Handbook of Roman Law, by Max Radin

Paul L. Sayre
Indiana University School of Law

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NOTICES


Professor Radin terms his work "Handbook of Roman Law." In his preface he suggests that this book may serve as an introduction to the fuller study of Roman law and he refers in his customary modest and generous way to the more considerable work of Girard's Manuel de Droit Romaine (7th edition, Paris, 1924) and to Professor Buckland's "Textbook of Roman Law," Cambridge, 1921. It seems fair to say that Professor Radin's book is not only an admirable introduction to the general subject but it will serve for reference purposes in many cases fully as well as the more elaborate studies on the subject. It seems to the reviewer that lawyers are in an especial debt to Professor Radin for publishing this book. Perhaps it is not unreasonable to expect that it will have a great influence in familiarizing common law lawyers with some of the outlines and legal principles of the Roman law which they would not secure if they were forced to undertake any of the other basic books on the subject now published. For one thing this handbook of Roman law treats much of the Roman law under English terms and always it seems, gives analogies or equivalents from the common law where this is possible, without doing violence to the distinctive system of the Roman law and without a more detailed comparison than his brief space permits. His analysis is peculiarly helpful for those who are trained in the common law way of thinking. Thus he has the headings "Mandate as Agency" and "Mandate as Assignment." He has a chapter entitled "The Condictions and Quasi Contracts" under which he considers the different elements in the Roman law that gives rise to many relations which we treat generally under the heading "Quasi Contracts." It has always seemed to the writer that one of the main difficulties in studying the Roman law, at least for the beginning student, is not so much the inherent difficulties of the legal concepts as it is the difficulties of the terminology and the entire system of the development of legal ideas which may seem totally foreign to any comparable development in our law. It is submitted that Professor Radin's plan of taking Roman law in terms of common law as much as possible should not be opposed on the ground that it leads to false assumption of similarity or contrast. Indeed the entire Roman system is separate from our system and exact comparisons are dangerous.

The book begins with an admirable summary of the historical development of Roman law and the explanation of the imperial system together with an analysis of the different Roman law courts and some explanation of their procedure. Later in the body of the book itself Professor Radin considers the Roman law that was applicable to what we would now call "Negotiable Instruments" and considers this in connection with the development of the Law Merchant which grew out of the civil law beginning in the middle ages and coming down to very modern times. This entire discussion covers a field that every lawyer should know at least in a summary way, although it must be admitted that most lawyers have very little understanding of the matter. One need only speak of the discharge
of sureties, the creation and discharge of servitudes or many doctrines in
the law of negotiable instruments as well as in the law of inheritance that
can hardly be understood without some familiarity with the Roman law.

The book is arranged with the usual black type of the Hornbrook Series
which is used for the setting forth of the main principles with an accom-
panying text in explanation. It is divided into convenient chapters and
smaller subdivisions that show the inter-relation of the Roman law to-
gether with its convenient arrangement for the comprehension of the
common law Reader. There are a reasonable number of citations to the
Digest or to other Roman law authorities and these are given in a brief
clear way. It seems that Professor Radin is entirely right when he
deplores the needlessly complicated form of citations to Roman law
authorities that has usually obtained in the standard works on Roman
law published in modern times.

Briefly, it may be concluded that the book will be found a convenient
and valuable accession to the library of any student of law whether in
practice or in teaching work. For many purposes it will be sufficient for
the information or reference of the readers and it is believed that it will
prove invaluable as an introduction to further study.

Population Problems, by Edward B. Reuter. 1923. J. B. Lip-

This is a book of real interest and value to the general reader although
it is hard to see any especial legal side to the questions and problems
involved. Surely this matter of how many people there are to be in the
world is of the first importance. The great Malthus called our attention
to the ultimate danger of getting more people on the earth than we can
feed and suggested that some plan of curtailing the population would have
to be adopted in the future. Undoubtedly we have had several plans of
curtailing the population already. In India they have plagues and snakes
to kill the people off and in spite of these aids they seem to have greater
density of population than their wealth can support in a standard of living
compatible with modern civilization. In China they got rid of their excess
numbers in much the same way. European countries it seems have uncon-
sciously employed war as an important factor in keeping down the popula-
tion, while peoples in different parts of the world have used birth control
to a considerable extent.

Professor Reuter's book gives a careful and perhaps reasonably impar-
tial discussion of the many phases of eugenics problems. He points out
that certain families have undoubtedly given an extraordinary number of
able men and women to the world and that this result cannot be totally
explained without attributing part of it to heredity. He also gives the
usual instances of feeble-minded families that have produced practically
no descendants of merit and have cost the country millions of dollars in
the care of their defectives. Professor Reuter seems to discourage our
hopes in fixing upon certain classes as the right ones to produce the people
of the future. Thus he does not think that the rich necessarily have the
best children and should be the only ones allowed to reproduce. He feels
the same way about the educated classes and does not conclude that on
purely scientific grounds the poor and the ignorant should be excluded.

In reading the book perhaps one is somewhat discouraged by the absence
of any general conclusions to the problems discussed. This may be dis-