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## Wormser: THE LAW

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THE LAW. By *René A. Wormser*. New York: Simon and Schuster. 1949. Pp. 609. \$5.

The present American legal system did not begin its growth in Philadelphia in 1789, nor at Hastings Field in 1066, but began with the laws of the early Hebraic and Germanic tribes, and has grown through several civilizations, the interplay of one upon another forming the kaleidoscopic structure that is our legal background. This is the theme developed by the author in the first half of his book, in which he discusses the earlier civilizations that have contributed in some important way to our legal system. By giving a brief picture of the times, of the legal structure, and of the works of the most influential men, Mr. Wormser sets the stage for the later discussion of the English and American legal systems. An example is the development of the theory of "natural law" by Aristotle, who distinguished between "natural law" and "man-made law." This distinction was carried

over to Rome where the concept was used to develop an equity system similar to ours, and from the Romans, was adopted by the Christian Church and used as the basis for the canonical legal system. The theory of "natural law" was used by the legal writers in the century immediately preceding the American Revolution, and these writings exerted great influence on the men who created our government, for the Declaration of Independence makes reference to the "laws of nature," in which were included "Life, Liberty, and the Pursuit of Happiness." Of course, the term "natural law" did not mean the same thing to all who used it, but it often was an instrument which acted as a springboard of thought and helped add flexibility to legal systems that had grown harsh or archaic through the passage of time. From this discussion it must not be assumed that the author has dealt completely in abstractions, for the more interesting phases of our system, such as family law and criminal law are also among the topics discussed. The subject is not an easy one; the amount of source material is endless and the result could easily be another dry legal tome. Moreover a fine sense of perspective is necessary because the factors that influence the law's growth are often subtle and difficult to determine. Author Wormser seems to have anticipated these difficulties for his approach is diffident, and he claims no more of his work than that it is an attempt to acquaint the layman with the background of our legal system. To this end the law is pictured as a constantly growing structure, modified by the needs of those it serves, and extended by the writings of the great thinkers of the times. Care has been taken to illustrate each step with a brief history of the period so that the reader can appreciate the reasons for the law's growth and change. If fault is to be found with the book, it must be found with the last portion discussing the American scene during the twentieth century. Up until that time, Mr. Wormser has written with a reporter's impartiality, but in the last portion he seems to depart from his objective for he is no longer the reporter, but an active participant in issues which are today hotly contested. By changing his role, Mr. Wormser does not destroy the value of the greater part of this book, but this attempt to present his opinions under the guise of history is a blemish on an otherwise fine work.