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Focus on Faculty

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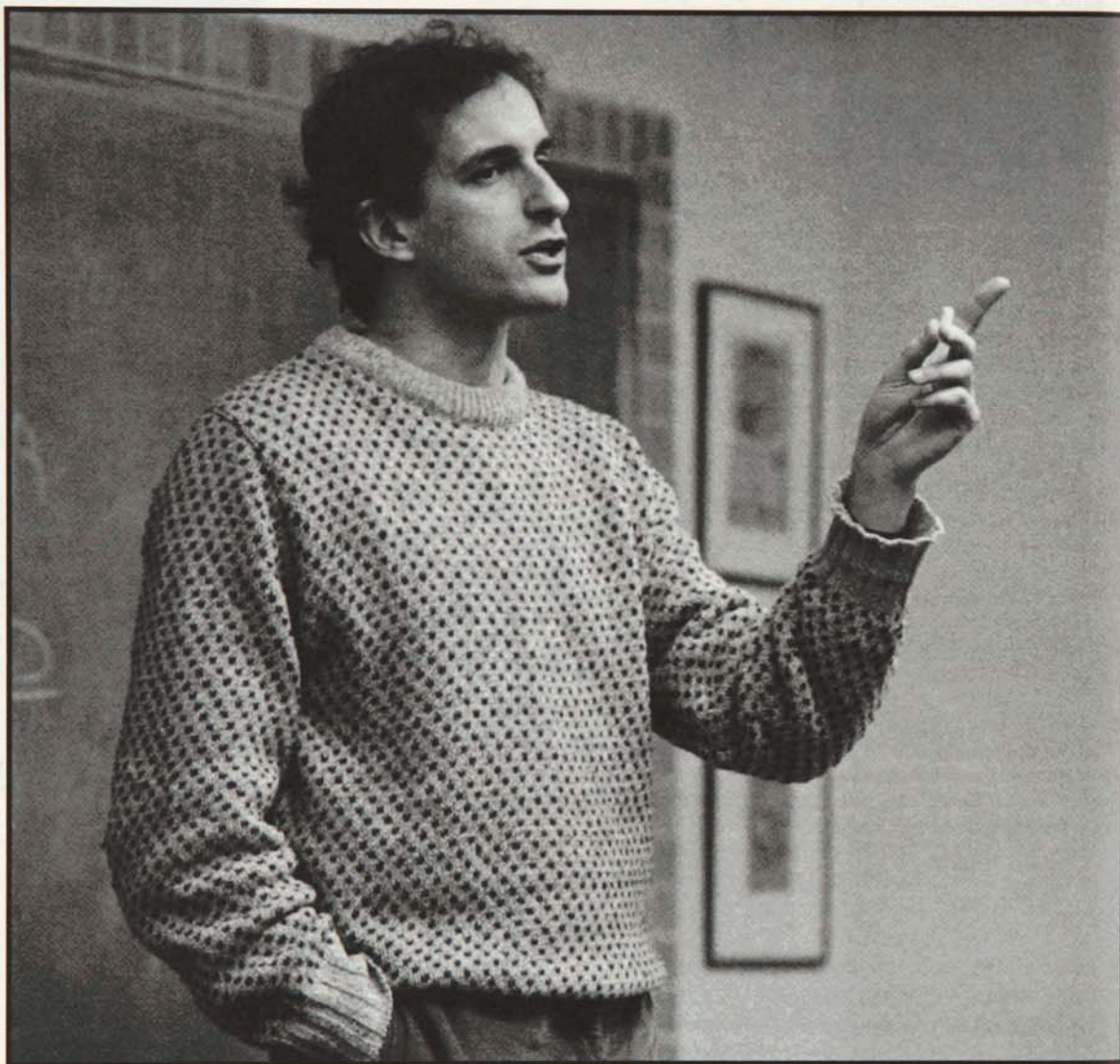
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FOCUS
on
FACULTY

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I WAS A VISITING TEACHER at the University of Michigan Law School in 1984 on leave from the University of Houston Law School. Some four months into my visit I was engaged in conversation by a most influential and estimable member of the faculty. He indicated that he thought my talk on tenth-century Icelandic blood feuds was, well, he supposed, interesting, even entertaining, but, how should he put it: "Can you tell me, what in the world is the point of studying that?" he blurted. "And why, in any event, should we have someone doing *that* in a law school?" (I suspected he felt I had meant purposely to mock him not only by placing my feuds in the tenth century, a century from which no one, not even a Jeopardy player can name an event, but also by placing them in Iceland, which is to countries as the tenth century is to centuries).

I could not deny that I wanted a job offer bad and knew that convincing those people, such as my

interlocutor, who might wonder what my hobbyhorses might have to do with the UCC or the latest Supreme Court pronouncement on the Fourth Amendment, was going to be no easy task. There were, to their minds, departments just right for me, paying minimum wage, in which people did get to read things that were actually fun to read and edifying too.

So I hemmed and hawed and was slavishly mealy mouthed: "One could say that a law school might find it interesting to look at materials that show law operating at degree zero," I said, struggling hard to hit on the right thing, "law with no state where you have to enforce your own judgments; moreover, bargaining problems get more interesting and people get smarter about them when they are negotiating for their lives — whether Egil, for instance, is going to bury an axe in your head — rather than over legislative redistricting or proxy control."

But I could see his eyes glaze over, so I gambled on a strategy, risky, because generally considered uncivil, downright rude in fact: *I told the truth*. "I do it because I love the sagas," I said, "but surely you must have some idea why what I do belongs in a law school. You were on the committee that invited me here." He did not seem offended in the least but immediately offered some five or six elegant arguments for the centrality of saga blood feuds to the law school enterprise. They, unfortunately, have slipped my mind or I would set them forth right here.

Of late my interests, by free association and devious paths, have shifted to the emotions, especially those passions that accompany our moral and social failures. Roughly, our own failures cause us shame, embarrassment, humiliation, and remorse; while the failures of others elicit our disgust, contempt, and on occasion our pity, which is a kind of contempt anyway. But I must admit that as central as tenth-century Norse blood feuds are to the legal enterprise, disgust is perhaps somewhat of a frolic and detour or the frosting on the cake, depending on whether you are seeing this from your point of view or mine. Yet even here there are some connections.

I am presently struggling to write a book on courage and cowardice, just as I am struggling to find a graceful way to end this sketch, neither an easy chore. So I'll just show the white feather and conclude thus.