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Toward a Liberal Legal Education

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TOWARD A LIBERAL LEGAL EDUCATION
Jerome Hall

I.

Imagination is the central need of legal, as of all, education. This is not recent discovery, but old, enduring insight which needs to be recaptured ever and again, and applied courageously. For imagination, however ineptly we may struggle to define it, is an exercise of creative energy that is the potential resource of every genuine student, young or mature. It is the precious link that binds disparate facts and ideas into comprehensible unity. It favors neither bare abstraction nor any mere grubbing for fact. Imagination functions, on the contrary, as the wedding of the speculative mind to the closest, most persistent study of the facts possible.

Before proceeding to analyze the meaning of these statements in terms of liberal legal education, it will be helpful if we select a simple standard of evaluation of legal education that is generally acceptable, and we should try, also, to place present discussions of legal education in a correct perspective. Such a measure of the quality of prevailing legal education is implied in pointing, not at Holmes, but at the typical practitioner. For present purposes, we need not stress his many solid virtues, but it is important to note that for various reasons, not all of them rational ones, law schools are especially handicapped by the deficiencies of their graduates. For the place of lawyers in the public esteem inevitably colors the judgment of those upon whose assistance the provision of adequate facilities depends, as, indeed, it limits the horizon of legal educators, themselves. There is little that can be done very quickly in remove the irrational influences on the public attitude toward lawyers. But it should help to do what can be done with curricula and methods if we keep the practicing lawyer always and directly in view. So long as he is [regarded as] an artisan, helpful only in an emergency, and shrewd but not scrupulous in getting the desired results, we may take it as axiomatic that his intellectual parent, the law school, will share in this appraisal—it will be treated as a vocational training center. So long as he is considered the tool of large corporate interests, the schools that nurtured him

See what a former President of the American Bar Association has recently said on this: Armstrong, The American Lawyer—Retrospect and Prospect (1944), 18 Tenn. L. Rev. 367 at 373.
will be held in pari delictu—and not without justice. Disconcerting as this may be to scholars who, no less than any other, have broadened and deepened the boundaries of human knowledge, there will, none-theless, be no great advance in postwar legal education until the shortcomings of the practitioner are recognized, and the law schools' obligation admitted.

No one familiar with the progress in legal education, especially in the past fifteen years, would deny that there are many scholars who teach their subjects liberally, in the best sense of that word, or that many improvements have been made by a goodly number of schools. Evaluation must deal with the entire field of legal education and with law schools generally. Recognition of many deficiencies of legal education has been represented for twenty-five years in an outpouring of criticism, uneven in quality but, on the whole, stimulating and constructive. Opinion differs as to results achieved. Some see little more than a continuing scrap-bag of disconnected courses, patched here and there by minor alterations. The optimistic think the needs adequately met. Whatever view is taken, it must be recognized that legal education has changed in subject-matter, in diversity of method, in broadening of objectives. But there are times when piece-meal reforms fall short of the felt needs. There are times that summon educators to criticism of the entire field, that call for a rational ordering of the total enterprise, for clear expression of objectives and methods, and for thorough-going evaluation of the end-product. In universities and colleges the country over, scholars are now debating the nature of liberal education, basic general education, vocational and terminal training, education in a democracy, the place of philosophy in such instruction, and many other fundamental questions. The current criticism of legal education is part of that broad movement. But if we wish to advance beyond vague and ineffective agreement concerning objectives, we must analyze the needs of legal education much more carefully than has been done in the largest part of the extant literature.

It would seem to be a mere truism in any discussion of legal education, that one cannot become a lawyer without acquiring a knowledge of the rules of law that comprise the legal system. This is generally assumed but, occasionally, well motivated reforms are recommended that seem to overlook this entirely; hence it becomes easier for any proponent of liberal legal education to be misunderstood. 'A person may be a logician, a social scientist, and an axiologist, but this does not make him a lawyer—as Coke told James. This is important to recognize because otherwise we encourage the notion that legality
is insignificant or, even, harmful. It is elementary because it is plain that much of the contents of any advanced legal system is distinctive, complex, and not discoverable by unspecialized good sense—certainly not in the degree of precision needed in a modern civilization. The cause of sound legal education will hardly be advanced by advocacy that ignores such primary concerns. It may, accordingly, be hoped that what follows will not be misconstrued as a substitute for legal education, but will be understood as relevant only to the questions, what is the best legal education, and how can it be provided?

Liberal legal education implies that the study of law shall be imaginatively integrated in the life of the future practitioner. It bespeaks a concern for the whole intellectual, moral man, for the whole lawyer—for the lawyer is inseparable from the man. It is, accordingly, the premise of this paper that the law schools have not taught law as imaginatively as they might have; that the central purpose of postwar legal education should be to teach law imaginatively, and to provide conditions that encourage, indeed require, law to be studied imaginatively. The merits of, and need for, liberal legal education do not depend on the assumption that the postwar world will be radically different from the present one. They rest on its superiority under any conditions. Hence the implicit injunction is that educators must oppose the view that the Bar is inevitably the mere product of economic conditions. For present-day legal scholars, the chief problem is not what the postwar era will do to lawyers and legal education, but what that education can and should do for lawyers of the postwar period.

II.

In discussing the teaching and study of law, it is worth remembering from the outset that we speak of a relationship between mature persons and the youth. Socrates said about all of the most important things that can be said concerning education in this relationship. In the endless search for learning, the major question is, how can one be brought to understand what he does not already know? We need not accept Socrates' theory of innate ideas that can be recalled into consciousness, as the basis of our procedure. His enduring contribution was to place the emphasis where it belongs, and thus to suggest the paramount role of imagination in any person's education.

The imaginative study of law designates the most fundamental sort of thinking in and concerning law, the kind of thinking that is represented in science and philosophy. This does not mean that every law teacher must be a teacher of jurisprudence. What is needed is a scientific and philosophic teaching (and study) of the various courses in the curriculum so as not only to plumb each course thoroughly but,
also, to bring the separate courses into a unity, to make it possible “to see the law steadily and see it whole.” Let us consider what these generalizations involve.

The subject-matter of “law” includes thousands of rules found in constitutions, statutes, cases and regulations, together with the infinitely greater number of rules that are implied presently and potentially in the interrelationships of those already expressed. The study of law must therefore include the acquisition of knowledge of these rules, and this means, also, of the methods employed to discover them and to determine their meanings. It must, in addition, include the acquisition of knowledge of the application of the rules—and this is much broader than their administration by officials. Rules of law have been talked about in various ways, but the fashion has been to think of law as consisting of abstractions. It is clear, however, that while rules of law are concepts that exhibit a distinctive logical form, they are also expressions of ethical principles and, besides, that they constitute facts embodied in public attitudes, known by their effects. That is to say, if we center on the nature of the legal rules themselves (and not on what particularists have said about them) it becomes plain that rules of law comprise, at once, a form of expression, ethical norms, and a kind of fact. Each of the above three aspects of law raises many issues which concern the legal scholar and teacher.

A liberal legal education would explore all of these essential phases of law. It would relate each phase to the others in an effort to make the total enterprise as significant as possible. This suggests that when the choice is between information concerning many rules, and imaginative understanding of few rules, the latter is generally preferable. But this does not mean that quantity must be entirely ignored, or that practical compromises are inadmissible. For it is in the solution of such problems that the pedagogic art has its fairest field of operation. If the foundation of a specific study has been solidly and significantly laid, that very process will rely upon and differentiate in terms of a very detailed analysis and in terms of an accompanying and following hop, skip and jump. When to read the traditional text books is a very important matter. But organization of materials on the above principle would need to be attended to far more meticulously than has been customary.

Since rules of law represent the three essential phases of meaning, noted above, the transformation of the study of law into liberal education must proceed in the following principal directions: to the past, to systematization, to the interrelation of positive law with empirical knowledge, and to evaluation.

If we confine our study of law to the current meanings of the rules,
we do not thereby indulge in mere formalism, as is sometimes charged, but our understanding is much more limited than it need be. We add an entire dimension to our knowledge if we explore the history of the present rules. When we seek to understand the nature of anything, we turn, almost spontaneously, to the course of its development, to how it came to be what it is. It is, accordingly, hardly possible to avoid the conclusion that history is greatly neglected in present legal education. We have sought to meet the need by introducing a single course in legal history, but this only begins to provide the required knowledge. A liberal legal education would expand historical study considerably. It would do this in many courses, where the historical materials would be devoted to description of the legal development in such a manner as to aid understanding of the present problems. In this regard, the study of history becomes part of the problem of inter-relating law and social science, and this use of the historical method will shortly be amplified.

The study of law becomes significant, secondly, in direct proportion to the degree of systematization achieved—in each subject, and of the various subjects, themselves. Anyone who urges the importance of logic in legal education encounters a diverse opposition. In the lack of space to give adequate attention to the various criticisms, it is possible only to note two important matters which should evoke general acceptance. We must be reminded, firstly, that every science seeks the greatest possible generalization, and that this can be achieved only through a logical ordering of the subject-matter—indeed, the two represent an identical progress of the mind. Logic may be a humble tool, but it clears the path for the flight of the imagination, it lays the essential ground-work for the discovery of “the one in the many.” Thus if we contrast any highly developed science with a merely descriptive discipline, we readily see the tremendous gap between the two. Much, perhaps most, of what is distinctive in human thinking concerns generalization; significance and generalization are inseparable. If we realize this fully, we may fairly estimate the present status of legal education. This leads to the second matter to be noted in regard to the role of logic in liberal legal education, namely, the present disconnectedness of the various courses in the curriculum. We have long known that the existing curriculum represents a spontaneous adaptation to practical needs. Even if each course with its present contents were fully defensible, it could not be denied that little thought has been given to the interrelationship of the various courses. The needs here are for collaboration in analysis of fields (not courses) of law, with organization of courses accordingly, and for courses in jurisprudence that parallel the entire legal curriculum of
positive law courses. Some part of each year, preferably, of each term, should be devoted to this over-all job of inter-connecting and generalization—beginning with an introductory course at the very outset and culminating in a grand summation of the total enterprise. The time required for such courses would not be great, and not the least benefit would be a strengthening of every other course.

But it is the relationships of law to fact and of legal science to empirical knowledge that raise the most difficult questions of legal education. These problems lie in the very center of current efforts to improve curricula; it is confusion as to these problems rather than as regards the expression of objectives, such as liberal legal education, that is responsible for existing disagreement concerning the basic methods that are required to attain the accepted goals. We need therefore to clarify especially the frequently raised questions concerning law and social science, although the following is relevant to all empirical knowledge. To this end, there is no more persuasive method or one more suited to legal education than that approach which views the relevant questions as phases of the problem of language and meaning.

The words of law, like any other words, represent sounds which, in advanced systems, are symbolized in writing. A sound is a kind of noise and, in and of itself, has no meaning whatever. It is only when sounds (symbols) are placed in certain relationships to other things that they take on meaning. The most obvious kind of meaning results when the sounds are placed in certain contexts with perceptible facts—the word is obviously something other than the facts to which it is related. In its association with other facts, the word becomes a pointer-at-them; the summoning of the word refers to those facts, and the reference, in human affairs, is always more or less ambiguous. In a short-hand expression, we say a certain word “means” certain facts. For lawmen, the study of cases is the chief avenue to this knowledge—hence Langdell, whatever his avowed purpose, should be recognized as a great pioneer of empirical legal science. For what each case presents is a set of facts, to which legal rules and principles refer. These rules take their meanings from the multitude of fact-situations which they denote. A major effort of the law professor is to improve upon the vague meanings employed in lay speech, and to explore the special meanings of terms that are, for good reason or poor, employed technically. Whether the term is fee-simple, Shelley's Rule, trespass, holder in due course, conversion, manslaughter, negligence, acceptance, revocation, or any other of the thousands of terms that comprise rules of law, the methods of determining their meanings are the same for all lawyers. They study many configurations composed of
these terms and other "relevant" facts and, by a process of identification, analogy, inclusion and exclusion, they mark out the areas of reference, and thus determine meanings.

This kind of exploration can be, and usually is, confined to cases reported by appellate courts. But the facts involved have no special affinity for higher courts. Law is potentially all-inclusive, since any fact that may conceivably affect the relations of two or more persons is within the possible area of legal significance. We need, therefore, to scrutinize "facts" carefully if we are to grasp the lawyer's problems concerning them. For legal scholars are wont to assume that "facts" are very simple matters. When they concede the inadequacy of existing legal education, many of them are apt, rather vaguely, to ascribe the limitations to lack of facts, and then to hold that facts can be accumulated in the college just as well as or better than in the law school; in any event, that the law schools have no distinctive task to perform in this regard. This issue lies at the very heart of the current debates on legal education, and it is necessary to examine it in some detail—although, it goes without saying, any brief and simplified rendering of an epistemological problem which has engaged the most profound of philosophical analyses, bespeaks the indulgence of the reader.

What must be stressed is that facts presuppose ideas. The simplest words, accompanied by the exhibition of concrete objects, introduce ideas on the lowest level of specific description. The words accumulate, and they were related to each other and to the things experienced and symbolized. Thus even a child has an organization of ideas and a vocabulary, which act as a sieve of brute sensation and as a means of communication. These ideas function caliper-like to select and segregate certain clusters of phenomena from the whole indiscriminate welter, and to give those selected segments meaning as "facts." In the adult, ideas of wider generality are added; science and philosophy include many generalizations that are far removed from immediate sense-experience. Throughout this entire process of organizing experience, of building the world of a rational being, the most important feature of it is the interrelationship of concept and fact. For present purposes, it may be asserted generally, that the two are not only inter-connected genetically; but, also, and much more important, that, if meaningful, they are always interdependent—just as there can be no "facts in themselves," so concepts apart from facts are mere verbalisms. Concepts are about facts, they are a way of dealing with facts.

As noted, the ideas of law are, in part, distinctive ones. But the rules of law, especially of advanced systems, are also formulated in
TOWARD A LIBERAL LEGAL EDUCATION

1945]

TOWARD A LIBERAL LEGAL EDUCATION 401

terms that express various degrees of abstraction, denoting more or less extensive classes. Thus if we say, anyone who violates a contract must pay damages, it is necessary to reduce "violates," "contract" and "damages" to simpler ideas and facts. If we say anyone who commits burglary will be punished by five years' imprisonment, we must, to understand "burglary," reduce it to its elements: breaking, entering, dwelling-house, night-time, intent to commit a felony, and each of these is defined by placing it in various contexts of relevant fact—except the last which is a more complex idea, having reference, among others, to various terms in the penal code. The legal system abounds, also, in numerous propositions of relatively great generality, i.e., in principles. The propositions concerning consideration, negligence, strict liability, and mens rea are examples of such more extensive generalizations. Their immediate reference is to a large number of rules and, also, to doctrines that occupy an intermediate area between them and specific rules of law. On a still higher level of abstraction are the theories of jurisprudence which refer to the totality of legal rules.

Most of legal education is concerned with interpretation of the meanings of these various ideas. But the present endeavor is largely confined to the facts described in reports of appellate cases. The isolated cases are "pieced together," the general doctrines and principles that comprise the particular fields of positive law are thus "induced." Suppose that a law professor, confining himself to traditional case-books, has (1) interpreted each case, (2) synthesized the rationes decidendi into doctrines and theories, and (3) drawn at each step upon his fund of experience and ethical judgment—what more can and should be done? The probabilities are that he has been most successful in the formal enterprise of developing general doctrine and theory—but that, pari passu, he has failed in constructing a corresponding body of factual knowledge and ethical principle. The consequent abstractions, logically ordered, lack the vitalizing breath of imagination because the concepts are significant only to the degree that they are related to fact and factual knowledge, to ethical judgment and ethics. Lacking thorough inter-relationship in these regards, they are not barren since they have the support of common-sense and intuition—but they are relatively superficial and subjective. What is needed is a solid parallel structure of relevant empirical knowledge and evaluation.

This takes us from the question of the relations of law to fact to a consideration of the significance of empirical knowledge and, especially the social disciplines, as aids in the study of law. This question is usually referred to in terms of the relation of "law and social
science.' But it is clear that this statement of the question reflects the bias of modern legal positivism. The study of law has rarely been confined to a study of its logical structure. Long before the present social disciplines were established, law faculties were expounding the ethical principles embodied in law, and they were also exploring their factual meanings to a limited degree. There has accordingly long been a "social science in law," a construction, more or less, of common-sense. But the current formulation contains important implications, namely, that the existing factual knowledge in law is inadequate, and that improvements can be made by drawing on social science generally.

The legal scholar deals with the incidence of distinctive norms in social actuality. Ultimately the test of the relevance and utility of any factual knowledge must therefore be the measure of its significance for the legal problem. Understanding legal problems, in addition to reliance on history and logic, depends upon the creation of a sociology of law and a legal axiology. These emerging socio-legal disciplines can be described by reference to non-legal social science. As regards the methods and techniques of the social sciences—historical, case-study, questionnaire, interview, statistical, type-analysis, and so on—it is clear they are all relevant to the construction of the socio-legal disciplines. The caveat for legal scholars is supplied by the mountain-high polemics that have characterized the wrangling of social scientists on "methods." It should be easier, from the present vantage-point, to use appropriate methods of investigation without becoming lost in a morass of inferior epistemology.

But the major question concerns the relevance of the content of the social disciplines for law. In considering this question, we may begin by recalling the themes that Holmes so eloquently expressed in terms of "experience" and the "life of the law." Any discussion of rules of law from this viewpoint inevitably talks a language that is also of interest to certain non-legal scholars. Once we set rules of law in contexts of human experience, we find that these social situations comprise the subject-matter of social science or some other branch of empirical knowledge. If, e. g., we talk about fact-situations that are significant for the law of contracts (the "operative facts"), we enter fields of discourse concerned with "free enterprise," "monopoly," the ethics of disappointing expectation, and so on. In torts, we are unavoidably concerned with the relationships of liability to

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2 E. g., the statement of the learned Editor of the Encyclopedia of the Social Sciences: "Next to theology law was the moving force in the creation of the mediæval universities. It was the most significant of the cultural sciences, and its votaries far outnumbered those devoted to politics or history." I, 4.
economy, with insurance and other ways of spreading risks. In criminal law, the problems of psychology and morals are obviously met. In labor law, we confront facts that are significant for labor relations, modern industry, the nature of the prevailing economic organization, political rights, and so on. The same is true of every field of law, not excluding procedure, where logical and psychological problems are met at every step. These common interests have been widely recognized. The present need is for more precise answers than those usually given regarding the relationship of legal problems to empirical knowledge, and, especially, to social science. What must be stressed first in this regard is that it is not correct to assert that the social disciplines are theoretical, whereas legal science is applied, knowledge. This is not only unwarranted on any analysis of actual subject-matter, but it is also misleading in suggesting a fallacious simplification of the problems of inter-relationship. Nor is it adequate to assert that the essence of legal science is a concern with conflict-situations, even though that interest obviously exists—other disciplines are also concerned with conflict, e. g., the economics of competition and the psychology of aggression. What is distinctive is that legal science deals with fact-situations affecting public interests, by reference to which it is feasible and right to apply force in accordance with prescribed norms. If we keep this in mind, we may profitably examine the social sciences and their relevance to the solution of legal problems.

Instead of considering the social sciences generally, it may relieve the limitations of extreme brevity, if we confine discussion to economics and psychology. Within the present narrow purpose, we may say that economics is a rational science, constructed on premises dealing with the allocation of available means to attain limited goods, the resulting generalizations being interpreted against relevant factual contexts; or we may say that economics is a descriptive discipline concerned with certain patterns of institutional behavior. Thus, too, we may say that psychology is the study of behavioral reactions to stimuli; or, that psychology is the study of the mind. Thus social science consists of numerous axioms, descriptions of social phenomena, and empirical generalizations, more or less organized. We may, nextly, describe various factual situations that are legally significant, i. e., that are “operative” in relation to substantive law. We may, e. g., state the operative facts comprising “secondary boycott,” and note the availability of injunctive relief. If we wish to understand this factual situation and the value-judgments involved in the stated sanction more fully than our common sense or unspecialized experience permits, we must place it in contexts of social, especially indus-
trial, relations. These happen to be the subject-matter of labor economies, but labor economists are not chiefly concerned with the relevant distinctive legal questions—whether the legal rule selects and correctly abstracts on important (i.e., legally significant) factual situation, whether a secondary boycott ought to be met by the coercion of an injunction, and so on, though they can hardly omit some effort to understand the effects of the legal institution on industrial relations. Labor economics deals with the labor market, wage theory, collective bargaining, labor unions, employers' associations, the effects of a capitalist economy on industrial relations, the causes of strikes and boycotts, and the like. The task of the legal scholar is to place the legally relevant facts constituting "secondary boycott" in the above context of facts and economic theories. He must clothe his skeleton of the facts with the flesh and blood of the actualities—as labor economics helps him to do; and he must try to understand the significance of the facts by aid of the economic discipline, which also facilitates the formation of relevant, defensible value-judgments. Having completed the economic analysis, he must face his ultimate problem, the legal problem, with the increased knowledge of what the "operative facts" mean, and, what the prevailing value-judgments, embodied in the rules, imply. (He has, of course, had the legal problem more or less in mind at every step of the economic analysis.) Whether the fact-situation is taken from contracts or torts, sales, property, or any other field of law, liberal legal study proceeds from accretion of operative fact-situations and preliminary development of legal doctrine to the construction of the life-situations, the typical facts of the relevant aspects of social relationships; next, to the understanding of these phenomena by aid of the relevant disciplines, including the over-all criticism of policy; and, ultimately, to the particular questions of the legal problem—the aptness of the legal definitions (abstractions from the life-situations), the nature and effects of the sanctions, evaluation of meeting the type of wrongs under study by the forms of coercion employed, reformulation of the legal doctrine, and final exposition of the legal theories.

Likewise, the legal scholar may begin with fact-situations that comprise "undue influence," "mistake," "intention," "coercion," "involuntary confession," or the like. He needs again, as always, to vitalize the skeletonized, legally defined facts, to transform the accretion of these legally defined situations into actual, fully human be-

\[\text{3} \] Whether we can have an adequate labor economics, or any other adequate social discipline, that ignores law is not discussable here. The reader is referred to Maitland's criticism of historians who ignore law and legal records, and may draw his inferences accordingly. I Works 3, 485-6.
behavior, thought and aspiration. The legal rules take on meaning in this process, partly by enlarging the import of common sense, partly by aid of the specialized descriptions and theories of psychology. With each step in this process, we comprehend more fully the distinctive problems posed by the substantive law—the adequacy of the symbolic representation, the nature and effect of particular coercive sanctions, soundness of policy, and so on. Every rule of law in every field of law is susceptible to receiving increased significance by the above methods and references. The range of study, as indicated above, would need to be supplemented by the history of legal doctrine and of the concomitant social and economic organization and policies.

Finally, as indicated, liberal legal education would be concerned, almost at every step, with questions of policy, since even the simplest rule of law is the expression of a value-judgment. Adherence to an atomistic view of law has engendered the theory that law is "negative," that it tells us only what must not be done. But this is to misread the plain implications of any modern legal system, and to confuse the distinctive apparatus by which it functions with the ends that it seeks to implement. The legal order is constructed upon, and embodies the ideals of, the civilization it represents. Its distinctive task is to guide men toward the common ideal by forcibly discouraging conduct in contrary directions. It must accordingly be recognized that there can hardly be any limitations, other than those of feasibility, resulting from the fact that its method is coercive, upon the range and significance of the value-problem for law and lawyers. This means, at a minimum, that the prevailing, disconnected ethical appraisals need to be supplemented by explicit statements of the value problem, by criticism of conflicting ethical theories, and by persistent efforts to synthesize the relatively narrow value-judgments derived in each course. The task for generalization here parallels those concerning legal doctrine and empirical knowledge.

III.

No less important than the theory of liberal legal education are the practical measures that must be taken to attain it. Such practical problems of education were not beneath the intellectual interest of Plato, and we need not be impressed by the indifference of those who may hope to write a few of the footnotes. The writer has elsewhere discussed many practical questions related to postwar legal educa-
and the proposals there made can be read in the context of the above analysis. It is possible to consider here only two practical problems that directly concern the above discussion of some phases of liberal legal education.

It will help to present these dialectically. Thus, it may be argued—"granted that legal education should be liberal, is not the remedy to insist on graduation from a good college? If the student enters law school with a first-rate liberal education, will not his law studies be pursued imaginatively? Why, therefore, does the objective, liberal legal education, require major changes?" Certainly the writer would not deny that well-educated students benefit more from traditional legal education than do ill-educated ones. But the evidence that competent college graduates do not normally receive a liberal legal education is supplied by the limitations of lawyers generally. The fact is that in the law school they did not construct the necessary bridges between their technical courses and the non-legal disciplines they studied in the colleges. Moreover, with notable and increasing exceptions, their teachers have not provided the necessary materials, nor have they demonstrated the use of the methods required to attain that goal. Since legal problems are distinctive, their solutions can not be found ready-made in the non-legal disciplines. Creative and persevering study is required to discover and formulate the findings and theories of the non-legal disciplines in terms which render them usable in analysis of legal problems. Since legal problems are and will remain the ultimate references of the empirical and normative knowledge that is required for their imaginative study, liberal legal education must grow in and from the law school. This does not imply that legal subjects should be studied simultaneously with relevant but not closely integrated non-legal disciplines—except as a necessary method of transition to a liberal legal curriculum. Nor does it imply that all legal studies should be integrated with non-legal disciplines. Such broad questions, whose very meaning changes in relation to differences in schools, resources, and other conditions cannot be reliably answered at present for reasons which the writer has discussed elsewhere. But it must be emphasized, also, that it has been amply proved in certain limited fields that it is both possible and very profitable to study some of the results and phases of non-legal disciplines in direct analy-

4 A 2-2-3 Plan for College-Law Education (1942), 56 Harv. L. R. 245. The plan there outlined, intended as a transition to, not as a final program of, liberal legal education, was suggested by a vivid awareness of the difference between the formulation of curricula, methods, and aims on paper—and what is required in the way of personnel, materials, administration, cooperation and effort to reach the desired objectives.

5 Id.
sis of legal problems. This general question constitutes the chief methodological problem now confronting legal educators, and until they are willing to articulate, analyze, and experiment with the methods whereby they hope to achieve their goals, discussion of the relevant practical questions will lack significance.

Another possible criticism might take this quite different direction: "If the integration of law with non-legal disciplines means a shortening of the time spent in college would not this injure liberal education, might it not accentuate the present vice of narrow vocationalism?" But the very formulation of this argument shows that it rests on the persistent premise that any legal education inevitably means technical vocational training. It is not easy to escape this prevailing bias. The dogma persists that legal study cannot be liberal education, that we must continue to develop a split personality in lawyers—one segment of the self reflecting the liberally educated man, the other containing the technician, the lawyer. It is this myth, this prevailing false dualism, that must be exploded. In weighing the validity of the possible claim that improvement of legal education may be at the expense of liberal education, we need to remember that because of the prevailing educational compartmentalism, the probability is that, with the passage of time, the college studies of by-gone days recede farther and deeper into the background of unenjoyed and unused knowledge. If this learning has been bound firmly to the legal studies, it would not only have survived, it would have become a living, growing part of professional practice, an ever-present light to render any legal service significant. As regards almost every other calling, the case for liberal college education means something quite different than it does for lawyers, philosophers and social scientists. Thus every man should be a good citizen, and he should understand the elements of science and philosophy, the history of the race and something of the social institutions of his time, and of the sort of being man is. But while this is important, cultural education for doctors, engineers and accountants, it is an essential part of the lawyer's profession. For him the distinction between liberal education and vocational training is not valid, or, if one prefers, it is least valid. Hence the challenge is to view his objectives in the large, to take account and advantage of the full six-seven year span, those years of sensitivity and idealism beyond all others, that he devotes to his entire university education. Even if this is done, the creation of liberal legal education will assuredly not be an easy task. But educators who have sensed the untapped potentialities of their students will not be deterred by the difficulties, nor by the likelihood of failure to reach the ultimate goal.