

Grant Gilmore (1910-1982)

Grant Gilmore, a member of the Law School faculty from 1965 to 1973, died on May 24 at his home in Norwich, Vermont. He was 72. At his death Gilmore was Professor of Law at the University of Vermont, whose faculty he had joined following his retirement from Yale Law School in 1978.

Gilmore had long been recognized as one of the most gifted teachers and legal scholars of his time. His career was an unusual one; his academic life began as a teacher of romance languages at Yale, where he had received a Ph.D. in 1936. He entered Yale Law School in 1940 and became editor-in-chief of the *Yale Law Journal*. Following his graduation he practiced with the firm of Milbank, Tweed, and Hope in New York and served in the office of General Counsel of the Navy. He returned to Yale to teach law in 1946 and remained there until joining the University of Chicago faculty in 1965. He became the first appointee to the Bigelow Professorship at Chicago in 1967. In 1973 he returned once again to Yale, where he was Sterling Professor until his retirement. Prior to joining the Chicago faculty, he had been a visiting professor at Chicago in 1949 and again in 1957.

As a scholar, Gilmore was especially noted for his work in the fields of admiralty and commercial law.¹ With Professor Charles Black, he was the author of *The Law of Admiralty* (1st ed. 1957, 2d ed. 1975), the standard treatise in the field. He was one of the principal architects of Article 9 of the Uniform Commercial Code. In 1965 he published

his two-volume *Security Interests in Personal Property*, a work widely acclaimed as one of the greatest of modern legal commentaries, for which he was awarded Harvard's coveted Ames Prize and the Triennial Award of the Order of the Coif. In presenting the latter award, the late Professor Herbert L. Packer of Stanford gave this appraisal of Gilmore's achievement:

Grant Gilmore's work exhibits the singular power of the single human mind, not likely to be matched by any team or committee or task force, to impose a kind of order on unruly and recalcitrant facts, to see a piece of reality in a new way. His field has been traditionally obscure, technical, particularistic, rule-ridden. Through his labors and those of others, especially the late Karl Llewellyn, a statutory tour de force has illuminated the field. And now, by a superb act of critical detachment, Professor Gilmore has reappraised that reappraisal, set it in its historic perspective, analyzed its central problems and unsparingly criticized its deficiencies. He is no builder of closed systems; he substitutes no new dogmas for the old ones. If his treatise is "definitive"—and it is—that quality inheres in its recognition that soundly conceived legal doctrine is simply a starting point for thinking about a problem in its context. Finally, Grant Gilmore exhibits a lucidity and grace in this, as in his other works, that stands as a reproach to those who think style is somehow separate from substance. The mind at work in these pages is fastidious, ironic, aristocratic. These are not

qualities that are much in vogue today; they are qualities that are worth celebrating when brought, as here, to the solution of significant legal and intellectual problems.

Gilmore's typically graceful and ironic response on the same occasion suggests the style and philosophy that helped make him so revered as a teacher. He said in part:

We do something called teaching. But we all know from bitter personal experience that nothing is, or can be, taught once we get beyond the communication to small children of the basic mysteries on which civilization depends—how to read, how to write, how to count. We can of course pump students full of facts or even brainwash them—but pumping facts is a waste of everybody's time and washing brains in public is, as Justice Holmes might have told us, dirty business. Learning is what the students are there for and all we know about learning is that, on any level of complexity, it is every man for himself and by himself, imposing a perhaps delusive formal pattern on the swirling chaos by a prodigious effort of the individual will. It may be that we can stimulate, or irritate, an occasional student into undertaking this arduous task—but, if we do so, it will be much more by accident than by our own design. Karl Llewellyn once observed that the function of the law teacher is not to let the true light shine; he was wise to content himself with that negative formulation.

Gilmore is survived by his wife Helen, a psychiatrist, and a son and daughter. ■

¹A list of Gilmore's writings appears at 87 *YALE LAW JOURNAL* 905 (1978).