Harlan Fiske Stone—Teacher

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Those of us who were privileged to be students of Harlan Fiske Stone will without exception, I believe, consider him as one of the very best, if not the best, law teacher we ever had. This impression was one we had and expressed at the time, not one which time and sentiment sometimes create.

He was then, as always, an unassuming man, a man of quiet dignity.

He always stood behind the desk and against the blackboard, twirling his tortoise-shell glasses in his hand, his casebook usually closed and on the desk before him. He did not often lecture. He used the Socratic method which he had developed to a high degree of perfection. His questions seldom referred to cases, but to problems raised or suggested by them. It was not easy to be prepared, for his questions in one session would sometimes cover large areas of the course; and at times many hours would be spent around one case, tracing its roots into early law and pursuing its modern ramifications.

His technique of teaching was apt to be disconcerting to beginners. He seldom stated what the law was, or which of two competing principles he favored. The positive statements would usually come from the students whom he would ply with questions and whom he would pit one against the other. Yet one soon learned from the inflections in his voice when the scent was fresh, in what direction the answer was to be found, and when the quest was over. But on occasion, he would stop to summarize a segment of the course. No analysis or exposition was ever more lucid; a jumble of odds and ends would at his touch become a mosaic.

His emphasis in teaching was not primarily on the functioning of law in modern society. His effort was to acquaint students with the technique of using legal tools, with the art of painstaking analysis, with the significance of a rule’s beginning to its present purpose, with the adaptability of law in its evolution. The end product of a course was a synthesis of his own creation—a putting together of relevant and at times seemingly irrelevant currents of thought into a symmetrical and living system of law.

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He instilled skepticism of absolutes, inquisitiveness as to the origins of principles, respect for precision and intolerance for the lack of it, disrespect of dogma, habits of close analysis, and belief in the sturdiness and vitality and adaptability of law. His objective was to enlighten the mind, not to stuff it. Wit and humor were not a part of his teaching technique. But his classes were never tedious or boring. His razor-like mind, his quick reply, his penetrating questions were energizing influences.

One remembers and evaluates a teacher, however, not from his classroom performances alone. It is outside the classroom—in discussions when the class is over, in contacts after hours—that the human qualities of a teacher are usually discovered. And the impressions from those casual and informal associations subtly blend with the recollections of the man in the classroom to give the abiding picture. Dean Stone created the impression that he was father to us all. His office door was easily opened. Though he had a law practice in the city, several courses to teach, articles and lectures under way, a law school to administer and supervise, a wife and young family to whom he was deeply devoted, he always had time for his students. No personal problem was too small to discuss with him. He was never too hurried to give a clue to the solution of some baffling problem of the law. He was never too harried to talk out a problem—to explore it to the edge and back, if necessary, to dispel doubt and confusion. When he left the Deanship for practice, a dinner was tendered him. Our hearts were heavy when we stood to pay him our respect. We were losing a wise and patient proctor, a stimulating, exciting teacher. But even more than that, we felt we were saying a long farewell to a friend, respect for whom had somehow come to be respect for the great traditions of the law.

But only a part of Stone was revealed to those who studied under him. The side of him which unfolded in his later years on the Court was not disclosed in the classroom. I do not refer to his judicial attitude, for that was always apparent. Yet it was not apparent in those early years in the classroom that here was a man of the Holmes and Brandeis tradition. So, it is often said that he underwent a transformation under the influence of the liberal school on the Court. It is probably true that a great teacher is one who has a special capacity to be taught. And I do not doubt that Holmes and Brandeis had a profound influence on him.

But the answer, I think, is not so simple. For Stone found hos-
pitiable every mind for which he had respect. Furthermore, the courses which Stone taught—personal property, trusts, and mortgages—did not have the reach of public law courses. They are subjects which lend themselves more readily to conceptualistic treatment. Moreover, the exposure which Stone had in the early years to larger questions in the public domain produced the reaction then which they did later. His work on the problem of conscientious objectors in World War I is a case in point.1

The truth is that Stone had wide intellectual horizons, originality and creative ability, insight into political institutions, a deep and sympathetic understanding of the functioning and ideals of a democratic society. Those qualities gave a freshness, a stimulation to anything he touched. But they did not have full opportunity to flourish until he moved from the chair of property to the chair of constitutional law.