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Editors' Preface

Once each year, Yale Law students indulge themselves in what has become affectionately known as the "Yale Law Revue." Not unlike similar productions at other schools, the Revue serves as an occasion for students to parody the excesses, real and perceived, of the institution and its faculty. The Revue is meant to provide an outlet for students' frustration, cynicism, and good-natured humor, primarily at the expense of our teachers. Thus, it was somewhat extraordinary to find at the culmination of this Spring's Revue one of those very professors up on stage in our dining hall, regaling us all with an animated assortment of clever quips, astute witticisms, and, especially, a selection of inspired and inspiring harmonica tunes. It is safe to say that there is only one person who could induce the substantial majority of the Law School student body to rise and join in the singing of "The Battle Hymn of the Republic," particularly in the context of an otherwise highly irreverent occasion. Charles Black is that person.

This response to Charles Black is not surprising, however, when one considers the singular role that he has played for the students of the Yale Law School. Indeed, the dining hall (along with various other eating emporia, such as the Yorkside Pizza Parlor) has been the scene of some of Charles Black's most important teaching—he is the rare professor who consistently seeks out students for conversation, debate, spirits, and good tidings. His most enduring legacies at Yale will no doubt include his inimitable office on the second floor, *always* open to passersby, and always replete with a veritable bonanza of paintings, poems, rocks, sculptures, and the invariable invitation to conversation; his Louis Armstrong Evenings and poetry readings; and his "j.r." ("*jus respondendum*") sessions, in which he meets his first-year students on certain evenings to hold forth on *any* topic, be it the Ninth Amendment or "whom to marry and when to plant the corn."

Charles Black represents to many of us everything the Yale Law School is supposed to be. He combines an extraordinary breadth of knowledge with an uncanny ability to get to the heart of the most intricate and technical detail of legal esoterica. He commands an elegance and an eloquence

rarely found in legal discourse, always complemented by a healthy dose of wit, Texan colloquialism, and, especially, a penetrating common sense.

Time and again Charles Black has used these gifts to expose the prejudices and absurdities latent in legal discourse, and to reveal the way in which that discourse can obscure the pressing moral issues of our time. In reading his many articles and books, one is struck repeatedly by Charles Black's conviction that constitutional law can and must concern itself in the first instance with providing, protecting, and *enhancing* the dignity of all men and women. And he has had no qualms about insisting that the law adapt to and even initiate ever broader and more humane conceptions of what constitutes that dignity. This theme has animated Charles Black's entire career, particularly his seminal work on race relations, the death penalty, and, most recently, the issue of poverty and the right to a minimal entitlement of livelihood.

And yet these legal subjects and ethical concerns, which are the primary focus of the essays in this Tribute, represent but a fraction of Charles Black's legacy. He is also a foremost authority in the field of Admiralty, and he has found perhaps his greatest satisfaction in the creative arts; he has been known to claim, in fact, that he considers himself "primarily, a poet."

Charles Black has taught his students that even if our putative "career" is in the law, our lives should never be contained or defined by that fact. He has shown us, especially by example, that our lives and our law are constrained only insofar as we wish them to be, and that a rich and varied life within and without the law can only make us better lawyers, happier persons, and more responsible citizens. His principle lesson to us has been that high scholarship and moral commitment are not inconsistent with a life of creativity, conviviality, and happiness.

The title of Professor Black's latest collection of essays is an apt one. With his overriding concern for human dignity and respect, his insistence on envisioning the law as a creative endeavor with ethical responsibility at its core, and his eclectic and multifaceted immersion in so many disparate areas of law, art, and life, Charles Black truly is blessed with a Humane Imagination. We have been fortunate to have been able to learn from his example.

The Editors of the *Yale Law Journal* take great pleasure in presenting the following festschrift to Charles L. Black, Jr.