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For M. P. S.

Harry Kalven, Jr.

The Editors of the *Law Review* have generously stepped aside and offered me the chance to introduce their genial salute to Malcolm Pitman Sharp in what, I suspect, is midcareer. There are some difficulties in their move. Malcolm Sharp is so great a friend that I dare not risk expressing in public my admiration and affection for him. I hasten, therefore, to quote a verse that captured him with affectionate malice some years ago in one of those annual Law School skits which tradition decrees the students put on at the expense of the faculty:

Malcolm, Malcolm you are welcome
With your ivy covered mind
Though no one can understand you
You are good and wise and kind.¹

His biography is not without interest. He had his years as a Wall Street lawyer practicing with Lowenthal, Zold and with Root, Clark, Buckner, and Ballantine after his graduation from Harvard Law School; in his time he has taught Greek and economics as well as law, and during World War I he taught flying; he was with Alexander Meiklejohn during the fiery years of the Experimental College at Wisconsin; he worked on the steel code for the NRA during the Depression and on contract renegotiation during World War II; he was a counsel for

Harry Kalven, Jr., is Professor of Law, The University of Chicago.

¹ If memory serves, the author was Jerome Sandweiss, J.D. 1950.

the defense on the appeal in the hated *Rosenberg* case; he was president of the National Lawyers Guild during the years of its battle with the Attorney General's List; and for thirty years he was a member of the faculty of law at the University of Chicago.

But this is a case where the biography cannot catch the quality of the man. His thirty years at Chicago perplexed, delighted, and enriched a full generation of students and left their indelible mark on the traditions of the school. He has always been incurably, indefatigably, enthusiastically, lovingly, a teacher. He is fond of quoting a teacher of his to the effect that a man who would not teach without pay for the sheer fun of it does not belong in teaching. It is a right story for him to tell.

Perhaps the critical problem for legal education is to maintain the proper degree of tension between the traditions of professionalism and the traditions of liberal arts culture. The trick for a law school is to be professionally oriented enough to do its basic job of training lawyers while staying cultural enough to earn its place in a university. It is, therefore, always of the utmost importance that there be in the law school world a few professionals who are truly educated men, full university professors. Malcolm Sharp's career has been a steady reminder that law, although a vocation, is also a humane subject matter.

His personal style is marked by many things—most of them memorably profiled in Edmund Wilson's comment that follows in these pages—courage, charm, kindness, wit, love of paradox, but the most distinctive quality, I think, is the pure youthful play of his intellectual curiosity. He is the most effortlessly learned man I know. As I recall from my college days, it used to be said of Socrates that he travelled with little intellectual baggage, that what he knew was part of him, and that you could have awakened him in the middle of the night and found him ready and fully equipped for discussion on any serious topic of human concern. It so happens I never have had occasion to wake Malcolm in the middle of the night, but I am certain how he would react.

He is not only the university professor who teaches in a law school. He is the signer of petitions, the supporter of causes, the liberal, who is independent. He is the quiet, stubborn, unself-righteous champion of lost causes. There are so many badges of honor that deserve note here—the *Rosenberg* case, and later the *Sobell* case, the fight for the National Lawyers Guild, the role in the school segregation cases, the years of deep concern with the *Anastaplo* case. Yet in economic matters he is staunchly conservative, and there is the splendid joke in his

title for that talk in Madison a few years back, *The Conservative Fellow Traveller*.²

The students, of course, have said it all better. Last spring, on the eve of his retirement and departure for the University of New Mexico, his students announced a gift to the library of a Malcolm Sharp Collection in an informal but deeply moving ceremony in the Law School Lounge. Students have done things like this many times before, at many places, for many teachers. The special point resides in part in the books they wished to buy for the law library—a very special collection of Sharp's one hundred favorite nonlaw books ranging from Aristophanes' *Clouds* to Kafka's *Castle* to A. J. P. Taylor's *The Origins of the Second World War*, a wonderfully eclectic list, a list which no one else would have, or could have, compiled, a Sharpian list. The point resides too in the bookplate they drafted to go in each book of the collection:

This is one of the books
Malcolm P. Sharp
thought law students and lawyers
should also read sometime
during their careers

Given by his students and friends who are certain that Professor Sharp's influence—his ability to induce students to explore the values and foundations of the law they are studying—will continue in the Law School after his retirement.

² 30 U. Chi. L. Rev. 704 (1963).