

## THE SCHOOL OF LAW REVIEW

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*Editor*—G. C. CARPENTER

*Executive Editor*—E. GREENBLATT

### In Memoriam

LIEUT. A. J. HENDERSON, of the Argyle and Sutherland Highlanders, B.A. 1937, killed in action in France on August 27, 1944.

LIEUT. NORMAN A. CHRISTOPHERSON, of the Algonquin Regiment, B.A. 1941, died of wounds in France on August 10, 1944.

LIEUT. SYDNEY J. MOULDER, of the Royal Regiment of Canada, B.A. 1941, killed in action in France on July 18, 1944.

LIEUT. ALLAN WARD, on loan to the British Navy, B.A. 1944, killed in action in France on June 26, 1944.

FLYING OFFICER GEORGE GORDON BRADSHAW, R.C.A.F., LL.B. 1938, killed in action on July 29, 1944.

There are, perhaps always have been, some students in the School of Law who cannot see the value of taking subjects not directly concerned with some aspects of law. Any subjects which does not relate to the practice of law as he conceives it from his reading of the law reports is unnecessary and irrelevant, a needless waste of the time which he would rather spend studying the law.

The validity of the reasons for objecting to such a point of view is not impaired by the fact that we are here taking a university course which does not qualify for practice. The point that we wish to make is that it is necessary for the lawyer to have a liberal education. We will not here attempt to deal with the whole broad question of the desirability of a liberal education: we will assume that it is desirable on the basis that our whole system of government rests upon the hypothesis of an educated, or at the very least, literate population, and on the ground that it is the constant aim of the government, at any rate in these days, to give a greater amount of education to a greater number of people. It is as well to remember that the lawyer, the doctor, any person whatever his trade or calling, is primarily a citizen, and he will be the better equipped to realize his role in the community if he knows something about the society in which he lives.

Perhaps the most important thing that a student of law can learn is the place of law in the community; if he does not learn it while he is a student it is almost safe to say that he will never learn it again. Law does not exist by itself and for itself, it is at best only one of the controls which society imposes upon itself. As such it has no real meaning outside its context. To know what it is we must fit into its proper place among all the myriad aspects of life, and to do this we must know what those aspects are; for they modify the law, as they are in turn modified by it. It becomes important to know how man thinks and acts, why he thinks and acts as he does and to be able to predict how he will react in a given set of circumstances. Unless the law relates to man in the present circumstances of his living—it becomes nothing but a rigid set of rules, a burden to be cast aside when its weight becomes too heavy a burden to bear. That is what in effect does happen to rules of law which are incapable of modification to suit the changing times.

For a recognition of the value of the study of psychology in this connection small plea need be made. Even those who take the narrowest view of law admit the practicality of knowing something about it. It should scarcely be necessary also to point out the very obvious advantages of a knowledge of economics. Man may not be, as the economists would have us believe, an economic animal, but it is fair to say that the economic motive dominates a good many of his actions. More than that it is perhaps the greatest formative influence in politics and consequently in government and law-making.

If the study of political science is objected to on the ground that, to know that circumstances are changing needs no background of theoretical knowledge, we would reply that such an objection fails to take into account the important part that theory plays in determining action, more especially collectivist and governmental action. The exigencies of circumstances may demand that we act in a particular way, but man is not and never has been satisfied to justify his action merely on the ground of expediency. He must rationalize, find a reason, fit it into a system. So what might have remained a temporary expedient is changed into the first step in a new system. Moreover, political science is the science of the development of theories of government and the modifications which they have made in our governmental and social systems. Without tracing the evolution and development of the state it is impossible to understand adequately its machinery and functioning. For this reason alone the study of political science becomes at once a necessary part of a legal education.

From philosophy we learn not only what men thought about man and nature, but how they thought. In fact, we learn to think in terms of thought, of logical concepts. It gives us, as nothing else could, a training in logical thinking, that quality which has

always been regarded as the property of the judicial mind. The study of the history of philosophy is complementary to the study of political science, for from the philosopher we learn those systems of thought which are translated by the political scientist into theories of government in terms of institutions. Therefore all the reasons for studying political science apply with equal force to the study of philosophy.

But these subjects do not mark out the necessary limits of legal education, they merely indicate how broad is the field of knowledge that must be acquired. The ideal is that there should be no field of human knowledge with which the lawyer has not at least a nodding acquaintance, for at some time or other in his practice he will touch them all. To take an obvious example, no lawyer will be able to understand the significance of evidence given in relation to a certain trade unless he knows something of that trade; nor can he cross-examine, for instance, a surgeon with relation to some operation unless he knows something of surgery. I have seen witnesses antagonized, significant pieces of evidence brushed aside and a case lost because of a lawyer's ignorance of the processes of printing a newspaper.

The case for a liberal legal education needs no apology; its necessity is self-evident. All we desire is that this necessity be recognized by the student while he is studying, so that he may be the better equipped to satisfy his client as well as himself in practice, the less liable to be dubbed in scorn a "drawing-room lawyer."

G.C.C.

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