JEROME MICHAEL*

We are all his students now, and will be through the days to come. Some of us have been his students for a good many years. It was twenty-two years ago that I first entered his classroom. The law school generation of which I was a part was a worried, depressed, depression generation. We were worried about jobs, which were hard to come by. We were bothered about the economy outside the classroom that waited for us at the end of our last law school semester, an economy which seemed cruel and unintelligent and frightened. Many of us wondered whether in the strenuous pursuit of bread and butter that loomed ahead of us we could keep a firm grip on the values of the intellect and the spirit that had led us to choose the profession of the law.

In our wonderment and doubt, Jerry Michael brought us stars to steer by. Any of us who has stumbled along in the dark in strange country on a cloudy night knows the thrill of understanding that comes when the clouds suddenly separate and one sees clear in the heavens the North Star and sees clearly how to correct his mis-steps and how to move towards his goal.

That was the thrill that Jerry Michael brought us. He brought us that joy, that thrill, because he felt it keenly within himself and shared it with us as his fellow students. Reading over my notes of his class recently, I was struck at how much of what I like to think of as my own mind, my own way of thinking about the legal process, came to be my own in Jerry's class, because it was Jerry's own, and because he shared so fully what was his own—his doubts as well as his certainties. Never did he resort to the old or the new masks of professionalism or cynicism to hide the larger uncertainties that make the law a challenge to the mind and the spirit of free men.

Jerry Michael possessed a great mastery of the most difficult and technical fields of the law, a mastery which was based on the painstaking application of the most arduous methods of scientific and logical analysis to the realities of the judicial process. That mastery illumined ancient mysteries for all of us, and set up ideals of craftsmanship that are still our despair. But the genius of Jerry Michael was more than this great mastery. It was his genius to demonstrate to all of us that in law one could find the great truths and the great challenges of science, logic, ethics, philosophy. He gave us, not by preaching but by demonstration, the answer that came to the young Oliver Wendell Holmes almost a century ago when he weighed the law as a profession and wondered whether it might prove to be not a liberal profession but a narrowing trade that shuts one off from contact with the highest values of the intellect and the spirit. And after much wonder and doubt and spiritual struggle the young Holmes reached a conclusion

* These thoughts were first expressed at Professor Michael's funeral service and appear here in substantially the same form.

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which shows forth better than any words of mine might show what Jerry Michael has taught us these many years:

> But to those who believe with me that not the least godlike of man's activities is the large survey of causes, that to know is not less than to feel, I say—and I say no longer with any doubt—that a man may live greatly in the law as well as elsewhere; that there as well as elsewhere his thought may find its unity in an infinite perspective; that there as well as elsewhere he may wreak himself upon life, may drink the bitter cup of heroism, may wear his heart out after the unattainable.
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> . . .
>
> For I say to you in all sadness of conviction, that to think great thoughts you must be heroes as well as idealists. Only when you have worked alone—when you have felt around you a black gulf of solitude more isolating than that which surrounds the dying man, and in hope and in despair have trusted to your own unshaken will—then only will you have achieved. Thus only can you gain the secret isolated joy of the thinker, who knows that, a hundred years after he is dead and forgotten, men who never heard of him will be moving to the measure of his thought—the subtile rapture of a postponed power, which the world knows not because it has no external trappings, but which to his prophetic vision is more real than that which commands an army. And if this joy should not be yours, still it is only thus that you can know that you have done what it lay in you to do—can say that you have lived, and be ready for the end.[1]

All this, Jerry Michael has meant and showed to us, his students. But something more, besides. The law, said Holmes, was a window upon life, through which one could see all the lights and shadows of life clear and whole. But the law was more than a high Olympian window to Jerry Michael, more than a path to the high joys of intellectual understanding that seemed to one of Jerry Michael's teachers, Aristotle, and to Aristotle's teacher Plato, and to Plato's teacher Socrates, to be the only joy that man shares with God and the only exercise that can bring divinity into our own lives.

Jerry Michael, like his dear friend Morris Cohen, like Harold Laski, Justice Brandeis and Justice Cardozo, was not only the student and the heir of a Hellenic tradition that cradles the eternal pursuit of a truth that is never fully caught. Jerry Michael was also the student and the heir of a Hebraic tradition that cradles the eternal pursuit of a social justice that is never fully achieved. For in that Hebraic tradition the profession of the law teacher is the highest of all human professions. And Jerry Michael has taught us in the great tradition of the law teacher who said, 3000 years and more ago:

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1. HOLMES, COLLECTED LEGAL PAPERS, 30-32 (1920).

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> For this teaching which I teach thee this day is not hidden from thee, neither is it far off.
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> It is not in heaven, that thou shouldst say, Who will go up for us to heaven, and fetch it down unto us, and cause us to hear it that we may do it?
>
> Neither is it beyond the sea; that thou shouldst say, Who will go over the sea for us and fetch it unto us, and cause us to hear it that we may do it?
>
> But the word is very nigh unto thee, in thy mouth, and in thy heart, that thou mayest do it. (Deut. 30:11)

Righteousness was not an otherwordly perfectionism for Jerry Michael, and the sense that law without righteousness is dust and ashes became a part of all the legal minds that Jerry Michael helped to mould.

While we were in his classes, and in the long years since, Jerry has taught us in the tradition of the Hebrew prophets who, more than 2000 years ago, epitomized their religion in the words:

> Let justice flow down as waters
> And righteousness as a mighty stream. (Amos 5:24)

And so Jerry's whole life was a prayer, a prayer that begins for us in an ancient Aramaic tongue, *Yisgadal, v'yiskadash, sh'meh rabo*, a prayer that expresses the eternal hope that no tyranny can quite destroy, the hope that a righteousness which as yet exists only in the world of our ideals may yet prevail on our earth as in God's heaven. And so in that tradition we who were Jerry Michael's students, and will continue to be his students all our lives, say amen to the prayer that was Jerry Michael's life.

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