year students, and which is designed as a general introduction to the study of law. Opinion among law teachers is divided as to the advisability of an introductory course and many law schools offer none. Some law teachers however believe it to be of utmost importance that a beginner who is plunged into a variety of law courses such as Contracts, Torts, Criminal Law, Procedure, and, in these courses, receives a certain amount of training in legal analysis should at the same time be given a general introductory course in which he is brought into contact with some of the broader general questions underlying legal study; in which he obtains a knowledge of the development of the law as a whole to furnish a setting for and to supplement the knowledge, acquired in the various courses, of the development of the several legal doctrines and institutions; in which he receives systematic training in legal analysis and is shown how cases are being decided; and in which he is given a comprehensive and reliable statement of the sources, or repositories of our law and some preliminary instruction in the use of law books.

Such a course cannot, in the nature of things, take the place, for example of a course in jurisprudence, or in the history of law, or in the preparation of cases for trial. Likewise a book of 234 pages, designed for beginners in the study of law can not take the place of a textbook of jurisprudence, of legal history or of bibliography. The small compass of the book and the purpose which it is designed to serve make it impossible to treat adequately more than a limited number of subjects taken from these fields. And Professor Willis has shown rare tact and skill both in the selection of material and in the manner of treatment.

Note for instance in Part I the discussion of various definitions of law in the light of modern legal science. One might indeed desiderate a full discussion of the nature of law in the light of the theories of the great schools of jurisprudence, but that would be an undertaking requiring much more space than is available in the present volume, and would be subject matter for a graduate course in jurisprudence rather than for a course given to beginners in legal study. Again, the discussion, in chapter two, of the law as a form of social control and of the

*Introduction to Anglo-American Law, Covering Briefly Legal Philosophy, Legal History, Legal Biography, and Legal Bibliography. By Hugh Evander Willis, A. M., LL. M., LL. D., Professor of Law in Indiana University.

social interests is an excellent introduction to a series of most important juristic questions. The reviewer would also direct attention to the discussion of the nature of legal rights in chapters three, four, and five. Professor Willis here presents among other things, some of the results of Professor Hohfeld's work in legal analysis which should do, and it is hoped, will do a great deal towards bringing about greater precision in the use of legal terms and more exact analysis among the members of the legal profession. In chapter six, the writer discusses the exercise and protection of legal rights by means of selfhelp as well as by means of legal redress, giving *inter alia* a concise and at the same time adequate statement of the steps that are to be taken in a legal proceeding. Part II presents the development of Anglo-American law through the various stages of growth from its primitive, or archaic stage, through the periods of strict law, equity, and maturity of law, down to the present period of socialization of the law. Part three consists of a series of brief biographies of the great legal writers and lawyers of England and America. This is by no means the least valuable part of the work. No one can truly be a fully trained chemist or physicist, or classical philologist, for example, who does not know anything of the work of the great men who have reared the structure of the department of science in question. Nor can he be a fully trained student of the law who knows not Glanville, Bracton, Littleton, Lord Coke, Bacon, Blackstone, Kent, Marshall, Story, Holmes, Pound, and many others. From the point of view of practical utility, the most important part of the book is part IV. Chapter seventeen contains a list of the "Repositories of the Law." This list was prepared by Professor Edmund M. Morgan of the Harvard University Law School and appears in Chapter eight of Professor Morgan's "Introduction to the Study of Law," a book which appeared at a date subsequent to the appearance of Professor Willis' book. Chapter eighteen, entitled the "Use of Law Books," tells the student how to find the law on a given point. It embodies two studies by Dean Wigmore, entitled respectively "Analysis of Unit Operations," and "Analysis of Distinctive Jobs in a Lawyer's Professional and Customary Use of Printed Legal Sources." Says Professor Willis (p. 213): "It is believed that this material covers all the operations used in the finding of authorities, and that the student who will solve the problems therein given, with the aid of the hints heretofore supplied will acquire a mastery of the art of using law books so far as it relates to finding authorities." The present reviewer fully agrees with this statement. Chapter nineteen tells the student how to read and abstract reported cases, how to determine the doctrine and authority of a case, and how to evaluate it, as well as how to interpret and evaluate a given statute. Chapter twenty "Brief Making," tells the student how to arrange his authorities in the form of a legal argument.

The book is excellently written throughout, and is a product of the most exact and painstaking legal scholarship. It should be accessible to every student of law.

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