

# Touro College Jacob D. Fuchsberg Law Center

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## The Patron

Louise Harmon



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# THE PATRON

LOUISE HARMON\*

He is the patron. That's what we call them in law libraries, the people we serve. The relationship of librarian to patron is one rife with duties, although the allocation of those duties is not evenly distributed. We librarians bear most of the burden. True, the patron must observe the rules: he mustn't eat or drink in the library, or make too much noise. And it goes without saying, he has to return the books. He's subject to sanction for failure to do so. Of course, if the patron is a student, we can put a hold on his diploma until he pays his fines. But if he's a faculty member, well, what can we do? They keep the books in their offices, for months on end, sometimes for years, and there's no penalty, just a discreet phone call when another patron is looking for the book. I don't think that's the way it ought to be, but I accept the universe as I find it. At least I'm trying to, as I seek my own version of enlightenment.

We expect librarians to be discreet. It would surprise those outside the world of librarianship to learn how seriously we librarians take this duty of discretion, this obligation to keep secret the research interests of our patrons. And I might add that all my deeply held beliefs about librarians are confined to those of us in reference. I barely count those in technical services as librarians at all. They're merely grocers who stock the shelves, whose only intellectual task is categorization. Don't get me wrong—I know that books must be processed, but it is not my idea of librarianship. And those who have been promoted to administration—well, they may have been librarians in their day, but as their concerns become fiscal, laden with issues of personnel, cybersupport, shelf space, seating capacity, and the like, they lose sight of the meaning of their work—to perpetuate knowledge, and to enhance our understanding of the world. I think of head librarians, and their minions, as ersatz librarians, librarians once removed, or perhaps to be fair, as ex-librarians. They don't remember what it was like to be in the trenches, to get their hands dirty with a reference question from a patron who wants to know what is out there about this or that?

It is the subject matter of the "this and that" about which the reference librarian must be discreet. This is a duty owed to the patron. I make it a rule not to mention any ongoing, but as-of-yet unpublished research that any of our cadre of scholars at the law school is engaged in. By now, it's alright to discuss Pat Robbins's work on witchcraft since she has published her work, or the reference interests of that poor

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fellow, Ed Tarsky, the one they carted off to the looney bin last fall. I worked for several years amassing information for him about the prosecution of animals in the middle ages. It was a bizarre project, but one that bore fruition, and now that the article is out, and circulating through cyberspace (even though Ed Tarsky has ceased to circulate), I don't consider it inappropriate for me to mention the subject matter of his research.

And I suppose because he's been working on it so long, there's no real breach of confidentiality to mention that Gunther Hazard is writing about dying declarations. Everyone down at the circulation desk knows that he's taken an historical exegesis because that vixen, Valerie Lynch, his research assistant, is always demanding access to the microfiche machine. Of course, she needs to use the machine—it's her job—but she's always looking down her nose at the students who work behind the desk, and at the librarians as well. Someone ought to educate that girl about what side of her bread she's likely to find the butter. If she's committed to the life of a scholar, and rumor has it that she is, she ought to learn to ingratiate herself with the reference librarians. Me, I don't let Valerie Lynch get under my skin. I look at her as a challenge, a test of my patience. But she ruffles the feathers of my staff. She's the kind of girl who could bring out the worst in anyone. Actually, I'm almost certain that Gunther Hazard's new interest in the history of the dying declaration isn't really his idea. It must be Valerie's. She's done it before. A girl like that's a loose cannon in the law library. You might send her into the stacks to trace a discernible line of cases, and she'll come out with something else altogether—certainly not what the professor asked for, but something different, tangentially related, and . . . all right, I'll grant her this, something interesting. Valerie's almost always drawn to history, and Gunther's not, which is another reason why I suspect that she's navigating the craft, and not just rowing it.

Our patrons, and I include Gunther in this indictment, sometimes use the reference librarians to look up information that pertains to their own personal lives. Some of the questions help them to focus the locus of desire—where to find the brand name of the best item that in their own minds has moved from the category of luxury to need. The Consumers' Guide is a hotly pursued volume, for example, and I have helped faculty members purchase TVs, irons, washing machines, lawn mowers, snow blowers. Some of their more hush-hush research questions are familial: Can I maneuver my mother into a nursing home and at the same time get her to give away all of her money (preferably to me)? Can I suppress my son's recently confiscated marijuana if it were spotted on the front seat of the car? Can I lock my wife out of the

marital home? Almost all of these familial faculty questions implicate the darker side of human nature. Of course, that's generally true of legal research, or for that matter, the law. Greed, deceit, envy, lust—without them, there wouldn't be much work for reference librarians to do. For that matter, there wouldn't be much work for lawyers.

I myself am trained in the law, even though I didn't need to be. The J.D. was a gratuitous degree, as far as I'm concerned, at least substantively. I already knew how to play the word games, having spent considerable time in the law library before I ever stepped foot into a law classroom. But the law degree has given me added status, and a justification for my attitude of benevolent superiority towards students and my staff. It has also leveled the playing field between the faculty and me. I won't say I've achieved parity. Some of them still treat me like the hired help, calling me up on the phone ten minutes before class, asking me to pull this case or that, and gee, would I mind bringing it down to their office, neatly copied and stapled. It's work that any page worth her salt could do—legwork, that's all, and hardly within the scope of a reference librarian's duties. But I do it just the same, and remind myself that the librarians in Alexandria had to be courtiers as well as scholars, and served as tutors to the children of the royal family. Child-care in the greatest of the Greek *mouseia*; graham crackers and chalk dust amidst the classic books of poetry and history. There was probably a lot of legwork in that as well. Just as the king's librarian had to wipe those royal snotty noses with equanimity, so too must I be calm when a faculty member treats me like a servant. Perhaps mindful would be a better attitude.

Mindfulness has been on my mind a lot lately. I've been trying to stabilize my spiritual life, and Tibetan Buddhism seems to be the answer. My elderly mother doesn't get it, how her staid, middle-aged daughter, the law librarian, could be a practitioner of an eastern tradition that is utterly foreign to the Unitarian soil that she planted me in. I would like to tell her what I think of that Unitarian upbringing, with its white walls and vague prayers that start out: To Whom It May Concern—but I won't. She would not be tolerant of my lack of tolerance of their tolerance. The short of it is, I wasn't suited for that empty all-embracing Unitarian doctrine of anti-doctrine. I had a yearn for metaphysics and ritual, and a need for a system of belief that allowed for the influence of the unseen world on our daily lives. The Unitarians were too rational, too wedded to an empirical epistemology to speak to my soul. I am probably something of an anomaly; I actually left the Unitarian Church. Almost always, the Unitarian Church is a last refuge, a place for those unhappy with the strictures of their original

faiths, a congregation to flee to, not from, a sponge that soaks up leftover spills, not one that squeezes anyone out.

My spiritual quest has been a long one, and I'm somewhat ashamed to say, until recently dictated by matters of the heart. When I was in college, I had a boyfriend named Owen Byrne, and in the midst of our romance, I committed myself to becoming a Catholic. I can still remember the night that I decided to convert. It was Christmas Eve, and we went to midnight Mass. The church was lit with candles, and the priests dressed in white robes with red brocaded vestments, walked up and down the dark aisles, swinging brass incense burners around on clanking chains, with smoke spewing out, and the choir singing Gregorian chants. It didn't hurt that Owen looked so sweet and held my hand, and I thought to myself--this is it. I'm in the presence of the magic and mystery of Christ. Even after Owen and I broke up, I continued to take confirmation classes, and there was even a time when I thought about becoming a nun. I loved the idea of living the simple, unadorned life of a contemplative order where I could get up at six everyday and pray for the world, then go out into the cloisters (or the backyard of St. Hugh's) and dig in the ground, preferably to grow corn for my sisters, and maybe to organize their small, rich library, full of books about angels and heaven. But my bout of Catholicism did not last. Owen failed me. The Holy Spirit failed me. Then, I had a falling out with the priest who conducted the confirmation class over the issue of abortion, and I began to realize that while the rituals and the candles and the incense and the music and the costumes of Catholicism had a draw for me, the doctrine was too hard of a nut for me to crack. I was afraid I might crack instead.

My foray into Christian Science was the result of my first, my only, short, disastrous marriage. Sometimes when I contemplate writing my autobiography, *The Making of a Reference Librarian*, I close my eyes and try to imagine whatever possessed me to marry Charles W. Wall. Certainly my state of coverture could not be blamed upon any great physical passion. We met in library school. I had already left the Catholic Church and was casting about for another spiritual harbor to pull my boat into, when Charles showed up in my *Introduction to Books and Libraries* course. He was, and I would venture to say still is, a tall, somber man, with silver-framed glasses, lank brown hair, and a face I cannot remember. This frightens me sometimes when I lose details from my memory bank, such as the face of an ex-husband, but there it is. Perhaps it is not so surprising since what drew me to Charles was not his face, but the sheer, brute force of his mentation. He could make something be so, just by saying that it was so, and I was, particularly

in my younger days, a sucker for men who could bend spoons with their minds. As we became more involved, it became clear to me that Charles was a package deal—he more or less came with Mary Baker Eddy. I came to believe that we were never going to make it if I didn't become a Christian Scientist. Charles never said as much—that wouldn't have been his way—rather he silently willed it, and before you knew it, I was going to Wednesday night meetings.

Even to this day, I feel guilty about being such a lousy Christian Scientist. Even though their walls too were white, and they didn't meet my ritual quotient, there was so much about the work of Mary Baker Eddy that I admired, and even ascribed to. But in practice, and it was a religion that made you work really hard, I found that I couldn't live it, at least not to Charles's satisfaction. He was a harsh critic and blamed my inability to conquer disease—to understand its true nature was how he put it—on the overly active feminine side of my soul. If I had possessed his masculine mental strength and logical disposition, then I would have been able to cure the chronic upper respiratory condition that plagued me during the two years Charles and I were together. I'd be hacking away, coughing up multifarious phlegm—the dreaded Christmas colors—and Charles would look sternly at me and say that my womanhood had trapped me inside the illusion of my illness. (It was an odd stance to take, now that I think about it, given that the Scientists seemed to be dominated by women, particularly the healers.) Towards the end of our marriage, that illusion of illness turned into a walking pneumonia, and finally I relented. I let my mother take me to the doctor, and ended up spending a week in the hospital on IV antibiotics. Charles never forgave me for getting well. Actually, he never forgave me for getting sick in the first place. Both were evidence of the inefficacy of my prayer. I just didn't have the right stuff to be a Christian Scientist.

On the theory that with three strikes, you're out, I've avoided any kind of organized religion for almost twenty years and devoted myself solely to librarianship. It's possible to find a kind of spirituality in reference work. It entails a commitment to a quest for truth that transcends the self, the equivalent of a search for the Holy Grail, even if the research happens to be about medieval dogs dying on the scaffold. A scholar, and his helpmate, the reference librarian, must have integrity, perseverance, and yes, sometimes even courage, as they pursue knowledge. And there is a confidential relationship built upon trust between them, the reference librarian and the patron, that in many ways mirrors that of penitent to priest. It is a confidence that I take quite seriously, which is why Gunther Hazard's secret research has created such a crisis in my spiritual life, in my life as a librarian—and

though I hate to admit it, there's always the specter of liability. Some ghosts are hard to exorcize, particularly if you are a lawyer.

Perhaps I should start by giving you the facts that everyone who's been around the law school for awhile knows. And I should warn you—it's a sad story—even for me, with the Buddha at my side. Gunther Hazard and I both came to the law school in the same year, he an assistant professor, and me a reference librarian—this was before I got the J.D. I will confess that at the time, I had something of a crush on Gunther, even though he was married. I wasn't alone in that. Lots of women had crushes on him—students, secretaries, other members of the library staff. Gunther was a sight to behold back then, thirty-five, handsome, broad shouldered, with a large, leonine head and dazzling white teeth. In those days, he didn't use a research assistant, but did all of his own work. On weekends, he would sit for hours in the main reading room, pouring over the books like a man possessed. He had his own spot. We called it the Hazard table, and it was always piled high with stacks of Federal Reporters, and yellow pads on which Gunther systematically transcribed his research. At that time, Gunther was the law school's most productive scholar, cranking out articles on evidence at an amazing rate: two or three a year, some of them in prestigious journals. For a long time, you'd see his name just everywhere. Gunther was on every evidence panel of any consequence, at the ABA, or the AALS, or at smaller section conferences. I can still remember when the Dean introduced him at a colloquium at the law school on "The Hearsay Rule in Administrative Hearings" as a "human dynamo," and later as a "human tornado." In those days, Gunther Hazard inspired hyperbole.

You'd have thought a guy like that would have had a beautiful wife, but he didn't. Instead he was married to a small, waspish woman named Gloria. Between you and me, I never really understood how Gunther got so short-changed in the wife department. It would have been one thing if she were pointy nosed and pointy elbowed, and nice, but she wasn't—she was just pointy. We didn't see much of Gloria at the law school. She had a law practice of her own, and on the weekends, she often dumped their only child, Bobby, on Gunther, saddling him with child-care responsibilities at a time when it was unheard of for men to bring their children to work. Bobby more or less grew up in the law library. When he was in elementary school, Gunther would bring him in on Saturday, and sit Bobby down at the table next to his, pull out a box of crayons, and some scrap paper, and Bobby would sit there for hours, coloring, or cruise the reference section looking for books that had pictures. For several years, we more or less took Bobby in, and he was the darling of the librarians, and the student assistants. I really

loved Bobby. He was cute, an odd mixture of Gunther and Gloria, with Gunther's thick, wavy hair, and Gloria's dark coloring. His face wasn't like Gunther's, but it wasn't pointy either. Bobby had his own face, broad, smiling, and with those big soft little boy ears, his own way. He was precocious, and like his daddy—or like his daddy used to be—he could charm his way into or out of almost any situation.

Gunther was proud of Bobby, and he had every right to be. I never saw him show much interest in or affection for Gloria who always struck me as something of a cold fish, but whenever Gunther talked about Bobby, his son, he just glowed, and wouldn't know how to stop going on about Bobby this, and Bobby that. (If Gunther hadn't been so good looking, he would have been a bore, but let's face it, good-looking men are cut a lot of slack.) Maybe I was prescient or something, but I used to think it wasn't healthy for a parent to love a child that much. I wasn't sure Gunther could tell where Bobby started and Gunther ended. I used to wonder how Gunther would survive if something happened to that child. So many eggs in one basket, it could be a real disaster if Easter got run over with a bulldozer. Of course, like I said, I had a crush on Gunther at that time, so maybe I resented his love of Bobby, and the soft spot it created on Gunther's underbelly, a place for Gloria to sink her anchor into. Later, when Bobby got old enough to stay home, or was too involved in soccer or the chess club to accompany his father to the library, we saw much less of him, but we still kept in touch. He grew into a handsome kid, with Gunther's broad shoulders, an eager face quick to smile, still with those soft, vulnerable sugar bowl ears, although as he got older, he sort of grew into them. Gunther usually brought Bobby to the law school's holiday party as a date, and even as an adolescent, Bobby always made a bee-line for the library table. Gloria never came, of course. She was always involved in a trial, or some other professional commitment, anything to avoid accompanying Gunther.

I can still remember just where I was, what I was doing, and who was with me, on the day I found out about the accident. It happened in the spring, ten years ago. It was early in the morning, before I had to man the reference desk, and I was sitting back in my office, drinking a final cup of coffee before entering the main reading room. I was cruising the morning paper, and on the second page, there was a picture of two mangled cars wrapped around each other. The headline read: LAST DANCE: DEADLY PROM NIGHT FOR FOUR TEENS. I didn't read the article because sometimes in the morning, I just don't have the stomach for local disaster, opting instead for international disaster which is far enough away not to worry me, when suddenly Didi Wright from



Technical Services came bursting through my door without knocking. This wasn't so unusual, Didi often failed to observe social amenities, but this time, she was crying, which wasn't like Didi at all. She's normally very good-natured, maybe a little loud and obnoxious sometimes, but the sight of her grief stricken face, and tears running down her face was enough to make my heart stop. What's wrong? It's Bobby, she sobbed in a low, unearthly voice that belonged to someone else, Bobby Hazard. He's been killed in a car accident. I clutched at the paper, and fumbled back a couple of pages, and there was the last sentence of the first paragraph of the article: Found dead at the scene of the accident were four teens from Harris High, David Barry, age 17, Ruth Douglas, age 15, Robert Hazard, age 17, and Kimberly Bloom, age 16.

Deaths like that don't just happen to their parents. They happen to everyone in the community who knew those children, who remembered them from a girl scout troop, a soccer team or a summer camp, dangling their legs from a dock, or at dusk, running down the block, chasing after an ice cream truck. Those dead children belong to us too, to anyone who brushed up against them, or counted them in a line, or buckled them into a back seat—to their teachers, to their neighbors, to their friends, and in Bobby's case, to the librarians who had watched him grow, who had let him use the Xerox machine to capture his smished up face, who had played hide and seek with him in the stacks, who had let him sit in the stool behind the reference desk and spin around and around and around, until he was giggling and dizzy. We all mourned the death of Bobby Hazard in the library as if we'd lost one of our own.

It was a familiar springtime story of too much alcohol, too many kids in the car, a boy at the wheel of his father's Lincoln, wet roads, poor judgment—the sometimes deadly hubris of the young. Bobby had just turned seventeen, and had gone to the prom with his first girlfriend, a red-headed girl named Kim whose father was on the town council. Gunther had been in the library the week before, talking about Bobby, how he had finally gotten his braces off, how he had made National Honor Society, how he was applying to four schools, two ivy league—a long stretch, of course, but you never know until you try—then a small liberal arts college that Gunther was sure Bobby could get into, and then of course, the state university just for a back up. It turned out that Gunther never wrote those schools and told them to withdraw Bobby's applications—never told them that the applicant, his son, Robert C. Hazard, was dead. I know this because later that year, in the summer when the air conditioning was going full blast in the main reading room and we were all bringing sweaters to work in ninety degree weather, Gunther made a then rare appearance at the reference desk, and leaned

over and said to me in a low, rasping voice I hardly recognized, Bobby got into Brown, you know. Just as if Bobby were alive.

The funeral was in Gloria's church; she was Presbyterian. Maybe it was due to my spiritual hibernation that I was in no way drawn to become a Presbyterian as a consequence of attending Bobby Hazard's funeral. More than likely it had something to do with the minister's lack of charisma, and the bad aesthetics of the place, particularly the wrap around stained glass—large, beige, cartoony Christs performing miracles, Virgin Marys who looked like suburban matrons with blue towels over their heads. Given how much I grieved over Bobby's death, I was a sitting duck for anyone who could have made sense of those mangled cars and all that wasted youth—or for anyone who could have uttered a few words of genuine comfort. I could have been snagged, had there been something sharp to catch the fabric of my soul on—it wouldn't have taken much, just a tack. But the Presbyterians blew it, and several years later, I became a Buddhist instead. A Tibetan one, or so I am thinking these days.

It's painful for me to describe what happened to Gunther Hazard after Bobby's death. The Dean gave him a year's sabbatical, something that was already coming to him, with the idea that Gunther needed some time to regroup and deal with his grief. Gloria left him a year later. She married her tennis instructor and moved up state. None of us was surprised by that. Bobby had been the glue in that marriage, and after he died, it dried up, and Gloria cracked off. Gunther had sunk so low, I wonder if he even noticed she was gone. We'd see him at the law school from time to time during that sabbatical year. He had shrunk in stature. What had once been a lion of a man was now some other kind of mammal, a sad primate perhaps, a melancholy Gibbon with big, liquid black eyes and sloped shoulders. When he returned to teaching, there was some speculation that Gunther would rally, and start writing again, and maybe dating, but as far as I know, he never did either. The reality is: there were two deaths here, Bobby's and Gunther's. It's almost like one of those criminal law hypotheticals of transferred intent where the perpetrator shoots at Victim A, and ends up killing Victim B, except in this case, God got both of them. Victim A is in the ground, and Victim B's still teaching at the law school.

And so, Gunther Hazard continues to teach evidence, go to faculty meetings, scrape the snow off the windshield on snowy mornings, get hair cuts, buy birthday cards, complain about getting his financial papers over to his accountant in early April. And whenever you see him in the hall, or in the parking lot, he's always pleasant, almost robotically affable. He'll smile, or at least his face arranges itself into

the facsimile of a smile, but there's no light behind the eyes. He's all rind and dried up pulp—there's no juice left in Gunther Hazard any more. We almost never see him in the library. He sends research assistants down to create the illusion of scholarship. (This year it's the Vixen Lynch.) The Hazard table in the main reading room has been taken over by that eager beaver old maid, Eve Thomas, who writes the same article over and over again, always purporting to have devised a "new slant" on testamentary dispositions. But then one day, a few weeks ago, Gunther Hazard sent a handwritten note down to my office, asking to interlibrary loan a book—*Final Exit*.

Our library won't carry it. The Dean rarely intrudes on our acquisitions policy, but this is one instance where he put down his oxford-covered foot. Books that tell you how to commit suicide will not be on the shelves of His Law School. I suppose his *pater familias* fear is an appropriate one. The mental health of some of his charges might make them vulnerable to suggestion. We do have suicides in the law school from time to time—all law schools do. It's a dirty little secret about legal education, that for some, it's fatal, particularly in that first year when they are revamping your mind, infantilizing you, ensuring that the human ties that bind are stretched to the maximum by too much work, low self-esteem, brutal competition, and lack of sleep. I won't say that it happens every year, but in my twenty years at the law school, I've known three students to commit suicide. It's always a student who no one really knows that well, someone whose demeanor is quiet and unassuming, but on the inside, they are like drivers of speeding cars with no brakes, careening, screeching, screaming towards an invisible brick wall they constructed for themselves, with the mortar of loneliness and despair.

I wonder how Gunther found out about *Final Exit*? It's a practical "how to" book on physician assisted suicide, put out by those mavens of death and dying, the Hemlock Society. He probably stumbled onto it, surfing the Internet. Sometimes I wish I had been born just a couple of decades earlier so that I could have retired before the computer revolution. It used to be that I knew what every faculty member was working on, or at least thinking about, by the kinds of reference questions I got—even when he or she was obsessing on what new appliance to buy, or in Gunther's case, how to do himself in. But now that the law school has put a computer in every faculty office, complete with the Internet, research has become privatized; in its inchoate stages, it is no longer the subject of public conversation and debate. In my mind, it hasn't really enhanced legal scholarship all that much. It used to be that in order to find the books you wanted, you needed to

approach a human being, a reference librarian, and formulate your thoughts in a sentence, one with a beginning and an end. It still happens, of course, with more esoteric kinds of research, like the microfiche work that Valerie Lynch is doing. But in order to get access to those reels, she had to approach me, and say: I am interested in researching the nineteenth century cases on dying declarations. Just the process of articulating that sentence helped her to cut down some of the overgrown weeds in her mind. But computer research has changed all that. Now Gunther Hazard can sit all alone in his office, and type in single words that yield 367,124 "results." He does not have to find a subject, or a verb—he can settle for "suicide" within ten words of "pain."

What's to become of reference librarians? We're often thanked in the first footnote of a law review article, and for good reason. It is our questions at the reference desk that help a patron cut a path. What exactly are you looking for? Are you interested in just American cases or in the English common law too? Is there a certain proposition that you wish to substantiate? These are questions that no computer is up to asking. These are questions that require the exchange of sentences. The reference librarians of the future, should they be able to survive the cyberevolution, will have to do reference interviews in the medium of single words, uttered by patrons who will not know what sentences are, who will not know what books are, who may not actually understand what it means to ask a question.

But Gunther Hazard is not such a patron. He knows what he is looking for, and so do I. *Final Exit* has nothing to do with his alleged research on dying declarations. He just wants to finish the job.

What's a reference librarian to do? Helping a man kill himself is hardly on my list of professional aspirations—not a goal to put in this year's Activities Report to the Dean. And I can't be in denial about what Gunther Hazard is asking of me. If I interlibrary loan him the book, and he succeeds in committing suicide, how can I pretend I've played no role in assisting him? I looked up accomplice liability in *LaFave and Scott*, and found that one is generally liable as an accomplice to the crime of another if he: "a) gave assistance or encouragement or failed to perform a legal duty to prevent it; b) with the intent thereby to promote or facilitate commission of the crime." (Wayne R. LaFave and Austin W. Scott, *Criminal Law*, 2nd ed., 1986, Sec. 6.7, p. 576). Subsection a has my name on it.

I was counting on other libraries to get me off the hook by refusing to loan us *Final Exit*, and indeed, on my first few tries, that was what happened. But now I've found an academic library in the Midwest that

has said yes, they have the book, and yes, we can borrow it for our patron. Now I am faced with a different kind of dilemma, shifting from a stance of I can't help you, Gunther, to one of I won't help you. The book's availability has forced me to frame the issues, a skill I learned in law school. Should I interlibrary loan the book for Gunther, and keep his research confidential? Or should I interfere in some way that comes in direct conflict with my duty of confidentiality? Should I step out of my role as reference librarian and reach out to him as a human being? Should I tell the Dean?

This has been my research strategy. Figure out how I feel about suicide, since that's the harm I'm seeking to avoid, and then move on to the secondary issue, how I ought to feel about assisting a suicide, or in criminal law parlance, to try and understand the underlying crime before tackling accomplice liability. Of course, I also have to take into account Gunther's privacy—his inner domain of consciousness, as John Stuart Mill might describe it. I took Jurisprudence in my third year, and it seems to me that Mill was the guy who got me into this mess in the first place—his principles of autonomy and freedom of thought are at the heart of the reference librarian's pledge of secrecy, not to mention Gunther's right to kill himself. I dug out my old copy of *On Liberty*, just to see if there was anything in there about committing suicide. (I knew there was nothing in that book about reference librarians. That might seem like an oversight on Mill's part, but it wasn't really his fault. Reference librarians didn't exist in his time, or if they did, they were confined to the hallowed halls of the German academy. I'm sure Mill would have written about reference librarians, if they had only come to his attention.) But about suicide, it turns out that Mill has a hypothetical about being justified in restraining someone from walking out onto a faulty bridge—but nothing about what to do if he then chooses to go onto the bridge after the warning. Indeed, for someone in Gunther's situation, what's attractive about the bridge is its propensity to collapse. Mill wasn't really much help to me. Rather, he created the quandary, and then gave me no way out.

The whole thing has made me wish I'd become a Catholic. The Catholics have all the luck when it comes to research. They've got a Pope, and he almost always knows what to say. And even if he didn't, there are all those canon lawyers just waiting to advise him, and all that history—the Catholics are just oozing with authority. I could just sit down and read a little Augustine, some Aquinas, and bingo, an answer. Suicide is a sin, and I should do something to stop Gunther from eternal damnation—I should tell the Dean. But I'll have to say, the situation doesn't make me yearn to be a Christian Scientist again—or to be

married to Charles W. Wall for that matter. My ex-husband was not the sort of man who believed in moral dilemmas of the sort posed for me by Gunther's interlibrary loan request. I suppose it's possible to do research on Christian Science's attitude towards suicide, but I wouldn't know where to look it up—maybe in one of those Reading Rooms, but frankly, I don't really have the nerve to walk into one of those places, to put my strange reference question to a bespeckled matron behind the desk. Besides, I've already failed the ordeals of the Scientists. I'm not one of their sheep, so why should I bother seeking out Mary Baker Eddy to be my shepherdess?

After all, I am a Buddhist now, leaning towards the Tibetans. Just off the top of my head, it seemed to me that it would be all right for Gunther to kill himself if he were an enlightened being. The literature is replete with *arahats* who decide it's time to move on towards nirvana, stop eating, and will the breath right out of their bodies. But the problem is, I'm fairly confident Gunther isn't an enlightened being, only a sad one. And what about *ahimsa*, the principle of doing no violence to living things? And wouldn't it be cheating on your karma if you did yourself in, opting for a shorter life and thus creating fewer opportunities to accumulate a negative balance in your bank? Believe me, researching the Buddhist point of view on anything is a mess—nothing neat like the Catholics. There's no Buddhist Vatican, no Pope. You've got to deal with the split between the Mahayana and Theravada traditions, and then there are issues regarding the authenticity of the Pali Canon: Did Buddha really say this or that, not to mention the translation issues. There isn't even a word in the Buddhist canonical literature for "suicide." It's a newcomer to the English language, with no Greek, Latin or Sanskrit ancestor. And what about the fact that among Asian Buddhist countries, only Sri Lanka, which is steeped in the Theravada tradition, makes attempted suicide a criminal offense? Maybe that has more to do with the influence of English common law, and nothing whatsoever to do with Buddha. We all know what Blackstone said about suicides: they should be buried ignominiously at an intersection of a heavily traveled highway, with rocks piled high upon their unmarked grave, keeping the tortured ghost confused, and buried under ground.

Lately I've been contemplating the terrifying thought that there isn't any answer to the Gunther Hazard question, at least not one that can be looked up. The other night, I was meditating, and my mind wandered, as it always does whenever I give it even an inch of empty space. I was thinking about the *Parinirvana*, with the eighty year old Buddha lying on his side between two Sal trees, suffering from food

poisoning, and all of those disciples hovering around, asking him to impart some last minute wisdom before he departed—something deep about the meaning of life, and the Buddha turned the question back on them: Don't look to me to be your light. You have to light your own way. Seek your own salvation. Of course, the Buddha's deathbed response is a total rejection of reference work. Don't go to the library to find the answers, he is saying—the only authority that matters is in your own heart. Well, that's all well and good if you are the Buddha, but I am not.

Maybe *LaFave and Scott's* subsection b will bail me out. I can't be held liable as an accomplice if I didn't intend to promote or facilitate the commission of a crime. For one thing, how can I be so certain that Gunther Hazard is going to commit suicide? Maybe he's working on his dying declarations article and wants to see what the Hemlock Society has to say about parting words. Intent seems to imply some knowledge on my part that he's going to commit a crime. But there's another more profound reason for my lack of intent: I'm not sure that Gunther Hazard can actually commit the crime of suicide. He might be already dead, metaphysically speaking. This is where I get all confused between what is legal, and what is moral, or spiritual. In my work at the reference desk, I wheel and deal on the level of *LaFave and Scott*, but outside work, I operate from a broader perspective. Recently, I've come to understand that we are all mired in layer upon layer of *maya*—that there is a deeper reality beneath the illusion of sensory existence—that which we take for biological life. Gunther Hazard's shallow breathing in and out, for example, is nothing more than a construct, a category of thought.

I think maybe I've found the answer in a book I've just read by Alexandra David-Neel. She was writing about *The Tibetan Book of the Dead* and reincarnation. The *namshes* are transferred from a dying person into the body of another in the Bardo, that in-between place where all souls migrate to find another incarnation. But she also tangentially describes some other kinds of transferences, for example, something like possession, when the *namshes* of a person might leave one body and enter "another corporal envelope that is more fit to the individual's personal plans;" this is achieved without the "rupture caused by death." Then sometimes another phenomenon happens altogether—and I'm more and more convinced it's what's happened to Gunther Hazard—the *namshes* depart a human body before physical death is experienced. David-Neel contends that "part of the mental and material union that constitutes the personality of an individual breaks apart before the actual moment of death. This person continues to accomplish his normal routine even though he is no longer 'entirely'

present in our world. Only those who possess clairvoyant talents and have been instructed in the occult conditions of life can perceive this particular state. However, the majority of Tibetans believe it to be true and accept with no astonishment the declaration made at times by lamas who have been called upon to preside at an individual's funeral: "This person has already been dead for two or three years or more." (Alexandra David-Neel, *The Bardo Thodal*). In Gunther Hazard's case, it's more like ten.

And so, I'm not sure what to do. Probably the easiest path to take is the one of least resistance: follow the AALL Code of Ethics and do as it bids me: "A Librarian must protect the essential confidential relationship which exists between a library user and the library." (AALL Directory and Handbook, 1999, at 385). So I should interlibrary loan *Final Exit* for Gunther Hazard, and mention it to no one, least of all to the Dean. At most, my failure to tell the Dean about Gunther's request would be an omission, and it is generally true that liability will not flow merely from a failure to intervene. (*LaFave and Scott*, Sec. 6.7(a)). I'm just doing my job, after all, providing information. I've got a professional ethic to protect me, *LaFave and Scott* to shield me against accomplice liability, and John Stuart Mill in the wings, ready to justify my discretion about Gunther Hazard's research, and ultimately his right to commit suicide.

And given my own state of spiritual uncertainty, who am I to dictate what path the patron should take? He should be free to wander into the night, despite his librarian's foolish fears about the dark.



