

Reason and Law

BY MORRIS RAPHAEL COHEN

To his writings on the law Morris Raphael Cohen brought a unique combination of talents. He was of course preeminent as a philosopher and particularly outstanding in logical analysis. He was almost equally versed in political and sociological theory. He stood out among his contemporaries in philosophy not only for the content of his work but for his limpid and lucid style.

All these gifts he brought to bear on the law. They made it possible for him to see through many a snarl and tangle which scholars more narrowly equipped had been unable to simplify. He wrote on problems of the law with such breadth and clarity that many of his essays were published in magazines of general interest.

His concept of polarity, his principal contribution to philosophy, lent itself especially well to clarifying legal problems. Throughout these studies he shows how any theory of the law pushed to dogmatic conclusions will not explain the actual content of the law. For example, he shows the unreality of the theory that law is

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custom and, equally, the unreality of the opposite theory that law is based on justice.

In this approach Cohen let the law speak for itself. Both trained lawyers and laymen interested in philosophy will be astonished to find how completely at home Cohen was in the law, including the case books. Particularly amazing is his continuous knowledge of recent and contemporary legal developments in many countries. Those interested in modern history will find here a dimension usually neglected elsewhere.

Reason and Law is the most important of Cohen's posthumous works. With its publication, the wider world will better understand the great intellectual and moral authority which Morris Raphael Cohen wielded as a teacher and friend over several generations of students and scholars during his long years at City College in New York.

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