

David Alan Sklansky
Stanford Law School Graduation Speech
June 17, 2017

Thank you, Beth, and thank you, Katie, for that flattering and fraudulent introduction. The easiest way to be a successful teacher is to have brilliant students. I'm thrilled and deeply honored by the opportunity to share the excitement of this wonderful day with you, in this very special place.

I remember visiting this campus 40 years ago, when I was still in high school. A friend and I drove up from Southern California to take a look at Stanford and at another university, on the other side of the San Francisco Bay. We arrived here on a warm and sparkling day, much like today. We were overwhelmed by the beauty and tranquility of the campus. There were students sitting in circles on the grass. T-shirts were being tie-dyed. A guitar was being played.

I hated it. Stanford was too nice, too sheltered, too happy. I couldn't leave quickly enough.

I was 18, and I was kind of an idiot.

In the years since then, I've come to think of happiness as mostly a positive thing. I don't really see a strong tension anymore between pleasantness and intellectual ambition. And three years ago, when I joined this faculty, I was attracted not just by all the brilliant people here, but by the kindness and decency of Stanford, and of the law school in particular.

And that was before I met the Class of 2017. Newcomers to Stanford yourselves (most of you), and thrown into the craziness of your 1L year, you somehow found the time and the energy to make me feel welcome. I'll always be grateful for that. This feels like home to me, and you graduates are a big part of the reason why.

Still, some of you may have felt, at times, a bit of what I felt about Stanford 40 years ago. You may have wondered what you were doing amid these lovely plazas and shaded arcades, while so much was going on in the outside world.

When you and I arrived here three years ago, the election of 2016 was far in the distance. The protests in Ferguson, Missouri, were just getting underway. Tamir Rice and Sandra Bland and Philando Castile were still alive. Worshippers had never been shot to death in a church in Charlottesville. Five police officers had never been murdered in a single day in Dallas.

Let's acknowledge that in periods like the one we are living through, it can feel odd to be surrounded by serenity. Even more, it can seem wrong to be occupied with the abstractions and technicalities of the law. Some of you may have felt, during part of your time in law school, that you were losing sight of what mattered most.

You may have worried that you were being trained in what the Italian writer Natalia Ginzburg called, dismissively, "the little virtues."

By “the little virtues,” Ginzburg meant things like prudence, caution, thrift, and tact. These virtues, Ginsburg wrote, come from of a defensive instinct—an instinct that she said “harangues and holds forth and displays its arguments with reason’s voice.” She thought that the little virtues were infinitely less important than, and worthless without, what she called the “great” virtues—virtues like courage, candor, and selflessness—virtues that Ginzburg said welled up from “an instinct in which reason does not speak.”

Prudence, caution, the haranguing voice of reason—that *does* sound a little like what you’ve just spent three years studying, doesn’t it? And yet you know that law and lawyering are about more than that.

Not that prudence and caution are bad things. Our country and our world could use more of the little virtues. The haranguing voice of reason has its place. You’re well aware of that, I know. I have seen many of you employ the haranguing voice of reason—to marvelous effect.

But you haven’t been acting only out of prudence and caution. I’ve watched you defend migrants from deportation. I’ve watched you protect the rights of criminal defendants. I’ve watched you counsel family farmers and nonprofit organizations. I’ve watched you stand up for asylum seekers, and for special education students. I’ve watched you fight to protect the California Coastline, and the Medicine Lake Highlands, and the Bi-State Sage-Grouse.

I’ve watched you help formerly incarcerated people start their own businesses. I’ve watched you speak out for religious liberty, for racial fairness, for prosecutorial accountability, for due process, for decent wages, and for safe and effective schools. And—again and again—I’ve seen you support each other, comfort each other, stand up for each other, celebrate each other, and share each other’s joys and heartbreaks. You are not strangers to the great virtues.

And I think you know that the time you spent nurturing your community here—the community that Bianca and Jose spoke about so eloquently—was not a distraction from, or a supplement to, your professional education. It was *part* of your professional education. You were doing what the best lawyers have always done: you were helping people live together, work together, and thrive together. The care you showed for each other was a blueprint for the care that lawyers, at their best, show for society.

There’s a larger lesson here, about the connection between the personal and the political. Your time in law school reminded you, I hope, that our large-scale social arrangements—which is to say our politics and our law—need to be rooted in what our personal relationships teach us, or should teach us, about the nature and the importance of decency, bravery, and compassion.

The great virtues are cultivated in everyday life.

Here’s a humdrum example. After visiting this campus forty years ago, my friend and I headed home, driving south through the Central Valley on Interstate 5. Late at night, we began to have car trouble. The headlights started to dim and we began to lose power. This was before cell phones. We got off the highway and barely made it to the town of Old River, several miles

southwest of Bakersfield. There was one service station in Old River, and it was closed for the night. We would up sleeping our car, parked behind a tavern.

I don't recall how long it took us to get the car fixed the next day, or when we finally got home. What I remember is the slow, nerve-wracking drive from I-5 to Old River late the previous night, in pitch darkness, with our headlights turned off to save power. I remember leaning out the window on the passenger side with a flashlight in my hand and the wind in my face, shouting directions so that my friend could steer.

I'm not really sure what great virtue that story is about, but I like the story, and it seems to belong in a graduation speech. It felt like a metaphor even at the time.

Look, the thing about graduation speeches is that no one ever remembers them. You won't remember this one. But here is what you *may* remember, and what I hope you *will* remember. I want you to remember, years from now, how it feels to be sitting here today, on this beautiful, storied campus, surrounded by friends and, if you are lucky, by family.

I want you to remember your feelings of accomplishment and of pride—not just for completing your studies here, although that certainly is grounds enough for pride, but for the help you gave others, for the advocacy in which you engaged, for the friendships you formed, for the community that, together, you constructed and maintained. I want you to remember your feelings today of excitement, of confidence in the face of uncertainty, of challenges that remain and of limitless possibilities. I want you to remember the thrill of this moment and of this day.

Hold it within you and never let it go.

Because in the decades to come there may be moments when you will need it. You will have some dark days. You will face personal challenges. If you are engaged with public affairs—as I hope you will be—you will suffer setbacks there as well. You will experience defeat and disillusion. You will find yourself lost in unlit places. And when you do, this day—if you have held it tight—will provide you with a lamp.

Natalia Ginzburg spent most of the years 1941 through 1943 in Pizzoli, a small village in the Italian countryside where Mussolini's government had exiled her husband—the editor, linguist, and anti-Fascist activist Leone Ginzburg. In 1943, after Leone Ginzburg returned to Rome and rejoined the Italian resistance, he was captured by the local police and handed over to the Nazis, who by then were occupying the city. Early in 1944, he was tortured to death in Rome's Regina Coeli prison. He was 34 years old.

I tell you this grim story not just because it should serve as a warning about what can happen in the absence of the rule of law—although it should—and not just because there were lawyers who helped lend legitimacy to the regimes that hounded and murdered Leone Ginzburg—although there were.

I tell you this story because several months after her husband's death Natalia Ginzburg wrote an essay about the years they had spent together in Pizzoli. They had had young children at the

time, and Ginzburg wrote about the daily rhythm of their lives in Pizzoli, the cycle of the seasons, and the villagers who befriended them.

She wrote about evening walks in the snow, about homesickness, about buying oranges from the grocer. In retrospect, she said, it was the happiest time of her life, but she hadn't recognized it.

It's a heartbreaking essay. "Our dreams are never realized," Natalia Ginzburg wrote, and "no sooner do we see them betrayed than we are consumed with regret for the time when they glowed within us." I believe, though, that the time Ginzburg spent in Pizzoli remained with her and guided her for the rest of her life—through her career as a writer; through a second marriage; through joys and hardships and tragedies of parenting; through decades of political activism; and through years as a member of the Italian parliament.

Natalia Ginzburg's oldest child was five years old when the family left Pizzoli, but he has told interviewers that the time there stayed with him, as well.

Carlo Ginzburg grew up to be a historian. His most famous book, *The Cheese and the Worms*, is about an obscure sixteenth-century miller known as Menocchio, who lived in the Friulian village of Montereale until, at age 67, he was burned at the stake for heresy.

So, another happy story. But that's the last death in this speech, I promise.

For understandable reasons, Carlo Ginzburg has been preoccupied throughout his career with perversions of legal process and with people persecuted for their beliefs. But *The Cheese and the Worms* isn't just about the Inquisition. It's about the village of Montereale, and about Menocchio's intellectual world, and about the dignity and intrinsic worth of the individual.

Carlo Ginzburg has said that the historian's task is to "untangle the strands of the true, the false, and the fictional which are the substance of our being in the world." Of course lawyers and judges spend a lot of time doing that, too. It's a big part of our job.

And it's a challenge that everyone confronts, throughout life. Every day—at work, at home, and in our communities both small and large—we are all called upon to separate the true from the false and the fictional—not just scientific and historical truths, but moral truths as well.

Natalia Ginzburg and her son Carlo Ginzburg were friends and admirers of one of my favorite writers, Italo Calvino. At the end of Calvino's novel, *Invisible Cities*, Marco Polo tells Kublai Khan how to live in our fallen world. Calvino has Polo say: don't accept the inferno that people can create by living together; don't become such a part of it that you can no longer see it. Instead, "seek and learn to recognize who and what, in the midst of inferno, are not inferno, and then make them endure, give them space."

The greatest thing about the profession you have chosen is that it will give you opportunity after opportunity to make space for what is just and what is right. I hope you will embrace those opportunities. And I hope you will do something similar for yourselves, in your own lives, beginning right here and right now.

Natalia Ginzburg took the epigram for her essay about Pizzoli from Virgil: *Deus nobis haec otia fecit*. “God has given us this moment of peace.”

You and I have been granted these past three years together, culminating in this joyful day. You’ve taught me and inspired me, and I don’t plan on letting go of what we’ve shared.

I hope you won’t let go, either. Clutch this day to your breast, and always keep it with you. Hold onto your time at Stanford Law School. Never forget what you glimpsed here of all you can accomplish, and of all the good you are capable of doing. Keep in mind the friends and allies you met here, who believe in you and will stand with you. Use those memories. Use this day.

Congratulations, graduates. You’re going to do great things. I know, because I’ve seen you do great things. We’ll miss you here. So please stay in touch, and Godspeed.