

eminent representative of a modern and original approach to the study of the Law.

I close with a word about Wesley Sturges as a personality. I have known few men with such complete integrity and independence of thought. He accepted no theory or idea merely because all sound and respectable people were endorsing it. His sense of humor was so keen that he would laugh at himself as well as others. It redeemed him from all trace of vanity. His integrity was beyond that of an ordinary lawyer. When, during the depression, he left law teaching, it was to assume the post of adviser to a trade association at what seemed to his colleagues a fantastic salary; he resigned from the association without giving any consideration to financial loss when its members would not follow the advice he gave them. The freedom of expression, the opportunity to follow his own ideas, rather than defending those of his clients, which he found in the teaching of law, were worth more to him than financial reward.

The values for which the Yale Law School stands today, which I believe are unique values, not to be found to any comparable extent in any other school, are personified in the life and work of Wesley Sturges.

It is a sad day when we have to bid him Good-bye.

WESLEY A. STURGES

Fleming James, Jr.†

WHEN I came to the Yale Law School as a student in 1926, Wesley Sturges was already one of the outstanding teachers among a group of great teachers, including seniors like Arthur Corbin and W. W. Cook, and juniors, as they then were, like Charles Clark, Edwin Borchard, and Robert Hutchins.

This was an exciting era. Hohfeld was still a fresh memory and his analytical method had stirred up one of those academic controversies so dear to the student's heart. But in this renaissance of the Yale Law School there was also another movement under way which I think had deeper significance and more lasting influence than Hohfeldian analysis. This was legal realism, which was by no means confined to Yale, but was a fairly new thing in American legal scholarship and found warm hospitality at the school, particularly among the younger members of the faculty.

The brand of legal realism most familiar to Yale Law students of the nineteen-twenties was known as the *Functional Approach*. The essence of this was an insistence on viewing legal rules and concepts in the light of their social utility and function—evaluating them in their relationship to the rest of life, so to speak, rather than as parts of a self-contained and more or less self-sufficient conceptual system.

This, of course, is a basically simple and now thoroughly familiar idea that permeates much of legal scholarship and teaching. That was not true in the nineteen-twenties. Then the Functional Approach was a fighting faith that en-

listed some of the ablest and most forward looking men of the time. Well in the vanguard of these men was Wesley Sturges. Indeed, as I look back, I think that to the students of that day in the Yale Law School Wesley symbolized the Functional Approach.

Not only was he in the forefront of a movement that had a profound effect—I think for the better—on legal thinking, but his personal qualities as a teacher made him one of the great law teachers of his generation. He had a way about him, tinged by an older New England, that was homely and dry and a little sardonic, but made warm and appealing by an underlying kindness and a genuine affection for his students. I remember his starting out more than one class by saying: "Good morning, Mr. Chancellor, I am a Surety, favorite of Equity, and I wonder what you can do for me this morning in the following situation." Then he would go on to probe and question, sometimes the devil's advocate, seldom stating or explaining. At times he would ride a student pretty hard, but I have never known one to resent it, for there was never any malice. The upshot of it was that we came to the understanding and the insight by ourselves; this I think is the best kind of pedagogy.

Wesley was not only an influential thinker and great teacher; he was also a very attractive person and a warm human being whom we looked on with pride and affection. He was always neat and carefully dressed and there was something debonair about his manner that made him cut a dashing figure in our eyes. Five years after I graduated I came back on the faculty to teach. I remember asking George Dession—my closest friend on the faculty then—about my new colleagues. The one thing that stands out in my mind from that conversation is one of the things he said about Wesley. "You can trust him," he said, "Wesley is completely honest."

This was a productive period for Wesley. It was about this time that the casebooks were published for his two great courses, Credit Transactions and Debtors' Estates—we had used mimeographed materials in my student days. Also the text book on Arbitration appeared, which marked him as an outstanding leader in this field. There were also original and leading articles dealing with wage earner credit administration. These, of course, were along one of his main lines of interest. But there was another article in the field of procedure—suits by and against unincorporated associations—which for years stood as the leading article in the field.

The nineteen-thirties were not only a productive period for the school, but the life of the school was marked by an intimacy and camaraderie within the faculty that we who were a part of it look back on with nostalgia. By this time others had joined us: Ashbel Gulliver, Harry Shulman, Underhill Moore, Thurman Arnold, and William Douglas. Wesley was particularly intimate with Arnold and Douglas and this trio were very much at the heart of the school's life in all its aspects.

Later on, after the War, Wesley became our Dean and carried on the fine tradition of that office. This was a challenging and difficult period of readjustment; under Wesley's leadership it was also a period of growth.

During this time I came to realize in a new way the truth of George Dession's appraisal. A faculty soon learns the measure of their Dean's trustworthiness, and Wesley's was complete. I also came to see the depth of his kindness and his tolerance for the frailties of others—colleagues and students. There was nothing sentimental about it—it was the tolerance born of strength and understanding.

And so over a long and close association I have seen many sides of Wesley and I have seen him in many roles. In all this time I have never felt a sense of disillusion or disappointment. The bright picture we had of him as students was never tarnished throughout his life. He has immeasurably enriched the lives of the individuals and the institutions who have been associated with him.

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WESLEY A. STURGES

Hugo L. Black, Jr.

SOME of us may wonder whether or not we shall live on after we pass. But we should not so wonder about Dean Sturges.

Dean Sturges excelled at a high calling which offers to those gifted enough to meet its challenges an extraordinary opportunity to live on after death: the teaching of the young. He aimed to train leaders of men. He often remarked that lawyers are the policy-makers of the world and that a function of a school of law was to equip its students for policy-making. His techniques developed that self-reliance so necessary to a man in the lonely hours of deciding a high-level question of policy. That he succeeded in his aim is well attested: his students sit on the Supreme Court of the United States; in Governors' mansions; in the Congress of the United States; in the ranking chairs at the Justice Department, the Treasury Department, the State Department, the Department of Defense; as high counsel to corporations and to labor unions; as partners in the great law firms of America; and in the crowded loneliness of court rooms all over America.

To the man, all of them will tell you that Wesley Sturges in the class room contributed more to their development than any other man. For Dean Sturges could make a class room come alive as no other man could. His techniques passed science and ascended to the level of art. He never revealed himself to you, for that would have defeated his ends. He assumed the role of the inscrutable and unpredictable world of law and politics which would surround you when you left the academic halls. It was up to you to take care of yourself as he asserted and contradicted, growled and smiled, deceived and leveled, ridiculed and complimented, twisted and darted, attacked and retreated. Dean Sturges taught from a chair of law. But he taught more than law. He taught lessons of character. As the symbol of authority in the class room, he often took a ridiculous position and pretended to assume that anyone who disagreed with him had no sense. But if he got by with this posture without challenge from