

2001

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### Recommended Citation

Whitman, Christina B. "For Terry Sandalow - Challenger and Creator." Mich. L. Rev. 99, no. 8 (2001): 1821-3.

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## FOR TERRY SANDALOW — CHALLENGER AND CREATOR

*by Chris Whitman\**

In the popular imagination, legal education is the experience of sitting in a classroom and being pushed to think deeply by a brilliant and demanding teacher. Some law schools are lucky enough to have a faculty member who actually fulfills this expectation — one professor in particular whose courses are the testing ground for the very best and most engaged students. When I was a student at Michigan in the 1970s, and until his retirement last year at the end of the century, that teacher was Terry Sandalow. For many Michigan graduates, taking Federal Courts or Fourteenth Amendment from Professor Sandalow was the most stimulating and unsettling portion of our law school education. It is not hyperbole to say that Terry was a legendary law professor. He taught us the skeptical, uncompromising craft of legal analysis as a means of serious engagement with public issues.

Terry taught difficult material, and he taught in the Socratic tradition, so that intellectual pressure was created by the challenge of the questions he raised rather than by arrogance or contempt. This is the aspect of great law teaching that escapes the popular picture. Terry was not belligerent or overbearing, but he would not allow passive learning. Like many women students of my generation, I was uncomfortable speaking before large groups and intimidated by the common assumption that the female presence in the school was an experiment. Terry was one of the few teachers who could force me to participate. He used my oversensitivity against me. As I recall, he never called on a particular student with a demand that he or she perform. Instead, he would simply ask a question and then refuse to say another word until someone volunteered. Because his questions were very difficult, it took courage to raise a hand, and the silences could endure. Every few weeks I would find the silence even more unbearable than the pain of speaking, and I would force myself to make some tentative suggestions — covered, of course, in caveats for self-protection.

Those painful silences prodded us into thinking as well as speaking. Terry's classes were jammed with ideas. He challenged students with his uncomfortable skepticism. Virtually everything he said opened some new perspective. A group of us would meet in the coffee shop

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across the street before each class, determined to anticipate a third, or at least a fourth, of the class discussion. We never came close. In the classroom, there was almost a physical sense of feeling your mind shift as you saw connections, and crevices, in the material. Sandalow exams were particularly intensive experiences of that sort. Yet, it was a reciprocal process, a welcoming into the profession because Terry learned from his students. He let us know that he enjoyed teaching us because he enjoyed being challenged. He still meets with former students over lunch and dinner, still probes and pushes, delighted by what they have to say to him.

Because Terry made me want to continue that classroom experience, I decided to teach. When I left Ann Arbor to clerk in Washington, D.C., my friends who had attended other law schools were surprised at my decision to return to academics. They said that they thought teaching English literature or history of art would be intellectually exciting, but they were not sure about teaching law. That perspective made no sense to me — because I had learned from Terry.

Although Terry claims not to have enjoyed my generation of student rebels, I suspect that he enjoyed us more than he is willing to admit, for we possessed the moral certainties and reformist zeal that he most likes to challenge. We were perfect foils for his characteristic form of teasing, in which he would make a provocative statement, wait for us to interpret it as hostile, and then challenge our negative interpretation of his words. He might, for example, begin a meeting with the Women's Law Students Association by observing that there would be no such organization in an ideal world. When he began to receive the anticipated angry response, it would become apparent that he meant something entirely benign: that women ought to be so thoroughly integrated into the Law School that they would feel no need for a separate support group. We students caught on and were more careful in future exchanges. Terry was proud of our learning that, too.

When I joined the Michigan Law School faculty, I found, as I expected, that Michigan was a place of intense conversation — and that Terry was at the center of the talk. He was constantly debating ideas — on Saturday lunches taking a break from work, walking home with Tom Green or Peter Westen or Joe Sax, or even on committees, where he set the standard that personnel and tenure decisions must be based on careful and respectful reading by the entire faculty of the candidate's work. I looked forward to academic talks — even when they were scheduled on Saturday mornings in the dead of winter — because I knew that, no matter how weak or strong the presentation, Terry would ask a terrific question.

I am particularly grateful that Terry included me in that conversation. When Sallyanne Payton and I came to Michigan, we were the first tenure-track women hired by the faculty. We unsettled some of our colleagues, for some had never worked with or even attended

school with women. But Terry, an intellectual leader in the group, seemed to be absolutely delighted and completely comfortable. He simply expected us to hold our own. It was obvious to me that he had spent his life around confident, smart women. I came to know two of them well — his wife, Ina, and his daughter, Judith — and understood the source of his high expectations.

Most of what I consider special about Michigan is associated with Terry: the seriousness of inquiry, a discomfort with flashy or simple answers, discussions designed to understand more deeply rather than to score debating points. He formed this culture as a faculty member, and as a Dean, he focused on creating the conditions that would continue the tradition. This was the vision that underlay both individual interactions and the collegial culture he nurtured.

It can be frightening for a young faculty member to see the departure of the first colleague who seems vital to the life of an institution. You tend to worry that everything that makes the place special is about to disappear. Fortunately, that happened to me during Terry's tenure as Dean. It was apparent then that, despite departures, the essentials would be preserved. Because of the resources he provided and the traditions he created, the conversations would continue. The occasion of Terry's retirement is, of course, another departure, but he is indelibly part of the place.