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## Foreword: Humanity, Dignity, and Grace

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# Foreword: Humanity, Dignity, and Grace

Brant J. Hellwig\*

Last spring, the Washington and Lee Law Review organized one of the most significant and timely symposia I have been fortunate to witness during my tenure at W&L Law: a celebration of the career, jurisprudence, and legacy of the Honorable Roger L. Gregory, Chief Judge of the United States Court of Appeals for the Fourth Circuit. For those seeking inspiration for the broad goal of doing the hard work of justice, this event supplied a healthy dose of oxygen for the flame. Inspiration is a gift; one that is always welcome. But it was particularly needed this past year, as our community—like all others—confronted a range of social injustices that had been painfully apparent to those who suffered them but were finally afforded a greater degree of recognition by those who did not. While at times that reckoning brought a greater degree of empathy, at other times it sadly caused greater division. All of this occurred against a backdrop of a global health crisis that affected all, but, once again, to widely disparate degrees. The pandemic placed a severe strain on the glue that can hold a fractured society together: personal connection. I believe it is helpful to memorialize the societal landscape in which the symposium took place. It contributed to the degree of optimism all participants likely felt at the end. Chief Judge Gregory's life, career, and jurisprudence provided a glimpse at a more just society; a glimpse at what we, collectively, can be.

The articles, speeches, and reflections in this Symposium are offered by an astonishingly impressive array of academics, advocates, and jurists from across the country. The

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contributions focus on Chief Judge Gregory's influence on critically important social matters, such as criminal justice, health care, privacy, and voting rights. In the course of the panel discussions on these specific topics, the following broader themes arose: humanity, dignity, and grace.

The first two themes were intertwined. In resolving legal interpretations on appeal, it is easy to lose sight of the individuals whose personal circumstances give rise to the legal dispute at hand. That is particularly the case given that the litigants often are not present at oral argument of the case (if argument is even held), and as far as I know, are never present at the counsel table. That setting makes it somewhat easy to approach the legal question that serves as the subject of the appeal in a removed, impersonal manner. Indeed, much attention has been devoted to methodologies and philosophies for interpreting the text of relevant statutes or constitutional provisions on appeal, as if any one approach to interpreting words in isolation somehow serves as the gold standard to resolving legal disputes. In this realm, the parties to the suit do not matter much. Rather, they serve as mere vehicles to bring the matter before the court.<sup>1</sup>

Chief Judge Gregory does not suffer from this affliction. As the Symposium made clear, he approaches cases from a perspective of promoting humanity. He goes out of his way to see and understand the posture of the litigants and to treat them with dignity. His approach to resolving cases, which is grounded in recognizing and promoting the humanity of the parties whose rights are being resolved, is refreshing. And it has a venerable tradition. It serves as the foundation of the Supreme Court's recognition of the sheer impossibility of the separate-but-equal doctrine and its rejection in *Brown v. Board of Education*.<sup>2</sup> It grounded the Court's rejection of the anti-miscegenation laws in *Loving v. Virginia*.<sup>3</sup> And, more recently, this approach supported the rejection of denying marital rights to same-sex couples in *Obergefell v. Hodges*.<sup>4</sup>

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1. This is one of the significant shortcomings of legal education; students are inundated with doctrine and, at times, encouraged to approach law as if it were a science as opposed to a social institution.

2. 347 U.S. 483 (1954).

3. 388 U.S. 1 (1967).

4. 576 U.S. 644 (2015).

The hallmark of Chief Judge Gregory's tenure on the federal appellate bench is approaching legal disputes through the lens of recognizing the dignity of the parties whose rights are being litigated and promoting their humanity. That theme came through time and time again in the panel discussions of seminal cases in which Chief Judge Gregory has participated, whether as part of the majority opinion or in dissent. For those coming to the study of law and later the legal profession to do the hard work of justice, his life and his work (highlighted in part through the Symposium pieces that follow) serve as inspirations.

The third theme that came through in the Symposium is grace. In his closing reflections, I recall Chief Judge Gregory conveying a degree of sheepishness regarding the Symposium's focus on him and his work. With apologies for not remembering this verbatim, I recall Chief Judge Gregory commenting that any success he has been fortunate to realize in his life and in his career is attributable to being pulled along by a rope that has been stained with the blood, sweat, and tears of those who came before him. This statement—and the complete sincerity with which he delivered it—took my breath away. It reflects a level of grace that Chief Judge Gregory displays at every turn. We at W&L Law have been fortunate to have Chief Judge Gregory visit our school on numerous occasions recently, including when he served as the keynote speaker for the law school's commemoration of the Martin Luther King, Jr. holiday in 2019 and when he joined his colleagues on the Fourth Circuit to hear oral arguments in pending cases in the Millhiser Moot Courtroom later that spring. On each occasion, Chief Judge Gregory made us feel like we were the ones honoring him rather than the other way around.

I congratulate the *Washington and Lee Law Review* for hosting such a meaningful, impactful Symposium that addressed some of the most pressing social issues of our time. I am grateful to everyone, particularly the array of distinguished panelists and speakers, for making this such a substantive event. Lastly, I hope and trust the Symposium and this edition of the *Washington and Lee Law Review* will serve as an inspiration to the next generation of advocates.