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Farnsworth: Introduction to the Legal System of the United States

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INTRODUCTION TO THE LEGAL SYSTEM OF THE UNITED STATES. By *Allan Farnsworth*. Dobbs Ferry, New York: Oceana Publications. 1963. Pp. 180. \$5.00.

The young law graduates from other countries who seek, in brief periods of study, an understanding of the legal system of the United States, have uncovered a vexatious gap in the literature of American law. In residence, typically, for only two semesters, they can sample but sparingly the fare of American legal education. It is important that the sampling be done

in depth, and that it include, therefore, advanced courses, seminars, and individual investigation in fields of particular interest to the individual student. To put these experiences in perspective, however, and to reveal their relation to the overall pattern, it is necessary that they be supplemented by a general survey of the law and of the apparatus through which it is administered in this country. Professor Farnsworth's book is intended to provide a structure for such a survey.

Part One, about one half of the book, is devoted to sources and techniques; Part Two is a brief outline of the organization and substance of the law, under the headings "Procedure" (Civil Procedure, Criminal Procedure, Evidence and Conflict of Laws), "Private Law" (Contracts, Torts, Property, Family Law, Commercial Law and Business Enterprises), and "Public Law" (Constitutional Law, Administrative Law, Trade Regulation, Labor Law and Criminal Law).

A high premium has been placed on brevity. In Part Two individual fields of law such as Contracts, Torts, and Property are allotted only four pages each. Within these severe limits it is not possible to do much except explain a few terms of classification, and mention a few of the current problems within the area. The section on Torts, for instance, consists only of brief references to the distinction between tort and crime, the prevalence of case law within the area, the nominate classifications of tort law, the significance the jury has for the application of norms, and the influence of insurance and industrialization upon the development of tort law. To each section is appended a list of suggested readings consisting principally of references to the *Restatements*, and to standard treatises and texts.

The first part of the book, which describes the legal system, is more satisfying. Here the author is able to use nearly ninety pages to discuss the historical background of American law, legal education, the organization and characteristics of the legal profession, the judicial system and its functioning in the formulation of case law, the legislative system and the part played by statutes in American law, and finally the nature and function of various classes of secondary authority. The text is informative, and refers to most of the features which give the system its unique character. The appended bibliographies in this section yield access to the important literature on the profession, its development, and its techniques.

While Part One is sufficiently informative to be useful as a quick introduction to the study of law even for American law students, neither part of the book is designed as a text, sufficient in itself. It is guidebook rather than treatise. In a survey course for foreign students it will be used to communicate the general background information so that class time can be devoted to discussion of selected problems of particular interest. In addition the book merits the attention of teachers interested in teaching about law and the legal system in the liberal arts curricula. It is a ready-made syllabus for a course or seminar that could be a most effective vehicle for educating

the college student about law, whether or not he is interested in pursuing a legal education.

The author has done a creditable job of the kind he set out to do. It is to be hoped that he may be led, some day, into an expansion of this beginning into a more complete textbook about the American legal system. The need of our law students for such a structuring tool is great.

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