

Symposium

What Balance in Legal Education Means to Me: A Dissenting View

Lawrence Raful

In January, 2008, I was pleased and honored to participate in a panel discussion hosted by the new AALS Balance in Legal Education Section. I was surprised but again pleased and honored to be asked to send in for publication my talk from that day.

I am surprised because I think I made it pretty clear on that day that I do not believe we need a special section on “balance” in legal education. Maybe I am a heretic on the subject. I am unsure my feelings are that strong, but I readily admit to being a naysayer. I do not even really know what “balance” means, but I think what the group is trying to get at is how to “balance” the stresses of life and law school, to live life as a good person and to bring some value to our teaching, scholarship, and service. It sounds a little too “new age” to me, and I get real “squirrely” when I hear new age stuff.

But I suppose the Balance Section leaders wanted a diversity of views, so I am pleased and honored to present my view of the debate.

On Jan. 5, 2008, in New York City (that is important), participants entered the room assigned to the Section on Balance in Legal Education and on each chair was an envelope that said something like “Do Not Open until Instructed to Do So.” Late in the program, when I was introduced, I started my talk by announcing “Open your envelope and eat the candy inside.” Inside each envelope was a small bite-sized piece of Hershey’s Special Dark Chocolate.

[At this point, put down this journal and run down to the store and buy a bar of Hershey’s Special Dark Chocolate—or at least imagine eating a piece of that good stuff.]

1. You have probably noticed all the new high-priced dark chocolate on the market today, following the reports that eating a little dark chocolate every day is good for you. As a matter of fact, *Consumer Reports* wrote an article on all the new high-priced dark chocolate, foreign and domestic brands, which have flooded the market after the report of the health benefits of dark cocoa.

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Interestingly, after testing all the high-priced brands, they concluded that for less than half the price, good old Hershey's had a dark chocolate product that tasted just about as good as the high-priced stuff.¹

I was pleased because I have been enjoying that brand for years, and every time I eat a piece, I wonder how Hershey's can make this taste so good. Wonderful, huh?

2. I'm a baseball fan, specifically a San Francisco Giants fan, and Willie Mays is one of my greatest heroes. One of my prized possessions is this autographed photo [Note—I held up the photo at this point in my presentation of “The Catch” by Mays. And by the way, if you don't know what “The Catch” was, you probably shouldn't be teaching in an American law school.]²

A quick quiz: The year was _____? (Answer—1954). And the catch was on a ball hit by _____? (Answer—Vic Wertz). From which baseball team _____? (Answer—the Cleveland Indians) in the World Series. [Note, you would be amazed at how many men and women in that crowded room knew the answers to all three of those questions.]

You know, I have looked at the photo on my wall about a thousand times and I just wonder each time I see it about how he was able to make that catch.

3. If you have never been to New York before, or if you have been to New York and have never been the Metropolitan Museum of Art, you just have to go there to see the Temple of Dendur—it is about the coolest thing in New York. It is this ancient Egyptian temple that they dismantled stone by stone before they flooded this area for the Aswan Dam, and they rebuilt it stone by stone at the museum and then built this terrific glass wall around it. There you are, standing in this 2,000-year-old temple, full of wonder. I stand there and wonder how they dismantled it and put it back together, and I wonder about all the events that took place in this ancient temple. It is terrific, just terrific.³

4. Our eldest daughter Sarah got married recently [note, to be accurate, she was married in March, 2008, so I actually said “is getting married”], and my wife and I realized that we had raised her correctly. She decided to walk down the aisle to that classic Motown-Marvin Gaye song “Ain't No Mountain High Enough” sung by a group of musicians, which included our middle daughter, Anna. And when I was walking Sarah down the aisle, I thought to myself how cool it is that somehow, long ago in her memory, she has embedded in her mind her parents' love of great Motown music, and I wondered how great musicians like Marvin Gaye get passed down from generation to generation.⁴

1. Dark Chocolate: Which bars are best?, Consumer Reports, Sept. 2007, at 8.

2. Willie Mays' 1954 World Series catch is available to view at <http://www.youtube.com/watch?v=7dK6zPbkFnE>.

3. More information on the Temple of Dendur is available at http://www.metmuseum.org/toah/ho/05/afe/ho_68.154.htm.

4. Marvin Gaye and Tammi Terrell, Ain't No Mountain High Enough (Tamla Motown 1967). The song was written by Nickolas Ashford and Valerie Simpson in 1966 and recorded

5. My rabbi, my favorite author, my spiritual master, is Rabbi Abraham Joshua Heschel, whom many consider the greatest Jewish theologian of the 20th century—I might say, of all time. Heschel, from a long line of great Polish rabbis on both his father’s and his mother’s side of the family, not only obtained a traditional rabbinic education, but also studied philosophy at the University of Berlin. He escaped the Nazis and later came to live for the rest of his life in America. No one I know—no one—writes like he does.

His lectures at universities and seminaries, in churches and synagogues, would begin the same way. He would lean over the lectern and announce:

“Ladies and gentlemen, a great miracle has just occurred!”

Members of the startled audience would immediately cease talking, lean forward wondering, what miracle could have happened? What miracle did they miss? He would then continue:

“Ladies and gentlemen, a great miracle has just take place...the sun has gone down.”

People would look at him strangely, some taken aback, incredulous; others might snicker at the strange man with the long beard and prophetic manner. Then he began to speak, and as he spoke, you began to feel deeply embarrassed that the sun had gone down, and you did not stop to notice.⁵

Exactly. Heschel wrote, “The root of any religious faith is a sense of embarrassment. It would be a great calamity for humanity if the sense of embarrassment disappeared, if everybody was an all-rightnik, with an answer to every problem. We have no answer to ultimate problems.”⁶

I try to read a little of Heschel every week during the Sabbath, and I wonder how he was able to formulate such unbelievable thoughts.

6. If you really want an authentic New York experience while you are in New York City, take three friends and go over to 7th Avenue and go into the Carnegie Deli. Order one piece of cheesecake and four forks. This, my friends, is the greatest cheesecake in the world, and you will devour it. It will be a wondrous experience!!

7. My mother is a Holocaust survivor. She and her sister Mary and her cousin Zsuzsi lived in Budapest and they were arrested by the Nazis simply because they were Jewish. Mom was nineteen. The three of them were pushed onto cattle cars and sent to the Ravensbrück concentration camp, then to

by these artists on Jan. 29, 1967 at the Hitsville USA studios. The song reached number nineteen on the Billboard pop charts, and moved up as high as number three on the R&B charts.

5. Professor Edward K. Kaplan of Brandeis University, one of the foremost biographers of Rabbi Heschel, wrote to me that this story “is commonly cited, but I don’t know specifically where that particular presentation comes from but that it...has become part of Heschel lore.”
6. Abraham Joshua Heschel, *Remarks on Yom Kippur in Mas’at Rav* (A Professional Supplement to Conservative Judaism), Aug. 1965, at 13-14, *reprinted in Moral Grandeur and Spiritual Audacity* 47 (Susannah Heschel ed., Farrar, Straus and Giroux 1996).

Freiberg, and then to Zwodau. At the end of the war they were part of the infamous Helmbrechts Death March, where 2,500 girls were forced to march in the winter away from advancing Allied troops and only 100 survived. Cousin Zsuzi died on the march—Mom and her sister lived—barely. Sometimes I look out my window for a long period of time and wonder how Mom survived.⁷

8. I think this is my favorite joke of all time. A man goes into an old shoe repair shop in the East Village and behind the counter is this old, grizzled fellow, unkempt, gnarled hands full of shoe polish, and the customer says, “The funniest thing—I was moving to another office today after years behind the same desk, and when I was cleaning out my stuff I found this claim tag for a pair of shoes I left here twenty years ago! Just for fun, I thought I would bring it in to show you.”

The old guy takes the ticket and looks at it, goes back into the work room filled to the ceiling with hundreds of pairs of shoes, and comes back and then looks up at the guy and says, “They’ll be ready Tuesday.” [Note—great laughter in the room.]

Every time I tell that joke I laugh, and others laugh, and I always wonder why that little joke is still so funny.

9. Now be honest—when you hear “Layla” by Derek and the Dominoes, with lead guitar by the great Eric Clapton, how many of you at one point or another play air guitar? Every time I hear it, I wonder how he was able to play that great signature riff over and over again. [Note—I actually played the opening ten or twenty seconds of the song on a small boom box—and again, to my amazement, many, many people in that crowded room held up their hands and admitted that like me, they have on occasion played air guitar along with Mr. Clapton.]⁸

10. I wear a green rubber wrist band that says “Save Darfur.” I wear this thing because I am embarrassed to be part of the human race while this goes on. Every day I look at it and I wonder how we have allowed this to continue.

11. I’m married now more than thirty-seven years to my beloved wife. We don’t make love nearly as often today as we did thirty-six years ago, but when we do, it is still fulfilling and incredibly tender, and I am filled with wonder about this amazing woman.

12. [Note—at this point of the talk, I put on plastic Groucho Marx glasses—black frames, large black bushy eyebrows, and a thick black mustache.]

7. For more about the Helmbrechts Death March, see Daniel Jonah Goldhagen, *Hitler’s Willing Executioners* 344–54 (Vintage Books 1996).

8. Derek and the Dominos, *Layla*, on *Layla and Other Assorted Love Songs* (Polygram Int’l Music B.V. 1970). Eric Clapton and Jim Gordon wrote the song in 1970, and it was recorded in August and September, 1970, in Miami by Derek and the Dominos with guest Duane Allman for the Atco label. The song was released twice, and reached number 51 in 1971 and then hit number 10 when it was re-released in 1972. It was ranked among the top 30 songs of all time by Rolling Stone magazine.

Most of the time, I try not to take myself too seriously. I wonder why people take themselves so seriously.

13. After years and years of study of the Torah, and of philosophy and the human condition, Rabbi Heschel, whom I previously mentioned as my spiritual guide, came to the realization that the most important part of life is wonder. Here's a quote:

Wonder rather than doubt is the root of all knowledge.... Wonder goes beyond knowledge. We do not doubt that we doubt, but we are amazed at our ability to doubt, amazed at our ability to wonder. He who is sluggish will berate doubt; he who is blind will berate wonder. Doubt may come to an end, wonder lasts forever.⁹

Conclusion

So here's what I think. I think that if law professors and law students alike would spend some time each day in wonder, if they would realize that when the sun rises and sets a great miracle has occurred, and that Willie Mays made a wondrous catch, and that Hershey's Dark is wonderful, and—well, you get the point. If each one of us would spend each day appreciating the wonder of it all, we would instantly have the balance we need, and we wouldn't need a special AALS section.

9. Abraham Joshua Heschel, *Man is Not Alone* 11–12 (The Jewish Publication Society of America 1951).