Michigan Law Review

Volume 29 | Issue 2

1930

THE BOOK OF ENGLISH LAW

BOOK REVIEWS

THE BOOK OF ENGLISH LAW. By Edward Jenks. New York: Houghton Mifflin Co. 1929. Pp. xix, 460.

In this compact survey an attempt is made to describe the whole body of English law in literary form for the use of laymen. As the foreword says, it is the first systematic attempt of this kind since Blackstone. And it is a commentary on the tremendous growth of English law during the last two hundred years, that such a book can no longer be aimed at a professional audience. However interesting to lawyers, and whatever its literary merits, it can no longer be useful for professional purposes even as an introductory handbook for students.

This does not mean that lawyers will not profit from reading it. On the contrary, any specialist probably receives some benefit from a really successful attempt to make his specialty intelligible to laymen. And in this case the statement itself is so lucid, the main assumptions of English law are so carefully defined, and its historical background described with such illumination, that any lawyer could read it to advantage. Furthermore, for lawyers in this country the book will be especially valuable for its account of the English court system, and for its record of recent legislation which has modified English law in many points and altered it profoundly in some.

For its immediate purpose the book is admirably suited. The author has skillfully steered a middle course between abstract generalization and overburdensome detail. Continuity is never forsaken in the pursuit of concrete illustration. No person could infer that reading this book was a substitute for a formal training in law. And yet if its contents were thoroughly digested by laymen there would be much less need for lawyers.

In a treatment of this kind some criticisms of detail are inevitable. It seems clear that the decree of James I in 1616 did not provide "that where the rules of the Common Law and the rules of Equity conflicted, the latter should prevail." (p. 44). Its scope was unfortunately much more limited. Surely it was not necessary to revive the old dogma that the common law is in theory complete, in order to explain why courts are under the duty to decide cases presented to them. (p. 35). One might perhaps attribute to the parol evidence rule a greater vitality than the author does on pp. 130-1. But these criticisms should not be allowed to qualify one's approval of the book, which is admirably conceived and executed. J. P. D.