



**TOURO UNIVERSITY**  
JACOB D. FUCHSBERG LAW CENTER  
*Where Knowledge and Values Meet*

**Touro Law Review**

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Volume 37 | Number 4

Article 6

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2022

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### Recommended Citation

Lee, Randy (2022) "Robert Cover's Call to Teaching and Journey to Judaism," *Touro Law Review*. Vol. 37: No. 4, Article 6.

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## ROBERT COVER'S CALL TO TEACHING AND JOURNEY TO JUDAISM

*Randy Lee\**

### ABSTRACT

As a teacher, Yale law professor Robert Cover never “dazzled,” “zinged,” nor “entertained”; he just engaged his students on a journey to the real and true that ultimately invited them to become the best version of themselves. As a Jew, Professor Cover wore an oversized skull cap, covered himself in a multicolored prayer shawl, and studied from a huge Talmud. He also, however, made everyone around him feel valued and welcomed and swept them up in a faith Professor Cover saw as wondrous and life-changing. This essay considers what the life of Robert Cover can teach us about what it means to be a teacher, a Jew, and an instrument of love.

### I. ROBERT COVER AS A LAW TEACHER

There are those who have speculated that if Robert Cover had lived longer, he might have been appointed to the United States Supreme Court.<sup>1</sup> However, his former research assistant, Martha Minow, who went on to become the dean of Harvard Law School, insisted that she “seriously doubt[ed] he aspired to be a judge.”<sup>2</sup> After all, Dean Minow pointed out, Professor Cover was “deeply skeptical

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<sup>1</sup> *Robert Cover*, WIKIPEDIA, [https://en.wikipedia.org/wiki/Robert\\_Cover](https://en.wikipedia.org/wiki/Robert_Cover) (last visited Sept. 27, 2021).

<sup>2</sup> E-mail from Martha Minow, Dean, Harvard L. Sch., to Randy Lee, Professor of L., Widener Commonwealth Sch. of L. (Apr. 19, 2021, 12:18 PM) (on file with author).

of government officials”<sup>3</sup> and was thus a self-professed “anarchist,”<sup>4</sup> in the sense that he sought a world with “the absence of rulers, not the absence of law.”<sup>5</sup> It seemed, therefore, highly unlikely to Dean Minow that one who had such deep-seated reservations about the ruling class would have seized upon an opportunity to join it. Thus, it is likely that Robert Cover spent his professional life as he most wanted to – as a teacher in a law school.

This makes sense because Professor Cover “was a teacher through and through”<sup>6</sup> and, no doubt, found in his work as a legal teacher what he most wanted to find in the legal profession. For Professor Cover, law was not a manifestation of power or control. Instead, authentic law was the path from who we were, from our fallen selves, to our better selves. As Professor Cover put it, law is to be “the bridge—the committed social behavior which constitutes the way a group of people will attempt to get from here to there” from the “world that is” to the “worlds that might be.”<sup>7</sup> He insisted that “[l]aw connects ‘reality’ to alterity.”<sup>8</sup>

Many things in our world masquerade as law, but for Professor Cover, “it is only that which redeems which is law.”<sup>9</sup> Ideally, this journey of redemption, this journey to our better selves, which we call law, was to be a “collaborative process”<sup>10</sup> and not a road one traveled alone. In fact, his students came to “feel like full participants in the intellectual undertaking upon which he had embarked.”<sup>11</sup> Professor Cover’s consistent “concern . . . was to change the future”; thus, the fruits of this collaborative journey were designed to be a better future.<sup>12</sup>

While in what we call “the real world,” the presence of rulers often prevents what we call “law” from being what Professor Cover

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<sup>3</sup> *Id.*

<sup>4</sup> *Id.* See also Robert Cover, *The Folktales of Justice: Tales of Jurisdiction*, in *NARRATIVE, VIOLENCE, AND THE LAW: THE ESSAYS OF ROBERT COVER* 173, 175 (2004).

<sup>5</sup> Cover, *supra* note 4, at 175.

<sup>6</sup> *Tributes to Robert M. Cover*, 96 *YALE L.J.* 1699, 1702 (1987) (comments of Michael J. Graetz).

<sup>7</sup> Cover, *supra* note 4, at 176.

<sup>8</sup> Robert M. Cover, *The Folktales of Jurisdiction*, 14 *CAP. U.L. REV.* 179, 181 (1984/1985).

<sup>9</sup> *Id.* at 201.

<sup>10</sup> Aviam Soifer, *Preface*, in *NARRATIVE, VIOLENCE, AND THE LAW: THE ESSAYS OF ROBERT COVER* vii (2004).

<sup>11</sup> *Tributes to Robert M. Cover*, *supra* note 6, at 1714 (comments of Tanina Rostain).

<sup>12</sup> Soifer, *supra* note 10, at vii.

wanted law to be, Professor Cover was free to make his legal classroom a place where he could prepare lawyers to become the people that authentic law needed them to be. In that classroom, Professor Cover could invite his students to become their better selves, instruments of redemption, and people who could build bridges to a better future. To be a student of Robert Cover's, to join Professor Cover in the collaborative process of growing up, was to come to understand that we all need a path to be perfected, to become more, and we need a pathway forward that is just, that reforms and reshapes, and, ultimately, redeems.

Yet, if legal education was particularly well-suited for Professor Cover, there is room to question how well-suited he was for it. Dean Aviam Soifer, a long-time friend of Robert Cover's, observed that Professor Cover was not a "standout" law teacher, at least not "in the classic sense."<sup>13</sup> Dean Soifer defined a "standout" law professor "in the classic sense" as either "a dazzling orator," an "entertainer," or a practitioner of the Socratic Method so adept that he is capable of making his classroom "zing" with tension.<sup>14</sup> Dean Soifer conceded that Professor Cover was none of these.

Dean Soifer did acknowledge, however, that Professor Cover was "wonderful to learn with."<sup>15</sup> Professor Cover engaged his students in "probing, open-minded, everyday conversations."<sup>16</sup> He made them fellow travelers on a journey toward the real and the true.<sup>17</sup> Professor Cover swept them along on this journey with "his irresistible curiosity, wild flights of ideas, broad learning, and cascades of creative analogies and paradoxical arguments."<sup>18</sup> Professor Cover even "moved his office into the chaotic din of the legal services organization at Yale" so he might be closer and more accessible to his students and, therefore, might be better able to help them.<sup>19</sup>

I cannot help but wonder whether the blame for Professor Cover's failure to be a standout law teacher falls on Professor Cover or on the definition of the term. I must acknowledge that I cannot take

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<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.* (pointing out that if one were to transliterate *chaver*, the Hebrew word for the friend "with whom one engages in the intense collegial relationship of studying Talmud," the English word created would be *cover*).

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

this question lightly because I am, after all, a product of the life and work of Robert Cover, a piece of his legacy, something, someone, that Professor Cover passed on to that future he hoped to make better. This is true even though Professor Cover never met me, I neither took one of his courses nor attended one of his classes, and, prior to this conference, I had never read one of his articles.

I am a product of Professor Cover's life and work because Dean Minow is a product of his life and work, and I am a product of hers. After all, Dean Minow was a student of Robert Cover's, and I was a student of hers.

## II. LAW, LANGUAGE, AND THE MARK WE LEAVE ON OTHERS

In *Violence and the Word*, Professor Cover insisted that the words of law inevitably leave their mark on people.<sup>20</sup> Thus, there is an intimacy and a palpability in legal words that are not always found in other words.<sup>21</sup> As Professor Cover observed, “[a] judge articulates a text, and as a result, somebody loses his freedom, his property, his children, even his life.”<sup>22</sup> Such consequences are not limited to legal words articulated in law suits.<sup>23</sup> Indeed, Professor Cover's observation is as true when those words are articulated in a law school as it is when those words are articulated in a courtroom. I write as Steve Stark taught me to write. I argue as Duncan Kennedy taught me to argue. I see cases as Richard Parker taught me to see cases. I read *The Phantom Toll Booth*<sup>24</sup> to my first-year class because Abe Chayes read *Bleak*

<sup>20</sup> Robert Cover, *Violence and the Word*, in NARRATIVE, VIOLENCE, AND THE LAW: THE ESSAYS OF ROBERT COVER, at 203, 203 (2004).

<sup>21</sup> See, e.g., Randy Lee, “A Rose by any Other Word Would Smell as Sweet,” *But Would It Still Be Treasured: The Mislabeling and Misunderstanding of Parents and Grandparents in American Policy*, 15 ELDER L.J. 607, 608 (2007) (“The expression is ‘talk is cheap.’ So cheap, George Orwell felt compelled to acknowledge in his essay *Politics and the English Language* that the common conviction among those ‘who bother with the matter at all’ is that ‘any struggle against the abuse of language is a sentimental archaism, like preferring candles to electric light or hansom cabs to aeroplanes.’”).

<sup>22</sup> Cover, *supra* note 20, at 211.

<sup>23</sup> *Id.* at 203 n.1 (“[I]t is my position that the violence which judges deploy as instruments of a modern nation-state necessarily engages anyone who interprets the law in a course of conduct that entails either the perpetration or the suffering of this violence.”).

<sup>24</sup> NORTON JESTER, *THE PHANTOM TOLLBOOTH* (1961).

*House*<sup>25</sup> to me – a selection, by the way, that Professor Cover would have probably questioned given his conviction “that he had never met a British novel worth reading.”<sup>26</sup> Consciously or unconsciously, lawyers are formed by the words and actions of their professors. Thus, Dean Minow was inevitably formed by Robert Cover, and, through her, so was I.

While I am more apt to remember positively the marks my professors’ legal words left on me, Professor Cover was most aware of the violent nature of legal words. As he quite bluntly insisted, “[l]egal interpretive acts signal and occasion the imposition of violence upon others[;]”<sup>27</sup> they “take[] place in a field of pain and death,”<sup>28</sup> and “[w]hen [legal] interpreters have finished their work, they frequently leave behind victims whose lives have been torn apart by these organized, social practices of violence.”<sup>29</sup> Despite my fond memories, the legal words of law school are not without their own violent edge. Just ask any confused law student after being called on, any law student absorbing the sting of his first semester grades, or any law student uncomfortable asking her teacher for an appointment or other forms of assistance.

Although Professor Cover “criticized and worried about the violence of law, about its pain-imposing, destructive qualities,”<sup>30</sup> he also recognized that violence had a place in law and even conceded that “[v]ery often the balance of terror in this regard is just as I would want it.”<sup>31</sup> Professor Cover accepted the role of violence in law in part because he recognized that law could use violence as a means to preserve order in a community;<sup>32</sup> but, even more fundamentally, Professor Cover accepted that role because he understood that the point of legal words is to change things, or often to change people,<sup>33</sup> and violence can serve as an instrument of change.

<sup>25</sup> CHARLES DICKENS, *BLEAK HOUSE* (1853).

<sup>26</sup> *Tributes to Robert M. Cover*, *supra* note 6, at 1702 (comments of Michael J. Graetz).

<sup>27</sup> Cover, *supra* note 20, at 203.

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> Austin Sarat, *Robert Cover on Law and Violence*, in *NARRATIVE, VIOLENCE, AND THE LAW: THE ESSAYS OF ROBERT COVER*, at 255, 255 (2004).

<sup>31</sup> Cover, *supra* note 20, at 211.

<sup>32</sup> Sarat, *supra* note 30, at 255.

<sup>33</sup> See *supra* text accompanying notes 6-12.

Professor Cover understood that, given the nature of their work, judges are confronted with “a gap between what is affirmed as right and the world as perceived.”<sup>34</sup> As a result, judges experience a “dramatic dissatisfaction with the world as it is,”<sup>35</sup> and confronted with such dissatisfaction, judges embrace “a looming responsibility for drastic change.”<sup>36</sup> Consequently, judges commit themselves to an understanding “that the *world* will be changed,” and courts, therefore, “exercise power to that end.”<sup>37</sup>

One might argue whether law schools, like courtrooms, seek to change the world, but there is no denying that law schools seek to change their students. A goal of legal education is to rewire students’ minds so they will “think like a lawyer.”<sup>38</sup> One might expect that when schools alter how people think, see the world, process information, hear, read, speak, approach conflict, argue, and respond to their emotions, there is a renting: a tearing away. Something these people were dies, and something new is created in the people, or perhaps even from the people.

Such a profound alteration in a person can be seen as violent. The process can be painful, but it can also be productive. I remember being a teaching assistant to Professor C. Clyde Ferguson during my time in law school. Professor Ferguson had placed me in charge of a training conference for all the teaching assistants in the law school, and I desperately wanted to impress him. I was certain that the best way to impress him was to make myself appear autonomous and self-sufficient.

At the end of the conference, I had to return a television, a VCR, and the technology cart to the audio-visual department. This required getting all of these items from the bottom of the tiered classroom in which our conference had been held up to the top tier and then out the door. After everyone else had left, Professor Ferguson and I were left alone in the classroom. He stood on the top tier

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<sup>34</sup> Robert Cover, *The Folktales of Justice: Tales of Jurisdiction*, in NARRATIVE, VIOLENCE, AND THE LAW: THE ESSAYS OF ROBERT COVER, at 173, 194 (2004).

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> See, e.g., John Rappaport, *Learning to Think Like a Lawyer: What Early Childhood Development Can Teach Us About Mastering Legal Reasoning*, UNIV. CHI. L. SCH. (Oct. 4, 2017), <https://www.law.uchicago.edu/news/learning-think-lawyer>.

watching me; I stood at the bottom of the classroom busying myself with details, hoping he would leave so I could begin the process of moving the television, the VCR, and the cart, one by one up the stairs. This solution, my solution, to moving the items was wildly inefficient and certainly ill-advised, but it was the only way I could move them without showing Professor Ferguson I needed help.

I managed to stall longer and longer until finally Professor Ferguson broke the silence between us by asking me whether I needed to return the television and VCR to the audio-visual department. I acknowledged I did. He then asked me if I needed help getting them up the steps to the top of the classroom. I assured him that I could do it myself.

I felt him staring at me through an awkward silence, and then I heard Professor Ferguson ask me, “How?”

My plan was so stupid that it defied articulation. The gig was up. My illusion of self-sufficiency was shattered.

I stood silently at the bottom of the classroom as Professor Ferguson strode smiling from the top, and together we carried the entire unit to the top of the classroom, tier by tier, in one trip. Professor Ferguson was a powerful man, and it was his strength that made the journey possible.

Professor Ferguson’s words and actions humbled me. They stripped me of the appearance I wanted to create. They made me appear less than I wanted to appear. They were, in that sense, an act of violence. But they also taught me important lessons about being a lawyer. Good lawyers identify the resources available, and they mobilize those resources. Good lawyers do not select a path to glorify themselves; good lawyers select the path that will best serve their client.

Professor Ferguson did not strip me of my illusions because I did not matter to him. He confronted me with the truth because he cared deeply about me and about who I would become, just as Robert Cover cared deeply about those in his life who had embraced “the commitment to legal practice in a world in disrepair.”<sup>39</sup> Professor Ferguson’s act of violence made me better. As we carried the television, VCR, and cart up the stairs together in that one trip, his actions and his teaching made me want to be more like the lawyer that he was – even if, at that moment, I could not be the person I wanted to

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<sup>39</sup> *Tributes to Robert M. Cover*, *supra* note 6, at 1714 (comments of Tanina Rostain).



appear to be. Ironically, for all I learned from Professor Ferguson in law school, I never had him for class. However, that did not matter because, as a teacher, everywhere he encountered law students was his classroom.

### III. MARTHA MINOW AND THE ROAD TO BECOMING A PART OF ROBERT COVER'S LEGACY

One recollection, in particular, from my student days frames all my other memories of my professor who would one day become Dean Martha Minow. It was when Dean Minow's picture eating ice cream appeared on the cover of the *Harvard Law Record*, our school newspaper.<sup>40</sup> Dean Minow, along with four other professors and two administrators, had been judging an ice cream competition between the leading ice cream shops in Harvard Square.<sup>41</sup> In that picture, as well as in a subsequent photograph that accompanied the story describing the competition, then Professor Minow was actually eating ice cream.<sup>42</sup> The moment I saw the picture on the cover, this affinity for ice cream, which she shared with her former teacher, Robert Cover,<sup>43</sup> captured my attention.

I do not know why it was such a revelation to me that a law professor could eat ice cream, particularly in public, but it was. Perhaps it was because my law school experience had grown up in the shadow of the film *The Paper Chase*<sup>44</sup> and the book *1L*;<sup>45</sup> therefore, I had come to perceive my law school environment, consistent with how Professor Cover generally described legal environments,<sup>46</sup> as threatening and violent.

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<sup>40</sup> Bob Peterson, Service With a Bowtie (Photograph), in HARV. L. REV. (Feb. 11, 1983), [https://iiif.lib.harvard.edu/manifests/view/drs:45816600\\$9i](https://iiif.lib.harvard.edu/manifests/view/drs:45816600$9i) (This article was recently rediscovered for me through the thorough and unrelenting efforts of a fellow traveler in this endeavor, Samantha Karpman).

<sup>41</sup> Charles Thensted, *They All Screamed for Ice Cream*, HARV. L. REV., Feb. 11, 1983, at 8.

<sup>42</sup> *Id.* at 9.

<sup>43</sup> *Tributes to Robert M. Cover*, *supra* note 6, at 1717-18, 1722 (comments of Owen M. Fiss). Professor Cover and Dean Minow shared not only an affinity for ice cream but more specifically an affinity for Haagen Dazs vanilla. *See Tributes to Robert M. Cover*, *supra* note 6, at 1717-18 (comments of Owen M. Fiss); Thensted, *supra* note 41, at 9.

<sup>44</sup> THE PAPER CHASE (20th Century Fox 1973).

<sup>45</sup> SCOTT TUROW, 1L (1977).

<sup>46</sup> *See supra* notes 27-29 and accompanying text.

Of course, it was a different time. That was an era during which the most visible law students in the public imagination, Mr. Hart of *The Paper Chase* and Mr. Turow of *IL*, desperately sought to hold on to their souls even as they reached out to grasp onto all the glittery things that law school had to offer. Meanwhile, fictionalized law teachers, like *The Paper Chase*'s Professor Kingsfield, cut deeply and blithely into their students, oblivious not only to the consequences of their actions but even to the identities and humanity of their students.<sup>47</sup> Those around me, both professors and students, absorbed these images permeating throughout our culture and openly discussed whether the point of law school, or at least its major consequence, was to take ideological human beings and turn them into profiteering hired guns.<sup>48</sup>

I also do not know how much of this law school imagery was actually real since law school is, to a large extent, what one actually makes of it. Professor Cover had lent support to the notion that these images were real by associating the tendencies of Professor Kingsfield with real practitioners of law, a group about whom Professor Cover had observed, "the pain and fear [they inflict] are remote, unreal, and largely unshared."<sup>49</sup> Whether they were real or not, however, these images were certainly what was really perceived. Therefore, in such an environment, it was reassuring that there were still people in power who did eat ice cream or, as Abe Chayes had once done in class, read me Dickens.

What I consider to be my next most important encounter with Dean Minow occurred in the fall of my third year of law school, when I was actually in her "Children in the Law" class. I suspect I was drawn to the class because I was interested in being countercultural, and the course seemed to fulfill that need: the current of law school seeming to stream toward larger things – large law firms representing large clients in large cases for large sums of money – and children normally being smaller people with only small amounts of money. It is possible that I may also have been drawn to the course because I liked children.

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<sup>47</sup> See, e.g., *THE PAPER CHASE*, *supra* note 44 (Kingsfield saying, "Mr. Hart, here is a dime. Take it, call your mother, and tell her there is serious doubt about you ever becoming a lawyer.").

<sup>48</sup> See, e.g., THOMAS L. SHAFFER & ROBERT F. COCHRAN, JR., *LAWYERS, CLIENTS AND MORAL RESPONSIBILITY* 3 (West 1994).

<sup>49</sup> Cover, *supra* note 20, at 238 ("For the perpetrator, the pain and fear are remote, unreal, and largely unshared.").

We were required to write three papers for the course, and I still remember Dean Minow's comments across the top of the front sheet of my first paper. There she wrote, "You write with such power—Ideas A-/Expression A." In my altered state of law school consciousness, I read this as the line "Dance: 10; Looks: 3" from the Broadway musical *A Chorus Line*—essentially, "Kid, you don't have much, but you sure do a lot with what little you do have."<sup>50</sup>

Of course, I doubt that that was the meaning Dean Minow had intended, but it was also a time when I saw no reason to let reality get in the way of a perceived oppression. Still, in spite of my own best efforts to poison the intent behind Dean Minow's words, those words still managed to change something in me. They imbedded in me a recognition of the possibility that what I thought, or at least how I expressed what I thought, might matter. It might have the potential to make a difference, that I might matter and that I might make a difference. It was up to me. The person I became in law school did not need to be whom Mr. Hart and Mr. Turow feared becoming.

After I had completed *Children in the Law* but before starting my final semester of law school, I encountered Dean Minow yet again. I had signed up to take another of her classes, a five-credit course in professional responsibility for potential family law lawyers, which also included a three-credit clinical component.

I was, on the day in question, entering a bank in Harvard Square as Dean Minow was leaving. Dean Minow stopped me by addressing me by name. She told me that she was pleased to see that I had signed up for the course, and she then began to explain to me why she was so excited about the course.

Dean Minow was, in all of this, sharing a bit of her former teacher Robert Cover, who also sought "to share with [his] students some of the excitement" he felt for his courses,<sup>51</sup> and I tried to participate in the moment as best as I could. My mind, however, had actually checked out at my name. My mind kept wondering, "How does she know my name?" "Why does she know my name?" "Why would I matter? I'm not on Law Review. I've abandoned the game. When I graduate, I will leave lacking even the least vestige of Harvard legitimacy."

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<sup>50</sup> Marvin Hamlisch, *Dance: 10; Looks: 3*, in *A CHORUS LINE* (Sony Classical Records 1998).

<sup>51</sup> *Tributes of Robert M. Cover*, *supra* note 6, at 1719 (comments of Owen M. Fiss).

Yet, Martha Minow knew my name, much as I expect Robert Cover knew hers. My identity mattered to her, and my professional development also mattered to her. I suspect she wanted me to become what Robert Cover sought to help his students become: “a person who imagines a better world.”<sup>52</sup>

Since she ate ice cream in public, I assumed Professor Minow was not one to resort to violence. She could, however, be stern, but not merely to achieve order or to avoid chaos. She made it a point to hold me accountable to the professional standards she had formulated in her mind to make me better.

Robert Cover did not define who Martha Minow became, but his words still imprinted on her life, raised issues, and required responses. She and he were fellow travelers on the roads he constructed.<sup>53</sup> She was his student. I suspect Dean Minow never stopped traveling some of those roads, and I suspect,<sup>54</sup> for a time, she “swept” me along with her.<sup>55</sup>

Most of us would love to believe our scholarship would outlive us by thirty-five years, just as Robert Cover’s scholarship has outlived him. However, I suspect that there are also those among us who would love to believe that, thirty-five years from now, the marks that they have left on the lives of others would live on and that the world would continue to grow better because of that. If one were to speak at a conference on the life and work of Robert Cover and fail to mention at least one of his articles, I suspect that we would find that strange. Yet, if we were to go the entire conference and no one were to mention one of Robert Cover’s students, would we even notice?

Judge Guido Calabresi once observed that Robert Cover “genuinely loved and supported his students,”<sup>56</sup> a somewhat odd observation given that no less than Jackson Brown once recognized that the ultimate absurdity would be a “lawyer[] in love.”<sup>57</sup> Still, in the tribute to Professor Cover published by the *Yale Law Journal*, eight authors referred to Robert Cover “loving” nineteen times in twenty-six

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<sup>52</sup> *Id.* at 1715 (comments of Tanina Rostain).

<sup>53</sup> See *supra* note 17 and accompanying text.

<sup>54</sup> See *supra* notes 15-16 and accompanying text.

<sup>55</sup> See *supra* note 18 and accompanying text.

<sup>56</sup> *Tributes to Robert M. Cover*, *supra* note 6, at 1700 (reflections of Guido Calabresi).

<sup>57</sup> Jackson Browne, *Lawyers in Love*, in *LAWYERS IN LOVE* (Asylum Records 1983).

pages.<sup>58</sup> I trust, therefore, that loving must have been something important that Professor Cover did.

Law students and prospective law students study intensely the slightest differences between law schools in the *U.S. News and World Report* rankings trying to find the best school for them.<sup>59</sup> But, once they get to that school, how often do they ask themselves, “Am I in a place where the people care who I become, do they love me, and is that enough to make my teachers ‘standout’?”<sup>60</sup>

#### IV. ROBERT COVER AS AN UNORTHODOX JEW

If Professor Cover was not a standout teacher in the traditional sense, he was very much one in the Jewish sense. Professor Cover got his start as a teacher in Jewish settings. First, he taught as a camp counselor at Camp Ramah in the Poconos, a camp run by the Jewish Theological Seminary, and then he became a teacher at the religious school of the Princeton Jewish Center.<sup>61</sup> Robert Cover embraced both jobs as an opportunity to pursue his “interest in character education.”<sup>62</sup> Professor Cover modeled his teaching around “Talmudic conversation.”<sup>63</sup> Even his name, “Cover,” is the transliteration of the Hebrew word *chaver*, which is “the term used for the person with whom one engages in the intense collegial relationship of studying Talmud.”<sup>64</sup>

Still, it can feel somewhat ironic to label Robert Cover a “Jewish teacher,” given that Dean Soifer once also observed that, although “[p]roudly Jewish,” Professor Cover “was hardly a person of faith in any orthodox sense.”<sup>65</sup> Indeed, even as his friend Stephen Wizner described Robert Cover as “a committed Jew,” Professor

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<sup>58</sup> See generally *Tributes to Robert M. Cover*, *supra* note 6.

<sup>59</sup> See, e.g., Jeffrey Evans Stake, *The Interplay Between Law School Rankings, Reputations, and Resource Allocation: Ways Rankings Mislead*, 81 IND. L.J. 229, 232 (2006) (“Many of the stakeholders in legal education, including administrators, students, alumni, and faculty members, care about the rank of their school in the various published rankings.”).

<sup>60</sup> See *supra* note 13 and accompanying text.

<sup>61</sup> *Tributes to Robert M. Cover*, *supra* note 6, at 1705 (comments of Barbara A. Black) (quoting Cover’s law school application).

<sup>62</sup> *Id.*

<sup>63</sup> *Id.* at 1702 (comments of Michael J. Graetz).

<sup>64</sup> Soifer, *supra* note 10, at vii.

<sup>65</sup> *Id.* at viii.

Wizner conceded that Professor Cover was “no solitary religious mystic.”<sup>66</sup>

Then again, that which is “orthodox” is that which is, in the common sense of the word, regular, “conventional and unoriginal,” “normal” or “of the ordinary and usual type.”<sup>67</sup> There is, however, nothing “orthodox” about being Jewish; furthermore, those Jews we label “orthodox,” tend to be the most unorthodox Jews of all.

To be a Jew is to speak with bushes<sup>68</sup> and donkeys<sup>69</sup> and to listen to the wind<sup>70</sup> and to whispers in the night.<sup>71</sup> To be Jewish is to wrestle with God,<sup>72</sup> pour from flasks that never empty,<sup>73</sup> gather bread from the morning dew,<sup>74</sup> seek healing and cleansing in muddy waters,<sup>75</sup> and bring down cities by joining the marching band.<sup>76</sup> To be Jewish is to respond with love<sup>77</sup> to a God of love;<sup>78</sup> although, in a fallen and sinful world where exile is the state of being<sup>79</sup> and God is behind a veil,<sup>80</sup> that is a most unorthodox path.

Whatever kind of Jew Robert Cover was, he was the kind of Jew who studied Talmud with a friend the day before he died,<sup>81</sup> who “would stride into the synagogue” every Saturday morning with

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<sup>66</sup> *Tributes to Robert M. Cover*, *supra* note 6, at 1710 (comments of Stephen Wizner).

<sup>67</sup> *Orthodox*, NEW OXFORD AMERICAN DICTIONARY (Apple Software ed.).

<sup>68</sup> *Exodus* 3:1-15 (Moses encounters God in the burning bush.) (All citations to the Christian Bible are from the Revised Standard Version Catholic Edition (“RSVCE”), unless otherwise indicated.).

<sup>69</sup> *Numbers* 22:28 (Balaam’s donkey says to Balaam, “What have I done to you that deserves your beating me three times?”).

<sup>70</sup> *1 Kings* 19:9-18 (Elijah ultimately hears the voice of God in the whisper that followed the fire.).

<sup>71</sup> *1 Samuel* 3:4-14 (God wakes Samuel to speak to him.).

<sup>72</sup> *Genesis* 32:24-30 (Jacob wrestles with God.).

<sup>73</sup> *1 Kings* 17:7-16 (Elijah and the widow whose jug of oil did not run dry as the Lord had promised). *See also* *2 Kings* 4:1-7 (Elisha and the widow’s jar of oil that fills all the vessels the widow and her sons can find).

<sup>74</sup> *Exodus* 16:4-5 (The Lord sends the Jewish People manna in the desert.).

<sup>75</sup> *2 Kings* 5:1-17 (Elisha sends Naaman, commander of the armies of Syria, to wash in the Jordan River and be healed of his leprosy.).

<sup>76</sup> *Joshua* 6 (Joshua and the Jewish People bring down the walls of Jericho by marching around the city at the Lord’s command.).

<sup>77</sup> *Deuteronomy* 6:5 (“you shall love the LORD your God with all your heart, and with all your soul, and with all your might.”).

<sup>78</sup> *Psalms* 139.

<sup>79</sup> *Genesis* 3:23-24 (The Lord banishes Adam and Eve from the Garden of Eden.).

<sup>80</sup> *Exodus* 26: 31-35 (the making of the veil to enclose the Holy of Holies).

<sup>81</sup> *Tributes to Robert M. Cover*, *supra* note 6, at 1723 (reflections of James Ponet).

Talmud, skull cap, and prayer shawl,<sup>82</sup> and who, every Saturday afternoon, “would sit with a group of neighbors” and “study a page of Talmud together.”<sup>83</sup> Robert Cover was the kind of Jew who “experienced fully the halacha and aggadah, the nomos and narrative, the myth, law, and history, the ethical aspirations, of the Jewish people.”<sup>84</sup>

So what if Professor Cover managed to distinguish himself from “the regulars”?<sup>85</sup> What if his prayer shawl was multicolored, his skull cap was colorful and oversized, and his volume of Talmud was huge?<sup>86</sup> When he entered the synagogue, Robert Cover greeted all his fellow travelers with “a friendly grin,” and everyone in attendance was his fellow traveler.<sup>87</sup> As Professor Wizner insisted, Robert Cover’s “Judaism, like the rest of his life, reflected his concern for community.”<sup>88</sup>

If Robert Cover was unorthodox in his faith, perhaps it was because he recognized his faith to be unorthodox and, thus, stood before it in awe and wonder. Robert Cover may not have been Jewish in the “mystical” sense,<sup>89</sup> but he was so in the miraculous sense.<sup>90</sup> Professor Cover, for example, looked on a history marked with the martyrdom of his people and saw, in that martyrdom, not suffering nor the victory of tyrants but a source of hope and the triumph of love.<sup>91</sup>

In *Violence and the Word*, Professor Cover shared his perception of martyrdom when he retold the story of Rabbi Akiba, who “chose to continue teaching in spite of the decree [of the Romans forbidding it].”<sup>92</sup> Even as the Romans led Rabbi Akiba to his execution, Rabbi Akiba continued to recite Sh’ma Yisrael because it was that time to say that prayer.<sup>93</sup> With iron combs, the Romans scraped away his skin, but the words of Rabbi Akiba’s prayer still

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<sup>82</sup> *Id.* at 1710 (reflections of Stephen Wizner).

<sup>83</sup> *Id.*

<sup>84</sup> *Id.*

<sup>85</sup> *Id.*

<sup>86</sup> *Id.*

<sup>87</sup> *Id.*

<sup>88</sup> *Id.*

<sup>89</sup> See *supra* note 66 and accompanying text.

<sup>90</sup> Cover, *supra* note 20, at 207.

<sup>91</sup> *Id.*

<sup>92</sup> *Id.*

<sup>93</sup> *Id.*

continued as Rabbi Akiba freely accepted “the yoke of God's Kingship.”<sup>94</sup>

As his disciples asked Rabbi Akiba,

“Even now?” . . . [The teacher] replied: “All my life I have been troubled by a verse: ‘Love the Lord your God with all your heart and with all your soul,’ which means even if He take your life. I often wondered if I would ever fulfill that obligation. And now I can.”<sup>95</sup>

Thus, Rabbi Akiba left this world uttering, “‘The Lord is One.’”<sup>96</sup>

I once appeared on a Jewish law panel with the organizer of this conference, Professor Samuel Levine. Once at the conference, our panel was moved to Friday morning, which created a question of whether Professor Levine would be able to make it back to his home, then on the West Coast, in time for Shabbat. As Professor Levine explained to a group of us all the variables and contingencies that might play into his trip home, variables and contingencies which included air travel logistics, traffic patterns, and the timing and positioning of the sun, he ultimately concluded, “But if I don’t make it, I can always pull over and stay at a hotel.”<sup>97</sup>

At the time, I knew the Lord to be a lord of law, a lord of commands exacting to the cubit,<sup>98</sup> but I was certain that even such a god as that would not make Professor Levine incur the cost of a hotel a stone’s throw from his home because of the position of the sun. For Professor Levine, however, where he stopped or where he stayed was not a matter of commands nor cubits—it was a matter of love, and love

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<sup>94</sup> *Id.*

<sup>95</sup> *Id.*

<sup>96</sup> *Id.*

<sup>97</sup> Conversation with Professor Samuel Levine from Touro Law Center at Baylor University on March 31, 2006.

<sup>98</sup> See, e.g., *Genesis* 6:15 (God instructing Noah in the construction of the ark, “‘This is how you are to make it: the length of the ark three hundred cubits, its breadth fifty cubits, and its height thirty cubits. Make a roof or the ark, and finish it to a cubit above....’”); see also *Exodus* 26:1-2 (God instructing the Jewish people in the construction of the tabernacle, “‘Moreover you shall make the tabernacle with ten curtains of fine twined linen and blue and purple and scarlet stuff; with cherubim skillfully worked shall you make them. The length of each curtain shall be twenty-eight cubits, and the breadth of each curtain four cubits; all the curtains shall have one measure.’”).



is extravagant.<sup>99</sup> It is that which makes the Jewish religion so unorthodox, so mystical, and so miraculous.

Not surprisingly, David Brion Davis once observed that Robert Cover's "attention was guided by love" and that "love was the binding force that integrated the diverse social roles, the many Bob Covers we knew."<sup>100</sup> Confronted with those "with a deep and abiding religious background," Robert Cover considered them "blessed."<sup>101</sup> Robert Cover searched for truth and good, he searched for the promise of Jeremiah – a future filled with hope,<sup>102</sup> and he searched for the miracle of love in a fallen world. One cannot search for truth, good, hope, and love, and not pursue the God who is each of those qualities; moreover, anyone who pursues that God, who embraces the invitation to "love the Lord your God with all your heart, and with all your soul, and with all your might"<sup>103</sup> is most certainly Jewish, in every way that matters.

## V. ROBERT COVER AND THE EXPERIENCE OF SINAI

In *Obligation: A Jewish Jurisprudence of the Social Order*, Robert Cover distinguished the American from the Jewish experiences of law.<sup>104</sup> In doing so, Professor Cover observed that the concept of rights is at the center of the American legal experience; meanwhile, the concept of *mitzvah*, or command and obligation, is central to the Jewish legal experience.<sup>105</sup> Professor Cover insisted *mitzvah* and the role it plays in Jewish law can only be understood when it is connected to its "fundamental story," which is the story of Sinai.<sup>106</sup>

For Professor Cover, the primary theme of the Sinai story is about how a people became a community through law,<sup>107</sup> a community

<sup>99</sup> See, e.g., ROBERT BOLT, A MAN FOR ALL SEASONS 141 (Vintage International ed. 1990) (Thomas More explaining his impending martyrdom to his daughter Meg by saying, "Well . . . finally . . . it isn't a matter of reason; finally it's a matter of love.").

<sup>100</sup> *Tributes to Robert M. Cover*, *supra* note 6, at 1713 (reflections of David Brion Davis).

<sup>101</sup> Robert Cover, *Obligation: A Jewish Jurisprudence of the Social Order*, in NARRATIVE, VIOLENCE, AND THE LAW: THE ESSAYS OF ROBERT COVER, at 239 (2004).

<sup>102</sup> *Jeremiah* 29:11 ("For I know the plans I have for you, says the Lord, plans for welfare and not for evil, to give you a future and a hope.").

<sup>103</sup> *Deuteronomy* 6:5.

<sup>104</sup> See generally Cover, *supra* note 101.

<sup>105</sup> *Id.* at 239.

<sup>106</sup> *Id.* at 240.

<sup>107</sup> *Id.*

that is so intimately connected that it is capable of being “gathered as one man.”<sup>108</sup> Intriguingly, Professor Cover observed that the people at Sinai did not choose to opt in to the experience of law.<sup>109</sup> Instead, they were chosen;<sup>110</sup> therefore, if they were chosen, there had to be a chooser. In particular, that chooser was God.

The Community of Sinai, then, is not just any community; it is the community of God. Similarly, the Law of Sinai is not just any law; it is the law of God. The point of Sinai, then, is such a law from such a God. Indeed, the history of the Jewish people insists that their community only works when God is at the center of it.<sup>111</sup>

Sinai, of course, is not the only place that this community would encounter together the Law of God. Much later, after much had happened, they would gather together again, “as one man.”<sup>112</sup> On that day, as they stood committed to rebuilding the shattered temple of Solomon, Ezra, the priest and scribe, would read to them from that law “from early morning until midday.”<sup>113</sup> On that day, as the people understood that reading,<sup>114</sup> as the people recognized the wisdom, the truth, the power, and the love embodied in that law, the Law of God, as the community saw themselves and their sinfulness and brokenness in the light of that law, “the people wept.”<sup>115</sup>

But “Nehemi’ah, who was the governor, and Ezra the priest and scribe, and the Levites who taught the people,” would not let them weep.<sup>116</sup> Instead, these leaders in the law “said to all the people, ‘This day is holy to the LORD your God; do not mourn or weep.’”<sup>117</sup> Their leaders in the law “said to them, ‘Go your way, eat the fat and drink sweet wine and send portions to him for whom nothing is prepared; for this day is holy to our Lord; and do not be grieved, for the joy of the LORD is your strength.’”<sup>118</sup>

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<sup>108</sup> *Nehemiah* 8:1.

<sup>109</sup> Cover, *supra* note 101, at 240.

<sup>110</sup> *Id.*

<sup>111</sup> *See, e.g., Jeremiah* 30.

<sup>112</sup> *Nehemiah* 8:1.

<sup>113</sup> *Id.* at 8:3.

<sup>114</sup> *Id.* at 8:8.

<sup>115</sup> *Id.* at 8:9.

<sup>116</sup> *Id.* at 8:9.

<sup>117</sup> *Id.*

<sup>118</sup> *Id.* at 8:10.

When one encounters what Robert Cover considered to be real law,<sup>119</sup> that law that spoke “more sharply to” him,<sup>120</sup> one does not weep, but instead, one rejoices. This is so because when one encounters the Law of God, redemption is at hand.<sup>121</sup> Before the law that does not condemn but, instead, marks the road to redemption, there must only be “great rejoicing.”<sup>122</sup> Sin in the Community of Sinai is not the violation of law. It is the absence of that law that inspires great rejoicing. Sin is not missing by a cubit. Sin is turning one’s back on God’s law.<sup>123</sup> It is refusing the gift of being chosen and leaving the path that leads to one’s better self.

Robert Cover referred to the story of Sinai as a “myth,”<sup>124</sup> but if a myth to him, it was still a “good myth.”<sup>125</sup> It was one we could use, and it had its “place.”<sup>126</sup> As noted earlier, Robert Cover was driven to label himself an “anarchist” because he sought a world with “the absence of rulers, not the absence of law.”<sup>127</sup> In addition, Professor Cover saw law, not as a stumbling block to oppress the vulnerable, but as a means of redemption and betterment.<sup>128</sup> In the law of the Community of Sinai, Professor Cover found both law without rulers and law that redeems. Indeed, within the Community of Sinai, Robert Cover found everything he sought in law.

At Sinai, the God of Law, the source of law and of enforcement, is not a ruler or a king but a self-proclaimed “shepherd.”<sup>129</sup> Therefore, at Sinai, the God of Law is the God of Healing,<sup>130</sup> the God of Law is the God of Blessing,<sup>131</sup> the God of Law is the God of Hope,<sup>132</sup> the God

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<sup>119</sup> See *supra* note 9 and accompanying text.

<sup>120</sup> Cover, *supra* note 101, at 248.

<sup>121</sup> See, e.g., *Exodus* 15:13 (recognizing that God, the Giver of Law, is also He who “hast led in thy steadfast love the people whom thou hast redeemed, thou hast guided them by thy strength to thy holy abode”).

<sup>122</sup> *Nehemiah* 8:12.

<sup>123</sup> See *Genesis* 3 (Adam and Eve refuse to follow God’s law and seek, instead, to “be like God.” *Id.* at 3:5.).

<sup>124</sup> Cover, *supra* note 101, at 248.

<sup>125</sup> *Id.*

<sup>126</sup> *Id.*

<sup>127</sup> See *supra* note 5 and accompanying text.

<sup>128</sup> See *supra* notes 6-12 and accompanying text.

<sup>129</sup> *Psalms* 23: 1 (“The Lord is my shepherd”).

<sup>130</sup> *Id.* at 23:3 (“He restores my soul.”).

<sup>131</sup> *Id.* at 23:1 (“I shall not want”).

<sup>132</sup> *Id.* at 23:6 (“Surely goodness and mercy shall follow me all the days of my life; and I shall dwell in the house of the Lord forever.”).

of Law is the God of Peace,<sup>133</sup> and the God of Law is the God of Love.<sup>134</sup>

There is no community of law less in need of rulers than the Jewish Community at Sinai. They had, after all, their Shepherd. The Jewish people were first listeners,<sup>135</sup> then parents,<sup>136</sup> sojourners,<sup>137</sup> prophets,<sup>138</sup> and judges.<sup>139</sup> Finally, they were kings,<sup>140</sup> but they were not meant to be kings. Indeed, God warned the Jewish people through the prophet Samuel that they had no need of a king when they had a God who is their shepherd.<sup>141</sup> In concerns echoed by those felt by Professor Cover,<sup>142</sup> God warned the Israelites that a king would take their children, their servants, their livestock, the fruits of their fields, and the fields themselves,<sup>143</sup> and then ultimately their kings would enslave them.<sup>144</sup> “But the people refused to listen.”<sup>145</sup>

Certainly, there was violence in the law and Community of Sinai, but Robert Cover did not challenge our use of violence because he abhorred violence.<sup>146</sup> Professor Cover challenged our use of violence because in the American legal system, we use violence out of context for power and not for redemption.<sup>147</sup> Professor Cover

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<sup>133</sup> *Id.* at 23:2 (“He makes me lie down in green pastures. He leads me beside still waters”).

<sup>134</sup> *See, e.g., Psalm* 63:3 (“Because thy steadfast love is better than life, my lips will praise thee.”).

<sup>135</sup> *See, e.g., Genesis* 1:28 (“And God blessed them, and God said to them, ‘Be fruitful and multiply, and fill the earth and subdue it; and have dominion over the fish of the sea and over the birds of the air and over every living thing that moves upon the earth.’”).

<sup>136</sup> *Id.* at 4 (Adam and Eve are the parents of Cain, Abel, and Seth.).

<sup>137</sup> *See, e.g., id.* at 12-50 (Abraham and his descendants sojourn.).

<sup>138</sup> *See, e.g., Exodus* 1-15 (The prophet Moses leads the Jewish people out of Egypt.).

<sup>139</sup> *See, e.g., Judges* 4 (Deborah judging Israel).

<sup>140</sup> *1 Samuel* 10:1 (Samuel anointing Saul Israel’s first king).

<sup>141</sup> *Id.* at 8:10-19 (The Lord warning Israel through Samuel what will happen if they embrace a king).

<sup>142</sup> *See supra* notes 3-5 and accompanying text.

<sup>143</sup> *Id.* at 8:10-16.

<sup>144</sup> *Id.* at 8:17.

<sup>145</sup> *Id.* at 8:19.

<sup>146</sup> *See supra* notes 30-32 and accompanying text.

<sup>147</sup> *See, e.g., Randy Lee, Who’s Afraid of William Shakespeare?: Confronting Our Concepts of Justice and Mercy in The Merchant of Venice*, 32 U. DAYTON L. REV. 1, 19 (2006) (“The flaw then is not in the law itself, but in what people do with the law through their ignorance and arrogance and through their hate and near-sightedness.”).

challenged our use of violence because in the American legal system, those individuals who wield violence in the name of law are too apt to no longer feel the impact of violence when they wield it.<sup>148</sup> Professor Cover challenged our use of violence because our ways are not God's ways, and our thoughts are not His thoughts.<sup>149</sup>

Robert Cover never sought law without violence. He sought rules with love. In his eyes, our fault was never that we have embraced violence; our fault is that we have lost the desire to do as God does and redeem our brothers and sisters when they fall.<sup>150</sup> The Fall,<sup>151</sup> the Flood,<sup>152</sup> and Sodom and Gomorrah<sup>153</sup> all occurred before Sinai; therefore, they all testify that God did not need law to condemn men. Thus, God did not give men law to condemn them. He gave men law to lead them to their better selves and, when they fell, to redeem them.

Professor Cover also never believed that violence cannot be an instrument of law.<sup>154</sup> Instead, he believed that violence cannot be the only instrument of law. Robert Cover believed in a community of law where justice and mercy are not opposites but instead they are complements, each playing their parts at the appropriate moments to redeem.<sup>155</sup> Professor Cover believed that the violence of law must be intimate, and any pain the lawgiver inflicts on others, he must also feel himself.<sup>156</sup> Indeed, God feels the consequences of His anger even as we do, and it is only that suffering of God that makes those consequences holy.<sup>157</sup>

The law given at Sinai has not served merely to organize its community in some nondescript or generic fashion. Rather, that law, along with the mitzvah and the community it created, serves the Jewish people as the pathway to the "completion" of the individual just as

<sup>148</sup> Cover, *supra* note 20, at 238 ("For the perpetrator of organized violence the pain and fear are remote.").

<sup>149</sup> *Isaiah* 55:8 (For my thoughts are not your thoughts, neither are your ways my ways, says the Lord.).

<sup>150</sup> See *supra* notes 6-12 and accompanying text.

<sup>151</sup> *Genesis* 3.

<sup>152</sup> *Id.* at 6:9-9:17.

<sup>153</sup> *Id.* at 19 (Sodom and Gomorrah destroyed by God).

<sup>154</sup> See *supra* note 31 and accompanying text.

<sup>155</sup> See Lee, *supra* note 147, at 19-24 (arguing that justice and mercy are complements linked together for the pursuit of salvation).

<sup>156</sup> See *supra* note 49 and accompanying text.

<sup>157</sup> See, e.g., *Hosea* 11:8 ("How can I give you up, O E'phraim! How can I hand you over, O Israel! How can I make you like Admah! How can I treat you like Zeboi'im! My heart recoils within me, my compassion grows warm and tender.").

Robert Cover would have it.<sup>158</sup> At Sinai, law, command, community, and obligation are not alternatives to individual autonomy. Instead, they are the mechanisms for individual perfection, individual fulfillment.<sup>159</sup> At Sinai, law was not given simply so individuals could live together; instead, it was given so each individual could live more fully.

Martyrdom was mysterious to Robert Cover because a martyr refuses to yield to “the material reality of pain and its extension, fear” and because the martyr refuses to yield, even to the point of death, because of something “intangible.”<sup>160</sup> The story of Sinai is not without its own similar mystery. When God chose to embrace the Jewish People, even from Creation, He knew that His embrace would cause Him to experience betrayal,<sup>161</sup> denial,<sup>162</sup> abandonment,<sup>163</sup> criticism,<sup>164</sup> and neglect.<sup>165</sup> God knew that embrace would lead to God being lied to<sup>166</sup> and laughed at.<sup>167</sup> Thus, God knew that the cost of that embrace would be pain to Himself, but He embraced the Jewish People anyway. God embraced them, in spite of the pain He felt, because God loved

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<sup>158</sup> Cover, *supra* note 101, at 241.

<sup>159</sup> See, e.g., *Exodus* 20. In particular, in this experience of the gift of the Ten Commandments, God bookended the gift of law with His assurances that His law is to serve in the perfection and fulfillment of His children. First, God introduced His gift of the Ten Commandments by pointing out the source of this law is “the Lord your God, who brought you out of the land of Egypt, out of the house of bondage.” *Id.* at 20:1. Thus, God reminded His children that their Law Giver is also their liberator and their redeemer. Then, immediately following this gift of the Ten Commandments, as the Children of Israel “were afraid and trembled” before “the thunders and the lightnings and the sound of the trumpet and the mountain smoking,” which accompanied the presence of God, *Id.* at 20:18, Moses instructed the people, “Do not fear; for God has come to prove you, and that the fear of him may be before your eyes, that you may not sin.” In so speaking, Moses assured the people that God had carried His law into their midst not to harm them but to remove imperfections from their lives.

<sup>160</sup> Cover, *supra* note 20, at 205-06.

<sup>161</sup> See, e.g., *Genesis* 3 (the fall).

<sup>162</sup> See, e.g., *Numbers* 13:27-29 (The people refuse to believe that God will deliver to them the Promised Land.).

<sup>163</sup> See, e.g., *Exodus* 32:1 (The people ask for Aaron to make them other gods.).

<sup>164</sup> See, e.g., *id.* at 16:2-3. (The people grumble against God and Moses.).

<sup>165</sup> See, e.g., *Haggai* 1:3-4 (“Then the word of the Lord came by Haggai the prophet, ‘Is it a time for you yourselves to dwell in your paneled houses, while this house [the Temple] lies in ruins?’”).

<sup>166</sup> *Genesis* 4:9 (Cain insists to God that he does not know where his brother Abel is after Cain has murdered him.).

<sup>167</sup> *Id.* at 18:12-15 (Sarah laughs at God’s promise that she will have a son.).

them. From the beginning, God had “graven [them] on the palms of [His] hands.”<sup>168</sup>

This love was not lost on Robert Cover. He recognized that, for whatever reason, he enjoyed “a privileged position in the world,” that he had received “spiritual and material blessings” that others apparently had not.<sup>169</sup> Due to this outpouring of grace upon him, Robert Cover embraced a desire to help others “realize” what he had. The love that Robert Cover had received led him to love. It led Robert Cover to follow the law to his better self and then to lead others on that same journey.

I wonder that, if it is true that we do not understand so well “standout”<sup>170</sup> and “orthodox,”<sup>171</sup> then perhaps we may also not completely understand “mitzvah” – that word Robert Cover placed at the center of Jewish legal tradition.<sup>172</sup> We understand it to mean “command” or “obligation,” but the command or obligation at the center of mitzvah, itself, is a command or obligation to love: “you shall love the LORD your God with all your heart, and with all your soul, and with all your might.”<sup>173</sup> The words in this command are not to obey, nor to serve, nor to be burdened by, nor to be enslaved to. The command is to love, just as God has loved us.

In *Genesis*, we are told that God formed man out of dust.<sup>174</sup> Although the rest of creation God apparently made from scratch,<sup>175</sup> for man, God chose to recycle, to redeem the dust God had already made. God did not form man haphazardly, but personally. When God made man, God formed the dust “in our image,” in the image and likeness of God,<sup>176</sup> “the face of love.”<sup>177</sup> God held man in His hand, and God breathed life into man,<sup>178</sup> and then God blessed man.<sup>179</sup> God saw all of this “was very good.”<sup>180</sup> Thus, the essence of Judaism is that we are

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<sup>168</sup> *Isaiah* 49:16.

<sup>169</sup> Cover, *supra* note 101, at 248.

<sup>170</sup> See *supra* notes 13-19 and accompanying text.

<sup>171</sup> See *supra* notes 65-89 and accompanying text.

<sup>172</sup> See *supra* note 105 and accompanying text.

<sup>173</sup> *Deuteronomy* 6:5.

<sup>174</sup> *Genesis* 2:7.

<sup>175</sup> See *Genesis* 1:1-25.

<sup>176</sup> *Id.* at 1:26-27.

<sup>177</sup> Rich Mullins, *Let Mercy Lead*, in *BROTHER’S KEEPER* (Reunion Records 1995).

<sup>178</sup> *Genesis* 2:7.

<sup>179</sup> *Id.* at 1:28.

<sup>180</sup> *Id.* at 1:31.

2022 *CALL TO TEACHING AND JOURNEY TO JUDAISM* 1767

redeemed from the start, “awesomely and wonderfully made,”<sup>181</sup> held in the hand of a God who gives us eyes, ears, heart, and mind that are just like His. Our God breathes life into us, and He loves us. Everything our God creates is good, and we are made in His image to do likewise.

Robert Cover may have seen all of this as myth, but that did not stop him from conforming his life to it.<sup>182</sup> The law professor Robert Cover worked, in the Jewish tradition, to take the lives entrusted to him, love them, form them in the image and likeness of God, and breathe life into them. His purpose was not merely to facilitate the issuance of degrees, but it was to make sure the marks he left on the lives of others were all very good. And after he had done so, Robert Cover left us to do likewise.

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<sup>181</sup> *Psalm* 139:14 (NASB).

<sup>182</sup> Rich Mullins, *Creed, in A LITURGY, A LEGACY, AND A RAGAMUFFIN BAND* (Reunion Records 1993) (insisting that for those who believe in “the very truth of God,” that truth “makes me what I am”).