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# THE FIRST HALF-CENTURY

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## THE FIRST HALF-CENTURY

It is now fifty years since the founding of the *YALE LAW JOURNAL*. Its first volume, consisting of six numbers with a total of 278 pages, was edited and published as an enterprise of a small number of students then in the Yale School of Law. In its leading editorial, these young men stated their aims and purposes. It is a statement that today, after a lapse of fifty years, they may read again with a well-justified sense of satisfaction, with respect to both its form and its substance. In the following sentence, they expressed their idea of the relation of the *JOURNAL* to the School of Law: “. . . its success should be a mark of the vitality of the school.”

The risk and responsibility undertaken by these young founders of the *JOURNAL* was not small. The risk was both financial and intellectual. The school itself was none too prosperous. The faculty was not as large as it looked in print, since it was composed almost exclusively of practicing lawyers and judges who devoted comparatively small portions of their time to teaching and scholarly research. The student body was small and contained a large percentage of men wholly without college training. For some years the editorial board consisted of from seven to ten students, a self-perpetuating body, selected without the benefit of very serious competitive tests as to their editorial capacity. Upon this small group rested the burden of inducing scholars to submit articles for publication, of reviewing the rapidly increasing output of the courts and legislatures, and of themselves writing the critical notes and comments on decision and legislation. There was many a year in which they had difficulty in filling their pages with material of high scholarly quality; and occasionally they were forced to include some of their own work among the leading articles. The establishment of traditions and standards as to form and quality was a slow process.

Of course, the student editors and publishers were given encouragement by members of the faculty. Very appropriately, the article that appears on page one of Volume One was written by Simeon E. Baldwin. Professor Baldwin, afterwards Chief Justice and Governor of Connecticut, had almost single-handedly recalled the school to life in 1867, when the effects of the Civil War had left it virtually non-existent. For more than twenty years after the founding of the *JOURNAL*, there was hardly a volume that did not contain one or more articles from his pen. When we consider the manifold interests and accomplishments of this indefatigable man, it need not surprise us that few of his articles involved extended research.

For the first twenty-five years of the *JOURNAL*'s existence, its size and quality gradually improved; but the contributions of the law faculty to

its pages were neither numerous nor impressive. Their contributions, both in the form of articles and in critical assistance in the preparation of notes and comments by the student editors, increased as men were added to the faculty who gave their full time to teaching and research. Hohfeld published his first article on *Fundamental Legal Conceptions* in Volume 23; and succeeding volumes bear witness to the fact that he had joined the Yale Law Faculty. The requirement of a college degree for admission to the school, and the rule limiting admissions to the best 100 applicants (now 120), made available a much greater number of qualified men from whom to select an editorial board. For very many years, the selection has been based upon a severe competition, with only those having a high record in law school courses eligible to compete. The board has increased in number, permitting great enlargement in the amount of material published. At the same time, standards and traditions as to form and quality have been developed, enabling each editorial board to use them as a basis for its own variations and improvements. With the coming of Dean Swan in 1916, and with the growth of the faculty from that time to the present, the accuracy of the statement by the founding editors has had such continued proof that we can now say "its success has been a mark of the vitality of the school."

The pages of the JOURNAL have shown, and must continue to show, the changes in the climate of opinion in our great country. There we find evidence of continually developing consciousness of the evolution of government and of law, constitutional, statutory, and unwritten. We see the waves of opinion as to methods of legal education, as to the part played by the courts in the development of our legal system and in the functioning of government. We find continued discussion of the growth and functioning of corporate and other business organizations. The changing ethical and social mores, the emerging and the dying theories of economics and politics, are appealed to, sometimes naively and sometimes dogmatically, in the process of temperate and intemperate criticism of court decision, of administrative action, and of the work of juristic writers. The amalgamation of law and equity, the simplification and reform of procedure, the growth of arbitration and of administrative commissions as competitors with the existing judicial system, all these gradually fatten the annual volumes of the JOURNAL. And above all, in the last ten volumes, we see the effects of economic and political conflict—the struggle for survival and for power between state and nation, between the written constitutional word and the radical innovation impatient of the rule of the dead hand, between organized labor and incorporated capital.

No man can foresee the changes of a second half century of the life of this magazine. Will the surging tides of war, economic and military, between classes and parties and races and peoples, allow continued exist-

ence to a law journal, or a university, or an Anglo-American system of law and government? When these tides sweep over our fringed islet, once so isolated and so safe, which we like coral polyps have built up, there may be no survivor to recall the dead to life. But so long as the future does not repeat the too distant past, the pages of the JOURNAL may be expected to record new climates of living opinion, new struggles for the objects of men's desire, new and hurrying steps in the evolution of man and his social organizations.

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