The Five Roles of Robert Hutchins

Jeffrey O'Connell

Thomas E. O'Connell

Follow this and additional works at: https://via.library.depaul.edu/law-review

Recommended Citation

This Book Reviews is brought to you for free and open access by the College of Law at Via Sapientiae. It has been accepted for inclusion in DePaul Law Review by an authorized editor of Via Sapientiae. For more information, please contact digitalservices@depaul.edu.
THE FIVE ROLES OF ROBERT HUTCHINS


Reviewed by Jeffrey O'Connell* and Thomas E. O'Connell**

INTRODUCTION

Robert M. Hutchins never intended to practice law. In 1920, at the end of his junior year at Yale, he turned to the study of law only because he found the rest of his Yale studies to be "an intellectual dead end." Only seven years later, at the age of twenty-eight, he was appointed dean of the Yale Law School[2] and two years after that he became president of the University of Chicago. Thereafter, the only interest in the law as a profession he ever displayed was typically self-confident: after ten years at Chicago he aspired to a United States Supreme Court appointment. This is not to say Hutchins did not retain any interest in the law. Indeed, it was typical of him that at the end of his life he returned to his first love and made a study of Supreme Court decisions under Chief Justice Warren.

But Hutchins's name was made as an educator, not as a lawyer. He was famous early on for being a "boy wonder" educational administrator at Yale and Chicago and always as a lightning rod kind of reformer. It is in the telling of those fascinating early years that his long-time colleague Harry S. Ashmore is at his best in his first-

* Samuel H. McCoy II Professor of Law, University of Virginia. B.A., Dartmouth College, 1951; J.D., Harvard University, 1954.
2. Id. at 48.
3. Id. at 55.
4. Id. at 193-99.
5. Id. at 494.
6. Id. at 1.

835
rate biography, Unseasonable Truths: The Life of Robert Maynard Hutchins. While Hutchins was energetically involved during his senior years, especially in the formation and operation of the Fund for the Advancement of Education and the Center for the Study of Democratic Institutions, he was at his most fascinating as the head of those two leading educational institutions, the Yale Law School and the University of Chicago.

Since the authors of this Review have examined in some detail the various roles played by deans of law schools and university presidents, we decided to look at Hutchins’s career at Yale and Chicago through the prisms of the five roles we had selected: Leader, Manager, Energizer, Envoy, and Intellectual.

I. THE LEADER

The Leader’s role is one concerned with formulating and articulating the goals of the institution he or she heads. The Leader develops, refines, and communicates missions and purposes. In this role the dean or president should demonstrate certain qualities such as integrity, self-confidence, and loyalty to the institution. This role contrasts with the Manager’s role of finding ways and means to accomplish the institution’s goals. The Leader’s role is the magical or exalted one of all the roles or functions. Other terms which have at times been associated with the Leader’s role are statesman, initiator, and grand-planner. Hutchins was all of these.

And yet he preferred to use the term “administrator” rather than leader. Ashmore says:

The role of passive mediator seeking to placate the conflicting interests that exist on every campus was foreign to Hutchins’s nature. Yet he always rejected the term “leader” and insisted that “administrator” was the proper designation for one who accepted ordained limits on his authority. But he also assumed responsibility for determining the ends the institution ought to be serving and for advocating means of achieving them. Since no university, in his view, came close to meeting its declared goals, change was the order

8. See infra text accompanying note 95.
9. See infra text accompanying note 96.
Many of those who saw Hutchins up close, on social occasions, or in the studied informality of his office, would have agreed with the appraisal of T.V. Smith, a young philosophy professor in whom he evoked mixed feelings:

"Why, Hutchins was a gentleman even when he tried to be churlish. . . . He was what I would have willed to be: debonair, fluent, logical, provocative, courageous and handsome. I regarded him as one man in ten million and rejoiced that he had come to head the great university which was my life. My work was my religion, and my profession was my church. Hutchins stood for me, therefore, as a spiritual leader."18

Hutchins always "disclaimed any such grandiose description of his roles, insisting that he was only an academic administrator engaged in an effort to find logical solutions to educational problems, upon which reasonable men could agree."14

Hutchins felt that he had learned from watching President James Rowland Angell of Yale how not to lead:

"Everything I did at Chicago may be regarded as the reverse of what I had been through at Yale. I sat for six years for the Yale Corporation and the president of the university never made a recommendation to the board. Not one. And they would say to him, well Mr. President, what do you think? What is your recommendation? And he would say, very skillfully he would say, on the one hand we have this and on the other we have that, and this is a matter for you to decide. Well, I could see that this was no way to run a university. These people didn't know anything, or insofar as they knew anything, they knew what Yale had been like, therefore they were not prepared to agree to any changes. Therefore, it seemed to me that this was irresponsible on his part."15

At the Yale Law School, Hutchins saw that the need was for more research, higher tuition, fewer students, and curricular reform "to train our men to discover the actual operation of the law rather than to memorize its rules."16 So he quickly announced that those were changes that the school would make. As might be expected, not all the changes came about, but he felt experiment was

12. ASHMORE, supra note 1, at 76.
13. Id. at 108 (quoting THOMAS V. SMITH, A NON-EXISTENT MAN: AN AUTOBIOGRAPHY 230 (1962)).
14. Id. at 109.
15. Id. at 75-76 (quoting an unpublished May 30, 1973 interview between Hutchins and speech professor George Dell).
16. Id. at 49 (quoting Letter from Robert M. Hutchins, Secretary of Yale Corporation, to Karl N. Llewellyn, former Professor at Columbia University (May 7, 1926)).
Indeed, Hutchins was fully aware that many of the projects he was launching might well end in failure. In 1928, describing the changes at Yale to a meeting of law professors, he characterized the reforms he had inaugurated as frankly experimental:

"We hope we shall not recklessly abandon anything that is good or recklessly embrace new ventures simply because they are new. But we do not care much whether all our experiments are successful. We shall be satisfied if other law schools can profit by them if only to the extent of avoiding our mistakes. After all, the great thing about a university is that it can afford to experiment; and I use the word afford not in its financial connotation, but to remind us that a university is free to cultivate and exhibit the independence of thought, the willingness to depart from tradition, the readiness to take a chance, if you will, that may come from the possession of a life that is nearly immortal."18

At Chicago, Hutchins's role as Leader was easier early on since that relatively new university's first purposes, with which he for the most part enthusiastically agreed, had been developed and forcefully articulated by the university's founding president, William Rainey Harper.19

Hutchins's leadership of the high-powered Chicago faculty was continually made more effective, despite all the differences he had with many of its members, by his staunch and outspoken support of their liberty and their rights.

He had affirmed his position on academic freedom in a 1931 address before the American Association of University Professors: "We have got to make ourselves clear. The only question that can properly be raised about a professor with the institution to which he belongs is his competence in his field. His private life, his political views, his social attitudes, his economic doctrine — these are not the concern of his university."20

This statement, it might be noted, came not too long after World War I when governmental restrictions were seen by some as

17. Id. at 49-50.
18. Id. at 54 (quoting Robert M. Hutchins, Experiments in Legal Education at Yale, Address Before the Association of American Law Schools (1928)).
19. Harper, backed by the openhanded financial support of John D. Rockefeller, had sought to bring the best men in the country to teach at Chicago, especially those who had trained in Europe. He paid them more than any competitors could. With this strong faculty, Harper’s Chicago was then to involve itself in all levels of education and to experiment with their improvement. Hutchins wanted to continue the twin goals of unexcelled faculty quality and especially the continuous experimentation to make education better. Id. at 69-74.
20. Id. at 128-29 (quoting Robert M. Hutchins, The Professor Pays, Address Before the American Association of University Professors (Nov. 27, 1931)).
amounting to censorship and as undue restrictions on academic freedom. There were then no Hutchins-like ringing defenses of the professorate's rights to hold and express controversial views.

Hutchins's straightforwardness also enhanced his performance as Leader at Chicago even in matters where his stands were less popular. His constituencies always knew where he stood. For example, members of his Board of Trustees, made up of many wealthy Chicagoans, often had reservations about his liberal leanings on many social issues. But after a difficult struggle with red-baiting Chicago newspapers and state legislators, he was able to report to the 1935 annual trustee-faculty dinner:

"Outside Chicago the University's reputation is greater than ever. Other universities feel that we fought a battle for them all. The alumni have been aroused to a new interest in their alma mater. The Trustees have borne the burden of our defense with courage, vigor and even with cheerfulness. . . . Because of our trials of last year the faculty has been united for the first time in this administration and probably in any other [sic]. And the students have had the time of their lives."

Both at Yale and at Chicago, Hutchins was uniquely adroit in playing the Leader's role. His record was somewhat more uneven in our next role, that of the Manager.

**II. THE MANAGER**

The Manager, as suggested above, is concerned with the ways and means of accomplishing the institution's goals. He or she is responsible for relationships with on-campus constituencies including students, faculty, and trustees. He or she is also responsible for the administrative or bureaucratic functions necessary to make any institution run.

Hutchins was curiously ambivalent about many of the key functions of the Manager. During his early experience at Yale as administrative assistant to President Angell, he did not seem very much intrigued by academic administration in general nor by the way Yale worked in particular. Ashmore quotes Hutchins as stating later: "'The advantage of the position, if I had been interested in university administration, which I was not, was that it was a central position to see every operation of the University . . . . You could be in a better position than anybody except the President himself to see

---

21. *Id.* at 133 (quoting Robert M. Hutchins, Address at the University of Chicago Trustee-Faculty Dinner (Jan. 9, 1936)).
the way the place operated.'"22 Ashmore then comments: "So, while performing his multitudinous duties in exemplary fashion, [Hutchins] resolutely refused to consider the career in education for which he was being uniquely equipped . . . ."23

Hutchins was always bored by one key aspect of the academic Manager's usual duties: campus upkeep and planning, or, as it is often termed by managers, "buildings and grounds."24 Indeed, he deplored "the edifice complex" which most administrators, in his view, were afflicted with. Ashmore points out that:

At a Chicago-Yale Club dinner [Hutchins] gently ribbed his fellow honoree, President Angell, and the memory of the revered Old Blue, President Harper. It was as a Chicago dean, he suggested, that Angell had acquired a yen for monumental stone edifices, and it was "that experience in the wrecking, draining, contracting and construction business that has enabled him in a few years to destroy and build and rebuild New Haven . . . Any building that wasn't Gothic would be secretly torn down in the night."25

He tended to ignore the increasingly serious problems of the deteriorating Chicago neighborhood in which the University of Chicago is located. Ashmore writes, "Hutchins, always reluctant to invest educational money in bricks and mortar, may very well have given the matter of redevelopment of the Hyde Park neighborhood a lower priority than it deserved."26 His somewhat cavalier attitude toward physical plant matters and the environment surrounding the university he headed had ramifications which he obviously did not consider. Many academics can cite friends who left the Chicago of Hutchins and his successors for other posts in higher education because they did not wish to continue to function, and/or have their families live in the increasingly unpleasant and indeed dangerous Hyde Park neighborhood of those years.

In certain respects, Hutchins seemed to prefer the more exalted role of Leader over the more nitty-gritty work of the Manager. He said at the end of his time at Chicago, for example, "'Academic

22. Id. at 39 (quoting an unpublished January 6, 1975 interview between Hutchins and speech professor George Dell).
23. Id.
24. Id. at 301. Ashmore states: "Hutchins had always professed a profound disinterest in matters involving the University's buildings and grounds . . . ." Id.
25. Id. at 79 (quoting Robert M. Hutchins, Address Before the Yale Club of Chicago (Oct. 18, 1929)). Angell was a graduate of the University of Chicago and had served as dean of faculties there. Id. at 49. Harper had earned a doctorate at Yale. Id. at 57.
26. Id. at 306-07.
housekeeping has ever failed to hold my attention." Yet he performed superbly in a number of other aspects of the Manager's job: he recruited good people, he managed them effectively, he delegated well, and he skillfully used outside professional help to aid in solving knotty problems on campus. With respect to recruiting and hiring, one student of Hutchins's performance wrote: "[Hutchins] has shown extreme modesty in estimating his stature as an administrator, claiming 'only one administrative insight’ of any consequence: an administrator ‘who selects good people will get the credit for what they do.'"

Hutchins was particularly strong in faculty hiring. He looked for "talented nonconformists." As Ashmore indicates: "The survivors of the Hutchins years have agreed that the only standard he insisted upon was excellence — and, other things being equal, boldness." Hutchins also shifted the focus on the quality of the student body, insisting on quality based on grades, not pedigree. His predecessor as dean at Yale, Ashmore tells us,

had resisted the move to limited enrollment on the basis of grades because he felt it would eliminate applicants of "old American parentage," with the result that the school would have an "inferior student body, ethnically and socially." It followed that "Hendrie Hall, which housed the law school, was populated with men wearing three-piece suits, silk ties, and gold watch chains." It was hardly surprising that Corby Court, the private dining club for law students, was believed to be a citadel of subtle discrimination. Hutchins made certain that family pedigree was no longer a consideration in the choice of students, and he refuted any lingering suspicion of anti-Semitism by appointing Jews to the faculty and embracing Dean Winternitz [of the Yale Medical School] not only as a collaborator but as a close personal friend.

Chicago under Hutchins also became noted as a place where the only aristocracy was one of brains.

As to the delegation of responsibility, Hutchins said, "The ad-
ministrator should never do anything he does not have to do, because the things he will have to do are so numerous he cannot possibly have time to do them all." 33

He also used automatically a technique sometimes called "the need to know rule." Ashmore says:

"It had always been his administrative practice to compartmentalize the areas for which he had ultimate responsibility, delegating duties to his subordinates in a fashion that kept them fully apprised of what they needed to know but prevented them from becoming involved with matters that were not their immediate concern." 34

This is not to say that Hutchins was reluctant to make decisions on his own, consulting no one, when he thought it wise. Perhaps the most dramatic example was his decision during World War II to involve the University of Chicago in the dangerous work on atomic bomb experiments. Writer John Gunther described the genesis of the project this way:

"Several industrial organizations and other universities had been approached by the government to construct the necessary but awesomely hazardous pile [necessary to develop the atomic bomb]. They had refused to accept responsibility. Hutchins had long been sympathetic to the isolationist position. He did not like the war. But he did not want to lose it. To decide to accept the mission which would presumably make practicable the production of the atomic bomb was surely one of the most onerous any man ever had to make, and Hutchins made it purely on his own." 35

This decision was typical of Hutchins. He was a "can-do" Manager. He saw the administrator's or Manager's role as above all an active one, not the slow-moving consensus builder. If change was necessary — and he always felt it was — the Manager must be out in front, initiating, cajoling, exhorting, persuading. Yet Hutchins had the capacity to change. He never stopped learning. Witness his attitude on the key matter of patience. Ashmore quotes Hutchins as saying:

"The minimum qualifications of an administrator in his dealings with the means [at hand to bring about change] are four. They are courage, fortitude, justice, and prudence or practical wisdom. I do not include patience, which we are told President Eliot [of Harvard] came to look upon as the chief requirement of an administrator. . . . I regard patience as a delusion and a snare and think that administrators have far too much of it rather

33. Id. at 111 (quoting Robert M. Hutchins, The Administrator, 17 J. HIGHER EDUC. 395, 400 (1946)).
34. Id. at 227.
35. Id. at 226 (quoting JOHN GUNTHER, CHICAGO REVISITED 58 (1967)).
than too little."  

But some years later in an address called *The Administrator Reconsidered*, Hutchins said:

"I now think that my lack of patience was one of my principal disqualifications as an administrator. I did not want to be an officeholder; I wanted, as the saying goes, 'to get things done.' This led me to push matters to a decision, sometimes by very close votes. . . . It is one thing to get things done. It is another to make them last."  

It may be that this impatience, this desire to get things done quickly, and the resultant lack of durability of Hutchins's innovations are the principal reasons why Hutchins's legacy has been less significant than it might have been.

### III. THE ENERGIZER

The Energizer is the catalytic agent for an institution's functioning. His or her personal energy has a direct relationship to the total energy of the institution. The Energizer's most important functions come into play when change is required. Since, as we have seen, Hutchins always saw the need for change and improvement, his enormous personal energy was one of his greatest assets. Ashmore says, "His oft-repeated claim that when he felt an urge toward physical exercise he lay down until it went away was well suited to the indolent pose he adopted to divert comment from his truly formidable energy."  

His style was to suggest or initiate improvements or changes and then to take on all opponents. Ashmore reports that "he deeply believed that the kind of ferment he had engendered on the campus was a vital part of the educational process." One colleague referred to his efforts as raids "on the unguarded shrine of Let Well Enough Alone." *Time* magazine in a cover story quoted him: "The academic administrators of America . . . remind one of the French Revolutionist who said, The mob is in the streets. I must find out

---

36. *Id.* at 91 (quoting Robert M. Hutchins, *The Administrator*, 17 J. HIGHER EDUC. 395, 396 (1946)).  
37. *Id.* at 378-79 (quoting Robert M. Hutchins, Address Before the American College of Medical Administrators (Sept. 19, 1955)).  
38. For a discussion of Hutchins's lack of durability, see *infra* text accompanying notes 97-99.  
39. ASHMORE, supra note 1, at 114.  
40. *Id.* at 168.  
41. *Id.* at 300.
where they are going, for I am their leader.”  

"Hutchins' idea of an administrator's job was different. Since the days of the great Chicago Fight, Hutchins, as perhaps no other university head of his time, has brought the basic issues of education into the open forum. 'The worst kind of troublemaker,' says he with vast approval, 'is the man who insists upon asking about first principles.' It is that sort of trouble Robert Hutchins has been making for the last twenty years."

An Energizer's effectiveness may diminish as years pass. It transpired so for Hutchins as he had humorously predicted it might. Ashmore reports:

In October [1929], making his first appearance at a faculty dinner, he confessed that the combination of his youth and Chicago's retirement age of sixty-five had engendered a horrible thought he was sure his audience would share: "And that thought, gentlemen, is that the University is to have one President for thirty-five years. Think of it. Thirty-five years. It is a generation, an epoch, an era, an eon, an age, the life span of a good strong horse. It is 140 quarters, 1,820 weeks, 12,775 days, 300,600 hours, 18,396,000 minutes, 1,003,760,000 seconds — but there is one minor consolation; if we can protract this meeting we can go home to our wives and say 'Well, we did one good thing tonight anyway, we got about 100,000 seconds of this administration out of the way.'"

It was after ten years as president of Chicago, with almost unending squabbles with his feisty faculty, that Hutchins began to feel he might move on — and found that the Supreme Court of the United States was the only position to which he would be tempted to move. He did not want to practice law, nor to work in business, nor to run for public office. He certainly did not want to head any other university. As he looked at possibilities in government work, he came to feel the executive branch would be a bureaucratic bore. Ergo, the judiciary: why not the top Court? In fact, he did not move on then, but stayed at Chicago through World War II and after. Ashmore describes his situation:

Although there was no crack in the jaunty aplomb Robert Hutchins displayed in public during the post-war years, it was evident to his intimates that the inhuman schedule he imposed upon himself was beginning to take its toll. Urging Thornton Wilder to visit him in Chicago, he wrote, "It will be a kind of Christian act of you to see me. The vital juices are dried up. The spirits are low. I am inventing all kinds of excuses for myself — the

42. Id. (quoting Worst Kind of Troublemaker, Time, Nov. 21, 1949, at 58, 64).
43. Id. (quoting Worst Kind of Troublemaker, Time, Nov. 21, 1949, at 58, 64).
44. Id. at 79 (footnotes omitted).
faculty, the trustees, the public, the world, etc. — and sinking into an abyss of self pity. I need the old gleam in your old eye. This is a Macedonian cry." 45

In a measure, his fatigue, the wearing down of his durability, resulted from his confrontational style already noted. 46

IV. THE ENVOY

The Envoy represents the college or university to its many outside or off-campus constituencies and publics. The Envoy is also responsible for public relations and fund-raising. Hutchins had had more Envoy-type experience when he came to Chicago than in the other four roles. Ashmore describes Hutchins’s job as Secretary of the Yale Corporation, starting in 1923: “His duties included public relations and fund-raising, which entailed frequent speaking engagements at alumni meetings and class dinners and made him responsible for arrangements at the University’s public occasions. He [also] supervised the staff of fifty that produced all Yale publications . . . .” 47

With his usual irony, Hutchins described his situation at Yale. “‘[T]he president ran, or was supposed to run[,] the place. The Provost was supposed to be in charge of the educational program, and I did the rest.’” 48 Hutchins had great success in this, his first post in higher education. As Ashmore puts it, “[H]is wit and charm were so disarming that his frequently caustic observations aroused no protest, and he turned out to be an entirely successful public-relations man.” 49

Hutchins possessed a number of attractive personal qualities which aided him in all his roles but which were particularly important assets as Envoy: humor, a handsome appearance, an informal,

45. Id. at 275 (footnotes omitted).
46. See supra notes 20-21 and accompanying text. Ashmore says, “It was Hutchins’s conviction that changes he thought essential could not be made without controversy, and the sooner the issues were on the table, the better.” Ashmore, supra note 1, at 110.

During a visit to Dartmouth College shortly after he left the presidency at Chicago, Hutchins was asked why he had left Chicago by Provost Donald Morrison of Dartmouth. Hutchins responded he realized he was spending most of his time fighting with faculty members whom he had personally appointed. Conversation of Robert Hutchins, Thomas E. O’Connell, and Donald Morrison at Dartmouth College (1955).
47. Ashmore, supra note 1, at 38-39.
48. Id. at 38 (quoting an unpublished, October 4, 1973 interview with Hutchins’s friend and associate Milton Mayer).
49. Id. at 42.
easygoing manner, and a captivating oratorical style. Ashmore refers again and again to his good-looking, well-dressed appearance, describing a very young Hutchins as: "collar-ad handsome, with thick, wavy hair, chiseled features, and a cleft chin topping a lean, six-foot-two-and-a-half-inch frame upon which Ivy League clothing draped with careless grace." Examples of his wit also sprinkle the entire biography. For example:

His wisecracks attained wide circulation in their day, and some still endure. While he was at Yale he is said to have encountered a venerable Supreme Court justice who greeted him with, "'So this is the boy-wonder law-school dean. I understand you teach your students that the nine old men down in Washington are all senile, ignorant of the law, and indifferent to the public welfare.'" Hutchins replied, "'Oh no, Mr. Justice, we don't teach them anything like that. We let them find it out for themselves.'"

Ashmore also refers frequently to Hutchins's informality as an asset in his interpersonal relations. For example:

Other than on the platform, where he presented a formidable presence, Hutchins had a relaxed and informal manner. At Chicago, as in the Ivy League, "Doctor" was never employed as a form of address for any holder of an advanced degree other than a physician, and "Professor" was reserved for formal use, leaving "Mr.,” “Miss,” or “Mrs.” as the standard courtesy titles. In his day-to-day contacts Hutchins didn't bother with these but instead used first names for the males with whom he had any sustained relationship, indicating that he expected to be called Bob in return.

If he was formidable on the speaking platform, he was also enormously effective:

His commanding presence and spare oratorical style made Hutchins an arresting speaker, and he was accorded rapt attention by his audiences. He received more than a thousand speaking invitations a year and accepted about a hundred. He could have had a handsome side income from his efforts, as did many of the platform stars of the day, but he often spoke without receiving any fee, and when there was one, he turned it in to the University's treasurer.

An example of the effectiveness of Hutchins's oratory and personal skills was his success in cultivating financial support. He worked hard at raising money and he was enormously successful at it decade after decade. In his final annual report as dean of the Yale

50. Id. at 33.
51. Id. at 114 (quoting a conversation related to Harry S. Ashmore by James H. Douglas, a trustee of the University of Chicago).
52. Id. at 115.
53. Id. at 143.
Law School he listed first among the improvements in the school "substantial additions to the endowment." The basic responsibility for the raising of money, he knew, rested with the top executive. Ashmore says:

Substantial gifts could not be had without Hutchins's efforts as prime mover. Bill Benton [his principal public relations person at Chicago after Hutchins brought him there in 1938] could beat the bushes for prospects, and the trustees could bring their rich friends to lunch, but only the president could make the final sales pitch and close the deal.

This off-campus role of the Envoy sometimes comes into conflict with the dean's or president's on-campus roles, especially if too much time and attention are given to it. With his typical irony and self-deprecating wit, Hutchins said of his years at Chicago, "'If the faculty is the backbone of the University, the president is its vocal cords, which just now are a trifle frayed.'" The students at the University of Chicago questioned the primacy of the role of Envoy, as Ashmore reports:

On the day after the inaugural [at Chicago] Hutchins appeared before a student assembly, using the occasion to address a concern expressed in a Daily Maroon editorial suggesting that a university president was "no longer an educator, but a salesman and extortioner ne plus ultra. . . . The importance of this mercenary and unsavory function of the administrator is particularly evident here where the grey towers continue to rise on a Gargantuan scale. It is to be hoped that the pressure of this work will not require the whole devotion of President Hutchins."

While his role as Envoy never had all his devotion, he did enjoy it — and it continued to cause conflict with other roles. Ashmore comments:

In the case of fund-raising, which he accepted as a prime responsibility of his office, he recognized the value of informal contact in a salubrious setting. "The very rich vary in temperament and outlook," he said, "but they have one thing in common: a short attention span. When you have that kind of money you don't have to listen." So he regularly went downtown to lunch with one or more of the trustees and any prospective donors they might bring along. But as he pointed out, he could not be at both the elegant and exclusive Chicago Club and the campus Quadrangle Club, where the faculty lunched — and where his infrequent attendance was a constant source of

54. Id. at 55.
55. Id. at 202; see infra note 65 and accompanying text.
56. Ashmore, supra note 1, at 82 (quoting Robert M. Hutchins, Address at the University of Chicago Trustee-Faculty Dinner (Jan. 8, 1930)).
57. Id. at 81 (quoting Daily Maroon, Nov. 19, 1929).
Hutchins really would have liked to be both places, but his priority was raising money. Ashmore underscores that there was nothing new in this conflict between the Envoy's fund-raising task and the other roles the president performs. He quotes Hutchins in an important address as saying:

"This is the Fiftieth Anniversary Year [of the University of Chicago], a year of jubilation, tempered by oratory and money-raising. Until recently I had thought it was a year of progress, too. But I . . . ran across a letter from Mr. Harper to Martin Ryerson, then president of the board of trustees. The letter was dated February 28, 1900, and it said, 'I have arranged my affairs so that I can be downtown between 9:30 and 4:30 every day.' Forty years of progress have made no impression on the schedule or the aim of the president of this university. His schedule still calls for looping the Loop [a common reference to downtown Chicago]; his aim is still money."

Hutchins was a superbly successful Envoy at Yale and Chicago, but it was in his next role, the Intellectual, that he was non-pareil in the entire university world of his time.

V. THE INTELLECTUAL

The president or dean as Intellectual engenders respect for the life of the mind and for the advancement of human knowledge. The term "Intellectual" brings to mind a person who delights in the play of the mind over a wide range of thought and reads widely to feed this appetite. In his seminal book on American intellectualism, Richard Hofstadter looks to Socrates as the source for his proposition that the role of the intellectual "implies a special sense of the ultimate value in existence of the act of comprehension."

It might be argued that Hutchins's principal contribution to American higher education came as a result of his intellectual stimulus to his own institutions, Yale and Chicago, and indirectly to all other American colleges and universities as well. He was preeminently the educational philosopher.

From his earliest student days, Hutchins was a star scholar. Ash-

58. Id. at 111 (quoting a conversation between Ashmore and Hutchins).
59. Id. at 202-03 (quoting Robert M. Hutchins, Address at the University of Chicago Trustee-Faculty Dinner (Jan. 8, 1930)).
60. RICHARD HOFSTADTER, ANTI-INTELLECTUALISM IN AMERICAN LIFE 27 (1966). Hofstadter states that when Socrates said that "the unexamined life is not worth living," he struck at the essence of the meaning of the term intellectual. Id.
more says that he was an "outstanding member of the graduating class of the [Oberlin] Academy," and that as an undergraduate at Yale he was elected to Phi Beta Kappa and received his A.B. degree summa cum laude. His classmates also voted him "most likely to succeed," but not of course solely for his intellectual promise. (Other members of that Yale class were Henry Luce, Thornton Wilder, and William Benton.)

At the Yale Law School, he was "one of only two in a class of eighty-five to receive his law degree magna cum laude." Ashmore also indicates that "he finished second in the state bar examination, topped only by a classmate who had concentrated on the special requirements of Connecticut practice." Ashmore cites some of his other intellectual skills and accomplishments. For example:

[H]e became an accomplished speed reader. One of his New Haven contemporaries, Morris Tyler, recalls seeing Hutchins go through a single-spaced memorandum almost as fast as he could turn the pages. When Tyler's wife expressed doubt that anyone could get anything out of such rapid scanning, he handed her the memo and said, "Try me." Under questioning he demonstrated that he had in fact absorbed the essence of the fairly complicated document and could quote key passages verbatim.

Ashmore also indicates that Hutchins was a good linguist, demonstrating on various occasions ability in Italian and French as well as German. He was reading French ("quite easily," he said) while in Europe as a nineteen-year-old and German thirty years later ("to improve his command of the language").

As dean at Yale Law School, the youthful Hutchins was teeming

---

61. ASHMORE, supra note 1, at 12.
62. Id. at 30 (citing Robert M. Hutchins, Address Before the Wolf's Head Honorary Society (1923)).
63. Id. at 31.
64. Id. at 35.
65. Id. at 31. For a biography of William Benton, a person who was not only a friend of Hutchins from undergraduate days but also a long associate of his at the University of Chicago and in other enterprises, see SIDNEY HYMAN, THE LIVES OF WILLIAM BENTON (1969). Hyman's book, a workmanlike, somewhat hagiographic effort, captures Benton's fabulous and imaginative energy — which Hutchins tapped very successfully. See supra text accompanying note 55.
66. ASHMORE, supra note 1, at 44.
67. Id.
68. Id. at 39-40 (citing a December 12, 1985 interview with Morris Tyler).
69. Id. at 19-20.
70. Id. at 264.
71. Id. at 19.
72. Id. at 264.
with ideas on improving what was taught. Since he had been a student so shortly before, he knew what he had not liked. For example, he proposed sweeping changes integrating teaching law in tandem with the social science disciplines. He initiated changes in the law curriculum which were "similar to those being urged at Columbia, where a group of reformist professors was attempting to launch the movement that came to be called legal realism. In short order the leading advocates of realism were brought to New Haven, and Yale became the center of experimentation in legal education."

When, after just two years at the Yale Law School, Hutchins moved on to the University of Chicago, he played even more vigorously the role of agent of change in curricular matters (as well as in concomitant organizational concerns). Ashmore describes in detail Hutchins's efforts in three particular areas: renewing the philosophy department by bringing in some of his former Yale colleagues, revitalizing general education offerings, and initiating the Great Books series (of which Hutchins was the editor). It was the Great Books undertaking which perhaps best illustrated Hutchins's yeasty contributions to the life of the mind in American higher education.

But his role as educational philosopher or Intellectual sometimes caused problems for Hutchins. He wrote to Mortimer Adler: "'The trouble, as you see clearly, is my dual role. I am a university president. I have been forced to become, under your pressure and guidance, an educational philosopher. Being an educational philosopher and running an educational institution are often two incompatible occupations.'"

He once admitted that "[n]o man committed to the life of the mind can easily reconcile himself to being an administrator for his whole time or for very long." Nation magazine commented early on during his career at the University of Chicago:

73. Id. at 50.
74. Id.
75. Id. at 85-87.
76. Id. at 95.
77. Id. at 98-107. Hutchins's longtime friend Mortimer Adler was the catalyst at Chicago for the Great Books course, seen by both men as the core of a liberal arts curriculum for undergraduate education. Adler and Hutchins served as discussion leaders for the course, offered for a few students each year at Chicago. The program became a model for other colleges and universities and fostered the idea that the study of the classics could be a useful preparation for the good life if they were considered in a context that related them to modern scholarship. Id.
78. Id. at 168 (quoting Letter from Robert M. Hutchins to Mortimer Adler (Sept. 5, 1937)).
79. Stein, supra note 29, at 99 (citation omitted).
“There is good reason . . . to doubt that Mr. Hutchins’s future services will be directed toward scholarship. His capacity for high-powered organization, such as the recently founded Institute of Human Relations, his zest for all the academic intrigue and machinations required to put such big ideas across, is so great it seems to outrun his interest in the schemes themselves, whatever be their merit.”

It might also be noted that, for an educational philosopher, Hutchins himself had a somewhat mixed career as a teacher. It is true that he was a successful partner of Mortimer Adler in their long-time seminars on Great Books. As one observer noted: ‘Hutchins, in contrast with Adler, was indulgent, even affectionate toward the students; he tried to reformulate their stumbling words so that they could discover what they dimly intended and he did it with a remote kindliness.’ However, in his one attempt at full-time teaching at Lake Placid School immediately after receiving his Yale A.B., he lasted only one year and was greatly relieved to depart in order to return to Yale as Secretary of the Yale Corporation. Teaching at Lake Placid turned out to be far from intellectually stimulating. Indeed, it so soured him that he seemed later to be disinterested in education — public or private — below the college level. He commented late in life, ‘I had thought very little about public schools and the reason for having them; this in spite of the fact that Plato, Aristotle, Rousseau and J. S. Mill, all of whom I had looked at [particularly in connection with the Great Books course], contain rather extensive discussions of the subject.’

But these qualifications concerning Hutchins as educational philosopher are mentioned by Ashmore only by way of completing the record. The fact is that Hutchins was the intellectual storm center of American academic life, not just throughout the late 1930s as Edward A. Purcell, Jr. stated in *The Crisis of Democratic Theory*,

80. Ashmore, supra note 1, at 84 (quoting Editorial Paragraphs, Nation, May 8, 1929, at 545, 547).
81. Id. at 102. Here, Ashmore quotes Edward Shils, “a social scientist who became both an admirer and a critic of Hutchins’s, [and who] looked in on one of these [Great Books] sessions . . . .” Id.
82. Id. at 37-38. Following his graduation from Yale, Hutchins decided to follow his older brother’s footsteps and try teaching in a boys’ school. Though he tried a number of the best-known prep schools, the only offer he got in that depression year of 1921 was now defunct Lake Placid School. He found the students to be “rich juvenile delinquents” and the school’s main purpose to be the narrow one of preparing the boys to pass the College Boards. Id.
83. Id. at 522-23 (quoting Letter from Robert M. Hutchins to Thornton Wilder (Dec. 14, 1971)).
84. Id. at 165 (citing Edward A. Purcell, Jr., The Crisis of Democratic Theory: Scien-
but from the 1920s until his death in 1977.85

One way in which Hutchins persisted in attracting attention as the intellectual catalyst was to make speeches lashing out at everyone he found wanting. His collected speeches were entitled *No Friendly Voice*,86 implying that he did not give a speech to make friends with people, but to light a fire under them.87 It was on the platform that his famous wit was best used. Ashmore describes this technique:

> The audiences he selected were for the most part professional — teachers, educational administrators, lawyers, doctors, journalists — and he also appeared on the leading university campuses, acquiring an extensive collection of honorary degrees. A favorite device was to cite the deficiencies in his own undergraduate and professional education by way of pointing out that his listeners had been similarly deprived.

> In a typically self-deprecating opening, he began an address to the American Association of University Professors: “I appear simply as an individual who has been hanging around educational institutions in one capacity or another as long as he can remember... Under these circumstances you will understand that if I talk tonight as though I thought I know something about education, it is not from conceit but compulsion. It is not that I know education well; it is simply that I know nothing else at all.”88

This device permitted Hutchins to be just as tough on his audiences as he was on himself. For example:

- **On educators (before numerous educational groups):** “‘In the preparation of teachers we are involved in a vicious circle... The teachers are badly educated. They educate their students badly. Some of the badly educated students become badly educated teachers who educate their students badly.’”89

- **On medical doctors (before the American College of Surgeons):** “‘Without intellectual scope or grasp, with the belief that thought is memory and speculation vanity, with no obvious incentive but the need to make a living, [the typical medical school graduate] becomes a proud product of our institutions of higher learning.’”90

---

85. *Id.*
86. ROBERT M. HUTCHINS, *NO FRIENDLY VOICE* (1936).
87. ASHMORE, *supra* note 1, at 143.
88. *Id.* at 143-44 (quoting Robert M. Hutchins, The Professor Pays, Address Before the American Association of University Professors (Nov. 27, 1931)).
89. *Id.* at 144 (quoting Robert M. Hutchins, Address Before the Modern Forum (Nov. 25, 1935)).
90. *Id.* (quoting Robert M. Hutchins, Address Before the American College of Surgeons (Oct. 13, 1933)).
On the Ivy League: “[T]he Ivy League, by establishing a snobbish model for less venerable institutions, [has] imposed upon the country the fallacious notion that ‘athletics, architecture, personality, character, and gentlemanliness are the essence of the intellectual life.’” 91

On newspapers (before the American Society of Newspaper Editors): “‘We all take our opinions from the newspapers. Indeed I notice that in spite of the frightful lies you have printed about me I still believe everything you print about other people. And if the press is an educational agency, we must inquire, I suppose, whether it is giving a good education or not.’” 92 Examples could go on and on.

At the end of his career, Hutchins felt that making an educational institution into an intellectual community was incomparably the most important purpose of all. Ashmore cites an interview with Hutchins conducted by Clifton Fadiman:

Quoting Ralph Waldo Emerson’s dictum that a man was what he thought about all day, Fadiman asked Hutchins if he “could detect what Henry James once called ‘the figure in the carpet,’ any single unifying driving force behind your varied accomplishments.” Hutchins replied, “I think such central intellectual drive as I have had originated in the reflections that were induced by my experiences as dean of a very good and very active law school. It was also at the Yale Law School that I first got an idea which could have been regarded as new and important only by a very ignorant young man. It was the idea that the ideal educational institution was an intellectual community, and the object of anybody who had any responsibility for or even any participation in the educational institution was to try and make it an intellectual community.” 93

CONCLUSION

Robert Maynard Hutchins did not cease to be a force in American higher education nor in American public life when he left the University of Chicago presidency in 1951. His last twenty-five years were eventful, though far less fruitful than his early career. He was the Energizer for the start of a number of institutions, for example, having played a key role in the initiation of the Aspen Institute for

91. Id. at 145 (quoting a lecture given by Robert M. Hutchins entitled “The Educational Function of New England” (Apr. 7, 1934)).
92. Id. (quoting Robert M. Hutchins, Address Before the American Society of Newspaper Editors (Apr. 18, 1930)).
93. Id. at 521 (quoting a June, 1975 interview with Robert M. Hutchins).
Humanistic Studies through his sponsorship of the 1949 Goethe Bicentennial Festival in the Colorado Rockies as one of his last acts at the University of Chicago. 94

His association with the Ford Foundation resulted in the initiation of the Fund for the Advancement of Education. 95 He subsequently was the galvanizing force in starting the Center for the Study of Democratic Institutions. 96 While he continued in both of the later institutions to play to a degree all five roles considered in this review, there was, one senses keenly, less substance in his work in the post Yale-Chicago years. This may have been simply because he did not have an established, visible law school or university to lead and manage and energize. But, with the Fund and the Center, he continued to be very much the successful Envoy, particularly in fundraising. He struggled more than ever to be the effective Intellectual, particularly in sparking continued discussions of the most vital national and world issues, though one is inclined to question how productive those discussions were. The Fund for the Advancement of Education and the Center for the Study of Democratic Institutions are no longer existing entities.

Other innovations sparked by Hutchins have similarly failed. For example, as to his scheme for the integration of the law and the social sciences, reflecting in 1974 on the social scientists he had worked with over the years, Hutchins wrote to Thornton Wilder:

"Sometime I am going to trace my association with these people [i.e. social scientists] over the last fifty years and make a record of all the money that has been spent on them and by them, all the trust I had in them, or some of them, and all the disappointments they inflicted on me. I started working on psychology and law when I was teaching at Yale. I received gobs of money for psychiatry at Chicago. (I didn't even have to ask for it.) Same with the social sciences. The foundations decided to make Chicago a Center. It's astonishing how little has come out of it all." 97

94. Id. at 274.
95. Id. at 320-22.
96. See id. 391-400.
97. Id. at 536 (quoting a letter from Robert M. Hutchins to Thornton Wilder (Oct. 1, 1974)). But see infra text accompanying note 103; John Monahan & Laurens Walker, Social Science in Law: Cases and Materials 20-21 (2d ed., 1990) (discussing the individuals who participated in the empirical research projects at Yale initiated by Hutchins); John Monahan & Laurens Walker, Judicial Use of Social Science Research, 15 Law & Hum. Behav. 571 (1991) (discussing the use of the social sciences by the judiciary); John Henry Schlegel, American Legal Realism and Empirical Social Science: From the Yale Experience, 28 Buff. L. Rev. 459 (1979) (discussing Hutchins's involvement in promoting legal realism).
At both Yale and Chicago his curricular reforms failed to survive his own departure and at the Center for Democratic Institutions two of his pet projects, a world constitution and a system of world law, likewise failed. Discouraged by these and related disappointments and in failing health himself, he wrote to a supporter who had sent a note of sympathy, "'Do you remember what the Earl of Rochester said about the end of the Philosopher? “Huddled in dirt the reasoning engine lies, who was so proud, so witty and so wise.’" 

Although some initiatives had failed, praise for Hutchins and his achievements abound. A Chicago professor, perceived by some to be Hutchins's successor as intellectual gadfly, wrote a best seller excoriating American higher education but failed even to mention Hutchins. Ashmore reports,

[Allan] Bloom did not deign to reply to a letter [Mortimer] Adler wrote him challenging the omissions in The Closing of the American Mind, but in an interview in which he dismissed Adler's complaints as an angry personal attack, he had high praise for Hutchins. Asked why he had not mentioned him in the book, Bloom replied: "There are not many changes I would make in the book in response to the criticisms I have received but that's one. The University of Chicago was my inspiration, and Hutchins was the University of Chicago. I've always regarded myself as a student of Hutchins, a figure I look up to with the greatest admiration. He was a gem, a genius of an educational administrator." 

Ashmore's own partisanship (and political leanings) are revealed in the following passage:

98. See Ashmore, supra note 1, at 536.
99. Id. at 522. The destruction of Hiroshima and Nagasaki prompted the University of Chicago to sponsor an Atomic Energy Control Conference six weeks after the bombs fell. Hutchins was the chairman. The objective was to find a way to control the terrifying new weapons through some form of world government. Out of it came a Committee to Frame a World Constitution, with Hutchins as president. Id. at 260-62. By the late fifties, with the start of the Center for the Study of Democratic Institutions, the impetus for a world constitution shifted to Santa Barbara, California, the Center's home. It was still principally a Hutchins project and with the ultimate demise of the Center, his world law idea was also largely forgotten. Id. at 522.
100. Id. at 525 (quoting Frank K. Kelly, Court of Reason: Robert Hutchins and the Fund for the Republic 639 (1981)).
As a result of his pioneering effort to broaden the Law School's curriculum by crossbreeding it with courses in economics, psychology, and sociology, Chicago became the incubator of the ultraconservative legal scholars who provided the philosophical gloss for Ronald Reagan's crusade to reverse the progressive direction long followed by the federal judiciary. Two of its products, Robert H. Bork and Douglas H. Ginsburg, were so far outside the mainstream they were opposed even by conservative Republicans when the President tried, and failed, to win Senate approval for their appointment to the Supreme Court.102

In point of fact, one of Hutchins's controversial offsprings, the law and economics movement, germinating largely at the University of Chicago Law School, has unquestionably had an important impact not only on law schools, but on the law itself.103 Indeed, on an even vaster canvas, ideas from the economics department of the University of Chicago have undoubtedly had a similarly profound impact on both macro and microeconomics as well as on economies throughout the world. These controversial concepts have often moved along lines that Ashmore would disagree with — as might well have Hutchins,104 but that he might have ended up disagreeing with the results of such rigorous, close, but imaginative thinking and analysis would probably not have disturbed Hutchins at all. He was far from being a doctrinaire leftist. True, there was in him the instinctive egalitarian, in spite of his patrician appearance and style. He was a Democrat in politics and during Franklin Roosevelt's presidency Hutchins was an also-ran in several competitions for nomination to the United States Supreme Court as well as for the vice-presidency in 1940. But he cannot be shoe-horned into any ideology. He was too multifarious for that — and too much his own man. He was also too fearless in stating honestly, often, and clearly his own views. Those views were frequently counter to those of any particular group. They were occasionally even wrong-headed as proven by subsequent events, as with his opposition to American involvement in World War II. But they were his own views, and they were based on thoughtful analysis of the facts.

Ashmore points out that Hutchins had "deep-seated skepticism toward any movement that seemed to be fueled by emotion at the

102. Ashmore, supra note 1, at 536.
104. Id. at 233.
expense of reason." He goes on to point out of his subject: "In his own youth this had kept him aloof from the Marxist movements that attracted many of his intellectual peers and had caused him to disdain the Freudian doctrines that bemused others." Ashmore says that this same skepticism raised his hackles concerning the flower children of the 1960s: "The idea that those who had nothing in common except immaturity constituted an oppressed class struck Hutchins as an absurdity; youth, he pointed out, was an inescapably transient condition.

What then is Ashmore's final assessment of the person he says was "the most celebrated, and contentious, educator of his generation?" In typical fashion, Ashmore quotes his subject in the final words of his eminently readable biography: "'Do you know what a Chicago historian said fifty years ago when he was asked what he thought about the French Revolution? He said, 'It's too early to tell.'"

105. ASHMORE, supra note 1, at 444.
106. Id. at 444-45.
107. Id. at 445.
108. Id. at 531.
109. Id. at 541 (quoting a June, 1976 interview between Eric Sevareid and Robert Hutchins).