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THE TEACHINGS OF PROFESSOR SANDALOW

*David Westin**

Some courses you took at Michigan Law School because they were required. Some you took just because they sounded interesting. Some you thought were somehow related to what you expected to be doing after graduation. And then there was Federal Courts and the Federal System, taught by Professor Terry Sandalow. That course you took as a challenge — because it was there, and you knew that if you did not take it, you would always wonder how you would have done. I took the challenge in the Fall of 1977. I worked hard and thrived on the experience. For my efforts, I got the lowest grade I received in any course in Law School.

From the first moment of class, we knew we were in for an intellectual ride the likes of which we had not seen. Looking back now, I can see that Professor Sandalow found in the Federal Courts class the perfect means for exploring the peculiar genius of the entire United States system of government. Through the cases and doctrines that had come to define the role of the federal courts in our society, he was free to explore the subtle interplay among the different centers of political and legal power: the states and the federal government; the courts and the Congress; the executive branch and all of the above. This was law as political philosophy. Ultimately no less than the health of the Republic itself was the issue.

But I confess now that I did not grasp then the scope of what Professor Sandalow was setting before us. Instead, with his help we saw a complex intellectual ecosystem all its own, full of puzzles and rules expressed largely in the carefully drafted language of the Supreme Court. It was in maneuvering through this system that Terry Sandalow demonstrated his extraordinary intellectual capacity in class after class. He thought with a level of rigor that was all his own, although he invariably tried to lead us toward his level. Each complicated subject was a new gift to be unwrapped, examined from every angle, taken apart, and put back together again — all for the sheer joy of the experience.

Professor Sandalow showed much more than intellectual capacity as he led us in Federal Courts. He showed us what it meant to be a great teacher. At the time, it seemed almost incongruous. This man, who consistently exhibited such high standards in thinking and ana-

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lyzing, was nonetheless unfailingly patient when some of us could not reach the level reached by his fine mind. He never showed how many times he must have thought through the same questions that we were coming to for the first time — other than by the sure, true path that he led us on. And he always seemed genuinely open to the possibility that something that we asked or thought might change his own thinking. When Terry pursed his lips and remarked that a student's line of thought was "interesting," it was much more than a polite way of moving on. He would turn the idea over in his mind and take the class down the road it suggested. We were junior partners in his quest, but partners nonetheless. He left none of us behind.

After that autumn of Fed Courts (and despite my grade), I followed Terry Sandalow the next spring to his seminar on the Idea of Equality. One evening each week, Terry and his wife, Ina, would open their house to ten or so students to come and discuss the meaning of "equality." By this point there was not even a pretense that the course we were taking would have direct application to our practice of law after graduation. Nor were any of the students trying to prove anything. This was reading and thinking and discussing and learning just for the pure fun of it.

Professor Sandalow put together his own reading list, ranging from ancient philosophy to de Tocqueville to Rawls to modern classics. Although equality was what bound the seminar together, pursuing the "Idea" was the true core of what we did. We students would devour the readings each week, and then Professor Sandalow would lead us in a wide-ranging, animated discussion of what we'd read and, much more important, what ideas the readings had put in our heads. Once again, he demonstrated the remarkable quality of mind that we had been able to see in class, but this time we could see this mind range over a far greater terrain, not limited by doctrine or Supreme Court holdings and dicta.

An indication of how rare a treat these weekly meetings were was the regular attendance of several other professors from the Law School. And, once again, he held himself and all of us up to the highest possible standards of intellectual rigor, while never showing any trace of arrogance or condescension. Terry appeared genuinely delighted to sit with us and listen as well as lead, fascinated by issues such as Rawls' "original position" and where it might ultimately lead as a measure of social justice. It also gave him the opportunity to pull out his beloved pipe and complete the visual picture of the true academic.

Some years later, I had a third opportunity to watch Professor Sandalow in action. This time, it was in Salzburg, and the occasion was a seminar conducted for non-U.S. lawyers on the subject of U.S. Law and Institutions. Terry Sandalow was the leader of a team of U.S. scholars and judges that included Judge (now Justice) Ruth Bader Ginsburg, Marty Ginsburg, and William Baxter (who had just com-

pleted his term as Assistant Attorney General in charge of the Anti-trust Division under President Reagan). Every day for three weeks, members of this team would meet with about fifty young lawyers from around the world. Through a series of group lectures and seminars, they would give these up-and-coming leaders from abroad an overview of the U.S. legal system. We would eat our meals together, socialize together, and talk long into the night. And all of this took place in the striking setting of Schloss Leopoldskron, on a lake just outside of Salzburg.

It was in Salzburg that I saw the two sides of Terry Sandalow as the complete whole that they are. He brought the same intellectual excellence to his teaching of the most rudimentary introduction to U.S. law that he had brought to difficult doctrines in Federal Courts and the abstract ideas about equality of Aristotle and Rawls. He also showed genuine warmth and excitement at dealing with students of widely varying backgrounds and talents, always patient with each student and always open to the possibility that one of these students might just be the one to suggest to him a new way of examining the issues presented.

I came to understand that the high intellectual standards by which Terry Sandalow lives are not at odds with his outstanding qualities as a teacher. Instead, they are two expressions of the same basic trait that lies at the center of his character. Terry Sandalow is on a quest — a quest for truth as best it can be found through pursuits of the mind. His own keen intelligence is the first and best tool he has at hand. But his belief in the power of ideas leads him to believe in the people he enlists for his intellectual mission.

Terry Sandalow was patient and kind with us in part because that is his nature. Even more important, he counted us as worthy assistants, each with our own roles and assignments. The extent to which any of us has truly assisted Terry in his work only he can judge. And he is no doubt too polite and discrete to give us an honest answer. But that he helped each and every one of us — helped us to see how noble and important the intellectual quest can be — cannot be questioned by any who were fortunate to have called him our teacher.