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RONALD GARET

A photograph in my office, interesting the eye as only black-and-white photographs do, shows three persons linked in a triangular geometry of mutual smiling. The base of the triangle, in the foreground of the picture, is defined by Justice Sandra Day O'Connor and me: defined, that is, by our looking and smiling at one another. The apex of the triangle is defined by Jerry Wiley, who has just introduced me to the Justice, and who stands further from the camera.

Justice O'Connor is giving me a gracious smile. The smile I return to her tries to hide what I think of her recent opinion for the Court in *Lyng v. Northwest Indian Cemetery Protective Association*,<sup>1</sup> but does not succeed. Jerry Wiley, at the apex of the triangle and near the center of the photograph, smiles at Justice O'Connor: a sociable smile, confident and genuine, but reserving the right to remain skeptical. Handwritten across the bottom of the photograph: "For Ron Garett with best regards, Sandra D. O'Connor."

I'm *in* this picture because the camera caught Jerry in the act of introducing me to the visiting Justice. I *have* this picture because Jerry sent it to the Justice for her inscription, then gave it to me as a keepsake.

These past years I have thought: there are words that sound like what they mean; here is a picture that instantiates what it portrays. What the picture shows is: one person, a senior administrator of the Law School, introducing his colleague to a visiting Supreme Court Justice. What the existence of the inscribed picture shows is: that the person who did the introducing, creating a gift in one of its aspects, also did the memorializing, recreating the gift in a second aspect. In tribute to Jerry's generosity and generativity, the representation and the act represented coincide at two dimensions of a single memorial moment.

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1. 485 U.S. 439 (1988). Justice O'Connor, for the Court, held that though construction of a Forest Service logging road might well destroy the ability of the Indian claimants to exercise their religion, the First Amendment provides no principle barring government from harming religious life in this way. *See id.* at 451-52. I believe that Justice O'Connor might have defined the requirements of the First Amendment differently had she understood the free exercise of religion to include, in its core meaning, serious engagement with the reality that death awaits and implicates all of us.

Though the inscription suggests that the whole artifact is a gift from Sandra D. O'Connor expressing her regards to me, I have regarded it instead as a gift from Jerry Wiley that is iconic of my regard for him. Though in the picture I am not looking at him, but at Justice O'Connor, when I look at the picture I am not only looking at Jerry, but regarding him, holding him in high regard. Here is a man who has worked to make our work possible and to ease our work, to challenge us and stimulate us to grow: as colleagues and co-workers, students, and alumni. And within these labors and accomplishments are his many gifts to me: his conversation about the First Amendment religion clauses, opened when he interviewed me long ago; his cooperation and encouragement when I would teach Law, Language, and Ethics to his Torts students; his trenchant criticisms of my quixotic proposals for institutional reform; his steadfastness whenever I turned to him for help.

Though pictures show and exist, the existence of human persons is unto death; death has altered representation, and the picture creates and preserves a different memory than once it did. How could the photograph have meant then what it means now? The picture belongs no longer to the moment but passing time. What the picture shows has changed; the act enabling persons in relation to one another takes on depth of meaning in the face of death, which tests all love between persons. What the existence of the picture shows has also changed; the act preserving the memory of human contact is challenged by death's rupture of contact.

I never knew how this photograph could sting. The enabler of the meeting is gone, the preserver of memory now preserved only in memory. All that Jerry made possible now faces the test of loss. The photograph now confronts me, and it questions me. Of all that Jerry acted to make possible for me, what will live on?

Buildings, solid and concrete, hint at permanence. Jerry's work on behalf of the building began before my time at the Law School, but I was here when he brought the new wing into being. Indeed, it was to help us celebrate completion of the new wing that Justice O'Connor had come to us in the Spring of 1990. Thus: not only does the building, like the photograph, endure as something of Jerry's making; the making of the photograph is an effect of the making of the building. Jerry's creation of a building meant for mutual engagement provided the occasion for persons to be introduced to one another and for the moment to be preserved in a photograph. In its relation to the dedication ceremony, the building is an object: an event to be recalled. But in its relation to us, the building is a space in which we do the recalling. The building is both the event remem-

bered and the artifact that enables memory of who we have been and still are. In these respects the work of the building is just the same as the work of the photograph it houses.

Here again, loss intrudes itself and leaves nothing unchanged. The building, like the photograph, supplies a field of representation on which mortality touches meaning and memory. The place that is made so that we (teachers, students, staff, and wider communities) may meet becomes a place also of parting. Like the photograph, the building comes to refer not only to what lies behind it but also to what lies ahead of it. Ending is seen to supply the horizon of meaning. The concreteness of the building yields no answer to loss, but offers instead a space in which survivors and heirs respond with their self-giving to the giving that has gestured toward them.

The photograph of Jerry, Justice O'Connor, and myself shows three people smiling at one another, lips compressed. None of us are speaking. As one memorial moment succeeds to another, I have tried to say now more than my own smile could have meant when it was fixed on film. I say belatedly to Justice O'Connor: I would speak to you of life-unto-death, the existence that asks to be respected in *Lyng* and in every case in which the possibility of faith is called into question. I say belatedly to Jerry: here is my little answer, person to person: the life of concern responding to the death of the body in the oh so fragile idiom of thought.