

**Professor Lucy Jewel's Comments on Professor Murray's
Presentation**

Hi, everyone. Thank you, Professor Murray. Thank you, Professor Hemingway. Thank you, students. It's really an honor to be here. I've been asked to comment on the paper, *Corporate Purpose and The Road*. Will and Haskell Murray, two brothers, which I find very interesting, are arguing that students in business law or business ethics should be exposed to Cormac McCarthy's novel *The Road*. Cormac McCarthy wrote *The Road* in 2006 and true to the themes in most of his work, the novel is often excessively, explicitly violent. I've read the book. I've also seen the movie. I'm a huge fan. The novel is not about the law.

There are no legal themes in the novel, although I do agree it directly applies to legal themes. Like the Wild West, dystopia is a time or time in the future where there is no law, where the rule of law is gone. Instead, we have people trying to make their way in the world through behavior norms, and morality really is reduced down to just humans interacting with each other, and groups interacting with each other. So, there's a lot to say about how law emerges or what law should emerge from this state. It's a very difficult novel. McCarthy is a very difficult writer. As Haskell mentioned, it's hard to get through. It's not like reading, you know, *Sports Illustrated* or *People* magazine. So why have business law students read this novel? The authors argue that reading literature moves students away from the dichotomous or binary thinking of right and wrong and that this enables them to engage with the gray areas. And I agree that this is a great concept and I also agree that dichotomous thinking is still very prevalent in law.

We talk about the gray area as lawyers, but ultimately, you win or you lose. You are guilty. You are not guilty. Almost all of our common law reasoning is marching toward one conclusion, and it's very dichotomous.

Lawyers and businesspersons, and I really very deeply agree with this, need to be able to hold disparate concepts in an open mind at the same time. Something might be true and false at the same time. And I think this is a skill that we do not get in law school enough.

I also think there is a wellness component to using literature in legal education or business education. I think that dichotomous thinking style in business and law has a tendency to stress out students because students always want to be right. They always want to be a good law student, in the top of the class, and I think it's really good to have an environment where being right is not even expected. Where really the only thing expected is to consider questions. And that is what literature does. *The Road's* dystopian setting in particular helps the student reader visualize the very tough conflicts between individuals seeking to protect themselves and everyone else. *The Road* involves a father and a son duo. They are traveling around in a burnt-out apocalyptic landscape rife with roving cannibal gangs. It's pretty dark. And there are moments in the story where the father does not hesitate to kill those who approach them for fear that another person will cause harm. So, the situations in *The Road* can be directly applied to questions about the corporation's purpose. Should the corporation exist solely to maximize shareholder wealth or should the needs of other stakeholders be consulted in the decision-making process? In the context of business ethics, the father-son duo could be considered the corporation and the shareholders, and everyone else in the story could be considered the stakeholders. I definitely saw this metaphor when I was reading the paper.

So, I fully agreed with the Haskell brothers' thesis, but I am biased. As I mentioned before, I am a tremendous Cormac McCarthy fan, having read many, but not all of his books. In college, I was an English major. And

I had the pleasure of taking a course that was cross-listed between the English Department and the law school taught by Robert A. Ferguson, who is a renowned law and literature professor. And in that class, I knew at that time I wanted to go to law school, but that class really connected the power of literature to the law. And it profoundly continues to influence me to this day as a law professor and it influenced me in my past when I was a litigator.

In closing, I want to consider what would Cormac McCarthy think of this thesis? McCarthy recently died. And there's a lot of information out there about him because of the obituaries. And as, as Professor Murray mentioned, he is the son of an attorney. His brother was also a lawyer in Knoxville. autobiographical novel *Suttree*, which is really kind of an explanation, I think, of Cormac McCarthy's ethos. In that novel, the protagonist gives up his middle-class roots, he's from a middle-class family, to live on the Tennessee River in downtown Knoxville and catch catfish every day and then live off of selling that catfish. In his real life, Cormac McCarthy, when he was a literary star in the 70s and the 60s, or a rising star, he elected to live in a cabin with no electricity and a dirt floor, rather than in a more middle-class residence. I think McCarthy would agree that people need to understand that life cannot be boiled down to right and wrong, or correct and incorrect. And in his books, McCarthy often explores the theme that sometimes extreme violence is not as immoral as one might think. Sometimes a corporation's decision are grounded in a survival profit motive that may not be as immoral as one might think. So those are my thoughts. Thank you all.

