The Functions of a Law School

By PHIL C. Neal

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This talk was delivered by Dean Neal at the School’s annual Dinner for Entering Students, on October 4, 1966. It was first published in the Chicago Bar Record, Volume XLVIII, Number 2, November-December, 1966.

This is an occasion which we celebrate annually to welcome the newest recruits to the ranks of University of Chicago lawyers. What I have to say will be mainly directed to the new first-year class, but I hope it may also have some relevance for our friends who have come from abroad or from other law schools to spend a year with us and to whom we extend an equally enthusiastic welcome. It is an occasion of welcome, but it is more than that. We hope you will take from this gathering not only a sense of our pleasure in your arrival but also some notion of our pride in you, our confidence that you have the qualities required for success here, and our hope that you will find in the life of the School and in your careers thereafter the challenges and rewards that have come to a long line of your predecessors.

Perhaps I need especially to emphasize the confidence we have in you. This is not because I doubt that you bring with you a proper measure of self-confidence but because all experience suggests that in the weeks and months ahead it will have to survive severe strains. There will be times, I am afraid, when some of you will feel that one of our chief aims (or worse, chief pleasures) is the destruction of your self-confidence. Your reaction will be natural, though quite mistaken. I doubt that anything I may say now can wholly inoculate you against it, but perhaps you will try at such times to remind yourselves that our attitude toward you is a mark of high respect. If law school is in some ways an intellectually rough and aggressive place, as it is, part of the reason is that the faculty regard you as hardy stock. You will come closer to being treated as the intellectual equals of the faculty

Address at the Dedication of the Laird Bell Quadrangle

By ROBERT MAYNARD HUTCHINS

President, Center for the Study of Democratic Institutions
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I first met Laird Bell in April, 1929, under circumstances embarrassing to us both.

The occasion was the Board meeting at which I was to be elected President of the University. After a pleasant luncheon in the Chicago Club, Laird was asked to take me to another room and talk with me a few minutes while the Board gave routine assent to the recommendation of its nominating committee.

The minutes grew into hours. The shadows lengthened, and the evening fell. Our conversation languished and became at times touched with hysteria. When we were finally released, we had covered all conceivable subjects, some of them several times. As our talk ended, it was as though we had known each other for many, many years. The most notable aspect of this remarkable conversation was that it was the only one I ever had with Laird in which I got him to say anything about

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This portrait of Laird Bell, JD'07, LL.D. (h.c.) 1953, was unveiled at the Dedication Ceremonies of the Laird Bell Quadrangle by Glen A. Lloyd, JD'23, and now hangs in the principal entrance to the School.
himself. This gives the measure of his desperation.

I never dared inquire what happened at the meeting in the other room. To those who delayed my election I owe a debt of gratitude for laying the foundation, under forced draft, so to speak, of a friendship that illuminated my life for more than a generation.

From my arrival in Chicago up to and after the Great Santa Barbara Fire, Laird and Nathalie Bell watched over me. Laird regulated my affairs, edited my writings, and tried to civilize my conduct. He came to be the criterion by which I measured plans, policies, and proposals. I would have been wiser, I see now, if I had always substituted his judgment for my own.

When Roosevelt was campaigning for a third term, Laird came out of a meeting in which everybody else had attacked the President, and Laird had defended him. He said to me, “I am against Roosevelt when I am alone.” Mob scenes were unattractive to him. He had to point out there was another side.

He could not stand the falsehood inherent in exaggeration. When I told him, as I always did, that somebody I was proposing for the faculty was the best man in the world, he always asked me how I knew. But he was very far from that high British civil servant who was described as an inverted Micawber, always waiting for something to turn down. Exaggerated fear, exaggerated adherence to the status quo, were as repugnant to him as exaggerated salesmanship. His struggle was for balance, for fairness, in a word, for justice.

It has been said that all the progress in the world has been made by one-eyed men. But we have learned of late to take a somewhat skeptical view of progress. The products and by-products of technology, with which progress has been identified, carry their own doubts with them. The mushroom cloud over Hiroshima and the bank of smog over Los Angeles suggest it might be better if those who make technical decisions were as resolutely stereoscopic as Laird Bell. Since he saw life steadily and saw it whole, it came to be his function to correct astigmatism and to restore sight to the half-blind.

He could help other people become stereoscopic even when their view was clouded by emotion and their vested interests. One of the old forgotten battles of long ago is the fight over the Rush Medical College. It took ten years out of my life. The association of Rush with the University was one of Mr. Harper’s few mistakes. I was determined to end it. But the faculty of the Rush Medical College and the trustees of the Presbyterian Hospital were involved. The latter were citizens quite as prominent as our board. The former were the leading physicians and surgeons of Chicago, and every member of our board, or so it seemed to me, had one of them as his personal doctor. It took ten years, and I began to think that like the Depression, another great event of my administration, it would never end, when Laird decided it had gone on long enough. He wrote an elaborate memorandum so clear and so judicious that it had to be accepted by all parties. Singlehanded and overnight, he had solved the great Rush problem.

A civilized man has been defined as one who will give a serious answer to a serious question. Laird was civilized because he was serious. In a period in which the most overworked word in the language is “image,” and when the universal desire is not to be good but to look good, Laird cared little for appearances. He was always slightly scornful about public relations. He was convinced that if the University was good it would eventually look good. If it looked good and was not, it was not worth bothering about.

Laird Bell was a serious man, but he was the rarest of that rare breed. He was serious without being solemn. The 22 years we spent together in Chicago were not the most cheerful in American history. They consisted entirely of the Depression, and the pre-war, war, and immediate post-war periods. I can remember a meeting of the finance committee at which it was generally agreed that it might never be possible to raise money for the University again. Yet Laird Bell’s gaiety suffused and transformed it all.

Last week I had a letter from one of Laird’s admirers, Thornton Wilder. He wrote, “Gaiety is not a function of animal spirits; that is frivolity or clowning around. True gaiety is the reward of rigorous work in which one feels a daily increment of progress.”

Laird Bell made us believe we were engaged in rigorous and important work and helped us think we saw a daily increment of progress. We were rewarded by his gaiety and became gay ourselves.

Laird had one of the quickest and most cultivated minds I have ever seen. But, like Socrates, who also had a considerable mind, he used to insist on his ignorance and say that all he knew positively was that we were under a duty to inquire. Like Socrates, he asked embarrassing questions that had great ophthalmological consequences. But one of his favorite lines was that he always agreed with the last man he talked to. Though this was not true, as I often found out when I was the last man, it reflected the essential humility of his character.

Two years after I left the University he made a speech to the faculty and trustees in which he gave a far too generous account of my administration. He said he was pleased that an anonymous donor had given a distinguished service professorship in my name. He said he thought it was fine that my name was attached to the professorship instead of the donor’s. I do not agree; for the donor was Laird Bell.
David Riesman has written of the "gay arrogance" of those days at the University of Chicago. I hope I may accept the adjective and reject the noun. I should like to think we were independent, rather than arrogant. This was the tradition of the Board. The University was independent of the community and its whims. The faculty was independent of the trustees. So important a matter as the relocation of the bachelor's degree was reported to the Board for its information, not for action. As to such subjects the Board by self-denying ordinance limited itself to criticism. By statute, all matters affecting education and research were left to the faculty.

So Laird Bell said to the Citizens Board, a group of businessmen, in 1953, "It is not easy for businessmen to accept the idea that a university is, unlike a business, not an organization of employees responsible to a hierarchy of bosses. It is a community of scholars."

This position was at that date the unanimous view of the Board, but unanimity had not been painlessly achieved. The Board was large and representative. It was not to be expected that all of them would view the activities of all the faculty with equanimity. And all of them did not. The first time I met with the committee on the presidency, in 1928, a prominent member told me that if I were to depart the University I would be lined up against a wall and shot. When I inquired what the professor had done to merit such punishment, the reply was that he did not believe in the capitalistic system.

Later the leading lawyer of his vintage in Chicago, a member of the Board, demanded the expulsion of the same professor because he had said it might not be wise to turn over the public transportation of Chicago on a perpetual franchise to Samuel Insull.

Later still there was a meeting held because a trustee wanted to overrule the Dean of Students, who had granted a student organization permission to invite Earl Browder to the campus. This was the occasion on which this trustee, whose emotions sometimes got the better of his vocabulary, made a remark I have always cherished. He said, "I know the faculty of the University of Chicago. They are not strong and virulent men."

Nevertheless, the record is clear. The position Laird enunciated in 1953 had been the policy of the Board since the foundation of the University, in spite of the opposition of a small and dwindling minority. By the time he spoke it had become, largely because of his influence and that of Harold Swift, the unanimous view of the trustees.

So at the time of the legislature investigation of 1936 the Board moved into the fray with all colors flying and brought the affair to successful conclusion under the leadership of Laird Bell and A. T. Carton of Gardner, Carton and Douglas. In 1949, once more under Laird's leadership, the University went into battle with the bigots in the legislature and emerged victorious. These hearings were profitable to me. Laird offered me $100 if I would make no wisecracks during my testimony, with $25 off per wisecrack. He paid me the full $100—a triumph of avarice over art.

The conventional picture of a university trustee is that of an overstaffed corporation executive telling the faculty and students to behave themselves on pain of losing financial support. The trustees of the University of Chicago have never conformed to this picture. Yet even among them I find Laird Bell remarkable. Consider his last words to the faculty and trustees.

He said, "I think I shall take the occasion to say that my most serious concern is about our general spiritual health. I frankly am afraid that in our preoccupation with stilling the internal tempests, and cultivating the good will of the alumni and the public, we may neglect the very things that have entitled us to be proud of the institution."

Of the principle that defined these things he said, "I can find no words to describe that principle except the trite ones—insistence on the highest standards of scholarship and an atmosphere of freedom, not merely what is called academic freedom, but freedom to explore, and try, and fail, and try again. Courage should be added, too, in full measure, the courage to be different, and to be unpopular."

I think it safe to say that no other chairman of the board of any other university in history ever called upon the academic body to have the courage to be different and to be unpopular.

Provost of the University and Professor of Law Edward H. Levi, JD'35, speaking at the Dedication. On the platform, left to right, Glen A. Lloyd, JD'23, former Chairman of the Board of Trustees, George W. Beadle, President of the University, and Phil C. Neal, Dean of the Law School.
Laird, in his characteristic, self-deprecatory way, always gave his partners credit for his public service. He said if they had not done his work and their own too he would not have been able to devote himself to the University and the other public activities in which he was involved. Though this statement was not wholly true, it was not wholly false, either. The Bell firm deserves the thanks of Harvard, Carleton, the National Merit Scholarships, and the whole Chicago community for helping Laird in his public duties. They were, as this list indicates, manifold. Apart from those he brought on himself, there were those Nathalie brought on him; for the extensive Fairbank connection had been active in every good work around Chicago for generations. A great number of eleemosynary institutions, including the University, were, in effect, Laird's clients without fee.

Laird was a lawyer. He was a noble lawyer. He never forgot he was an officer of the court and a member of a learned profession. He included in his stereoscopic vision the public good as well as the interests of his clients. And he went to some trouble to find out what the public good was. He never stopped learning. He and Nathalie were members of the Great Books group that Mortimer Adler and I led at the University Club. There, as in meetings of the Board of Trustees, he gave the impression that he was waiting for the rest of us to catch up.

Laird used to say that what he liked best in any speech was the phrase, "And now in conclusion." I am sure he would welcome it particularly in any speech about himself.

And now in conclusion, therefore, though Laird would have taken special pleasure in pricking any balloons sent up in his honor, I believe this dedication and its meaning for the future would have given him a certain quiet satisfaction. Prospective leaders of the profession he honored, studying in the university he loved, will be reminded as they walk through this quadrangle of the things he stood for.

Let us invoke his spirit to guide them as they go.

Coming Events

The calendar for the Spring Quarter is already crowded and varied. The Visiting Committee of the Law School, under the Chairmanship of the Honorable Walter V. Schaeffer, JD'28, Justice of the Illinois Supreme Court, will hold its Annual Meeting at the School on April 7.

The C. R. Musser Lectureship is awarded from time to time for a public lecture on some phase of the problems of government by an experienced citizen who has held public office. The Honorable Elliot L. Richardson, Attorney General of Massachusetts, will deliver the Musser Lecture on April 26.

On May 5, a national meeting of the Board of Directors of the Law Alumni Association will be held as part of the annual Alumni Day program. Peter N. Todd-Hunter, JD'37, is president of the Association.

Also on May 5, Milton Friedman, Paul Snowden Russell Distinguished Service Professor of Economics, The University of Chicago, will deliver the Henry C. Simons Memorial Lecture. This biennial lectureship, in the field of law and economics, was established in 1955 in honor of Henry C. Simons, for many years a distinguished member of the Faculties of the Law School and the Department of Economics.

Finally, on May 11 the Law Alumni Association will hold its Annual Dinner.

The Laird Bell Quadrangle

One of the memorable events in the history of the Law School occurred on October 12, 1966, when the complex of buildings housing the School was dedicated as The Laird Bell Quadrangle.

Phil C. Neal, Dean of the Law School, presided at the ceremonies. Speakers included George W. Beadle, President of the University, Edward H. Levi, JD'35, Provost of the University, Professor of Law, and former Dean of the School, Glen A. Lloyd, JD'23, Life Trustee of the University, former Chairman of its Board and law partner of Mr. Bell, and Robert Maynard Hutchins, President of the Center for the Study of Democratic Institutions and former Chancellor of the University.

An outline of Laird Bell's remarkable career has appeared in an earlier issue of the Record. An eloquent description of him and of his service to the University and to society generally, may be found in Mr. Hutchins' Dedication Address, on page 1 of this issue.

Following the Dedication Ceremonies, George W. Beadle, Mrs. Laird Bell, and Robert M. Hutchins gather in front of the Laird Bell Quadrangle.