

## LAW LIT

*Thane Rosenbaum*  
*The New Press 2007*  
288 pp.

*Reviewed by Ashlea Palladino\**

In his recent book *Law Lit* (2007), Thane Rosenbaum, a law professor, essayist, and award winning novelist<sup>1</sup> addresses lawyers, optimistic law students, and anyone who harbors an obsession with court room thrillers, legal dramas, and the constant desire to see justice served. *Law Lit* uses multiple excerpts from a variety of famous writings regarding the law, including classic novels, recent thrillers, judicial decisions, poetry, and song lyrics, to describe the law from nine unique perspectives. Any reader familiar with the classic works that make up this collection will enjoy revisiting the legendary moments that first wetted society's insatiable appetite for legal fictions. Readers less familiar with these particular selections of literature may be less drawn to this book or at least tempted to skip to the more familiar territory within. But the brilliance of this collection lies in its ability to captivate an unfamiliar reader in each brief excerpt and add a few new books to her "must-read" list rather than lose the reader's interest.

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1. Thane Rosenbaum is a law professor, essayist, and award-winning novelist. His other works include *The Myth of Moral Justice* (2004), *The Golems of Gotham* (2002), *Second Hand Smoke* (2000) and *Elijah Visible: Stories* (1999).

Professor Rosenbaum displays his collection in nine distinct parts, each dedicated to the different opinions that both society and literature have developed about the law.<sup>2</sup> Rosenbaum begins each section of the book with a brief overview highlighting the underlying ideas and theories encompassed in each particular part.

The collection begins with an idealistic view of the law. In Part I: The Law Elevated,<sup>3</sup> Rosenbaum gives readers a glimpse of the security and comfort we find in the law when attorneys like Atticus Finch break down the barriers of social convention. In his opinion, the legal system achieves its utmost aspirations in Harper Lee's *To Kill a Mockingbird* when Atticus, the honorable attorney, urges his family to ignore insults and threats to their personal safety and reputation as he continues to represent Tom Robinson. It is an optimistic selection, showcasing true justice and all its glory, ignoring human error and biases, and encouraging readers to place their faith in human-kind.

Part I then takes a drastic turn by showcasing to the reader how devastatingly invasive a trial can be. Rosenbaum highlights the court room scene in Scott Turow's *Presumed Innocent*.<sup>4</sup> But, he quickly picks the reader back up with the literary breakthrough in Mark Twain's *The Tragedy of Pudd'nhead Wilson*, when a fingerprint in evidence was compared to a new print made against a window and the match explained for the first time in literature as a means to un-cuff an accused man and shackle another, all in that unforgettable line, ". . .make upon the window the fingerprints that will hang you!"<sup>5</sup>

Rosenbaum appeals to the revenge-seeker in us all by beginning Part II with *A Vendetta*, a short story by Guy de Maupassant about a house widow who trains her dog to become a vicious, blood-thirsty killer, ready to pounce from his cage and clench his starved teeth into the neck of the man that murdered the widow's son.<sup>6</sup> As Rosenbaum writes, "[s]ometimes justice

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2. The nine chapters of this book include The Law Elevated; Lawless Law; The Law and Liberty; The Law Made Low; The Law Laborious; The Lawyer as Lout; The Law and the Loophole; Layman's Law; and The Law Longing.

3. LAW LIT, FROM ATTICUS FINCH TO *THE PRACTICE*: A COLLECTION OF GREAT WRITING ABOUT THE LAW 1 (Thane Rosenbaum ed., 2007).

4. *Id.* at 6.

5. *Id.* at 13.

6. *Id.* at 37-41.

is best served, and makes the most moral sense, when the law is not even resorted to.”<sup>7</sup> This chapter, rightfully labeled “Lawless Law,” continues with such classic revenge stories as *The Count of Monte Cristo* by Alexandre Dumas,<sup>8</sup> as well as the painfully explicit closing statement in which Jake Brigance recounts the ruthless beating, rape, and attempted murder of a man’s nine-year-old daughter in *A Time to Kill*.<sup>9</sup>

Any great writing about the law is fair game in Rosenbaum’s collection. In Part V: The Law Laborious, readers relive Alice’s wacky trial scene before the King and Queen of Hearts from *Alice’s Adventures in Wonderland* by Lewis Carroll.<sup>10</sup> The excerpt proves to be far more than children’s literature when the trial unfolds to portray a “stupid” jury of various creatures who have to write down their names lest they forget them,<sup>11</sup> a King/Judge who constantly misdirects the court,<sup>12</sup> and The Mad Hatter as a witness who does not want to be there, confuses the date of the incident, and overall fails to testify about anything significant.<sup>13</sup> Attention is drawn to the steady struggle faced out of court as well in Herman Melville’s *Bartleby, the Scrivener*<sup>14</sup> when Bartleby decides he has had enough of this business and astonishes his boss by stating, “I would prefer not to” when tossed another grueling task.<sup>15</sup>

In Part VII: The Law and the Loophole, Rosenbaum exposes society’s fickle love affair with legal loopholes through his evaluation of *The Merchant of Venice* by William Shakespeare<sup>16</sup> and *A Few Good Men* by Aaron Sorkin<sup>17</sup>. In *The Merchant of Venice*, the judge saves a man’s dim fate by declaring a contract for a pound of the man’s flesh valid and due to his adversary. The judge continues by noting the contract said nothing of the man’s blood, and thus, the adversary’s land and goods would be confiscated by the court if by claiming the

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7. *Id.* at 35.

8. *Id.* at 42-44.

9. *Id.* at 45-46.

10. *Id.* at 157-62.

11. *Id.* at 158.

12. *Id.* at 158-62.

13. *Id.*

14. *Id.* at 142-47.

15. *Id.* at 145.

16. *Id.* at 216-21.

17. *Id.* at 222-30.

man's flesh one drop of blood was spilled.<sup>18</sup> The sense of relief felt when a loophole loops in your favor is incomparable. Everyone hopes to witnessing that breakthrough moment after the tension has built, when the witness wipes his perspiring brow, his story weakening until he bellows that crucial "You can't handle the truth" confession. Yet, as enticing as a clever loophole is for an audience, Rosenbaum also highlights how confusing a lawyer's trickery can be during trial in Paul Laurence Dunbar's poem *The Lawyers' Ways*<sup>19</sup>:

. . .Why, he painted him all over  
In a hue o' blackest crime,  
An' he smeared his reputation  
With the thickest kind o' grime,  
Tell I found myself a-wond'rin',  
In a misty way and dim,  
How the Lord had come to fashion  
Sich an awful man as him.  
Then the other lawyer started,  
An' with brimmin', tearful eyes,  
Said his client was a martyr  
That was brought to sacrifice.  
An' he give to that same pris'ner  
Every blessed human grace,  
Tell I saw the light o' virtue  
Fairly shinin' from his face. . .<sup>20</sup>

Rosenbaum's selection shows the understated risk of the endless search for truth that can result from equally persuasive adversaries.

This collection is a wonderful representation of society's love-hate relationship with the law. It is meant to encourage people to place their hope in the beauty of the legal system and to remind want-to-be lawyers as well as practicing attorneys of their full, unbridled potential. If read by a fan of legal dramas and courtroom thrillers, this collection accomplishes every possible goal. It is entertaining and captivating, making a great addition to any nightstand for a quick read now and then. Some excerpts of this collection are pleasant, some intriguing, some emotionally infuriating, while others can be a tad boring, but most obviously this collection was created by a lover of law.

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18. *Id.* at 219.

19. *Id.* at 214-15.

20. *Id.*

Each introductory paragraph is craftily worded, teasing the reader with questions the collection poses:

Does truth matter to the legal system? When the law fails, is it complicit in compounding the original injury? Is revenge as moral an impulse as any obedience to the rule of law? Is the legal system capable of reform, or have all attorneys lost their inner Atticus Finch?<sup>21</sup>

As Rosenbaum promises in his introduction, *Law Lit* proves “beyond any reasonable doubt, that no sphere of the human experience is as alluring and lurid, lamentable and lust provoking, as the law.”<sup>22</sup>

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21. *Id.* at xvi.

22. *Id.*

