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The Pompous Professions

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POMPOSITY SEEMS to be a characteristic of many practitioners of the learned professions. Almost everyone knows that many physicians deem themselves to be the right hands of God, that many clergymen view themselves as shepherds of flocks of humans, that many engineers consider themselves to be the creators of human progress, and that many members of the other professions cling to similarly inflated self-infatuations. Many lawyers, for *their* self-estimate, are sure that they are the paladins of justice, and also often are vain of their intellectual prowess beyond all reasonable limits of objective evaluation. But for sheer breath-taking pomposity, few things can equal the lofty self-esteem of many law school teachers and administrators.

Not entirely unaware of their questionable egotism, and trying to compensate for it, lawyers often relish humor and satire that make lawyers and the law the butts. And most legal educators, too, occasionally enjoy ribald takeoffs on themselves; witness, for instance, the periodic presentations of satirical lampoons and operettas about legal educators, at A.A.L.S. meetings. These attempts at comedy, sometimes set to well-known music and sung by voices that seldom would qualify for The Met or La Scala, rarely are very funny in fact, though always well attended and loudly applauded.

The fact is that satire is a very difficult art form. The truly good satirists of all time can be counted on the fingers of two hands. Satire limited to a narrow-field, such as legal education, is a particularly difficult subject even for a gifted and experienced satirist. Probably the law professors and administrators attend and applaud the rather heavy-handed plays at the A.A.L.S. annual fiestas as a kind of mild catharsis for only dimly realized *id* idiosyncracies (*note,* for example, the very tendency in this very writer in this very sentence to succumb to the very fault that this very comment is commenting upon).

If there is any doubt of the pomposity of many members of the learned professions, all doubt can be removed by noting the typical eulogy given to a newly deceased lawyer just before the hearse horse snickers and hauls him away. Everyone knows, of course, that lawyers live (professionally) by maxims; and one of the chiefest of the maxims is *De Mortuis Nil Nisi Bonum* (meaning, *Never Speak Ill of The Dead*—loosely translated). Also, most men-of-the-world know that this maxim is baloney and leads mainly to creation and perpetuation of lies about the departed one ("the loved one" is the modern term—which term itself

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neatly illustrates the point I'm trying to expound). My firm belief is that the main purpose of the eulogy is to emphasize those characteristics which the late-lamented one distinctly did *not* have. The idea is that, by a kind of *nunc pro tunc* sympathetic magic, the eulogist will endow the spirit-memory of the one-just-gone-west with those qualities which he should have ought to (but didn't) have (had).

For example, when Physician X, a well-known tightwad, dies, the eulogist must and will dwell on X's *generosity.* Or, if Engineer Y shuffles off this mortal coil after a life dedicated to the acquisitive pursuit of the almighty buck, he is sure to be described as "a man to whom money meant *nothing*" (plus, maybe, "except for what he could do for others with it"). Or, if he was a cynical misanthrope who often said "the more I see of people the more I like my dog," the eulogist will describe him as "a man who *loved people.*"

Just so, in the eulogies for a law professor who has just passed on, to his reward, and who considered every law student to be a damn nuisance who interfered with his enjoyment of his tenured privileges, the eulogist must say, "His door was always open to every student, whether at the school or at his home; and *his warm affection for the students* made him loved by all of them. A very Mr. Chips, he was."

Turning to the more animated aspects of law professors and decanal officeholders, consider the straight-faced comedy of many faculty meetings. At these periodic group therapy sessions the dean almost invariably emphasizes that, of course, he is only *Primus Intra Pares* (First Among Equals). But let any one of the faculty take him literally, and try to act like a *Pares,* and watch the dean's lips grow thin. Then, at the next budget and faculty salary setting time, Professor Pares will be subtly told what the truth for his time is—and it ain't any substantial raise in his salary. But, at that same faculty meeting, if Professor Heap dwells, moist-eyed, on the wonderfulness and awe-inspiring leadership qualities of the good-dean (one word, like damn-yankee), Professor Heap is likely to reap a nice raise, come next salary setting time. And the good-dean is pretty sure to think to himself, "above all I must never forget to cling to humility; *noblesse oblige,*" and, "that Heap has a lot of sense; definitely one of my better faculty men."

Never having attended or taught at Haryalcol University, I do not know what pomposities inbreeding and the aristocratic tradition produce among Haryalcols in their native habitat. I am only a "lil ol country boy" at heart, though born in Manhattan. But I have observed many Haryalcol alumni on faculties of my present, and other schools and at meetings on neutral ground. The *amour propre* of some of them has to be seen to be disbelieved. Forty years after acquiring his LL.B. from Haryalcol U. (and a job at Podunk U. Law School mainly on the strength of that prestigious background) our old Haryalcolon is still

prefacing every third sentence he utters with, "Now, at Haryalcol University, the view is that. . . ." In all his forty years of collecting salary, fringe benefits and kudos at Podunk, our Haryalcol alumnus may never have done anything more than meet his classes more or less regularly, and write several regurgitation-type law review articles, plus some cruel or ingratiating book reviews. But he, and some of the overawed colleagues on the Podunk faculty, have not the slightest doubt of his indubitable status as leader of the lesser breeds without the law training of Haryalcol U. *Note:* for Haryalcol U., write in your own status equivalent, if you prefer—maybe Stanginia, or Michnell, etc.).

Or, consider the faculty member WHO HAS HAD A BOOK PUBLISHED. I'm not talking about mere law review articles, even those of 200 pages length published in three installments. I'm talking about the prof. who has had published a real, honest-to-gosh BOOK (hard cover bound; paperbacks are definitely *nouveau* and faintly *gauche*). Just watch him as he addresses his colleagues. Note the easy half-smile, and ever-so-subtle tone of condescension. And note the barely concealed jealous resentment on the faces of the non-book-producers. When two or more book-producers get together they metaphorically circle round and round, each sniffing the other to see if *his* book(s) really matches up to *his*.

One pomposity that is painful to see is that of some faculty members from prestigious schools when they meet faculty members from schools that are low on the academic totem pole. The "elect" one, who may be a young squirt just out of school and wet behind the ears, may be talking to an old trouper who has all kinds of background and know-how and ability. Yet, the "elite" one often tries so hard to be democratic, and the "social-inferior" oldster often tries so hard not to be brittle or aggressive, that the conversation is stiffly awkward. Both are just a little relieved when it is over; the one because *noblesse oblige* requires politeness but he fears that people may think . . . "birds of a feather . . . , you know . . . "; and the other because he knows that he must not, must not, must *not* say anything that suggests that the chip on his shoulder bites into a nerve there. The sad thing is that each would be truly hurt to be told that he is being pompous in his own way.

Returning for a moment to the Haryalcol-grad professor or administrator, it sometimes is interesting to notice a peculiarity of expression and manner that is common to some (not all) of these. This is what I call *The Mona Lisa Smile.* These boys talk with a sort of faint half smile at all times, their eyes always looking over the head of the one they address, as though they really were talking to an invisible being floating just above and behind the addressee—either an angel, or God Himself, perhaps. The smile suggests a private joke between the speaker and the invisible being, that the actual addressee could not possibly understand,

even if he himself is a Haryalcol grad. The effect on a person from another school is either devastating or infuriating, depending on his psychic response to "fight-or-flight" stimuli. But for sheer unadulterated irritation-manner, The Mona Lisa Smile manner is pure poetry in pomposity.

The opposite side of the coin of Mona-Lisa-ism might be called *The Silent Growl* complex. Silent Growl types are the lads who made-it-the-hard-way-brother-and-don't-you-forget-it. These are the boys who are forever conscious that they did NOT go to Haryalcol U., nor even to the *main* center of Euphoria State University, but only to Serendipity State U.—one of the branches of the State University of Euphoria—to wit, Serendipity Law School. These boys are polite to the Haryalcol grads and Michnell and Stanginia-alumni profs, but grudgingly so, very grudgingly. Behind their every exchange of words or ideas with the Mona-Lisas growls silently the thought, "what have you got that I haven't? Nothing but the goddam old-school-tie. *I worked my way up.*" And if the growler went to evening school, oh, brother . . . ! We had better draw a discreet veil of silence over the secret thoughts of the few professors who somehow *made it* even though they are graduates of *unaccredited* law schools, or (perish the thought) who "read law" and have no law degree at all at all. The Silent Growlers can out-pompous the most pompous Mona Lisas. After all, each one of them knows, and frequently lets everybody within earshot know, that "I damn well made my *own* way, I did; and started from *nowhere,* brother. Nobody gave me *nothing.* And-don't-you-forget-it." The log-cabin and Abraham Lincoln tradition lives on in the Silent Growlers, and on, and on, and on.

When a law professor meets an ordinary practitioner, the talking-down of each to the other often is delightful to observe. The professor patronizes the hack-lawyer (one word, again) as a mere day laborer in the vineyard of law. In turn, the practitioner patronizes the dewy-eyed-theorist-ivory-tower-monastery-dweller as a mere babe in the woods of law. Each is unctuously polite, in so doing; but it is a pity that English does not use the caste-indicating *du* and *Sie* of German or the *tu* and *Usted* of Spanish. That would really thicken the stew. What a pity that we don't have the equivalents of *Gnädige Herr Professor,* or *Herr Doktor Professor,* or *Senor Abogado, Apoderado,* or *Procurador,* or *Messieur Procureur, Avocat,* or *Avone,* or *Herr Bevollmachtiger, Anwalt,* or *Rechtsbeistand,* or etcetera. Think of the nuances possible when using lovely words like those.

When judges, public officials, professors, and practitioners get together in one jam session, the results sometimes are hilarious to the objective observer. The judge may view all others as his deep inferiors. The professor may view the judge as (a) stupid, (b) lazy, (c) a political toady, (d) ignorant of everything new in the law, etc., etc. The prac-

titioner may view the judge as (a) stupid, (b) lazy, (c) a political toady, (d) ignorant of everything new in the law, (e) a sadistic bully, etc., etc. And so it may go, while the minuet of good manners proceeds in stately measures, and each may secretly sneer at the others. Of course, this is not *always* so. Now and then a saintly soul in the crowd *does not* feel this way. And after a number of alcoholic libations to various totems or groups or persons, the mutual toleration and respect may melt into downright affection (and, occasionally, love). The point, however, is, that often each caste is certain of its superiority, and lets the other castes know it, more or less subtly depending on the character and/or capacity of the individual.

Unawareness of the humor of his affectation is an essential aspect of the true stuffed shirt. The interplay of doctor vs. lawyer language neatly illustrates this fact today, when 75 percent of legal claims involve medico-legal questions.

The lawyer, of course, says, *trespass quare clausum fregit,* when he means "he came on my land without permission." So, too, the physician is trained mainly by memorizing a special occult-Latin-sounding jargon with which to say "the kneebone's connected to the thighbone," etc.

For example, to a physician a bruise is a *hematoma,* not a bruise. The good leech, asked to tell a jury about how the defendant bashed the plaintiff and gave him a black eye, will say, "The dorsal surface of the defendant's metacarpo-phalangeal capitate and hamate were propelled into contact with the plaintiff's rima palpebarum and dorsum nasi, resulting in a hematoma of his sulcus infrapalpebralis."

Parenthetically, a curious sidelight of the *medical* doctor's status is the awe of laymen in collateral matters. The medic, though he may be skilled almost solely in lancing a boil or prescribing aspirin for headaches (and perhaps ignorant of all else except how to avoid income taxation), is usually sure to be asked to serve as one of the town committee appointed to deal with architectural, governmental, social, and economic problems. He may not know Adam Smith's from Smith and Wesson products, but quite often that in no way diminishes his certainty of his own knowledge about practically anything.

Likewise, the p.i. lawyer buys medical books, attends medicolegal symposia galore, and learns enough medical jargon to convince himself that he knows more about medicine than most M.D.'s do. The cross-examination of a man-in-white (actually, in light green, nowadays) often sounds like a debate between a modern Aesclapius and a budding Hippocrates. And the most delightful thing about it is the absolute seriousness with which the M.D. and the J.D. (or, LL.B.) carry on their scholarly debate.

The ultimate in pomposity is found in the Halls of Academe, of course. There the law professor feels that he is in his very own lair, and

is vibrantly instinct with the primordial territorial-imperative. This is *his* turf, and any student who once forgets it will feel fang and claw pretty quick, and probably often thereafter. Naturally, the main arena is the classroom of the good-professor (one word, again). Here, the academic lion, literally as well as metaphorically, meets his meat and savors it to the point of satiety. Moreover, he may eat a large kill on any given day, but is not thereby so filled that he cannot or will not slay again the very next day, or the very next minute in some cases. (Don't you just *love* metaphors!)

Here, in the name of "dedication," "duty," "a professor's function," "protection of the public from persons unfit to be trusted with the lives or fortunes of other men," or what have you, the professor lords it over the students. What fun!

For example, the good-professor asks Mr. Smith (a student) what he understands to be implied in Rule 10 X-B-6 of The Code of Hammurabi and its influence on the syncretic evolution of Regulation 29376 of I.R.S. Code of 1894, Section Gimmel—in conceptual terms, of course. When Mr. Smith murmurs a numb negative, the pomposity flows like Niagara, with pounding waterfall effect on Mr. Smith, who figuratively stands naked on a pointed rock at the bottom of the falls.

"Imagine," intones the good-professor acidly, "just *imagine* that! What did they teach you in college, Mr. Smith? You *did* go to college, didn't you? Was it Barber College? And you say that you can't read cuneiform! What about Latin, Greek, or Sanskrit? Not those, either! And they call these young people 'educated' today! Educated in what?—pot smoking, the frug, or the shingaling? Or is it the preparation and use of LSD? But you did read the case, Mr. Smith, didn't you? Speak up, Mr. Smith, this is not a course in underwater basket weaving. Are you in a state of shock, Mr. Smith?" etc., etc., etc. The good-professor has himself a ball, while Mr. Smith wishes him dead, dead, dead, and wonders why he didn't have sense enough to major in embalming when he had the chance, instead of this sadistic idiocy.

One growing type of pomposity is that of the former law dean, now returned to teaching work. "Wouldn't take the dirty job (of deaning) again for all the money in the world," he intones solemnly, sounding for all the world like W. C. Fields in his most alcoholic-dudgeon-of-dignity-act. Considering that six or seven deans quit (or are canned) (they seldom seem to *die in office*) every month, this counterpoint of Dirksen-toned disclaimers is becoming a major part of the law school world symphony. But all the while, the exdecanal-potentate is thinking to himself, "They'll never get a gem like me again. Dean X (the new incumbent) is tolerably good, but not really up to my level, really." (As everyone politely agrees, "There'll never be another you, as dean"; though *anyone* ever could be, in his own opinion of himself.) And adding a silent but fervid "Thank God."

We could go on and on, of course. The range and scope of pomposity in the learned professions, and especially in law teachers, has only been suggested, not even sketched. In a sense this phenomenon is an inevitable, and probably necessary, part of the functioning of a law professor. He has to be supremely sure of his knowledge, ability, and skill, in order to be a good law professor. He almost *must* be an egotist and a prima donna, in order to be the kind of half-genius-half-ham who makes a good law teacher. Humility may be sweet to behold, but in a law teacher it usually will get him frequent abrasions and lacerations rather than any affirmatively desirable results. "The meek shall inherit the earth," says the Bible; but they haven't yet, and the date when they will seems to be receding ever further into the future.

So, for now, don't knock pomposity, but remember what the great sage said—which was, "nice guys finish last." Sadly, it seems that that is, as yet, the truth for our time. I don't say that I like it that way, but suggest that ignoring of unpleasant facts seldom makes them go away.

So, here's to pomposity and its positive effects. A man who can be pompous and arrogant about his abilities, every day, and who thinks he is the anointed one of his profession, can't be all bad. Can he?! The irony is that the students usually *do* study hard in *his* classes, and the pompous prof. usually *does* produce good results.

Yes, he does. He may not be beloved, but he gets the job done. And that's something, in this age of confusion, rebellion against everything, uncertainty, and society-in-a-heck-of-a-flux.

So, one more time, here's to pomposity in the professions. It will have to do until something more effective comes along. Besides, we have to see some value even in our weaknesses (don't we?) if we are to live with ourselves. The alternative might be a universal death wish among members of the learned professions, if they beheld themselves with coldly appraising eyes, rather than asking, each morning as they shave, "Mirror, mirror on the wall, who is the fairest one of all?"