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## BOOK REVIEW

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## BOOK REVIEW

THE SPIRIT OF LIBERTY—PAPERS AND ADDRESSES OF LEARNED HAND. Collected with Introduction by Irving Dilliard. New York: Alfred A. Knopf, Inc., 1952. Pp. XXX, 262. \$3.50.

“The world has never had a good definition of the word liberty and the American people, just now are much in want of one.” These words are probably just as true today as when Abraham Lincoln spoke them on April 18, 1864. Nevertheless, *The Spirit of Liberty* is a book which will encourage the search for liberty, ill-defined though it may be.

“What then is the Spirit of Liberty? I cannot define it; I can only tell you my own faith. The spirit of liberty is the spirit which is not too sure that it is right; the spirit of liberty is the spirit which seeks to understand the minds of other men and women; the spirit of liberty is the spirit which weighs their interests alongside its own without bias: . . .” [p. 190, (1944)].

There is no doubt but that Judge Learned Hand, who retired from the Second Circuit Court of Appeals on June 1, 1951 at the age of 79 after 42 years on the Federal Bench, is recognized as America's pre-eminent living judge. Mr. Dilliard, who is Editor of the *St. Louis Post-Dispatch*, has collected these speeches and writings without including any of Judge Hand's legal opinions. The list includes a number of speeches honoring other eminent men of the law including: Chief Justices Stone and Hughes, and Justices Holmes, Cardozo and Brandeis; included, in addition, are several addresses to anniversary groups at both Harvard and Yale, as well as articles in the Law Reviews.

Of the 34 selections included, only three are as long as seventeen pages and the longest in the book — by ten pages — is the testimony given by Judge Hand before the Senate Committee on Labor and Public Welfare concerning morals in public, this running to a total of only 28 pages.

The subjects range all the way from Judge Hand's Class Day Oration upon his commencement at Harvard in 1893 to a speech delivered before the Harvard Club of New York upon the occasion of his eightieth birthday on January 18, 1952, in which he stated:

“Today we stand at bay, with all those conventions challenged that have for so long saved us from ‘the intolerable labor of

thought' . . . It is just in such times of stress that wide horizons and a suspended judgment become least bearable; that men, not content to follow the lights they have, will reach out for other lights — warmer, rosier, more comforting . . . Let us meet the issue squarely: ours is a stern creed, and we do not prophesy the outcome; we carry no passports to paradise; we accept the chance that it may prove a creed too Spartan for men to live by.” [p. 256, p. 259, p. 260 (1952)].

The two strongest currents to be found throughout the selections are Learned Hand’s skepticism and tolerance:

“In short, I argue that the political life of a country like ours would get depth and steadiness, would tend to escape its greatest danger, which is the disposition to take the immediate for the eternal, to press the advantage of present numbers to the full, to ignore dissenters and regard them as heretics, by some adumbration of what men have thought and felt in other times and at other places.” [p. 80 (1930)].

Mr. Dilliard’s biographical note of some 30 pages gives interesting facts of this “Tenth Justice of the U. S. Supreme Court,” including sidelights on some of his most famous decisions.

Surely this is a book no lawyer would want to be without. Not only is it interesting, informative and stimulating, but the brevity of its essays makes it ideal to have at hand for browsing at any spare moment. It is significant that every one of these selections is as timely today as when written; reaching as they do over more than half a century, it reflects the fact that our basic problems are not new but only stated in new circumstances — a thought Judge Hand has so eloquently and repeatedly stated in these selections. A witness of his standing is entitled to an attentive ear.

GEORGE SAVAGE KING.