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For Edward Levi

Gerhard Casper†

In April of 1936, Dean Bigelow of the Law School wrote William O. Douglas, then a member of the Securities and Exchange Commission, to ask his opinion of Edward Levi. Bigelow had heard that Douglas thought Levi was "good": "I should like to know if, colloquially speaking, you think that he is 'good' or 'damn good.'" Douglas responded by return mail, employing the more emphatic version of the attribute. Douglas also made a prediction: "I think if he enters teaching, he will be one of the outstanding leaders of that profession." A damn good prediction it was.

Within a few days of this exchange, Dean Bigelow sent Levi a telegram, offering the twenty-four-year-old graduate student a one-year contract as Assistant Professor—in light of the predicted leadership role, a rather cautious move, at least as seen in retrospect. Levi wired his acceptance and also wrote to Bigelow:

I want to thank you for your offer. It would have been hard for me to have refused it. I have spent nineteen years at the University of Chicago and its schools as a student. My law school days are not too near for me to know the affection I feel towards the Law School and its faculty. I could not refuse the chance to renew this association.

Levi, incidentally, turned down a better paying offer from

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Douglas to join the government in order to return to Chicago. Despite the fact that Douglas would have been "overjoyed . . . if I could get him down with this Commission next year," Douglas encouraged the move into teaching, observing: "I did that because I felt that he is by temperament precisely the man whom all good law schools should be looking for."

Thus began Edward Levi's renewed affiliation with the University and the Law School that, in the truest sense, has been the devotion of a lifetime. There were only two interruptions involving government service. From 1940 to 1945, Levi worked under Thurman Arnold in the Antitrust Division of the Department of Justice, and then, during the Ford Administration, he became head of the Justice Department—in the words of the *New York Times*, "[o]ur modern model Attorney General."¹

At age 39, Levi was appointed Dean of the Law School. Subsequently, he served as the University's first Provost and then as its eighth President. At the time of his election as President by the University's Board of Trustees, one of his predecessors, Robert Maynard Hutchins, commented: "Edward Levi was the natural, logical and inevitable choice—inevitable in the sense that he is obviously the man best qualified for the position. I am delighted the trustees have accepted the inevitable with good grace."

Edward Levi's successors in the Law School deanship are in a better position than anybody else to know that his influence continues throughout the institution. Its most visible aspect is, of course, the Saarinen landmark that houses the Law School. Preserving its integrity has been the major goal in planning for an addition to the building. Even more important, however, are other elements of Edward Levi's influence and legacy: a profound respect for craftsmanship in the law, for wisdom and judgment, for the view of law as one of the liberal arts, for the value of traditions, and finally, for an appreciation of the limitations of law. But as everybody who has ever had a serious encounter with him knows, even this list suggests a greater certainty as to Edward Levi's views than he would ever admit. Therefore, let me unfairly "pin him down." In 1974, Edward Levi addressed the entering class at the Law School. I should like to quote two paragraphs of his talk:

Law does not exist for or by itself. It operates for and with people, and in a society which, perhaps particularly in the United States, is not homogeneous. It uses the tools of the

¹ Editorial, *N.Y. Times*, Jan. 12, 1981, at 18.

intellect, and the insight and craftsmanship required for an art. Even as you are fully absorbed, as you must be, in the acquisition and perfection of skills, and as you gain for yourself, as you should, an organizing view of the sovereign control of the ends of the law, it is important to remember that law is not everything

There are special reasons for emphasizing this with respect to law. Law builds upon and, I should like to claim, is one of the liberal arts. It uses words of persuasion and changing definitions for practical ends. It has absorbed within itself a view of the nature of human beings, and of how their acts and the incidents which overtake them may be classified for favor or penalty, or for rights, permission or negation. Law, itself, is a mediating discipline, not only among the passions and needs of human beings, sometimes viewed severally and sometimes in groups or associations, but with respect to the craftsmanship which is useful, and to the relevance of what is perceived as current knowledge or opinion. As an instrument for practical action, law is responsive to the wisdom of its time, which may be wrong, but it carries forward, sometimes in opposition to this wisdom or passion, a memory of received values.²

To the extent to which I may presume to speak for alumni, students, present and former colleagues, and the legal profession as a whole, I express our gratitude, affection, and admiration for a great and good man who, often under difficult and trying circumstances, has remained true to his vision of the university and his vision of the law. And not as a mere afterthought, our thanks go also to Kate Levi. Those who know and love them both know how much the Law School and the University owe to Kate. As we are looking forward to many years of continuing association, we realize that the attribute "emeritus" applies to both of them.

² Edward Levi, *An Approach to Law 3-4* (Occasional Paper No. 8 from the Law School, The University of Chicago, 1974).