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## Peter A. W. Merriton, *Longer Than Three Months*

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## BOOK REVIEW

*Michael Wallace Gordon\**

**LONGER THAN THREE MONTHS.** By Peter A.W. Merriton. New York: Vantage Press, 1990. Pp. 135.

The end book jacket exhibits a full-length photo of an English barrister wearing all the insignia of the profession including wig, collar, robe, and morning trousers, against a background of worn leather copies of English law books. Nevertheless, *Longer than Three Months* is not another volume of "My Life as a Barrister," which the British law publishers release with boring regularity. Rather, the book is the autobiography of an intellectually gifted man whose essence of life occurred before he entered the Bar and after he departed.

From his birth in Berlin in 1925, Peter Merriton's route to the English bar was a path repeatedly blocked by incoherent administration in an era of European turmoil and prejudice. This turmoil and prejudice caused him to reject, to some degree, both his religious and national identity. Although born of Jewish parents, Merriton raises doubts about their Jewishness in the first few pages of the book and we read little thereafter regarding the subject.<sup>1</sup> Moreover, it is sometimes difficult to distinguish the author's penetrating intolerance of humanity from antisemitism when the inquiry turns to his Jewish origins and relations.

The author's confusion with his own identity also affected his view of himself as a German. Although he accepted an English name, English citizenship, and a profession most English, he still continued to think of himself as a German.

Few people raised in comfort and insulated from this century's European wars have had to confront the administrative discretion that Peter Merriton faced. However, Merriton faced these problems from a privileged position, first on the European continent and then in England, a fact he does not always acknowledge. Not unlike his view of himself, Merriton's view of the world is often different from what most people believe existed at the time. For example, he did not seem

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1. PETER A.W. MERRITON, *LONGER THAN THREE MONTHS* (1990). The author makes only brief reference to one very prominent close relative, Otto Meyerhof, who shared the Nobel Prize for Physiology or Medicine in 1922. *Id.* at 53.

to think it was very difficult for a Jew to escape Nazi Germany, nor did he evidence much sympathy for those left behind to meet the fate of the Holocaust.

Merriton was accepted into the nearly monastic order of the English barrister in 1950. He probably would have spent his life in that profession, retiring as an eminent knight or peer on the Court of Appeal or House of Lords, but for misfortune. His misfortune struck in the form of a brain tumor. After four operations ("one successful, one unnecessary, and two failures"),<sup>2</sup> he was left with restricted eyesight and hearing and limited use of his limbs on one side, bringing an end to his advocacy. This tragedy also brought a premature end to his life; he passed away shortly after this volume was published in 1990.

Fortunately, Peter Merriton's illness never affected his mind. Upon leaving the bar, he returned to his adventures with administrative procedures and personnel, ending with his move to Gainesville, Florida. There, he accepted a part-time position at the University of Florida College of Law, whose students he describes as "cowed simpletons," the product of a failed American attempt to "extend educational opportunities to groups previously deprived of them."<sup>3</sup> Merriton never endured fools gladly and possessed an absolute intolerance for those who did not exercise their abilities to the fullest.

This brief synopsis of Peter Merriton's life might seem descriptive of a volume unsuited for a scholarly journal review. But it is less his life than the way he confronted obstacles in the administration of the law that attracts our attention.

It is indeed uncertain whether Merriton should write as or be called Peter Merriton. Born Peter-Adolph Meyerhof, he carried two passports in later life, one as the English Peter Merriton, and one as the German Peter Meyerhof. The uncertain documentation of his birth and his later estrangement from his mother led him to suspect that he was not her natural son, but rather the offspring of his father's girlfriend. This uncertainty would trouble him for the remainder of his life. From whom one descends and where birth occurs tend to stimulate recordkeepers as much as they help establish meaningful criteria for transfer of wealth and citizenship.

Taking British citizenship in 1947 and soon thereafter to enter the bar, Merriton thought his German name would induce few solicitors to instruct him as a new barrister. Therefore, Meyerhof became Merriton, the "M" retained to avoid new cufflinks. The name Merriton

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2. *Id.* at 115.

3. *Id.* at 126.

was selected because the name sounded English, was easy to pronounce and spell, and was not then used in the telephone directory. The Adolph was dropped for reasons not in need of explanation.

The Meyerhof name, however, would return twenty-five years later when the European Community (EC) member states agreed to recognize persons born within the German boundaries existing on December 31, 1937, as German nationals. The agreement was intended to allow West Germans to trade freely with East Germans. Thus, Britain's 1972 accession to the EC, and a 1975 House of Lords decision, conferred upon Peter Merriton, British citizen, the dual status as Peter-Adolph Meyerhof, German citizen in the EC and probably also associated EC nations and countries following German law. At that time, his status in Ireland was uncertain and, as he notes, irrelevant.<sup>4</sup>

For one of Jewish ancestry, spending adolescence in Berlin in the 1930s would seem likely to include deprivation and danger. The senior Meyerhof, however, was a physician and Great War Iron Cross recipient, and retained his right to practice at that time. Nevertheless, Peter Meyerhof would not remain in Berlin as war unfolded. In 1937, with departure permission in hand, he was sent to Latvia to become his uncle's "child." Apparently, his mother made a deal with her brother before Peter's birth. She would receive a periodic stipend allowing the family to live comfortably in Berlin, and Peter would become her then childless brother's male "heir." When the time came to complete the deal, Peter was sent to Latvia, while his parents went to London, continuing to live a short while longer on the uncle's remittances.

Peter was not in Latvia very long before Japan's attack on China generated suspicion that Japan and Germany would align to fight the USSR. Within months, Peter moved to London to join his parents. The journey was made by land because his accompanying sister would not travel the full distance at sea. It was eventful, for the bureaucracy alone, to leave and enter in succession Latvia, Lithuania, Poland, Germany, Holland, and finally the United Kingdom. At the entry to the last port, in Harwich, Peter was offered a stay of no longer than three months, which he extended to many years and hence, the title of this book. In his young life, Peter had been processed and reprocessed by officials on numerous occasions. However, arriving in England as a non-English speaking 12-year-old with a German name would generate new challenges to those possessing administrative discretion. This is especially true considering that Peter arrived in England on the eve of the Blitz.

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4. *Id.* at 69.

Peter Meyerhof's status as an enemy alien created problems in obtaining an education. While Meyerhof was attending St. Paul's, the school moved to Berkshire to escape the air raids on London. Meyerhof had to decide whether to live at home and seek a commuting permit, or to live at school and seek a war zone permit.<sup>5</sup> He chose to commute.

Meyerhof is not kindly towards his English education at St. Paul's, believing that the "rot" of specialization had set in. Later, he would express the same concern about American legal education. Meyerhof sought a classical public school education to the extent that it was possible. This was followed by an economics degree at the London School of Economics, which had moved to Cambridge for the duration of the war. He liked Cambridge because "during World War II [it was] much too cosmopolitan and polyglot to be representative of Britain."<sup>6</sup> Nevertheless, he was himself fast becoming "representative of Britain." Throughout his life, Meyerhof thought of himself as Continental, yet he became the quintessential British barrister. Those of us who knew him in Gainesville while he taught at the University of Florida viewed him as singularly British, both in speech and in manner.

After his economics finals, still intent on a law career, Meyerhof again faced the administrative authorities. This time he was seeking naturalization, a prerequisite to practice law in London. He had lost his German citizenship by Nazi decree and was an enemy alien in Britain during the war. When the Potsdam Conference of 1945 rescinded all Nazi discriminatory decrees, his status then became unclear.

Meyerhof initially was denied admission to the Inns of Court because he was an alien enemy. Seeking a work permit to bide his time, he was told that he could and should return home, because the conditions under which he had entered England had changed.<sup>7</sup> He wanted to pursue further study of law, but most places were reserved for returning servicemen. Moreover, Meyerhof was reluctant to travel because he exchanged his German passport for an Alien's Registration Book, limiting his travel to the British Isles. He nevertheless obtained both admission to law study and travel documents, but no assurance of reentry. Fortunately, he was readmitted, undertook law study, obtained citizenship, and joined an Inn.

His citizenship was as Peter Meyerhof. But after Gray's Inn rejected his application under a "xenophobic interpretation of the rule excluding alien enemies,"<sup>8</sup> he changed his name to Merriton and his

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5. *Id.* at 52.

6. *Id.* at 55.

7. *Id.* at 57.

8. *Id.* at 66.

nationality to British. Middle Temple thereafter accepted him in 1948, he completed his practical law training, and began practice in 1950.

Before Merriton started practicing, he made his first trip to America. He quickly concluded that the "top American standards are convulsed in gilding for snobbery and do not match really high cultural standards in the Old World."<sup>9</sup> Little that he saw pleased him, except for the city of Chicago and a meeting with Justice Frankfurter, who "restored [his] faith in the possibility of the existence of a sufficiently large elite to carry this huge camp of interstitial monkey-houses."<sup>10</sup> America, in Merriton's opinion, was a "peasantry with swimming pools."<sup>11</sup>

Merriton felt that much of the blame for America's lack of social standards lay with "the ubiquity of TV,"<sup>12</sup> being so engrained in the culture that the "ground would not be recovered."<sup>13</sup> The Americans valued culture not by consensus, but by snobbery or expertise. He returned to a Britain in which he saw "signs of major failure," but not the "desire to join the Gadarene rush to trivial inanity" occurring in America.<sup>14</sup> In his view, though, the Europeans were not immune.

In the 1950s and 1960s, Merriton devoted his life to being British. Who but an Englishman would walk around the block each morning followed closely by his four cats and be known as the "Merriton Convoy"? His law practice, business relations, and limited political experience, ironically, were less of a challenge to him than the trials and tribulations of growing up and later fighting to overcome his disability. His business experience with a relation whom he describes as ignorant and an embarrassment in ordinary conversation, and thus better suited to rural America, makes one wonder why an educated barrister would fail to use simple written agreements to spell out a contractual relationship. He found the practice of law fraught with incompetents — "only one solicitor is worth singling out"<sup>15</sup> — and was more than ready to play judge when he represented a father whose daughter, he asserted, "was obviously much better off with her mother."<sup>16</sup>

Merriton's high estimation of his own worth, as compared to the worthlessness he saw in others, was a great weakness he never rec-

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9. *Id.* at 76.

10. *Id.* at 81.

11. *Id.* at 80.

12. *Id.* at 82.

13. *Id.* at 83.

14. *Id.* at 84.

15. *Id.* at 100.

16. *Id.* at 98.

ognized. But the occasionally vitriolic passages in his book are completely inconsistent with his personal demeanor. He patiently sat with this reviewer for several days making helpful comments and discussing a manuscript for the English law section of a book.<sup>17</sup> The book was much the better for Peter Merriton's kindness and quest for accuracy.

Throughout all this reviewer's contact with Peter Merriton, he never disclosed his politics. The law, which he came to revere, was entirely separate. His political side, a left-of-center Laborite in Britain, was not surprising for one who had grown up along the outer edge of privilege in a setting of extreme deprivation. His politics did show, however, by his suggestion that a mixed economy in Britain might have worked well. "It does surprisingly well in Hungary, did better than expected in Yugoslavia."<sup>18</sup>

The most challenging, and perhaps most loving part of Peter Merriton's life began in 1969-70, when headaches and dizziness announced the forthcoming discovery of a tumor. Medical procedures, the competence of which remained a mystery to Merriton, left him in need of assistance. Much was provided by Shelley Melvin, his wife. He also refers to Professor Walter Weyrauch as the University of Florida law faculty colleague who helped with classes.

Although Peter Merriton did not come to know many faculty members very well, he was included in our receptions and retreats and gave all appearances of enjoying his association with the college. While he writes critically of our students, he returned year after year to teach. The students he taught and the friends he developed among the faculty were aware of his exceptional talent, and willing to accept his speech and movement limitations. It was tragic that a heart attack ended his life, just at a time when he felt that he was improving in the one area most important to him, his capacity to absorb knowledge. He did leave behind his pleasant little book, *Longer than Three Months*, which he suggests is the contribution of "one of a decreasing band of independent observers."<sup>19</sup> Peter Merriton may have been independent, but he most certainly reflected a strong will and opinion.

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17. M. GLENDON, M. GORDON & C. OSAKWE, *COMPARATIVE LEGAL TRADITIONS IN A NUTSHELL* (West 1982).

18. P. MERRITON, *supra* note 1, at 112.

19. *Id.* at 135.