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DEAN THOMAS PORTER HARDMAN

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A TRIBUTE TO DEAN THOMAS PORTER HARDMAN

GUY FARMER*

I DEEM it an honor to pay this tribute to Dean Thomas Porter Hardman, or "Chappie" as he was called in my Law School days. I know that he is a man who shuns public display, but I cannot help but give voice to my esteem for him on the occasion of his giving up the mantle which he has worn with dignity and honor for these many years. I am happy beyond words that it has fallen my lot to honor him as a dean, as a man, and as a teacher of pre-eminence in his field. In doing so, I know that I speak for many others who have passed through the portals of the College of Law during the more than two score years of his tenure as dean.

I wish to give homage to Dean Hardman primarily as a teacher of the law. I do not detract from his administrative work as a dean. I sense that his activity in the latter field has been burdensome and difficult, and I suspect largely unrewarding. He has tackled the deanship with enthusiasm and endured it in patience for a great many years. But, I venture to say that his administrative job as dean is not the part of his career that Dean Hardman enjoyed most or will cherish longest. It was a teacher of the law that he excelled.

There is a great deal of controversy regarding the teaching of the law, and a like amount of argument as to who is a good or bad teacher. I recall that this disagreement prevailed when I was a student, and I suspect that it is still a lively topic of discussion today, particularly at the time of year just after the semester grades have been announced. There are always some students who like to be fed with a spoon, and there are always some teachers who walk into the classroom with the pabulum in one hand and

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the castor oil in the other. For those who like this kind of a teacher, Dean Hardman was not the kind of a teacher they would like. He was more Socratic, more challenging, and more provocative in his approach.

No one ever suggested that Dean Hardman's teaching methods were malevolent or cruel. But they were doubtless upsetting to the student who sat with notebook ready and pencil poised to write down categorical pronouncements from the fount of legal wisdom. He was more interested in eliciting the student's view on a problem than in overpowering him with his own. It is quite true, of course, that, like all good teachers, he expected a great deal of his class. He never showed the proper degree of sympathy for the C-minus student who sat in the back row to sleep off last night's fraternity sing, or even the A student who neglected to read his assignment for the day. It was even said by some that there was a certain ambiguity as to what course the Dean was teaching during any particular term, however it may have been designated in the curricula. I recall when I was a student that the Dean gave a course in evidence and a course in jurisprudence, but the idea was extant that his class in evidence was a class in jurisprudence and that his class in jurisprudence was just about the same. Yet, I have heard several of his students remark in later years that the Dean's course in evidence turned out, sometimes to their mild surprise, to be of more practical value to them than any other course in their Law School curricula. He was a teacher from whom one learned more than he knew.

It was several years after my graduation before I came to realize that the Dean was attempting, sometimes I fear with unworthy student response, not so much to instruct us in the minutiae of a particular subject, but to incite our interest and give us some insight into the nature and the purpose of the law. Dean Hardman does not view the law as a set of rigid rules or axioms which when applied to a stated set of facts produce an invariable result. He is the antithesis of the handbook teacher. His view of the law is the more mature one which holds with Mr. Justice Holmes, whom the Dean was so fond of quoting, when he said, "A word is not a crystal, transparent and unchanged; it is the skin of a living thought and may vary greatly in color and content according to circumstances and the time in which it is used."¹ In short, he looks upon the law as being what it assuredly is—a social and

¹ *Towne v. Eisner*, 245 U.S. 418, 425 (1918).

political mechanism for declaring and enforcing standards of conduct in a dynamic and changing society. There are times when each of us may wish that the law were something more predictable and certain, but we as lawyers know that it is not. As Justice Holmes so aptly said, "the law is a prediction of what the courts will do in fact, and nothing more pretentious."² I first heard this quotation from Dean Hardman, and my career as a lawyer has furnished innumerable demonstrations of the fundamental wisdom of that observation.

No one has yet discovered a scientific process by which one person can impart to another, by which a teacher can transfer to his students, the store of legal knowledge which may be his. Even a Solomon cannot be certain that he will not have a fool as an offspring, and the best of legal scholars cannot pass on to his students in one neat bundle his understanding and grasp of the law. The teacher who feeds with a spoon may raise contented sparrows, but they will seldom learn to spread their wings and soar to the heights. The Law School is the kindergarten of legal learning, the beginning of an unending quest for understanding, skill and technique in the practice of our profession. It is not a technical school from which any aspirant to legal attainment can emerge as a trained, proficient master of his trade. There are two points, and two points only, that a good teacher of the law can hope to impart to his students, and only to some of them—the first is a passion for the profession of law as an ideal, and the other, a more mundane and craftsmanlike knowledge of how to marshal and analyze facts and how to comprehend, research, and apply applicable, although frequently incompatible, principles of law. In my view, Dean Hardman, with all his seeming flights into the rarefied air of theoretical jurisprudence and perhaps partly because of them, has proved himself a sound, even a brilliant, teacher when his methods and results are measured in terms of this teaching ideal.

I have said nothing up to now about Thomas Porter Hardman, the man. Whether he likes it or not, he has become an institution, the image of which obscures the inner man. I can make only passing reference to his prowess at golf, his vast admiration for Mr. Justice Holmes and that other great legal scholar, Dean Wigmore, and to his own standing as a recognized authority in the field of rate regulation and public utility law. Outside the classroom, as well as inside, there is a pixie-like quality about the

² Holmes, *The Path of the Law*, 10 HARV. L. REV. 457-461 (1897).

man, and a refreshing individuality. The Dean was an eminent Rhodes Scholar whose Oxford exposure manifestly "took." His Oxford accent which was quite pronounced in his earlier tenure at the College of Law faded away as the years went by. But, many former students will share with me the memory of his tall, trim figure striding briskly down High Street, wearing his Oxford cap and British tweeds, and jauntily swinging his cane.

Dean Hardman could not in modern-day parlance be termed an extrovert. He is shy and reserved in manner. But, those of us who know him best are aware of his essential warmth, his wry humor, his loyalty to his friends, his keen interest in the careers of his students, and his unflagging dedication to his work. As a teacher, he demanded much and, in so doing, spurred many students on to new pinnacles of scholarship. As a man and a friend, he provided warmth and understanding which bolstered and uplifted the faltering morale of many an anxious and confused student of the law. He has labored long and hard at his chosen task, and he has accomplished much. On this occasion of his retirement, we can do no less than acknowledge the magnitude of our debt.