A Tribute to Harry Pratter

GEORGE P. SMITH, II*

> Have you ever really had a teacher? One who saw you as a raw but precious thing, a jewel that, with wisdom, could be polished to a proud shine? If you are lucky enough to find your way to such teachers, you will always find your way back. Sometimes it is only in your head.[1]

Since 1950, Harry Pratter has sought as a teacher—and quite effectively at that—to share his love for and wisdom of the law with thousands and thousands of students at the Indiana University School of Law in Bloomington, Indiana. In doing so, he has trained young men and women to think (and act) as lawyers.[2] By empowering his students to think as lawyers, Harry encouraged a discourse in learning that provided for the acquisition of knowledge, which is the ultimate life force for personal growth and fulfillment.

As a legal philosopher, Harry's deceptively simple goal in his courses was to encourage his students to pursue wisdom[3] at various levels of understanding—whether they go on to be practicing attorneys, judges, legislators, or simply informed citizens.[4] The student's "interior life," or life of the intellect,[5] was shaped, developed, and tested using generalized and specific texts in Harry's courses—be they Conflict of Laws, Commercial Law, Jurisprudence, Torts, Contracts, or Family Law. Ultimately, Harry's goal was to show that "a man's reach should exceed his grasp,"[6] and he would often use the teachings of the noted philosopher Ludwig Wittgenstein to make this point in bold relief.[7]

The framework of the time-honored Socratic dialogue tested the principled decisionmaking skills of Harry's students. For some, this process is experienced as a subject of captivity; under siege, in a type of "one-sided battle," where the student is often—in his own mind—humiliated.[8] But, as a caring teacher, Harry never assumed the mantel of an egoistic, sarcastic demagogue. Rather, he was a deft,

---

* Professor of Law, The Catholic University of America. B.S., 1961, Indiana University—Bloomington; J.D., 1964, Indiana University School of Law—Bloomington; LL.M., 1975, Columbia Law School; LL.D., 1998, Indiana University—Bloomington.

1. MITCH ALBOM, TUESDAYS WITH MORRIE 192 (1997).

2. *Cf.* Emily Calhoun, *Thinking Like a Lawyer*, 34 J. LEGAL EDUC. 507 (1984).

3. *See generally* Ralph McInerny, *Foreword* to JUDE P. DOUGHERTY, WESTERN CREED, WESTERN IDENTITY: ESSAYS IN LEGAL AND SOCIAL PHILOSOPHY, at viii (2000) (observing "[p]hilosophy is the pursuit of wisdom, and its goal can seem forever to elude our grasp").

4. *See generally* Anthony T. Kronman, *Our Beleagured Public World*, 49 J. LEGAL EDUC. 50, 56-57 (1999) (arguing that the first duty of lawyers is to think and then act).

5. DOUGHERTY, *supra* note 3, at 237.

6. Robert Browning, *Andrea del Sarto*, *in* 3 THE HARVARD CLASSICS, ENGLISH POETRY 1087, 1089 (Charles W. Eliot ed., 1938).

7. *See generally* JUSTUS HARTNACK, WITTGENSTEIN AND MODERN PHILOSOPHY (Maurice Cranston trans., 2d ed. 1986); Thomas D. Eisele, *Wittgenstein's Instructive Narratives: Leaving the Lessons Latent*, 40 J. LEGAL EDUC. 77 (1990); Dennis M. Patterson, *Wittgenstein and the Code: A Theory of Good Faith Performance and Enforcement Under Article Nine*, 137 U. PA. L. REV. 335 (1988).

8. Douglas D. McFarland, *Students and Practicing Lawyers Identify the Ideal Law Professor*, 36 J. LEGAL EDUC. 93, 96 (1986).

indeed, brilliant pedagogue—witty, compassionate, and even at times a bit zany.[9] The classroom dynamic was always positive and never negative.[10] Legal reasoning was taught as argumentation, which in turn is seen correctly as a model for effective lawyering.[11]

In 1949, the Dean Emeritus of the University of Chicago Law School—the institution from which Harry graduated—observed that the two most significant standards by which a student judges the success of a classroom instructor are: the extent to which the student's analytical reasoning powers, which, in turn, allow him to think as a lawyer, are tested, and "how great [is] his confidence in the definiteness and extent of the instructor's command of the subject matter. . . ."[12] Harry has surely scored a perfect ten on both, and thus has assumed the status of the quintessential law professor.

No finer tribute can be given to a legal educator than that of law reformer. Harry earned that title by his Herculean efforts in the 1960s to ensure that Indiana adopted the Uniform Commercial Code.[13] His incisive and erudite official comments and case annotations to the individual provisions of the Code, breathed new, interpretative life and stability into an exceedingly complex area of the law.[14]

Although Harry Pratter retired officially—for the second time—in 1987, his student legatees now bring honor to him and to the law school in their professional lives. They are forever strengthened, enriched and ennobled by his philosophy of law and of life, and by the model of a humble man who has lived his entire life according to the highest intellectual and moral standards with compassion, grace, and great humor. It is altogether fitting for the university, the law school and the legal community to record their enduring gratitude to Harry by establishing a professorship in his name and thus perpetuate the ideal of teaching excellence at the Indiana University School of Law.

---

9. In order to capture his students' attention and tease them intellectually, Harry would construct what are commonly referred to as Pratterisms. These include:

> If it is four o'clock on the sun, what time is it on earth?
>
> Grapes are eaten one by one, especially if you pull them.
>
> If Picasso had painted a tomato, he would have painted a Picasso tomato, hence destroying its Platonic essence.

GEORGE P. SMITH, II, CHALLENGING FAMILY VALUES IN THE NEW SOCIETY 2-3 (1996).

10. George P. Smith, II, *Harry Pratter*, *in* 100 YEARS OF LEGAL SCHOLARSHIP 21 (Ass'n of Am. Law Schools ed., 1999) (collection of tributes to law professors).

11. *See* Kurt M. Saunders, *Law as Rhetoric, Rhetoric as Argument*, 44 J. LEGAL EDUC. 566, 577-78 (1994). For a deeper look at Harry's views on legal education, see Harry Pratter & Burton W. Kanter, *Expanding the Tutorial Program: A Bloodless Revolution*, 7 J. LEGAL EDUC. 395 (1955) (contrasting the tutorial method with the casebook method).

12. Harry A. Bigelow, *Appreciations*, 16 U. CHI. L. REV. 605, 606 (1949) (commenting on the retirement of Professor George G. Bogert).

13. John A. Alexander, *Preface* to INDIANA COMMERCIAL CODE WITH COMMENTS, at iii (1963) (comments written by Harry Pratter and R. Bruce Townsend).

14. *Id.*