

A TEACHER

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James Boyd White is, above all, a teacher. Of course, that is in fact an inexact statement: Jim White is many things, some of them of greater or more central human importance—husband, father, friend, person of faith. But in this essay my concern is with Jim as an academic, and in that context I believe that the title teacher captures best his goals and his achievement.

Several years ago Jim generously agreed to travel to Durham to meet with a small seminar (five students) that I was then teaching on constitutional law opinions as a genre of writing. It was an extraordinary experience for the seminar, including the official instructor. Jim engaged my students at the deepest level of his own thinking about the activity of writing law. He challenged them, and me, to reach beyond what they and I were doing together: it became imaginable, in those two hours or so, to see constitutional law not as the ideologically riven and substantively empty discourse it so often seems, but as an intellectually and morally demanding means by which this society wrestles with fundamental questions of justice and humanity. For me, and I believe for my students, the effect was somewhat similar to what I suppose a master class by a visiting and eminent teacher in one of the performing arts—dance, say, or voice—can be like for student performers. In retrospect, I have often thought how remarkable it was that Jim was willing to put the time and care he obviously did into what many other leading academic lawyers would have been too busy to undertake at all. That seminar is my only direct experience of Jim White as a classroom teacher, but I have no doubt that it exemplifies his practice over his years of teaching.

White's interest in teaching was not a late development in his career as an academic. His first book, *The Legal Imagination* (1973), made clear early on his passionate interest in the process of teaching and learning the law. Perhaps the strangest and the most wonderful casebook ever put together for use in a law school classroom, *The Legal Imagination* addresses not a discrete subject (contracts or torts or property) or a specific legal tool (for example, statutory interpretation) but, as White wrote years later, "the activity of being a lawyer," an activity that he has consistently described as bound up with what one can and cannot do with thought and language, and thus a subset of the activity of being human, "a mind and a person struggling with one's language, its enablements and constraints." The very possibility of teaching another person anything about that most intimate of human activities, White clearly believes, depends on a willingness to struggle oneself, as a

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teacher, with language and to seek to evoke from the student a similar struggle.

The phrases of White's that I quoted just above are from an essay entitled "Teaching Law and Literature," published in his 1999 collection of essays on law and legal education entitled, *From Expectation to Experience*. Those essays, like many others in White's various books, remind us that he is perhaps best known in academic circles as one of the leading exponents of the approach to legal teaching and scholarship called Law and Literature. White himself would demur from almost everything in the last sentence, at least as an accurate description of his own goals—another essay in the 1999 book is "'Law and Literature': No Manifesto"—but the reputation is not wholly inaccurate. Before Jim White began publishing books and articles, the idea that law and literature might be related was, to the extent it existed at all, little more than the observation that some works of literature deal with law-related themes and some judges, usually with unfortunate results, like to adorn their opinions with literary flourishes.

All that has changed: Law and Literature (capital letters essential) is an official, if contested, subject in the contemporary American law school, and what those who write in it produce is sometimes extremely interesting. Much of that change, even if he has mixed feelings about his responsibility for it, is Jim White's doing: in essay after essay, he has illustrated the ways in which literary works demand of the reader the very engagement of mind and heart that good legal work requires of the lawyer. I believe that the key reason that White's work in this vein is so influential has to do with his vocation as a teacher: he does not use the literature he discusses as a tool, much less an adornment, but clearly strives to learn from and to teach what he reads, to see what it has to say and to ask of teacher and student alike. Law and literature, in White's work, is an attitude toward reading and, in his and our turn, speaking and writing (one reason, by the way, that he insists on defining the literature that he engages very broadly). A dilettante might employ literary knowledge as a means of self-display: White, always a teacher, is invariably, genuinely, engaged with his subject, intent on what we can learn from what we are reading.

The results when White the teacher puts his lessons in print are always fascinating and often marvelous. White's most recent book, *Living Speech: Resisting the Empire of Force*, is at one and the same time a response to a famous essay on the *Iliad* written by Simone Weil (Weil's essay is the source of White's subtitle), an interpretation of the freedom of speech protected by the First Amendment, a profound reading of Dante's *Divine Comedy*, a discussion of how judges should and (tellingly) should not write opinions, and an incisive social and political critique of contemporary American society, with cameo interpretations of other texts such as Robert Frost's "The Road Not Taken" thrown in for good measure. In the hands of almost anyone else, such a book would be a pretentious hodge-podge: from Jim White the result is a seamless joy, an opportunity to share in the fruits of White's long engagement with many different texts, and one that invites the

reader to take our words as seriously as White takes his own and those of others.

What it means to say that James Boyd White is, centrally, a teacher can be seen best, perhaps, in his one book that on its face has nothing to do with the law. *"This Book of Starres"* is, as its subtitle implies, a teaching book: it is an entire course, in print, on *Learning to Read George Herbert*. Herbert is, to be sure, an important figure in the history of English-language poetry, but I suspect that his American readership outside required survey courses in Eng. Lit. is mostly limited to those attracted by what White accurately describes as a "sentimentalized" reading of Herbert as an exponent of a sweet (and indeed saccharine) piety. But that reading is false, as White shows, although he does so not through polemic but through a slow, painstaking attempt to hear what Herbert is actually saying in his poems, an attempt that White in turn shares with his readers. We have to *learn* to read Herbert rightly—and White's reader has no doubt that the "we" here includes White himself—a difficult but compelling task in which White serves as resource, mentor, and challenge. White's objective, like that of any true teacher, is to empower the student to leave him behind, and *"This Book of Starres"* fully enacts that goal. White leaves the last Herbert poem he presents, entitled, "Love," and beginning "Love bade me welcome," "without comment, not because it does not warrant any but because it warrants so much . . . For us, let it stand as marking the point where I stop telling the reader what a poem means, leaving it wholly to him or her. In some sense all of *The Temple* [Herbert's collected poetry] leads up to this, and all of this book does too." This comment perfectly captures Jim White's commitment to teaching in all his writing, his fervent belief that we can learn, and learn important things and important ways of living humanly, from the writing of others, and that there is no time to be wasted on false or disingenuous talk, including the falseness of pretending that all ways of talking, all ways of reading, are equally human and truthful.

I began this little essay by distinguishing James Boyd White the academic, who is centrally a teacher, from Jim White the person, who is many other things. But that distinction is imprecise in much the same way that a failure to see him in other lights than the academic would be. One of the most important things Jim White has taught us is that the divisive categories we create to describe ourselves and others are themselves one of the central obstacles to any effort to live humanly and well. Jim's practice in his formal teaching and in his writing is not something separate and distinct from the rest of his life—as those of us privileged to know him personally can attest. Cardinal Newman adopted as his motto "Cor ad cor loquitur, heart speaks to heart." That is, I believe, a good description of Jim White's concept of what it means to be a teacher . . . and a person.

