Of Running a Solid Ship
And Other
Legal Matters:
A Former Dean Reflects

Prof. Theodore J. St. Antoine has returned to teaching at the Law School. He says it is, after all, what he enjoys doing best. While acknowledging that his years as a dean (1971-78) were not without rewards and that he is "very, very honored to have been dean at Michigan," for him administration is rather one of the necessary evils associated with the academic experience: teaching and research are his preferred choices. He is glad to be back.

Refreshed by a summer abroad and a sabbatical year at Duke University, St. Antoine is now settled in a ninth-floor office in the Legal Research Building, graciously and amiably sharing impressions of his recent experiences and looking to the future.

Duke University was "a delightful place to spend a year and sort of 'recharge the batteries' and slowly get readjusted to the life of teaching and research full time." As a smaller school it provided a more relaxed atmosphere, and, he adds, "I'm afraid the climate has a substantial edge over Michigan's."

Then came the opportunity to teach for three weeks at the Salzburg Seminar in American Studies. Sandwiched between two two-week "very hurried American tourist rambles" of London, Paris, and Bavaria, and then Venice, Florence, and Rome, the three-week stay in Salzburg provided a chance to know "the life of one particular area reasonably well." Living in Schloss Leopoldskron, where some of the scenes of "The Sound of Music" were shot, "we were constantly being overrun by tourists taking pictures of us peasants. We always kept saying we ought to yodel at them to provide a little atmosphere."

As for the seminar itself, St. Antoine calls it "one of the most satisfying experiences I've had in my lifetime." It was structured as a group of 50 fellows drawn from all over Europe (persons usually five to ten years out of law school—practitioners, judges, academic people, government officials), with four American academics serving as faculty and with U.S. Supreme Court Justice William H. Rehnquist as the chairman of the faculty. Because of the intense contact during the three weeks, the seminar allowed for many heart-warming relationships to be established, a number of which, St. Antoine believes, will be maintained for a lifetime. He found the intellectual caliber of the participants impressive, "with a real growth in the spirit of Europeanism among them—there was a mix that seemed to cut across national lines, even extending behind the Iron Curtain."

And now St. Antoine looks back on his years as dean and to the future. The deanship, he admits, offered "several unexpected bonuses." In the first place, he feels that the deanship of a major institution provides a platform for offering one's views to the public. If used wisely, it "can enhance both the institution and the profession and, hopefully, society." Next, an unexpectedly pleasant part of the dean's task had been the frequent travels around the country: meeting alumni and other professional groups, receiving "the warmest of welcomes and most cordial personal treatment" at all times. Thus, what he had feared would be a burden actually became a delight; so much so that at times he looked upon these travels as a welcome escape from the routine of the dean's office. But it is still the contact with the students, the opportunity to say something to them that is not "merely light and witty," but "has some substance and weight" that provides one with a "more lasting sense of satisfaction."

Besides these general observations that many a dean might share, St. Antoine points out some achievements that will be thought of as his particular contribution to the Michigan Law School. Saying he does not take that much personal pride in it, he believes he will be remembered primarily as the dean whose successful fund-raising provided the Law School with the new library addition now under construction. The fund-raising had been a time-consuming effort, but, as U-M President Robben Fleming wrote in a letter to St. Antoine at the end of his tenure as a dean, "...the new library will be largely a monument to your efforts."

As for shaping the curriculum of the Law School, the former dean does not think he has had a great deal to do with that. He feels he expanded rather than initialed programs that his predecessor Francis Allen had undertaken, especially in clinical and interdisciplinary teaching. On the whole, he believes it difficult if not impossible for one man to restructure the curriculum of a "large and self-assured institution of the quality of [Michigan]," or to use his metaphor: "You know, when you are running a ship that is as big and solid as this one, you can't change its direction very rapidly. The principal function, I think, is to make sure that it stays on course and keeps a steady pace."

The most important thing a dean can do, he believes, is to put together a truly first-rate faculty: "I do think that we continued during my deanship to bring to the Law School an extraordinary group of able young
people, both men and women. And that was most rewarding. The excellence of this well orchestrated youthful ensemble had not escaped notice of a fellow dean of another great law school ("a very knowledgeable person" about faculty recruitment) who had remarked how well this young faculty "worked together, taught together, and enjoyed each other's company," forming what he considered "the best such group in the country." "I took enormous satisfaction in this remark," adds St. Antoine.

U-M law Prof. Harry Edwards, a friend and a fellow labor law specialist, calls St. Antoine "a tremendous inspiration" to Michigan's young faculty. "The result has been," according to Edwards, "that a lot of young people on this faculty have done many, many things in their areas of expertise that they might not have done if they were in another institution—a different setting, a different dean." Edwards attributes his own return to Michigan from Harvard partly to the opportunity to continue working with St. Antoine in their shared field of interest. "On balance," he says, St. Antoine "has been a model of an outstanding teacher and scholar, and he has contributed to the profession immensely. He is well recognized in the labor field, and his views are constantly sought, because he is a very thoughtful, imaginative person. . . . I think the fact that he was a dean as early as he was in itself was the highest tribute that could be paid him."

From his rich experience in academic policy making, teaching, and law practice, St. Antoine has perceptive comments to offer on the law as a discipline of study and as a profession of public value and personal satisfaction.

As on several occasions before, he stresses the importance of teaching larger intellectual concepts in preference to narrowly practical legal training. He is convinced that contrary to what students might think of as "very lofty theory," the former approach does not mean "simply spinning academic abstractions" while dealing with "underlying principles of the law." but actually provides them with the kind of knowledge and capacity to think for themselves that they will need most in their professional endeavors. The latter approach, by concentrating too much on the narrowly practical aspects of any legal concern of today, really is preparing students to practice the law of yesterday: "Yesterday's world in tomorrow is not what they are actually going to encounter. So I think that the main thrust should be toward giving them a framework and even beyond that a sense of how to go about teaching themselves and how to go about thinking through totally unprecedented problems. That to me is the major mission of a great law school."

At the same time he acknowledges that the majority of today's students think they need much more highly practical offerings in such disciplines as trial techniques, legal writing, and procedure than they receive. Thinking it unwise to resist these persistent demands totally, St. Antoine advocates a compromise: with the "how to" content of a practical course, a sense of the subtler, more complex problems should also be given. He cites as an example a civil rights course offered at the Law School that outlines the "how to" techniques of a civil rights case but that also strives to provide a "good sense of broad litigation strategy, the meaning of the concept of discrimination, which is a very subtle and often shifting standard."

When asked about the professional opportunities of the law school graduate of today, St. Antoine is hopeful about the immediate prospects of Michigan graduates: 90 percent or more of them have been able to secure work as practicing lawyers immediately upon graduation, the nationwide figure being only 50 percent. He admits, however, that the present popularity of law studies (a trend that started in the early 1960s because of the shortage of lawyers at the time) may pose some problems as the nationwide percentage of placement indicates, but he also sees new possibilities for law school graduates opening up. In the 1960s, idealistic and intellectually well equipped people were drawn to the law schools by two major factors: social activism that pointed up problems of civil rights, criminal justice, poverty; and the surplus of Ph.D.'s in other disciplines that attracted people to the law schools who otherwise might have become English or philosophy professors or nuclear physicists. The latter, looking for a different field to make a living, saw in the law a profession that "does have some exciting intellectual challenges which increasingly provide the opportunity to bridge different disciplines."

For people of this quality the above mentioned problems should still provide interest and occupations. In addition, all kinds of public questions become legal questions in the United States. What other societies might treat as political issues or issues to be resolved by a particular discipline or
profession, in our society, says St. Antoine, "wind up in the courts to be resolved within the legal framework." In the future, there are going to be "some extraordinary, difficult, important, deeply disturbing questions that the law will have to wrestle with." There will be "problems of humanity" and "problems of the natural world" that will ask for new rules to be worked out "much more rapidly than we had to do it in the more leisurely days of the past."

In this respect St. Antoine mentions the new developments in human genetics: "We are going to start, I suspect, to make human beings to order some time over the next century." We will have the power of "restructuring human psyches" and this might be hopeful in terms of "reforming habitual criminals," but we may lose individual freedom and integrity of human beings in the process. The "law will have to decide what is allowable in terms of how you can manipulate genes and the development of human beings in artificial forms."

There will also be a considerable legal involvement "in determining the allocation of natural resources as the world becomes far less able to sustain exploration." And St. Antoine predicts we are "going to have problems of developing an entirely new system of property" in order to deal "with this very different world we confront."

Another new field for the lawyer is "the formation of what are called prepaid group legal service plans." These are patterned on the principle of group insurance programs and will allow for legal assistance to greater masses of the public. Seventy percent is the standard figure of middle class Americans who do not get proper legal services because of the expense; the ten percent who are rich can afford to pay and the twenty percent who are poor are helped through legal aid societies and legal defender offices. Whether Americans value legal services enough to enroll in these programs on a large scale remains to be seen.

Talking about his own future plans, St. Antoine remarks: "I certainly can't dismiss out of hand anything that might come along." As he wryly adds: "I suspect there can't be more than 10 law professors in the United States under 65 who would turn down a position on the United States Supreme Court." Calling such ambitions "daydreams," however, he admits he has not been tempted to take up offers of such governmental posts that so far have come his way. He is happy in teaching and research. He feels that labor law is "a wonderful specialty to be involved in because it provides the opportunity to do a number of outside things that are really central to both your teaching mission and your research mission," as, for example, his chairmanship of the Governor's Commission on Worker's Compensation, chairmanship of the State Bar's Labor Relations Law Section, and his activities as an arbitrator.

As St. Antoine sees it, "with the academic world as a base," one has all kinds of opportunities to do things that are useful to society, including full-time governmental service while on a leave of absence. And the academic world in itself is to him the greatest challenge of all: what can be greater "than the challenge of producing something truly significant of an intellectual nature?" There "the sky is the limit." "No matter how well you do," he concludes, "you are constantly competing against an impossible potential. I don't see how anyone can find that less than the most fascinating sort of challenge. And it does not leave me restless to try to conquer other worlds. I don't think anybody can totally conquer this one."

—Anna Brylowski

Stein Appointed To International Group

Eric Stein, professor of international law at U-M, has been elected an associate member of the International Academy of Comparative Law, headquartered in Paris.

Considered one of the leading scholarly groups in the international legal field, the academy offers specialized educational programs throughout the world. Its membership includes leading comparative law teachers from eastern, western, and "third world" nations.

Prof. Stein, who holds the Hessel E. Yntema Professorship at the Law School, is a specialist in disarmament and weapons control law and comparative law. He has authored or co-authored a number of books on European Community law, test ban negotiations, and harmonization of international business law.

Stein has been a member of the U-M law faculty since 1955.