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## Why Study Law?

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## *Why Study Law?*

It is axiomatic that many advantages are derived from the knowledge of the law. Executives, who direct the activities of large business concerns, realize the need of the study of law. The individual, if only to guard his personal interests, profits by legal training. The law even enters the home and regulates domestic duties. It has often been said that the physician would be better equipped, the business man more adequately qualified and the minister more suitably adapted, if a course of law had been pursued. One may possibly escape the irksome treatment of the dentist, or the edged instruments of the skilled surgeon, but the law is all about us and its tenets are binding, regardless of our consent or information thereof. Concurrence is, therefore, readily expressed in the statement of Chief Justice Winslow when he said that "a knowledge of law should be the possession of the many and not of the few." However important other subjects may be, there is no conclusive presumption of the knowledge thereof.

Pre-eminent among the advantages of the study of the law is its value to education. In this connection it is significant to note that American colleges taught law to some extent, prior to institution of law schools, solely for its value in disciplining the intellect. "Education," says one writer, "is the perfect disciplining of mental powers," and says Coke—"Reason is the life of the law." It is a well-known fact that the study of law is most conducive to logical thought, most adapted to reasoning processes and insures greatest mental discipline. Burke defines law as beneficence acting by rule and associating this idea with the full meaning of education, Herbert Spencer declares that the function which education has to discharge is to

provide preparation for a complete living. Education, regarded by Israel as national rehabilitation, teaches right living, and law in its relation to mankind teaches rules of action consistent with truth and justice, which lie at its foundation. An education teaches one to think and this is the primary purpose of the study of law. In this connection it is interesting to note that Thomas A. Edison is reported to have said on one occasion that if he could prevail upon youth to think, to ponder deeply and profoundly, he could revolutionize the world.

The power of analysis is a prominent characteristic developed in the study of law. The lawyer must have the ability to reason logically. To resolve a case, or an argument, into its component parts requires an analytical mind. There must be original thought to work out problems when no precedent is found. Rufus Choate advised young lawyers to read carefully the facts of a reported case, close the book, write a decision and then compare it with the decision of the court. He urged continued repetition of this process for the improvement of the powers of reasoning. The end of the law can not be accomplished by memorizing words; principles must be acquired. John C. Calhoun said, "I early subjected my mind to a rigid course of discipline." John Marshall was declared to have had such strength in mind and reasoning power that he would not turn aside a single step from the line of his argument though a paradise should rise to tempt him. One may forget a mass of facts, but the capacity to think is not transient. Langdell emphasizes that law is a science and the only method of approach is by way of original sources. The law never assumes, it always desires the reason. A logical explanation is always due. A recognized scholar adds that the law, with all its defects and errors, is a science, which represents the collected reason of ages.

Edmund Burke holds that the law is one of the first and noblest of human sciences, which does more to quicken and invigorate the understanding than all other kinds of learning combined. Blackstone has called the law a science, which distinguishes the criterions of right and wrong.

It is a glaring mistake to say that the law is common sense. It is more than that. Intelligence has always sided with the law. The method of study of law by return to original sources resembles the study of the sciences. In distinguishing between the material and the immaterial, the relevant and irrelevant, in marshalling the principles involved, it becomes obvious that there is no royal road to law. The way is rugged. This should not be interpreted as discouragement, for nothing worth possessing is achieved without labor. Consider the genuine pleasure, the intense satisfaction, resulting from a successful solution, by process of reasoning, of the problems which the law presents. The study of the law makes an alert mind, always ready, like the soldier on guard, for a change of tactics which may be used by an adversary. It is wrong to regard the mind as a reservoir to be filled to the overflowing; it is rather, as some one has said, to be compared to a fine set of muscles to be trained to act. This conforms to the true view of education. The study of law supplies the mental discipline and leads forth the reason by development of the intellect. The study of law, therefore, fulfills the primary meaning of education as it furnishes a vast field for mental training, in which the mind may "renew its strength, mount up like the eagle, run and not grow weary."

The study of law develops and equips leaders. The history of our nation substantiates this. Many of our outstanding men, including our Presidents, have been lawyers. Trained minds naturally go forward. The problems of today demand sane, logical solution and the continued success of western civilization is at stake. The late Chief Justice Taft declared that "the formulation into practical advance of the new ideals must be the work of lawyers." This means that the lawyer must lead in the actual progress of every forward nation. Justice Brandeis points out that the lines of advance will be expressed by processes of either evolution or revolution, and concludes that there is an urgent call upon the legal profession to do a great work for this country. When was there a time in all the history of the world when men with constructive minds, men of pro-

found thought, above all, men of moral integrity and intellectual honesty, were in greater need to render real service than in 1931? Rehabilitation of a nation may require the rugged work of Titans, but the legal mind, trained in that fashion, which, as an historical study of law will show, followed the establishment of government, is certainly most fitted for the task. The central figure must be an able lawyer of integrity, for as Malachi warns, "The law of truth must be in his mouth, and his path must be in peace and equity."

THOMAS J. FRAILEY.