

DESPERATELY SEEKING A VOICE

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CALL it decanal laryngitis.

I had experienced variants of this malady before, whenever I had taken on new jobs. Losing my voice, I mean. It had happened in milder forms when I had become a law clerk, a lawyer, and a law professor.

But the decanal variety was more potent, and more debilitating. So many more people were paying attention to me, listening to me, and caring about what I sounded like.

Now, before I talk about the laryngitis question, I need to explain something. You see, I think of myself as having a “true voice.” That’s what I hear when I think. Or when I mutter to myself. Sometimes I hear it when I’m speaking about something difficult with a friend whom I really, really trust.

“Authentic” is a major buzzword nowadays. For me, the word “authentic” makes me think of my true voice. The authentic “me” uses short paragraphs and short sentences. My true voice usually speaks in first-person-singular. Its sentences often begin, “I don’t know,” and “I wonder if other people” It’s sentimental.

In some ways, my true voice isn’t very “professional.” That’s a problem. It means that I need other voices for work.

I’m going to come back to decanal laryngitis in a minute. But first let me say a little more about the earlier moments of professional laryngitis. I think that will help me make my point.

When I was a law clerk, I had an in-chambers voice, for talking with my judges and my co-clerks. It was pretty authentic, most of the time. But I needed another voice to use in drafting or editing opinions that would be published under the name of another person.

Law clerk opinion writing was a kind of ventriloquism. I tried to master the cadences and rhythms and characteristic argumentative modes of my judges, and I imitated them. Each of my judges struck his own balance between the decisive, let-me-walk-you-through-the-syllogism style of writing, and the more personal, I-see-this-as-a-close-balance-among-competing-values-but-in-the-end-I-come-out-here style. Each had his own sense of humor.

Ventriloquism was challenging, but it was fun too. I didn’t feel my ethical core was on the line very much. I do, however, think that my judges felt *their* ethical cores were on the line. They had to make sure that my “contributions” didn’t move their voices into a place that felt inauthentic to them.

When I became an associate at a law firm, I generally used the same kinds of voices I’d been comfortable with as a student and as a law clerk. But there was one environment where I really had to develop a new voice: negotiating.

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My old voices weren't up to the task of negotiating on behalf of a client. It was a whole new role. The partner I did most of my work with spent a lot of time explaining why my old voices weren't right for this task.

He taught me about the undertones of negotiation. Everything we said to the opposing lawyer was accompanied by an implicit subtext. Sometimes the undertone would be, "You and I are just technicians, trying to implement the agreement of our principals." Or sometimes, "You and I are supposed to help guide our clients toward a bargain that reflects general principles of justice and efficiency." Or sometimes, "You and I are supposed to make sure our clients don't walk away over some trivial little point."

I often felt that my ethical core was on the line when I was negotiating. I was using my voices for my client's advantage. I was speaking strategically. I needed to respect certain boundaries of honesty, integrity, and (here it is again) authenticity. Yet I felt that it was always up to me to determine where those boundaries were. (To his credit, my mentor always encouraged me to think carefully and self-consciously about those boundaries, and to pay attention to them.)

I kind of liked those negotiator voices. I even enjoyed that struggle to find voices that were instrumentally effective without being intolerably inauthentic. That struggle, more than the voices themselves, would be good preparation for later episodes of professional laryngitis.

When I started teaching, the first month was awful. I worried about whether I could survive the vocal challenges.

First, there was speaking with students. I wanted desperately to be professorial, whatever that meant. I also wanted to be candid and honest. I wanted to show my students that it was good to struggle with complex issues and to be profoundly self-critical. I also wanted to be sensitive and responsive to their confusion. So I over-interpreted every yawn or furrowed brow. I assumed they were hung up about a point when often they were just hung over. I wrung my hands so much about the nuances of tax policy that they worried I didn't know what I was talking about.

When I figured out that this wasn't working, I careened to the opposite extreme. I began to exude more confidence and certainty than I really felt. Slowly, over time, I became more comfortable in my role. Thus, my classroom voice underwent a change that I believe is normal: a slow regression towards the authentic.

But there was also the need to find a voice in print. Writing a scholarly article was different from writing a judicial opinion, a brief, or a client letter. I had to claim for myself (at least implicitly) an original insight or understanding. But too much boldness can be dangerous before tenure. A rash blunder can be humiliating. So my early written voice was towards the cautious end of the spectrum. Only after tenure did my writing style regress towards the more authentic, slightly bolder sense I had of my own contributions.

Now I can talk about the startling transition to being a dean. Suddenly, the old voices didn't work any more. Not even my tenured faculty voice worked. My colleagues heard me differently from the way they had a month before.

Consider irony. People take what deans say far too seriously, especially colleagues. It took me a while to adjust to that fact. If I indulged in the gentle teasing that used to be the stuff of collegial bonding ("Do you ever wonder if you

are ever going to have another original idea?”), I risked launching a fragile colleague into a full-blown panic attack.

Then there is the problem of being “on the record.” I was suddenly a much more quotable source than I had been before. Random musings in which I had no investment would circle back to me in weird ways. (“Jeff, I just heard from somebody else that you were disappointed by the faculty turnout at the student talent show. What are you planning to do about it?”)

Being a dean forced me to speak more carefully, more precisely, more directly. If I wanted to tell a colleague something in confidence, I could no longer assume they would infer that desire from the context. I had to say, right out loud, “Please don’t tell a soul about this.” If I wanted to float an idea, I had to say, “This is a really tentative preliminary reaction that I have no commitment to, and I’m going to need help thinking it through.” I couldn’t scowl unless I wanted to frighten someone. I wasn’t allowed to cry unless I absolutely couldn’t help it.

Up to this point I’ve been talking about how my old voices needed to be modified. But that’s really only the tip of the iceberg. The overwhelming part of being a new dean was finding myself in a million new situations, each demanding an entirely different kind of voice. Here are five voices that I hadn’t experienced before but that became regular features of my life as a dean:

1. The cheerleader voice. This turned out to be the most important voice for me to develop. Everyone from students to faculty to alumni needs reassurance that things are going to go well, that everything is going to be all right. Part of my duties called for me to find credible and encouraging ways for everyone to feel good about being members of such a swell team. And to do that without sounding completely ridiculous.
2. The coach voice. I needed this voice for junior colleagues especially. With proper coaching, outstanding entry-level hires should be able to earn tenure. But it took some time to find the balance that offered encouragement and guidance without understating the magnitude of the challenge that modern tenure standards pose.
3. The comedian voice. I have always enjoyed my own sense of humor (who doesn’t?). But until I became a dean, I had not appreciated the broad range of situations in which a gently self-deprecating joke can put people at ease and allow everything to proceed more smoothly.
4. The preacher voice. Our alumni magazine includes a page for a dean’s message in each issue. I have used the column to pen homilies in which I hold forth about qualities of heart and mind that most great lawyers seem to share. I have, frankly, loved the opportunity that the deanship has provided to be just a wee bit preachy about the core values of our profession.
5. The authoritative voice. At different times, I found myself having to explain that the Law School (or I) had made a decision, and why we were standing by that decision. The audience could be students, colleagues, graduates, the general public, or (often) applicants’ parents. For those occasions, I needed a voice that could project warmth and sensitivity, but more importantly firmness and resolve.

So what's the punch line? (Sentimentalists always need a moral for the end of the story.) I have two.

Number one is that I think it's a real shame that we have to give up some voices when we become deans. But if we don't, we won't last long.

Number two is that, after seven years of deaning, I have actually come to enjoy using the new voices I acquired. When I started out, each of them felt artificial, and in truth they were barely adequate to the task. But over time, each has regressed towards the authentic. (Maybe the right word is "progressed.") Each has gradually taken on more and more qualities of the voice I hear when I am sitting alone at my computer, talking to myself.

I think that is part of why I love Commencement so much. In an auditorium packed with graduates and parents and colleagues, I get to cheer, to joke, and to preach. I get to tell an audience of thousands how proud I am of these students and their school. I even have a few minutes to hold forth authoritatively about some matter of substance I think important.

Commencement challenges me to deploy all the voices I have picked up over the years. Sometimes, in the middle of my remarks, I find myself listening in an out-of-body way to the sound of my own speaking. And I always feel a little surprise, a little pleasure, and a healthy dose of gratitude when I realize that the voice I am hearing is, truly, mine.