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The Prospects of University Law Training

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It is altogether appropriate that at this place and in the waning moments of the bicentennial year, thought should be given to the future prospects of American legal education. Williamsburg, Virginia and the College of William and Mary, from which so much that is best in our national life has sprung, constitute also the cradle of university-based law training in the United States. More than any other person, George Wythe, in whose honor these lectures are named, personifies the values that have induced American universities to undertake and maintain the systematic study of law and the training of lawyers. Like all of our traditional values, those of George Wythe require modern re-examination and restatement. When this is done, it will be found, I believe, that the assumptions that underlay George Wythe's career at this college, retain a continuing importance for American legal education,
the universities, and the legal profession.

Into the life of every law dean or former dean come opportunities to discuss the future of legal education. There have been times in the past when I wondered whether these invitations might better be extended to members of almost any other group associated with the legal profession -- young teachers, law students, or practicing lawyers; whether, in short, the jaded veterans of the educational establishment are not perhaps those least likely to communicate a vision of the future. These doubts persist; but after surveying some of the modern talk about legal education (of which there is a great deal), I have concluded that a word or two more from the legions of the superannuated will not necessarily lower the average quality of contemporary discourse.

In addressing the assigned topic, it is an inconvenience to confess, with the biblical Amos, that I am neither a prophet nor the son of a prophet. American legal education has been profoundly influenced in the past by the course of our history, and one must anticipate that it will continue to take its shape under the influence of political and cultural forces generated in this
society. In estimating the nature and strength of those forces, however, we see through a glass darkly. The perils of prophecy are illustrated by an observation of the late Brainerd Currie, a distinguished legal scholar and, during his lifetime, perhaps the leading commentator on American legal education. Professor Currie ventured to predict that there would be no fundamental alterations in university law training in the fifty years following 1956. Events, of course, may ultimately prove him to have been substantially correct; but it seems fair to say that Professor Currie did not anticipate, and indeed could not anticipate, the ferment and dissatisfactions that have come to characterize contemporary discussions of law school education.

The course I intend to follow is more cautious or (if you prefer) more craven than that pursued by some others who have addressed my topic. Certain questions of great moment face American legal education today. I shall attempt to identify a few of these and to appraise their implications. My ventures into prophecy will be confined to the proposition that how these issues are resolved will deeply influence the course of university law
training for the balance of this century and well into the next.

It is not my purpose in these remarks to trace the academic career of George Wythe or to attempt an extended discussion of his educational philosophy. Indeed, I have been strictly admonished not do so for the very persuasive reason that there are others, particularly on this campus, who know a great deal more about that subject than I do. Those instructions were soundly based and will not be disregarded. Yet in this instance the past is so clearly involved with the present and the future that it is hardly possible to escape all reference to Wythe and his contribution. Today the traditions of university law training associated with his name are the object of widespread attack and denigration. There is no issue of greater moment for the future of American legal education than the question whether university law training will preserve the aspirations of quality and breadth that George Wythe brought to the College of William and Mary almost two hundred years ago.

There is nothing inevitable about university involvement
in legal education. Thorsten Veblen, writing in the 1920's, was able at that late date to conclude that "law schools belong in the modern university no more than a school of fencing or dancing." Although university colleagues of law faculties do not ordinarily speak so pointedly to the subject, at least when law professors are near, there are, no doubt, some who would substantially endorse Veblen's sentiment even today.

Admitting a law school into full membership in the university community has, or ought to have, certain significant consequences. Such a school obviously must be concerned with communicating knowledge and skills useful in professional practice; but a university law school's commitment cannot end there. As an integral part of the university it assumes the university's obligation to discover and communicate new knowledge. It must be deeply concerned with the values given expression in the law. Its purpose is not simply to affirm but also to criticize; and this critical obligation is at times directed to lawyers, the law, and to the society of which they are a part. The law school is both a critic of the law and a source of new law. In
American society it is a training ground for leadership in very broad segments of our political and cultural life.

University law training, initiated in the United States by George Wythe, ought therefore, almost as a matter of definition, to be intellectually based and humanistically motivated. Yet it is precisely these aspirations that are today being challenged or, what is almost equally serious, neglected or ignored. American legal education is confronted by the rise of a new anti-intellectualism, new, not in kind, but in its extent and the intensity of its expression. Within the space of hardly more than a decade, traditional legal education has been engulfed in a tide of criticism, a criticism directed both to the performance of law schools and to the principles upon which the schools have proceeded. This is an arresting phenomenon, and something needs to be said about the origins of this new critique and about its implications.

It is implicit in what has just been said that fidelity to the idea of a university requires university law training to ask not only "how to do it," but why we do it, and how our social
purposes can best be realized. The record of achievement of American law schools in the twentieth century is an impressive one, a demonstrable proposition but one frequently ignored in modern discussions of legal education. Yet there have been failures and inadequacies; every observer has his own private catalog of these deficiencies. The most serious of these, however, are the failures of the schools to honor their own professed aspirations of intellectual depth and humanistic involvement. Closely related is the similar default of the universities themselves. There has been a growing conviction that American universities have not adhered to their high mission, and this opinion is shared by large numbers of persons of widely varied political beliefs. This sense of unease antedates the second World War, and was communicated at least a generation earlier when the modern multiversities were in the early stages of their careers. James Thurber, in a moment of exasperation, could capture the alma mater of his student days in the phrase, "Millions for manure; not one cent for literature!"
It may well be true, however, that World War II constituted the most devastating experience for American higher education. In those years the conception of the university primarily as a resource to enhance our military and industrial might captured the imagination of many, both on and off the campuses. The university thus gained prestige, not as a place where thought is cultivated and honored, but as an indispensable utilitarian tool. Although many have been disillusioned in the intervening years by the discovery that universities do not possess the sovereign remedy for all the practical difficulties associated with the human condition, this highly instrumental view of the university remains deeply entrenched. It may be said, of course, that a democratic society is entitled to determine what its universities shall be; and if the democratic consensus requires the university to concentrate its resources on the performance of practical services, to teach courses in macramé and motel management, who can gainsay it? No doubt, the reality is that universities cannot and ought not to separate themselves rigidly from the practical needs of the surrounding
society. There are costs that must be paid, however, for these practical involvements. One is that these numerous departures from intellectual and humanistic concerns compromise the ability of universities and university law schools to resist the demands now being made that legal education be concentrated on matters of what my colleague, Paul Carrington, has described as "instantaneous practicality."

Having said our mea culpae, however, one can hardly escape the conclusion that a significant part of the modern discontent with American legal education has little to do with actual failures of educational performance by the law schools or the universities. We are living through an era in which most of our social and political institutions are viewed with skepticism and doubt, and in which the institutions, themselves, reveal a significant lack of confidence in their own operations. We are, in short, passing through what Robert Nesbit has described as a twilight age. The danger is that in the present mood of depression we may commit ourselves irrevocably to courses that reject or compromise our highest aspirations and values.
There are other social influences abroad that challenge Holmes' dictum that "Law is a profession of thinkers". "The life of the mind", to use another Holmesian phrase, has been the object of conscious attack both on and off the campuses. Because reason has been recruited to serve many pernicious and dubious ends, some have concluded that reason itself, rather than the values that have determined its uses, is the source of our difficulties. Because modern behavioral science confirms Cardinal Newman's dictum that reason is too fragile an instrument to contain the passion and pride of man, many have reached conclusions that Newman would have scorned: namely, that reason is therefore unimportant and that we may retain our hopes for liberty and order without its cultivation.

These broad social tendencies, many of them aggressively anti-intellectual in nature, are brought home forcibly to the law schools in these times. Many of our best students, being children of the age, reveal a profound skepticism for the rational process, itself. Rational explication of judicial decisions, for example, is sometimes seen as a camouflage or cosmetic, a
cosmetic that disguises the brute fact of power or the operation of motivations lying deep in the unconscious of which the decision-makers are usually unaware. The insecurities of the time push our students, and sometimes their teachers, into a quest for certainty. But the demand for certitude in a world and a discipline in which much is inevitably contingent and indeterminate attacks the integrity of thought; for the demands are at war with reality, and to maintain the quest requires the closing of minds. The hedonism of the age, communicated in almost every television commercial and in much modern educational philosophy, impairs the ability of some of our students to undergo the rigors and discipline of the life of the mind. Yet that ability underlies all intellectual and much professional achievement.

The present discontents with legal education are not simply the product of influences engendered in the broader society. Some have their origins in the law schools, themselves, and in the legal profession. A system of university-based law training inevitably introduces tension into the relations between the practicing bar and the schools. This has been apparent from the
time that universities first assumed primary responsibility for the training of lawyers in the United States. The source of this tension resides principally in the fact that the mission and obligations of university law schools, while encompassing much of immediate interest to the practicing profession, include a great deal more. For the past one hundred years this tension has been largely a creative, rather than a destructive, one, and has resulted in an allocation of functions among the schools, the profession, and the courts which has served the mutual advantage of all parties.

There is evidence that the tolerance and mutual forbearance on which the American system of legal education is founded and on which its prior achievements are based, are being subjected to serious strain. The evidence to which reference is made is not the advocacy, in and out of the law schools, in favor of some greater concentration on practical lawyer skills in the professional curriculum. Dialogue concerning the methods and emphasis of law training has always existed, and is indispensable to the continuing adaptation of legal education to
the world in which it finds itself. In recent years, however, attitudes of impatience and hostility toward the law schools have been expressed in some segments of the practicing bar. Some lawyers and judges have moved beyond dialogue and persuasion, and seek to determine or directly influence the priorities of law school curricula through the device of rules of court stipulating specific course requirements for bar admission. These efforts have not been deterred by the almost complete absence of reliable knowledge about the relations of particular courses of instruction to professional competence. Perhaps even more alarming has been the note of acerbic criticism sounded in discussions of law school efforts that seek objectives beyond the narrowest of professional concerns.

Criticisms of this sort are not new. On the contrary, they have accompanied the career of university-based law training in the United States from the beginning. Yet is clear that expressions of this sort have gained in volume and perhaps in support among some lawyers and judges. One need not be an uncritical defender of all that the law schools have done or failed to
do, in order to perceive that these attitudes reflect far more than actual educational failures by the schools. One central fact is that the bar and the courts, themselves, have felt the sting of public disapproval. It is a typically American reaction to assume that societal failures must be related to educational failures, and hence the scrutiny of the law schools to discover the sources of the profession's difficulties. The youth revolution of the 1960's created gaps of style and substance between the younger and older practitioners, and many of the latter hold the universitites and the university law schools responsible for the strange attitudes and demeanor of the young. Practicing lawyers have sometimes been understandably resentful of the attitudes of a few law professors toward the bar, and have concluded that professors have little sympathy for or understanding of the problems of professional practice. A few lawyers deplore the leadership of the schools in certain reforms that affect the incomes of lawyers, such innovations as "no fault" legislation in the fields of tort law and domestic relations and the recasting of probate procedures. Others are unsympathetic
with the efforts of law schools to enlarge the opportunities of young members of racial and ethnic minorities to secure legal education, through special admissions programs.

However the new tide of criticism is to be explained, its principal thrust is not in doubt. Much of it expresses hostility to legal education intellectually based and humanistically motivated. It tends toward a narrowing of educational purpose and a lowering of aspirations. Perhaps the most striking manifestations of this tendency that I have encountered in recent months was provided, not by a practicing lawyer or a judge, but by a faculty member of an accredited law school. Ninety percent of law students, he asserted, wish to become practicing lawyers; they are not interested in becoming legal philosophers. Yet one can hardly imagine an educational default more complete than the graduating of young persons from the law schools to take their places at the bar who do not have something of the philosopher about them -- young people unconcerned about the philosophical category known as justice or the ethical category concerned with right and wrong action. If it is desirable to
have a bar deeply concerned with the basic values of this society and adept in giving them practical expression, how is this goal to be approached except through a regimen of professional training that seeks to identify those values and to analyze their implications, and to do so consistently with the highest intellectual standards? Then Provost Edward H. Levi once said of legal education: "A dialogue of values -- in addition to our humanistic appreciation of our artistic creations of logic, is in fact within our tradition. It is one of the things which makes us uniquely valuable to the university community." It is one of the things, it may be added, that makes the law schools valuable to the profession and to society.

One of the myths of the recent past is that basic ethical concerns can be maintained and enlarged without appropriate attention being given to the arts of reason. The Watergate affair gave rise to demands for increased attention to legal ethics and professional responsibility in the law schools. Indeed, it was frequently asserted or implied that the neglect
of these matters in the schools significantly contributed to the breakdown of public morality in the United States. The new attention currently being given to professional responsibility in and out of the schools seems entirely justified. Explicit attention to the ethics of law practice languished in the law schools, not in most instances because the subject was thought to be unimportant, but because of the pedagogical difficulties encountered in providing courses that pose the relevant issues in a serious and realistic way and those that are meaningful to students who have not directly experienced the dilemmas of client representation. Teaching materials now available go far to obviate those difficulties; and the increasing number of students who encounter clients in their academic programs adds point and relevancy to instruction in professional responsibility. One may anticipate greater attention to these matters in the future than has been given in the past.

The discussions of Watergate and law school obligations to provide instruction in professional responsibility, however, have revealed assumptions about the role of values in legal
education that are both mistaken and threatening. One of these appears to be that the only point in the law school experience in which ethical concerns are revealed is that at which the canons of professional responsibility are made the explicit subject of discussion. This ignores the "dialogue of values" that goes forward in law school classrooms every day to which Mr. Levi referred and identified as one of the principal contributions of legal education to the university community. Moreover, it ignores the fact that the "life of the mind" possesses an ethic, that one inducted into the processes of reason and analysis by a skillful and conscientious teacher, experiences not only intellectual, but also ethical training. This is true because the life of the mind involves a discipline and a set of restraints which must be given priority over personal interests and inclinations. Evidence to support propositions must be sought and respected. Once collected, however, it must be ruthlessly tested for adequacy. Social thought must always acknowledge the necessity of action on the basis of imperfect knowledge; but the imperfections of knowledge must be conceded
and conclusions must be accepted as tentative and subject to modification when new knowledge appears. The besetting intellectual sin is the narrowing and closing of minds, even when apparent security and repose may be gained by doing so. One who has had the good fortune to study at the feet of great teachers whose careers have been given over to the life of the mind, will not doubt that he has undergone a profound ethical experience, and this is true whatever the subject of the discourses may have been.

An even more remarkable note has been introduced in recent public discussions of the role of values in legal education. The suggestion has been advanced that the demands of rigorous analysis are in some sense antithetical to ethical values. If, in fact, morality and intellect stand in opposition to each other, if the hold on our values is so tenuous that it cannot withstand the force of rational analysis, our plight is serious, indeed. One should be cautious in accepting such propositions. This is not to deny that intellectual arrogance constitutes a threat to morals and sound reason. Such arrogance violates the
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Ethic demanded by the life of the mind. Thought about a community's basic values urgently requires the decent humility that results from awareness of what we do not know. Common sense demands recognition that the routine functioning of society must proceed on the assumption that, for the time being, there are some questions of policy and values that have been decided. But the reexamination of our own first principles is peculiarly necessary in these times, and, in truth, can be prevented only through the exercise of political or social coercions of a kind inconsistent with the genius of a free society. Surely it is preferable, insofar as possible, that this reexamination proceed from the intellect rather than the viscera.

What has been said in the foregoing is that the most urgent challenge facing university law training today arises from attitudes that weaken the role of intellect and values in legal education. It has been asserted, further, that the degree to which these attitudes are successfully resisted will go far to determine the quality and character of law training in the years ahead. There are, however, other problems that
are critical to the future prospects of legal education, and brief attention will now be given to a few of these.

One of the paradoxical facts about contemporary discussions of legal education is the small attention being given to the impact of new knowledge on our lives -- paradoxical because surely these will in the future, as in the past, provide the dynamics of cultural change and hence of changes in the law and its administration. Much of what was most characteristic of nineteenth century law was the product of the new knowledge and technology that arose in that era. To give only two striking examples, the law of torts and of corporations represent, directly or indirectly, accommodations to the discovery of what were then new sources of energy and to the perils produced by new modes of transport and by the gadgetry that accompanies an age of technology. It can hardly be doubted that in the present era the new genetics and computer and electronics technology are producing and will continue to produce comparable alterations in the world we occupy and in the law that will evolve. Yet, typically, discussions of reform in law training appear to
be directed to almost every topic except this salient reality.

The discovery of new knowledge creates two principal kinds of problems for public policy and hence for the law. There are, first, the problems of how the new knowledge can best be exploited to meet human needs and to ease the human condition. In a substantial sense modern corporate enterprise was created by the steam engine and the dynamo, but it also may be seen as the product of legal innovations introduced into the old forms of business organization that made possible the accumulations of capital necessary for the social utilization of the new knowledge.

Second are the problems of preventing the new knowledge from being used in ways that impair basic human interests and political values. The unleashing of new sources of energy can threaten the environment and the very bases of physical existence. The age of electronics makes possible wholesale violations of individual privacy by government and business. DNA research and discoveries in the new biology present occasions for new and unprecedented forms of public regulation.

The new knowledge, however, affects more than the broad
issues of public policy. In addition, its impact is felt in the routine practice of law and in the conduct of legal education. The accumulation of new knowledge has done more than any other circumstance to challenge the ideal of the omnicompetent legal practitioner, capable on short notice of mastering any new area of legal concern and of providing sound counsel and professional assistance in whatever fields he may be called upon to serve. The practical reality of specialized law practice reflects the complexity of modern technology and of the social forms that have developed to accommodate it. The movement toward further specialization and the regulation of professional specialities is already evolving and will surely continue to do so in the years ahead.

But the continuing knowledge explosion has significance for legal education going much beyond the emerging specialization of law practice. It raises fundamental questions about the organization of instructional and research programs in the law
schools. One of these questions goes to the qualifications of law teachers. How can we insure that the law faculties will possess the kinds of training sufficient to identify the significance and social impacts of new knowledge and reveal a sufficient wisdom to contribute to the institutional accommodations made necessary by them? Very little in our traditional hiring practices has taken these capacities specifically into account. This is not to say that law faculties have been unconcerned about these new dimensions of law teaching and legal scholarship. Indeed, many law teachers since World War II have engaged in extraordinary efforts of self-education in areas outside the traditional boundaries of their discipline, and have done so because of a sober realization that such knowledge and capacities are required if the law is to serve its high social purposes in this era. This effort at self-education by law faculties, which surely must be regarded a remarkable achievement, has gone largely unnoticed in other departments of American universities. Yet impressive as this undertaking has been, one will likely conclude that more systematic and more
extensive efforts at enlarging the scope and understanding of university law training will be required. What is needed today is intelligent planning for these developments and for their adequate funding. Unhappily, too little attention is being given these matters by the law schools and the philanthropic foundations.

Closely related, of course, is the problem of research policy in the law schools. How in the future will the schools contribute to performance of the university's obligation of discovering and communicating new knowledge? One may anticipate that doctrinal research, as in the past, will constitute an important activity of the law schools. Nor should the value of this contribution be underestimated. The rationalization of common-law doctrine and the elaboration of constitutional theory in the law schools during the present century have had significant impact on American society. The development and refining of legal doctrine becomes of greater, rather than less, importance as social changes accelerate in the closing years of the century.

The future status of empirical research designed to identify
social needs, to evaluate public policy and the assumptions on which it rests, is considerably more problematical, however. One can hardly avoid a sense of disappointment in the amount and achievements of "fact" research produced in the law schools as one canvasses the record of American legal education in the twentieth century. This sense of unrealized expectations persists despite changes in the law review literature which clearly display a deepening and widening of interests and an increasing sophistication in utilizing the insights and techniques produced in other departments of the university. Significant independent research efforts, despite some conspicuous achievements, have not flourished as well in the law schools as might have seemed likely a generation ago, and very little in the recent past gives promise of imminent changes in this situation.

The basic cause is that the law schools have not succeeded in domesticating the research function and integrating it into their institutional programs on a footing comparable to that accorded the teaching function. One may with justice complain
about the abysmal deficiencies in the funding of law school research; but in truth neither the law schools nor individual professors have generally insisted on more adequate funding in accents found to be compelling by those who control research allocations. Large-scale research still appears to be an alien and exotic intrusion into the operations of most law schools. Many highly capable law teachers experience bad conscience if they are unable to justify their research efforts as making immediate and direct contributions to their classroom teaching. Yet, clearly, the social importance of research may depend on factors other than its immediate utility for law school instruction. Despite gains in the command of research methodology by many law teachers, most significant research efforts require the services of technicians trained in other disciplines. Cooperative research efforts are certainly not to be scorned, but it may be doubted that the contributions of socio-legal research will be fully realized until many more lawyer members of law school faculties than at present are equipped to perform serious research functions. Moreover, the potential contributions are of high importance. Our best hopes for a jurisprudence
sensitive to social needs and aspirations and capable of realizing social purposes depend in large part on the securing of knowledge that we do not now possess. Our present situation in many vital areas of legal policy is that we literally do not know what we are doing, and we are not sufficiently committed to finding out. To rectify this failure is surely one of the pressing demands of the future.

It will have been noted by some that in these remarks comparatively little attention has been given to the subject of most modern commentaries on American legal education: namely, the movement for increased clinical and skills training, the contemporary concerns for increasing the competency of practicing lawyers. The lack of emphasis given to these matters does not reflect a judgment of their unimportance. On the contrary, it seems clear that the felt needs for greater practical training being expressed today by many lawyers, judges, and law students cannot sensibly be ignored by the law schools. What tends to be overlooked in these discussions, however, is the dramatic increases in direct contacts of law students with
practice problems, including those relating to litigation, that have occurred in recent years.

Nor should it be assumed that concern with practical professional skills is necessarily at odds with a legal education intellectually based and humanistically motivated. Attention to practice problems can contribute interest and realism to the study of law and thus contribute to the realization of the multitudinous objectives of legal education, including the enhancement of professional competency. The increased emphasis on practical skills becomes a threat to university training only at the point at which it ignores the broad range of values and social interests that legal education is called upon to cultivate. Such insistence tends toward a narrowing of vision and a lowering of aspirations.

In recent years proposals have been advanced by certain lawyers, judges, and law teachers that call for a law school curriculum involving two years of academic study and a third year devoted wholly to clinical and practical experiences.
The proposals assume that two years of classroom training is sufficient to achieve its objectives or, at any rate, is all that modern students will tolerate. The third year is intended to supply varieties of practical experience for all students, some of which experiences are no doubt lacking in traditional programs of law training.

These proposals surely deserve the closest attention—more serious consideration than can be given here. One hopes that the bench and bar in weighing this or other thoroughgoing educational reforms will demand a careful experimental scrutiny of the proposal before moving to mandatory implementation. Educational nostrums, like chemical medications, require careful preliminary testing before they can be safely prescribed. Is it self-evident that placing a student in apprentice status for one third of his training represents the optimum use of time for all persons entering the profession? What allocation of costs and functions between the profession and the schools is to be made? If, as seems likely, these
programs will result in increased costs of law training, what are the implications for increased costs of legal services to the public and the accessibility of legal education for those of limited means? Assuming that the "competence" sought to be advanced by these proposals can be adequately defined and identified, will the educational program provide lasting or only temporary advantages for the students? Will a young lawyer three or five years in practice demonstrate significantly greater command over professional skills than those of similar experience in practice but more conventionally trained? A limited program of experimentation undertaken by a few schools on a voluntary basis might provide answers to some of these questions. Certainly they cannot be answered responsibly today. It would be infinitely more wasteful to defer these and many other questions certain to arise, to the period following a precipitous mandatory imposition of the scheme on all of American legal education.

Moreover, should it occur that the two-year curriculum followed by a year of apprenticeship in the courts or law
offices constitutes an appropriate device to achieve some professional objectives, does it follow that schools with motivations and resources to give greater attention to other important social ends should be prevented or seriously discouraged from doing so? Some have overlooked the fact that a significant diversity is developing in the types and objectives of legal education in this country. In significant part these tendencies represent a healthy pluralism and reflect the enormous range and varieties of law practice and of the problems encountered in our public life. A legitimate diversity of objectives in American legal education is today better calculated to serve social interests than is a Procrustean bed.

To speak for traditional educational values involves some discomfort at a time when innovation in all aspects of modern life is seen as a primary social concern. The discomfort stems, however, not only from those who assume that any defense of traditional values is suspect, but also from those who generally
accept the intellectual and humanistic values sought to be defended in these remarks. What is remarkable about the latter group is their silence. It is characteristic of intellectuals, including lawyer intellectuals, that they more willingly endure almost any stigma other than to be thought naive. To such persons the repetition of truisms is uncongenial and embarrassing; and to reaffirm the importance of the intellectual and humanistic dimensions of legal education is thought to be indulging in truisms. There are perhaps other explanations, but the consequence of their silence is not in doubt: the field is occupied by those with very different wares to sell.

The time has come to break this silence. We need to be cautious in our claims. Knowledge about the effects of a given course or a particular educational experience on subsequent professional performance is in acutely short supply. But about the spirit and motivations of an entire course of training we may perhaps speak with greater confidence. A century ago John Stuart Mill warned that "[t]he only security against narrowness is a liberal mental cultivation."

Now completely we embrace that insight may determine the prospects of university law training in the United States.
FOOTNOTES

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1 "But whatever the influence of these professorships reached--and it reached forward in time -- a new principle had been advanced: the training of the lawyer should be broad; it should include university training; and positive professional values were attached to nontechnical elements of university training. The Blackstonian element of this principle emphasized ethics, as a basis of natural law -- a component of law and equity as applied in the courts; the Jeffersonian element emphasized political theory, the instrument of the legislator and administrator. Together, these ideas accounted for a phase of legal education in America which was distinguished by breadth, intellectual vitality, and productiveness, and which has important significance for the modern university law school." Currie, The Materials of Law Study Part I, 3 Jour. Leg. Ed. 331, 357 (1951).