The Generosity of a Dean

Guido Calabresi

Gene Rostow was probably the greatest dean in the history of the Yale Law School. When he became dean, the school was a depleted and divided place. In the first seven years of his tenure some twenty-two people—Alex Bickel, Joe Bishop, Charles Black, Robert Bork, Ward Bowman, Frank Coker, Steve Duke, Ronald Dworkin, Abe Goldstein, Joe Goldstein, Quint Johnstone, Leon Lipson, Bay Manning, Ellen Peters, Lou Pollak, Charlie Reich, John Simon, Clyde Summers, Robert Stevens, Harry Wellington, Ralph Winter, and I—joined the permanent faculty. Of this extraordinary group, four—Lou Pollak, Abe Goldstein, Harry Wellington, and I—succeeded him as dean, so that from 1955 to 1994, either Gene or one of his kids led the school. This was Gene’s long legacy as dean, a legacy all the more impressive when you observe, as Gene often did, that deans have no power. (He was fond of saying that, as dean, the only things he could decide were the placement of portraits and the gender designation of lavatories—and that, even as to these, it was not all that clear.)

He had many, many remarkable qualities that made his success not only possible, but almost inevitable. In this short appreciation, I will focus on one—his amazing generosity. And I will—as is my wont—tell a few stories involving me to demonstrate my point.

When I first decided to join the Yale faculty, I went to Gene to let him know. His answer was, “Wonderful, but tell me, what is the most any other school offered you?” I said that I was young, a bachelor with few needs, so salary was not a concern; the going rate would be fine. He replied, “That may be, but Yale cannot afford to pay you less than the most that you have been offered elsewhere.” That simple statement told me an enormous amount about the school, and about Gene’s regard for me and for where Yale stood in the law school world. I never forgot it.

Financial generosity was only a small part of Gene’s largesse. The next year I received a fascinating offer to go to Washington and join the

† Judge, United States Court of Appeals for the Second Circuit; Sterling Professor Emeritus of Law and Professorial Lecturer in Law, Yale Law School.
Kennedy Administration. I did not know whether a leave that soon after starting at Yale was permitted, so I asked Gene. Rather than answering me, he asked, “Do you want to go?” I told him I wasn’t sure and first wished to know if I was allowed to do it. He smiled and said, “No, no. These are very important people who have asked you. They will be angry if you turn them down, and you are young and their resentment may hurt you in the future.” “So,” he said, “the answer is, if you want to do it, of course you can. But if you decide not to... you can let them know that I absolutely forbade it!” Gene was forty-seven, with a full future ahead of him. And yet he understood that his job as dean required him to protect the members of his faculty and their future, by interposing himself—even at great personal cost. I never forgot that either.

My last story took place a little later that same year. I had, out of the blue, received an offer of a full professorship at Chicago. I was only twenty-eight years old. After some thought I told Gene of it, and also that I had turned Chicago down. He responded with great warmth and affection, but also volunteered that he could not match the offer. The faculty had recently promoted eleven people—Bickel, Bishop, Bowman, Coker, Abe and Joe Goldstein, Johnstone, Lipson, Manning, Pollak, and Wellington—at one meeting, and the Yale Corporation would not let all of them go through at once. It would take some three years to get them fully promoted. Only then could I be taken up. I said I understood, and I did. But I also explained that I was more nervous about “arriving” at a full professorship than others might be.

I told Gene that my father, an associate professor of cardiology at the University of Milan, had every reason to expect to be promoted to a full professorship at a very young age. His chief asked him to wait a year, since otherwise a more senior scholar would lose the chance, potentially forever. The chief told my dad that he was in control of the national commission that would decide on chairs the next year and that my father would be a shoe-in then. Of course, my dad agreed. And so it would have been, but for the fact that the next year the political situation deteriorated dramatically, and the Fascists were able to block my father’s promotion. The result was that, when a few years later we fled to America, my dad was in a much worse position in this new and not overly hospitable environment than he would have been had he come as a tenured professor. I said all this, not to ask for anything—I had already turned Chicago down—but because Gene was the sort of person to whom one could confide one’s worries, and one’s weaknesses.

Gene nodded, put his arm around my shoulder, and said nothing. Three weeks later, I received a letter from him:
In case I should be hit by a taxi cab, I want you to know—for the record—that I brought up your promotion to the [faculty], and then to the Provost and President of the University, and they all agree, and asked me to write and tell you, that they enthusiastically support your promotion and that it will occur at the earliest possible moment.

Within a year, I was a tenured full professor at Yale. None of that had been needed, but getting Gene’s letter meant more than I can say. And, once again, I never forgot it.

I was not, of course, the only one to benefit from Gene’s generosity. Indeed, I have heard many others—Charles Black and Ellen Peters, to name only two great ones—speak in public about his help to them, at crucial moments in their lives, when others would have acted very differently.¹ My own stories are but examples: of generosity in spending money, of generosity in spending self, and of generosity of compassion. None was required; all were freely given; and together they bespoke a generosity of spirit that was Gene. He gave without thinking about it, because it was his character to do so. And the fact that it was a fundamental part of what made him a great dean was something that would have pleased him to hear, but it also would have puzzled him, because he could not have acted differently; it was the way he was and the way he saw the world.

He taught me a lot—in his classes, by his great and courageous articles, through his steadfast adherence to what he believed. All these are worth remembering now that he is gone. But most of all, he taught me that profligacy in good service to others is not only beautiful in itself, but is also the wisest course. And for that, I shall be forever grateful to my teacher, my Dean, and my dear, dear friend.

---
