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Editorial

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EDITORIAL

The Supreme Court of the United States recently has declared that the assumption that there is "a transcendental body of law outside of any particular state but obligatory within it unless and until changed by statute" is a fallacy, and that "law in the sense in which the courts speak of it today does not exist without some definite authority behind it," and that "the common law so far as it is enforced in a state, whether called common law or not, is not the common law generally but the law of that state existing by authority of the authority of that state without regard to what it may have been in England or elsewhere." The court, departing from and disapproving a practice of almost one hundred years, decided that this "fallacy" should no longer be acted upon in deciding cases. Is it not time that law schools, which for years have disingenuously and as a matter of expediency, based their course of instruction on this "fallacy," should also acknowledge its manifest falsity and cease to pretend that they believe that it is true?

W. H. Hitchler