

Bramble Bush: The Classic Lectures on the Law in Law School, Oxford University Press 2008, Karl N. Llewellyn.

It is only a slight exaggeration to state that anyone who has graduated from law school from in the United States since 1930 has at least heard of The Bramble Bush. The Bramble Bush was first published in 1930 by Professor Karl Llewellyn, and was taken from a series of lectures he provided to his first year law students at the Columbia Law School. The ambitious purpose of the lectures was to introduce his students to the purpose of law school, the purpose of law, and the case system around which so much of legal education is still constructed.

This new version contains an introduction and notes by Professor Steve Shepherd, the Williams H. Bowman Professor of Law at the University of Arkansas. Professor Shepherd's introduction to the book includes a brief biography of Professor Llewellyn, and a history of The Bramble Bush. While the book has been passed down from generation to generation of entering law students at all American law schools as a time-honored introduction to law school, it initially engendered much academic criticism. In particular, Llewellyn launched himself into a career as a leader of the school of Legal Realism by pointing out that the law is administered by officials (judges, sheriffs, clerks, etc.) and stating "what these officials do about disputes is, to my mind, the law itself". Indeed, in subsequent editions of the book, published in 1951 and 1960, Llewellyn felt the need to expand upon and defend this sentence. After several decades of Legal Realism as a school of thought asserting itself, particularly after World War II, Llewellyn's simple proposition that the law is what institutions do is somewhat taken for granted. Nonetheless, it was a radical proposition in 1930.

One of the useful things Professor Shepherd does in this edition is to add footnotes to the text to explain some of the dated references. For example, twice Llewellyn refers to reading "Satevepost". This was apparently a common shorthand reference to the Saturday Evening Post, a popular magazine that Llewellyn apparently assumed each listener and reader would read on a regular basis. Likewise, there are obscure references to the Bible and ancient literature, which Llewellyn assumed a college educated audience in 1930 would understand without need for explanation.

Despite the obsolete references, much of what is contained in The Bramble Bush is of value. Indeed, given what is commonly perceived as the passage of time since 1930, and given what we perceive as the dramatic social changes since then, it is striking to see how much is the same. Llewellyn writes eloquently of the conflict between social and legal justice, and devotes entire chapters to the types of lawyers students can become. One of the useful passages to read in The Bramble Bush is the chapter "Before Sunrise". In this chapter, Llewellyn takes the reader through the history of the unpopularity of lawyers, and explains why his students can expect to spend their professional career disdained by much of the public. If one is a skeptic of reports of a "golden age" when our profession was revered and respected, as is this reviewer, Llewellyn's chapter is powerful ammunition with which to blast away this illusion of nostalgia. Instead of clinging to a long lost era that never existed, Llewellyn urged his students to accept that

the duties of our profession have closed the eyes of many to its virtues and to accept with “pride and honor” the hands of those few who recognize our profession’s virtues.

Given the depth of Llewellyn’s writing and lectures in The Bramble Bush, and given the timeliness of its themes, anyone in our profession, from law student to 50-year lawyer, will find reading The Bramble Bush a challenging and entertaining read. Its title is taken from an ancient nursery rhyme about a man who jumped into a bramble bush which scratched out his eyes, and jumped right back into the bush upon realizing the blindness. The point in the title is that studying law is hardly painless, and the best treatment for that pain is more study. As mentioned before, a reread, or first read of The Bramble Bush would be a valued addition to such study.

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