

The Law School Revisited

John Jewkes

An Englishman is not long in this country before he discovers that you in the United States are never more happy than when you are offering hospitality to a guest and never less happy than when that guest seeks to tender his thanks. I shall respect your feelings in these matters, but you must allow me to say that I am greatly obliged to you for asking me here today and for inviting me to speak.

When I first asked Dean Levi what I should talk about, he said, "Tell them what you are doing in The Law School." Now I do not know whether the usage of language is, in these respects, exactly the same in our two countries. But in England this phrase "what are you doing in The Law School" could have two quite distinct meanings. It might mean: "What tasks are you currently engaged upon?" I do not intend to speak about that, partly because I have already had an opportunity of discussing such matters with some of your number, partly because I fancy that the details might be of no great interest to most of you. But there is another possible meaning of this question. It might mean: "Why are you, a professor of economic organization in the University of Oxford, to be found at all in The Law School of the University of Chicago?"

There were in fact three reasons, each of them strong in itself, which taken jointly seemed to me to be irresistible. The first was the reputation of The Law School itself. If you do not already know it, you should be told what a high standing The Law School has wherever academics meet and talk together throughout the world. From the gossip of the common rooms I learned that your Law School had gathered together a group of lively scholars who pursued their studies with great enthusiasm and energy but also with that tinge of skepticism, not to say of conservatism, which adds the salt to all intellectual effort. I learned that the School takes a broad view of what is implied in the study of law and that it recognizes that legal studies lie very close to the heart of American culture, much closer than is the case in Great Britain. I gathered that, without any sacrifice of the idea that law is a good discipline in its own right, the School perceives that there are other subjects contiguous to the study of law, in which the thinking of lawyers has much to contribute and from which law itself has something to gain. And I further learned that the School is known to possess in its present Dean, if he will allow me to say so in his presence, a man who, having already established one reputation for legal scholarship, is busy creating another in that most subtle and difficult field of administration, the art of holding together a group of academics, each of whom, in the nature of things, is likely to have a touch of the ballerina in his temperamental make-up. All these things I heard of your School. And because of them, any scholar would feel flattered by an invitation to join in the

work of the School for a time. In my own case, the fact that I already had close friends in the School, that my own mind has a bias toward the values of tradition and continuity, and that, though an economist, I know that economics is not enough by itself to give us working answers in the framing of policy—for all these additional reasons, the invitation was especially attractive.

The second reason I was anxious to come may not have occurred to you. It is this. If we look around this troubled and confusing world and ask upon which group of people we must most rely, in the next decade or two, to steer us through the frightful changes and perplexing problems to which we are heir, which group upon whose knowledge, wisdom, and courage we will be more dependent than upon any other, the answer surely is clear. It is upon the young men who are now passing and will pass during the next few years through the universities of the United States. In saying this, I am not, of course, belittling the responsibilities which fall upon the universities of other countries. But the United States has, willy-nilly, loaded upon its shoulders, by virtue of its power and its political and social ideals, world responsibilities never taken up by any country before—not even by Great Britain at the height of its power and influence in the nineteenth century. So that these young men, who will ultimately be the leaders in thought and action among you, are destined to live in a rough world. One can only hope and pray that they will be tough enough in body and spirit and tough enough in mind to make a good job of their most formidable tasks. And what their education and their teachers can do for them will not be insignificant in determining the final outcome of the breathtaking hazards of our age. So that I look upon this opportunity you have given me of working for a time with some of these young men, of playing even a tiny role in the effort to give these men the best preparation that can be given to them, as a privilege of a very special kind. And I hope you will not think me presumptuous if, from what I have seen of your young men here, from the few I see as American Rhodes Scholars in Oxford, from the few I see as airmen in England—who spend their time sweeping the English skies with their ear-splitting chariots—from all these contacts I can say that their teachers have superb material to work with.

There is a third reason why I am delighted to be here. It may be that an odd fish such as myself in The Law School may, by very virtue of his oddity, have something to contribute. In the reading in The Law School great reliance is placed upon the case method. I am sorry but I cannot teach my stuff by the case method. I do not think it can be taught that way, and, even if it could, I have no experience in the technique. And although I have tried, in the last twenty-five years, to study industrial organization in the United States, I naturally know less about it than I do about industrial organization in Great Britain, and I may know less about industrial organization in the United States than some of my students.



Professor Jewkes (right) with Professor Aaron Director

But—and now I am going to say something quite terrible—I do not think that imparting actual knowledge to students is really the most important thing that teachers can do for those who are in their charge. It is not what the student knows but how he does his thinking that matters. It is not how much ammunition he is loaded up with but how good is his shooting technique which counts. Of course, a well-stocked mind is a good thing to possess. But a powerfully operating mind, a mind trained to go to the heart of a subject swiftly, to recognize the important evidence, to spot the inconsistencies, to move securely from the known to the unknown—these are the mental habits which the teacher should be trying to build up among his young men. Let us remember that these young men, when they leave their universities and go out into the world, are going to have thirty or forty years to acquire facts, to gain knowledge. But they have only three or four years in their university, precious years for them and for their teachers, in which for once, and never again, they will have the leisure, the surroundings, and the companions best designed to give them an opportunity to toughen up their minds. These would be partly wasted if they were devoted purely to accumulation of knowledge; it is the bigger prize of wisdom and of the power to think that these young men should be after.

Now please do not misunderstand me. The discipline of the mind cannot be undertaken in a vacuum. It must be carried on by reference to some organized body of thought, some corpus of knowledge. I am sure, from the results I have seen achieved in many universities, that law is one of those bodies of doctrine and forms of intellectual activity which provide a suitable milieu within which this toughening of the mind can go on—perhaps one of the best. And I am not leaving out of account the fact that young men at universities are also preparing themselves for the making of a living. But there are other good disciplines—such as mathematics, history, the classics—and, as I am suggesting, perhaps economics.

Now I would not be so confident in these matters, perhaps I would hardly have dared to put this point so

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bluntly, but for the fact that I find it expressed so forcefully by someone better known to you than to me. Of the long line of distinguished presidents of the University of Chicago, the one whose career most intrigues me is Ernest DeWitt Burton. He was in fact president for only two years, although he served the University and the world faithfully as scholar, as practical Christian, and as administrator for many years before that. Burton, of course, had a world-wide reputation as a New Testament scholar, and I have no doubt that he would have been quite happy to live out his days in his study. But fate called him into the more active work of the world, culminating in his period as president. And as an administrator he revealed incredible powers of intellect, endurance, and of skill in handling men. At the age of sixty-eight he set himself the task of raising seventeen million dollars (and these were 1923 dollars) within two years—and, if possible, in one—in order to make actual his dreams of more men and more buildings for his university. And he went a long way along that route before he died suddenly two years later. Now I was very curious about this scholar *cum* administrator *cum* businessman, a man raised in the classics who had achieved such high performance in so many fields. What had his education to do with his subsequent achievements? What connection had there been between his struggles with a Greek text and his power to get things done in the active world? And, to my delight, he had put the whole story in one sentence. He had seen that the two jobs were the same, that training for one was training for the other. President Burton had put his golden rule, what he had derived from the classics, in this way: "One thing after another, try and try again, don't quit until you have done it." That is the best description I have ever heard of what education means. Much better than many more elaborate prescriptions given to us in these days all over the world about how we should raise the young. And if we could find even a proportion of our young men instinctively facing up to a tangled issue in that way, then we as teachers could really feel that we were earning our corn.

But now I see that Dean Levi is looking rather anxious. With his administrative intuition he knows that if he lets this sort of nonsense go too far, someone will try to plant a professor of Greek in the Law Department. I am sure, in this respect, that his instinct would be sound. I am even prepared to believe that Greek really is not what it used to be. But I am quite sure that the young men in any law school will find their mental muscles being toughened by some exposure to the methods of thought built up by economists over the last two hundred years, and I shall, therefore, go on, hoping that to have for a period another professor, from another university and another country, doubtless with rather different ways of going at things, may add something to what is already being provided by the small but highly distinguished



The Chicago Alumni Luncheon at the A.B.A. convention



At the Chicago meeting during the A.B.A. convention (left to right): Glen A. Lloyd '23, Ross W. Schumaker '23 of Toledo, Ohio, Professor William Crosskey, and Andrew J. Dallstream '17.

and devoted group of teachers of economic science already found in your Law School.

So the third reason that I grabbed with both hands at the chance of teaching, and doing research, among your young men is that I believe there is no one royal road to educating everybody. Ideally we should educate every student separately. But we cannot do that. The next best thing is to leave the student free to try out more than one route in the kind of wisdom so pointedly phrased by President Burton. That surely must be the final delight, although the ultimate anxiety, of any teacher who accompanies the student in his experimenting with his own mind. That somehow, sometime, by methods which may be least expected to succeed, the teacher may suddenly provide a key unlocking a door to the world of clearer and wiser systematic thinking for at least one of his students. Your Law School has given me the opportunity of taking part in this absorbing task with some of the young men upon whom, as I have said, we must so heavily rest our hopes for the future. And I am very grateful for it.