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2012]

Martin Luther King, Jr. Lecture

LAWYERING AS PEACEMAKING

ANGELA P. HARRIS*

ON December 11, 1964, Martin Luther King accepted the Nobel Peace Prize with a speech titled “The Quest for Peace and Justice.”¹ Dr. King named three great evils of the time—racial injustice, poverty, and war—and argued that all three are rooted in the same problem: a terrible gap between humanity’s technological sophistication and its impoverished moral and spiritual development. In King’s words, “There is a sort of poverty of the spirit which stands in glaring contrast to our scientific and technological abundance. The richer we have become materially, the poorer we have become morally and spiritually.”²

In King’s view, the greatest technology humankind possessed to close the gap between our material riches and our spiritual impoverishment was nonviolent struggle. As King acknowledged, it was the successful deployment of nonviolent struggle against segregation in the American South that had brought him the Peace Prize. Though violence can successfully end repression, King noted, it always carries a cost: “It creates bitterness in the survivors and brutality in the destroyers.”³ In contrast, nonviolence is “a weapon unique in history, which cuts without wounding and ennoble the man who wields it.”⁴ King elaborated:

The nonviolent resisters [in the civil rights movement] can summarize their message in the following simple terms: we will take direct action against injustice despite the failure of governmental and other official agencies to act first. We will not obey unjust laws or submit to unjust practices. We will do this peacefully, openly, cheerfully because our aim is to persuade. We adopt the means of nonviolence because our end is a community at peace with itself. We will try to persuade with our words, but if our words fail, we will try to persuade with our acts. We will always be willing to talk and seek fair compromise, but we are ready to suf-

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1. Martin Luther King, Jr., *The Quest for Peace and Justice* (Dec. 11, 1964), available at http://nobelprize.org/nobel_prizes/peace/laureates/1964/king-lecture.html.

2. *Id.*

3. *Id.*

4. *Id.*

fer when necessary and even risk our lives to become witnesses to truth as we see it.⁵

King's philosophy of nonviolent struggle, as this excerpt suggests, was founded on the assumption that white and black people in the South and in the United States overall were one community, though a community divided against itself. Turning his attention to poverty, King asserted, even more boldly, that all humanity constitutes a single community:

In the final analysis, the rich must not ignore the poor because both rich and poor are tied in a single garment of destiny. All life is interrelated, and all men are interdependent. The agony of the poor diminishes the rich, and the salvation of the poor enlarges the rich. We are inevitably our brothers' keeper because of the interrelated structure of reality.⁶

As for war, King pointed out that wars between nations had become increasingly risky and pointless given nuclear armaments and the possibility of global self-destruction. For him, however, the quest for peace did not involve simply a negative vow to stop waging war. "It is not enough to say 'We must not wage war.' It is necessary to love peace and sacrifice for it. We must concentrate not merely on the negative expulsion of war, but on the positive affirmation of peace."⁷

King argued that each of these struggles—against racial injustice, poverty, and war—was rooted in the most profound moral and spiritual technology of all: love. "Love is somehow the key that unlocks the door which leads to ultimate reality."⁸ Love is the principle that emerges when we fully realize that all humans—and today, mindful of looming ecological catastrophe, we might emphasize "all life"—are linked in a web of interdependence. Love is what makes possible the full realization of community.

I am honored and humbled to have been asked to give a talk in Martin Luther King, Jr.'s name.⁹ I will use the invitation to explore the relevance of King's 1964 speech to us today, in 2011, in a law school setting.

We can probably agree that despite the passage of nearly fifty years since his speech, racial injustice, poverty, and war are still with us. We can probably also agree that the gap King lamented between our scientific and technical knowledge and our ability to live together in peace and justice is as wide as ever. What might be controversial is whether King's assertion

5. *Id.*

6. *Id.*

7. *Id.*

8. *Id.*

9. I am also gratified by my new affiliation with the law school at the University of California, Davis, a school that christened King Hall in honor of Dr. King. These comments are also dedicated to my King Hall colleagues-to-be, and to one friend who will never be my colleague. Professor Keith Aoki of King Hall died in April 2011, three months before I was to officially join the faculty. The world has lost a powerful advocate for peace, love, and rock 'n' roll.

that love and peacemaking are the answer is properly addressed to lawyers. I want to argue that it is. First, however, I want to identify some barriers that might prevent us from realizing it.

One important barrier between King's exhortations of love and peace and a legal audience is, of course, the principle represented in First Amendment jurisprudence as "separation of church and state." King was a Christian, and his commitments to peace, justice, and love grew out of that identity. But lawyers work in the public sphere, which must accommodate people of many faiths as well as people who identify with no particular faith. Professor John A. Powell has written brilliantly of this wall between "spirituality" and "social justice," and rather than repeat his comments I will simply refer readers to his work.¹⁰

In my talk, I want to examine two other barriers that prevent lawyers from hearing King's message about the centrality of love and peace—barriers founded in law's lingering attachments to gender hierarchy and to a vision of war as the default state of humankind. I will argue that "love" in our culture has been feminized, which means that it has been diminished and belittled in the way that all qualities and practices associated with "the feminine" have been diminished and belittled. Love and law seem odd bedfellows because legal culture has incorporated much of this patriarchal ideology. I will also suggest that "peace," in the political culture that undergirds legal culture, is understood conventionally as the absence of war, and that legal advocacy unthinkingly embraces the assumption that struggle and conflict are best framed by the concept of war-making rather than peacemaking.

Legal culture and lawyering, however, need not continue to heed these barriers to taking King's message seriously. I will end by suggesting that we as lawyers and law students would do well to think of ourselves as belonging to a profession of "peacemaking," and that from this angle, love may seem not so distant from law after all.

I.

It may seem odd to suggest that love has been diminished and belittled in contemporary culture when a great deal of evidence suggests that contemporary Americans are obsessed with love. The trade paperback best-seller lists are loaded with titles on how to get love; how to keep love alive; how illness, death, and injury can be redemptive by leading to deeper experiences of love; how dogs can help us love; and how having love pretty much solves all of life's problems. It has become a tenet of modern popular culture that a human being's life is not complete until he or she has found love. Yet love, even while it is constantly held up to us as the most important goal for all humans, feels like an inappropriate subject

10. John A. Powell, *Does Living a Spiritually Engaged Life Mandate Us to Be Actively Engaged in Issues of Social Justice?*, 1 U. ST. THOMAS L.J. 30 (2003).

to broach in a law school context. One reason, I believe, is that love has been gendered female.

An important characteristic of the contemporary American popular understanding of “love,” both romantic and parental, is that it is thought to be especially important for and to women. Our culture is and remains aggressively heterosexual, so it’s not as if we think lesbian love makes the world go ‘round. Instead, women and men are supposed to love each other, and both are supposed to love their children. At the same time, women’s job is romantic love and motherly love in a way that everybody understands. How is this true? Love is gendered female through its connection with what theorists call the ideology of domesticity.

The central idea in the ideology of domesticity is that the social world is divided into two spheres, public and private, which correspond to two sexes, male and female. Men rule the worlds of politics and markets while women rule the world of home and family. The world of home and family, in turn, is the site of romantic and motherly love.¹¹ In nineteenth-century bourgeois domesticity, the home represented a haven in the heartless world, where a working man could retreat at the end of the day and be tended to by his wife, the Angel of the House. A wife’s job was to care for others, to nurture spirituality and tenderness in the entire family, and to edify and educate her children and her husband with the cultivation of sentiment.

We no longer talk exactly in these terms, and yet twenty-first-century domesticity similarly makes women the love and tenderness experts. A whole raft of popular Hollywood comedies reaffirms this point in the context of romantic love. “Chick flicks” directed at female audiences instruct women that their lives are incomplete unless and until they can find a man. “Guy films”—made by people like Judd Apatow and starring actors like Adam Sandler, Michael Cera, and Will Ferrell—celebrate the pleasures undomesticated men enjoy with each other, but at the end of the story the proper man-child always “grows up” by coming home to his wife or girlfriend and accepting his need to be domesticated by her. Trying to stay a “playboy” too long is always a mark of failure and pitiableness.

Another strand of popular culture focuses on the specialness of motherly love. Although a tiny “daddy love” literature is developing, television and magazines mostly focus on the importance of “moms.” Whether she’s a “Tiger Mom” or a “Self-Esteem Mom,” a mom’s most important job is to love and care for her children, to give them every material advantage, and to sacrifice for them if necessary to make sure that they succeed. Next to romantic love, motherly love is the most important experience in a woman’s life. A telling emblem of this belief is the insistence, especially in

11. See, e.g., JOAN WILLIAMS, UNBENDING GENDER: WHY FAMILY AND WORK CONFLICT AND WHAT TO DO ABOUT IT 1-4 (2001) (describing nineteenth-century domesticity and arguing that domesticity remains alive in twentieth-century American life).

gossip magazines and women's magazines, with which female celebrities who are entertainers, entrepreneurs, or politicians—people who have worked incredibly hard to get where they are—always say they receive the most fulfillment in life from becoming and being moms. As one author notes, “stay-at-home” and “working” moms are frequently pitted against one another in a contest for “Best Mom.”¹² But this competition and the intense feelings of guilt, shame, and rage it arouses in women are themselves a testament to the central importance for women of being moms, and good moms. There aren't any “daddy wars.”

Another aspect of the feminization of love is its linkage with consumption, which is also gendered female. As many scholars have observed, femininity and shopping have been linked in popular American culture at least since the late eighteenth century, when advertisers began to target women as key household decisionmakers.¹³ Today, marketers teach even the littlest girls that to be a girl is to enjoy shopping.¹⁴ In today's advertising-driven culture, both romantic and motherly love are understood to be major opportunities for buying stuff, whether it's the perfect “princess” wedding dress or the perfect double stroller.

The convergence of gender and shopping has contributed, I believe, to the individualistic, if not self-absorbed, understanding of romantic love that holds sway in popular culture. Both romantic and parental love are understood as primarily private and personal; they are transformative experiences, but they are also subjective and individual experiences. They make us happy, and everyone these days is pursuing happiness—defined as subjective feelings of pleasure.¹⁵ Even the popular culture sources that encourage us to be altruistic—to commit “random acts of kindness,” as the slogan goes—justify altruism, kindness, and compassion by an appeal to subjective happiness. Love for others is good because it will make us personally feel good.

This individualist vision of love is tailor-made for a culture focused on consumption. The popular culture version of romantic love that we find in the media is usually enmeshed with narcissism—also known as “getting your needs met.” When we talk about love in popular culture, we are encouraged to focus on ourselves, on our egos, and on what we want and need and expect. The self that looks for love is the preference-satisfying self of shopping, the self that wants exactly the right shoes or the perfect

12. *See id.* at 145-76 (discussing conflicts among working and stay-at-home mothers).

13. *See generally* LORI MERISH, *SENTIMENTAL MATERIALISM: GENDER, COMMODITY CULTURE, AND NINETEENTH-CENTURY AMERICAN LITERATURE* (2000) (exploring links between consumerism and female identity in American cultural history).

14. *See generally* SHARON LAMB & LYN MIKEL BROWN, *PACKAGING GIRLHOOD: RESCUING OUR DAUGHTERS FROM MARKETERS' SCHEMES* (2006).

15. *See generally* BARBARA EHRENREICH, *BRIGHT-SIDED: HOW THE RELENTLESS PROMOTION OF POSITIVE THINKING HAS UNDERMINED AMERICA* (2009) (discussing polemic against pervasiveness of “pursuit of happiness” in contemporary American culture).

kitchen. (Oddly enough, this self, which is popularly identified with women, seems coextensive with the notoriously male Rational Maximizer dear to neoclassical economics.)

It is important to note that in both its nineteenth- and twenty-first-century versions, the ideology of domesticity is formally committed to sex equality: love and work are equally important, and this is all the more true today when most young women expect to work for wages as well as to be moms. Yet even if this claim of equality is taken at face value—and feminists have argued that beneath the declarations of equality is a hierarchy that subordinates women and all things female to men and all things male—domesticity’s conception of the public-private divide sharply delineates the world of girls, love, and shopping from the world of men, politics, and economic production. The nineteenth-century version of domesticity portrayed women as too soft and fragile to be capable of the hard-driving masculine qualities necessary to make it in political and economic life. Today, though women now expect to work for wages, the gendered dichotomies that separate public and private persist. We continue to think of market discipline as tough, and foreign and domestic policy as tougher. We like and expect our politicians and economic titans to talk tough, because the markets and political life have no room for human frailty. As our public fascinations with Hillary Clinton and Sarah Palin show, we’re still not sure as a country whether women have what it takes to be political leaders. And the lack of many female captains of industry makes it clear that in corporate America, women still don’t have what it takes. In the public worlds of politics and economic production, there remains a silent skepticism both about women and the things that are supposed to enter the room when they enter: love and caring.

This skepticism is carried into the legal world. As several commentators have shown, the values of empathy and caring are thought to be in tension with, if not antithetical to, legal values.¹⁶ Judges, lawyers, and law students are expected to be tough and tough-minded. If you want to be loving and caring, you ought to go into social work or nursing (both overwhelmingly female professions), not law. Even within legal culture, equity is subordinate to law and clemency secondary to justice. Dependency and interdependency are also marginal to legal theorizing, even though all of us begin our lives—and often end our lives—profoundly physically dependent on others.¹⁷ The “liberal legal subject” is supposed to be independent and autonomous, the person who stands on his own two feet. For instance, though there are a lot of them around, children just don’t fit into the law as subjects; adults have to be found to speak for them.¹⁸ The marginalization of empathy, relationship, and dependency in law marks

16. See generally ROBIN WEST, *CARING FOR JUSTICE* (1997).

17. See generally MARTHA ALBERTSON FINEMAN, *THE AUTONOMY MYTH: A THEORY OF DEPENDENCY* (2005).

18. See Annette Ruth Appell, *The Pre-political Child of Child-Centered Jurisprudence*, 46 HOUS. L. REV. 703, 708 (2009).

the ideal legal subject as male, and devalues the activities of care and relationship building and relationship maintaining that have been marked female. In this way, as well, love and law—we imagine—are incompatible.

II.

King's focus on peace, as well, feels awkward in a law school setting, and I think one reason has to do with political theory.

In the Western tradition, war has been understood as the very foundation of politics and thus as the foundation of society. Think, for example, of Thomas Hobbes, viewed by some as the founding father (hmm) of political philosophy. Hobbes famously wrote in his great political tract *Leviathan* that, for humans, the state of nature is a state of war, a war of all against all, and that in this state of total war man's life is "solitary, poor, nasty, brutish, and short."¹⁹ For Hobbes, peace and security only come about when an overarching authority, the sovereign, appears and monopolizes the right to violence that otherwise would destroy everyone. The rule of law is an outgrowth of this monopoly of violence. In this view, peace is only the absence of war. Peace is fragile, and peace is secondary to the founding and enforcing violence of sovereignty that makes it possible. Peace is the outcome only if you properly maintain the structures of power, if you keep the lid down tightly over the anarchy that's always ready to break loose.

Law's roots in political theory closely tie it to Hobbes's vision of peace as the temporary absence of war. As a historical matter, international relations and international law emerged from and are rooted in the law of war.²⁰ The conventional view of international law continues to frame it in Hobbesian terms: international law is questionable as law because there is no world government, no world sovereign that can impose norms through coercion on sovereign states and thus end the ever-incipient war of all against all.

In the rhetoric of legal culture, as well, the language of war is much more pervasive than the language of peace. For example, the language of war is popular in criminal justice. The most obvious example is the "War on Drugs," first declared by President Nixon in 1971 but carried on throughout the 1980s and 1990s. As one commentator notes, most recently the War on Drugs has been joined by a "war on sex offenders."²¹ Wars on social problems instituted by and through legal means are seemingly politically appealing.²² Finally, not only criminal lawyers, but all

19. THOMAS HOBBS, *LEVIATHAN* 89 (Richard Tuck ed., Cambridge Univ. Press 1996) (1651).

20. See generally RICHARD TUCK, *THE RIGHTS OF WAR AND PEACE: POLITICAL THOUGHT AND THE INTERNATIONAL ORDER FROM GROTIUS TO KANT* (1999).

21. See generally COREY RAYBURN YUNG, *The Emerging Criminal War on Sex Offenders*, 45 HARV. C.R.-C.L. L. REV. 435 (2010).

22. In contrast, the 1960s War on Poverty and the 2000s War on Terrorism were largely mounted through policy and military means, respectively.

kinds of lawyers—especially litigators—often treat practice as war. Lawyers talk about “scorched earth” policies in litigation, and the adversary system—note the name—has long been understood as a form of battle. Moreover, it is litigation that we treat in law school as the exemplary kind of lawyering. The transactional lawyer, the counselor, the negotiator—none of these get the attention or the glamour that the litigators get. The first year of law school, as every law student knows, is designed around the case system, which focuses attention on adversarial trial practice despite the fact that most cases, both civil and criminal, settle. If litigation is the frame for understanding law, it is not surprising that the image of the warrior should be central to our understanding of lawyers. The lawyer as gladiator is an image that is therefore hard to shake, despite its lack of foundation in the actual lives of most lawyers.²³

III.

So what could King’s vision of peace and justice as rooted in love possibly have to say to lawyers? In this last section of my talk I will suggest that King’s understanding of peace and love is relevant to lawyers’ work in two ways: to the ends of law, that is, justice; and to the means of law, that is, how we lawyer.

Let’s first talk about the ends of law and the relationship between peace and justice. In the Hobbesian world that mainstream law has embraced, as I’ve suggested, peace is the absence of war. But King, as we have seen, explicitly adopts another view of peace:

[W]e must fix our vision not merely on the negative expulsion of war, but upon the positive affirmation of peace. We must see that peace represents a sweeter music, a cosmic melody that is far superior to the discords of war. Somehow we must transform the dynamics of the world power struggle from the negative nuclear arms race which no one can win to a positive contest to harness man’s creative genius for the purpose of making peace and prosperity a reality for all of the nations of the world. In short, we must shift the arms race into a “peace race.”²⁴

King’s understanding of peace lives on today, but the “arms race” language of his time has receded, while the importance of “empowerment” has grown. Looking for contemporary definitions of peace, I stumbled upon this one on Wikipedia:

23. The image of lawyer as gladiator brings us back to the male gender images pervasive in legal culture and legal practice. See Susan P. Sturm, *From Gladiators to Problem-Solvers: Connecting Conversations About Women, the Academy, and the Legal Profession*, 4 DUKE J. GENDER L. & POL’Y 119, 122 (1997) (suggesting that notion of “lawyer as gladiator,” rather than “lawyer as problem-solver,” heightens gender bias in the legal profession).

24. King, *supra* note 1.

Peacemaking is a form of conflict resolution which focuses on establishing equal power relationships that will be robust enough to forestall future conflict, and establishing some means of agreeing on ethical decisions within a community that has previously had conflict. In order to do so there must be reconciliation among adversaries by bringing understanding to both parties. When applied in criminal justice matters it is usually called transformative justice. When applied to matters that do not disrupt the community as a whole, it may be called mindful mediation.²⁵

This contemporary understanding of peacemaking echoes King's in at least three ways. First, like King's vision, it is positive rather than negative. Peace is not just the absence of war, or the failure to suppress war. It is the result of a positive activity, "peacemaking."

Second, this definition endorses King's connection between nonviolent struggle and community maintenance. Peacemaking is not only an interpersonal activity undertaken by individual adversaries; it's about building institutions and relationships within which future group conflicts can be resolved. Understood this way, peacemaking has to be attentive to power.

Third, peacemaking in this definition is inseparable from the idea of justice. As we know from experience, a new political consensus within a community that has been divided can't emerge without an accounting of past injustice.²⁶ The work of peacemaking from this perspective requires not just establishing a sovereign with superior power to keep civil war from erupting. It involves the work of reconciliation—developing a shared understanding about the injuries that occurred in the past, and incorporating that understanding of past harm into the new power relations we are structuring in the present. This is the world of state-building, reparations, and restorative justice. For if we are content with peace as the absence of war, then Topeka, Kansas in 1953 was a peaceful place.

This last point suggests that peacemaking is not necessarily conciliation. Recall that Dr. King in his time was widely viewed as a troublemaker, an instigator or "outside agitator," a person who stirred up resentment, and a person who was trying to breach the peace. But in King's view, the world of Jim Crow was not a peaceful world, because the basic conditions for peace—equal power relations; a common understanding of the past, present, and future; and a justice system legitimate in the eyes of all—were missing.

And although King was willing to go beyond law, his understanding of peace has import for lawyers, too. I will leave for another day the question of whether lawyers can and should ever participate in civil disobedience,

25. *Peacemaking*, WIKIPEDIA, <http://en.wikipedia.org/wiki/Peacemaking> (last modified Nov. 8, 2011).

26. See generally ERIC K. YAMAMOTO, *INTERRACIAL JUSTICE: CONFLICT AND RECONCILIATION IN POST-CIVIL RIGHTS AMERICA* (2000).

and simply observe that King's three-fold vision of peacemaking is instructive for the profession. Lawyers can take from King's vision the recognition that peacebuilding is an active process, that peace is not just the absence of war. Lawyers can take from King's vision the recognition that peacebuilding is about creating equality in power relations—not just unilaterally declaring an end to conflict. And lawyers can take from King's vision the recognition that the law will fail if it is not just—if it is not based on shared understandings of the past and rooted in processes that are legitimate in the eyes of all concerned.

Unfortunately, judged by this standard, we still have not achieved even the racial peace that King sought. From the perspective of equal protection law, our racial problems were solved long ago and taking notice of racial classifications at all is now racist. But is this resolution a true peace? Is it based on a shared reckoning of the past, a common understanding of the present, and the achievement of equal relations of power going forward? In 2011, we still live in a world in which black and white people, as groups, see the injuries of the past and the present very differently. A nation in which people are reluctant to talk honestly about racial divisions for fear of being called racist—even though Martin Luther King, Jr. now has his own national holiday—is not yet a nation at peace. As lawyers, especially as social justice lawyers, we must not forget that.

Let me end these remarks by talking about King's vision of love. Here I want to talk not just to social justice lawyers, but to all of us as lawyers. I want to argue that love should sit at the center of our professional education, and of our practice.

Here's what King had to say about love:

This oft misunderstood and misinterpreted concept so readily dismissed by the Nietzsches of the world as a weak and cowardly force, has now become an absolute necessity for the survival of man. When I speak of love I am not speaking of some sentimental and weak response which is little more than emotional bosh. I am speaking of that force which all of the great religions have seen as the supreme unifying principle of life.²⁷

What might love, unmodified by gender stereotyping, commodity capitalism, or the private-public split, look like? For King, as an activist, nonviolent struggle against injustice was the highest way to make love real. Love for all human beings—indeed, all life—is the ultimate motivation for seeking peace and justice. But I want to talk about love in a legal context as something more humble: a concern for the full humanity of each person in every day-to-day situation, including our professional lives.

Before you graduate from law school, you ought to read Patrick Schiltz's article, *On Being a Happy, Healthy, and Ethical Member of an Un-*

27. King, *supra* note 1.

happy, Unhealthy, and Unethical Profession, in the *Vanderbilt Law Review*.²⁸ It was published in 1999, but it's still interesting today. Schiltz points out that a lot of evidence suggests that lawyers, as professionals, are extremely unhappy and unhealthy people, and are viewed by the public, at least, as extremely unethical. Lawyers, and this is still true, experience very high rates of depression, anxiety, and substance abuse. There's even evidence that lawyers have a higher rate of divorce and suicide than the general population. And there's lots of evidence that career satisfaction is low for lots of lawyers. Lawyers worry about finding a job, and when they are employed, they are unhappy at how many hours they have to put in and the time that work sucks out of their lives.

One of Schiltz's "big picture" pieces of advice for young attorneys, given this evidence, is to make sure you are not looking to money to make you happy in your professional life. You need to remember that the true sources of happiness lie in what he calls "intrinsic" rewards—the rewards that come from within. Stepping back and adding in what we know from the new science of happiness, we can be more specific. Two negotiation experts tell us that beneath our material desires and interests, everyone is looking for appreciation, affiliation, autonomy, status, and role.²⁹ These are the five emotional needs that must be met for any negotiation to be successful. This is true for our clients, and it is true for us.

So I want to suggest that if one way to implement peace is to work for justice, one way to implement love in the context of legal practice is through a commitment to recognize and facilitate, as far as possible, all parties' pursuit of appreciation, affiliation, autonomy, status, and role. Note that this is only an aspiration. Sometimes one party is going to be unhappy no matter what, and there are genuine zero-sum games. But recognizing the emotional groundwork on which humans operate not only begins to take us away from the narrowly gendered and war-based philosophy of current law; it can help us be more effective and happier in our professional lives.

To wrap this all together, let's go back to legal education. All the reports that have looked at the relationship between what lawyers are taught in school and the practice of law have recognized that law school specializes in teaching one tiny, little skill—reasoned analysis—and mostly ignores the many, many other human "soft" skills and capacities people need to be successful lawyers, including emotional intelligence, compassion, judgment, the ability to listen, and cultural competence. What if law school did teach people about those capacities—about how to deal with emotion, how to listen, how to tell a powerful story and perform it in front of a jury, how to negotiate in such a way as to "Get to Yes," about how

28. See generally Patrick J. Schiltz, *On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession*, 52 VAND. L. REV. 871 (1999).

29. See ROGER FISHER & DANIEL SHAPIRO, *BEYOND REASON: USING EMOTIONS AS YOU NEGOTIATE* 15 (2005).

people think, about how implicit bias works, about human cognition and its quirks, about mediation, about cultural styles of communication, and about how to be happy? And what if law school taught people directly about justice—about structural violence and how it works, about political unrest and social change? What if it taught about violence and its effects, like trauma and post-traumatic stress disorder, and ways to oppose violence both on an individual and a structural level? What if law school taught people about the philosophy and practice of nonviolence, and the relationship between law and justice?

Right now you can probably find upper-division seminars and clinics that examine all of those things, scattered here and there. But what if the first-year, required curriculum were centrally focused on these issues, and learning how to do case analysis was maybe a single pass-fail course? Can we even imagine that? Such a change might herald a revolution in the practice of law: a revolution that produced not only happy, healthy, and ethical lawyers, but increased effectiveness, increased client satisfaction, produced a better image of lawyers in the public eye, and even produced an increase in justice, and therefore peace, and therefore love.

The terrible gap between our technological achievements and our moral and spiritual values is as intractable today as it was in King's time. As King recognized, the key to closing the gap lies in the values of peace and love, reconstructed as broad values rooted in what it means to be human. Lawyers can be part of the struggle to close the gap, both through their activities as peacemakers and through rejecting the macho philosophy of war that runs through much of legal practice. The idea I want to leave you with is that the big struggles and the little ones, building peace and facilitating love, are all connected.

King pointed out in his Nobel Prize speech and many others that there is a connection between the ends and the means. If you practice violence, you produce more violence. And building peace doesn't happen only from the top down—by legal and political experts crafting the correct institutions to facilitate justice. Building peace happens just as importantly from the bottom up. Treating the people you work with every day fairly and honorably, whether they are adversaries or not, figuring out what your principles are and sticking to them, following intrinsic satisfactions rather than the extrinsic rewards of money and celebrity—this is building peace, too. And this is something everyone can do, no matter what kind of work you find yourself doing. You can only lawyer in a sustainable way by examining everything you do, small and large, in light of your values, and by seeking integrity in all the many roles you take on.

Now that Dr. King is dead and recognized as a national hero, his memory risks becoming enshrined in complacency and empty pieties. We should not forget that King was an agitator, a man of principle who made people uncomfortable by insisting on truth even when it upset the status quo. As a Christian, King sought to follow the example of Jesus, who said,

"I come not to bring peace, but a sword."³⁰ If we accept King's reconstructed versions of love and peace, we will be on the road to achieving the moral and spiritual growth humanity needs to survive. But let us acknowledge that in the context of law, these reconstructed versions of love and peace require us to challenge long-held assumptions about gender, political theory, and even the practice of law itself.

30. *Matthew* 10:34.

