

Book Review: The University Teaching of the Social Sciences: Law, by Charles Eisenmann

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Book Review

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The University Teaching of the Social Sciences—Law. By CHARLES EISENMANN. With an introduction, by JOHN HAZARD. Paris: UNESCO. 1954. Pp. 100.

The University Teaching of the Social Sciences—Criminology. A Symposium. Paris: UNESCO. 1957. Pp. 164.

The University Teaching of the Social Sciences—Law and the companion volume on Criminology form part of a series of research studies on the teaching of the social sciences commissioned by UNESCO during the past five years. The studies were based on reports received from a representative group of countries, including Austria, Belgium, France, Italy, Mexico, Turkey, The United Kingdom, the United States and Yugoslavia. The final reports embody the defects of all international symposia: many authors each with their own point of view and often with a national axe to grind. This result has been partially averted in the report on law teaching which was drafted by one man, Professor Charles Eisenmann of the University of Paris. However, the study of Criminology teaching includes the contributions of no less than thirteen different authors. While the purpose of UNESCO's research work is to assist under-developed countries, there is much information on present trends in legal education in the United Kingdom and in the United States in these two little books which should attract interest in all common law countries.

The report on law teaching was sponsored jointly by UNESCO and the International Committee of Comparative Law, and was prepared following an international conference on the teaching of law held at Cambridge in July, 1952. The report is divided into two parts: the first, an analysis of the aims of law teaching; the second, a description of the techniques used in various countries to carry out these aims.

In the introduction, Professor John Hazard (of Columbia University) affirms the need for an evaluation of the purposes of legal education:

Law teachers have become increasingly critical of legal education, both as to its aims and as to its methods. The dissatisfaction has been nearly universal. It has not been limited to a single country or group of countries. It has engulfed both the faculties teaching civil law and those engaged in preparing lawyers for the common law courts. It has included teachers who believe that legal education should train solely for careers on the Bench and at the Bar and those who conceive of legal education as preparation for business and public affairs, as well as for the more specialized career for the jurist and advocate.

It is not that there is one ideal method of teaching law and that all countries should work to attain it; rather that each country has its own educational system which can benefit from the ideas followed in other countries. Professor Hazard continues:

It is not impossible that the increasing inter-change of law school teachers under the numerous exchange programmes fostered since the war will speed the process of study of other systems and the selection of the best from all. Already the Socratic method which has been characteristic of legal education in the United States has found its way into some classrooms of the Law

Faculty of Paris. The tutorial system, long associated with the English residential college, is being tried in modified form in some of the law schools in the United States. While it seems unlikely and even not yet desirable that a common aim and common teaching methods will develop in law schools throughout the world, the wide variations of the past may be reduced as a result of the expanded interchange of ideas.

All law schools expect students to obtain a broad background in non-legal subjects. The method of providing this training varies widely from the integrated undergraduate curriculum preferred by continental universities to the professional law course in the United States, the curriculum of which is drawn up on the assumption that students have received extensive non-legal training before entering the law school.

The report indicates that in the United States it is the rare law school indeed that provides any training in specifically non-legal subjects. In practice, the same is true in England where the university study of law is "a full time law course". On the European continent, however, political economy and other disciplines form a regular part of the law school curriculum. One view as to how non-legal subjects should be presented is summarized in the following passage referring to legal education in the United States:

A short time ago, however, some of them (the law schools)—not very many, it must be admitted—accepted the view that the training of a good legal practitioner itself required some expansion of the traditional limits of strictly technical or specialized teaching . . . Some schools have gone so far as to say that law is the form in which all economic life is being carried on; that the overwhelming majority of legal problems are economic problems. Those in charge of these schools have concluded that their students should be initiated in non-legal branches of learning, and have instituted a curriculum which includes political economy, sociology and psychology. It has been objected that these disciplines figure in the curricula of some at least of the colleges through which the students pass before entering the law school. The schools in question answer that while this may be true on paper, in fact the students have no thorough knowledge of these subjects when they enter the law schools. The critics have countered that it would be enough to make such subjects compulsory in all the colleges, and their study more thorough. To which the schools reply that the inter-relation of law with these subjects is possible only when all are taught together rather than in separate institutions at chronologically different times in the students' developments.

The UNESCO study also includes an interesting description of teaching methods in the United States and in the United Kingdom. The merits of the "case" system of instruction as opposed to the "systematic" method are considered, as well as such problems as study discipline, testing and examinations.

The University Teaching of the Social Sciences—Criminology is the most recent UNESCO study to appear in this series. Criminology is taken to include the subjects of criminal biology, criminal psychology, criminal sociology, forensic medicine and judicial psychology.

The recommendations of the International Society of Criminology, which was responsible for the drafting of this UNESCO study, emphasize that Criminology serves many disciplines, especially medicine and law.

Generally speaking, and excepting Great Britain and the United States, criminology is included in the education of most law students, although it may actually be taught in another faculty of the university. International conferences on penal law have from time to time reported on the value of the new social science and in December, 1952, the Conference of Specialized Agencies and Non-Governmental Organizations Interested in Crime Prevention made a recommendation to the United Nations that the teaching of criminology be made compulsory for all those intending to take up the law as a profession.

One branch of criminology—forensic medicine, has been effectively linked with the study of law in the law faculties of many British and almost all European universities.

Although it is modestly described in the UNESCO report as “the least distinct of the subsidiary sciences of criminology”, judicial psychology is finding wide acceptance in the curricula of European universities. Indeed the extent of the growth of the new science in American universities is significant. Today “the teaching of criminology is almost universally found in the curriculum of every sociology department in under-graduate liberal arts colleges”. Of thirty leading universities offering graduate training in the arts or sciences only five do not provide the teaching of criminology. Modern courses now deal with such topics as the evolution of punishment, the treatment of offenders, probation and parole, crime and its causes, theories of criminal causation, organized crime and the professional criminal, law enforcement and alcoholism and so on.

Canadian law students will be interested to know that in many schools in Great Britain and the United States the strictly professional law curriculum is being leavened by an occasional course in political economy or forensic medicine. Although the theoretical approach of European law schools has not been adopted *in toto* by any of the common law institutions, it would appear that many schools feel that the student should study economics and psychology at the same time as he is reading law. And there can be little doubt that the work that is now being done in some of the civil law countries in providing students with a knowledge of subjects like criminal psychology and forensic medicine is having practical results of the most worthwhile kind.

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