SCHOLARSHIP

AS DIALOGUE AND A CONSTRUCTIVE EXERCISE

A Look at the
Investitures of Three BYU
Law Professors

KIF AUGUSTINE-ADAMS • CHRISTINE HURT • BRETT G. SCHARFFS

PORTRAITS BY BRADLEY SLADE

At the beginning of the 2017–18 academic year, Dean Gordon Smith announced the appointment of three new chairs at the Law School. Professor Kif Augustine-Adams was named the Ivan Meitus Chair, Associate Dean Christine Hurt was named the George Sutherland Chair, and Professor Brett G. Scharffs was named the Rex E. Lee Chair. I have to admit that I did not—and still do not—have a clear picture of the origins of the term "chair." Some internet searching revealed that the term derives from the symbolic use of physical seats to denote authority or achievement among clergy in medieval times and later at Church-founded universities. While the origins of the term are somewhat incongruous with our modern concept of a university, the symbolism remains the same: being appointed a chair denotes significant achievement in the areas of citizenship, teaching, and scholarship.

While students are witnesses to and beneficiaries of professors' teaching, they get few glimpses into professors' scholarship. There are two aspects of scholarship that I think are particularly hidden to students—or at least they were to me—that are worth mentioning.

The first is that scholarship is a dialogue, not a monologue. Academics are often described as working in ivory towers. While the phrase does unfortunately ring true in the context of the actual architecture of the BYU Law School, where the faculty sits on the fourth and fifth floors of an ivory-colored building, the image is wrong in what it suggests. Scholarship is, at bottom, an engagement with other scholars and with the world in which the scholar writes.

I remember my first glimpse into scholarship as dialogue. During my sophomore year at BYU, I took a course from Dr. Scott Cooper in the Political Science Department. One of our reading assignments was an article entitled "The Clash of Civilizations?" by Samuel P. Huntington. Up until that point, to me an article represented a culmination of work, a sign of satisfaction that the author had finally figured it out. To be sure, many pieces of scholarship do read this way. But this article had a question mark at the end of the title. The article felt important because it started a conversation in our classroom. Years later I realized that the article probably started a broader conversation among other political science experts that still goes on today.

—D. Carolina Nuñez,
Associate Dean, BYU Law School
Adapted from remarks
offered at the investiture ceremony
of Kif Augustine-Adams

A scholar's task is to be present in the conversation. We hope our work will contribute to and further existing conversations or begin new ones. Scholarship, at the end of the day, is always a collaborative task.

The second hidden aspect is that scholarship is a constructive exercise. In law school we are trained to deconstruct everything we read. As professors, we put cases in front of our students and ask them to identify the problems in the decisions. We point out the inconsistencies. We question the reasoning. In short, we pull each brick out until we are left with a pile of rubble. But deconstructing is only useful if we employ it to learn how to construct something. Pulling apart a pair of pants and laying them out flat is a great way to figure out how to make your own pair of pants. Taking apart a computer is a valuable way to understand how it works and how to build your own. Scholars, true scholars, sort through rubble with the aim of building something that is better—something that is useful or beautiful or helpful. I think this is the defining characteristic of much of our professors' work.

I invite you, our extended Law School family, to read the following excerpts of the remarks presented by Professors Augustine-Adams, Hurt, and Scharffs at their investiture ceremonies in order to engage in the dialogue and the building of an improved legal system.