

4-1927

Constitutional Law

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Recommended Citation

Willis, Hugh Evander (1927) "Constitutional Law," *Indiana Law Journal*: Vol. 2: Iss. 7, Article 7.

Available at: <http://www.repository.law.indiana.edu/ilj/vol2/iss7/7>

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NOTICES

Constitutional Law. A Brief Text with Leading and Illustrative Cases. By Charles W. Gerstenberg. Prentice-Hall, Inc. New York. 1926. pp. XV, 562.

This book is a combination of text and case book. It was evidently prepared on the theory that it would combine both the advantages of a text and a case book, but the result, in the opinion of the writer, is that, as usual with such efforts, it possesses the advantages of neither. The author modestly says that his text "sets forth the minimum information" and "The cases include the indispensable milestones". If his book was to be judged solely by his own purpose it would have to be criticised favorably. It does give satisfactory minimum information, and it does include many leading as well as a few important recent cases. The author has accomplished his purpose. If the book is to be criticised unfavorably it must be for its purpose. The writer cannot see any reason for writing a book for such a purpose. Of what use is it?

The trouble with this book, in the opinion of the writer, is that no one can learn constitutional law from it and he can see no other use for a book on constitutional law. For example, the topic of "Laws Impairing

the Obligation of Contracts" is treated by the Dartmouth College Case and two other cases remotely touching the subject and by three pages of text. The cases neither give the constitutional law pertaining to the "contract clause" nor even the subsequent historical development of the doctrine announced in the Dartmouth College Case. While some of this development can be found in the text material it is there treated in such a cursory way that it would have little meaning to anyone who had not studied the law elsewhere. The topic of "Due Process" is treated by three cases (one discussing the eight hour day, another, procedure, and the third, contempt) and by less than seven pages of text. How much about due process could be learned from these cases? Some elementary information about due process is given in the text, but the historical development of the subject is not given at all and the general principles touched upon are given only meagre treatment. These are fair samples of the treatment accorded other topics. In the opinion of the writer, such a book is not adapted for use in law schools. The method of the book is the "spoon-fed" method, but even for such a method there is too little in the spoon.

HUGH EVANDER WILLIS.