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Ralph W. Aigler

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RALPH W. AIGLER

1885-1964

In Memoriam

RALPH W. AIGLER

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This issue of the Michigan Law Review is dedicated to the memory of Ralph W. Aigler.

RALPH W. AIGLER

The following tribute has been adopted by the Faculty of the University of Michigan Law School: Ralph W. Aigler, Professor Emeritus of the University of Michigan Law School, and Professor of Law of the University of Arizona, College of Law, died in Tuscon, Arizona on May 24, 1964, bringing to a close a distinguished career of scholarship and teaching which spanned fifty-four years. A life so full, so rich, and so productive is surely one to be honored for the inspiration it provides as well as mourned for its passing.

A native of Bellvue, Ohio, Ralph Aigler was graduated from Michigan Law School in 1907. After a period of practice and service as an instructor in the University of Michigan Law School, he was appointed Assistant Professor of Law in 1910. He became Professor of Law in 1912, and his appointment continued until his retirement in 1954. "Retirement" is hardly an appropriate term, for he continued teaching at Hastings College of the Law and at the University of Arizona until the time of his death. In the course of his career he held visiting appointments at Stanford, Columbia, Harvard, Southern California, and Cornell. He served as secretary-treasurer of the Association of American Law Schools and as its president in 1926. In 1918, he served on the staff of the War Trade Board in Washington, D.C. From 1917 to 1955, he was faculty representative of the University of Michigan in the Intercollegiate Conference of Faculty Representatives, more familiarly known as the Big Ten.

Few men were his equal in the classroom. A devoted teacher, he possessed a capacity for legal analysis and for the precise articulation of ideas which was the envy of his colleagues and the delight of his students. Cognizant of the need of law students to develop both knowledge and skills, Ralph Aigler was truly a master of the art of teaching. There are literally thousands of practicing attorneys who can testify to his mastery of subject matter and of the art of communication. He was possessed of a keen, analytical, and disciplined mind, and he tolerated neither intellectual casualness nor superficial analysis. Rather, he demanded from his students the characteristics which he exemplified: attention to detail, thoroughness of analysis, full exploration of alternative solutions, a careful weighing of consequences, and a withholding of judgment until all relevant facts were ascertained.

Ralph Aigler was a prominent scholar in the two fields of law

to which he devoted his major attention: property and commercial law. His casebooks in both fields have been and are widely used throughout the country. He had an almost uncanny knack for finding the case or cases which would challenge the students' analytical skill, provide a basis for classroom development, and whet the students' desire for more exposure, for greater understanding. It is typical of his relentless search for excellence that he revised and reshaped his teaching materials through numerous editions, responding to new developments, improving case selection, and reorganizing methodological presentation. It is also typical of his total commitment to legal education that one of his last articles would be "Stare Decisis and Legal Education."¹ While others were concerned with judicial activism for reasons of their own, his concern was for its impact on the law teacher endeavoring to train future judges and practitioners. Some writers are at their best when dealing with broad, philosophical or policy issues. Some are effective only when dealing with narrow, pointed problems of a particular case. Ralph Aigler was eminently effective at either level, and his writing stands as a monument to his scholarship.

His was not an ivory tower scholarship, though his learning matched that of the most erudite. His scholarship was aimed at the development of principles and practices that would help order our society. He was primarily responsible, for example, for the drafting and the enactment of Michigan's Marketable Title Act—probably the most significant statutory development in the area of conveyancing in recent years. He chaired the early Title Standards Committee of the State Bar of Michigan, which has served the cause of improving the administration of conveyancing in the state. His comments on particular decisions have molded their future application.

To describe his virtues as teacher and scholar, however, is to overlook a most significant aspect of the life of Ralph Aigler. He was, above all, a man of broad interests. He lived with zest. Warm, congenial, friendly, he was a man of good humor and good will. He made friends easily, and he kept friends always. His counsel was sought by many and given always with the understanding that comes with wisdom, experience, and a desire to help. Although an able advocate for any position he supported, he was capable, beyond the measure of most men, of maintaining a dispassionate, judicial outlook upon controversies with which he was concerned. To be

1. 4 ARIZ. L. REV. 39 (1962).

able to argue with open mind and without rancor is perhaps the best mark of the truly educated man. This was one of his great strengths and one of the many high standards he established for his successors.

Finally, one must note the particular imprint which Ralph Aigler's life has left upon the Michigan Law School—the institution to which his talents and his efforts were devoted for more than fifty years. Through its formative years before and after World War I, through the depression years, the Second World War years, the post-war student deluge, one may find in faculty records his name supporting those policies that were designed to build and preserve a law school of excellence. His voice was always raised to support the appointment of skilled teachers; to support the requirement of a high standard of student performance; to support a selective admissions policy to insure quality graduates; to support a program of research and writing; to support curricular revision which would respond to the needs of lawyers of the future and, perhaps, to oppose it when he felt its sole purpose was change for the sake of change; and to support the involvement of the Law School with the other branches of the legal profession. Those of us who worked with him, who knew him, speak with one accord in expressing our grateful recognition of his contributions and our admiration for his achievements.

*Allan F. Smith, Dean
The University of Michigan Law School*