

abbreviations, and the examples she uses to support her points are well-known and relevant. Ultimately, this book will prove valuable for business owners, policymakers, and legal practitioners.

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Lost in Translations: Roman Law Scholarship and Translation in Early Twentieth Century America. By Timothy G. Kearley. Durham, NC: Carolina Academic Press, 2018. Pp. xxi, 216. ISBN: 978-1-53100-722-5. US\$40.00.

To fully appreciate translation as difficult, detailed work, one might start with learning a new language, and then, usually after many years, reach a level of proficiency that would enable one to laugh at a joke or pun in that language or go on to grasp its ambiguities expressed in literature and poetry. Interpretation and cultural nuances of meaning challenge students of ancient languages as well as modern ones, and legal historians as well as U.S. constitutional scholars, even though the latter are working in their own first language. One can then imagine the scholarly heroes of Professor Kearley's book as they strove for precision in translating the language of a legal culture long past yet layered over with centuries of commentary. Add to this the context of an evolving legal system in a young democracy, experiencing the disruption of greater industrialization, and you have the situation of the lawyer/scholars described in this book.

Kearley profiles four translators of Roman law, including Fred H. Blume, the Wyoming Supreme Court Justice around whom the website for his Annotated Justinian Code was created. The work of this American judge and lawyer in the "wild west" of the 1920s through the early 1950s was the lonely work of a Latin translator combined with a geographic and perhaps intellectual isolation. Or was it? Kearley tells a detailed biographical tale replete with the history of how these almost-forgotten translators, starting out or ending up mostly in other middle-American areas, acquired classical education. He is not tracing the lives of students in east coast boarding schools but men from Nebraska (Charles Sumner Lobingier), East Texas (Clyde Pharr), and, for the antebellum scholar he adds to the list, Hillsboro, Ohio (Samuel Parsons Scott). Pharr ended up at Yale and eventually became a classics professor and not a lawyer. Only Charles Phineas Sherman started life in New England on his journey to Yale. Sherman studied Latin and Greek at a public school in West Springfield, Massachusetts and for a time had the influence of an excellent teacher, managing to stay engaged with the languages through further tutoring.

As a result of looking into late nineteenth and early twentieth century lawyers who became translators, Kearley is able to provide a useful, if brief, portrait of what classical and legal education was like in the late antebellum and just post-civil-war years, when the earliest figure, Scott, was entering intellectual and scholarly life. While some might say that it is not a new phenomenon that scholarly attention be paid to Western, "dead white males" from the Graeco-Roman cradle of European civilization, the less familiar aspect Kearley examines is the extent to which non-elites could learn Latin and Greek in local public schools. (Lobingier studied at the University of Nebraska's prep school, a Latin School, where Roscoe Pound was a classmate). Moreover, with the possible exception of Sherman, the rural, well-off but not sumptuously wealthy group of lawyer/scholars examined here started out as regular students, curious about another legal system and its sources. This reminds us that there was an American interest in ancient achievement that went beyond the interest in Greek ideas about democracy and government. This interest eventually returned, after the Gilded Age, to broaden ancient studies beyond philology. These were not British Empire-builders but men who became lawyers and then part of what Kearley calls "the Elite Bar" as academic law schools began to rise in prominence in the late nineteenth and early twentieth centuries. Ironically, perhaps, the open opportunities for early education in some parts of rural America may have given rise to a desire among the successful to help make the legal profession "gentlemanly" and "establishing law in the United States as a learned profession, as opposed to a trade..."

While Sherman was one who pursued an academic career (albeit along a circuitous road ending at Boston University and finally at Catholic University), most of these translators were doing the hard work of making Roman Law sources accessible in English on their own time. Blume produced his unpublished *Annotated Justinian Code*

(1944), which has become *The Codex of Justinian: A New Annotated Translation, with Parallel Latin and Greek Text, Based on a Translation by Justice Fred H. Blume* (2016) (Bruce W. Frier, gen. ed.); Lobingier produced translations of Gaius (presumably the *Institutes* though the text does not say) as part of his major work, *The Evolution of Roman Law from before the Twelve Tables to the Corpus Juris* (2d, ed. 1923); Scott translated the Visigothic Code as a work by that name published by Boston Book Company, 1910; and Sherman's *Epitome of the Roman Law* translated texts from Justinian's *Institutes*, contributing apparently to his scholarship in his major work, *Roman Law in the Modern World* (3rd d. 1937). Finally, Pharr's venture into Roman law produced *The Theodosian Code and Novels and the Sirmondean Constitution* (1952), as well as *Ancient Roman Statutes* (1961) (under his general editorship, compiling the work of other translators). These titles, and a rich bibliography of their works along with reviews of their works, are found in the five appendices at the back of the book.

Not all of the work done by all of these translators was met with unconditional praise. Kearley includes reception of the works and points out that many are no longer cited as references. Thanks to Kearley's own efforts, the work of Justice Blume has emerged as a previously unknown contribution to Roman law scholarship in our own day. The ebb and flow of our close connection to the classics is one of the concluding themes sounded by Kearley in his fascination with the scholarly endeavors of lawyers and judges. I would recommend this book on slightly other grounds, and I see two areas to which this comparatively short book draws attention.

First, Kearley devotes a section to the chapter in American legal history when David Dudley Field urged codification of U.S. law in more of the civil law tradition (as opposed to revised statutes merely organized topically) in the 1840s. Harmonizing and rationalizing the rather scattered, growing volume of case law ultimately did not appeal to common lawyers. Kearley implies that they wanted judges rather than legislators to build precedents into rules of law. The later *Restatements* of the American Law Institute that began publication in the 1920s were the work of many legal scholars familiar with Roman and foreign law, as Kearley points out. What are left out of his account of the Roman and civil law tradition, however, are references to Louisiana, the American civil law jurisdiction that generated interest in Roman law within the civil and comparative law contexts that Lobingier and the others pursued in relative isolation.¹

Second, an interesting feature of Kearley's book is his inclusion of the Riccobono Seminar at the Catholic University of America, a lecture series that grew up around Salvatore Riccobono, a professor of Roman law at the University of Palermo. This brought Blume, Lobingier, Pharr, and Sherman into a circle as presenters, and there were other connections among the scholars here that are highlighted in useful graphics to show their connections to each other in a web of scholarly communication.

Timelines are helpfully employed to show an overlay of events in the careers of each man profiled. These features, together with information about what journal literature and library resources were available during the periods covered, make the book a resource for librarians and special collections curators working on American legal history. Apart from a few typographical errors and a spare index, the text reads well and shows attention to detail along with a fair amount of detective work on these lesser-known lives. This work by a scholar-librarian² illustrates well the role of translation and interpretation in the wider web of legal information.

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¹ See S. Herman, *The Influence of Roman Law Upon the Jurisprudence of Antebellum Louisiana*, 3 *STELLENBOSCH L. REV.* 143 (1992); D. Snyder, *Possession: A Brief for Louisiana's Rights of Succession to the Legacy of Roman Law*, 66 *TUL. L. REV.* 1853 (1992). While Professor Herman elucidates the substantive law influences of Roman Law on modern codes, his earlier articles express doubt that Gaius' tripartite "persons, things, actions" division influenced modern code structures, including that of Louisiana. S. Herman, *Uses and Abuses of Roman Law Texts*, 29 *AM. J. COMP. L.* 671 (1980) at 686 (quoting, in author's translation, J. DE MALEVILLE, 1 *ANALYSE RAISONNÉ DE LA DISCUSSION DU CODE CIVIL* 2 (3d ed. 1822) (first published 1804–1806).

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