

The Education of Scott Turow & Richard Rodriguez

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In baseball it's the rookie year. In the navy it is boot camp. In many walks of life there is a similar time in trial and initiation, a period when newcomers are forced to be the victims of their own ineptness and when they must somehow master the basic skills of the profession in order to survive.

For someone who wants to be a lawyer, that proving time is the first year of law school.

—Scott Turow, *One L*¹

After buying all the available first year books and discussing the next three years with several first year students, I went outside and sat on the front steps and thought about what was happening to me. As I sat on the steps looking through the front door and down the hall of the law school, my emotions were a mixture of pride, fear, anticipation and uncertainty.

—from a Law Student Journal

Scott Turow

In *One L*, Scott Turow tells the story of his first year at Harvard Law School (HLS). Turow survived HLS, and became an accomplished lawyer and an acclaimed novelist.² In *One L*, Turow, a former journalist, provides the reader with a dramatic account of his first year as a student at

¹ Scott Turow, *ONE L* (New York: G.P. Putnam's Sons, 1977).

² See Scott Turow, *PRESUMED INNOCENT* (New York: Farrar Straus Giroux, 1987); *THE BURDEN OF PROOF* (New York: Farrar, Straus, Giroux, 1990); *PLEADING GUILTY* (New York: Penguin Books, 1994); *THE LAWS OF OUR FATHERS* (New York: Farrar, Straus, Giroux: 1996); *PERSONAL INJURIES* (New York: Farrar, Straus, Giroux, 1999); *Reversible Errors* (New York: Picador, 2006). Turow gained his reputation as a writer of legal thrillers, and he has authored some of the finest novels to be found in that genre. Turow's novels have always been well-crafted. *Personal Injuries* is a novel that transcends the legal thriller periphrase; it is, I think, a literary novel.

Harvard Law School.³

As Turow tells the story, studying law is like riding a psychological roller-coaster. To Turow, it felt like being “borne aloft, high just on the power of enlarging knowledge, making connections, grabbing hold. Then, suddenly, I’m close to dread.” Turow’s heady exhilaration is accompanied by frustration, anxiety, and dread. After only a few weeks, he begins to feel “harried, fearful, weary,” and sometimes “near to panic.” The law school work induces “a ferocious, grasping sense of uncertainty.” It was, says Turow, an “emotional merry-go-round.”

Turow learns that legal education entails a good deal more than reading law cases and learning legal rules, something more than developing a set of analytical skills to solve legal problems. It was not an experience to be captured by the conventioned notion that it was just the difficulty of learning to think like a lawyer (whatever that may mean). Reading Turow, I’m reminded of the lines of the Stephen Stills song, “For What It’s Worth.”

There’s something happening here
What it is ain’t exactly clear⁴

Turow and his colleagues know something is going on. “What it is ain’t exactly clear.” And, they know that there is no one standing by at Harvard to offer an explanation or to help them figure out

³ For other non-fictional accounts of law school, *see* Chris Goodrich, *ANARCHY AND ELEGANCE: CONFESSIONS OF A JOURNALIST AT YALE LAW SCHOOL* (Boston: Little, Brown and Company, 1991); Richard D. Kahlenberg, *BROKEN CONTRACT: A MEMOIR OF HARVARD LAW SCHOOL* (Boston: Faber and Faber, 1992); Lawrence Dieker, Jr., *LETTERS FROM LAW SCHOOL: THE LIFE OF A SECOND-YEAR LAW STUDENT* (San Jose, California: Writers Club Press, 2000); Alfredo Mirandé, *THE STANFORD LAW CHRONICLES: DOIN’ TIME ON THE FARM* (Notre Dame: University of Notre Dame Press, 2005); Martha Kimes, *IVY BRIEFS: TRUE TALES OF A NEUROTIC LAW STUDENT* (New York: Atria Books, 2007). For a review of sociological research on legal education at Harvard Law School, *see* Robert Granfield, *Constructing Professional Boundaries in Law School: Reactions of Students and Implications for Teachers*, 4 *S. Cal. Rev. L. & Women’s Stud.* 53 (1994).

⁴ Buffalo Springfield, “For What It’s Worth” (1967)(written by Stephen Stills).

how to put their experience to use in their education as lawyers. Turow and his colleagues are exposed to the first lesson of law school's implicit curriculum: *You're on your own.*

Turow, still a journalist at heart, begins to listen to his colleagues as they talk about their law school experience. He learns that their frustration with the psychological drama lies not in what they are being asked to learn but how the process of what they are learning is changing them. Turow sets about to try to understand this process of change. He finds that it's rooted in the relentless effort of his professors to replace emotion with "dry reason," and the demand that every opinion be given a rational veneer. The problem, Turow believes, is in the way legal education cuts the student off from his own experience and his old ways of thinking. Students must contend with the fact that their teachers do not know, or care, who they are or what knowledge or skills they bring with them to the classroom. Law school is relentless in its efforts to remake the student, refitting the student to fit a lawyer mold. Whatever qualities of mind the student might possess, whatever he may bring with him to legal education must be set aside so the conflicts of real persons can be translated into dry legal abstractions. This process is pressed upon the student as a matter of necessity. Adopt or take up another profession.

Turow does not try to offer a comprehensive account of what he sees happening to himself and his colleagues. But it is clear that something is going on. A classmate tells him, "They're turning me into someone else They're making me different." Turow, in trying to respond to his colleague's comment, says, they teach us to take no statement at face value and to question every premise. Opinions are viewed with suspicion; rational argument is rewarded. The dynamic of legal argument is so "grimly literal, linear, step-by-step process of thought" that it leaves the student "suspicious and distrustful." Law school, Turow suggests, is a form of alchemy: It clothes students in optimism and covers over whatever old identity they may bring with them and the loss of some

parts of the self that take place when students cut themselves off from old meanings as they learn how to think like a lawyer.

For Turow, the cost of legal education is a growing dissonance between his new legal world-view and his old “personal way of seeing things.” We don’t know much about what these personal views are, but Turow tells us that he decides to learn these new legal “habits of mind” and to try to erect a barrier so they don’t invade his deeper self. In talking with his wife about what is happening, Turow says, “Achieve, succeed, do and be excellent. It was a kind of madness. What was going on? What the hell was I doing to myself?” The question for Turow and his fellow students is this: Can they take up learn the new “habits of mind” that law school offers them without giving their deeper selves over to these new habits? Turow doesn’t make clear what kind of resources, personal or otherwise, might make it possible for he and his colleagues to erect the barrier he has set out to build.

As the first semester of his first year progresses, the emotional upheaval Turow experiences subsides and he now confronts law school work as dreary routine. Turow begins to pay closer attention to the pedagogical ploys of his teachers and his mood turns somber. “The initial strength and enthusiasms I’d brought to law school had been spent, and I had no reserves left. I was exhausted.”⁵

Turow tries to make sense of his law school experience by connecting it to his everyday life. Legal problems, Turow argues, involve “the most fundamental assumptions regarding the way we live each day—the manner in which we treat each other” The way law is taught at Harvard, and

⁵ We assume that we learn most, and learn best, when we are ready, fresh, eager, taking it all in, yet, it is possible that we also learn significant lessons when we are tired, bored, confused, and beaten back.

presumably at other law schools, doesn't track Turow's sense of reality and the way people actually live. Law creates an abstract world with its own reality.

Turow concludes that he and his colleagues give themselves over to the law school self-transformation project because they have needs served by what law school offers them. Turow admits that law school satisfies what he calls his "greedy little monster," what C.G. Jung would call his "shadow."⁶ Turow is driven to succeed, and Harvard Law School is the perfect place to honor this drive. "It is those of us compulsively pursuing some vague idea of distinction who are most likely to aspire to the Harvard Law School We are men and women drawn to the study of rules, people with a native taste for order." Another aspect of the Harvard law student's shadow is his "quest for prominence"; it's a quest that brings a student to Harvard, and it "leads us, once we arrive, to an almost inescapable temptation to scramble, despite obstacles and ugliness and bruises, for what sometimes looks to all of us to be the very top of the tallest heap."

Turow, seeking accomplishment and success, recognizes that the feeding of his "greedy monster" is the subterranean stream that feeds his desire to acquire the habits of mind that Harvard associates with being a lawyer. It's the needs of a student's "greedy monster" that make law school a place of avoidance and denial. "Too much of what goes on around the law school and in the law

⁶ I adopt the term "shadow" from C.G. Jung who used it as a companion of the "persona." Jung used the term "persona" to mean the mask or facade that we present to the world. The "persona" is that version of the self, an image or picture of the self that we most want others to see and use as the basis for their interaction with us. The "shadow" is that part of the self that we do not want others to see. The "shadow" consists of all that is hidden, held away from public view and kept behind closed doors. We certainly don't want others and certainly not others in our professional lives, to see our doubts and confusions, our faults and failings. We most certainly don't expect to allow the world access to our fantasies and imaginings. At times, we want to deny that we even have them. If social and cultural psychology works anything like Jung's description of the self, we might expect an institution like law itself to harbor a pronounced "shadow." On law's shadow, *see* Benjamin Sells, *THE SOUL OF THE LAW* (Rockport, Massachusetts: Element, 1996).

school classroom seeks to tutor students in strategies for avoiding, for ignoring, for somehow subverting the unquantifiable, the inexact, the emotionally charged, those things which still pass in my mind under the label ‘human.’”

Law students learn to steer clear of complex realities and unchartable mysteries. The result, absent attentive reflection, is that they end up being less the person they have promised themselves they’ll be and more the lawyer they most feared they might become. Legal education is a Faustian bargain. One acquires the very thing he seeks and puts himself in danger of losing some valued part of his self. In this thoroughly American story, the sense that *it is not happening to me* makes the student complacent and all too often, silent about the transformation he undergoes to become a lawyer.

Turow’s *One L* is also a cultural narrative imprinted with the archetypes and emotional constellations associated with transformative change: Leaving home to take on the world, learning to fathom the cauldron of human failure and misery, the slow burning hope to avoid a mundane life.

Richard Rodriguez

— “It is education that has altered my life.”

— “To admit the change in my life I must speak of years as a student, of losses, of gains.”

— “I remember what was so grievously lost to define what was necessarily gained.”

— “Consider me, if you choose, a comic victim of two cultures.”

—Richard Rodriguez, *Hunger of Memory: The Education of Richard Rodriguez*⁷

⁷ Richard Rodriguez, *HUNGER OF MEMORY: THE EDUCATION OF RICHARD RODRIGUEZ: AN AUTOBIOGRAPHY* 5, 6, 5 (New York: Bantam, 1983).

Richard Rodriguez is not a lawyer, but the story he tells in *Hunger of Memory* of a young man who sets out to become a different person—English-speaking, middle-class, public man—is a story that in many ways parallels the journey that law students set out upon.

Rodriguez, a Spanish-speaking Mexican, grew up in a family at the margins of what was always in sight: white Anglo culture. *Hunger of Memory* is Rodriguez's account of his education and the transformation of his life that followed in its wake. For most of us, the transformation we undergo in our schooling is shrouded in quiet acquiescence; Rodriguez renders the transformation in elegant and haunting language of a story of a journey from one world to another, a journey that begins at home.

Lavish emotions texture home life. *Then*, at school the instruction bids [the student] to trust lonely reason primarily. Immediate needs set the pace of his parents' lives. From his mother and father the boy learns to trust spontaneity and nonrational ways of knowing. *Then*, at school, there is mental calm. Teachers emphasize the value of a reflectiveness that opens a space between thinking and immediate action.⁸

At home, his family speaks Spanish, their voices a “celebration of sounds.” The language at school—English—is different. The school language is that of *gringo* culture that excludes the private world of his parents, sisters and brothers. Even at school, Rodriguez cannot escape the insistent voices from home: “*You belong here. We are family members. Related. Special to one another.*”⁹ The pull of his family world—“teeming with pleasure”—catches up with him at school. But the “special feeling of closeness” that he has at home” is lost at school: “Gone was the desperate, urgent, intense feeling of being at home”¹⁰ Looking back on his school years,

⁸ *Id.* at 46.

⁹ *Id.* at 17 (emphasis in original).

¹⁰ *Id.* at 22-23.

Rodriguez realizes his education is complete when he finds he has remade himself and become a “public man.”¹¹ There can be no doubt about the transformation: “It is education that has altered my life.”¹²

With a growing sense of the distance between his two world, Rodriguez is able to describe himself as a “comic victim of two cultures.”¹³ The separation from one’s family and native language is costly; yet Rodriguez celebrates his education and his new public world. It’s an old story, gain and loss, success and failure, sorrow and redemption. *Hunger of Memory* is the melding of lament and celebration; a celebration easy enough to understand, a lament that students of law may understand because of their own transformative education.

Learning a new language and assimilating into a new culture is difficult. Harlon Dalton, a Yale law professor and an African-American, describes how being a person of color can result in an “unshakeable sense of community”; for those of color, says Dalton, are “branded forever.”

¹¹ By public man, Rodriguez means the kind of man who speaks a “public language,” the language of the “great city around us.” For Rodriguez, Spanish is the language of his family; what he seeks is “the language of public society.” *Id.* at 19, 16. Charles Reich expresses a similar dream—to become a public person—a desire that entices him into the legal profession:

I wanted to see first hand how our society was run so that I could eventually teach or write about it, or help in running it. I wanted to learn how to be a professional person in the area of public affairs. I also wanted to force myself out into the real world, after years of school, so that I would be independent of my family. I wanted to cope and be competent. And finally, I wanted to “cure” myself. I was possessed by dark fears, inadequacies, and compulsions which made me feel that outside of my work I was an immature, sick person. I felt it was long past time for me to be a calm, secure person

Charles Reich, *THE SORCERER OF BOLINAS REEF* 20-21 (New York: Random House, 1976).

¹² *The Hunger of Memory*, at 5.

¹³ *Id.*

No matter how smart or bookish *we* [“black, brown, red, and yellow folks—people of color”] were, we could not retreat from the sights, sounds, and smells of the communities from which we came. We learned from life as well as from books. We learned about injustice, social cruelty, political hypocrisy and sanctioned terrorism from the mouths of our mothers and fathers and from our very own experiences. Books sometimes confirmed that reality; more often they misrepresented or were indifferent to *our* reality. And from the beginning we learned, not as an article of political faith but rather as a simple fact of life, that our fate and that of all persons of similar hue were inseparably intertwined. That fundamental connectedness . . . nourished and sustained us, created in us an unshakeable sense of community. The lucky ones among us reveled in that community, fed on it. Others of us resented it, or tried to hide from it. But escape was not possible, for the community was within us and we were branded forever.¹⁴

Patricia Williams, another African-American, relates how her family history and her efforts to write about her great-great-grandmother, follow her into her world as a law teacher.

I have considered the significance of her history and that of slavery from a variety of viewpoints on a variety of occasions: in every speech, in every conversation, even in my commercial transactions class.

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Reclaiming that from which one has been disinherited is a good thing. Self-possession in the full sense of that expression is the companion to self-knowledge. Yet claiming for myself a heritage the weft of whose genesis is my own disinheritance is a profoundly troubling paradox.¹⁵

Rodriguez says of his own story that it is not that of a Mexican-American in search of his past: “Aztec ruins hold no special interest for me. I do not search Mexican graveyards for ties to unnameable ancestors.”¹⁶ What kind of story does Rodriguez imagine that he is telling? “What preoccupies me is immediate: the separation I endure with my parents in loss. This is what matters to me: the story of the scholarship boy who returns home one summer from college to discover

¹⁴ Harlon L. Dalton, *The Clouded Prism*, 22 Harv. Civ.R.-Civ. Lib. L. Rev. 435, 439-440 (1987).

¹⁵ Patricia Williams, *On Being the Object of Property*, 11 Signs 5, 6-7 (1988).

¹⁶ *Hunger of Memory*, at 5.

bewildering silence, facing his parents. This is my story. An American story.”¹⁷

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Imagine for a moment the exhilaration of setting forth on a journey, we’ll call it legal education. Like any venture that takes us far, we begin with questions and doubts, hopes and fears. We know that it’s a journey that open up a new future even as it threatens to engulf what we know of ourselves from our old familiar worlds. This time in law school begins will change us.

As we undertake the study of law, there are questions about what must be left behind and what kind of future we will make for ourselves as lawyers. A long, late night of reading cases gives rise to reservations about this new world we seek for ourselves. When doubts persist, it’s hard to shield ourselves from the loose rumblings of anxiety. Larger existential questions loom: Is law school where I really want to be? Will I be a good student? Will I manage to be a good lawyer?

When we begin a long journey there are doubts interlaced with dreams. It’s these nagging doubts and the allure of our dreams that speak not just to the choice we made to become a lawyer, but to the kind of lawyer we hope to be.¹⁸ Our questions, and in a paradoxical way our doubts, shape the lawyer we will be.¹⁹

¹⁷ *Id.*

¹⁸ Carla Needleman, *THE WORK OF CRAFT: AN INQUIRY INTO THE NATURE OF CRAFTS AND CRAFTSMANSHIP* 3 (New York: Alfred A. Knopf, 1979). The student begins legal education with what psychologist James Hillman calls, “the fiction of perfection.” James Hillman, *INTER VIEWS* 173 (New York: Harper & Row, 1983)(with Laura Pozzo). But the perfection is just that—a fiction. The student must, as she becomes a lawyer, sort out the real and the ideal embedded in the fiction.

¹⁹ Our questions are character forming; they have practical utility. “Question-asking is our most important intellectual tool The answers we carry about in our heads are largely meaningless unless we know the questions which produced them.” Neil Postman, *TEACHING AS A CONSERVING ACTIVITY* 154 (New York: Delta, 1980). On the crucial importance of questions on one’s philosophy, see Suzane Langer, *PHILOSOPHY IN A NEW KEY: A STUDY IN THE SYMBOLISM OF REASON, RITE, AND ART* 3-10 (Cambridge: Harvard University Press, 3rd ed., 1980). A good question is a form of insight. Our questions call attention to the kind of life we live and the life we hope to live.

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It's September and a new semester has gotten underway. Randall, a student in my Introduction to Law course writes of his sense of apprehension:

The first few days of law school have been completely overwhelming. I've been determined from the first not to let myself be intimidated, but I can't ever remember being so anxious. The last several nights I've awakened at 3:00 or 4:00 o'clock in terror. What if I get called on tomorrow? Do I understand that case well enough to withstand Thomas's interrogation? How can I keep all these facts straight? Hell, I can't even remember what seat I sit in class. The nightmares are the worst; I walk into a class and everyone is furiously writing their exams and I'm late. I didn't even know we were having a test. Cold panic grips my innards. Aargh.

Peter, another first year student, writes, as we move into October, "I have a sense of impending doom—as if something terrible is about to happen to me, without my knowing what, where, or how. I suspect I have bitten off more than I can chew."

Francine, another first semester student, writing at the end of the semester, reports a dream in which she tries to take a Criminal Law final in Arabic, a language that she has neglected to learn during the semester. "All around me, my classmates were furiously writing, while I sat, in horror, just staring at the examination." Francine's dream gives rise to a persistent question about her decision to study law: "How will I ever make sense of everything I am being asked to learn?" One of her colleagues, Rachel, asks, with a melodramatic touch, "Am I willing to sacrifice everything to study law?"

For students like Randall, Peter, Francine, and Rachel, law school leaves them feeling like meat being cooked in a pressure-cooker. They feel beat-down by law school, as they draw away from their families and communities, spend less time with old friends, and question trusted parts of themselves that law seems to demand that they abandon. Still, they carry on. We find some students

who are upbeat about their law school experience. Lindsay, for example, at the end of her first semester of law school writes: “Oh, it was a very good decision to go to law school. I’m struck by how positive the experience has been. I remember the successes, a lot of friends, ego-gratification, very interesting. So, it’s been very satisfying.”

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Students come before the Law to be trained. Like Kafka’s man from the country, their individual quest turns out to have anticipated consequences. There may be no universal feeling or theme that describes the experience, yet, common themes and patterns emerge. William Perry, in his study of undergraduate students at Harvard, notes:

Of course, a person will use a variety of forms in construing different areas of experience at any given time. However, within this variety it is possible to identify a dominant form (or central tendency among the forms) in which the person is currently interpreting his experience . . . especially in regard to those forms in which a person addresses knowing, valuing, and responsibility.²⁰

Law students experience the paradoxical world of legal study in diverse ways as they adapt the new habits of mind they will assimilate.

²⁰ William Perry, *FORMS OF INTELLECTUAL AND ETHICAL DEVELOPMENT IN THE COLLEGE YEARS 3* (New York: Holt, Rinehart & Winston, 1970). By listening to our students, we can develop a phenomenological topography of the “felt experience” of law school’s *rites of passage*. The map of legal education we construct from these personal accounts is a crude one. It will not fit the experiences of every student. The map displays certain features while ignoring and obscuring others.