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AN anecdote which I believe I recall from one of Professor Brogan's writings concerns a conversation between the archbishop and the chief justice about the relative importance of their respective powers. After the conversation had continued for some time the archbishop sought to administer the *coup de grâce*. "I have the advantage of you, your lordship, because you see, in the long run, the most you can say to a man is, 'You shall be hanged!' whereas it is within the functions of my office to say, 'You shall be damned!' " To this, after a moment of thought, the chief justice replied, "Yes, your worship, your point is persuasive. But you overlook one matter. In the long run, if, I say 'You shall be hanged,' — you *will* be hanged."

The point which this anecdote rather remotely suggests, and which I wish to pursue today, is that the judge, too, is a center of power. He too is capable of action which may bear very heavily upon the individual. It is therefore appropriate to inquire into his exercise of this power, and the limits which the Rule of Law concept may or may not erect about him. I hasten to add that in so doing I am directing your attention to a small fraction of the whole meaning which has been found in the expression which is the subject for our series of lectures. Professor Harvey dealt with the concept broadly, and in historical depth yesterday, suggesting many of the problems of definition which are involved, and particularly calling to your attention the need for external standards of criticism for the law itself. Knowing that this was his assignment, and that four other lecturers would follow after me to consider other special applications of the idea, I have felt secure in going today to what we might call the internal operation of the Rule of Law in the context of the judicial process.

After examining a fraction of the literature on the subject, one would have to conclude that the meaning of the expression is elusive. Some writers have defined it rather carefully — but in somewhat inconsistent terms. For others it seems to have a meaning roughly equivalent to "good government." It would be my guess that judges and lawyers have always been its most enthusiastic

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votaries, for it seems to creep into the balance on the side of the judges in any contest in which they may be involved, and emerges primarily as a limitation upon the executive and legislative branches of government. A recent example of this interpretation of its role is to be found in the Declaration of Delhi, promulgated in 1959 by an international congress of jurists consisting of 185 judges, practicing lawyers and teachers of law from 53 countries, which states the conclusions of that august assemblage on the Rule of Law and the administration of justice throughout the world. The Declaration contains a praiseworthy list of prescriptions for the legislature, which must not discriminate in its laws on the basis of race, religion or sex, must not interfere with freedom of religious belief and observance, must not deny to the members of society the right to elected, responsible government, must not place restrictions on freedom of speech, assembly and association, must abstain from retroactive legislation, must not impair the exercise of fundamental rights and freedoms of the individual, and must provide procedural machinery and safeguards whereby the above-mentioned freedoms are given effect and protected. There is concern also for the executive, that any delegation to it of legislative power should be narrowly limited, carefully defined, and subject to judicial review, that its acts generally which directly affect personal rights should be subject to review, that any person injured by an illegal executive act should have his remedy against the state or against the wrongdoing official, that hearing procedures should be established antecedent to executive action, and there is most particular concern with criminal procedures. When the congress turns its attention to the judicial branch, however, the atmosphere suddenly clears; the aura of suspicion is dispersed. Permit me to quote from the Declaration itself:

> "An independent Judiciary is an indispensable requisite of a free society under the Rule of Law. Such independence implies freedom from interference by the Executive or Legislative with the exercise of the judicial function, but does not mean that the judge is entitled to act in an arbitrary manner. His duty is to interpret the law and the fundamental principles and assumptions that underlie it. It is implicit in the concept of independence set out in the present paragraph that provision should be made for the adequate remuneration of the judiciary . . ."

and the Declaration then continues, to concern itself only with methods of appointment and removal of judges, their tenure and

security of office, and with the necessity to the maintenance of the Rule of Law that there be an organized and independent legal profession. The concern, in other words, is not to impose limitations, but rather to *protect* the judiciary against incursion and coercion from the other branches.

One might gain the impression from this and similar statements that the Rule of Law had been defined primarily in terms of ultimate rule by lawyers and judges; that an independent judiciary with the final say in disputes between individuals, and between individuals and government, is itself the objective which we seek to achieve and maintain; that the phrase "Rule of Law," in other words, refers to an arrangement whereby independent judges hold the check-reins on government, rather than to the extent to which law, as any kind of a system of prescriptions concerning human conduct, enters into and influences the conduct of officials. There is a curious variance between the content of the idea, so elaborated, and the literal meaning of the words chosen for its expression. That variance suggests inquiry.

The words, in their literal meaning, suggest not the judges but the law as the ultimate reference. At one time that conception would have been thought quite natural. It is epitomized, perhaps in an extreme form, by Marshall's statement, "Judicial power, as contradistinguished from the power of laws, has no existence. Courts are the mere instruments of the law, and can will nothing."[1] The statement sounds quaint to modern ears, but I wonder whether we can dispense completely with the judicial mores which it suggests, metaphorically to be sure.

What is this peculiar virtue of the judicial method which sets the judiciary apart to be specially protected and left to act without inhibition from other officials? Judicial procedures of course may be praised for their own virtues. They aim to achieve that quality of fairness between the parties which is represented by the idea of entitlement to a day in court and to an independent and impartial tribunal. Over and above this principle of fair treatment, however, contemporary commentators seem to hesitate to find any stronger implications in the Rule of Law idea than that a judicial decision should be "reasoned, rationally justified, in terms that take due account both of the demands of general principle and the demands of the particular situation."[2] I find myself unable to believe that these aspects of judicial procedure are the basic reasons why we

1 Osborn v. Bank of the United States, 22 U.S. 738, 866 (1824).
2 Jones, *The Rule of Law and the Welfare State,* 58 COLUM. L. REV. 143, 145 (1958).

instinctively call for the judge when individual claims and interests are at stake; why we are adamant that he should be left entirely alone; why we expect him to come forward as the final arbiter in any dispute between citizen and officialdom. The judiciary has no copyright upon its procedures, which could easily be utilized by other branches on appropriate occasions. Is it not, rather, that the procedures are subservient to the end which is sought, the resolution of the claim in accordance with pre-established criteria? If so, the true reason why judicial proceedings are held in such high regard is found in that brief, almost parenthetical reference in the Declaration of Delhi, which I have already quoted, namely that with all his independence "the judge is not entitled to act in an arbitrary manner. His duty is to interpret the *law* and the fundamental principles and assumptions that underlie it" — a proposition which is not really so far from Marshall's after all. The judge is made independent of the pressures of the moment so that he *can* apply the law.

The individual members of a society of any size must necessarily yield to an individual or a small group the function of establishing the framework of the society, and of laying down general rules to direct the future action of persons within the society so that that framework can be maintained. It is apparent in a democratically controlled society that this procedure must be based on give and take, compromise, and an adjustment of the desires of many persons and classes of persons, but that decisions must ultimately be taken by the empowered group. The legitimacy of the decisions rests upon the authority of the group making the selection, and can rest on nothing else.

When policy has been in existence, however, a feeling arises that the individual has a *right* to the *correct* application of that policy to his particular situation. When one person's desires run counter to those of another in a context in which it can be argued that certain established policies are relevant, then in the eyes of the persons affected the legitimacy of the decision which prefers the one over the other no longer rests upon the authority of the decider. They will be less interested in the wisdom of the decision than in its correctness. Which is only to say that men believe in the depths of their beings that they have *rights,* that those rights are described by law, and that although their rights must from time to time be *determined,* they should not in the process be *affected* by the fiat of any person. Sir John Salmond put his finger on this point in the following comment:

> "One of the chief advantages derived from the maintenance of a body of fixed legal rules which are not subject to the 'arbitrium' of its administration is that on this basis rests the prestige and power of the administration of justice. The law is impartial. It has no respect of persons. Just or unjust, wise or foolish, it is the same for all, and for this reason men readily submit to its arbitrament. In the application and enforcement of a fixed and predetermined rule, alike for all and not made for or regarding his own case alone, a man will willingly acquiesce. But to the 'ipse dixit' of a court, however just or impartial, men are not so constituted as to afford the same ready obedience and respect."[3]

The subject which I want to investigate today, then, is the connection between the literal meaning of the words "Rule of Law" and the behavior of judges; law as an external control over judicial decision; the rule of law from the standpoint of the substantive law, so to speak. Until recent years there was a traditional explanation of this connection which was accepted with little question by the great majority of American lawyers. It would have been consistent with Marshall's statement quoted above, that is, it would have pictured *law* as the governor and the judge as mere agent. Such a view, which seeks to eliminate judicial will from the picture entirely, seems to require a conception of law as being at any time a complete and existing system. It has not all been expressed in words, but it is all there, nevertheless, and the judge has but one function, which is to *find* the law and *apply* it to the facts. It is the law which governs us therefore, rather than the judge, who serves only as a selector mechanism to determine which is the correct rule for the disposition of the case.

Any thoughtful person will detect in this conception a large element of fiction. It is enough to suggest Gray's ironic comment, "What was the law in the time of Richard Coeur de Lion on the liability of a telegraph company to the persons to whom a message was sent?"[4] Since I do not believe that the lawyers who existed prior to the last two generations were by any means so dull a lot as a contrary conclusion would indicate, I am also inclined to doubt that it is sound to think of it as a conscious attempt at scientific description. It did, however, represent a view which at one time was generally held as to the *attitude* which the judge should bring

[3] SCIENCE OF LEGAL METHOD, The Modern Legal Philosophy Series. Introduction by John W. Salmond, p. lxxxi (1921).

[4] GRAY, THE NATURE AND SOURCES OF THE LAW 96 (1909).

to his task; that it should be his *objective* to deal with the case before him in that way which was indicated by an interpretation of existing authorities, rather than in that way which seemed to him on the facts to be the fairest or most desirable from a social point of view. It called for the subordination of his judgment to that of the collectivity of his predecessors, for a primary reliance on a reasoned extrapolation of accumulated experience.

This view of matters, as you well know, has undergone extensive criticism in recent decades. The criticism has pertained to the conception or definition of law, to the description of judicial activity, and to the concept of judicial obligation which are implicit in it. Viewed in perspective, the criticism was a continuation of an earlier debate, and accounted for the final phase in the Descent of the Law, which had once been viewed as a system of precepts having, according to one's bent, either a supernatural or a natural authority, but is now conceived by some to exist *only* in case-by-case incarnations.

The observations of the pragmatic critics have greatly increased understanding of the judicial process. They have been absorbed into contemporary legal thought, and it is not likely that they will soon be dislodged. In the end, however, they do not seem to have accounted satisfactorily for the influence which *law* exerts on the decision of a case. Part of the difficulty, I believe, was that the debate became preoccupied with the relationship between *rules* and law and *rules* and decisions. It was proved many times that as Holmes so gruffly put it, "General propositions do not decide concrete cases."[5] This comment loses some of its sting when one considers that for the common-law lawyer at least, the law does not consist of a set of general propositions. General propositions, those which could sensibly be described as "rules," make up only the crudest framework of the law, and are likely to be only shorthand labels for results. The general language is only the starting point for analysis, for the fact situation which is the case is always much more complex than the rule. The content of any rule is known in detail only after all cases in which it has been accepted or rejected as a statement of the result are known and compared with the case at hand. The mere fact that the "rule" does not give the answer, therefore, does not mean that the decision has not been controlled by law, for the case is decided according to law so long as it is decided consistently with past instances.

[5] Lochner v. New York, 198 U.S. 45, 76 (1905).

But there is a more fundamental difficulty. It appears in our habits of speech, and for that reason is most difficult to exorcise. It is apparent in the phrase which has been made the theme for this series of lectures, for the expression "Rule of Law" is most outrageously elliptical, if it is anything more than metaphor. Law in itself cannot rule or control anything or anybody. Whatever it is, it is a causal factor in any event only because men refer to it and use it as a guide to their conduct. It consists *only* of ideas, some of which are written down, others of which are not to be found any place in writing, but occur to the trained lawyer or the judge when he studies those which have been written down. Despite all this, we habitually speak of the law doing this and the law doing that, as if it were a person or an active force. We speak of rules of law, legal rights and legal duties as if they were observable facts, as if they had an existence outside the minds of men. This thought pattern, which attempts to make a thing or a person out of a mere thought, easily leads to disillusion, for it is quickly recognized that every event which is habitually ascribed to the law is actually the product of the mind, the will and the act of some identifiable human being. It may then be concluded that the importance of the law has been overemphasized, that its influence is largely fictitious, that it should not be permitted to stand in the way of a solution which, to the mind of the judge, would be superior from the point of view of practical considerations, and that a more rewarding subject for study may be the chemistry of the human beings who have the power to make decisions which affect the interests of other human beings: in other words, that the basic problem of the law is a *personnel* problem.

Although the law consists solely of ideas, the great bulk of those ideas are already given when the particular judge or lawyer comes upon the scene. They are found in an extensive literature with which he has learned to work, and are ideas concerning action under various circumstances which, *because* they are derived from that literature, members of the community, including the judges, consider to be binding upon themselves and upon others. Though they are commonly called "rules" they are far more complex than that name would suggest. The feeling of obligation, rather than the verbal form in which they appear, is their most important characteristic. Without it they would be totally ineffective. Your legal "rights," including those which are regarded most basic, are nothing more than complexes of these ideas, and are therefore *entirely* dependent upon this feeling of obligation, operating upon your

neighbor to induce him not to "invade your rights," and upon officials and judges to induce them to exert the coercive power which they have at their disposal if he does. The feeling of obligation does its most significant work by minimizing the necessity for that coercive power to be used. It is also this feeling of obligation which controls the actions of officials so that they do not become oppressors.

The literal content of the phrase "Rule of Law," then, has probably been misleading, for it misplaces the responsibility. It suggests that the law is the active factor, and the judge merely passive instrument, which is transparently not the case. The judge is obviously the actor; he is not controlled in any physical sense; at most he responds to a feeling of obligation to decide the case in such a way that the decision will be consistent with the ideas which he finds in the existing authoritative literature, which is precisely the same motivating factor as that which activates any layman presented with a choice between two courses of conduct, one of which he deems to be illegal. On the other hand, if the system is to work at all that feeling of obligation must be preserved. There must be a theory at least that by a proper examination of the materials one can find an imperative solution. It must be assumed that the materials establish a pattern of conduct to which the individual, be he citizen or official, is "bound" to adhere. If it is not, then the result seems inescapable that — *not* the judges — but the *individual judge* becomes the measure of all things, for judges as a group have no way of reaching consensus, and if they did, their contemporary consensus could be no more binding upon individual judges than that which exists by virtue of past decisions.

The point which a realistic examination of the facts makes clear, then, is not that there can be no "Rule of Law," in the sense in which I have been using the term, so far as the judicial process is concerned, but is rather the extent to which the realization of this ideal depends upon judicial discipline, upon a *desire* by judges and other officials, a feeling on their part of compulsion or obligation. Without that feeling there would in fact be no external control over the judge's decision, and our judicial government would harbor within itself the same faults which the judges have so long sought to guard against in the other branches.

This discipline has proved in the past to be a rugged growth, but it can be destroyed. Judge Hutcheson saw this twenty years ago when he said:

> "I think the probable source of the only danger we have to fear from the court today is the . . . too complete acceptance of Gray's notion that judges don't find the law like they do the eggs on Easter Day, that they make it like the legislatures do, against Blackstone's and Carter's, that they find it. When you have that notion in mind very strongly and everybody lets you talk out in meeting and say, decisions are in reality legislation, a great many judges want to be legislating and not just judging. . . . [I]f this idea is run into the ground and you get to a place where you have the power to legislate, administer and adjudicate at the same time, and all from the same bench, like Brer' Fox said to Brer' Rabbit, 'You is getting to be a mighty big man — too big.' "[6]

The process by which the ideas of which the law consists are originated and given their imperative nature has generally been called "legislation." The term includes at one extreme the establishment of policy in the broadest terms, the writing of the master plan for the society, and at the other the promulgation of regulations in the picayune detail of the building codes. The difference in function at these two extremes is so great that one might have expected a difference in nomenclature to have developed. It has, of course, been recognized in connection with the division of labor between legislative and administrative bodies. It appears, however, to be growing ever more vague along the frontier between *courts* and legislatures. It is characteristic of our system that the great bulk of the law relating to private rights and duties was left to the origination of judges. They started with crude ideas which they redefined and elaborated over many generations to produce the body of doctrine with which the Anglo-American lawyer now works. The process continues, and it is inevitable that it should. Each case that is brought to court and decided adds a new detail to the legal idea which the court uses for its disposition — a detail which was not there before. Recent generations of legal scholars have scorned the assumption of their predecessors that the process involves merely an uncovering of pre-existing principles, and have made much of the point that it is legislative in character. Few today would dispute that characterization, taking into account its generality, which is so gross, however, that the characterization is remarkably unenlightening. If it refers only to the fact that a large

[6] Comments at the Cincinnati Conference on Status of the Rule of Judicial Precedent, 14 U. CINC. L. REV. 203, 248 (1940).

body of doctrine exists today which had no existence a thousand years ago, and that the bulk of it is attributable to the innovation of judges, it merely states the obvious. Aside from this, however, it is possible from our vantage point in time to look back over the centuries and pick out numerous instances of judicial decisions which were by no means required by existing authority and which became entirely new stocks of descent, so that it can be argued that they changed the shape of the law in major respects. I would venture the guess that in very few of those instances could the deciding court foresee the implications which would ultimately be found in his decision; in very few instances, therefore, was it felt that the decision was a major departure, and that the court was assuming responsibility for societal planning in any substantial respect.

Such notions, once they have gained wide acceptance, are likely to be taken seriously, however. This one, derived from a history of casual common law growth, has served to encourage arguments favoring changes in the law addressed to lawyers and judges rather than to legislators in the interest of broad programs of law reform, and as an entering wedge for the acceptance of these arguments by the judges. Without regard to the merits of these programs, if they are accepted by judges as guides for decision, then in my opinion there will have been a significant change in the mechanics of government. The change is subtle; it has occurred or is occurring gradually, and would be difficult to identify, for it is in large part only a change in attitude, in the *degree* of judicial commitment to the idea that pre-existing law should govern decisions. Practical consequences will be clear only after a period of years has expired. I shall therefore leave it to you from your own consciousness of judicial attitudes to say whether that change *is* taking place. *If* it is, when it is coupled with our codeless tradition, the result may be the assumption by judges of a major segment of the planning function in our society. This is a point which I believe non-lawyer students of politics do not fully appreciate. They have come perforce to recognize the extent to which a court can remould a constitution or a statute in its own image. How many non-lawyers, however, comprehend the vastness of the reaches of the common law, the extent to which the daily workings of the social machine are regulated by the deposit of past judicial decisions rather than by enacted law, and the potential importance, therefore, of a general judicial attitude that that which judges have done may also by judges be undone?

The most obvious comment upon such a development is that it works a basic alteration in the relationship between people and government by the will of the officials concerned, with no review by any other body, no reference to the people, and probably, because of the esoteric nature of the change, without widespread knowledge that it has occurred. Conflicts between court and legislature or court and executive make the headlines, and are subjected to exhaustive criticism. There is little drama, however, and less publicity, when the court changes a traditional rule of the common law. Any debate which may take place rarely extends beyond the ranks of the profession. But aside from this point, which relates to the assumption of significant powers by a governing group without authorization by the governed, what can be said about the merits of a system in which the judges are given the major responsibility for law reform, at least in fields not expressly pre-empted by the legislature?

Such an arrangement has been praised for the reason that it is said to bring to bear upon the problems of private law the special governing expertise of the judiciary. The judge, it is suggested, is in a peculiarly strategic position to recognize developing needs and keep the law responsive to them. This is a point at which I must confess bafflement. It seems to be assumed by this argument, much as it was once assumed about the law, that "social needs" are objectively determinable, that they can be observed and known, that the judge's function, therefore, is to *uncover* them and use them as guides for decision. If this assumption were sound, it would still seem that the needs which ought to be served arise out of developments in a world to which the judge is an outsider, a mere onlooker. He has no special source of worldly knowledge, and no apparatus for gathering the factual information essential to the formation of intelligent decisions of a forward-looking, policy-making, society-shaping variety. If he were to take the time to make his own investigation, it could only be at the expense of the pressing needs of the litigants on his already crowded docket. Without independent investigation he must act on the basis of arguments presented by counsel for the parties who happen to be engaged in litigation before him. The ultimate social implications of those arguments can scarcely be the responsibility of the advocates if the purposes of the adversary method are to be maintained. Consequently the judge's basis for action, typically, is not an objective view of the situation in its social context, but rather, two opposite,

extreme, and slanted views. This may be an adequate basis for the decision of disputes between individual parties each of whom has had a fair chance under controlled conditions to present the best reasons why he should prevail. It can hardly be advanced as an ideal milieu for policy making.

More basic than this objection, however, is the fact that social needs are no more real, discoverable objects than is the law. An investigation will not identify them because they do not exist. It is grossly misleading to conceive of the judge as a sculptor who sits at his bench to mould the law so that its lines are congruent with an *object* before him, called "social needs." The minds of individual human beings harbor many desires. In the nature of things not all of them can be satisfied. So that some can be, others must be frustrated. What we are discussing is simply this — whether those persons who are from time to time placed in judicial office shall have the power to make the master choices between those desires which may be satisfied and those which must be frustrated. If the conception is maintained that the important choices, those which affect whole classes of persons, should be made in legislative halls, they will be worked out by a bargaining process. The persons who have the desires, or advocates for their positions, will be heard. Their arguments may very probably be selfishly motivated, and will no doubt be valued quite frankly in political terms. Deals will be struck, adjustments made, and in the end there will be a compromise solution which can secure the consent of a majority of the legislative representatives selected by those who will be subject to it. The result may be esthetically or even morally offensive, and extremely frustrating to selfless reformers who have been able to construct for themselves an ideal master plan for society. I have the impression, however, that these are the implications of popularly elected, representative government.

To me, then, the phrase "Rule of Law" as applied to the judicial process stands for more than a guarantee of fair play, more than a hands-off attitude toward certain of the more highly intellectualized desires of men, more than a stipulation that private disputes shall be disposed of on a reasoned basis. In addition to these tremendously important values, it suggests a whole complex of ideas concerning the function of the judge, his attitude toward the law, and the relationship between law and decision. I have no illusions that the law can furnish a mechanical control over the behavior of the judge, however enthusiastic he may be for the idea that he should be or is so controlled. I am fully aware of the fact

that a respectable legal argument can be made on both sides of almost any question sufficiently vexing to come before a judge at all, and that certainty in advance of decision can therefore never be achieved. I am content with the knowledge that law in the long run is only a branch or a special manifestation of morals, fitted out with some enforcement machinery which works only imperfectly at best, but which would break down completely in the absence of a desire to obey responded to by individuals. If this is the basis for its effectiveness so far as people generally are concerned, then there is no reason why judges should not be similarly affected, and the proposition which has been maintained that a "government of laws and not of men" is a fiction, impossible of attainment, results from a misinterpretation of the metaphor which that expression is.

The Rule of Law is at most an ideal. It can neither be demonstrated nor enforced, but only advocated. It can, however, be destroyed by too thoroughgoing and too widespread a skepticism. I do not mean, of course, that the better understanding of realities which exists because of the critical writing of the past fifty years can or should be suppressed. It would seem, however, that the judge who has discovered the freedom and the power which are his should be chastened rather than elated by the discovery. It is possible to harbor this knowledge without deriving from it the conclusion that the judge should convert himself into a ruler, a manipulator of those who have reposed in him a very special trust. Hayek has recently said, "If the ideal of the rule of law is a firm element of public opinion, legislation and jurisdiction will tend to approach it more and more closely. But if it is represented as an impracticable and even undesirable ideal and people cease to strive for its realization, it will rapidly disappear."[7]

I have one further comment before I subside. My argument has been that the judiciary is not equipped and has not by the people been authorized to undertake an advance planning function for the law, and through law for society. In the past it was perhaps not essential that such a function be undertaken by anybody. History moved slowly enough that the accretionary change and growth of the common law, supplemented in sensitive areas by enacted law, took care of newly-developing human desires satisfactorily enough. It may be that the pressures of galloping technological development

[7] HAYEK, THE CONSTITUTION OF LIBERTY 206 (1960). I should like also to acknowledge indebtedness to CAHILL, JUDICIAL LEGISLATION (1952), LUNDSTEDT, LEGAL THINKING REVISED (1956), and OLIVECRONA, LAW AS FACT (1939), all of which have been extremely helpful to me.

and population growth have so altered the basic situation that this is no longer true. One does not readily conclude that our legislatures, as currently constituted, are ideal instrumentalities for keeping the law abreast of the times. An earnest belief on the part of many students of the law that it is in some respects inadequate and outmoded, coupled with a feeling of discouragement when the prospect of legislative change is contemplated, puts increasing pressure upon the judges to assume the responsibility and the burden of law reform. Proposals for technical law reform rarely excite interest among legislators, and it may be that there are very important needs in our society which, because they are dispersed and have no organizational nucleus, are not adequately voiced. It is quite probable, then, that further attention should be given to the possibility and design of some special organ of the legislative branch to which arguments for reform could be addressed for careful and serious study and recommendation. That, however, would be the subject for another lecture.