EDITORIAL NOTES

In this first number of The Modern Law Review some apologia is perhaps needed for the appearance of yet another journal devoted to the discussion of legal topics. The Editorial Committee feel that they cannot put their point of view better than it appears in the following quotation from the circular which they addressed to the profession and to others who might be interested.

English legal periodicals have hitherto dealt almost exclusively with the technical aspects of the law treated from such varying points of view as the historical, analytical, or descriptive. Although this approach is, and must always remain, indispensable, a group of lawyers, including members both of the teaching and the practising branches of the profession, have for some time been thinking that it isolates the law too much from those contemporary social conditions in which it must always operate, and cannot therefore be safely used as an exclusive method of legal thinking. They have decided accordingly to start a new periodical to be called The
MODERN LAW REVIEW, which it is hoped will usefully supplement the existing periodical literature.

The REVIEW deals with the law as it functions in society and primarily with English Law in its relation to contemporary English conditions and problems. For this purpose, however, it will necessarily have to consider the treatment of similar conditions and problems in other countries, and especially those with closely related systems, such as the British Dominions and the U.S.A. It will take as its field also those branches of scientific study in which law is an important but not the only factor. To take a few examples: problems of punishment and recidivism must interest the criminal lawyer as well as the criminologist; problems of monopoly are of primary interest to the economist, but they are closely affected and controlled by legal rules as to restraint of trade; the problem of adjusting the law of defamation to modern conditions with their enormous growth of newspapers and other printed matter calls for the careful consideration both of the lawyer and the legislator; the problem of how far the mass of industrial legislation actually affects the lives of the industrial population whose social and economic condition it is intended to protect, and of its effect on economic conditions generally, is of importance to the lawyer as well as to the economist and sociologist.

Conversely it is important to be acquainted with the particular social conditions and ideas which produce the law, whether in statutes or cases. The inarticulate major premise is dominant not only in the judge but in the legislator and the administrator; all these are often faced with problems and decisions which demand a clear conception of the social basis of the law.

Again, the recent history of English Law has been one of continual reform and re-adaptation. This is a process which it is believed must go on for a long period. All projects of reform should be subjected to searching analysis and discussion in their early stages. In the past the legal journals have not taken a very prominent part in this necessary process, which has, for the most part, been left to the lay press. It is intended to make constructive proposals for, and criticism in connection with, legal reform a special feature of the REVIEW.

These and many other aspects of the law will be regarded as within the scope of THE MODERN LAW REVIEW.

We have only been able to embark upon this venture because of the generous support of a number of well wishers who have given guarantees towards meeting the possible deficit. In particular we would mention the subscription by the Behr Trustees of thirty pounds. After an experimental period, however, the REVIEW must pay its way, so that we appeal to readers to bring its existence to the notice of their friends and others who may be interested so that the number of subscribers may be increased.
I HAVE been asked at the launching of The Modern Law Review to perform the customary ceremony of breaking a bottle of wine on its bows in token of good wishes for the prosperity of the new venture. Happily an exacting standard is not applied to the vintage employed on such occasions; I should otherwise have felt some trepidation in taking part in this symbolic act, for the occasion is one of no little significance.

In the first place, though it relies on advice and support from other centres of learning and from the practising profession, the Review originates with and its editorial committee consists of a group of teachers in the vigorous Law School of the University of London, hitherto voiceless. This in itself is matter for congratulation. But perhaps more important is the specific contribution which its promoters design to make to legal literature. A Law School situated in the greatest city of the world must have an outlook of its own. Law is studied here not in a cloistered academy, but at the very heart of a busy community. At hand are the myriad activities of a vast population which provide unrivalled opportunities for the observation of law in daily operation, not only in the courts and in parliament, but in the market place and in the life of the people. It is inevitable that those who study law in such surroundings should be alive to its social, economic and political aspects, and it is to the discussion of these aspects of the science of law that this journal, as I understand, is to be primarily devoted. The field is a wide one which is only beginning to be cultivated and may well yield interesting and profitable crops.

The epithet "modern" may arouse some misgiving. Law has always been regarded as a conservative science, for its business is the conservation of life, liberty, and property, and its most resolute maxim is stare decisis. In some quarters impatience with this characteristic of the law has grown up and a desire has been manifested to make it the servant of the executive and the exponent of the political or economic views of the dictator of the moment, whether autocratic or proletarian. And there is another aspect of modernity which is distasteful, a pert assumption that tradition and authority have nothing to teach us and that if we only use a new-fangled and sufficiently portentous vocabulary we are necessarily thinking new thoughts. It is not, I am sure, because of these implications of the word that it has been used in the title of this Journal, but rather to serve as a reminder, in
the words of Lord Asquith, that the Common Law of England "is not a compendium of mechanical rules written in fixed and indelible characters, but a living organism which has grown and moved in response to the larger and fuller development of the nation." "To confine principles to circumstances peculiar to a past generation," said Lord Stowell, "is in effect to negative the application of those principles."

So it may be said with truth that there is no more valuable, as there can be no more attractive, study than that of the problems presented by the adaptation of law to the constantly changing requirements of the community. To assist in the wise adjustment of the law to new needs and new conditions and in perfecting it as the instrument of justice between man and man would be a fine service both to the law itself and to the State. I hope that The Modern Law Review will render it.

MACMILLAN.