

ARTHUR LINTON CORBIN — A LASTING LEGACY

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TEACHING is an honorable profession as Professor Corbin's years at Yale have abundantly demonstrated. He has bequeathed to Yale Law School a lasting legacy. As one among the many who have had the good fortune to sit at his feet while he examined the gambits, the ambiguities and the growth of the law of contracts, it is a personal privilege to add this word to the many, but never too many, appreciations for his scholarship and his instruction.

The law of contracts, Professor Corbin has said, "attempts the realization of reasonable expectations that have been induced by the making of a promise."¹ At the heart of individual or group enterprise in today's world are these concepts — to commit voluntarily, to be bound, and to perform reasonably. The freedom to contract is the *sine qua non* of the creative innovator whose work benefits all mankind in the free world. Builders of today and of the future must necessarily rely on the validity of contracts and the vitality of the contractual method of planning and carrying out constructive programs. This is at once the root of voluntarism and the means of progress.

Against this base of human experience Professor Corbin laid before young minds the thinking that the common law "started, not with a set of noble, consistent, simon-pure concepts and principles, but that it started at exactly zero, just like the protoplasmic cells."² He, thereby, set the stage for the making of "new decisions" and the taking of "experimental and tentative steps forward as we think that prevailing conditions of life require."³ He understood and succeeded in conveying his invaluable understanding that law was a living, moving aggregation of preferred human experience, highly adaptable to human needs.

Yale Law School has been in existence about 140 years. During that time there has been a "constant adventure in the evolution of law,"⁴ and no one in the school has gloried more in that "constant adventure" than, in his own way, did Professor Corbin. He knew the insecurity of relying upon yesterday's decision, upon the "principles" that were no longer the "principles."

He, more than any other, was instrumental in inaugurating the case method of teaching at Yale Law School. He early grasped the variations and contradictions of the legal rules by which our corporate and private lives are governed. It is said that he has read and analyzed more than 50,000 decisions.⁵

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1. Quoted in Goodhart, *Professor Corbin's Eightieth Birthday*, 71 L.Q. Rev. 201, 202 (1955).

2. Corbin, *The Law School Under 10 Deans and 5 Presidents*, Yale Law Report, vol. I, no. 4, p. 11, 1955.

3. *Ibid.*

4. *Id.* at 4.

5. Goodhart, *supra* note 1.

This is no mean task in itself. That he accomplished this prodigious work points to his mastery of the subject of contracts — a mastery which carries on even to his 90th year.

Through his constant study and examination of the mores of the market place as reflected in the case law, he came to know the necessity for clearer definitions, for more conciseness, and for all the elements of craftsmanship involved in the processing of agreements. In the mysterious way which some unusual teachers have of feeding the inquiring minds and at the same time imparting the standards of their personal craftsmanship, Professor Corbin left a lasting impression upon those fortunate enough to attend his classes. This mysterious process through which some of the gifted, perhaps unknowingly, succeed in teaching greatly, does not lend itself to exposition. It exists, it functions, it reacts — and happily so.

Professor Corbin also learned and imparted to his students how the business community or, more accurately, how the community's business participates in the law-making process. He knew how the public as well as the private interest was served by the freedom to make contracts and the freedom to enforce them. He did not condone every action in the market place, just as he did not condone unwise interference with those actions. For he realized at once the ingenuity of the human mind and the constructive nature of that ingenuity when unhampered; while at the same time recognizing that all actions are necessarily subject to scrutiny and to the test of public acceptability.

If I may add a word of personal nature, it would be to recall the patience and consideration with which all, even the freshest novice, were treated. He had consideration to a rare degree for those who questioned and sought answers, even to the point and beyond of letting it interfere with the master work on contracts to which his energies were substantially devoted. And one learned to realize that this patient forbearance continued reasoned and unruffled, whether he was engaged in what he knew to be a plowing of fertile fields or a grubbing of stumps.

His innovations in teaching at Yale, his evolving and enlarging contributions in his field of the law, constitute a legacy for Yale, for Yale-trained lawyers, and for his profession. But perhaps the most lasting legacy will lie in the hearts and memories of those privileged to know him as an individual and privileged to bask in his steadfast awareness and his love of the law.

Professor Corbin has never sought or desired approbation for doing — even so supremely well — that which was dictated by a profound sense of obligation. But he may accept it now; for it is born of a deep sense of gratitude felt by those who knew him during the summit days of his lasting contribution.