

FRANCIS A. ALLEN

*Norval Morris**

My colleague, Bernard Meltzer, when advised of an impending tribute to him in our law review on the occasion of his assuming emeritus status, is reported to have replied that he was not sure he wished for a rehearsal.

I am old enough to take the point. There are many eulogistic propositions, carefully fashioned encomiums, I would like to write about Francis Allen; but not if Frank is a terrestrial reader. He may well see me first into a pine box; I would wish to deny him a right of reply to an earlier panegyric of mine. He certainly knows how to conceal the barb until it strikes home — and he might well exercise that skill.

It is an uneasy situation; I have no great taste for public tributes *inter vivos*; brevity and the avoidance of hyperbole will have to suffice.

Allen is a superb teacher. Of course he is. Everyone knows he is. Sedulously I attended his classes at Harvard and at Chicago in my early days in this country hoping precisely to emulate his performances. I took ample and careful notes; I recorded the more elegant turns of phrase and the more attractive witticisms. Regretfully, I must in honesty report that Allen is incapable of teaching teaching; later, in my mouth, the phrases were limp and the witticisms attracted stares of studied incomprehension. This has remained so as, in the depth of my respect, I have adhered to his very words year after year after year.

Allen is a superb scholar. He shaped important sections of the Model Penal Code; he was the principal draftsman of the Illinois Criminal Code. No one can write responsibly about the jurisprudence of the criminal law without studying Allen's books and articles. This is all well and good; but it does not elevate the spirits nor strengthen the confidence of those of us who try to cultivate the same fields.

Teacher, scholar, and then administrator: Allen succumbs to deaning, leading some of us who see him as a model to demonstrate the same defect of character and take on the same miserable task. (As an aside: Why do criminal law teachers tend to become deans? Perhaps their prior close acquaintance with the sordid and unseemly, the

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greedy and aggressive, fits them for faculty confrontation.) Of course, Allen shines as a dean, which merely exacerbates the offense.

Allen touches and influences the lives of many. Speaking for myself, and without hint of exaggeration, it is due to Allen's influence on me, when I first visited this country thirty-one years ago, and then again a few years later, that I have found myself battling away bravely on the south side of Chicago for the past twenty-two years instead of luxuriating in the sunny and undemanding fleshpots of Australia. I sometimes think of his role in this with gratitude, sometimes not.

I came to Chicago expressly to work with Allen; the next year he left, demonstrating yet another of his qualities — the stability in office of a son of a Methodist minister, genetically programmed to move on regularly from parish to parish.

As you see, there are dark sides to Allen's many apparently admirable qualities. In only one respect do I see him as without fault; he is a friend to whom anyone privileged to claim that relationship turns with certain confidence of wisdom and unremitting support.