

5-1926

Lycurgus, or the Future of the Law, by E.S.P. Haynes

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Recommended Citation

Sayre, Paul L. (1926) "Lycurgus, or the Future of the Law, by E.S.P. Haynes," *Indiana Law Journal*: Vol. 1 : Iss. 5 , Article 6.

Available at: <https://www.repository.law.indiana.edu/ilj/vol1/iss5/6>

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The book is printed in an attractive form and instead of putting references in footnotes the author has included them in brackets in the body of the text. References to Drone and Weil, and to leading cases, as well as to the rules of the copyright office are made in connection with the different topics treated. On the whole, this little book should find a comparatively large group of readers among the general public as well as among the members of the bar.

OLIVER P. FIELD

Lycurgus, or the Future of the Law. By E. S. P. HAYNES.

E. P. Dutton and Company, New York, 1926. pp. xi; 82.

According to the author's preface this book is written for laymen and not for lawyers. Furthermore it is confessedly a very brief and sketchy account of some of the greatest problems in the law. Thus the chapters are entitled, I. Legislation, II. The Law Courts, III. Corporations. IV. The Criminal Law, V. Family Law, VI. The Land Laws. VII. Costs and Fusion, VIII. Private International Law, IX. Individual Liberty. The whole consists of eighty-two pages, but since it appears as one of the little volumes of the "Today and Tomorrow Series" these eighty-two pages would not make more than twenty pages in the average law journal. Mr. Haynes is an Oxford graduate and has had some experience as an English solicitor. From "Who's Who, 1926" it appears that Mr. Haynes has given most of his time to writing of a general character and that he has been engaged in many other interests besides the law in the past few years. Thus he is also the author of "Divorce At It Might Be," "The Enemies of Liberty" and other books.

The introduction is perhaps the best thing in the book. Here the author sets forth those things which he feels brings the law into contempt. He lists them in outline form. The pleasing thing about this is that, while the whole book is really in outline form, it is not labelled an outline as the introduction is.

It is likely that a layman reading the book would find it interesting and entertaining. If he read closely he would probably carry away some ideas in regard to legal matters. For lay readers, however, the difficulty with the book is that it is really too short and that the author jumps about amid legal conceptions with so little explanation or detailed content to his ideas that one must be a pretty well trained layman to profit from the book. Of course the book does not purport to be a professional work for lawyers. It is likely that lawyers might get a better grip of its content than laymen because the lawyers would have a background with which to estimate the many suggestions that the author presents in outline form without argument or explanation.

In the field of criminal law the author laments the blind tendency in the old law by which certain acts were visited with certain severe punishments regardless of the moral turpitude of that particular act and the effect on the criminal of the punishment. These are, of course, characteristics of the early criminal law and the author is in agreement with most modern authorities when he insists that crime is a problem which should be handled in the most practically way for the advantage of society and the improvement of the individual criminal. Both in the field of criminal law and in the field of divorce the author seems anxious to get away from the union of law and theology which once existed and to place legal rights and obligations in criminal and divorce law upon the actual advantage of society and the individuals concerned. He insists that this does not mean a weakening of morality; rather it means the upholding of the highest moral code that is possible for the social group at this time.

But he insists that that moral code must be found in our present experience and not made to conform to any theological dogmas.

The book deals mainly with law and social conditions in Great Britain, but it is not difficult for the lawyers to translate these English problems into our situation in America. The author's social outlook is Victorian. He likes individual freedom and class distinctions and the love of property with all the rich associations and traditions which they involve. His attitude toward the more complicated social organization of today is gloomy.

Unless a lawyer has time to read longer books which give detailed content to their suggestions, he would do well to read this book. He may not take much away from it, but at least it will take him where he can see the woods inspite of the trees. Perhaps this is the best possible recommendation at a time when lawyers feel they have no leisure for reading about the general questions of the law.

PAUL L. SAYRE

The Law—Business or Professional? By JULIUS HENRY COHEN.

Revised Edition, 1924. G. A. Jennings Company, Inc. New York, 1924. pp. xviii; 513.

This book is small in compass and conveniently bound. It is made up on the general plan of a flexible leather cover in the pocket size. One must have rather large pocket, however, to avail himself of this convenience since the book contains 500 odd pages. The content and character of the book make it serviceable to the practicing lawyer in his professional work, to the law student in his study of legal ethics, and to all lawyers who are interested in the organization and work of bar associations. The first recommendation for this book is of a general nature: the book is readable and while it presents certain matters with admirable brevity and clarity, it nevertheless contrives to present some of the spirit of professional tradition that lies behind many of the rules and practices of today.

Here the reader will find a careful presentation of many of the doctrines of legal ethics, and the new appendix of the revised edition is particularly useful in setting forth some 200 questions that were put to the Committee on Legal Ethics of the New York Bar Association. The questions with detailed answers are given in full. While the major questions of legal ethics are set forth in detail, a number of minor questions are also considered, and among these are some instances of professional conduct which the average lawyer of good character might not consider reprehensible unless he had the issues involved clearly explained to him. This is a real service to the practicing lawyer and indirectly it is a stimulus to the further development of legal ethics.

Perhaps the book is of primary use to the student. The appendix contains the code of legal ethics of the American Bar Association and other reference material of importance. The text is liberally supplied with references to decided cases that involve legal ethics so that by reference to these cases the student will get a fuller realization of the issues involved than he could by abstract rules alone. It is to be understood that the book itself is not in the usual form of a text book. For all its definite information, it is a readable, entertaining account of how lawyers have come to look on their job in life and how the rules of the game have grown up and are now applied in practice.

An unexpected element in the book is its full consideration of the question of bar organization with particular reference to the work of the conference of bar association delegates, a subsidiary branch of the American Bar Association. The author discusses the different forms of bar organization with some detail and considers whether a statutory organization