As most of you know, the honor of speaking at the farewell lunch for the Visiting Committee goes to the newest faculty member. Why this is so I do not know. Maybe it is that, since by this time you obviously know more about the Law School than I do, I am here to learn from you. Or maybe it is because, since you have now met my very impressive colleagues, I can do little to damage your overall assessment of the institution.

I understand you heard a talk on law and economics from a fellow named Easterbrook, who, I think, may have discussed the theories of that noted scholar, Easterbrook. Also a talk by a fellow named Epstein, who, I am sure, discussed the theories of that other well-known thinker, Epstein.

The one thing I am sorry you missed is seeing these and other knights of the intellect jousting at our famous round table lunches. Try to imagine the different talks you heard—but speeded up, amplified, and all going at once.

Sometimes it is a little difficult to get a word in edgeways. Come to think of it, maybe that is why I was invited to give this talk. It will be the first time in more than three months that I have been able to have lunch and talk for more than 20 seconds without being interrupted.

What puzzles me is how our faculty members can debate for years and years, yet they never seem to convince each other. I listen to Epstein talk about the Eminent Domain clause, and it sounds so intelligent and persuasive that I say, “You’re right, Richard.” But then I hear Currie’s views on the same subject, which although quite different from Epstein’s seem equally convincing, and find myself saying, “You’re right, David.”

One time Epstein overheard me agree with Currie, and Epstein said to me, “You can’t possibly agree with Currie because you just said you agree with me and I disagree with Currie.” I thought about that for a while, and all I could say was, “You’re right, Richard.”

Another time we were discussing the opinions of Mr. Justice Holmes. Richard ventured the opinion—tongue in cheek, I am sure—that Holmes, although brilliant, was always wrong. I agreed—I said, “You’re right, Holmes was always wrong. What’s more, he was constantly contradicting himself.”

Currie broke in. He said, “Geoff, if Holmes was constantly contradicting himself, how could he have always been wrong?” I thought about that, and all I could say was, “You’re right, David.”

For a while I was disturbed that I could agree with people who vehemently disagreed with each other. But then I had a thought that comforted me greatly: the secret to conciliating these disparate views is to abandon the law of contradiction. Let me explain. I have noticed three things about the faculty:

first, they are absolutely convinced they are right, no matter how wrong they may be;
second, no two members of the faculty agree on anything;
third, all members of the faculty think all other members are right about most things.

Being able to hold those three propositions in mind at the same time is, I think, a key milestone in the education of a Chicago law professor. All this, as you have probably guessed, brings me to the subject of my talk about Myths on the Midway. A myth, as Bruno Bettelheim would have told us while he was still at Chicago and therefore smart, is something that does not necessarily obey the law of contradiction. In a myth, something can be both A and...
not A at the same time. And that is true of what I call the Myths on the Midway—suppositions about the Law School commonly shared by casual observers.

What are the Myths on the Midway? There are many, but I will speak about just three.

First, Chicago is a rock-ribbed bastion of arch-conservatism. This myth is false. There are many faculty members who believe government has a role to play beyond preventing force or theft or safeguarding the national defense. The New Deal has its adherents here. Organizations such as the ACLU have often received assistance from members of the faculty. But this myth is also true. Taken as a whole the Law School is conservatively oriented. It is, perhaps, noteworthy that no one on the faculty represents the extreme left of the academic spectrum—the Critical Legal Studies movement that has become prominent at Harvard and elsewhere. Chicago's faculty has provided crucial intellectual justification for Reagan Administration initiatives in the areas of deregulation, antitrust, and the like. Ken Dam of this faculty is serving with distinction at the State Department. And the faculty has supplied President Reagan with two distinguished judicial appointments—Richard Posner and Antonin Scalia—and may provide more before too long.

My second Myth on the Midway is that Chicago is dominated by law and economics. The myth is false. The Law School is a pluralist institution that engages in and values all kinds of intellectual approaches to law. Hans Zeisel, Frank Zimring, and Norval Morris have made important contributions in the application of social science to law. Geof Stone’s valuable work on the First Amendment has used a more traditional doctrinal analysis. John Langbein, Dick Helmholz and Dennis Hutchinson have added to our knowledge of legal history. Cass Sunstein is working in the area of political science and political philosophy. And my mention of these scholars is not in derogation of the important non-economically oriented contributions of many others.

But the myth is true. Law and economics is very strong here. Although Richard Posner is reported to have another job, it would be hard to tell based on his continuing contribution to the school. Bill Landes and Dennis Carlton, economists both, have done outstanding research on the intersection of legal rules and economic principles. Frank Easterbrook and Dan Fischel have been extremely productive scholars in the area of corporate law and economics. Doug Baird and others have labored fruitfully in this area as well.

My final Myth on the Midway is that Chicago is dominated by law and economics. The myth is false. The Law School is a pluralist institution that engages in and values all kinds of intellectual approaches to law. Hans Zeisel, Frank Zimring, and Norval Morris have made important contributions in the application of social science to law. Geof Stone’s valuable work on the First Amendment has used a more traditional doctrinal analysis. John Langbein, Dick Helmholz and Dennis Hutchinson have added to our knowledge of legal history. Cass Sunstein is working in the area of political science and political philosophy. And my mention of these scholars is not in derogation of the important non-economically oriented contributions of many others.

But the myth is true. Law and economics is very strong here. Although Richard Posner is reported to have another job, it would be hard to tell based on his continuing contribution to the school. Bill Landes and Dennis Carlton, economists both, have done outstanding research on the intersection of legal rules and economic principles. Frank Easterbrook and Dan Fischel have been extremely productive scholars in the area of corporate law and economics. Doug Baird and others have labored fruitfully in this area as well.

My final Myth on the Midway is that Chicago is a warm, intimate, personal community of students and faculty working together in perfect mutual respect and harmony. False. That description fits a commune, not a law school. Faculty and students are certainly not colleagues, and rarely become friends. Relations are usually polite but formal; students' last names are often used, and most students would quake before calling a professor by anything other than “Mr.,” “Ms.,” or “Professor.” No one ever accused the Law School of being a particularly fun place to be in the middle of February.

But the myth is true. Where else are entering students given a delightful sit-down banquet with faculty members? Where else do students feel free to drop in, unannounced, at any faculty member's office? Where else do faculty and students mingle over drinks every Friday at wine mess? How many other schools give the same personal attention to students with special problems?

So, like all myths, these Myths on the Midway are both true and not true. The past two days have given you an intensive look at us and have enabled you to assess for yourselves what the Law School is like. So you can either agree or disagree with what I have said, based on your own experience. Or, perhaps, you will find that you both agree and disagree. That would please me, because it would mean we have really understood each other.