

Law 5/5/73

## Law Day, 1973

In the thundering rush of events, it almost got trampled, but in case nobody noticed, we celebrated Law Day the other day. Law day is a funny thing in our culture. It just popped onto the scene a few years ago and has been pushed into our consciousness principally by the American Bar Association ever since. It started with a Presidential Proclamation in 1958 as a kind of crude answer to May Day. It has been a sort of apple pie and Fourth of July day, the purposes of which have been—in the words of the brochures—to advance equality and justice under law, to encourage citizen support of law and to encourage citizen understanding of the role of law in our society. Like Mother's Day, it has been a time you could take or leave, depending on the extent of your sentimentality. But, there are indeed real things to reflect upon on such day—and perhaps more than ever just now.

Judges, lawyers and legal officials are given to a great deal of rumbling rhetoric in Law Day speeches, but underneath it all, there is a profound reality. The law, its nature and its uses are, in a very real way, a measure of the degree of civilization in any society. In our society, the law is the ultimate glue. It is a vast matrix of rules forged in our history on the twin anvils of experience and our memories of civil decency. And, the rule of law is not a static thing. It is, rather, in the nature of a precious heritage, passed from generation to generation, its essence preserved, but shaped today for current problems and passed on gingerly with a keen sense of future need. In a

diverse complex and fragile nation, it is respected by those who know it as the last frail reed between the thrusting competitive and volatile but civilized society in which we live and a bunch of warring tribes where life and hope and property belong only to the strongest and the most predatory.

But, if society is fragile, so is the law. We repeat as cant, "Ours is a government of laws and not of men." That is both true and false. The law does not exist in a vacuum. It, as freedom, depends on the spirit, the strength and the restraint of strong men—men who have reverence for this nation's ideals, history and traditions; who have wisdom about her current problems and who believe deeply in her dreams for the future. The law is not an exercise in raw power, but rather a wise and decent balancing of the needs of the moment with both faith in the lessons of the past and a sense of the needs of the future as far as they can be perceived.

The law, in essence, is a large part of the history of a civilization. It is a living thing—passed, when it works best, from honorable hand to honorable hand throughout the life of a nation. The law can fail and betray a people when the hands to which it is entrusted have no sense of history, no reverence for the people and their traditions and no sense of their future course. We may have a government of laws and not of men, but men can fail both the law and the whole history of their people if they do not understand the trust which they have been given.