

NOTES FOR A TEACHER'S MEMOIR

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[“Notes for a Teacher’s Memoir” is a revised version of the essay first published in the *Legal Studies Forum* with the title, “Life Adds Up: Notes for a Teacher’s Memoir,” in 2011]

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. . . Life adds
up to something. It makes,
no matter what you do, an impenetrable
wood or sea or
barricade or metaphor or fact
to prove the impossibility of retrieval. Say
anything you like, say
the trees are angels, say the wind
sings songs from the hymnal of God, say
you are bleeding at the throat
over loss—you must
move on.

—Charlie Smith, *Red Roads*¹

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No doubt, our vocabulary must be halting when we try to get close to this central region of the self where the great transformations occur [T]he will carries in itself its own enlightenment or darkness, as the case may be; and we move within this light and darkness in the most ordinary traffic of daily life. . . . Our freedom is the way in which we are able to let the world open before us and ourselves stand open within it. Our loves and hates disclose or cancel the world in this or that way. Far from being blind “affects,” to which the intellect alone adds its light, they carry their own light within themselves.

—William Barrett, *The Illusion of Technique: A Search for Meaning in a Technological Civilization*²

¹ A fragment from “North Atlantic,” in Charlie Smith, *RED ROADS* 63-65, at 64-65 (New York: E.P. Dutton, 1987).

² William Barrett, *THE ILLUSION OF TECHNIQUE: A SEARCH FOR MEANING IN A TECHNOLOGICAL CIVILIZATION* 237, 239 (Garden City, New York: Anchor Press/Doubleday, 1978).

I am a teacher. I have, for as long as I can remember, been a student. Being a student and a teacher have been my life.

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It becomes more obvious by the day: I find myself thinking about the past, poking around in the graveyard of old courses I've taught, puzzling over how it is that I became the teacher I am. It's not that I became a teacher that intrigues me, rather how I got to be the teacher I turned out to be. I'm curious as to how a Kentucky farm boy becomes a teacher of literature and film, psychology and philosophy, ethics and jurisprudence. How does one end up traveling so many of the backroads of legal education?

We are all subject to the call of the past and the flash of memories that take us there, memories that wash over us with pleasure, and memories that find their way to the bottom of the mind's dark ocean.

I'm left, now, in the tide of memories that wash ashore: What does it mean to be a teacher? What kind of teacher have I been? Has there been a purpose or method in the mélange of courses I teach (and the courses I've tried to teach)? What am I to do now with all these years in the classroom and the course I have created—scenes of my life as a teacher?

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Being drawn to the past, this can mean only one thing: *I'm getting old*. I am not talking about ancient, decrepit, or senile. I don't, honestly, quite know what it means to say, *I'm old*. There is sometimes folly found in the confused and conflicted ways we devise to think of ourselves. The conditions for confusion are fertile.

I sometimes imagine, in the deep cellular structure of my body, there must be a biological transmitter set on a fixed loop: *aging, aging, aging*. The body encodes messages of time and memory. The message is clear: *The days for your teaching dwindle*. I dare not ask the body prophet: *How many years do I have left?* I have already signed up for Social Security. How many years can I have left?

In composing and recomposing the essays for *Cautionary Tales: A Backroads Tour of Legal Education*, I know I cannot teach forever; the days of my classroom teaching must inevitably come to an end. I'm reminded of Loren Eiseley's observation about aging: "Oncoming age is to me a vast wild autumn country strewn with broken seedpods, hurrying cloud wrack, abandoned farm machinery, and circling crows. A place where things began on too grand a scale to complete."³ I see around me a growing body of evidence that in the grandeur of my ambitions I have in the making much that cannot be completed.

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When I think of myself as a teacher, I imagine a history of teaching that extends back to Socrates.

³ Loren Eiseley, *ALL THE STRANGE HOURS: THE EXCAVATION OF A LIFE* 234 (New York: Charles Scribner's Sons, 1975).

I am aware of constraints that limit the kind of teacher I am. These constraints dance with the metaphors and images I cast into the stories I tell about my teaching. I am a man. White. I speak English (and little else). I'm a Southerner, born and raised on a farm in western Kentucky, a place we bother to recognize as being a part of the South. I call these biographical features an inheritance; they make a regular appearance in my story, a story built around constraint and possibility. It is a story littered with a cluster of images I carry with me into the classroom.

The images I have of my teachers, the metaphors I associate with teaching—foraging, backroads travel, journeys of discovery—provide the plot-line for my story as a teacher. These images and metaphors *within* the story shape the plot of my teaching; they give my story a distinctive character. Metaphors and images work above and below the surface of my life; they connect the surface to the depths.

■

I studied law in the late 1960s and early 1970s, a time when we were no more free of the tension created by the training|education fault-line than we are today. As a student I knew, as students know today, that I needed to know how to extract rules from cases, plot the rules (and exceptions to them) into a grid-map of legal doctrine. We had teachers who focused almost exclusively on this rule extractive work in a forced march through the cases. None of us had the skill to read every case and do the extractive work necessary to satisfy our teachers. Most of us mined the rules well enough; we got by. Some of us learned to do this case reading as a matter of habit. We did it so much we found ourselves doing it in our dreams. The dreams, for me, sometimes took an ominous turn: In one recurring dream I would register for a class and learn that I would be required to take a final exam even though I had never attended the class. In this dream I would set off to take the exam only to realize I did not know where the exam was to be given. In a variation of the dream I would find the building and take an exam that lasted so long I became exhausted and could no longer lift my arm to write. Years later, this dream slipped into some deeper recess of the psyche beyond dream.

For some of my colleagues in law school, the constant diet of rules and judicial opinions was a full diet. They had the legal culinary taste of my father: meat and potatoes, corn and beans if vegetables were deemed necessary. These colleagues were, like my father, reluctant (and sometimes downright recalcitrant) when it came to broccoli, asparagus, and spinach; even iceberg lettuce is suspicious. (The exception was spring lettuce wilted with hot bacon grease which could be topped with white northern beans—a dish I have never seen served beyond western Kentucky.) In the lack of educational greens, my colleagues seemed to be little concerned about going from one course to another, learning just enough legal rules and doctrines so they could head home to be real lawyers.

My own fascination for cases, reading them, mining them, puzzling over them, equaled that of any self-pronounced practical-minded, meat and potatoes colleague, but it wasn't just legal rules I was learning. The cases were about human behavior: how promises are made and broken, how deals fall apart, how in everyday life harms befall the unaware and the innocent, and how we are awash in a culture of crime and criminals. In law school, I never tired in reading cases; they were an introduction to a world of which I knew quite little.

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When I started teaching in 1975 at DePaul, I spent a good deal of time with students. What I heard them saying about legal education surprised me: They expressed concern about law school's narrow perspective, and about the lack of imaginative teaching. What they were telling me was that law school, all too quickly, got to be a rather boring enterprise.

I had never found law school boring. I never grew tired of reading cases and law review articles, making course outlines, and pitting myself and what I knew against a professor's practiced effort to distinguish between those of us who knew the law the way the teacher had tried to teach it and those who suffered the illusion they knew more than they actually did. My students at DePaul were insistent that their experience of law school was radically different than mine.

To learn more about what my students were telling me, and see how I could respond to it in my teaching, I created an informal, non-credit seminar I decided to call *Imagination and Creativity in Lawyering*. The idea could not have been more basic: we would meet every two weeks and talk about legal education. After a few meetings, students suggested that we go out for dinner, and we followed that routine, conversation and dinner, for the year we worked together. This seminar changed my view of legal education.

After I left DePaul—I taught there only two years, 1975 to 1977—I sent my notes about the seminar to Peter d'Errico, a colleague in the Department of Legal Studies at the University of Massachusetts-Amherst. I thought Peter might find my pedagogical forays beyond the standard law school curriculum of interest.

Peter and his colleagues, John Bonsignore and Ron Pipkin, had founded the American Legal Studies Association (ALSA) in the mid-1970s to promote a critical, humanistic, interdisciplinary approach in legal studies. The organization published a newsletter, the *ALSA Forum*, and sponsored national conferences. The newsletter later became the *Legal Studies Forum*, a journal I have edited now for eighteen years. Peter and his colleagues at UMass eventually installed me as president of ALSA. I presented my first paper as a law teacher at an ALSA conference in Pittsburgh in 1978 and was the first person outside the UMass group to lead ALSA, an organization that is now, unfortunately, defunct. The only remnant of ALSA that survives is the *Legal Studies Forum*.

I got a call one day from a colleague who asked me about an article I had written that appeared in the *ALSA Forum*. The call came as a surprise as I had not submitted anything for publication. What happened was that my account of the *Imagination and Creativity in Lawyering* seminar that I had sent off to Peter d'Errico had ended up being published.⁴ Peter assumed that I had sent it to him for publication, and in publishing it saved it from being lost in the sprawl of four decades of old files.

⁴ See James R. Elkins, *Imagination and Creativity in Lawyering: A Report on a Law School Seminar*, 3 ALSA F. 13 (1978).

In the report d'Errico published, I relate that I got the idea for the seminar from what I was learning in conversations with students and the hope that I might be able to draw on these conversations in my teaching and writing. Talking with students, I first learned about legal education's implicit curriculum. My conversations with students had become an important part of my day and they would become a metaphor for teaching: I wanted my teaching too, to be a conversation.⁵

My resolve about the conversation metaphor was bolstered when I discovered Plato's early Socratic dialogues. I found Socrates—the patron saint of legal education—had left a philosophical legacy of teaching with questions. Socrates' teaching—and his way of doing philosophy—survived, not in the form of detailed arguments and written expositions, but in conversations with young men like Hippocrates (a student looking for a teacher), and with Protagoras (a fellow teacher), and with Gorgias (an infamous sophist). In Socrates, I found a teacher unafraid to confront the conventions of his time. If legal education is not an enterprise that depends upon a powerful bundle of conventions that demands confrontation, I'd be hard pressed to find a better example of one.

In the Imagination and Creativity seminar—it was my 2nd year of teaching—I was looking for an antidote to law school's rigid analytics. I wanted to see what students and I could learn from the anxiety that students typically experience in law school. (I should note that I did not envision the seminar as a psychological support group.) The seminar focused on two goals: 1) introducing students to a body of writings drawn from psychology, sociology, anthropology, and linguistics that could serve as a bridge from their undergraduate studies to legal studies; and 2) an effort to rethink law school as a humanistic endeavor.

We posed these questions for ourselves in the seminar:

—How does it feel to begin the process of becoming a lawyer?

—What does it *mean* to be a lawyer? More specifically, what does it mean to *you* to be a lawyer? What kind of *image* do you have of yourself as a lawyer? Do you perceive a difference between the *image* of yourself as a lawyer and how you *feel* about being a lawyer?

—What are your *goals* in life apart from professional goals? Do you think being a lawyer will pose obstacles to achieving your personal goals?

—What kind of images do lawyers have of themselves, clients, and the law? How do these images affect the kind of lawyer you hope to be?

—What are the human values at stake in becoming a lawyer? How do public ideals and

⁵ On teaching as conversation, see C. Roland Christensen, David A. Garvin & Ann Swett (eds.), *EDUCATION FOR JUDGMENT: THE ARTISTRY OF DISCUSSION LEADERSHIP* (Boston: Harvard Business School, 1991).

individual values affect the kind of lawyer you will be? How can one carry personal principles meaningfully into a professional identity?⁶

Returning to this seminar of so many years ago, I find questions that are still not addressed in traditional law school courses. The questions have served as a template of my teaching and writing over the past 35 years: The questions elicit the outlines of law school's implicit curriculum, a curriculum that addresses the student's experience and the forging of a new identity. Returning to these questions, and variations of them, as I so often have, I'm reminded of Rainer Marie Rilke's admonition: "Be patient toward all that is unresolved in your heart. Try to love the questions themselves."⁷

My report on the 1976 seminar is something akin to what Jay Oglivy, in *Many Dimensional Man* refers to as "log entries" and "scribblings."⁸ I didn't in those days have a map to follow in my teaching. I suspect there can be no definitive map that points to how we can teach, honestly and boldly, the most intimate questions about what it means to be a student—lawyer—teacher.

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Law students want their teachers to focus on the law and the skills they will need as lawyers. What students and I sometimes see differently is just what kind of skill it is that one might need to be a lawyer. In this, I see the lasting influence of one of my own teachers, John Batt.

One of my students, William, wrote in his evaluation of one of my courses, "this man should never have been given tenure." William didn't bother to try to talk with me about the course. If he had, I would have told him something like this: "I care a great deal about teaching. I've given it everything I've got. For you my best efforts have not been enough. Or maybe I should say, they've been too much. I can't say that I take pleasure in learning that you and your colleagues are frustrated by my teaching. It's not enough, I know, to say that I put my heart and soul into it. Ultimately, you decide whether teaching in the way I do works for you. I'm saddened by the thought that my teaching has failed you."

If William were the least bit interested, I would tell him, "I know that there are different kinds of teachers and different kinds of teaching. A teacher needs to be honest with himself about his teaching, and recognize that what he does as a teacher may not be every student's cup of tea. I realize that some students don't connect with teachers who are philosophically-oriented. I don't know

⁶ The questions presented here are revised versions of the questions presented in the seminar.

⁷ Rainer Marie Rilke, quoted in Richard Quinney, *FOR THE TIME BEING: ETHNOGRAPHY OF EVERYDAY LIFE* 157 (Albany, New York: Albany State University of New York Press, 1998).

⁸ James A. Oglivy, *MANY DIMENSIONAL MAN: DECENTRALIZING SELF, SOCIETY, AND THE SACRED* ii (New York: Oxford University Press, 1977).

exactly how you came by your assessment of my teaching. To figure out what your evaluation might tell me about my teaching, I think we'd need to learn more about how I failed. And in doing that, is it possible that we might find that you too have failed in some sense? Until we explore this matter of failure further, I'm going to cling to the possibility that I am a better teacher than your strip-him-of-tenure assessment would have me being. I think there's a chance that the problem lies not with my teaching, but with who I am as a teacher and who you are as a student."⁹

I can't rule out the possibility that I've saddled myself with an illusion about my teaching, an illusion that protects me from the truth of William's judgment. The jury is still out and seems in no hurry to render a verdict.

When I walk into the classroom, I carry all my questions about what it means to be a teacher with me. I carry with me the knowledge that what I do when I teach can't possibly fit the needs and expectations of every student.

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What I'm beginning to see—there's no sense of clairvoyance here—is that I have always carried questions with me: What is it that I am to teach? How am I to teach it? How does teaching *this* in *that* way define me as a teacher? I've never managed to outrun such questions, questions that don't lend themselves to ready-made answers.

The more I think about teaching the more I find I do not know. I know that my ignorance brings with it no sense of bliss.

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I'm sitting at a tiny table in the living room, a mild and windy summer day, trying to figure out how I got to be the kind of teacher I am. William's assessment sits like an atoll in the distant ocean.

Thinking about my teaching, I'm sometimes blanketed with a proposition that smothers inquiry: *That's just the way it turned out*. Call it fate, I want to say, and live what you have left to live of it. What is there, really, to say? It's a question I wrestle with, a question I resist.

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When asked what I do, I say, I am a teacher. When asked where I teach, I say I teach at a law school.

⁹ William might say, if given the chance, "Elkins isn't a real teacher at all." For William, I'm either a fraud or a ghost. "Perhaps students do not recognize that there is anyone at the front of the room to look back and see them. It is the teacher who is invisible. Of course, students see their teachers at the podium. They listen to them and watch them. But in some way they do not really believe that it is a person up there." Robert F. Nagel, *Invisible Teachers: A Comment on Perceptions in the Classroom*, 32 J. Legal Educ. 357, 358 (1982).

The next question is, “Are you a lawyer?” When I confess that I am, I learn quickly enough that lawyers are a suspect species.

Law is my discipline. There is a fate to be found in such a claim.

I must have seen something in law I found inviting. Maybe it was that I knew so little about law that I didn’t know what would await me. I learned only after I became a lawyer and a teacher of law that I had taken up a discipline that constitutes its own world, a world with a language and a body of knowledge that sets the lawyer apart; law marks me as suspect.

When I took up the study of law, I had never set foot in a law office. My only exposure to law was the Perry Mason I saw on TV. I didn’t have the faintest idea what lawyers did except write wills and represent murderers and bank robbers.

Many of us jump into a discipline without a firm sense as to where it might land us. What we want of a discipline and what the discipline wants of us may not be congruent. The fantasy that takes us into a discipline may not square with the kind of thinking the discipline requires. Disciplines offer mixed messages: A discipline holds out the promise of understanding, insight, and knowledge of the world, and in doing so, it makes demands on us that crowd out and push aside questions for which the discipline provides no answers.

We come to a discipline with hope, often of the kind we find in the high soaring phantasies of D.T. Jones, the protagonist in Stephen Greenleaf’s novel, *The Ditto List*. D.T., reflecting on his ambitions as a law student, tells us he “believed himself a fermenting mix of Perry Mason and Clarence Darrow, a nascent champion of lost causes, reviver of trampled liberties, master of the sine qua non of the trial lawyer’s art—convincing anyone of anything.”¹⁰ The question I keep coming back to is this: How do ideals, of the kind we see in the high-flying grandiosity of D.T. Jones, and those of a more modest sort, play out in my life as a teacher? How do they play out in the lives of my students? In my preoccupation with these questions, I learn that I am not a traditionalist.

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I know of no discipline, including law, that makes it a point to warn new initiates of the limits posed by the conventions of discipline-bound thinking. I find none of the following courses listed in my university’s course catalogue:

Failures of Sociology
Economics: The Dismal Science
The Corporatization of Forestry
The Ruin of American Agriculture
Philosophy and Its Decline
Medicine and the Lost Art of Healing

¹⁰ Stephen Greenleaf, *THE DITTO LIST* 20 (New York: Ballantine Books, 1986).

To remedy this absence, I propose a law school course required of every student: The Legal Mind. The course would raise three questions: What does it mean to have a legal mind? How does one go about getting one? At what cost?

We are shielded, when we take up the study of law, from a realistic assessment of the discipline's limits. A course on The Legal Mind might remedy our ignorance about the limits of a legal mindset.

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“To say that it [law] is autonomous is to say that it is self-contained, that it is not dependent on other areas of knowledge like morality or politics or sociology.”¹¹ Most of my colleagues know that law is no longer, if it was ever, an autonomous discipline, yet they teach as if it were what we know it cannot be. I read legal education as a battleground: the battle centers on the proposition that law cannot be an autonomous discipline.

When a discipline sets itself apart, it draws lines, establishes boundaries. Sociology sets itself apart from anthropology. Psychology insists on the boundary with sociology. History, literature, and philosophy claim territory and zealously guard against encroachment from neighbor disciplines. The disciplines are our academic tribes; we act in tribal ways driven by a territorial imperative. The historian Patricia Nelson Limerick, describing the conquest of the American West, could as easily be talking about a history of the academic disciplines.

The West is a study of a place undergoing conquest and never fully escaping its consequences. Conquest basically involved the drawing of lines on a map, the definition and allocation of ownership (personal, tribal, corporate, state, federal, and international), and the evolution of land from matter to property. The process had two stages: the initial drawing of the lines . . . and the subsequent giving of meaning and power to those lines, which is still underway.¹²

Disciplines are a form of intellectual conquest, settlement, and habitation. We put down the roots of our knowing, erect buildings to inhabit, cultivate the lands within our domain, and use whatever buried resources we can extract. Disciplines are homesteads, they represent settledness, intellectual home places. A discipline becomes an intellectual homeplace with all the sentimentality, loyalty, and ambivalence we have toward any place that we want to call home.

In this territory we call law, I find the usual and the expected: the promoters, defenders, and popularizers; the inevitable social climbers and pretentious frauds; the able elders; the loners and hermits, eccentrics and wildmen. It's quite a discipline.

¹¹ Michael Corrado, *The Place of Formalism in Legal Theory*, 70 N. Car. L. Rev. 1545 (1992).

¹² Patricia Nelson Limerick, *THE LEGACY OF CONQUEST: THE UNBROKEN PAST OF THE AMERICAN WEST* 26, 27 (New York: Norton, 1988).

We take infinite care in law to distinguish insiders and outsiders. We have the capacity to welcome strangers but we underestimate our fear of outsiders.

I am an insider. I train students to be lawyers. When I lead students away from their focused training-regime and encourage them to put their training into context, I am viewed as an outsider.

Discipline work is done in a community. Within this community, we often disagree about how discipline work is to be done, what it means to do the work well, and how we represent and reflect the ideals of the discipline. My disagreements with colleagues about the work of teaching has taken its toll. I'm encouraged to think the cost has not been too great when I consider Richard Rorty's observation that "[q]uarrels between professors are never entirely disconnected from larger quarrels."¹³

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The traditions and rituals we find in legal education can choke us in conventional thinking, but only if we ignore the stories in which these traditions and rituals and our performance of them are embedded.

In turning to stories I ask the student to be a forager, open to the new and the strange, open to rethinking what has become familiar and the ways we cut ourselves off from the life we most want to live. I want students to think about the fictions they've come to accept as real. I ask students to be open to the possibility that a story might change one's thinking, might change one's life.

I have tried to find in my teaching a way to reimagine law school as a place where we excavate stories, celebrate the stories we know, and learn new stories that will enrich our lives. An awareness of how stories shape our work, and our images of ourselves as lawyers, helps us see the fiction of the real and the real of the fiction in the lives we live. I continue to find in stories the rich sub-strata we can mine to rehabilitate the wastelands of legal education where we teach much in the ways of the law and little in the way of meaning.

When we take stories seriously, we find they have practical value for a lawyer. I want stories to be an integral part of the student's philosophical mind-set they take with them into the practice of law. For some students, this has made me a bit odd.¹⁴

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Since we law-trained folks are so fond of rules, I propose one here: No law school activity should

¹³ Richard Rorty, *CONSEQUENCES OF PRAGMATISM: ESSAYS, 1972-1980* 228 (Minneapolis: University of Minnesota Press, 1982).

¹⁴ For student accounts of my teaching, see Ruth Knight, *Remembering*, 40 *J. Legal Educ.* 97 (1990); Deirdre Purdy, *Lawyers & Literature: As My Mother Lay Dying, Spring, 1997*, 22 *Legal Stud. F.* 292 (1993).

be undertaken unless it is accompanied by a story that reaches beyond Law. Must every law school course, every text, every moment available for reading and reflection be law practice oriented? Is it really the case that our purportedly *relevant* texts and *substantive* courses materially contribute to a worthwhile professional life?

Every law school in the country introduces first year students to the Canon of Legal Education—contracts, property, torts, criminal law, civil procedure—but The Canon is of little help on what are basically *meaning questions*. The Canon excludes, discounts, or pushes to the periphery the questions my students ask: What brought me here? What do I bring to legal education that will help me understand law and what it demands of me? How will I find in my work a way to be a lawyer that honors the ideals the legal profession represents? How will I develop the sensibilities (and the courage) to resist the practices engaged in by lawyers that dishonor the profession? What kind of work, what kind of learning, can I do in law school that will make my quest to become a lawyer a story worth living?

Like my students, I took up law as a way of life without knowing where it might take me. So it is with stories: we find stories, embrace them, puzzle over them, without knowing exactly where a particular story might fit with the stock of stories we carry with us. Some of our stories and much of what we most passionately want to do must be undertaken in the shadow of uncertainty and without the use of reliable maps. With stories we find, beneath the ordinary affairs and immediacy of everyday law school life, parts of the self we've forgotten, repressed, or simply left unimagined. We confront the realization that, "[t]he knowing self is full of darkness, distortion, and error; it does not want to be exposed and challenged to change."¹⁵

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From the stories told and lived when I was growing up in Kentucky I carry with me a legacy of work, work fabricated of simplicity, attention, and fate. Our work held forth the promise of a worthwhile future. It was work, the land on which we lived, and the sense of a more promising future that kept us moving forward. It was our stories that gave us pleasure and reminded us who we were, where we lived, and what might lie ahead.

I saw my first film in a real movie theater in 1954 and we eventually got a television, but we waited until the technology progressed sufficiently so we could actually see the picture in all the "snow." When we got that first TV, a Hoffman consol model, we were still living in the basement of the house my father was building under the watchful supervision of my mother. When the television arrived, it was lowered down the steps into the basement. As I watched those first TV programs, I realized that the world might extend beyond our twenty acres and the little nearby towns where we shopped for school clothes at Penny's, the Red Wing shoe store for farm boots, and Lookofsky's Sporting Goods to replace lost arrows.

I got my first glimpse at the future, several years before we got that first TV, when I arrived in Mrs.

¹⁵ Parker J. Palmer, *TO KNOW AS WE ARE KNOWN* 121 (New York: Harper & Row, 1983).

Margaret Mohler's first grade class at Brewers Elementary School. In first grade, I knew one thing with certainty: I didn't want to be a farmer. I wasn't afraid of hard work, and no one ever accused me of being lazy, although my reputation as a reader would sometimes raise suspicions that I might be headed in that direction. My mother and father both knew farm work and factory work first-hand, and they knew it to be a hard way to make a living. My parents never complained about how hard they had to work but they didn't try to hide the fact that dropping out of school came at a stiff price.

I learned growing up that I wasn't work shy. I learned, watching my mother and father, what it means to have absolutely no fear of work, the amount of it, the hardness of it, or that it is never-ending. I don't recall every hearing either of my parents, or anyone else on the farm, bone-tired as they might be, complain about work to be done. What my parents most wanted in life was to pay their debts, and to ensure that my brother and I find an easier road in life.

The work story we lived as a family centered around the future and an obsession. It was my mother who had the clearest sense of what an education might mean to us: We'd live our own dreams free of the constant worry of whether we could pay our bills. My mother schemed endlessly to ensure that I would have less to worry about in life than she had had. She was a very strong woman, and still is. At 86, I don't see her spending much time worrying about anything.

■

My father was born and raised in town and took up farming after he married my mother. My mother was a Thweatt. The Thweatts had always been farmers. With the help of his new in-laws, my father learned well enough to do what farmers do—he even went to farm school—and he farmed off and on for the rest of his life. I don't think he was ever a farmer at heart. He farmed full-time for a few years and then took a job at the Merit Clothing Company where he pressed newly-made men's suits to get them ready for shipment.¹⁶ Factory work didn't appeal to my father and he quit the job as soon as he could find work as a laborer with some local carpenters. He continued to farm part-time, but he ended up being a carpenter.

Somewhere along the way, my father, who had been raised in a family of town merchants, got the

¹⁶ Both my parents worked at one time or another at what everyone called "The Merit." *The WPA Guide to Kentucky* (1938) notes that the Merit Clothing Company and the Curlee Clothing Company together, at one time, employed 1,800 men and women in the manufacture of men's and boy's suits and overcoats. The Merit can be traced to an 1860 woolen mill that was reorganized after the Civil War, and a second textile mill, Mayfield Pants Company that began operation in 1899. The mills were later expanded to become the Merit Clothing Company and the Curlee Clothing Company. See "Graves County," in John E. Kleber (ed.), *THE KENTUCKY ENCYCLOPEDIA* 384 (Lexington: University of Kentucky Press, 1992).

The writer, Bobbie Ann Mason, grew up near Mayfield, in Graves County, and in her memoir captures in pitch-perfect tone the feel of the place and my own growing up in the gently rolling countryside of the Jackson Purchase, in Western Kentucky. See Bobbie Ann Mason, *A MEMOIR* (New York: Random House, 1999).

idea to buy a small country store. The original idea was that my parents would run the store, continue to farm, and my father would give up construction work. It was a good plan but it didn't work. Early on, it became clear that to get the store loan paid off and to get out of debt, my mother would need to run the store, while my father brought in a regular pay check.

My mother always claimed that she wasn't cut-out to do public work—we always referred to store customers as the public—and that working in the store wasn't what she had in mind to do in life. Still, she was good with customers and with my father helping out when he could, she built a substantial business. She listened to customers' stories and shared their lives—they were neighbors as well as customers—but she never forgot, and never tried to hide, that she was doing work she had not chosen for herself. She sometimes reminded my father that he was the one who cooked-up the idea to buy the old store. It was my mother who took over the day-to-day operation, and my mother who kept it running and who made the store a prosperous business.

Necessity has a way, I learned, of shaping and redirecting dreams. I watched my parents, with patience and perseverance, make a patchwork quilt life of farming, my father's carpenter work, and an old country store. By country store, I mean we sold everything: groceries and gasoline, nails and cattle feed, work clothes and yard implements, and the usual basic foodstuffs. My brother and I pumped gasoline, loaded cattle feed and fertilizer, and stocked the shelves. The store was open 7 AM to 7 PM, six days a week. We had no employees. If there was work to do, we did it.

Work—how I was raised to do it—is central to my deepest sense of who I am.

■

My parents were full-time farmers for a few years after my father came back from Army service in Okinawa at the end of WWII. They soon learned that they couldn't make a decent living farming twenty-acres raising tobacco and strawberries. The calves and hogs brought in some money, but never enough. The work was hard, and it didn't seem to provide much of a springboard to a secure future. My father may have been a reluctant farmer, but I never heard him complain about the work he had to do. Farm work was honest work, and it was hard work, sometimes grueling. The pleasures were simple. There was never enough money to accumulate any savings. The only thing we saved was what we raised in the garden. We always had shelves of canned tomatoes and beans, a freezer full of food, and a smokehouse where we smoked and sugar-cured hams and bacon of the hogs we raised. The hope was that one day we'd be free of debt, that we wouldn't have to work daylight to dark, and scrape for every penny. We were not poor and never gave any thought to being so.

When I was young, I couldn't see any future in farm life. I was drawn to the mythical allure of *town*. I call it mythical because there was nothing in town, nothing to see, little to do. Benton (population, 3,000) had no town library and the only movie theater in town closed when I was a young boy. To see a movie we had to go to the drive-in theaters. The town was little more than the town square, the court house occupying it, and the shops that lined three sides of the square. There was a drug store with a soda fountain, but we never tarried there: I don't recall ever having a fountain coke at the drug store counter. We did our grocery shopping at country stores located near the farm; mostly at the old

Tommy Gore store my parents later bought. When we went to town it was mostly to visit my father's family, though sometimes we had to go to Treas Lumber Company, a few blocks from the town square, to get something we needed for the farm.

My first memories are farm memories: tending crops, feeding hogs and calves, fishing in the creek, digging peanuts, hiding from lightning storms, planting the garden in the spring, being warned of tramps who sometimes walked the highway that ran past the house. Still too young to be doing a man's work, I helped put out the garden my father plowed with a horse, picked the down-rows of corn knocked down by my grandfather's 1947 Ford tractor, hoed weeds in the garden, and picked strawberries and sweet corn to sell in town. We sold the hams and shoulders of the hogs we slaughtered, smoked and sugar-cured, to buy canned goods to see us through the winter. My grandfather knew how to build rabbit traps and in winter we'd sometimes set out three or four traps. When we could, we went fishing and frog-gigging. We fished the ponds, the creeks, and the backwaters of Kentucky Lake. We hunted rabbits and squirrels, and we ate what we killed.

■

Of all the stories being told and lived around me there were two that organized my existence and foretold my future: My father's town story and my mother's farm story. I am a son of a farm|town marriage.

My first stories, the ones I still carry with me are those learned as a western Kentucky farm boy. The stories came from my mother and father, grandfathers and grandmothers, great-grandfathers and great-grandmothers (on both sides of the family), aunts and uncles. My father was born in Benton, a little county-seat town; his family were merchants and town people. My mother was born and raised on a farm not a half-mile from the twenty-acre farm where I grew up. We were farm people. Even my town-raised father got around to being a respectable farmer.

Growing up on the farm, we told stories to pass the time, to be neighborly, to know who was who, and who could work and could earn their wages. We told stories about each other and our neighbors. We told farm stories, and stories about hunting and fishing. There were stories about tramps and gypsies. We had a proprietary interest in these stories, and they were a pleasure to hear and to tell.

From birth I heard stories being told, stories about who I was, who we were, and stories of the world we had inherited.

■

As I learned and lived the family stories and the farm story and the work story, I discovered other stories. I learned that we were Democrats and Christians. That we were Christians meant that we attended church on Sundays with our neighbors and that we believed in the Christian virtues: cheat no man, speak ill of no person (so long as he can do a decent day's work), help a neighbor when they call, tell the truth, work for a living. We didn't say grace at the table and we didn't dwell on religion. We were more or less diligent about reading Sunday school lessons and attending Sunday morning worship but we mostly avoided Sunday night and Wednesday evening services, and could only rarely

be counted on for summer revival meetings. My father was, for a few years, an elder of the church, but he was always uncomfortable as a churchman. We certainly had no notion that being Christians had anything to do with our politics.

All of this means something to me. It may mean something to my students that I was born and raised a farm boy Democrat in the rolling farmlands of Kentucky's Jackson Purchase where people lived modest but hopeful lives, and possessed a faith so deeply held that it would have been viewed as odd to try to articulate it.

I now own part of the family farm and several surrounding farms, but I can no longer honestly think of myself as a farmer. My inheritance of and from this land—the farm lies a full day's drive from the law school where I teach—gives rise to the myth from which I have made my teaching. I'm reminded of the poet W.B. Yeats's suggestion that the roots of a man's life are deeply embedded in myth. As Yeats mused, "I have often had the fancy that there is some one myth for every man, which, if we but knew it, would make us understand all he did and thought."¹⁷ The one myth that might reveal my life as a teacher lies not in the courses I've elected to teach but in that land, that Kentucky farm, that was my childhood .

■

Tell Me a Story

[A]

Long ago, in Kentucky, I, a boy, stood
By a dirt road, in first dark, and heard
The great geese hoot northward.

I could not see them, there being no moon
And the stars sparse. I heard them.

I did not know what was happening in my heart.

It was the season before the elderberry blooms,
Therefore they were going north.

The sound was passing northward.

[B]

Tell me a story.

In this century, and moment, of mania,

¹⁷ W. B. Yeats, *ESSAYS AND INTRODUCTIONS* 107 (New York: Macmillan, 1961).

Tell me a story.

Make it a story of great distances, and starlight.

The name of the story will be Time,
but you must not pronounce its name.

Tell me a story of deep delight.

—Robert Penn Warren¹⁸

■

There are travelers and there are tourists. In legal education, tourism flourishes; what we need are more travelers.

I set out upon a journey in my teaching in search of something I find only when I leave home. I travel to reimagine what it means to be home. As a traveler I learned this lesson, and keep learning it: Home takes on the most distinct meaning after venturing into the unknown.

Those who know about journeys know that we don't always reach our destination. The journey gets interrupted. We abandon the path, take detours, drift from place to place. We get lost, go astray. We sometimes set off for a destination and then, for one reason or another, turn back. Even those who get to where they thought they were going are sometimes disappointed. We get to China and find that we have arrived too late.

It's the journey that brings us home. Richard Quinney writes, "We find our true home in the search for a place in the world." The Law is an intriguing place to call home. When I say, "I teach law," I'm called upon to say more about what kind of home the Law is for me, and what kind of home I imagine it can be for my students. I think it unlikely that any of us will find our way home without encountering some mysteries.

¹⁸ Robert Penn Warren, *THE COLLECTED POEMS OF ROBERT PENN WARREN 266-267* (Baton Rouge: Louisiana State University Press, 1998).