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1999

## **Take Two Tablets and See Me in the Morning: the New Reprint Of St. Germain's Doctor and Student and Its Value in the Modern World (The Doctor and Student by Christopher St. Germain)**

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### **Recommended Citation**

Snyder, Mark H. (1999) "Take Two Tablets and See Me in the Morning: the New Reprint Of St. Germain's Doctor and Student and Its Value in the Modern World (The Doctor and Student by Christopher St. Germain)," *Touro Law Review*: Vol. 15 : No. 2 , Article 24.

Available at: <https://digitalcommons.tourolaw.edu/lawreview/vol15/iss2/24>

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**TAKE TWO TABLETS AND SEE ME IN THE MORNING:  
THE NEW REPRINT OF ST. GERMAIN'S *DOCTOR AND  
STUDENT* AND ITS VALUE IN THE MODERN WORLD**

*The Doctor and Student*  
By Christopher St. Germain

Mark H. Snyder\*

Nearly every case upon which we rely contains within it authority for its basic legal principles. If one researches those authorities, one will find even older authorities for those principles, and so on. Where does it all begin? Is there a chain of unbroken authority reaching back to the Magna Carta,<sup>1</sup> Roman responsa,<sup>2</sup> or even the Bible?

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<sup>1</sup> Magna Carta (also spelled Magna Charta), the statutory background of common law jurisprudence, was signed by King John at Runnymede in 1215. Comprised of a preamble and 63 clauses, the document essentially protects the

If one researches authority all the way back, one uncovers a series of original authorities which may rightly be called the pillars of modern law. These original authorities are not usually seminal case law, but are for the most part legal treatises, which can often be found in the dusty back rooms of modern law libraries.

Of these authorities, several stand out as premier in that they are cited most often for the greatest variety of principles. Among them, in order of importance, are: *The Institutes of the Laws of England*, by Edward Coke (pronounced “cook”);<sup>3</sup> Justinian’s

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landed rights of the gentry from being usurped by the king’s prerogative powers. King John repudiated the document and was forced to reinstate it under the name Great Charter in 1225. Altogether, its principles were restated and republished approximately seven times through various reigns. An excellent modern edition of Magna Carta has been produced by the Legal Classics Library in 1982 from an 1829 London edition edited by Richard Thompson. *See also* W. MCKECHNIE, *MAGNA CARTA – A COMMENTARY ON THE GREAT CHARTER OF KING JOHN 375-95* (2d rev. ed. 1914); W. DURANT, *THE STORY OF CIVILIZATION IV – THE AGE OF FAITH 672-78*. (1950); George Anastaplo, *Individualism, Professional Ethics, and the Sense of Community: From Runnymede to a London Telephone Booth*, 28 *LOY. U. CHI. L.J.* 285, 286 (1996).

<sup>2</sup> Roman *responsa* represents a mature development in a system of law. *Responsa* are written answers to questions seeking to determine the modern applicability of legal interpretations of long-standing statutes. Rabbi Moshe Feinstein’s scholarship is a modern example in the category of *responsa*. *See also* WOLFGANG KUNKEL, *AN INTRODUCTION TO ROMAN LEGAL AND CONSTITUTIONAL HISTORY* 96, 107, 116, 118, 121, 122, 146 (J.M. Kelly trans., Oxford at the Clarendon Press 2d ed. 1973) (1972).

<sup>3</sup> SIR EDWARD COKE, *THE INSTITUTES OF THE LAWS OF ENGLAND* (1630). In addition to being Chief Justice of England, Edward Coke (1552-1634) was Queen’s Attorney in the prosecutions of the Earl of Essex and of William Raleigh leading to their ultimate executions for treason. He was also instrumental in the Parliamentary process that led to the overthrow of Charles I. These trials and Parliamentary proceedings may be found in HOWELL’S *STATE TRIALS* (21 vols., London, 1816), vols. 1-3. Coke also wrote one of the earliest and most esteemed reporter series known as COKE’S *REPORTS* (cited as *Co. Rep.*), which ran 13 volumes. Garland Press published a reprint of the 1832 edition of Coke in 1979. The Legal Classics Library produced a reprint edition of Coke in the 1980’s. For an excellent biography of Coke, *see* CATHERINE DRINKER BOWEN, *THE LION AND THE THRONE* (1956). The biography won the National Book Award. For a general overview of common

*Corpus Juris Civilis*;<sup>4</sup> and Matthew Hale's *History of the Pleas of the Crown*.<sup>5</sup> Both Coke and Hale were Chief Justices of England, Coke in the early part of the 17th Century, Hale in the latter part. Justinian was Emperor of Rome after the fall of Rome who ordered a compilation of all the laws from the time of the City's founding in order that its rules not be lost to posterity.

Coke's work is divided into four parts: *Coke Upon Littleton* (or *Coke's Institutes Vols. I and II*); *the Statutes*; *the Pleas of the Crown*; and *Jurisdiction*. Of these, *Coke Upon Littleton* and *the Pleas of the Crown* are the most significant. *Coke Upon Littleton* is a commentary on Littleton's *Tenures*,<sup>6</sup> a thorough and

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law literature, see 1-2 FREDERICK POLLOCK AND FREDERIC WILLIAM MAITLAND, *THE HISTORY OF ENGLISH LAW* (Legal Classics Library, 1982 Reprint Edition); HENRY SUMNER MAINE, *ANCIENT LAW*, (Legal Classics Library 1982 Reprint Edition); THEODORE F.T. PLUCKNETT, *A CONCISE HISTORY OF THE COMMON LAW* (5th ed. 1956). See also DAVID M. WALKER, *THE OXFORD COMPANION TO LAW*, (Oxford 1980) (providing biographies of the legal figures cited herein).

<sup>4</sup> Justinian (483-565) was Emperor of Rome from 527 until his death. There are very few available English editions of the entire CORPUS JURIS CIVILIS. However, both the *Institutes* and the *Digest* have recently been republished in Latin and English: JUSTINIAN'S INSTITUTES (Peter Birks and Grant McLeod, trans., Duckworth 1987); and THE DIGEST OF JUSTINIAN (4 vols.) (Theodor Mommsen, Paul Krueger and Alan Watson, eds., U. Penn. 1985). See also TONY HONORÉ, *TRIBONIAN* (Duckworth 1978). Tribonian (470-543) was the jurist who is credited with compiling much of the CORPUS JURIS. The reader is also referred to the work of Robert Joseph Pothier (1699-1772) whose work on the Civil Law was crucial towards the creation of the Code Napoleon. Pothier is the most lucid author ever to write a secular legal treatise. See also, CUPIDAE LEGUM JUVENTUTI: THE ELEMENTS OF ROMAN LAW WITH A TRANSLATION OF THE INSTITUTES OF JUSTINIAN (R.W. Lee, trans., 1956).

<sup>5</sup> Matthew Hale (1609-1676) demonstrated his unique professional integrity by maintaining his judicial career from the reign of Charles I through the Interregnum and then rising to Chief Justice during the Restoration. An excellent republication of his work can be found in the Classic English Text Series, edited by P.R. Glazebrook, and published by Professional Books, London, 1971. For an overview of the development of the common law, see Harold J. Berman, *The Origins of Historical Jurisprudence: Coke, Selden, Hale*, 103 YALE L.J. 1651 (May 1994).

<sup>6</sup> SIR THOMAS LITTLETON, *THE TENURES* (Garland Press 1978) (1841). Sir Thomas Littleton (1402-81) was a judge of the common pleas whose great book, *THE TENURES*, is considered to be the first printed English legal treatise.

masterful elucidation of English property law dating from the late 15th Century. Littleton wrote in Law French, a courtly and genteel language highly compatible with English. Coke both translates it and offers a profound and scholarly interpretation of the concise rules which Littleton sets forth, often varying from the course to offer an anecdote or digressing into a general discussion of law. All of it is valuable. Coke's *Pleas of the Crown* is a fascinating and erudite exposition of English criminal law.

Justinian's work is an exhaustive recitation of law which is placed in three different styles--the *Institutes*, an ongoing exposition; the *Digest*, a question-and-answer format (beginning with "What is law?", answered by excerpting from many of the great Roman lawyers and judges of history); and the *Codex* and *Novellas*, a delineation of law.

Hale's work, posthumously published, is more a disquisition on criminal law, evidencing great learning and a natural facility for teaching.

Coke's great treatise is said with awesome respect to "refract and reflect" all law. It refracts all law that precedes it and reflects all law that follows so that one need look no further than Coke to find the basis of all law ancient and modern.

Coke, however, had his own authorities. He cites to statutes and to the Year Books,<sup>7</sup> those rudiments of modern case law from

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An excellent reprint of Littleton was published by Garland Press, New York, 1978, from an 1841 London first edition by T.E. Tomlins, ed., which includes THE OLD TENURES, upon which Littleton based some of his work, and THE CUSTOMS OF KENT, which are unique in English law. Coke prefaces *On Littleton* with a *Memoirs* which are reprinted in the Tomlins edition. This consists of a short biography of Littleton and also includes Littleton's Will. These Memoirs are remarkable for Coke's observation "that few or none of that profession die *intestates et improles*, without will and without child . . . ." Tomlin's notes enrich the text immeasurably.

<sup>7</sup> The Year Books were written in Latin and later in Law French and stressed the arguments of counsel and the structure of legal opinion rather than the actual decisions though many if not most of the cases discussed did include which way the final judgment went. Professional Books published an 11 volume edition of the Year Books in its original language only in 1981. English editions have been produced by the Selden Society in London and the

the late 13th through the mid 16th centuries; to the Bible on occasion; to the great poets, playwrights and philosophers of antiquity;<sup>8</sup> and, most important, to the great common law treatises which preceded him.

Glanvill<sup>9</sup> was the first English legal theorist of whom we have knowledge. His late 12th century work, which goes by his name, is primarily a brief synopsis of the possessory writs so crucial to the underpinnings of the common law. Bracton,<sup>10</sup> whose treatise *De Legibus et Consuetudinibus Angliae* is probably the greatest of all English legal texts, lived several generations after Glanvill and fills in the rich history of legal practice in justiciating the possessory writs. Fleta,<sup>11</sup> who followed Bracton, is basically a

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Ames Foundation at Harvard; however, there is not yet a complete compilation of the Year Books in English.

<sup>8</sup> For a consummate collection of nearly 500 titles of practically every extant author of Western antiquity, published in the original Latin and Greek as well as English, see THE LOEB CLASSICAL LIBRARY, published by Harvard University. Just as the Bible itself begins with stories and philosophical encounters prior to law entering the picture, secular law as well locates its stories and philosophy precedent to its statutes. Among the great classics which secular law treats as authorities are the works of: epic poets Homer, Hesiod and Virgil; the poets Juvenal, Horace and Ovid; the philosophers Plato, Aristotle and Philo; the dramatists Aeschylus, Euripedes, Sophocles and Aristophanes; the moralist Seneca; the historians Herodotus, Thucydides, Tacitus, Livy and Plutarch; and the rhetoricians Cicero and Demosthenes. For more classic writers treated as legal authorities, the reader is referred primarily to Coke's text itself. For a reference to more modern writers treated as authorities, see HUGO GROTIUS, THE LAW OF WAR AND PEACE, *infra* note 21.

<sup>9</sup> Ranulph de Glanvill (d. 1190) was a justice under Henry II. A modern edition of his work exists in English. GLANVILL (Hall, ed., Nelson in assoc. with the Selden Society, 1965).

<sup>10</sup> Henry de Bracton (d. 1268) was an itinerant justice and then appointed judge of the King's Bench in 1247. The publication of Bracton's DE LEGIBUS in English by Prof. Samuel Thorne was one of the monumental common law events of the 20th Century. It was produced by Belknap and Harvard in association with the Selden Society in 1968. It opens up to the general public a whole world of legal interactions awesome in its contemplation tantamount to the archeological discovery of an unknown civilization.

<sup>11</sup> FLETA is the name given to a treatise written at about 1290. It shows a society that had retrogressed from the apparent freedom of expression that permeates throughout Bracton's work. The Selden Society published two volumes of Fleta's treatise -- 72 FLETA (Selden Society 1953) and 99 FLETA

recapitulation of the former work. Britton,<sup>12</sup> a contemporary of Fleta, offers a treatise written in imperious tones which sets forth how the King demands his subjects obey the strictures of law. Fortescue's *De Laudibus Legum Angliae*,<sup>13</sup> a 15th century work, is a stylistic treasure, written from the perspective of a tutor instructing the Crown Prince of England as to the substance and importance of law. The 16th century judge Sir Anthony Fitzherbert,<sup>14</sup> contributed two great works to common law literature: the *Abridgement* which digested Yearbook cases and alphabetized them by title, and the *Natura Brevium*, which did the same for common law writs.

Among Coke's most favorite references is the early 16th century treatise by Christopher St. Germain known as *The Doctor and Student*.<sup>15</sup>

According to the late modern common law scholar T.F.T. Plucknett and J.L. Barton, his coeditor of the Selden Society publication of St. Germain (or "St. German" as they call him) in 1974, the author was a member of the Middle Temple who had a

(Selden Society 1983). See also JOHN SELDEN, AD FLETUM DISSERTATIO (David Ogg, ed., Gaunt 1986).

<sup>12</sup> Britton is the name given to a treatise also written at about 1290. The standard edition is that edited by Francis Morgan Nichols (1865). A modern reprint of the Nichols edition exists, published by Oxford in 1965.

<sup>13</sup> Sir John Fortescue (1394? - 1476?) was appointed Chief Justice of the Kings Bench in 1442. SIR JOHN FORTESCUE, DE LAUDIBUS LEGUM ANGLIAE (Legal Classics Library 1984). It was written ostensibly for the instruction of Edward, Prince of Wales, while in exile about 1470. A modern reprint of Fortescue was published by the Legal Classics Library in 1984.

<sup>14</sup> Sir Anthony Fitzherbert (1470-1538) was a judge of the common pleas. There exists no recent reprint of this very valuable resource and the available editions are expensive. The reader is directed to law catalogues that offer 16th, 17th and 18th century editions of these works. Such catalogues include: Q.M. Dabney in Washington, D.C. and John Rees at 242 Merton Road in London. Probably the most important resource for the acquisition of common law materials in the world today is Prof. Victor Tunkel, Secretary of the Selden Society, who may be contacted at: The Faculty of Laws, Queen Mary College, Mile End Road, London, E1 4NS.

<sup>15</sup> CHRISTOPHER ST. GERMAIN, THE DOCTOR AND STUDENT (The LawBook Exchange Reprint 1998).

fairly distinguished legal career and who produced his great surviving literary work in the last two decades of a long life.

*Doctor and Student* is comprised of two dialogues. As Plucknett and Barton indicate, both were published anonymously. The first dialogue appeared in 1523 in Latin, published by John Rastell,<sup>16</sup> famous in his own right for his book of legal terms. The second dialogue was written in English and published by Peter Treveris in 1530.

Though the substance of *Doctor and Student* concerns common law property issues, it is well worth the effort of comprehensive study.

While the Civil Law tradition founded by Justinian and crowned by the work of Pothier (see footnote 4) is statute oriented and derives its vitality from its underscoring of the obligations inherent in personal relationships, the Common Law tradition, which devolves primarily on the line from Glanvill to Coke, is property oriented. Thus, we observe as we trace modern case authorities back in time, that criminal law and tort merge into the concept of trespass. The nature of a wrong whether criminal or tort, is conceived of as the intrusion of one party upon another's land. All such wrongs may be reduced to the allegation of the "breaking of a close." The distinction between the two was nicely likened by Coke as the difference between one climbing over a fence to snatch a peach and one lingering on the wrong side of that fence to indulge in the enjoyment of its succulence.

The spokes at the very center of the axle of common law are the four possessory writs or assizes. At issue is not the right of ownership but the mere claim to possession. If one was personally disseised of property, the writ was known as Novel Disseisen.<sup>17</sup> If one had claim through heirship but had never been

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<sup>16</sup> John Rastell (d. 1536) was the author of *THE TERMS OF LAW* (1527) as well as the publisher of St. Germain and Fitzherbert's *GRAND ABRIDGEMENT*. A modern reprint of Rastell's work was published by De Capo Press, New York, in 1969.

<sup>17</sup> This writ was established in the reign of Henry II by the Assize of Clarendon (1166). A jury of 12 would determine whether a dispossession of one's tenement (other than life estate) was lawful or not. As noted in the text,



in possession, the writ was Mort D'Ancestor.<sup>18</sup> If the disseisen was of the perquisite of advowson,<sup>19</sup> the writ was Darrein Presentment. If the issue was the susceptibility of the property to tithe, thus whether lay or church, the writ was the Assize Utrum.

It would render the possessory writs merely an interesting historical sidenote if one were to conclude their significance to be that the nascent common law designated the most essential wrong in society to be dispossessing one from real property or the privileges thereof. In fact, the possessory writs are the singlemost sublime triumph of the primacy of the rule of law. One would not expect the natural reaction of a knight upon being dispossessed to be perfecting a claim and waiting years for the next eyre so that itinerant justices could newly hear the case (thus "novel" disseisin). While Bracton makes clear that forcible

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the issue is solely one of possession and not one of right. The writ remained effective for nearly 700 years.

<sup>18</sup> This writ was established in the reign of Henry II by the Assize of Northampton in 1176. The issue to be determined by a jury of 12 was whether the deceased died seised of the lands and whether the claimant was heir. Even if the person now in possession had a greater right or better title, possession would be awarded to the rightful heir if his ancestor died seised. A person with greater right had to assert it by action, not seizure.

<sup>19</sup> Advowson is an incorporeal hereditament, which is conceived of as the right of patronage or presentation to a church or benefice. For an erudite exposition of ecclesiastical privileges as they relate to secular law, see THOMAS WOOD, AN INSTITUTE OF THE LAWS OF ENGLAND, Book II, ch. 2, at 152 (Garland Press 1979). Thomas Wood, (1661-1722), a barrister and Fellow at Oxford who left the law for the Church, laid the foundation for Blackstone in both his approach and content. Sir William Blackstone (1723-80) is the best known and most often cited classic English legal theorist. His COMMENTARIES ON THE LAWS OF ENGLAND (1765-70) is a clear and concise exposition originally delivered as a series of lectures at Oxford. Just as Wood laid the foundation for Blackstone, Blackstone inspired James Kent (1763-1847), Chancellor of New York (1814-23), whose COMMENTARIES ON AMERICAN LAW (Legal Classics Library 1986) (1830) is a seminal work which owes much to Blackstone but stands on its own merits. His COMMENTARIES was reprinted by Legal Classics Library in 1986 from an 1830 New York edition in four volumes. In its devoted efforts towards establishing a standard for international law, it is a landmark work. Oliver Wendell Holmes' (1841-1935) commentaries on Kent (1873) was his first major publication, predating *The Common Law* by eight years.

disseisin could be met by forcible repossession if answered immediately, the law would not otherwise countenance unsanctioned force. The possessory writs were a sanguine influence helping to civilize and unify the kingdom, paving the way for its peaceful development. Of what value is this knowledge and how is this all relevant to the modern world?

Three contemporary issues come immediately to mind. When Saddam Hussein seized Kuwait, a disseisin of an entire nation, the resort was not to force of arms but to the United Nations, which sanctioned the seizure as illegal and then demanded Iraq's immediate withdrawal. The use of lawful international force as the remedy for its failure to withdraw was an application of this most fundamental principle of common law.

"Ethnic cleansing" is the prospective disseisin of a unique peoples. Here again, the common law system offers itself as a model for proceeding according to law rather than first resorting to force of arms. (Achieving this by murder is a different issue).

One of the most frightening developments of the age of technology is the growing threat of identity crime, the whole usurpation of a person's life history. The complete nature of the usurpation renders this act more akin to the wrong sought to be addressed by the possessory writs than it is to the concept of the breaking of a close. This seems to point to an ultimate resolution in the law implicating a classification of conduct distinct from either crime or tort as they later developed.

In addition, there are theoretical applications to a future world that can be derived from applying the concept to other areas of law, much as trespass applied to crime and tort.<sup>20</sup>

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<sup>20</sup> Specifically, at least three areas on the frontiers of modern science could pose legal question that the model of the assizes may be helpful in resolving. First, the transference of particles through space, already crudely achieved, involves a whole removal and replacement, which may be beyond the reach of trespass. While there is no indication UPS will be driven out of business at any time soon, or that "beam me up, Scotty," will become reality in the near future, it is likely the mechanics of particle dematerialization will technically develop over the course of time. Second, with the observation of photons traveling faster than the speed of light, the capacity for man to do so becomes that less implausible -- especially if it is agreed that travel through space at less

The *Doctor and Student* was written some 300 years after the common law tradition took root in society. The questions it poses are much more complex than can be found in Bracton. Its purpose is to show the flaws and fallacies that many generations of practical experience had exposed. It does this by juxtaposing the inherent mandate of the law to do justice to all parties with the needs of the law to have clear legislative guidelines and to follow proper procedure. St. Germain places the former point of view in the mouth of one protagonist and the latter in the mouth of the other. The resulting synthesis lays bare many of the problems proliferating throughout the legal system.

The early going of the dialogues sets forth the framework of the discussions that follow. Both parties present their fundamental axioms and in turn each respectfully recognizes the reasonableness of the other -- a proper start for any meaningful dialogue aimed at true resolution. There is much to learn in the early going because of the obviously substantial philosophical perspectives each side has staked at the outset.

The Doctor in these dialogues is a doctor of divinity whose knowledge is of ecclesiastic and spiritual laws and whose emphasis is on conscience. The Student is a student of law. The prologue to the First Dialogue explains that its purpose is to show the principles and grounds of law in order that conscience may be formed in accordance therewith. It also considers whether some laws ought, reciprocally, to be rejected on account of their failure to be consistent with the demands of conscience.

The Student begins by asking the Doctor to explain how law began and in return will explain what the grounds of law are. The Doctor organizes law into four categories: the eternal law; natural law; divine law; and the law of man. Eternal law is the divine will, which may not be known except to the extent it deigns to reveal itself to created beings. Natural law is the law of

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than the speed of light is like saddling up a snail for a trip around the earth. Legal issues arising in this context may require a possession-oriented system. Third, without touching on the morality of human cloning as currently perceived, concepts involving the replacement or replication of a whole human being seem more closely related to seisen than trespass.

reason as written upon the hearts of creatures. This law is comprised of precepts: *to love good and flee from evil; to do no wrong to one's fellow; to do justice to all; to punish transgressors; to love one's benefactor.* Divine law is primarily biblical law. The law of man derives from the law of reason and from divine law. For the law of man to be just and right, two things are necessary: wisdom and authority. Such law is just with respect to its end, its author and its form when it ordains for the common good; is within the authority of its maker; and, when it imposes burdens proportional upon all. If the burden is unequal, even if the object is good, it does not bind in conscience.

The Student then sets forth six principles upon which law is grounded: reason, divine law; general customs; maxims; particular customs; and, statutes. Primary reason states that all persons ought to live peacefully and that he who disturbs the peace shall be punished; secondary reason concerns the rightful ownership of property. Divine law, to the Student, involves those matters where inquiry may rightfully be made by both temporal and spiritual authorities. Under general custom are certain matters which statutes may confirm but which originate as custom— such as the right to due process and the laws of inheritance. Maxims, the fourth ground, are similar to precedent in that judges may determine if the maxim applies to the case and if so determined may constitute authority without looking further. Some maxims are grounded in reason, such as the rule that a lesser title will merge in a greater one; some, however, are not. Particular customs are those which vary by locale. Statute law is discussed in general terms. All these grounds must be known to properly understand law — recourse to reason alone does not suffice.

Having set forth both the spiritual and secular nature of law, the dialogue then moves into the realm of reconciling law with conscience. For example, law may require proof of payment in order to release one from an obligation — despite the fact payment has actually been made. How can this be proper? The answer lies in the concept of equity which may answer for wrong

in such cases. The law itself cannot change because a reasonable basis exists for the requirement of proof.

The Doctor discusses certain spiritual principles which must be factored into any consideration of law. The first he calls "sinderesis" -- the motive which steers people to do good and abhor evil. Reason itself is not only cognitive but also motive. Reason may adjudge an act as good and this is in its cognitive capacity; however, that which identifies an act as good so that it should be done is motive. Conscience imports knowledge in conjunction with a particular act so as to accept or reprove it. It bears witness concerning every act of a person's life. In its function of importing knowledge, it is infallible; in its function of accepting or reproving, it is fallible. There are six ways the conscience in this respect may err: as a result of ignorance, negligence; pride; self-will; affection; pusillanimity.

Next in the dialogue follows a discussion of equity and its application. Equity follows the intent of the law, tempered by mercy. The remainder of the first dialogue and all of the second are then devoted to specific instances, drawn from property law, as to whether a certain law may work an injustice and therefore be unconscionable.

The great authority of *Doctor and Student* derives from its painstaking accounts of those particular property laws which could end in an unjust result -- sometimes cases which could affect anyone, sometimes loopholes taken to the extreme. It thereby points the way to needed emendations or special areas of sensitivity which could be addressed by or cited to judges and legislators alike, shedding light on what otherwise could lead to an oppressive result. Not only was its dialectic form truly innovative but so was its conceptual perspective. Conceiving of natural law as relative to the law of reason, St. Germain foreshadowed such thinkers as Grotius,<sup>21</sup> 17th century author of

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<sup>21</sup> Hugo Grotius [Huigh de Groot], (1583-1645) was one of the most influential thinkers in history and is credited with founding international law. His work is entirely seminal, his citations are almost exclusively to worlds of antiquity drawn liberally from all Western traditions. A modern reprint of *THE LAW OF WAR AND PEACE* was published by the Legal Classics Library in 1984.

the seminal work on international law, who wrote: "The law of nature is the dictate of right reason . . ." (*The Law of War and Peace*, Book 1, Ch. 1, X:1, citing to *Philo*), and Pufendorf,<sup>22</sup> who wrote a treatise on the subject. It finds echo as well in the stirring words of the Declaration of Independence.

The republication of a common law classic is always a source of great delight, akin to the birth of an animal on the endangered species list. In recent years, the Lawbook Exchange has moved into the forefront of such endeavors, joining that stalwart institution known as the Selden Society and the Legal Classics Library in making accessible crucial volumes of common law whose light would otherwise be forever extinguished from the consciousness of modern man. The volume itself is a reprint of an 1874 Cincinnati edition and is superbly executed, on acid-free paper in a smart cloth binding.

*Doctor and Student* remains a valuable tool for exploring the depths of common law knowledge. It is remarkable for its ability to pinpoint latent injustice and expose the vulnerability of the law to being the unwitting medium for oppression. Would that we had today an author who could show us the inconsistencies and inequities, the possibilities for misinterpretation and fallacies of our own legal doctrines. Not only does it achieve this in unique style, but does so in a way that could be cited to a court when such an issue arose, increasing the chance that a judge could prevent a wrong outcome to an individual or family.

As a great work of antiquity, *Doctor and Student* is a treasure. As an important influence on modern law it is a highly significant treatise. As a piece of timeless inspiration, it is priceless.

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<sup>22</sup> Samuel Von Pufendorf (1632-94) had a vast influence on the Age of Enlightenment including the thinking of the founding fathers of the American Republic. Pufendorf built on the work of Grotius. A reprint of his treatise ON THE DUTY OF MAN AND CITIZEN was published by the Legal Classics Library in 1993.

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