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Culture of a Lawyer

Notre Dame Law Review Editors

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A Monthly Law Review

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THE CULTURE OF A LAWYER

That characteristic feature of modern industry, "specialization", has been blamed for many things. Far be it from us to add unduly to the formidable list of its undesirable results, but we must say a word about the lawyer. So far the professional man has generally been considered as quite beyond the reach of that economic octopus, and the lawyer, weakened though he is by mysterious attacks, has yet sighed relievedly at the curdling tales related of the deadly creature, thankful that from this one activity at least, he is quite safe. No lawyer knows of a single fellow barrister who has suffered from specialization, and each considers himself immune.

But the lawyer has been deluded. The reason he does not see the octopus is because he has been blinded by its very excretions. His resistance has subtly been overcome, and the lass-

itude ascribed to unknown causes is the direct result of the creature he believes to have escaped. . . The effect is not so manifest as it is in other activities, but it is there, nevertheless. . . There was once a time when the word "lawyer" had a significance as wide as learning itself. A lawyer was a man versed in the law, but in the other arts as well. The law, to be sure, was his vocation, and he attempted desperately to master it; but the entire field of culture was his avocation, and he paid careful attention to that, too. The law in those days could truly be defined as the summation of learning; it embraced literature, in all its forms—poetry, prose and oratory,—logic, psychology, statesmanship, and religion—one might almost say theology. All lawyers were learned, and many of all the learned were lawyers.

And this condition was as it should be. Law in its proper sense includes all of the classifications of philosophy, as related to man. It includes psychology, for mind, intention, and motive are common terms in the lawbooks. All of the social sciences are akin to it, because law necessarily considers man in society; therefore society must be examined. Political science and law are almost controvertible terms—neither government nor law can exist alone; in a chaotic government the law is disobeyed and ridiculed, and when the law is disrespected power is abused, or authority unrecognized. Law observes religion, because jurists admit that all law comes from God, and all theories of right are founded upon common principles of morality. Lord Coke was not far wrong when he said "law is the perfection of reason"; a more concise description of the law could not be written.

But a lawyer is "one versed in law"; therefore he should be master of the other arts and sciences. He should know the subjects closely interrelated with law, so that he may know his the better. . . . And up until a few years ago he did. A study of the history of the United States is replete with the deeds and writings of lawyers. Among the founders of our nation James Otis, Thomas Jefferson, Alexander Hamilton, Patrick Henry, the Adamses, Luther Martin, and James Madison were all lawyers; while John Marshall as Chief Justice of the Supreme Court performed as great a service in the building up of our country

as any statesman. Abraham Lincoln was an attorney, General Winfield Scott, the leader of the Mexican Expeditionary forces in 1848, was also a lawyer; and so were Henry Clay, John Calhoun, and Daniel Webster. Literature, too, is not complete without the contributions of lawyers. Many men who afterwards became famous for their prose or poetry first practiced law, and many more studied it. And so with every activity of man; no cultured gathering was complete without the presence of lawyers.

But lately there has been a change. Law and learning have been divorced. A lawyer is now presumed to know nothing about statesmanship, or literature, and the presumption is not wholly incorrect. Little by little the lawyer has receded from his position in matters of culture and public interest, and today we find him possessing (or at least given credit for) only technical knowledge. The rules of law are memorized, with but little thought given to their reason. Blackstone is an authority merely; the decisions of courts precedents only.

There is an excuse for this condition, true; at this day so many cases are being decided, and so many opinions being written, that a lawyer may have a hard time keeping up with the most important of them. Modern business presents complex circumstances, and the ceaseless activities of the legislators give rise to new phases of the law. . . . Thus specialization has made its entry, and to gain a complete knowledge of one thing, all the rest is slighted. Perhaps it is impossible to revert to the old requirements, and useless to sigh for "the old order of things", but we hope not. The lawyer's ideal position demands a knowledge of things cultural, and he should not be satisfied with a relinquishment of the ideal, and a corresponding reduction in society.