I was a visiting teacher at the University of Michigan Law School in 1984 on leave from the University of Houston Law School. Some four months into my visit I was engaged in conversation by a most influential and estimable member of the faculty. He indicated that he thought my talk on tenth-century Icelandic blood feuds was, well, he supposed, interesting, even entertaining, but, how should he put it: "Can you tell me, what in the world is the point of studying that?" he blurted. "And why, in any event, should we have someone doing that in a law school?" (I suspected he felt I had meant purposely to mock him not only by placing my feuds in the tenth century, a century from which no one, not even a Jeopardy player can name an event, but also by placing them in Iceland, which is to countries as the tenth century is to centuries).

I could not deny that I wanted a job offer bad and knew that convincing those people, such as my
interlocutor, who might wonder what my hobbyhorses might have to do with the UCC or the latest Supreme Court pronouncement on the Fourth Amendment, was going to be no easy task. There were, to their minds, departments just right for me, paying minimum wage, in which people did get to read things that were actually fun to read and edifying too.

So I hemmed and hawed and was slavishly mealy mouthed: “One could say that a law school might find it interesting to look at materials that show law operating at degree zero,” I said, struggling hard to hit on the right thing, “law with no state where you have to enforce your own judgments, moreover, bargaining problems get more interesting and people get smarter about them when they are negotiating for their lives — whether Egil, for instance, is going to bury an axe in your head — rather than over legislative redistricting or proxy control.”

But I could see his eyes glaze over, so I gambled on a strategy, risky, because generally considered uncivil, downright rude in fact: I told the truth. “I do it because I love the sagas,” I said, “but surely you must have some idea why what I do belongs in a law school. You were on the committee that invited me here.” He did not seem offended in the least but immediately offered some five or six elegant arguments for the centrality of saga blood feuds to the law school enterprise. They, unfortunately, have slipped my mind or I would set forth right here.

Of late my interests, by free association and devious paths, have shifted to the emotions, especially those passions that accompany our moral and social failures. Roughly, our own failures cause us shame, embarrassment, humiliation, and remorse; while the failures of others elicit our disgust, contempt, and on occasion our pity, which is a kind of contempt anyway. But I must admit that as central as tenth-century Norse blood feuds are to the legal enterprise, disgust is perhaps somewhat of a frolic and detour or the frosting on the cake, depending on whether you are seeing this from your point of view or mine. Yet even here there are some connections.

I am presently struggling to write a book on courage and cowardice, just as I am struggling to find a graceful way to end this sketch, neither an easy chore. So I’ll just show the white feather and conclude thus.

--

JAMES BOYD WHITE
L. Hart Wright Professor of Law
A.B. Amherst College, M.A. Harvard Graduate School,
J.D. Harvard Law School

“I once spent a great deal of time reading and rereading the Icelandic sagas, especially the greatest of them, the Njalsaga. These works should be of interest to any lawyer, for they define a world which, though in material ways simple, carries law to an extraordinary degree of sophistication. I could see this much, and see as well that the relation between law, especially procedural law, and the violence by which the Icelanders also regulated their lives was complex and significant. But I still could not quite understand what I was reading. I needed to know more, and the secondary literature I found did not provide it.

“When I read Bill Miller’s book, Bloodtaking and Peacemaking, I felt as though I had received an extraordinary gift. This book, which combines anthropological and literary methods in the study of this highly legalistic universe, was just the book I had been wanting, the book no one had written, the book I wished I had known enough to write myself. A great treat, and the beginning of many years’ conversation with a well-read mind, full of life and interest, as he turned his talents to the striking and original work on the emotions that has earned him such acclaim.”

Jonathan Van Horn
Third Year Law Student
B.B.A. University of Wisconsin

“Professor Miller offers the students at the University of Michigan Law School a perspective that is unique to this, and probably any other, law school. Through his Icelandic sagas class, Miller introduced me to a fascinating and highly entertaining body of literature that I’d never have discovered on my own. He is engaging inside the classroom and a genuinely nice guy outside of it. An added bonus — he’s also a Packers fan!”