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Grant Gilmore

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On the inside of the red, white, and blue dust jacket that encloses his Storrs Lectures,¹ the feast within is described truly: "Written in the eloquent style of the classics of American legal scholarship, Grant Gilmore's reflections on the American approach to law since the eighteenth century are wide in their range of subject matter, provocative in their discussion of large ideas, and bold in their assessments of influential legal scholars and judges of the past." Consider the descriptive words. They capture more than *The Ages of American Law*. They describe the man's *oeuvre*: "eloquent style," "wide in their range," "provocative," "bold." Nor is there any discontinuity between the man and his writings. As teacher and colleague, Grant is eloquent, wide-ranging, provocative, and bold.

To celebrate Grant on his retirement from Yale is to celebrate a survivor—one of the luminaries of a generation of academic lawyers who were schooled in the cynicism of the realist movement. Grant found his way out of that swamp, better surely for having been dropped into it. He rejected cynicism for the firmer ground of skepticism. With metaphor and paradox, eloquence and elegance, he built his path. Grant's artistry reveals legal phenomena in a rich complexity that is infinitely more interesting and useful to the lawyer than the realists' vision.

There were other ways out of the swamp. Some found dry ground over a path of process. Justice as procedure; the danger is clear. Others built systems. Too elaborate to be taken as metaphor, they have often proven too general for particular application. Yet to these survivors and to those few who, like Grant, found salvation through brilliance, those who follow owe everything.

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1. G. GILMORE, *THE AGES OF AMERICAN LAW* (1977).

Few can hope to match Grant; talent cannot be taught. And there are dangers here from which Grant has not been immune. When, in his Storrs Lectures, he spoke the following lines, no one in the audience was less than dazzled.

Law reflects but in no sense determines the moral worth of a society. The values of a reasonably just society will reflect themselves in a reasonably just law. The better the society, the less law there will be. In Heaven there will be no law, and the lion will lie down with the lamb. The values of an unjust society will reflect themselves in an unjust law. The worse the society, the more law there will be. In Hell there will be nothing but law, and due process will be meticulously observed.²

Plainly, one might have thought, Grant is wrong about due process in Hell. But having once formulated the sentence, how could he resist speaking it? And having once heard that sentence, can any of us be sure again?

When Grant leaves New Haven for Vermont, Yale will be less exciting. His colleagues and his students will feel his absence deeply. And we shall wait for his book on Holmes, the big book that he is writing on the great jurist who also knew that style is substance, and law more art than science.

2. *Id.* at 110-11.