

## WHO IS WISE AMONG YOU?

*Bruce Huber\**

*Who is wise and understanding among you? Let them show it by their good life, by deeds done in the humility that comes from wisdom.*

—James 3:13, *New International Version*

It will surprise no one that my first correspondence with John Nagle occurred while he was traveling. “Dear Bruce,” he wrote, “Greetings from London. . . .” And so began one of the most joyous friendships I’ve had the good fortune to experience. For the next eight years, John was my friend, my colleague, my mentor, and—naturally—my traveling companion.

John was a traveler to his core in his affection for nature, place, and people. But he was no itinerant. His roots were deep, his character steady and reliable. John’s work, though eclectic and creative, had a way of circling around recurring themes, as if approaching a magnificent peak from different lines of approach. He roamed, intellectually as well as physically, but his focus always turned towards that certain Center. Each angle of view seemed to capture a different glint or hue, but the radiance of the Center never dulled.

It’s tragic, then, that John didn’t complete his last book. But perhaps it’s also fitting. For as the book evolved, taking on the learnings of each new circumnavigation, it came to settle on the theme of humility. It’s almost as though John was teaching us that, standing humbly before God, all our work is provisional and unfinished.

So please approach John’s essay which follows<sup>1</sup> as a provisional work—a work that John had not released into the world, and which I edit and share only with trepidation, outweighed ultimately by my sense that there is much from his incomplete thoughts that we may learn.

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<sup>1</sup> John Copeland Nagle, *Humility, Climate Change, and the Pursuit of Scientific Truth*, 97 NOTRE DAME L. REV. REFLECTION 109 (2022).

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John Copeland Nagle was wise. Wisdom, as a virtue, is highly valued but seldom discussed or defined. In a pluralistic age, wisdom seems a bit dislocated, like a creature from another time. Patience, kindness, courage—other virtues can be spotted and taught on the schoolyard, but wisdom is perhaps most obvious in its absence and recognized most easily in hindsight. Whatever else we might say about wisdom, John Nagle had his portion of it, and he shared it with others generously. John’s wisdom was evident in the strongest currents of his life: his commitment to his family; his temperate avoidance of avarice and vice; his generosity and integrity; his courage and commitment to his calling.

Wisdom, we can all agree, is a good thing. But is humility its product, as the epigraph above suggests? Academics as a group are not known for their humility. Mere survival, for tenure or Twitter, requires a sturdy ego and deft self-promotion. Loud voices prevail and subtle ones disappear. *Conventional* wisdom (always more convention than wisdom!) would suggest that brash confidence is a more valuable trait than humility.

For John, humility became an organizing concept. Ten years ago, just before I began working at Notre Dame, I received an email from John with the subject line, “Book Proposal.” Attached to the email was John’s pitch to an editor at Harvard University Press for a book he had provisionally titled, *God’s Creation and Our Laws: The Lessons of Christian Teaching for Environmental Law*. “My thesis,” he wrote, “is that Christian teaching can help break the stalemate in environmental law.” This was an original idea because, as John saw it, the Christian church had not adequately engaged the environmental movement:

Environmental law . . . developed [during the 1960s and 1970s] without any significant contribution from Christian teaching. That absence presents a striking contrast with the nearly contemporary enactment of civil rights laws of the 1960s which owe a substantial debt to the support of biblical arguments, as any reader of the speeches and sermons of Martin Luther King, Jr. can attest.<sup>2</sup>

In the years that followed, John built out his argument. He was gratified to see theological engagement with environmental issues, but troubled by rancor within the church: “Christian teaching has become a feature in contemporary American environmental debates. But that Christian teaching is employed to justify radically different policies. If

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<sup>2</sup> Letter from John Nagle, Professor, Notre Dame L. Sch., to Elizabeth Knoll, Senior Ed. for the Behav. Scis. & L., Harv. Univ. Press 2 (June 30, 2011) (on file with the author).

Christianity supports everything, then it adds nothing.”<sup>3</sup> How might we surmount the impasse? John was not afraid to take sides, but in complicated environmental debates he took issue with the aggrandizing and dismissive pretensions of the most strident voices. He urged instead, he might say, a *pax* on both their houses—a peace grounded in a deep recognition of human error and limitation. By 2019, John was putting it this way:

This book argues that humility is the key to reconciling the competing perspectives on environmental law. Humility offers seemingly contradictory lessons for environmental law. *Environmental humility* emphasizes the need for restraint and for care given our lack of knowledge about the environmental impacts of our action. *Legal humility* cautions against exaggerated understandings of our ability to create and implement legal tools that will achieve our intended results. Taken together, these two understandings of humility teach that we should be restrained in how our actions impact the natural environment, but that we should also be restrained in relying on the law.<sup>4</sup>

The title of the book proposal became, “Making Environmental Law Humble: The Relationship Between God’s Creation and Our Laws.”

There is much to admire in John’s unfinished manuscript. Portions of it were published in articles along the way, with titles that were Nagle through and through: *Pope Francis, Environmental Anthropologist*<sup>5</sup> and *What Hath Lynn White Wrought?*<sup>6</sup> and *Humility and Environmental Law*.<sup>7</sup> I commend all of these to the reader, and especially the last, for it best captures the intended thrust of the book. Here are the closing paragraphs of that article:

My insistence that humility is the virtue most needed by environmental law rests on two claims. First, as was written nearly four centuries ago, humility “is the foundation and root[] of all [virtue].” The proper understanding of one’s self and of others facilitates courage, perseverance, compassion, and a host of other virtues. Without humility’s foundation, and instead with misplaced hubris, the correct diagnosis and solution to societal ills is likely to be wanting.

The second reason humility is so valuable for environmental law is because of the tension created between the pursuit of the

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<sup>3</sup> Letter from John Nagle, Professor, Notre Dame L. Sch., to John Witte, Professor, Emory Univ. L. Sch. 4 (May 1, 2019) (on file with the author).

<sup>4</sup> *Id.* at 1.

<sup>5</sup> John Copeland Nagle, *Pope Francis, Environmental Anthropologist*, 28 REGENT U. L. REV. 7 (2015).

<sup>6</sup> John Copeland Nagle, *What Hath Lynn White Wrought?*, 2 FARE FORWARD 44 (2012).

<sup>7</sup> John Copeland Nagle, *Humility and Environmental Law*, 10 LIBERTY U.L. REV. 335 (2016).

ideal environment and the reliance on law. We claim to know the ideal world and how the law can achieve it. All law struggles to be humble, but environmental law's ambitions make it especially susceptible. It is only once we acknowledge the limits of our knowledge and actions both with respect to the natural environment and with respect to law that we can understand how we can best intervene in environmental decision-making.<sup>8</sup>

Importantly, John practiced what he preached, in both temperament and scholarship. As some of the other entries in this symposium make abundantly clear, John was generous beyond measure and loyal to the end. He put others' welfare before his own. For a man of such prodigious accomplishment, he was delightfully unassuming, never trumpeting his own accolades but celebrating effusively those of others. In his writing, he avoided grandiose overclaiming of the sort that legal academics commonly employ to secure the attention of law review editors ("This is the first article ever to explore the heretofore unnoticed phenomenon on which turns the whole of the law . . .").<sup>9</sup> He contented himself to write in a voice that was not self-conscious, yet full of punch and wit. John was just John, and we loved him for it.

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In the essay that follows, John explores the theme of humility in the context of science and its role in environmental law. It is an important and timely intervention. The lay view of science would assume that humility is simply irrelevant to the scientific enterprise, that science unemotionally generates incontrovertible truth by means too sophisticated for the commoner to evaluate. The mechanisms of science are indeed complicated, but human interpretation of scientific output is fallible. Every generation mocks the mistakes of the past even while becoming the laughingstock of the future. Perhaps John's most important point here is that scientists would do well to consider professional norms that earn and maintain the trust of the public: by attending to the grievous risks of crying wolf, of misrepresenting data, of leaving unexplained the limitations of the particular inquiry at

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<sup>8</sup> *Id.* at 369. The internal reference is to ALFONSO RODRIGUEZ, A TREATISE OF HUMILITY 11 (D. M. Rogers ed., The Scholar Press 1977) (1632).

<sup>9</sup> Of course, John did write about important legal phenomena that went largely unnoticed by the scholarly community. He just didn't brag about it. *See, e.g.*, John Copeland Nagle, *A Twentieth Amendment Parable*, 72 N.Y.U. L. REV. 470 (1997); *CERCLA's Mistakes*, 38 WM. & MARY L. REV. 1405 (1997); *Moral Nuisances*, 50 EMORY L.J. 265 (2001); *Green Harms of Green Projects*, 27 NOTRE DAME J.L. ETHICS & PUB. POL'Y 59 (2013). And who else but John could make a research agenda out of lame duck legislation?

hand. This is not to demote science in the slightest. It is only to notice that the enormous benefits of scientific progress are jeopardized when the protocols of science are abandoned and public acceptance lost. Proper science resists weaponization. That is why John, in this essay, is so intrigued by social psychologists like Jonathan Haidt. Haidt's work demonstrates, scientifically, that scientists are not immune to the errors of reasoning that make us human. In effect, John's essay asks science to appropriate and implement its own conclusions, so as to overcome popular distrust of science.

John thus approaches science as friend not foe, as every Christian should. And in any event, his cautions apply far beyond the sciences. Scholars of all stripes should pay heed, for by and large we are far too impressed with our own learning and blind to our failures of reasoning. At the center of the modern university should be, not an altar to reason, but a monument to the ubiquity of human error. What might the academy look like with humility as its cardinal virtue?

With gratitude to God for John's life, please enjoy this work by John Copeland Nagle.

