

Speech to Graduating Class of The University of Chicago Law School

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I had hoped to be able to start with the salutation, “Dean Casper, ex-Dean Levi, ex-Dean Neal, ex-Dean Morris,” but not all of them are here. I had hoped to do so to underline what seems to me to be one of the distinct charms of this wonderful school: the fact that there is such a covey of retired, if not deposed, monarchs around who continue to participate happily and uncensoriously in the life of the place. It is a little like the days when the British had numerous Queen Mothers around all at the same time; it adds great class.

As a visiting country cousin, I am especially grateful for being allowed to participate in this family celebration, and by way of singing for my supper, to be allowed to say a few words. I stress, by the way, the privilege of being allowed to eat as well as to perform. I contrast my situation with that of the great violinist, Kreisler, who was engaged by a New York dowager to play for a reception she was giving in her mansion. She asked Kreisler what his fee would be. “One thousand dollars,” he said. “That is satisfactory,” she said. Then she added, “You do understand, Mr. Kreisler, that when the time comes for supper, you are to eat with the servants downstairs.” “Oh,” said Kreisler, “in that event, my fee is only \$500.”

What I want to do, boldly, is to tell you about yourselves. Gibbons said that Corsica is easier to deplore than to describe. I am here not to deplore, and though it is hard, I want to describe how the University of Chicago Law School appears to a friendly visitor.

Last October, on the first day of classes, I was walking across the Green Lounge and encountered the former Dean, Norval Morris. (By the way, that was the day during which, also in the Green Lounge, struggling to get out of one of its accursed doors, Mr. Fried came up to me, put his arm paternally around me, led me out, and then looked at me and asked, “Are you here to interview?”) Norval asked how things were going, and I told him that I was about to teach my first class at the University of Chicago Law School. I added, “I am very nervous; you know I am really in awe of teaching here.” Norval looked a bit surprised. I think he was more surprised at my having avowed such a thought than at the fact of the matter. But I have, since then, reflected about why I was, why I still am, in awe of this institution. After all, I have taught for almost 20 years at the Harvard Law School, itself a great and splendid place. Indeed, I understand that it is widely felt that Harvard Law School people have such an exalted view of themselves that they would not be put in awe by Paradise itself.

Perhaps I can explain my feeling by a musical parallel. Teaching at the Harvard Law School seems to me to be a little like being allowed to sing Wagner at the Metropolitan Opera House in New York; but teaching law at Chicago is like singing Wagner at Bayreuth.

Now I do not by that remark mean to put you in mind of Shaw’s gibe, that the Bayreuth artists excel in the art of making five minutes seem like twenty. My image is meant to convey that what really distinguishes Chicago from all the other great law schools is not so much the matters conventionally referred to—for instance, the close connection of the law school with the rest of the university; that is splendid and significant, but no longer unique—but

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rather, a more intangible matter. What I refer to is the special sense felt and conveyed here that the enterprise is a noble and elevated one, that the university study of law should be carried out with purity and integrity, that this study involves a vocation which needs no apology or explanation, and that it has within it the intellectual depth and aesthetic elegance which befits it to be an ornament within the university.

I appreciate that I risk making some of the students here a trifle impatient. In your present state of mind, near the end of a seemingly endless educational process, most of you will not be much moved by talk about the nobility of the enterprise; you will be



more in the mood of Mark Twain, who you remember said, "Education is not as sudden as a massacre; but it is more deadly in the long run." Nevertheless, I venture a prediction: in the long run, what you will remember with most pride about your time here is that you belonged to a great and proud institution which seemed actually to know what it is doing, one devoted to an ideal vision of what the university study of law should be like and with the courage to adhere to that vision with fidelity.

I turn to another matter. I had expected to find,

and did find, a school that evokes awe. I did not foresee the extent to which we would find a school within whose faculty and within whose student body life is enriched and sweetened by bonds of community, warmth, and welcoming friendship.

You will have remarked that I said, "within the faculty and within the student body." *Between* these two groups a certain reserve subsists, here as elsewhere, though Chicago is certainly a far cry from those not too distant days at Harvard when one of my colleagues remarked that student-faculty relations had become a literal enactment of Oscar Wilde's famous description of the English fox hunt: The Unspeakable in full cry after the Uneatable.

Let me say this to the faculty: the most precious gift you have here is that underneath the many and sharp differences of opinion, robustly expressed (I did not know what robust disagreement meant until I saw Richard Epstein descend on the Posner-Landes workshop in law and economics week after week like an avenging fury, ready to expose ideological sin) there exists a commitment to collegiality and a sensitivity to what that requires and entails that is unique among the law schools with which I am familiar.

Similarly, a word to the students: a most striking and remarkable thing about Chicago is the sense of solidarity and fellowship one feels among the students. This sense is, I think, immeasurably aided by two lucky factors, your size and your architecture, especially the availability of the Green Lounge as a center for conviviality and interaction.

Let me just add (and I know I speak for all the visitors) that we are immeasurably grateful and deeply touched by the generosity of feeling with which we have been received by both the faculty and students of the school.

I want to conclude by remembering that this is a graduation dinner, and that it is therefore appropriate to dish up some advice. I have some advice I can label conventional. Remember not to be like Prime Minister Gladstone, about whom it was said that his conscience is his accomplice rather than his guide (but remember, too, that Gladstone was a very great man). Do not either be like that other 19th century prime minister, Lord Derby, about whom it was said that his lordship is like a feather pillow: he assumes the shape of the last ass which sat on him (but remember, too, that Lord Derby was a most generous politician). Do not emulate Tallulah Bankhead, about whom Dorothy Parker said, "A day away from Tallulah is like a month in the country" (but remember that Tallulah was the

most entrancing of women). As lawyers, you will do a lot of writing; be careful not to write a book that “fills a well-deserved gap in the literature,” or about which it will be said that it is “well done but not worth doing.” Follow Belloc, who wrote: “When I am dead, I hope it may be said, his sins were scarlet but his books were read.” Remember to be virtuous, but be careful about being saintly, lest you end up like King Henry VI, who is described in *1066 And All That* as follows:

Henry VI: A Very Small King

The next king, Henry VI, was only one year old and was thus a rather weak king. Indeed the Barons declared he was quite numb and vague. When he grew up, however, he was considered a saint, or alternatively, an imbecile.

I now turn to my less conventional, perhaps even subversive advice, which is drawn from a theological theme. As I thought yesterday about what to say to young lawyers about to enter the profession, there came into my head—and maybe this just proves that my year here has made me go completely crazy—a recollection of the old theological quarrel about the question whether salvation is won by good works or by the gift of grace. Now, tonight, when I speak about salvation, I mean salvation in this world, not the next, and I feel free to give all these terms—salvation, grace, works—my own definition.

I start with the proposition that, as between works and grace, most lawyers are drawn to the life of works. The fulfillment, satisfaction, and happiness we count as salvation comes, we think, from the life of energetic and beneficent action. Lawyers by nature seek a world of movement and effort. We want to *do* things, and salvation lies in doing *good* things;

we want to have an impact, and virtue lies in improving the world. That is why we are exhilarated by the use of power and enjoy its material and psychic rewards.

This is, I stress, as it should be. It is natural and right that you should try to do high deeds. You are called to improve the world; you will find satisfaction in work and works.

The advice I have is only this: leave a little chink in your lives for grace. By grace I mean a number of things, but primarily the cultivation of the inner private virtues. I mean the willingness and ability occasionally to be still and inactive, to allow scope for the unheroic and the personal. Amidst the good works, take the time and energy to be a loving spouse, a devoted friend, an enchanted and enchanting parent. Don't be totally prosaic; don't exclude from your life completely the nonlegal, the anti-legal, the subversive spirit of poetry. Don't forget Shelley's words, that poets are the unacknowledged legislators of the world. Listen with a small part of you to one of my favorite poems, an early poem by Ezra Pound. It is called *An Immorality*, and as an ex-Hungarian, I have always related to it with special warmth:

Sing we for love and idleness,
Naught else is worth the having.
Though I have been in many a land,
There is naught else in living.
And I would rather have my sweet,
Though rose leaves die of grieving,
Than do high deeds in Hungary
To pass all men's believing.

Good luck and good cheer to the University of Chicago Law School family. ■