

June 1930

From the Physical to the Social Sciences

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Recommended Citation

J. R. Cresswell, *From the Physical to the Social Sciences*, 36 W. Va. L. Rev. (1930).
Available at: <https://researchrepository.wvu.edu/wvlr/vol36/iss4/17>

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as a practical matter, if the passenger is bound to watch (1) for trains on the track, and (2) for defects in the crossing, it would seem that under the language of the court the passenger cannot recover where the driver was negligent unless the negligence consisted of something which the passenger had no opportunity to prevent, such as suddenly swerving the car or stalling it.

The following question seems to be still in doubt: Can a passenger go to sleep or be engaged in something requiring his entire attention while the driver is approaching the crossing? In the *Young Case*, *supra*, where the passenger was permitted to recover she was holding a baby on her lap. In this case it does not appear what the passenger was doing. It is submitted that the duty on the passenger to be watchful of trains and at the same time to be watchful of defects in the highway is a very severe one and should not be extended to cases where the passenger was doing something else which required his full attention.

—MELVILLE STEWART.

FROM THE PHYSICAL TO THE SOCIAL SCIENCES—Rueff, Jacques, Baltimore: John Hopkins Press, 1929. xxxiv 159 pages.

This book is published under the auspices of the Institute for the Study of Law at Johns Hopkins University, with the intention of presenting a method whereby law may be rendered "scientific". The introduction of twenty-three pages by Herman Oliphant and Abram Hewitt of the Johns Hopkins Institute of Law is probably the only part of the book which will be of interest to the lawyer. Here the principal reasons for the confusion in law are stated with force and illustrated with clarity. Three methods are in common and occasionally conscious use among lawyers, namely the *transcendental*, the *inductive* and the *practical*. The *transcendental* method "starts by assuming the existence of some general 'principles' within which the solution" of the concrete case "is hidden away". (p. xii). Here the authors of the introduction pause to make some very proper jeers about the origin and validity of such transcendental "principles". The method assumes the existence of a "natural law" composed of permanent principles of right. The *inductive* method purports to derive the fundamental principles of justice from an examination of a number of particular cases. The absurdity of this method is stated by the authors thus: "If the principle thus 'induced' is no broader than the sum of the previous cases which it summarizes, it obviously does not and cannot include the case to be decided, which, by

hypothesis, is a new and undecided case, and, hence, can form no part of the generalization made from previous cases only. If it does not include the case to be decided, it is powerless to produce and determine a decision of it. If it is taken to include the case to be decided, it assumes the very thing which is supposed to be up for decision." (p. xix). The third method of approach is the *practical*. The decision of a case is here determined by a reliance on "common sense"—"a sort of intuition of experience which assumes to know how to decide the practical questions of life merely as a result of having lived in life". (p. xxv.).

In order to enable the lawyer to escape from the three fallacious methods of approach above enumerated, the translation of this book was undertaken; for Mr. Rueff apparently holds the remedy for the piteous plight of law, in his discussion of a scientific method applied to the social sciences.

But with the reading of the text itself the lawyer, however accustomed to the strange jargon and confusion of his own field, will probably lose interest and prefer to let Mr. Rueff keep his remedy; for the disorder of the exposition and the unstable meaning of at least one ord, *i. e.* "reality" (pp. 16, 22, 78, 83, 154, 159 *et passim*), render a coherent interpretation almost impossible.

The point of departure is "living man, grappling with this something which resists him, which he calls reality, and which reveals itself only in a succession of sensations. All that is real, all that is given to him, is this series of sensations and nothing else." (p. 22). This unknown something, this "real" later turns out to be "life, the entire life of the universe * * * the vast synthesis of all being, the infinite progress whose end we do not know"; (p. 69, see also pp. 62, 77, 95) though he elsewhere admits that such a statement is meaningless by saying "that the nature of things, the underlying reality, the logical cause of our sensations are expressions which for us have no meaning and can have none." (p. 60, see also p. 39). This is the first confusion.

By observing, by experimenting, and by living man derives from these sensations "general rules which are the expression of the common character of a certain group of sensations and which serve to direct his future action. But these rules are no more reality than is the sphericity of marbles. Before man had asserted them they did not exist". (p. 22). These empirical rules are the creation of human reason though they are not entirely arbitrary; there is something in them not ourselves (pp. 57, 59). But to enquire into this something is meaningless as has already asserted. This is the second confusion. The practical rules of surveying as known to, say, the ancient Egyptians may serve as an example of the empirical laws derived from observation. Such rules precede

the construction of a rational geometry. These empirical generalizations created by human reason apparently provide the subject matter of the several sciences, or the "reality" which is to be explained by a rational theory. This use of the word "reality" as compared with its use as meaning "life" constitutes a third confusion.

The explanation of the "reality" thus obtained is the work of the theoretical sciences. Human reason governed by the Laws of Identity and Causality demands a "nature of things" to exist, "to be made up of things identical with themselves, and to be the causes of observed phenomena" (p. 23). Thus, the rules of surveying are explained by "creating causes", that is by the invention of "a system of propositions, axioms and definitions capable of being the cause of the empirical rules laid down." For this, it suffices that "reason operating on these propositions can draw therefrom conclusions whose expression coincides with the rules of surveying". (p. 29, see also p. 59). It is hard to see the necessity of creating such causes if their sole service is for the deduction of proposition, the formulation of which coincides with the previously known empirical rules. Possibly such a theory is a mnemonic device useful in recalling a number of empirical rules, but it scarcely deserves the name explanation.

The two requirements for any body of knowledge to fulfil in order to become "scientific" are consequently as follows: First, the proper selection and determination of the empirical rules constituting the "reality" of the science, and, second, the logical construction of a system from which propositions coinciding with these empirical rules may be deduced. The author then proceeds to review hastily various physical and social sciences showing how the method is applied. Since the success of the method seems to depend largely on the scientist's fertility of imagination in creating causes, it is clear the method would work admirably in religion. As a matter of fact the author says that "from the purely logical point of view the physical theory which can be built upon it (i. e. religion) is sound." (p. 86). It thus appears strange that one should prefer, at least on logical grounds, a modern scientific explanation of events to a primitive animistic explanation. Such is the curious attitude which seems suggested in this treatise.

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