

DEAN HARRY SHULMAN

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HARRY Shulman's death is a grievous blow. He died at fifty-two, just as he was beginning a new phase of his devoted and distinguished service to the Yale Law School, and to the cause of law in the United States. Called to the Deanship from a career of extraordinary accomplishment, and promise, he was Dean long enough to make it clear that he intended to lead the faculty in a major reappraisal of legal education, and a major effort to adapt our program of teaching and research to the needs of the next generation.

To this task, he brought remarkable resources. His own work, as teacher and scholar, was uniformly at the highest level of thoughtful excellence. He had been a successful and creative leader in the field of labor relations, and had proved himself in policy making, and the conduct of affairs. Above all, he was a wise, sane, and temperate man. As a human being, he was one of those rare people who invariably attract respect and affection in equal measure—the special respect reserved for those who are unshakably devoted to principle, and the affection evoked by transparently sincere generosity, sympathy, and good-will. He might have become an outstanding judge, for he had the quality of spirit we prize most in judges. He would surely have been a great Dean.

As a teacher of first-year students, Harry Shulman profoundly influenced the conception of law and its purposes which the graduates of the Yale Law School took with them into practice, teaching, and the public service. For them, Harry Shulman was, and will remain, a primary source of the conviction that law is not an esoteric game of words, but a major tool for carrying out social policy, within the limits which history and the deliberate procedures of democracy set for the process of change. Harry Shulman never came to write on the philosophy of law, and perhaps he never would have done so, for he was diffident before abstraction, and did not regard himself as a theoretician of law. But his teaching and his own work proceeded from a fully realized conception of law, which was strongly preached by his example. He taught lawyers to view their problems as social problems, not tasks in logomachy. And he forced them, in seeking solutions, to take into balanced account the demands of reason and history, of social interests, and of the dominant ideal of justice.

Harry Shulman's advanced teaching, his writings and his innovating work in the field of labor relations were instances of what first-rate legal scholarship can contribute to law and to society.

His articles, his early studies of judicial administration (done with Judge Clark), the casebook on Torts, which he and Professor James prepared, and

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his contributions to the *Restatement of Torts* earned the respect of the profession, and have remained forces of continuing influence in the law. His active share in the labors of the Attorney General's Committee on Administrative Procedure was a substantial accomplishment, since the Reports and Recommendations of that Committee were among the important factors guiding the modern evolution of administrative law—an evolution which has, on the whole, permitted a vigorous development of administrative practice, as well as an improved and more uniform control of the administrative process by the courts, in the interest of fully protecting individual rights.

These tasks, important as they were, were a prelude to Harry Shulman's greatest professional accomplishment—his participation in the establishment of regular procedures for peacefully enforcing the provisions of labor contracts. His pioneering work as labor arbitrator, and particularly his twelve years of service as the Umpire charged with the ultimate interpretation of the labor contract between Ford Motor Company and the United Automobile Workers, CIO, have been a path-breaking demonstration of what can be done to establish a tradition of peace and law in labor relations. His experience in this area is fully reported and made available in the published volumes of his opinions as Umpire under the Ford Motor Company-United Automobile Workers, CIO, contract, and in his *Cases on Labor Relations*, written with Professor Neil Chamberlain.

Harry Shulman's creative efforts in labor relations were brought continuously and fruitfully into critical focus in his advanced courses at the Law School. His reflections on this experience appear in the preface to the casebook on labor relations, and are perhaps most fully and systematically reviewed in his Holmes Lecture at the Harvard Law School, given on February 9, 1955—scarcely more than a month before his death—and prepared while he was in the grip of his final illness. That lecture, which would have been among the first of his academic studies in this new branch of law, must stand as his final statement on the subject. It is a safe prediction that "Reason, Contract and Law in Labor Relations" will be read, and studied, for years as a major contribution to the institutional development of collective bargaining. For Harry Shulman viewed the labor arbitrator not as a detached law-giver, construing the terms of a labor contract in the abstract, but as an integral part of the collective bargaining process. He insisted that the function of arbitration as a stage in collective bargaining was the crucial fact determining its scope and content. And he warned of the risks of arbitration which proceeded from a less realistic premise. His development of this principle, and his exposition of its implications for the arbitral process, have been widely accepted as a germinal contribution to thought and practice in the field. The force of his analysis, and the persuasiveness of his example, have helped to make collective bargaining a vital factor in humanizing and civilizing labor relations. In less than twenty years, labor relations in the United States have progressed from the age of the goon, the strike-breaker, and the sit-down strike, to a stage of orderly and largely peaceful growth, based on

the equality and equal dignity of the bargaining partners, within a framework of law. In that constructive achievement, one of the great victories of American society in this century, Harry Shulman played an honorable and important part.

Good and enduring as Harry Shulman's work was, he will be remembered even more for himself. Harry Shulman's first and dominant trait as a human being was a luminous integrity and sincerity of character. And he was touched by grace. Men freely said of him that he was loved. It was an extraordinary thing to hear often of a man. And it was true. Harry Shulman was warm and compassionate, and could give freely of himself. But he was never sentimental, and always discriminating. In the end there was a reserve, cloaking a serene, strong and secure soul. His mind was classically severe and swift. For him, however, the mind was not a substitute for wisdom, but wisdom's most useful tool. The sources of his power over men were deep in his spirit. Men knew him to be fair and generous, decent and loyal, before they knew the penetration of his insight and understanding. And above all, when the tests of life came to him, he had the moral strength to be firm for what he himself believed to be right.