

Joshua Dressler as Educator

Jeffrie G. Murphy*

Joshua Dressler's contributions to scholarship, particularly in the areas of criminal law and criminal procedure, are well known and respected; others in this issue will discuss those contributions. I and a few others have been asked to provide essays of a more personal nature—essays that look beyond his contributions to scholarship and consider other aspects of his career that have had an impact on others. I will here briefly discuss the positive impacts, both intellectual and personal, that he has had on me. I have learned many things from him—both intellectual and personal—that have improved me as a person and as a teacher.

Because of our separation by great distance and my age-related inability to do much travel to professional meetings or other academic settings, Joshua and I have not, alas, been able to develop as deep a personal friendship as I would have welcomed. We have, however, developed a reasonably deep friendship through our encounters at a couple of professional meetings (when I was still attending them), some rewarding email exchanges, and his presence at Arizona State University as a visiting faculty member in the spring of 2016. He taught both criminal law and criminal procedure for us, and I have heard—and will report here—how marvelous he is as an educator of law students.

Joshua is not merely a marvelous educator for law students, however, but—as my own personal experience reveals—a wonderful teacher for colleagues as well. I will offer two examples of this.

The first example is drawn from my first experience as a teacher of criminal law. I have spent much of my career writing on the philosophy of criminal law, but when I first joined the law faculty at ASU (I had previously been a member of the philosophy faculty) I did not want to be merely a teacher of jurisprudence, (philosophy of law) but wanted to be more central in our college's teaching program by teaching one "real" law course. So, I volunteered to teach first-year criminal law. I did this with much trepidation since I totally lacked expertise in such doctrinal matters as close Model Penal Code analysis. I was fortunate that I had audited Herbert Morris's criminal law class during my post-doctoral fellowship at UCLA, but I had little more than a vague memory of complex

teach a course in which I might wind up struggling myself.

* Jeffrie G. Murphy is Regents' Professor of Law, Philosophy, and Religious Studies at Arizona State University. His most recent book (Oxford University Press) is *Punishment and the Moral Emotions—Essays on Law, Morality, and Religion*.

While I was sharing some of my anxieties with a colleague who had taught criminal law many times, he suggested that I have a look at the current edition of Joshua Dressler's book *Understanding Criminal Law*. I followed up on that suggestion and it proved to be my salvation. I wound up being, I believe, a pretty good teacher of criminal law by letting that book be my guide in preparation for the course and for consultation during every unit of the course.

I must at this point apologize to Joshua for my admiring appropriation of his book as a device for teaching me criminal law so that I could teach it to others. I deprived Joshua of some royalties that year since I had no intention at that time of sharing with my students the book from which I was stealing. In later years, with an increase in my confidence, I did assign the book to my students as a supplementary reading to go with the assigned casebook for the class. That casebook was and remains *Criminal Law and Its Processes*—Kadish and Paulsen in my days at UCLA, and now Kadish, Schulhofer, and Barkow. Joshua's own criminal law casebook is first rate, but I use the one that I do for purely sentimental reasons of nostalgia since it was the book from which I first studied criminal law when the course was being taught at UCLA by Herbert Morris. So, I should probably apologize to Joshua again for costing him some much-deserved royalties.

The second example of how much I have learned from Joshua is drawn from a long review he did of the 1988 book *Forgiveness and Mercy* in which I wrote three chapters and Jean Hampton wrote two.¹ The book was a kind of dialogue. In my first chapter I expressed grave reservations about forgiveness, Jean responded to me in the second chapter, I responded to her in the third and defended something I called (unfortunately I now think) "retributive hatred," and she responded in the fourth chapter in which she expressed sympathy with retribution, but argued that my own understanding of retribution was deficient. I closed out the book with a brief chapter on mercy.

Joshua's review of the book was detailed and, on the whole, very favorable. I am sure that his strong review was of great assistance in the book's sales and its being taken seriously and opening up many rich discussions in both law and philosophy circles.

Joshua did, however, have one serious criticism of my contribution to the discussion of forgiveness. He suggested that my own support of forgiveness skepticism, and my celebration of such emotions as anger and resentment (even hatred) as responses to wrongdoing might come out of a defect in my character—a defect he labeled as an uncritical "macho" approach in what I had written.

Joshua was (and still is) of course much too kind and gentle a person—a truly nice man—actually to refer to my shortcoming as a character defect, but that is how I took it. In taking it this way I was forced to reflect on this criticism and over time came to think that he was almost certainly on to something that was of importance and something to which I should give serious thought. Nietzsche

¹ Joshua Dressler, *Hating Criminals: How Can Something That Feels So Good Be Wrong?*, 88 MICH. L. REV. 1448 (1990).

claimed that all philosophy should be seen as the psychological autobiography of its writer, and Iris Murdoch once said that the first question that one should ask of any philosopher is “what is he afraid of?” Joshua provoked me into asking that question about myself. Had I been self-deceptive in failing to see that I was really fearful of softer responses to wrongdoing and hiding those fears from myself, and if so why? My attempt to deal with this question has produced a gradual softening over the years of my rigid and harsh support of vindictive emotions in thinking about crime and punishment and has led to my defending a version of retributivism that makes no room for revenge or hatred. I have indeed moved so far from my earlier self that a few years ago at a conference a fellow philosopher (and friend) shouted out “traitor!” when I entered the conference room. He was an admirer of my earlier work on forgiveness and resentment and lamented the softening of my view that he had read in the paper I had sent in for the conference. The initial stimulus for the changes of my views, for better or for worse, can be traced back to that review by Joshua and all the reflections he prompted in me. He has thus been, in a very deep sense, a splendid educator for me.

An assessment of Joshua as an educator must, of course, involve his impact on those he is paid to educate: students who study law with him. He educates them well, of course, in the books such as *Understanding Criminal Law* that he has written. These books are a marvel of clarity and explain complex material in a way that does not oversimplify the material that he explains. The true test of teacher, however, is the performance of that teacher in the classroom.

After Joshua’s visit here, I heard in conversation with a variety of students that they felt honored to have been able to take a course with him and gave him nothing but high praise for every aspect of his teaching. Although teaching evaluations are generally not shared with other faculty members, the relevant administrator in my college allowed me to have a look at Joshua’s evaluations when I told her my reasons for wanting to see them for purposes of my work on the present essay. I will now share just a few representative examples of those evaluations in which students are responding to the question, *What was the most successful aspect of the course?*

“The Professor! He is one of the foremost authorities on the subject and you could see why. He is excited by the subject and gets the students excited too.”

“Everything was successful about the course. Professor Dressler is one of the most knowledgeable and effective lecturers I have ever experienced. He treats all issues, especially the sensitive ones, in an unbiased and thoughtful manner.”

“Truly excellent professor! He explained very difficult concepts clearly. I am so glad that he came to ASU.”

“The lecturer was first rate! He greatly aided my understanding of very difficult material and pushed me farther with the theoretical context in which he embedded that material. I felt lucky to be in his class.”

As should be obvious from the above, I hold Joshua Dressler in very high esteem. The worlds of scholarship and teaching have been very fortunate to have him in their worlds, and I have been a grateful beneficiary of the impact that he has had and will, I am confident, continue to have even after his retirement.