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Law and Morals

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Law and Morals. By ROSCOE POUND. Chapel Hill, N. C.: The University of North Carolina Press. 1924. pp. iii, 156.

Those interested in views held by various schools of thought regarding the relation of jurisprudence and ethics must be thankful to the trustees of the University of North Carolina for the publication of Dean Pound's book, *Law and Morals*, though some may wonder how it fits in with the object of bequest establishing the foundation for the lectures at North Carolina University. The present work containing, as it does, the three McNair lectures given in 1923 makes no attempt to cover the whole field suggested by the title. Its purpose is, as the learned author himself tells us, to present merely one part of the history of juristic thought in the nineteenth century: namely, with respect to the relation of law to morals.

Needless to say, the work is well done. Dean Pound's scholarship and various writings on cognate topics is guarantee of this. Let us hope that, as the preface seems to promise, this is but "a forerunner of adequate treatment of current theories."

The body of the work is devoted to a critical discussion of the views of the "Historical," "Analytic" and "Philosophic" schools of the nineteenth century, but as an introduction the dean of Harvard Law School felt himself obliged to go back to the keen-thinking Greeks of the fifth century, B. C. for the origin of the problem here discussed, and in his epilogue, if one may call it thus, he shows that present writers on juristic matters are, in the main, back where the Greeks began—"he (the Greek) would perceive that we were still debating the questions he debated, and that at bottom we had made little progress with them." However, Dean Pound's trenchant critique of the views of the three schools examined, pointing out the "exaggerations," "false assumptions," attempts to separate "with exactly limited frontiers" correlated sciences "giving rise to confusion injurious to clear thinking," must serve at least to prepare the way for progress.

To one acquainted to some extent with the views of the scholastic philosophers it may, perhaps, seem regrettable that the lecturer was not at more pains to differentiate the exaggerated "classical law-of-nature" school of the eighteenth century, and the opinions of the school men and their followers, the neo-scholastics of today—especially since, as it seems to the present writer, Dean Pound's own view, as gathered from pages 54, 56, 74 and 92 would, if expressed in full, almost coincide with that of such writers as Suarez, *Delegibus*, Cathrein, *Recht*, *Naturrecht und positives Recht*, and Holand, *Natural Law and Legal Practice*.

It remains only to say that the work, short though it be, evinces as clearly as his longer works the author's vast erudition; indeed, so packed is it with matter that a summary of it within the bounds of a book review is well nigh impossible. A word of praise, however, must be said of the fine summing up of the many elements of our Anglo-American law and the author's plea deduced therefrom.

The many illuminating foot notes and bibliographies on each school enrich the book and make it, indeed, worth while.

H. B. M.