

Dad

Robin Black

I was undoubtedly too young at the time to recall now the first occasion on which the following scene occurred, but I assure you it was one reenacted with regularity throughout my youth. I, whining no doubt, would ask my mother for something I should not have, an excessive treat perhaps like a third piece of cake, and my mother, sensible woman that she is, would respond with a sensible “no.” At which point, like many children, I would turn, ever hopeful, toward the other parent, toward my father, who would, before I even began my plea, declare with a head shake both sorrowful and ultimate: “Baby, I am not a court of appeals.”

Over the years I have frequently been asked, “What’s it like to have Charles Black for a father?” and even, when this was still a novelty, “What is it like having two parents who are lawyers?” Often the impression given to me was that the questioner—usually a student of law—pictured us each in our turn, my brothers and me, lying as babes in our cribs, as our parents read aloud not Mother Goose or Doctor Seuss, but possibly Prosser on Torts; if not Gilmore and Black on Admiralty. The time has come, I believe, to read into the record, that no such indoctrination occurred. I will tell you now that the full extent of my early legal education at home was that long before I was an age I can now pull into memory, I understood that if only my father were that thing called a court of appeals, I might then just possibly be allowed to have more dessert.

If my brothers and I all faced our share of defeats at that shaking head and that denial, we each also experienced moments of anticipation and even relief at hearing our father utter, in hushed tones, the phrase: “Approach the bench.”

In our family lexicon, that phrase, whispered by Dad as he waved us toward him with a welcoming hand, could be roughly translated to mean: “I don’t want to make much of this, I prefer to keep it quiet, but there’s something nice I have realized I can do for you.” That “approach the bench” was occasionally followed—as one hopes it is not in its more regular context—with the handing over of a small amount of cash, but more often with the pronouncement on my father’s part of a scheme he had imagined for easing some difficulty with which one or another of us was

wrestling. There were many such occasions in my life, moments at which, feeling that I had exhausted my own last resorts, I was then quietly rescued by my father's suggestion that I approach the bench.

Despite his lifelong denial that he was a court of appeals.

My father felt a justifiable pride in his ability to save seemingly hopeless situations. He was by nature a cutter of Gordian knots. This gift was born, in my opinion, of his genius at framing problems as they had not previously been framed and then envisioning solutions that could only be envisioned by him because he alone had attained the perspective that could draw that solution into view. This is a characteristic related, I suppose, to what people now call "thinking outside the box," but related to it in the way that hurricanes bear kinship to gentle rains. If "the box" is the term used to describe the predictable, the usual, the ho-hum, my father had no particular knowledge of the box. He was an inventor of the unimaginable and an interpreter of the previously invisible. These qualities, so evident in his professional work, permeated his family life as well. He refashioned fathering to suit his brilliance, his generosity, his creativity, and of course his weaknesses too, and in so doing he gave to Gavin and to David and to me many of our own best qualities, many of our own most cherished memories and many of our own most closely guarded ideals.

This is not to say that Dad always got it right, that there were no missteps along the way. As many of you already know he was too complex, on occasion too irascible, and ultimately too human a man to have sailed through family life—or for that matter his own life—in only a simple harmony. And though I am here to praise my father and not to psychoanalyze him, I believe that my praise of him would be weaker and thinner than it need be and should be without at least a mention of the fact that he was a man to whom neither emotional ease nor psychic calm came effortlessly or often. He was melancholic by nature and at times weighed down by the worries, doubts, and fears with which he did battle throughout his life. In my view, these facts deepen immeasurably his accomplishments and add a layer of valor and courage to the generous love he gave and to the devoted love he inspired. In the immediate aftermath of his death, as tribute after tribute poured in, the specter of hagiography reared its—to us—unwelcome head; for my father was no saint. Rather, he was an extraordinary and very complicated man who soared to stunning heights in both his career and his personal life. And he was, at his own core, a man for whom the giving and receiving of love was the defining feature of humanity. It was that understanding, that belief, that allowed him to make such extraordinary use of his talents and his strengths.

And of course he was one of the all-time great eccentrics.

I believe that when people asked in that particular tone, "What's it like to have Charles Black as a father?," along with wondering about the legal

education to which we might have been exposed in the nursery, they were also curious about the infamous eccentricities. Curious about fitting my father, and all of his larger-than-life oddities, into the domestic setting.

Believe me, those qualities were not shed at the threshold of our home. Being Charles Black's child meant, among other things, realizing early on that your father was just a little bit different from the other dads. And I hasten here to add that in our case the other dads were also Yale Law professors in the 1960s and 70s, so his peculiarity was quite an achievement of idiosyncrasy. The bar was set very high. Ours was not a community noted for conformity.

There were the nights he spent sleeping in the backyard, to prepare himself for the Appalachian trail. The night the police arrived at the front door because the neighbors had called in a prowler on our property. "Oh, no," my brother Gavin said quite amiably. "That's just Dad. He sleeps in the backyard." There was his perpetual singing, the self-generated soundtrack of pop songs from between the world wars that accompanied him everywhere he went. There was the jeep he drove, long before jeeps were ubiquitous, puffing on his pipe, dropping burning ash into his own lap, slapping the fires out, singing the blues, honking at people he may or may not have known. And there were the startling flashes of erudition, the ability to recite any line from any Shakespeare play, the poetry of all the Romantics, the complete works of both Boswell and Johnson, and of course, at the drop of a hat, the complete works of Charles Black. And yes, there was the fact that we Blacks were all the proud owners of a startling, arguably disturbing, number of Icelandic sweaters. There was that strangely healthful gruel he ate for lunch every day and the carton of ice cream he consumed each night. And the bizarre occasion on which he combined the two and, because frozen sunflower seeds are apparently lethal, cracked several of his own teeth. And there was of course his harmonica, always lurking in one pocket or another, waiting for the slimmest excuse to be played. And the black leather tobacco pouch hanging from his belt, a detail of his own unique sartorial style, which often included clothes my brothers had outgrown and thrown in the trash.

Those are some, a small sampling, of Dad's eccentricities and no doubt their legacy is a wealth of anecdote. But in my opinion, while eccentricities can engender good yarns, they cannot explain how a man comes to be so loved. Eccentricities may be endearing, but they do not earn one loyalty and devotion. And my father did inspire devoted loyal love, among his family, and around the world.

One way in which he did this was by exercising his extraordinary intuitive sense of the symbolic resonances of small acts and small gestures. He was not a man who lived by symbol alone, not a man who substituted the gesture for the substantive act, but he did have this wonderful instinct

for the power of gesture, the strength of symbol when it is backed up by the real thing.

He was a master of the grace note.

In 1972 my father opened his home to my maternal grandmother, Minnie Aronstein, who was then paralyzed and bed-ridden. By inviting her to live in our front room, he committed himself to what turned out to be a decade in which our household became, in significant part, a nursing home. When my father took on that project, he gave a very real gift to my Grandma, to my mother, and to us all: the gift of our being a family together for her final years. He gave Grandma security. He gave her grandchildren the chance to know her well, and gave my mother the chance to be the daughter she felt she should be, and wanted to be. While the good far outweighed the difficulties involved, it was not always an easy situation, and not always an easy gift for my father to give. In other words, this was no symbolic act, no grandstand gesture.

But when on the day of her arrival he donned his dungarees and grabbed his egg beater drill, and fastened a mezuzah to the doorway of Grandma's room, Dad added a symbolic resonance to his welcome of her. He punctuated his gift to her, the opening of his home, with this short scene in which he enacted his own hospitality, in which he created a moment, a memory. He was after all a poet, and with this small act he wrote a poem of welcome to his mother-in-law.

I miss my father. I miss those magical moments, those lovely grace notes. I miss his phone calls in the afternoon, his joy at the sound of his children's and grandchildren's voices. I miss having poems materialize from among the mundane, miss being sung to, and miss singing fabulously imperfect duets with him myself. I miss watching him play, as silly as any child, with my own children, and with my nephew and niece. I miss his masterful, unparalleled use of language, his revolutionary vision, and the soft brown eyes through which he viewed us all.

"Be good," Dad used to say to us, to his children, at every parting. "Be good, Man," to my brothers. "Be good, Baby," to me. It was part advice, part hope, part exhortation, part benediction, part prayer, and it was also the central task that he set for himself. He has left us with so many brilliant passages to read, so much evocative poetry to share. He used well-crafted language to accomplish so much for so many, but for me it is these two words that stand most vivid among it all. *Be good*. It is how my father said goodbye, meaning nothing more as he did, and nothing less, than the offer of fellowship and of love from a man who never lost sight of how important a goal that is, nor ever of how difficult it can be to achieve, and who time and time again did achieve that goal with passion, with poetry, with conviction, with style, and to the immeasurable, eternal benefit of us all.