

5-2022

An Indispensable Man, In Memoriam

Thomas Morawetz
University of Connecticut School of Law

Follow this and additional works at: https://opencommons.uconn.edu/law_review

Recommended Citation

Morawetz, Thomas, "An Indispensable Man, In Memoriam" (2022). *Connecticut Law Review*. 534.
https://opencommons.uconn.edu/law_review/534

CONNECTICUT LAW REVIEW

VOLUME 54

MAY 2022

NUMBER 3

In Memoriam

An Indispensable Man

THOMAS MORAWETZ

Phillip I. Blumberg served as Dean of the University of Connecticut School of Law from 1974 to 1984. These remarks were first delivered at the University of Connecticut School of Law's tribute to Dean Blumberg, "Honoring Phillip I. Blumberg," held on December 10, 2021. They have been lightly edited for publication.



An Indispensable Man

THOMAS MORAWETZ *

When I speak with friends who know nothing about the history of our law school, my shorthand for referring to Phillip Blumberg and his tenure as Dean is to say that he is the George Washington of the University of Connecticut School of Law. No, he was not our first dean, nor did he fight an extended battle for national independence. But, for those of us who knew him as Dean and *éminence grise* after his term ended, his name and person are symbols of the aspirations and values of the institution, and indeed of its identity.

* * * *

I joined the faculty of the law school in the fall of 1977, having been hired during the previous academic year as one of five tenure-track members who joined in that year. Especially in the early years of his deanship, which extended from 1974 to 1984, Phillip was committed to expanding the faculty with transformative hires. Even though his own professional accomplishments had been and continued to be in corporate law, he was especially attentive to the burgeoning identity of the school as a center for interdisciplinary studies with a strong focus on humanities and social sciences.

I came to the law school after teaching as an assistant professor, then an associate professor, of philosophy at Yale. I was mindful of the fact that I was reconfiguring my career at a time when Phillip was reconfiguring the law school. My prior educational and teaching experiences had been at schools whose nature and standing had been well-defined for centuries, schools unlikely to be redefined by the ambitions and vision of a new leader. But it was just such a redefinition in which many of my new colleagues were engaged, clearly inspired and spearheaded by Phillip.

My transition was thrilling, but not easy. Psychologists tell us that “imposter syndrome” is a common neurosis. It was hard to avoid a form of it as I became a philosophy teacher posing as a law professor. I convinced myself and my students fairly quickly that the distinction between the philosophical and legal pedagogies was illusory and that both vocations involved posing questions of theory and doctrine, in conversations rich with hypotheticals, to refine ever clearer strategies of reasoning. But the feeling of being an imposter has never completely vanished, and I suspect some of my colleagues continue to see my posing as a law professor as a masquerade.

* Tapping Reeve Professor of Law and Ethics, University of Connecticut School of Law.

Phillip quickly made me feel at home at the law school. Three different examples illustrate how he assured me of my distinctive place in its community. The first was that Phillip, who was living alone in the years before his marriage to Connecticut Chief Justice Ellen Ash Peters, invited small groups of faculty members to his apartment every few weeks for informal evening discussions. Over sherry, tea, and biscuits, we addressed how legal strategies might answer pressing social and cultural issues. We prepared by reading short articles on topics selected in advance. Phillip was careful to mix the newest and youngest with more venerable colleagues, effectively eroding hierarchic inhibitions. He was careful, as well, to meld the casual informality of after-dinner conversation with the subliminal sense that we were expected to demonstrate the acuity that he knew we had.

A second example involved outreach beyond the law school. A year after I joined the faculty, Phillip asked me whether I was interested in leading a monthly discussion of seminal texts and writers in legal philosophy with a group of Connecticut judges, mostly from the Connecticut Appellate Court. A couple of judges had expressed to Phillip their envy of scholars who had the freedom to satisfy their curiosity about legal theory without a judge's time and case constraints. For the next two and a half years, I met with an evolving group of judges for free-wheeling talk about philosophy before and after dinner once a month during the academic year. Having taught legal philosophy for about ten years at that point in my career—to undergraduate, graduate, and law students—I had questions and doubts about the concrete usefulness of legal philosophy in the daily work of judges. The participants in these discussions had no such doubts. In sum, the memory of these meetings remains, for me, a most positive affirmation of the value of what we do.

A third example has unique personal resonance. During my first seven years at the school, my mother, who was widowed and living in Oak Park, Illinois, visited me once a year for a week or two. During two such visits, I had the chance to introduce her and Phillip, and he promptly invited us to lunch at the Hartford Club. On these occasions, she spoke about her background as a refugee from Vienna and about her training as a concert pianist, and she and Phillip seemed to engage warmly. In the summer of 1983, she passed away from a rapidly developing case of pancreatic cancer. That fall, Phillip proposed that the school organize a chamber music concert in celebration of her memory. He noted that one of our newest faculty members, Steve Utz, was an accomplished pianist, that one of our senior colleagues, Cliff Davis, was adept on the clarinet, and that one of our first-year students was first violinist in the New Haven Symphony. After a few months of rehearsal, they gave a wonderful, very well-attended, and well-received performance. Objectively, it was a grand success, and, subjectively, it was one of the most moving experiences of my life. It showed Phillip's remarkable qualities of empathy, imagination, and enterprise.

* * * *

No one has ever referred to Phillip as a Teddy bear or as warm and cuddly. His dapper and diminutive presence was hardly ursine, Teddy or otherwise, and his demeanor was widely seen as intimidating—intimidating because he easily telegraphed high expectations and an impatience to get things done. The adage about “not suffering fools gladly” could have been coined for Phillip. At the same time, it was manageable to satisfy his expectations, and, when you had done so, he was gracious and kind in letting you know.

His impatience produced a singular, and singularly successful, style of administration—of “deaning”—which is notably at odds with contemporary conventions of governance in academia. For one thing, it is now widely seen as imperative to do strategic planning and to devise “five-year plans,” a phrase that may stir up disturbing twentieth-century precedents. These strategic plans typically include expressions of adherence to excellence, rather than mediocrity; to the demands of the future, rather than the practices of the past; and so on. Phillip emphatically regarded the task of refining such abstract and general pronouncements as unnecessary and distracting gestures.

He was similarly skeptical of committees, hardly dissenting from the venerable joke about a camel being a horse put together by a committee. He developed and assigned tasks, for the most part, through one-on-one conversations with faculty and staff members, and he implicitly made clear his expectation that the task be accomplished expeditiously, if not (preferably) “by yesterday.” He trusted individuals more than groups to solve problems and he believed more in individual expertise and efficiency than in trying to meld different points of view and sort conflicting agendas.

Yet another difference of content, as well as style, was implicit in his attitude to our standing vis-à-vis other law schools. It is now a familiar practice to assess successes and failures, progress and regress, by comparing our school with “peer schools,” meaning law schools of similar rank, demography, size, and so on. For Phillip, doing so flew in the face of what he regarded as a genuine kind of exceptionalism on our part. His conviction, often shared, was that each school—or at least *our* school—had its own destiny and its own trajectory, measured in our situation by interdisciplinary strength. For him, the “peer schools” to consider were those considered exemplary in their high standing, schools to be examined to see what lessons we could learn and what strategies we could borrow—schools such as Stanford, Yale, and Harvard.

Phillip’s infectious style of leadership was idiosyncratic. The peremptory aspects of his style would have been damaging if there had not been appreciation of his single-minded concern for the school’s well-being and widespread respect for his genius at bringing about congruent results. In speaking of someone hyperbolically as a “benign dictator,” it matters whether the emphasis is, as it was with Phillip, on “benign.”

* * * *

It will be apparent that Phillip led the school at a time of high aspirations. Our national ranking was as high as it has ever been, and there was strong evidence of the school's growing national reputation. It was, nationally and locally, a period of optimism and apparent upward mobility. But nearly forty years have passed since the hopefulness of the post-Nixon years, and, like all periods, they have involved unforeseeable vicissitudes.

When I studied the philosophy of history in graduate school, I ran into debates about the so-called "great man" theory of history, perhaps better called the "great person" theory. A well-established and perennial notion of history, more common among lay observers than professional historians, reduces history to the accomplishments of great figures, from Julius Caesar to Elizabeth I to Nelson Mandela. Among scholars of history, the great person theory is often debunked; the view is that history is to be understood through social, political, and economic movements, that great figures are merely the manifestations and agents of historical development and change.

The fascination with this debate, as with almost all persistent academic debates, is that it is unresolvable, that there are compelling arguments on every side yielding many kinds of illumination. When we focus not on grand history, but on local history, even on the history of our law school, some of the same questions arise. Are leaders simply a manifestation or product of their times, or do they transcend their times?

I resist the view that Phillip Blumberg was simply the right person in the right job at the right time. While that is surely true, I would add that, for those of us who had the luck and pleasure to work with him both during his tenure as dean and during his subsequent thirty years as a vital presence at UConn Law, his legacy is still part of our DNA. He gave the school a durable identity and set of academic values. He made possible the notion that it was more than just another good or improving or aspiring law school; it was a place where interdisciplinary accomplishments distinguished us and made our collective contribution special. But identities can be fragile. Institutions, like individuals, age; they reconstitute themselves through hires and departures. Nonetheless, for many of us, Phillip's vision remains relevant and robust. As we face challenges in the evolution of the legal profession, academia, and the world at large, we continue to ask, "What would Phillip do?"