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THE LAWYER'S TREASURY, edited by Eugene C. Gerhart. The Bobbs-Merrill Company, Inc., Indianapolis, 1956. Pp. 520.

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To conclude, we may perhaps, turn the words of John Donne to our purpose and to that of Dean Batiffol and say: "No legal system is an island complete in itself; every legal system is a piece of the juridical world, a part of the main land."

*Raymond Jeanclos**

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Someone has said that the principal benefit to be derived from reviewing a book is that the reviewer becomes an expert on the book without having to read it; another, more economically motivated, has said that the principal advantage of reviewing a book is that the reviewer can keep without charge the copy furnished for review and does not have to buy one.

I have derived neither benefit: I had purchased and almost completed reading *The Lawyer's Treasury* when I was requested to review it.

The Lawyer's Treasury is an anthology of the best to appear in the forty-year history of the American Bar Association's official publication, *American Bar Association Journal*. In this sense, the work offers nothing new and nothing which could not be obtained from the files of many public libraries. The book's value lies in this: that the best writings of general interest to the legal profession during the last forty years were screened by the leaders of the profession today and, from the one hundred and twenty-five articles nominated for inclusion, forty-six were selected and published. This is professed by the publishers and confirmed by the tendered product.

As with all anthologies, the reader will regret that this or that article was not included (or excluded) and will undoubtedly feel now and then that the sequence of the articles should have been somewhat different. The forty-six articles occupy only 469 pages, the shortest occupying only two pages and the longest nineteen.

The book contains much that is provocative, much that is inspiring and informative, and is as a whole refreshing and interesting.

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To the Louisiana lawyer, much that is said in "Our American Heritage" will seem very New Englandish and, to the New England lawyer, very British. The complete title, "Our American Heritage of Freedoms from the English Constitution," puts us on guard when we realize that the English have no "constitution."

"The Law and Lawyers in English Proverbs," while an interesting study of modes of expression, has little place in this anthology and is the type of article so amusing to, yet so damning of, the profession. To spend thousands of dollars on public relations to counteract the "picturesque" view the layman takes of the profession and then to propagate their "succinct and picturesque" expressions in this book is not understandable.

"The Bar and the Public Trust" is an article by a "foremost newspaperman" and, while he was apparently "asked to speak candidly and frankly," the author is not nearly so candid and frank as he is arrogant and blatant. He warns the profession that: "When the press sees injustice and dishonor, don't expect us to stand idly by."

Louisiana has its niche in this anthology. One of our great lawyers and scholars, the Honorable H. H. White, most widely known as the author of *White's Notarial Guide*, writes "The Supreme Law of the Land." Under a truly impressive title, suggesting many a constitutional problem of today, we find a fascinating recount of an unreported case, "The State of Louisiana versus Hiram Powell," illustrating (it is not quite clear) the ignorance of jurors in Louisiana's Bible belt (Alexandria, Rapides Parish), the insincerity of the Moses-like lawyer from Texas who invaded this jurisdiction, or the dissimilarity of Louisiana law to the Old Testament of the Bible.

Now let us turn to what should be and is in this fascinating book. The editor, Eugene C. Gerhart, writes most interestingly on the important role of "facts" in the judicial process, in "The Fountainhead of the Law — the Facts."

Touching on the very current and old controversy between natural law and positivism, Judge John J. Parker in "The Role of Law in a Free Society" has presented a rather original compromise. He does this without recourse to "norms" or "customs" or "dualisms." Of the nature of law he states:

“Law is not force imposed from without the *social organism*, but the life principle of that organism, expressed in adequate rules and standards.”

This should certainly not offend the positivist. Now for natural law, we are told that:

“[I]t must be evident, not only that law is *essential* to order in a community, but also that a proper expression and enforcement of the *natural law inherent in the nature of a free society* is essential to the preservation of individual liberty.”

(Emphasis added.)

The article is well written and stimulating, but the passages quoted should indicate to the reader that the controversy is not completely resolved by Judge Parker's thesis.

The book opens with “Liberty and Law,” a scholarly discussion of the lawyer's role in “making secure the authority of law as the servant of liberty wisely conceived”; it closes with “Some Reflections on the Judicial Function” by Judge Medina whose courage and integrity were tried in the ten-month trial of eleven members of the national committee of the American Communist Party. This is an intimate personal confession presented humorously and with good taste.

Every pre-law student, every law student, and every lawyer should read “Why I Will Study Law,” a short article answering completely the question posed.

In “The Limits of Effective Legal Action,” Dean Roscoe Pound presents with conciseness and thoroughness the inter-relationship of law and society.

“The Language of the Law” should be read by every young lawyer and by many older lawyers. Its author proves by a great preponderance of the evidence that lawyers write poorly and do so because they do not try nor care to write artistically. The author quotes Fitzgerald's exclamation, “What would have become of Christianity if Bentham had had the writing of the Parables?”

The reader is also supplied with “The Middle of the Road” by Dwight D. Eisenhower, which is a reprint of an article which appeared in the *American Bar Association Journal* in October, 1949. President Eisenhower's interest in political philosophy predates his memorable 1952 presidential campaign. It is inter-

esting to compare the President's expressions in this article with his many public pronouncements and official actions since.

In conclusion and summary, *The Lawyer's Treasury* is the kind of book you will want to have by your bedside or by your favorite coffee chair. It was assembled piecemeal; it can be read piecemeal. The articles are short; their subjects range from the philosophy of law to "The Trial of Cases" and "Using Evidence Obtained by Illegal Search and Seizure"; from "Impact of Big Business on the Legal Profession," showing the great benefits derived by the profession and the public by the passing of the advocate and the emergence of the corporation lawyer, to "The Romance of the Law" describing the lawyer as enrolled in the service of the goddess of justice, to "The County Seat Lawyer" lamenting the passing of the country lawyer to whom "law was like a religion, and its practice was more than a means of support; it was a mission."

This book is proof that our profession is not yet exclusively "bread and butter"; that there have been and are many lawyers who have been thinking and writing about every problem with which this nation is confronted; that the legal profession has been and can remain the leader and savior of our way of life and civilization founded on law.

Lastly, this book contains a "History of the American Bar Association" and the biography of "Simeon E. Baldwin, Father of the American Bar Association," both of which are of special interest to the young lawyer who leaves law school — filled with the knowledge of statutes, skeptical of the old and the traditional, — bent upon doing something about everything.

*Paul C. Tate**

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