

THE UNIVERSITY OF CHICAGO LAW REVIEW

VOLUME 24

SUMMER 1957

NUMBER 4

JEROME N. FRANK

FELIX FRANKFURTER†

SOME AUTHORS, including judges, are less than their writings, some more. To have known Jerome Frank only through his writings was not to have known him. On paper he appeared prickly and pugilistic; in personal relations he was warm-hearted and generous. His combative curiosity gave battle at the drop of a word, so that those who encountered him only on paper were apt to be surprised when they found in him a devoted, uncritical friend and a compassionate observer of the human scene. His insatiable desire to understand was his dominant impulse as a writer both before he went on the bench and as a judge. No judge in our time used his judicial opinions so systematically as a candid and discursive means for legal education. Needless to say, he was a great believer in adult education; he employed it most vigorously in his own behalf. While he somehow managed to envelop himself in an atmosphere of dogmatism, he was singularly free of bias or imprisoning doctrine. His seeming iconoclasm was rooted in his zealous loyalty to the realization that the history of thought, particularly sociological thought, is the history of continuous displacement of erroneous dogma.

Contributions to thought are not to be determined by the actual increase to the body of knowledge. Men may greatly further the thinking of others even though their own ideas be rejected. There can be no doubt that Judge Frank served as a powerful ferment in formulating more searchingly the problems that are put to law and in discouraging distortion of such problems by question-begging and parochial answers. It must be left to others to do justice to the juristic contributions of this unflagging pursuer of understanding. The melancholy purpose of these inadequate words is to say farewell to a much-cherished friend, an ardent seeker after truth and justice.

† Associate Justice, United States Supreme Court.