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## COMPARATIVE LAW - CASES AND MATERIALS. By Rudolf B. Schlesinger. Brooklyn: The Foundation Press, Inc., 1950

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a man. In that he has eloquently succeeded. Anyone who reads the book, whether lawyer or layman, will have a better appreciation of Chief Justice Fuller and of the Court over which he presided.

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The era in which an attorney's proficiency was measured by his knowledge of the law of his own jurisdiction has been relegated to the past. Counsel of the mid-Twentieth Century may well expect to be called upon at any time to proffer advice requiring a working knowledge of the laws of several states and one or more foreign nations. Especially is this true in an area such as South Florida where we find that the advent of swift air transportation has brought Cuba far closer than our nearest sister states, Georgia and Alabama. Thousands upon thousands of *turistas Cubanas* visit and shop in the Greater Miami area each year. Their investments in this country, and particularly along the Gold Coast of South Florida, have reached astounding proportions. Their attorneys, whether here or there or both, must be able to evaluate their clients' problems equally in terms of our own laws and those of a nation employing a Civil Law concept, vastly different from our own.

Professor Schlesinger's book is not designed to give a substantive legal knowledge of any one, or group, of the Civil Law nations. Rather, it is the author's intent to confer "that modicum of understanding" which will enable the American law student and attorney to converse and correspond intelligently with his civilian brethren. To this end it is indeed an excellent contribution to an, as yet, neophyte field of Anglo-American legal study. One who completes a course of study based on this book will undoubtedly not have even the slightest notion of the requisites for devising Mexican real property, but he will have gained some insight into where he should look and the relative values of what he finds. Far more important, he will probably have acquired a much deeper appreciation of our own Anglo-American common law.

The compiler is one of those rare persons who is eminently qualified to write on the subject of Comparative Law. He has undergone a complete legal education in both Germany and the United States, and thus has a far greater understanding of both systems than does the student of either one alone. In addition, he has made a number of valuable contributions to the field in the form of law review articles.

The author (and he may well be called that, for his notes are extensive

and without question the most valuable portions of this case-book) has chosen to divide his volume into three parts. The first major subdivision deals with the ever troublesome problem of proving foreign law in our own courts. His choice of cases in this section, and for that matter throughout the book, is excellent from both the standpoint of interest and illustrative value. The number of cases is exceedingly small for a case-book, but this is more than made up by the adequate interspersing of "materials." The subsection dealing with comparative bibliographical materials, together with an extensive appendix listing practically every English language contribution to the field, will prove of value to the expert as well as to the novice.

In the second and most voluminous part of the book, Dr. Schlesinger has culled from numerous sources a group of materials devoted to showing the fundamental differences in the concepts of the world's two great legal systems. Here, he succeeds in showing the differences in training and functions of attorneys under the two systems and the extent of the civilian codes and the philosophies followed by Civil Law courts in interpreting them. Great emphasis is placed upon the apparent lack of *stare decisis*, at least in the form in which we know it, and the troublesome problems raised thereby when an American court is confronted with the necessity of applying Civil Law. It appears that our own courts are prone to give far greater weight to the judicial decisions of a Civil Law nation than would their own courts when confronted with precisely the same legal question. An effort is also made to point out those pitfalls especially likely to ensnare the common law advocate in his attempt at deciphering Civil Law principles.

In order to give a practical application of the premises and logic followed by the nations outside the Anglo-American legal sphere, part three of the book is devoted to a study of a few of the more common substantive problems which are likely to befall the American attorney. Admittedly brief and sketchy, they serve only to illustrate some of the difficulties involved.

To Professor Schlesinger go the plaudits of all legal scholars. His book is not a rehash of the works of others for there are no others. He is, rather, to be recognized as a pioneer in a field of study which has too long been neglected in American legal education.

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