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Prophets in Reverse

MARTIN H. BRINKLEY

The historian is a prophet in reverse.

—Friedrich von Schlegel

Some twelve years ago, the *Harvard Law Review* published a comment examining the twenty diverse histories of American law schools that had been published up to that time.¹ The authors of the comment criticized the extant histories as exalting the Langdellian law professor, and accused them of painting law schools as illiterate, blundering backwaters before the gospel from Cambridge arrived in the form of Harvard-educated faculty members. The “unilluminating sameness”² of these accounts, the authors seemed to feel, stemmed in part from the sense that our school history “is not really a serious form of scholarship,”³ and in part from the seemingly inescapable temptation of writing the history of the institution as a paean to the professional law teacher. The cure to all this banality, according to the Harvard critics, was to start viewing law students and teachers as participants in a unique institution possessing a distinct social and ideological character.⁴

I wish to record here my firm belief that these pages do indeed portray the University of North Carolina School of Law as a unique institution. The editors’ decision to prepare this history from the individual literary efforts of nearly a score of persons, all of them more or less intimately connected to the law school, was made with the goal of painting a vast mural in diverse styles—ultimately a truer portrait of the school than any single individual could have created. Doubtless some will fault the whole for its multifarious approaches. Perhaps we have squandered a certain readability by declining to strip each contribution of its individuality. Yet we have thought it best, on

1. Alfred S. Konefsky & John H. Schlegel, Comment, *Mirror, Mirror on the Wall: Histories of American Law Schools*, 95 HARV. L. REV. 833 (1982).

2. *Id.* at 839.

3. *Id.* at 843.

4. *See id.* at 847-51.

the whole, to encourage the contributors to speak in their own voices, even as every member of the law school community is, we believe, encouraged to speak personally of her communion with the institution. We hope you will agree that, with such an end in view, certain small sacrifices were justified.

A harmless pleasure of this work has been my growing, and ultimately overwhelming, conviction that the University of North Carolina School of Law has given the lie to Emerson. It was he, after all, who thought that institutions were reducible to "the lengthened shadow of one man."⁵ If this history does nothing else, it surely shows that our law school and University are no single human being's intellectual or personal progeny. Unlike our sister in Charlottesville, we do not owe our conception to a father who emblazoned on us the vast sweep and thundering power of his own magnificent brain. We are the child of a whole people: the people of North Carolina. Their mark is upon us everywhere we turn, but we must look to find it—it does not leap out as a particular building designed in a favored style, or as a single dominating name or principle. I have always thought it significant that statues are not a prominent feature of our University or School of Law. It is not the cudgel of a single personality or group that we feel, but an inward strain of spiritual beauty that cannot be seen. I believe that inward strain is a history and destiny of intellectual freedom.

Like Athens was to Greece and Rome, our University and law school are an education to North Carolina. They have done much to enable our citizens to express themselves with grace and confidence. They do not seek distorted praises or exaggerated themes; they only require an estimation of the facts that will enable the people of North Carolina to gauge their true worth. To this goal the editors of and contributors to this history have pledged themselves. In this sense we, the chroniclers, are, indeed, prophets in reverse.

5. RALPH W. EMERSON, *Self-Reliance*, in *ESSAYS: FIRST SERIES* 35 (The Belknap Press of Harvard Univ. Press 1979) (1841).