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BOOK NOTE

BOSWELL FOR THE DEFENSE, 1769-1774. Edited by William K. Wimsatt, Jr.,¹ and Frederick A. Pottle.² New York: McGraw-Hill Book Co. 1959. Pp. xxix, 396. \$6.95.

James Boswell, whose *Life of Johnson* is generally recognized to be the most skillfully written biography in the English language, was an eighteenth-century Scottish lawyer, as well as a prominent literary figure. Boswell's private papers, including his now-famous Journal in which he recorded the day-to-day events of his life during most of his adult years, are owned by Yale University; *Boswell for the Defense* is the seventh volume in the series of Yale Editions of the Private Papers of James Boswell and covers a five-year period of his life (from ages 29 to 34), a period of "sustained application to professional [legal] labors."³ The present volume consists of Boswell's Journal for these years; extensive editorial comment which fills out and explains the Journal; a summary of the eighteenth-century, Scottish legal system; a glossary of eighteenth-century, Scottish, legal terms; and a list of illustrations which includes such items as a portrait of Lord Mansfield and an engraving of the House of Lords in 1742.

While this book's reading public will no doubt consist primarily of scholars and students in the field of English literature, lawyers interested in exploring the obscurities of legal history and the not-so-well-defined relationship of law and literature will find the present volume to be pleasant and instructive entertainment and a valuable addition to their libraries. During the years covered by this volume, Boswell was engaged in several interesting criminal trials, the most colorful of which were the trials of John Reid, accused of stealing sheep from his neighbor, and John Hastie, a schoolmaster dismissed from his post for flogging his pupils too strenuously. The book recounts the details of Reid's trial, conviction and hanging and of Hastie's unsuccessful appeal to the House of Lords, Lord Mansfield presiding. (Perhaps no unsuccessful appellant can claim to have been represented by two more distinguished masters of the written word than was John Hastie, for Dr. Samuel Johnson aided Boswell in the preparation and wording of the brief.) The Editors relate that during these years Boswell "acquired a reputation as a man who would take on, become ardently concerned in, the causes of common criminals, the unfortunate, the desperate, the clearly guilty and imminently threatened with the

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1. Professor of English, Yale University.
 2. Sterling Professor of English, Yale University.
 3. WIMSATT & POTTLE, BOSWELL FOR THE DEFENSE ix (1959).

pains of law."⁴

In an age in which the art of conversation reached its peak, Boswell's friends and associates included the most celebrated men of literature, law and politics; and many of the most delightful passages of his *Journal* for these years describe conversations between various members of the London Literary Club⁵—among whom were Sir Joshua Reynolds, Oliver Goldsmith, Edmund Burke, David Garrick, and Boswell and Dr. Johnson.

Human beings in the act of speech are always Boswell's focus, his medium, his idiom. This fact is ambivalent: on the one side spontaneous and autobiographical, on the other traditional and literary. . . . Boswell himself is an active, an eager, a perpetual, a chronic conversationalist—never happy unless in company, scarcely even alive unless in company.⁶

The following two quotations will perhaps indicate the pitch of these conversations, as well as Boswell's literary style. Boswell writes in his *Journal* for April 13, 1773:

Mr. Johnson and Dr. Goldsmith walked home with me. I have forgotten much of this day's conversations. Goldsmith went away. Mr. Johnson drank some tea with me. I told him that Mrs. Macaulay said she wondered how he could reconcile his political principles with his moral, his notions of inequality and subordination with wishing well to the happiness of all mankind, who might live so agreeably had they all their portions of land, and none to domineer over another. "Why, sir," said he, "I reconcile my principles very well, because mankind are happier in a state of subordination. Were they to be in this pretty state of equality, they'd soon degenerate into brutes, they'd become Monboddo's nation. Their tails would grow. Sir, all would be losers were all to work to all. They'd have no intellectual improvement. All intellectual improvement arises from leisure. All leisure arises from one working for another."⁷

On another occasion the following conversation ensued:

BOSWELL. "Lord Mansfield is not a mere lawyer." JOHNSON. "No, Sir. I never was in Lord Mansfield's company. But, Sir, Lord Mansfield was distinguished at the University. Lord Mansfield when he came first to town 'drank champagne with the wits,' as Prior says. He was the friend of Pope." SIR ALEXANDER. "The bar is not so abusive as it was formerly. I fancy they had less law long ago, and so were obliged to take to abuse to fill up the time. Now they have such a number of precedents, they have no occasion for abuse." JOHNSON. "Nay, Sir, they had more law long ago than they have now. As to precedents, to be sure they will increase in course of time. But the more precedents there are, the less occasion is there for law; that is to say, the less occasion is there for investigating principles."⁸

4. *Id.* at xiv.

5. Though Boswell lived and practiced law in Edinburgh, he travelled frequently to London to visit friends and to attend to legal business.

6. Wimsatt, *James Boswell: The Man and the Journal*, Yale Rev., Autumn 1959, p. 84.

7. WIMSATT & POTTLE, *op. cit. supra* note 3, at 181-82.

8. *Id.* at 69-70.