

INSPIRING PROFILES FROM AN AGE OF OPTIMISM

Review by Ronald Goldfarb



PILLARS OF JUSTICE

Lawyers and the Liberal Tradition

OWEN FISS

In *Pillars of Justice: Lawyers and the Liberal Tradition*, retired Yale law professor Owen Fiss writes about the careers of 13 lawyers whose work in the last half century, particularly through their involvement in *Brown v. Board of Education*, “changed the world.” He makes his case in essays about Justices Thurgood Marshall and William Brennan; prosecutors John Doar and Burke Marshall, who ran the Civil Division of the U.S. Department of Justice under Robert F. Kennedy; as well as five law professors and four lawyers, all of whom Fiss knew and worked with. Fiss had to stretch to keep some of his profiles under the umbrella of the *Brown* case, which he describes as “a beacon to guide them in their endeavors,” particularly Argentinian scholar Carlos Niño and Israeli jurist Aharon Barak, notable as their careers were.

Before his career at Yale Law School, Fiss studied philosophy at Oxford, went to law school at Harvard, taught at the University of Chicago, and clerked for Justices Marshall and Brennan. This long career means he knew and worked with all the subjects of his book. Fiss remarks that, “All biography is a form of autobiography,” and this is so for this reviewer as well. I worked at the Robert F. Kennedy Justice Department, knew both Marshall and Doar, and studied with some of the Yale professors and deans who Fiss praises. Having lived

through the time when the civil rights struggle played out dramatically on the national stage, Fiss’s rich experiences and notable scholarship shine through.

While Fiss’s book reads like a farewell toast to his friends and professional mentors, the truth is that the people he profiles were so important to law and legal pedagogy that the chapters are fast reads. His profiles will especially interest the many *Washington Lawyer* readers who are teachers, and all readers will find his personal vignettes describing his time in the civil rights struggle and legal education enlightening.

The author’s colleagues, role models, and friends were all estimable people, but his anecdotes about Thurgood Marshall and his remarkably unique career are particularly charming. Fiss clerked for both Marshall and Brennan, observing first-hand their efforts toward “the redemptive possibilities of law.”

How Doar evolved from small-town Wisconsin lawyer in his family’s law practice to a moral model in the power politics of his day, the civil rights battles that followed *Brown*, and the Watergate era are stories the legal profession can be proud of. So, too, is the story of the shy but wise Burke Marshall, whose career at the Justice Department and at Yale Law Fiss shared. In legal education, Fiss’s vignettes about the extraordinary scholar Harry Kalven at the University of Chicago Law School, and Dean Eugene Rostow and Joe Goldstein at Yale, are worth hearing from one who knew them well. His chapter on Catharine MacKinnon explains the evolution of a notable pioneer of women’s rights from student to academic to influential polemicist.

Fiss’s book can be a bit chummy, but the chums were such remarkable people in the world of law that the book entertains and enlightens that its chumminess can be forgiven.

Ronald Goldfarb is an attorney, author, and literary agent in Washington, D.C. Read more of his work at ronaldgoldfarb.com.

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