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# Profiles

Professor Sheldon Tefft occupies, no doubt, an important place in the minds and hearts of generations of Americans who have passed through the Law School at the University of Chicago. But it is not for them I speak, albeit unappointed, for that small band of students from the far flung corners of what was once an Empire who come to the Law School as British Commonwealth Fellows. For them Professor Tefft is a very special person. It was Tefft who conceived the idea of bringing Commonwealth graduates to Chicago and injecting them into the third year of the J.D. programme. It was Tefft who nurtured the scheme and brought it to fruition. And, above all, it was Tefft who acted for so many years as the adviser both cultural and academic to the scholars of the common law from those foreign but not quite alien lands.

The cultural shock experienced by a Commonwealth Fellow should not be underestimated. No cloistered meditation for him. At Chicago he is flung into a class of highly intelligent and motivated individuals who work extraordinarily hard and seemingly accept no assumptions about any law at all. Instead of the lectures to which he is probably accustomed he is subjected to trial by ordeal under the name of the case method. Whatever he thought he knew before is shattered.

Sheldon Tefft knows this. He knew it would be so when he started the Programme. His years at the University of Oxford provided him with the best legal education it is possible to receive in England. He understands well the tradition of legal



*Sheldon Tefft, formerly James Parker Hall Professor of Law, was largely responsible for the School's Commonwealth Fellowship Program under which each year several graduates in law from British Commonwealth countries study for the J.D. degree.*

education which permeates England as well as her former colonies. He saw the value of continued cross fertilization between the traditions.

Whether there is any benefit for the American classmates of Commonwealth Fellows I don't know. But I do know that after Chicago, the law to a Commonwealth Fellow is never quite the same again. As an educational experience it is unsurpassed.

But it is not only to the magnificence of Tefft's idea and his standing as a great legal scholar that tribute must be paid. Professor Tefft's gentle kindness and warm human qualities made his room like a haven for the oppressed to many a Commonwealth Fellow, and American too. He kept a watchful eye on the progress of his students and was always ready to intercede on their behalf when they were in difficulty. His concern went far beyond the academic. He always asked how it was at home—he knew what it was like to study thousands of miles from the native hearth.

The hospitality of his home and Mrs. Tefft's cooking introduced many a foreigner to the joys of American institutions like Thanksgiving. As an adviser on automotive means of locomotion Professor Tefft had no peer.

Now Professor Tefft is to leave Chicago to become Professor of Law at Hastings College of Law. I hope I will not be accused of mawkishness when I say it will not be the same without him. I trust that Chicago, in the heat and intensity of its febrile intellectual activities, will never lose the deep, human warmth of the Sheldon Tefft tradition. It is a tradition which many Englishmen, Australians and New Zealanders as well as Americans remember with gratitude and affection. The values which Tefft brought to Chicago from Nebraska via Oxford are solid, enduring American values. They deserve to be revered.

*Geoffrey Palmer '67*

Max Rheinstein, first holder of the first chair in comparative law in the United States, is “retiring.” I put the word in quotation marks because he will never retire except in a purely formal sense. The intellectual curiosity, the zest for life and legal problems in all their ramifications will continue, and, as a next door neighbor, I can continue to feel the stimulus of and shamelessly continue to exploit his truly encyclopedic knowledge about matters legal, cultural, and sociological all over the globe. For that I am deeply grateful.

This is a most extraordinary man. Not only has his occupancy of the Max Pam professorship become a model for other law schools to follow, but his contributions to jurisprudence are of the highest order. He uses systems of law and particular areas of law to compare both the formal rules and the underlying social institutions and values they reflect, and from that comparison, he derives both general observations about the nature of law and man and insights for utilization in the creation and reform of existing and developing legal structures. As a good Renaissance man, an unfortunately declining breed, he has wide interests in, and sensitive perceptions of, art, music and literature, again with a catholicity of taste which is extraordinary. Withal he maintains a gracious humility, which, in my observation, is possessed only by the “greats.” Nor can his contributions to the lives and careers of his students be ignored. Few teachers have been (are) so loved as Max Rheinstein, and few have spent the energy and the time he has to educate, goad, counsel, and above all, to extend in-



*Max Rheinstein, formerly Max Pam Professor of Comparative Law.*

dividual sympathetic understanding to the hundreds, if not thousands, of students who have passed through his always open door. Now, he is embarked on a great enterprise—the preparation of his books on family stability and conflicts. I look forward to their completion, for I am sure there will be a richness of understanding as well as a scholarly presentation of the problems in those areas.

I note with final pleasure that on July 5, 1969, his seventieth birthday, legal scholars from all over the world joined in dedicating a volume of legal essays to this distinguished comparative lawyer as a token of their gratitude and esteem. I am proud and honored to serve with Professor E. von Caemmerer of the University of Freiburg and Professor K. Zweigert, Director of the internationally famous Max Planck Institute of Comparative Law in Hamburg, as a co-editor of this “Festschrift” and only wish there was more we all could do to let Max know how wide-ranging his influence has been and how much real affection he has engendered in his almost four decades of service.

*Soia Mentschikoff*

William Winslow Crosskey was one of the great original law teachers of his time.

For 27 years, stretching from 1935 to 1962, he was Professor of Law at the University of Chicago and he earned a very special place in the intellectual tradition of the Law School. He was an extraordinary man, he developed an extraordinary course in Constitutional Law, and he completed after two decades of dedicated work an extraordinary book, the two volume study of the United States Constitution, *Politics and the Constitution*.

Due to personal circumstances which required that he support his entire family, he did not begin the study of law at the Yale Law School until he was 30. The law student was to display a personal style of independence and brilliance which was later to mark the teacher and scholar. A number of distinguished witnesses, among them Robert Hutchins, Karl Llewellyn, Roscoe Steffen, and Charles Gregory, have testified to the legend of Crosskey as a law student, a formidable figure who sat in the front row scowling at everything that was said, his arms obdurately folded as he conspicuously declined to take notes and who went on to lead his class.

He did not come to law teaching until he was over 40, having spent the years after graduation first as law clerk to Chief Justice Taft and then as a close associate of John W. Davis in Wall Street practice.

His career as a law teacher is happy evidence of how hard it may be to predict neatly where a teacher's interests will lie. He had been brought from Wall Street to Chicago in 1935

to develop courses in Public Utilities and Taxation. He was a mature man, apparently set in his ways. But, it became quickly evident, the center of his intellectual interest was constitutional law. I was a student at Chicago during these early days of Crosskey and I recall vividly that the course in Federal Income and Estate Taxation turned out to deal almost exclusively with constitutional issues.

A year or two later he had found the life work which was to unify his teaching and scholarship—a study on a grand scale of the history and meaning of the United States Constitution. He developed a unique course in Constitutional Law, testing his radical theory about the meaning of the Constitution against a generation of law student skeptics and providing one of the great intellectual experiences the school had to offer its students. His classes proved that no simple formula can capture what makes law teaching exciting and effective.

As a scholar he attempted nothing less than a Copernican revolution in American constitutional law. He relied on two unexceptional principles: First that the Constitution must be read as a whole and was to make sense as a whole; and, second, that

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### Politics and the Constitution

WILLIAM WINSLOW CROSSKEY

Dedicated to:

*"The Congress Of The United States in the hope that it may be led to claim and exercise for the common good of the country the powers justly belonging to it under the Constitution."*

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the words change their meaning over time and that the Constitution should, therefore, be read with an understanding of 18th century usage. The application of the first principle led him to a refreshingly powerful reading of the Constitution entire which made hitherto little noticed clauses suddenly take on excitement. The application of the second principle led him to heroic research in 18th century pamphlets, letters, and public documents in his quest for word usage contemporary with the Constitution. The two principles were elaborated in his hands into a magnificently detailed and sustained argument and supported the thesis that the Constitution did not set up a national government of limited and enumerated powers as we had all been taught, but rather intended to establish a national government empowered to accomplish all the objectives recited in the Preamble.

The courage, integrity and non-conformity of his life style and career strike, I think, an important note for contemporary law teaching and scholarship. Appropriately the last words of tribute on him should come from his long time friend, colleague and enthusiastic supporter, Malcolm Sharp. He was, wrote Malcolm in the Memorial Issue of the University of Chicago Law Review, choosing his adjectives with care, "a great man—enthusiastic, warm, choleric, careful, daring, industrious, original."

Harry Kalven, Jr.

*Dedicated to Professor Crosskey.  
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After fifteen years serving the Law School and the alumni, Jim Ratcliffe has left the School to become Director of Public Affairs for R. R. Donnelley, Sons. For fifteen years Jim has been the sartorial model of the Law School and the man to whom all looked for catering excellence at School affairs and for protection of the age of Bourbon, the lightness of Scotch, and the dryness of martinis. He came to the School when the alumni fund was in its infancy, when the placement efforts were limited largely to unorganized faculty activity, and the recruitment of students was just beginning. In the beginning he was very active in all three. I remember with a great sense of gratitude Jim's adding to his heavy schedule an annual trip to help me in my visitation program; even though it was usually California in the winter time. I appreciated it very much as I slogged through upstate New York. Years later he was to pay off by sending me to California and such pleasant places as he tried to cover the country in his work with the alumni. As time went on, alumni work took an increasing percentage of Jim's time and ultimately he devoted his full attention to these affairs. He retained the affection of many students, however, and upon his announced change in positions, the students feted him at a special wine mess and presented him with a case of that light Scotch that he had tried to assure to generations of guests at the Law School cocktail parties. We all wish Jim success in his new career.

Jo Desha Lucas