

Three Vignettes

By Richard K. Neumann Jr.

Richard K. Neumann Jr. is a professor of law at Hofstra University School of Law in Hempstead, N.Y.

This article is for Ralph Brill, who is the spirit and conscience of legal writing.

These are examples of how a person's growth can be helped or hurt by what another person says. They're just vignettes. They don't prove anything.

Max Perkins¹

In an earlier era of books, Charles Scribner's Sons was perhaps the most prestigious publisher, and Maxwell Perkins was Scribner's most influential editor.

In 1928, Scribner's received a gargantuan manuscript written by an unknown and unpublished young man in North Carolina. The story that a hand truck was needed to move it up from the street is a myth. Perkins, who had discovered and edited Ernest Hemingway and F. Scott Fitzgerald, agreed to read it.

A few months later, the young writer arrived, shy but uninhibited. He later recalled Perkins to be "gentle in dress and manner. He saw I was nervous and excited, spoke to me quietly, told me to take my coat off and sit down."

Perkins started talking about a scene early in the manuscript. "I know you can't print that!" exclaimed the young man. "I'll take it out at once, Mr. Perkins." Perkins told him that it was some of the best writing he had ever read. The writer seemed not to hear this. Perkins turned to other passages. Each time, the young man declared that what was on the page was horrible and would be removed. And each time Perkins told him that the

writing was beautiful but would be more effective with changes, which Perkins described.

When the writer finally realized the gist of this conversation—that Scribner's would publish his novel, that it would need radical reorganizing and sentence-by-sentence rewriting, and that Perkins would show him how to do it—tears appeared in the writer's eyes. A contract was signed, and in the following days he walked around Manhattan, not sure where he was going or why, clutching the contract in his pocket as though it might otherwise vanish.

For the next several months, Perkins met with him regularly, explaining how to tighten the manuscript and bring characters and scenes into sharper focus. For the writer, these conversations were painful, as he kept bringing work back, only for Perkins to show him how much more rewriting was needed. Gradually, the huge manuscript shrank into eloquence.

This was Thomas Wolfe,² and the manuscript became *Look Homeward, Angel*. It was followed by *Of Time and the River* and *You Can't Go Home Again*. They quickly became best sellers and classics of American fiction.

John Gardner, a novelist and a writing teacher, once made a list of some of the exasperating characteristics common to novelists, including "incivility ... obstinacy ... a lack of proper respect, mischievousness, an unseemly propensity for crying over nothing ... a criminal streak of cunning; psychological instability; recklessness, impulsiveness. ..."³

“These are examples of how a person's growth can be helped or hurt by what another person says.”

¹ See A. Scott Berg, *Max Perkins: Editor of Genius* 128–140 (1978); John Gardner, *On Becoming a Novelist* 34 (1983).

² Thomas Wolfe was not related to Tom Wolfe, a journalist and the author of *The Bonfire of the Vanities*, *From Bauhaus to Our House*, and other books.

³ Gardner, *supra* note 1.

“The earlier draft has rough edges. But it also has more passion, a more distinctive voice, and some electrifying passages that did not survive into the final draft.”

There’s no record of Perkins ever becoming upset with a writer, not even those who (like Thomas Wolfe in later years) treated him shabbily. Nearly all the writers he worked with were difficult people. He succeeded because he helped them become who they wanted to be. He believed in them—and they knew it.

Karl Flodin⁴

At the beginning of the 20th century, Jean Sibelius was an early-career writer of classical music with a regional reputation in his native Finland and the rest of Scandinavia. He wanted to break out of this and gain acceptance into the German and Austrian musical elites. Sibelius never accomplished that, and within a few years he stopped caring about it. But for a time he was vulnerable to the opinions of influential people.

As a student and later as a young composer, Sibelius had been mentored by Karl Flodin, the leading Finnish music critic. Although Sibelius usually ignored opinions he didn’t like and cultivated a bohemian image of roughness, his self-confidence was affected to some extent by Flodin’s approval.

Sibelius wrote a violin concerto, which was performed in 1904. Flodin published reviews judging it to be poorly organized, too complicated, and a “mistake.” Flodin criticized the orchestration, the tone color, the dialog between violinist and orchestra, and the degree of difficulty for the violinist. The essence of this critique was that the work and Sibelius’ motivations in writing were inadequate because they didn’t conform to what Flodin wanted them to be.

To a friend, Sibelius confided that the concerto had become a “secret sorrow.” He rewrote it, and the final draft was performed in 1905. That version eventually became a hit. Today, it’s the most frequently performed concerto for any instrument written in the 20th century. Young rising-star violinists master it to prove themselves.

For 87 years, Sibelius and his heirs forbade any performance of the earlier draft. Finally, in 1991 it was recorded in a small Finnish town by a previously obscure conductor, violinist, and orchestra.⁵ The recording won awards, and it reveals how the concerto benefitted from criticism—and was harmed by it.

Comparing the two drafts shows that when Sibelius rewrote the concerto, he responded in one way or another to every one of Flodin’s criticisms. The final draft more closely satisfies accepted concerto format and listener expectation. It flows more smoothly and by conventional standards is technically better music than the earlier draft.

The earlier draft has rough edges. But it also has more passion, a more distinctive voice, and some electrifying passages that did not survive into the final draft. Nobody knows for sure why those qualities were suppressed as Sibelius reworked the piece. But Sibelius’ wife Aino, who preferred the earlier draft, complained that he rewrote it “when the critics tore it to pieces.” Nearly all the criticism had come from Flodin.

As a teenager Sibelius had studied to become a concert violinist, and the violin was his natural instrument. But this experience was so painful that he did not write a second violin concerto.

⁴ See Harold E. Johnson, *Jean Sibelius 19–20*, 115–116 (1959); Robert Layton, *Sibelius* 138–140 (1965); Alex Ross, *The Rest Is Noise: Listening to the Twentieth Century* 176–177 (2007); Erkki Salmenhaara, *The Violin Concerto in The Sibelius Companion* 103–119 (Glenda Dawn Goss ed. 1996); 1 Erik Tawaststjerna, *Sibelius* (Robert Layton transl. 1976); *Jean Sibelius, The Music, Violin Concerto*, <www.sibelius.fi/english/musiikki/ork_viulukonsertto.htm> (last visited September 2, 2008).

⁵ Jean Sibelius, *Violin Concerto in D Minor, Op. 47, Original Version 1903/04 and Final Version 1905* (Osmo Vänskä, conductor; Leonidas Kavakos, violin; Lahti Symphony Orchestra; BIS CD-500; 1991).

Norm Sherry⁶

In the arts and in athletics, skills are taught through coaching—observing the student’s performance and commenting on it. Actually, “student” isn’t entirely accurate. Even the most accomplished ballet dancers and speed skaters still want and need coaching. Branch Rickey was known as the Mahatma for his wisdom on this and other subjects. “Coaching,” he said, “is not a matter of compulsion but of fertility of suggestion.”

In baseball, a pitcher throws a ball past an opposing player holding a bat. The pitcher succeeds if the batter can’t hit the ball.

A catcher has two functions. One is to squat behind the batter and catch what the pitcher throws. The other is to walk out to the pitcher and say whatever words might help the pitcher do a better job. This is a form of coaching, even though the word “coach” isn’t in a catcher’s job description. A pitcher, like a novelist or a composer, lives on the edge and can fall off.

Norm Sherry was a catcher. He wasn’t superior at the squatting and catching part. Today he’s remembered for three comments he made to a pitcher during a single game in 1961.

The pitcher had been a failure for six years, having lost more games than he had won. He was on the verge of quitting baseball to earn a living selling electrical equipment.

Accounts differ about what Sherry said to the pitcher, whose name is Sandy Koufax. Each of them has retold the story to many people who have themselves retold it. The details have mutated, but all versions agree on the essential points.

Comment #1: At the beginning of the game, Koufax was pitching badly. Sherry walked out to

him and suggested doing less rather than more. (“Don’t throw so hard.”) Koufax had heard statements like this many times before but without effect, perhaps because it’s counterintuitive. The most obvious way to pitch well is to throw the ball powerfully past the batter. Out of a deep motivation to succeed, Koufax had put all his strength into every pitch for six years. Now he did what Sherry suggested and immediately accomplished the most effective thing he could under the circumstances. (In technical language, he struck out the side.)

Comment #2: Shortly afterward, Sherry pointed out to Koufax the paradox that he had pitched better by doing less. (“You just now threw harder trying not to than you did when you were trying to.”)

Comment #3: Later in the game, Koufax slipped back into old habits. Sherry walked out to him and repeated *Comment #1*.

On that day, Koufax pitched so well that jaws dropped.⁷ And his life changed.

Within six months he broke a strikeout record that had stood for 58 years. He broke many more records over the next few years. In a World Series game he pitched so well that more than 60,000 people, who had been rooting *against* him, rose in a standing ovation. People in a position to know said that he had become one of the greatest pitchers in history.⁸

⁷ If you dislike technical terms, skip this: In a spring training game, Koufax pitched a seven-inning no-hitter and struck out eight. He walked three batters in the first inning, which caused Sherry to make *Comment #1*, and two batters in the fifth inning, which lead to *Comment #3*. Except for those walks, no opposing batter got to first base.

⁸ For example, Casey Stengel: “Forget the other fellow [Walter Johnson]. You can forget Waddell. The Jewish kid [Koufax] is probably the best of all of them.” Geoffrey C. Ward & Ken Burns, *Baseball: An Illustrated History* 380 (1996). Robert Creamer: “I saw Lefty Grove, Dean, Bobby Feller, later on Warren Spahn, Whitey Ford, Steve Carlton, Seaver, Clemens . . . and yet when I think of great pitchers, Koufax is like Mt. Everest.”

⁶ See Branch Rickey’s *Little Blue Book* 24 (John J. Monteleone ed. 1995); Peter Golenbock, *Bums: An Oral History of the Brooklyn Dodgers* 494–495 (1984); Edward Gruver, *Koufax* 125–127 (2003); Sandy Koufax, with Ed Linn, *Koufax* 147, 154–155 (1966); Jane Leavy, *Sandy Koufax: A Lefty’s Legacy* xiii–xiv, 102–103 (2002).

“In the arts and in athletics, skills are taught through coaching—observing the student’s performance and commenting on it.”

“‘In the arc and force of the pitcher’s motion, Pinsky saw everything he wanted his students to know about writing. ...’”

Koufax has never stopped saying that Sherry made this possible. “I had heard it all before,” Koufax recalled. “Only, for once, it wasn’t blahblahblah. ... There comes a time and place where you are ready to listen.”

Robert Pinsky, who has been the national poet laureate, put Koufax into a poem called “The Night Game.” Pinsky is a writing teacher, and for years he kept on his office door a photograph of Koufax uncoiling from his windup, the ball about to leave his hand at nearly 100 mph.

Jane Leavy, who wrote a book about Koufax, asked Pinsky about the photo. Here is her summary of his response: “In the arc and force of the pitcher’s motion, Pinsky saw everything he wanted his students to know about writing: balance and concentration; a supremely synchronized effort; the transfer of energy toward a single, elusive goal.”⁹

© 2009 Richard K. Neumann Jr.

Another Perspective

“Law school is like Oz. Law students, like Dorothy, want to fly over the rainbow, where they believe they will find happiness, justice, and a meaningful life. Although many do not know what lurks over that rainbow, that belief compels them to enter law school. True, law students go to law school willingly, whereas Dorothy entered Oz only after a cyclone intervened. Once they are in law school, however, students feel as disoriented as Dorothy did when she walked out of her battered house and realized she was not in Kansas anymore. Like Oz, law school could be a transforming experience that enriches and empowers students to do justice. However, all too often, like the Yellow Brick Road, the path in law school is wide, winding, and full of dangers and diversions. Dorothy had to contend with dark forests, poisonous poppies, flying monkeys, the Wicked Witch, and the man behind the curtain. Law students must contend with challenges to their values and sense of self, the competitive and sometimes hostile learning environment, exhaustion, the allure of materialism, and the use or misuse of power. Overcoming or transcending dangers is a necessary part of life’s journey; however, some dangers are gratuitous and could deter the student, as they did Dorothy, from their ultimate destiny. Imagine how more enriched and empowered law students would be if law schools offered a transformative experience where students had help navigating their journey. Instead of putting all of their energy into finding directions, students could remain focused on more significant questions such as: how they define justice, how they can fulfill their life’s purpose, how they can work in the service of justice, how they can become creative problem solvers, and how they can be both ethical and moral.”

—Paula Lustbader, *You Are Not in Kansas Anymore: Orientation Programs Can Help Students Fly Over the Rainbow*, 47 Washburn L.J. 327–328 (2008).

⁹ Leavy doesn’t say which photo Pinsky had on his door, but Google Images locates several.