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From Bauhaus to Courthouse: An Essay on Educating for Practice of the Craft

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FROM BAUHAUS TO COURTHOUSE: AN ESSAY ON EDUCATING FOR PRACTICE OF THE CRAFT

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The practice of law is, at its heart, a craft. In the hands of a gifted few, it may on occasion rise to artistry. But underlying the artistry is a mastery of the craft.

This is no pejorative. The practice of a craft demands more than mechanical or rote performance; it requires the exercise of individual taste and skill. It entails an ability to plan and perform. The craft worker is ingenious, dexterous in the design and execution of a solution to a problem.[1]

Following this definition, the practice of law is a craft. It is not merely an intellectual exercise, nor is it merely the application of techniques or tricks. The practice of law is a conjunction of ways of seeing and ways of doing, an analytical process linked to a concrete, actual performance. The practice of law is a product of tradition and innovation. The lawyer, learning from the past, adapts and applies the lore in creative ways to situations which are ever new.[2]

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1. *See, e.g.*, OXFORD ENGLISH DICTIONARY (compact ed. 1982) (craft is "skill, skillfulness, art; ability in planning or performing, ingenuity in constructing, dexterity; an art, trade or profession requiring special skill and knowledge."); BLACK'S LAW DICTIONARY 300 (5th ed. 1979) (craft is "a trade or occupation of the sort requiring skill and training, particularly manual skill combined with a knowledge of the principles of the art."); WEBSTER'S NEW DICTIONARY OF SYNONYMS (1973) (craft is a "pursuit involving not only manual or mechanical labor but also allowing freedom for the exercise of taste, skill and ingenuity.") *See also* Eisele, *The Activity of Being a Lawyer: The Imaginative Pursuit of Implications and Possibilities*, 54 TENN. L. REV. 345, 346 (1987):

> Recently a number of people, reflecting on the place of law within the map of human activities, have given us ways to understand law that are different from those in which the law has been approached and characterized and placed by traditional jurisprudence. From these people I have learned to think of law as a particular activity, that of a craft or an art.

2. *See* S. MENTSCHIKOFF AND I. STOTSKY, THE THEORY AND CRAFT OF AMERICAN LAW—ELEMENTS xv (1981):

> It is our strong belief . . . that theory and craft are intertwined and essential concepts of the process of learning to become an artist in law. They are . . . the elements of the art of law. . . . The intellectual side of the art of law emanates from and is directly responsive to the technical skills of the lawyer.

See also Elkins, *Professing Law: Does Teaching Matter?*, 31 ST. LOUIS U.L.J. 35, 44 (1986): "When law as a way of seeing and as a way of doing are conjoined, it gives us an image of law as craft." Professor Elkins added this footnote:

> There is a value in being able to do things with your hands. We turn to the kind of making and doing that is associated with our hand when we have a need to see a product, a result, something tangible that follows from our labors. This practical, physical, concrete "doing," when linked to an aesthetic concern produces craft. . . . A craft, then, is a doing. It is a technique, but it is more than what we do with our hands. Craft is also a way we use our minds; it is an attitude of mind, a way of relating to materials, a way in which the bringing of materials together with appropriate skill and attitude transform them into a new whole. Craft is a skill of making and doing, but also a matter of mindfulness. It is a way of being.

Id. at 44-45, n. 28.

Viewing a profession as a craft is not unique to the law. It does, however, have a special emphasis in our profession where most of those who study law are preparing for a lawyering career of assisting others to reach their goals in an efficient, competent way.[3] The primary goal of the law school must be the education of professionals capable of good lawyering performance, capable of practicing the craft.[4]

The methods primarily used to achieve this goal seem frustratingly inadequate. A traditional case method form of legal education develops, and develops well, a narrow intellectual quality. It fails, miserably, to impart other traits necessary for competent lawyering.[5] It leaves out educational elements necessary for the lifetime of learning which the practice of law demands: learning from self and from others.[6] For instance, the lawyer's role in interacting with clients, colleagues, adversaries, and courts is not given the proper attention or perspective.[7] And if these other elements are taught at all, they are too often taught too narrowly, divorced from the hard study of law and presented as if empty of intellectual content.

Legal education has been challenged to "move beyond a narrow, rationalist method of preparing students . . . toward a preparation that will introduce students to lawyering in all its dimensions."[8] Students should be educated for a

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3. *See* Brown, *If I Were Dean,* 35 J. LEGAL ED. 117 (1985):

> Every member of the law school faculty . . . has studied law, and teaches law. In a nutshell, very few I feel, have studied—or teach—lawyering. It is lawyering for which a professional school should educate and train most of its students. Such an objective means that the school is both a law school and a lawyering school. Lawyering includes law, but law does not necessarily include lawyering.

See also Swygert and Batey, *The Opportunities of Lawyering and the Demands of Law School,* in MAXIMIZING THE LAW SCHOOL EXPERIENCE 11 (Swygert and Batey eds. 1983):

> If you wish to help others as a lawyer, you must first undertake a difficult but enlightening endeavor—the disciplined, contextual study of law, lawyering, and legal process. You attend law school to acquire not only knowledge of law, but also the ability to use the knowledge so acquired for the betterment of society.

4. *See* Mudd, *Beyond Rationalism: Performance Referenced Legal Education*; 36 J. LEGAL ED. 189, 205 (1986):

> [I]f good lawyer performance is the ultimate goal of professional preparation, the first step is to acknowledge that goal, identify the elements of good performance, and see to it that the goal is achieved by whatever means make sense in a given law school. To do otherwise is to proclaim, even sotto voce, that law schools are concerned about imparting knowledge, but are unconcerned, confused, or ignorant about whether their students can perform adequately as lawyers.

See also Brink, *Sartor Resartus—The Professor Takes the Exam,* 32 J. LEGAL ED. 362, 363 (1982); Feinman and Feldman, *Achieving Excellence: Mastery Learning in Legal Education,* 35 J. LEGAL ED. 528, 528-29 (1985).

5. *See* Holmes, *Education for Competent Lawyering—Case Method in a Functional Context,* 76 COLUM. L. REV. 535, 539 (1976)

6. *See* Klare, *The Law-School Curriculum in the 1980s: What's Left?,* 32 J. LEGAL ED. 336, 341 (1982):

> What is left out of the law-school curriculum? Omitted is systematic training in how to learn from others; . . . in how to learn about lawyering *from* practice, that is, in how to acquire the capacity for continuing self-development over the span of a career; and in how one might act in the central relationships that constitute the lawyering process: adversary, client, coworker relationships, and so on. Omitted also is systematic training in how to work closely and cooperatively with others in situations of high vulnerability and high risk, and, finally, in how to think critically about morals and politics based on the best learning available from the social sciences and from ethical discourse. (emphasis in original)

7. *See* Morgan, *Teaching Students for the 21st Century,* 36 J. LEGAL ED. 285, 287 (1986) and Brown, *supra* note 3, at 118.

8. Mudd, *supra* note 4, at 196.

lifetime of lawyering, for becoming and remaining competent in the craft.[9] This goal requires a reshaping of the relationship between the classroom and the workroom. Legal education cannot afford to be balkanized into antagonistic competing camps.[10] It is a whole, an interweaving of the doctrinal and the doing, a concrete, specific, personal, real life application of the abstracted and theoretical.[11] Legal education must be pluralistic, not monolithic.[12] The benefits of so changing legal education would flow to the teacher as well as the taught.[13]

This essay will focus on a fascinating historical intersection of two educators—Walter Gropius and Karl Llewellyn. These men, teaching in widely different professions (design and law),[14] at approximately the same times, sought to rescue

9. *See* Swygert and Batey, *A Plea for Greatness*, in MAXIMIZING, *supra* note 3, at 226:

> [W]e need to take a longer view of what we are about. We are not here [in law school] merely to survive the course, to get through the next set of examinations, to receive the next paycheck, or to "get by." We are here to become educated, competent professional men and women. This professionalization process is coterminous with our careers. Increased knowledge, deeper insights, better skills—they all contribute to our personal identity and to our professionalism. To be really good, to be a "pro," to realize our potentials—these are things to get excited about.

See also Jacob, *Developing Lawyering Skills and the Nurturing of Inherent Traits and Abilities*, in MAXIMIZING, *supra* note 3, at 22:

> [T]he law student must begin to develop skills which he will need in practice. I say "begin" to develop because . . . lawyering is a process which commences on the first day of law school and does not end until retirement from practice. Becoming and remaining an outstanding lawyer is a lifetime process.

10. *See* Horwitz, *Are Law Schools Fifty Years Out of Date?*, 54 UMKC L. REV. 385, 391-92 (1986):

> [W]e dramatically need to reconceive the relationship between the classroom and practice. The Langdellian compromise, which in order to gain the prestige of the university basically cast contempt on practice and consigned it to the role of plumbing, was a weak conception.

See also Holmes, *supra* note 5, at 562:

> The theory-practice dissension results in a fractionalized conception of legal education as a system of diverse and conflicting educative elements. The tension implicit in that division tends to cause educators to stress the importance of teaching certain skills, doctrines and perspectives to the exclusion of others. But there is no one educative keystone in legal education. Rather, legal education is one dynamic that could more properly be regarded as a spectrum consisting of a broad sequence of related and dependent qualities.

11. *See* Pepe, *Clinical Legal Education: Is Taking Rites Seriously a Fantasy, Folly, or Failure?*, 18 U. Mich. J.L. REF. 307, 339 (1985); Holmes, *supra* note 5, at 564-65.

12. *See* Lubet, *What We Should Teach (But Don't) When We Teach Trial Advocacy*, 37 J. LEGAL ED. 123, 123-24, 142 (1987). *See also* Christensen, *Horizons of Legal Advocacy*, 12 SUFFOLK U.L. REV. 28, 40 (1978):

> A union of the scholarship of the law schools and the experience of the profession, institutionalized within the law schools, can promote optimum development of legal advocacy. Such a union would advance the emotional, moral, and intellectual integrity of legal advocacy.

13. *See* Cramton, *The Current State of the Law Curriculum*, 32 J. Legal Ed. 321, 335 (1982); Morgan, *supra* note 7, at 291.

14. The differences, at least in educational approaches, are not as substantial as may first appear. This article argues that the law is an art which, in its educational aspect, should have as its end the teaching of students to do something requiring practicing craft abilities as well as doctrinal knowledge and the making them aware of the possibilities for exercising their capacities for invention, taste and ingenuity.

See Freund, *Dedication Address: The Mission of the Law School*, 9 UTAH L. REV. 45 (1964):

> Art can be defined as the imposing of a measure of order on the disorder of experience, while respecting and not suppressing the underlying diversity, spontaneity, and disarray. Is not this likewise the meaning and function of law?

See also Frankel, *Curing Lawyers' Incompetence: Primum Non Nocere*, 10 CREIGHTON L. REV. 613, 633 (1977):

> Especially for the advocate, the practice of law is an art, truly a performing art. The style and strategy of asking questions, the tactics of cross-examination, the intellectual and emotional mastery of techniques of persuasion, the uses of voice, stance, gait, gesture, and the countless subtle tricks and gadgets of the forensic arena— all comprise an ineffable and infinitely variable ensemble that defies reduction to formula, uniformity, mechanical acquisition, or replication.

their professions from academic sterility and infuse them with craft qualities. Their attempts provide a lesson for the present.

Gropius was born in 1883, ten years before Llewellyn. He died in 1969, seven years after Llewellyn. Both were educated in Germany; Gropius totally, Llewellyn briefly. Both served in the German military during World War I; both were wounded; both won the Iron Cross (Gropius first class, Llewellyn second). After completing their educations, both entered private practice before turning to teaching. Gropius founded the Bauhaus, a school of design; Llewellyn was a founder and major exponent of legal realism, a school of jurisprudence.[15] Their ideas and energy continue to stimulate.[16]

Walter Gropius was "the patient pedagogue, the synthesizer of ideas."[17] He was a man of catholic interests, protean talent, unflagging energy, and widespread influence.[18] He was concerned always with balance and proportion, with harmonizing real world experience and theoretical training, with using contemporary problems to illustrate historical lessons.[19] Above all, he wanted to equip his students with the ability and confidence to learn from their efforts:

> [N]o one is able to appreciate any display of ability in any field if he, himself, has not to a certain degree taken part in its problems and difficulties at some time. . . . [The student] emerges from school and college filled to the brim with knowledge, but he rarely has been engaged in the task of meeting himself. I think we have been exceedingly successful so far in working out ways of acquainting our children with the accomplishments of the past, but I do not think we are as successful in stimulating them to come forth with their own ideas. . . . They have lost the joyful, playful urge of their early youth to shape things into new forms and have become, instead, self-conscious onlookers.[20]

Like Gropius, Karl Llewellyn had a zeal for teaching.[21] He too promoted the

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15. For a biographical sketch of Gropius see OBITUARIES FROM THE TIMES 325 (Roberts ed. 1975) and WEBSTER'S AMERICAN BIOGRAPHIES 434 (Van Doren ed. 1974). For Llewellyn see DICTIONARY OF AMERICAN BIOGRAPHY 474 (Garraty ed. 1981) and the obituary in THE NEW YORK TIMES, Feb. 15, 1962.

16. *See* Von Eckardt, *Disappointing Account of the Bauhaus Years* (Book Review), 76 ARCH. No. 9, Sept. 1987, at 131:

> [The Bauhaus] was the clearing house of many of the ideas that have shaped 20th-century art, architecture, and design. The energy still propels us. We still keep arguing about the ideas.

See also Gerwin and Shupack, *Karl Llewellyn's Legal Method Course: Elements of Law and Its Teaching Materials*, 33 J. LEGAL ED. 64 (1983); Ross, *Introducing Law* (Book Review), 87 COLUM. L. REV. 859, 870 (1987):

> One could choose to present the world of law as best we know it, with all its mystery, oddities, and incoherence. This choice may be exemplified by Llewellyn's *The Bramble Bush*, a work of astonishing durability. Llewellyn's collection of lectures . . . delivered over fifty years ago, still seems the standard work on the subject, notwithstanding the complex and distinctly unscientific world of law he depicts and the dense prose he employs.

17. W. VON ECKARDT, A PLACE TO LIVE 70 (1967).

18. *See* Jacobsohn, *An Artistic Brotherhood*, 161 NEW REPUB. No. 15, Oct. 11, 1969, at 29-30; *Walter Gropius: Faguswerk*, 131 ARCH. FORUM No. 2, Sept. 1969, at 34.

19. *See*T. WOLFE, FROM BAUHAUS TO OUR HOUSE 45 (1981); Gropius, *Tradition and Continuity in Architecture* (pt.2). 135 ARCH. REC. No. 7, June 1964, at 138.

20. W. GROPIUS, SCOPE OF TOTAL ARCHITECTURE 39-40 (1955).

21. *See* Douglas, *Karl N. Llewellyn*, 29 U. CHI. L. REV. 611 (1962). *See also* Clark, *Karl N. Llewellyn*, 29 U. CHI. L. REV. 614 (1962); Schnader, *Karl N. Llewellyn*, 29 U. CHI. L. REV. 617 (1962); Jones, *Pelagius*, 29 U. CHI. L. REV. 619 (1962); Corbin, *A Tribute to Karl Llewellyn*, 71 YALE L.J. 805 (1962); Gilmore, *In Memoriam: Karl Llewellyn*, 71 YALE L.J. 813 (1962).

students' personal growth, urging their development not simply in knowledge of law but in the ability to appreciate the law as

> an activity, a skilled activity, an activity to be carried on according to craft-traditions and craft-standards of ideals and skills, an activity which involves expert knowledge and use of the law, and also other lines of expertness, but which involves all of these not in the abstract, but in concrete work over the concrete problems of a client. . . .[22]

For Llewellyn, the essence of craft was "a recognizable *line* of work, practiced by recognizable craftsmen"; it was characterized by skills leading to "reckonable . . . [and] decent results to the patron of the craft. . . ."[23]

This essay will discuss the situations Gropius and Llewellyn faced, the goals they sought to achieve, and the problems they encountered. The final section will discuss a lesson to be learned from their efforts.

I.

In terms familiar to students of the debate between practicing and academic lawyers, Walter Gropius described a gap between industrial and creative people; the businessman "accuses the artist of lack of practical discipline while the latter accuses the businessman of lack of taste."[24] He sought to bridge that gap and fuse the two, to train people in the design of tasteful, practical products. He began by establishing a new school—the Bauhaus—which joined together academies of art and craft. Gropius believed the theoretical academy had barricaded itself behind an arid historicism in an effort to keep out what it perceived to be an industrial rabble. From behind its barricade, the academy derided the efforts of those who had enlisted in the new industrial order. Gropius wanted to tear down the barriers, invite the old to mingle with the new, and eventually to achieve a fusion of the two.[25]

The academy's isolationist position cut off a valuable lesson from the past

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22. Llewellyn, Bunn, Cavers, Falkner, Freezer and Moreau, *The Place of Skills in Legal Education*, 45 COLUM. L. REV. 345, 367 (1945).

23. K.N. LLEWELLYN, *Law and the Social Sciences—Especially Sociology*, in JURISPRUDENCE: REALISM IN THEORY AND PRACTICE 364-65 (1962). *See also* Asper, *Some Old Fashioned Notions About Legal Education Accompanied by Some Ultra-Conservative Suggestions*, 25 MD. L. REV. 273, 285 (1965):

> [L]awyers are 'doers' . . . . Legal problems require solutions. . . . What [the client] is looking for is someone to help him make repairs or salvage some of the wreckage. A client told that "the law" prevents him from doing what he wants to do is not usually prepared to drop the matter there: he will want some help in determining what he can do, from someone capable of understanding his needs and objectives and resourceful enough to help him design and execute a proper method of satisfying them.

24. H. WINGLER, THE BAUHAUS 23 (1976) (quoting Gropius, *Recommendations for the Founding of an Educational Institution as an Artistic Counseling Service for Industry, the Trades, and the Crafts*).

25. See Sweeney, *The Bauhaus—1919-28*, 97 NEW REPUB. 287, Jan. 11, 1939, where the author noted Gropius' feeling that "the academy had set up a barrier between the artist and the world of industry and handicraft, and that the artist and the technician had too long been held apart." He noted that:

> the term "Bauhaus" suggests first of all a teaching system intended by its originators to be the reverse of the usual "academic" approach. In the eyes of the men who founded the Bauhaus, the prevalent system of teaching art was based on an eclectic estheticism, on a heaping up of information, on a vicarious knowledge of technical processes and material, and on drawing-board realizations. It was based on books rather than the use of one's eyes and hands.

where "the artist enriched all the arts and crafts of a community because he had a part in its vocational life, and because he acquired through actual practice as much adeptness and understanding as any other worker who began at the bottom and worked his way up."[26] By withdrawing the artist from the community where things were done, the academy drained the artist of vitality and relevance.[27] The result, for Gropius, was that "[e]sthetic connoisseurship had generally displaced a creative conception of art."[28] Values, and the realization of values, were based solely on tradition and authority. The accepted education "involved the passing on of developed techniques and other individuals' interpretations of experiences."[29] Specialized training gave the student specialized knowledge without teaching the student the meaning or aim of the work or the artist's relationship to the larger community.[30]

This training, which ignored the fantastic development in industrial processes, the cataclysmic events of World War I, and ongoing social upheavals, was doomed. A new training was needed, one which combined creative vision and manual dexterity. Gropius wanted to "draw the artist from his pathological seclusion by bringing him into contact with the therapeutic realities of the working world and at the same time broaden the rigid, narrow and almost *exclusively* material outlook" of industrial leaders.[31]

Gropius resented the walls which "deforming academic training" had built, walls which separated people within the creative community from themselves and from the greater community they were supposed to serve.[32] Those walls encouraged insularity, sterility, irrelevance. Gropius encouraged his students to do as well as listen, to act on knowledge as well as accumulate knowledge, so they could "once more achieve a new productive coordination, and . . . gradually become indispensable collaborators in the working life of the people.[33]

Gropius sought to reunite the fine and applied arts, to heal "the cleft between advocates of the arts as functional and subordinate to society in some way and those advocating art as pure and idealistic endeavour."[34] He also saw that imi-

26. Gropius, *The Theory and Organization of the Bauhaus*, in FORM AND FUNCTION 119 (Benton, T. and C. eds. 1975).

27. *See* W. GROPIUS, THE NEW ARCHITECTURE AND THE BAUHAUS 40 (1936); W. GROPIUS, *supra* note 20, at 49.

28. W. GROPIUS, *supra* note 20, at 71.

29. A. GREENBERG, ARTISTS AND REVOLUTION: DADA AND THE BAUHAUS, 1917-25, 119 (1979).

30. Such an education also damages the student studying law. *See* Levin, *Beyond Mere Competence*, 1977 B.Y.U. L. REV. 997, 1003:

> [The lawyer] should be able to comprehend the body of the law as a living thing rather than a static set of doctrine. . . . [A] sensitivity to the weaknesses and infirmities of long established doctrines may be more important than knowledge of the substance of such doctrines. . . . The successful practitioner . . . is one who has been educated to question accepted doctrines and to be sensitive to the vulnerability of received learning.

See also W. GROPIUS, *supra* note 20, at 12.

31. Gropius, *Where Artists and Technicians Meet*, in FORM AND FUNCTION, *supra* note 26, at 147 (emphasis in original).

32. Gropius, *New Ideas on Architecture* in PROGRAMS AND MANIFESTOES ON 20TH-CENTURY ARCHITECTURE 46 (Conrads ed. 1970).

33. Gropius, *The Theory and Organization of the Bauhaus*, in BAUHAUS 1919-1928, 24-25 (Bayer, Gropius, W., and Gropius, I. eds. 1938).

34. A. GREENBERG, *supra* note 29, at 56. The author noted that:

> [c]ooperation between artists and artisans . . . in the Bauhaus was necessary to initiate the development of individuals combining the talents of both, a prelude to the acting in concert of artist and society and to the gradual reintegration of the former with the latter; thus would art be

tative industrial conformity was as destructive as academic insularity. In either case, young workers or students did not receive the stimulus necessary for creative resourcefulness.[35] They did not engage the problems of individual awareness and involvement, did not develop the capacity for self-criticism, self-transformation, and individual creation in real world situations.[36] They accepted industrial and academic values uncritically, without regard for individual discovery and growth. Imitation rather than individual conception was the norm; the young reflected the values of others without learning to think and act for themselves.

This situation in design education motivated Walter Gropius; a similar situation in legal education motivated Karl Llewellyn. Llewellyn felt law schools failed to train in the legal craft, failed to equip students for the things that lawyers do, failed to integrate "the human and artistic with the legal."[37]

Gropius sought to recapture values inherent in an earlier apprentice system where the teaching master was both visionary and doer. Llewellyn likewise saw

> virtues in apprenticeship training which need recapture and which can be recaptured even in the classroom. It is striking that other professions devote much schooling time to one or another form of the *applied arts* which the student is expected later to practice. . . . And whatever the deficiencies of the older apprenticeship instruction in law, it did have this value of bringing instruction in the craft-skills, in how to do legal jobs well and wisely. It still has that value, as any lawyer can testify who ever was broken in under a good senior.[38]

Llewellyn believed many characteristics of the legal craft had been forgotten or devalued as "shallow and often ignoble artifice and trickery."[39] He saw them, as Gropius saw design craft qualities, "in terms . . . of deep truths about man's nature and man's life with his fellowman" and "essential to any professional work."[40]

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reasserted as a part of life in its totality. . . . It was precisely this factor of unity that vitally overcame the divisiveness that marred the traditional academy and the relationships between fine arts academies and schools of applied arts.

35. *See* Von Eckardt, *The Bauhaus*, 4 HORIZON No. 2, Nov. 1961, at 62-63: "Such a new school would have to select talented young people, before they had surrendered to the conformity of the industrial community or had withdrawn into ivory towers, and train them to bridge the gap between the rigid thinking of the businessman and the imagination of the creative artist."

Gropius was also concerned about the selection of teachers. *See* GROPIUS, *supra* note 20, at 56:

> Teachers should be appointed only after sufficient practical experience of their own, both in design and building. The trend to engage young men as teachers who have just completed an academic training is harmful. For only teachers with broad experience can muster the desirable resourcefulness so necessary to stimulate the student consistently all along. The best education can offer is stimulation, for it makes the student eager to use his own initiative.

36. *See* A. GREENBERG, *supra* note 29, at 118:

> [T]he members of the Bauhaus were concerned with the problems of individual awareness and involvement. Awareness entailed the self, the surrounding world, and the elements composing that world; involvement had to do with criticism, transformation, and construction in and of the world and its component elements. A major aspect of this general concern was the consideration of the basis upon which values were accepted. . . . Acceptance of values on the basis of traditiion and authority, an uncritical acceptance of values which the representatives of society, including . . . teachers . . . seek to pass on, is an abdication of responsibility on the part of the individual, especially for society's adaptability and future growth.

37. Gerwin and Shupack, *supra* note 16, at 67.
38. Llewellyn, *supra* note 22, at 364.
39. Llewellyn, *Advancement of the Law*, 7 U. CHI. L. SCH. REC. No. 2 at 28 (1958).
40. *Id.*

Gropius reacted to a situation in which design education and educators had become too withdrawn and tradition bound. Llewellyn saw legal education and educators as stupendously inadequate—undirected and inefficient.[41] Legal education, like design education, was constricted by an ideology of orthodoxy, an "ideology of 'the single right line' (which is, of course, My line or Our line)."[42] The legal professoriate, like the design, was "fat, soft," unwilling to construct an integrated method for transmitting both material and technique.[43]

Llewellyn complained that legal education spawned legions of incompetent lawyers.[44] It shielded the student from contact with the practical craft, the active doing of a lawyer's task, and replaced it with abstractions.[45] Legal education did not fulfill its mission of producing craft workers who could stand on their own feet and competently serve the public.[46] Law students, like design students,

41. *See* K.N. LLEWELLYN, THE BRAMBLE BUSH 139 (1960), where he gave his students

> a further, final reason why it behooves you to take on for yourselves this job of education. . . . It is the stupendous inadequacy, the lack of direction, the inefficiency in legal education. . . . We have but the slightest inkling of whither we should take you. We have but one vehicle worked out to take you anywhere, and that vehicle, unaltered, passes its point of maximum return before the journey is half done. Our teaching technique we have learned one by one in the helterskelter grab bag of experience, and have carried for the most part unaltered into wholly changed conditions, as to size, as to make-up of class, as to material taught. Our machinery for checking our results would set an intelligent ass to braying.

See also W. JOHNSON, SCHOOLED LAWYERS: A STUDY IN THE CLASH OF PROFESSIONAL CULTURES xi-xii (1978):

> The present contours of legal education . . . are not so much the product of systematic and sustained discussion of how best to teach young men and women legal techniques and professional values but instead are the result of piecemeal adjustment to changing academic and professional concerns.

42. Llewellyn, *On the Problem of Teaching "Private" Law*, 54 HARV. L. REV. 775, 798-99 (1941).

43. Llewellyn, *Lawyers' Ways and Means, and the Law Curriculum*, 30 IOWA L. REV. 333, 336 (1945).

44. *See* Llewellyn, *The Bar's Trouble, and Poultices—And Cures?*, 5 L. & CONTEMP. PROBS. 104, 129 (1938):

> The fact is that a third or more of the lawyers now in practice in metropolitan areas are incompetent. Law school faculties give degrees to men to whom the faculty members would under no conditions entrust their personal business. Bar examiners find no way to keep such men out of the Bar. Practicing lawyers, individualistically organized by tradition, feel no responsibility for training the green, raw rookies from the schools, even the good ones—though . . . any error by any one of them blots and blurs not only the reputation but the very livelihood of all but the best established of the Bar.

45. *See* Llewellyn, *On the Why of American Legal Education*, 4 DUKE BAR ASSN. J. 19, 22 (1936):

> By the time we get to the use of textbooks in a school we no longer have the boy in intimate contact with the personality of the person who is actively doing things. What you are learning has become abstract; to be gotten out of air. But minds in the American community do not work very well that way. Our thinking needs the concrete. It is the essence not only of our law but of our entire way of life. We hate theory. We are good on the concrete.

46. *See* K.N. LLEWELLYN, *The Study of Law as a Liberal Art*, in JURISPRUDENCE, *supra* note 23, at 381 ("The American law school has as its task to turn out a graduating *class* of craftsmen *each* of whom can stand on his own legal feet." (emphasis in original)); Llewellyn, *Where Do We Go from Here?*, 7 AM. L. SCH. REV. 1037, 1039 (1934) ("I say you [law professors] carry a responsibility to your graduates to see that they can respect themselves and serve the public both at once."). *See also* Gerwin and Shupack, *supra* note 16, at 68:

> By 1948 . . . Llewellyn had declared legal education to be in a state of "crisis." He was highly critical of the use of the case method solely for teaching rules and principles of law. In his view, one of the major problems with the case method was that teachers saw their role to instruct in subject matter rather than in the skills of a lawyer. They therefore sought to extract from the materials bodies of rules rather than principles of legal crafts to be studied both in theory and in practice.

were crammed full of rules rather than exposed to the practice of their craft.

A cause of, and a cure for, this situation lay with the law school professor. Llewellyn called for instructors of vision "alive to the reasons that make one rule rather than another useful for the ends law is to serve."[47] Rules were not to be ignored but were to be seen in an operational setting, as functional, necessary for getting a job done.[48] Rules were tools "seen as being not the very substance of the discipline, but instead as being *some* of the measures by which the men of the discipline go about the jobs of the institution."[49] Like Gropius, Llewellyn believed practitioners should know something articulate about the performance as well as the philosophical aspects of their craft.[50]

Llewellyn's scorn was not limited to professors. He likewise dismissed practitioners who saw themselves "as the priests of what is right" pitching their "discussion upon the moral plane."[51] He wanted effective action, an integration of knowing and doing, a practical creation. Like Gropius, he wanted to bridge the gap between theory and practice:

> [T]o study a craft is to study men at concrete activity, to watch the little coral beasties at work on their individual living and on their individual contributions of by-product. No discipline is healthy in which the practical-arts side is not in steady interplay with the theoretical: providing problems, providing experience and insight, testing and retesting theory. . . . Turn your eyes and work loose on a sustained use of the craft-and-craftsmen concept, and you find of necessity that one foot remains planted in theory, the other in the practical work. . . . Your bridge goes up between practice and theory, and it carries steady traffic, two-way.[52]

Without denying the lawyer's need for theoretical training, Llewellyn equally stressed the lawyer's need to get down to cases, to do something for a specific individual in a specific situation. This is what legal education neglected.[53]

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47. Llewellyn, *The Bar Specializes with What Results?*, 39 COMM. L. J. 336, 340 (1934).

48. *See* Llewellyn, *The Modern Approach to Counselling and Advocacy—Especially in Commercial Transactions*, 46 COLUM. L. REV. 167, 171 (1946).

49. K.N. LLEWELLYN, *supra* note 23, at 357 (emphasis in original).

50. Llewellyn, *How Appellate Courts Decide Cases*, 16 PA. BAR ASSN. Q. 220 (1945). Also see Llewellyn, *On What Makes Legal Research Worth While*, 8 J. LEGAL ED. 399, 416 (1956) calling for the "careful spotting, gathering, testing, recording, and systematizing of the know-how, the routines, the skills, and so much as can be captured of the high-art aspects of the many of the various crafts of the law." The professoriate was not receptive to Llewellyn's entreaties. *See* Dutile, *Introduction: The Problem of Teaching Lawyer Competency*, in LEGAL EDUCATION AND LAWYER COMPETENCY 4 (Dutile ed. 1981):

> It is not surprising that the traditional law teacher has not been in the forefront of the fight for increased skills-training. . . . He tends to dislike the idea of law as a craft. This manifests itself in several ways that are negative toward clinical education. . . . In other ways as well (for example, the common feeling that the matters he deals with are not important), the clinical professor may be labelled a second class citizen.

51. K.N. LLEWELLYN, *supra* note 41, at 81.

52. K.N. LLEWELLYN, *supra* note 23, at 367-68.

53. *See* K.N. LLEWELLYN, *On Reading and Using the Newer Jurisprudence*, in JURISPRUDENCE, *supra* note 23, at 139:

> There *is* in our legal system a vital and needed measure of stability and reckonability and control. There *is* also in our legal system a vital and needed measure of give and adjustment, of development and change, and of individualization, of which the study of rules of law alone, and as they stand at any given moment, gives no adequate indication. As a practical matter it is vital for lawyers to have the best intellectual wherewithal they can get, to judge when the court is going to be

II.

Gropius and Llewellyn faced situations in which the craft practice aspect of their profession was ignored or subordinated to the theoretical aspect. Both saw their task as reconciling the two. Both wanted to produce professionals capable of combining intellectual and performance demands, capable of standing on their own feet in real world situations.

Gropius did not want to establish a singular design style. His goal at Bauhaus was to establish a methodolgy of design education, a way of going about learning.[54] He wanted colleagues and students who would share his

> belief in the ascendence of process over form in teaching and in practice; the importance of collaborative teamwork, both intraprofessional and interdisciplinary . . . the need to recognize unities in art and technology while emphasizing the need for diversity; and the necessity of destroying the divisions among the arts, including what [he] perceived as the artificial distinctions between so-called fine and applied art.[55]

Gropius sought to inculcate a method allowing the individual to make an original, elastic approach to a distinct, real world problem.[56] He, like Llewellyn, wanted to unite that which was seen as polar. He understood

> the dangers to design inherent in the separation of head and hand, theory and practice, intellectual and manual worker, artist and craftsman. He . . . tried always to bridge the arbitrary divisions between the two, to reunite them for the common enrichment of both. . . . He aimed at avoiding both the boorish illiteracy of the modern craftsman and the irresponsible precocity of the academically trained artist. Thus he hoped to re-create in the world of modern industrial society the same sort of healthy, organic unity in all phases of design that had characterized all pre-industrial societies.[57]

The Bauhaus was neither an ivory tower nor an assembly line. Its theoretical program was infused with practical work; its practical work proceeded from a strong theoretical foundation.[58] It demanded "a new and powerful working cor-

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governed by the one and when it is going to be governed by the other. And as a practical matter lawyers need help in making that judgment about individual and particular counselling situations, individual and particular matters of litigation. The large and the long run, the sweep of the decades, will not do the lawyer's work here. He needs in this to get down to cases. It is not enough that "the course of decision has been characteristically steady and uniform." The lawyer needs light on the particular case which will be up tomorrow. The older jurisprudence never did get down to particular cases, on this problem. (emphasis in original).

54. *See* J. FITCH, WALTER GROPIUS 13 (1960); *cf.* K. HERDEG, THE DECORATED DIAGRAM 80 (1983): [G]eneralized, abstract goals do not by definition lend themselves to interpretation and transformation in designing buildings. On the other hand, models . . . equipped with their formal structures permit . . . the invention of analogous formal structures suited to the task at hand. It was Gropius's wish, it seems, to eliminate the notion of the model altogether. Yet the human proclivity to perceive and think in object (model) terms made his directives vague and the field for design action foggy.

55. Schmertz, *Walter Gropius: 1883-1969,* 146 ARCH. REC. No. 2, Aug. 1969, at 10.

56. *See* J. FITCH, *supra* note 54, at 13; W. GROPIUS, *supra* note 27, at 36.

57. J. FITCH, *supra* note 54, at 11.

58. *See* Dorner, *The Background of the Bauhaus,* in BAUHAUS 1919-1928, *supra* note 33, at 11 ("[F]rom the very beginning, [Gropius] differed from his contemporaries in the driving earnestness with which he attacked the problem of reconciling art and an industrialized society."); F. WHITFORD, BAUHAUS 12 (1984) ("[An] aim . . . was to establish . . . contact with the outside world [which] would ensure that the school

relation of all the processes of creation . . . a feeling for the interwoven strands of practical and formal work."[59]

When Gropius took over the direction of design education after World War I, he consolidated what had been separate schools—theoretical and practical—into one. This physical act reflected his intellectual determination that fine and applied arts were not fundamentally different. Mastery of craft technique was essential to creative achievement. The individual could, in exalted moments, produce art, but underlying each such moment was a solid foundation in craft practice.[60] That was the common ground for creative work. Gropius, like Llewellyn, saw the interdependence of having a vision and having the ability to translate the vision into reality.[61]

Gropius' aim in teaching, as in his work, was to reconcile opposites, to find unity in diversity and use its spirit to magnify creative potential.[62] Although he rejected the cloistered structure of the old school, he did not reject theoretical training. In working with craft problems, students would undergo a process of discovery "both intuitively and intellectually, thus reconciling the rival claims of subjectivity and objectivity."[63] The choice was not between producing either individualistic pieces of art or industrially replicable products. The challenge was to "seek unity in the *fusion,* not in the separation of these ways of life."[64] The Bauhaus did not seek merely to infuse art into industry but to inject "the

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did not become an ivory tower and that its students were fully prepared for life."); W. BEHRENDT, MODERN BUILDING 156-57 (1937):

> The object of the school was to train students in the various productive activities involved in building, and to educate a new type of craftsman, qualified for co-operating with industry and capable of developing for the machine-made product a new form, adapted to the technical process of production and revealing its specific character. The school was organized as a group of workshops, intended as laboratories, in which were developed models of objects for standardized production, models which in practical work and continued experiments were bettered and refined in form.

59. Gropius, *The Theory and Organization of the Bauhaus,* in FORM AND FUNCTION, *supra* note 26, at 125.

60. *See* G. NAYLOR, THE BAUHAUS REASSESSED 53-55 (1985) and F. WHITFORD, *supra* note 58, at 12, 47, and 203.

61. *See* Gropius, *The Scope of Bauhaus Training* in BAUHAUS 1919-1928, *supra* note 33, at 125:

> What the Bauhaus preached in practice was the common citizenship of all forms of creative work, and their logical interdependence on one another in the modern world. . . . [A]ll alike, artist as well as artisan, should have a common training; and since experimental and productive work are of equal practical importance, the basis of that training should be broad enough to give every kind of talent an equal chance.

See also F. WHITFORD, *supra* note 58, at 11: "The school's first aim was to rescue all the arts from the isolation which each then (allegedly) found itself and to train the craftsmen, painters, and sculptors of the future to embark on co-operative projects in which all their skills would be combined."

62. *See* Gropius, *Unity in Diversity,* in FOUR GREAT MAKERS OF MODERN ARCHITECTURE 218 (Placzek gen. ed. 1970); Gropius, *Tradition and Continuity in Architecture* (pt.3), 136 ARCH. REC. No. 1, July 1964, at 156 ("[T]he architect should make a constant attempt to reconcile opposites—the inward and the outward, the solid and the void, unity and diversity."); A. GREENBERG, *supra* note 29, at 56:

> Participation in the Bauhaus revealed at least a rather general initial agreement with the aims of the school set forth by Gropius. Most intense, though, was not agreement with any specific aims, but rather a belief in the importance, necessity, and possibility of developing as a basis for building towards the future a dynamic spirit of unity, a unity in multiplicity and thereby magnified in its creative potential.

63. G. NAYLOR, *supra* note 60, at 76-77.

64. *Id.* at 82 (emphasis in original).

pre-industrial spirit of unity, a sense of involvement in the production of an entire product, and quality into technological operations and mass production."[65]

Unity did not demand a lockstep conformity. Gropius welcomed diverse approaches. He saw them as energizing, not divisive forces. They were a stimulus for fresh approaches and renewed creativity. The unity he sought was not the imposition of a rigid style or school of design training. It was the interweaving of distinct approaches and perceptions. It was synergistic, a cooperative working together of the discrete to produce a total effect, a new design, which rose above that which would result if the discrete acted independently. Gropius gave "new idea[s] a chance and . . . [strove] for the synthesis of a total co-operative effort."[66] He wanted a collaboration of independent workers rather than their subordination to a dictated style or approach.[67]

In his teaching, as in his work, Gropius wanted "a whole staff of collaborators and assistants, men who would work not as an orchestra obeying the conductor's baton, but independent, although in close cooperation to further a common cause."[68] He emphasized "integration and coordination, inclusiveness, not exclusiveness."[69] He encouraged his students to come up with their own ideas; he "did not want students to imitate or become small editions of himself."[70] He did not want student-disciples but students who developed. He wanted them "free to explore all angles [with] nobody coerced into narrowing channels."[71] Gropius considered conformity a curse, in education as well as design. To combat it, he reduced the academy's overemphasis on theory and cultivated "attitudes which will integrate emotional experience with scientific and technical knowledge."[72]

Bauhaus students learned by doing. They learned not only how to translate their ideas into effective action but also how to work with others. The Bauhaus, somewhat like a law school clinic, brought the students and teachers face to face

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65. A. GREENBERG, *supra* note 29, at 58.

66. Von Eckardt, *supra* note 35, at 69-70.

67. *See* Gropius, I., *Walter Gropius and the Creation of the Bauhaus in Weimer* (Book Review), 136 ARCH. FORUM No. 1, Jan. 1972, at 16:

> Gropius (wanted) a collaboration with other artists, craftsmen, technicians, engineers, etc., who, though hopefully imbued with the same spirit, were supposed to make independent, complimentary contributions to the whole. To introduce and train such collaboration was the whole idea of the Bauhaus.

See also Schmertz, *supra* note 55, at 9:

> Gropius' concern for the ideas and feelings of others was an essential quality of his mind and spirit. In combination with the gift of intellect and the virtues of toughness and perseverance it made him a great teacher and collaborator. Because he never subordinated this concern for people, individually or in the mass, to purely formal or stylistic ideas . . . this single quality may also be the key to his lasting eminence as an architect.

68. W. GROPIUS, *supra* note 20, at 7.

69. *Id. See also* W. GROPIUS, *supra* note 27, at 59-60: "Our ambition was to rouse the creative artist from his other-worldliness and reintegrate him into the workaday world of realities; and at the same time to broaden and humanize the rigid, almost exclusively material, mind of the business man."

70. A. FORSEE, MEN OF MODERN ARCHITECTURE 72 (1966).

71. Gropius, I., *supra* note 67, at 28.

72. Gropius, *The Curse of Conformity,* 231 SAT. EVENING POST No. 10, Sept. 6, 1958, at 52. *See also* Gropius, I., *supra* note 67, at 16: "[Gropius] believed throughout his life that the skills and discipline acquired by the mastery of a craft was not only the best preparation for any kind of activity connected with three-dimensional design, but also contributed to a person's inner harmony."

with real world exercises which put the classroom lessons to a practical test.[73] Gropius believed that "only through constant contact with newly evolving techniques, with the discovery of new materials, and with new ways of putting things together, [can] the creative individual . . . learn to bring the design of objects into a living relationship with tradition and from that point develop a new attitude toward design."[74] By a collaborative working through of these problems, the Bauhaus gave back to the students "the correct feeling for the interrelation of practical work and problems of form."[75]

Gropius put the students into the workroom. Under the guidance of a master but working on their own, students were encouraged to do as well as think, to implement as well as ideate. Gropius could not

> see why knowledge alone should be the primary object of education, when direct experience is just as indispensible for substantive training. . . . The book and the drafting board cannot give that invaluable experience gained by trial and error in the workshop and on the building site. Such experience should therefore be interwoven into the training right from the start, not added on later, after the academic part of learning has already been completed. For practical experience is the best means of guaranteeing a synthesis of all the emotional and intellectual factors in the student's mind; it prevents him from rushing off into "precocious" design, not sufficiently weighted down by the know-how of the building process.[76]

A good education, preparing the student for a lifetime's work, whether in design or law, "must certainly lead him beyond mere fact information and book knowledge into direct personal experience and action."[77]

Practical craft training was a complement to, not a substitute for, intellectual discipline. Theoretical instruction ran parallel to manual training.[78] Theory provided the "common basis on which many individuals are able to create together a superior unit of work; theory is not the achievement of individuals but of generations."[79] A thorough theoretical foundation was a necessary component of creative effort. The resulting creation would be "intellectually controlled as well as emotionally expressive."[80] It would be a practical representation of the creative vision.

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73. *See* R. BANHAM, THEORY AND DESIGN IN THE FIRST MACHINE AGE 278 (1960); Gropius, *Programme of the Staatliches Bauhaus in Weimer*, in PROGRAMS AND MANIFESTOES, *supra* note 32, at 50; F. WHITFORD, *supra* note 58, at 26; W. GROPIUS, *supra* note 20, at 16.

74. Gropius, *Bauhaus Dessau—Principles of Bauhaus Production*, in H. WINGLER, *supra* note 24, at 109-10.

75. Gropius, *The Viability of the Bauhaus Idea*, in H. WINGLER, *supra* note 24, at 51.

76. W. GROPIUS, *supra* note 20, at 46-47.

77. *Id.* at 41. *See also* Eisele, *supra* note 1, at 349:

> Students fail to see that the use of their imaginations is not some silly distraction from the serious business of the law, nor some extraneous way of escaping the demands of their profession, but rather pins them exactly to one of the central demands that their clients make upon them as lawyers. For what a client wants, and what the profession demands, is that each lawyer make use of his or her imagination to make something out of the conflicts of the law, something that responds to a problem or conflict in the world. They demand something useful to the client and acceptable to the profession.

78. Gropius, *supra* note 33, at 25-26.

79. *Id.* at 26.

80. F. WHITFORD, *supra* note 58, at 100.

The Bauhaus achieved a new unity encompassing "the characteristics traditionally attributed to art: emotion, spirituality, and heart, and those attributed to technology: reason, logicality, and mind."[81] Gropius' combination of these characteristics produced graduates who were creatively ambidextrous.[82] They were well grounded in theory, approaching problems with thought and discipline. They were also creative and practical in executing their solutions, not by the use of shallow tricks or ploys, but by their mastery of technique and form.[83] Bauhaus teaching imparted an attitude, not a dogma. Students were encouraged to find new and elastic solutions to problems, to understand the correlation of practical and formal work, and to see the advantages of collaborative work.

Walter Gropius' goal was the integration of theory and action, of head and hand in design education.[84] Karl Llewellyn shared a similar goal for legal education. For him,

> if there be one school in a university of which it should be said that there men learn to give practical reality, practical effectiveness, to vision and to ideals, that school is the school of law. . . . [R]ightly approached, the road to sure vision proves to be at the same time the road to true command of skill in practice: that that lesson from classic class-instruction is what needs relearning and reapplication in the light of current conditions.[85]

Llewellyn did not buy proposals to totally substitute clinical for classroom education just as Gropius did not abandon theoretical for practical training in design. The goal for both was the interweaving of the two.

Like Gropius, Llewellyn passionately believed in "the livening up, the making real, of theoretical work by practical complement."[86] For him in law, as for Gropius in design, the immediate educational need was making the theory real, was cultivating and making conscious the craft traits necessary to effectively translate theory into action.[87] Llewellyn's long teaching tenure convinced him that "it is the combination of the theory and philosophy of the crafts with some advancing and tested *skill in the crafts* which stirs interest and excitement and

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81. A. GREENBERG, *supra* note 29, at 58.

82. *See* Kallman, *Lessons of the Bauhaus for the Second Machine Age*, in FOUR GREAT MAKERS, *supra* note 62, at 277.

83. *See* Von Eckardt, *The Bauhaus in Weimer*, in FOUR GREAT MAKERS, *supra* note 62, at 242; F. WHITFORD, *supra* note 58, at 103; Gropius, *Architecture at Harvard University*, 81 ARCH. REC. No. 5, May 1937, at 10-11:

> In learning the facts and tricks, some can obtain sure results in a comparatively short time, of course; but these results are superficial and unsatisfactory because they still leave the student helpless if he is faced with a new and unexpected situation. If he has not been trained to get an insight into organic development no skillful addition of modern motives, however elaborate, will enable him to do *creative* work.

84. Gropius, *supra* note 33, at 28:

> [T]he culminating point of the Bauhaus teaching is a demand for a new and powerful working correlation of all the processes of creation. The gifted student must regain a feeling for the interwoven strands of practical and formal work. The joy of building, in the broadest meaning of that word, must replace the paper work of design.

85. Llewellyn, *supra* note 22, at 391.

86. Llewellyn, *On What Is Wrong with So-Called Legal Education*, 35 COLUM. L. REV. 651, 675 (1935). He prefaced this remark by noting that "law school is needlessly abstract, and needlessly removed from life. There remains the fact that seeing-it-done gives reading-it-in-books new flavor, new perspective." *Id.*

87. *See* Llewellyn, *The Current Crisis in Legal Education*, 1 J. LEGAL ED. 211, 217 (1948).

growth" and which fosters an "education . . . directed to *all*, and . . . directed not to moments but to years, to a life-time."[88] The practice of law is a liberal art combining technical proficiency, intellectual acuity, and creative vision.[89]

In law as in design, the goal was to build a whole, to provide a total education for a lifetime of professional work. To reach this goal required a collaborative effort of students and teachers to diagnose problems, organize data, create and test solutions, and use craft techniques to accomplish a given purpose.[90] It required the development "of habit and working-skill in seeing and above all in *feeling* lawyer-situations."[91]

Llewellyn's concept of legal education was devoted to lawyering, "to the hows of effective doing of the craftman's job."[92] He strove to find, articulate, and impart those craft traits necessary for getting things done in the law. Lawyering required more than the accumulation of rule knowledge; it required seeing how the rules worked, their effect in the real world. Practical craft knowledge

88. K.N. LLEWELLYN, *Law as a Liberal Art, supra* note 46, at 382 (emphasis in original). At the end of his career, Llewellyn reviewed some lectures he gave at its beginning:

> [I]f these lectures were being done over, I am clear that their focus would shift materially off of "the law" as lawyers understand that term and materially onto what the institution of law-and-government is for, and in particular what our own version of that institution is for, and what the part is—the noble and needed part—which the various major crafts of law and the men of law play as their part in that institution. Knowledge of the rules of law . . . would thus move into perspective as being a single one out of a dozen or more necessary parts of equipment for lawyering, and one could begin to persuade properly and cogently against the silly idea that the sound normal road to such knowledge is "a course" or that three years of case-courses can in themselves possibly provide enough of such knowledge for a respectable start on practice. One could really go into the question, then, of intelligent allocation of a student's time as he studies not "law", but to qualify for effective lawyering.

K.N. LLEWELLYN, *supra* note 41, at 153-54.

89. K.N. LLEWELLYN, *Law as Liberal Art, supra* note 46, at 379-80. *See also* Mentschikoff and Stotzky, *Law—The Last of the Universal Disciplines*, 54 U. CIN. L. REV. 695, 700-03 (1986):

> [L]aw is an art, requiring vision and good sense. Theory and craft are intertwined and are essential concepts of the process of learning how to become an artist in law. The best practical training a law school can give to any lawyer is the study of law as a liberal art. In this vision of legal education, there are three necessary components to a first rate education—the technical, the intellectual, and the spiritual. Without a rigorous training in effective technical proficiency, the mechanical aspect of the law, one lacks the base for theory. The intellectual side of the art of law emanates from and is dependent upon the level of technical proficiency enjoyed by the lawyer. Just as in other arts, technical mastery liberates instead of binds. . . . It builds on tradition, on what came before, to allow brilliant new creations in the resolutions of disputes or in the pursuit of justice. At the same time, the judge, lawyer, or scholar is forced to be continually responsive to reasoned justification within that tradition. . . . Yet this very limitation of means in the art of law, as in any other art, liberates as well as binds the artist. It frees up the creative energies of the artist. It also allows the legal actor to strive for beauty or service in the art of law, both within and without formal legal institutions. This is the fulfillment of the spiritual aspect of the law.

90. Llewellyn, *supra* note 87, at 215.

91. Llewellyn, *McDougal and Lasswell Plan for Legal Education*, 43 COLUM. L. REV. 476, 478-79 (1943) (emphasis in original).

92. Llewellyn, *The Adventures of Rollo*, 2 U. CHI. L. SCH. REC. No. 1 at 23-24 (1958).

> [W]e in this School have got to put [technique and ideals] together and, by the same token, we shall devote our schooling of you largely to lawyering, to the hows of effective doing of the craftman's job. Inevitably . . . that leads to a study and to an appreciation and an evaluation also of the ideals of the craft and of its goals. But not "The Law", the rules of law, any knowledge about things that are in books, is what we are primarily after. We are after exercise in the craftmanship jobs. And that is why there is no substitute for classwork. Only in classwork do you get a chance to go through the exercises.

was a necessary component of effective lawyering, perhaps more so than traditional knowledge or rule formulation.[93]

For Llewellyn, as for Gropius, the educational goal was to turn out professionals who had the necessary tools to practice their craft. Llewellyn always worried about the doing, about the individual lawyer's "needs in dealing with lawyers' problems about lawyers' *individual* cases."[94] He wanted to teach students the qualities of the good lawyer: "Vision and sense for the Whole, and skills in finding ways, smoothing friction, handling men in *any* situation, with speed, with sureness."[95] Like Gropius, he wanted to give the traditional educational factors—"doctrinal clarity, conceptual precision, sharpness of legal thought"—a human, working focus.[96] He wanted students to see the lawyer's craft characteristics "for what they are: in essence, hugely resilient and versatile skills for sizing up situations wisely, and then of getting things done, skills of trouble-shooting, trouble-evasion, and forward planning."[97]

III.

Lofty goals often lead to major disappointments. This was true for both Gropius and Llewellyn. They stated, with persuasive force, the deficiencies in design and legal education and the goals for which education should reach. But the execution of reform calls for the cooperation of others who share the vision. Gropius had to fight to get it even within the Bauhaus; Llewellyn remained a lonely voice.

In a sense, Gropius' task was the easier. He was handed his own school and what he thought was a mandate to reform design education. However, reform needs reformers. Gropius' goal was educating for creative ambidexterity, the ability to synthesize the theoretical and practical aspects of design. He wanted graduates who were able to competently bridge the gap between the classroom and the workroom. They were to be tandem taught by theorists—"Masters of Form"—and practitioners—"Workshop Masters"—who were in theory equal.[98] The Bauhaus faculty included "the purely creative and disinterested artist . . . as a spiritual counterpoint to the practical technician in order that they may work and teach side by side for the benefit of the student."[99]

The resulting reality is predictable by anyone familiar with the traditional/clinical approaches in law schools. Relationships either never developed or deteriorated quickly. The director and the masters fought, the Form Masters and the Workshop Masters fought, and the students fought with everybody. Perhaps this was to be expected in a setting where social revolution appeared not merely inevitable but as regular as the morning paper.

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93. *See* K.N. LLEWELLYN, *American Common Law Tradition, and American Democracy* in JURISPRUDENCE, *supra* note 23, at 283; Llewellyn, *The Conditions for and the Aims and Methods of Legal Research,* 6 AM. L. SCH. REV. 663, 673 (1930); K.N. LLEWELLYN, *Law as Liberal Art, supra* note 46, at 380-81.

94. K.N. LLEWELLYN, *supra* note 53, at 139 (emphasis in original).

95. Llewellyn, *The Crafts of the Law Re-Valued,* 15 ROCKY MTN. L. REV. 1, 7 (1942) (emphasis in original).

96. Llewellyn, *supra* note 42, at 779. *See also* Gerwin and Shupack, *supra* note 16, at 74 and 92.

97. Llewellyn, *supra* note 48, at 167 (note).

98. *See* Levy, *Bauhaus and Design—1919-1939,* 85 ARCH. REC. No. 1, Jan. 1939, at 71; F. WHITFORD, *supra* note 58, at 30.

99. BAUHAUS 1919-1928, *supra* note 33, at 6.

Gropius preached collaboration; his staff practiced competition to the point where Form Masters encouraged students to avoid working with the Workshop Masters. Many Form Masters were not interested in even visiting the workshops; those who did were met with resentment by the Workshop Masters. On top of natural competitive rivalries there was piled an organizational imbalance. The Form Masters participated in the overall decisionmaking for the school; the Workshop Masters, like many law school counterparts, were shut out. The Form Master received overall better treatment from the school than the Workshop Master.[100] Ironic as it was, Gropius' designation of two master types "perpetuated the cultural class system and the position of each within the Bauhaus hierarchy actually exacerbated it."[101] The Workshop Masters became distanced from the rest of the faculty and many of the students.[102]

The Bauhaus students, like many law students, were disadvantaged by the dual master system. An early critic noted that it was

> strikingly clear that if they do not relate to each other or to life, each of these masters is wrapping himself up in his own solitary world[.] Since these masters lack a homogenous background or a common intellectual attitude, there is no possibility of collective discipline in the training of the pupils. Educational discipline based on individual conceptions can only lead to dead dogma.[103]

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100. *See* F. WHITFORD, *supra* note 58, at 48-49, 65; A. GREENBERG, *supra* note 29, at 92. The parallel with the status of clinical legal education is striking. *See* Kissam, *The Decline of Law School Professionalism*, 134 U. PA. L. REV. 251, 313 (1986):

> The clinical movement's ability to effect reform will be diminished if the new formalism becomes further entrenched in law school practices. One obvious impediment is the substantial cost. . . . Another obstacle is the significant, often subtle, resistance of traditional classroom faculty to the incorporation of clinical training into the "mainstream" of American legal education. The more open manifestations of this resistance include a refusal to entertain budgetary reallocations, formalist requirements of scholarship for clinic teachers, and often a second-class citizenship for the clinical faculty. The more subtle forms of resistance may include a failure to award adequate time and educational credits to students for clinical work, an absence of general faculty advice that students should do clinical work, an amiable faculty skepticism toward the development of innovative clinics or simulated clinical programs. . . . [T]here are theoretical or ideal visions of clinical education that promise very beneficial reforms, but there are also the significant realities of limited resources, institutional inertia, and the paradigmatic resistance of formalist law professors that certainly will limit and ultimately may defeat this promise.

101. F. WHITFORD, *supra* note 58, at 48.

102. Again, there is a parallel with law school clinicians. *See* Burg, *Clinic in the Classroom: A Step Toward Cooperation*, 37 J. LEGAL ED. 232, 232-33 (1987):

> I came to my clinician's job committed to active and self-reflective learning for my students. In this attitude I (fairly or not) quickly felt isolated among my faculty colleagues. True, I occupied a tenure-track position; and my more traditionally oriented peers were generally supportive of our clinic. But I felt that my belief in the importance of well-structured experiential learning, and in the need for less Socrates and more Bellow, distanced me and my program from the institutional mainstream. This sense of separation was heightened by several other factors: concern over the high cost of running our clinic relative to the instructional budget of the school as a whole; a continuing gap in status and benefits between "regular" faculty and the two staff attorneys with whom I was working; and difficulty reconciling the time demands of the clinic's directorship with expectations of scholarship and publication.

103. Huszar, *The Staatliche Bauhaus in Weimer*, in FORM AND FUNCTION, *supra* note 26, at 94-95. *See also* W. VON ECKARDT, *supra* note 17, at 6. In the legal academy, there are "many very able academic lawyers who, for whatever reasons, do not venture outside the ivy-covered walls, scorn the practicing lawyer and his work (deprecate it) and look for rewards only from within the universities." Wellington, *Challenges to Legal Education: The "Two Cultures" Phenomenon*, 37 J. LEGAL ED. 327, 329 (1987). Professor Wellington described the impact on the students:

> This phenomenon would not matter too much if it were not for the inescapable fact that the

Gropius' theory was that students would work with each other and with the masters in developing the breadth and depth of their individual vision and the ability to recreate that vision. Gropius described what happened:

> The free, speculative work [which the students produce] during the first half-year and the large doses of intellectual fare [they are given] are obviously overloading their minds and are leading these people—for the most part still too young and not yet independent—into arrogance, and a misunderstanding of who and what they are. The corrective provided by working with their hands is almost entirely absent, since workshop training . . . is left up to each individual.[104]

At least, Llewellyn might have said, Gropius had his own school, had control over the selection of faculty and students, had the final say over curriculum and methodology. Llewellyn did not. What he had was a voice, a strong, articulate, persuasive voice to be sure, but still only a voice. He could, and did, urge his colleagues to reexamine their perspectives and their methods.[105] He could trumpet the advantages of seeing law as a craft, a doing, rather than as an abstract science.[106] But, except in his own courses, he could not effect the changes he thought necessary.

Llewellyn wanted colleagues who trained students for a lifetime of effective, efficient practice.[107] He wanted colleagues who taught students to appreciate

> the facts and the work and the thought of lawyers at large. Lawyers think law, lawyers argue law in court. And the job of a lawyer is to show how the goal of "justice" in his case can be attained within the framework of

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overwhelming majority of law students go into practice. They do not go into teaching. These students find themselves—or at least many do—much less interested than their instructors in the subject of their courses and worried, as a result of their mentor's disdain, about their own professional future. I believe that this is one of the factors that contributes to the extensive—but perhaps not intensive—unhappiness of law students.

104. Memo from Gropius, (Feb. 13, 1923) *quoted in* F. WHITFORD, *supra* note 58 at 204-05.

105. Llewellyn was enthusiastic about the possibility of change, an enthusiasm which may have been based more on aspiration than accomplishment. *See* K.N. LLEWELLYN, *Some Realism About Realism*, in JURISPRUDENCE, *supra* note 23 at 42:

> Ferment is abroad in the law. The sphere of interest widens; men become interested again in the life that swirls around things legal. Before rules, were facts; in the beginning was not a Word, but a Doing. Behind decisions stand judges; judges are men; as men they have human backgrounds. Beyond rules, again, lie effects: beyond decisions stand people whom rules and decisions directly or indirectly touch. The field of Law reaches both forward and back from the Substantive Law of school and doctrine.

106. *See* K.N. LLEWELLYN, *supra* note 23, at 355-56:

> The central aspect of an *institution* is organized activity, activity organized around the cleaning up of some job. . . . Plainly, an important portion of any institution lies in the world of ideas. . . . Yet I want to insist peculiarly on the need for including and stressing the *conduct* phases of the institution—both patterned and unpatterned—and such things as physical equipment, and above all people, both the relevant specialists and the consuming and supporting public. (emphasis in original)

107. *See* K.N. LLEWELLYN, *A Realistic Jurisprudence: The Next Step*, in JURISPRUDENCE, *supra* note 23, at 19-20 n. 12:

> In his moments of action, in his actual handling of a case or situation, the measure of [the practicing lawyer's] success in the measure in which he actually uses this approach [advocated by Llewellyn]. . . . His job is either to guide a specific client through the difficulties of action in a concrete situation, or to bring the personnel of a specific tribunal to a specific result. The desired results, and not formulae, are his focus, and he uses formulae as he uses his knowledge of both judicial tradition and individual peculiarity: as tools to reach his desired result. He can be more effective, as any other practical man or artist can, if his technique be consciously studied.

> the law. . . . It is only in the particular, when the lawyer is thinking about how to shape up some one case actually in hand, that the felt justice of his cause, the need for making the court see and feel that his client is *right*, looms large in his mind; and even then, it looms as a problem in fact, not as a problem in law.[108]

He wanted colleagues and students to study how this service was "being accomplished, in order that we may learn how to accomplish it more effectively, with less waste, and with fewer slip-ups."[109] He did not expect artistry from the majority of lawyers but he did expect

> as a minimum a reliable craftmanship. Technique without ideals may be a menace, but ideals without technique are a mess; and to turn ideals into effective vision, in matters of law, calls for passing those ideals through a hard-headed screen of effective legal technique.[110]

Llewellyn's analysis is eloquent and enduring.[111] But it did not significantly alter traditional legal education.[112] His goal of turning out reliable legal craft workers is seen as a fantasy and that is a sad commentary on the vision of legal education.[113] He wrote that a major line of success in law "lies in

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108. K.N. LLEWELLYN, *supra* note 53, at 137-38 (emphasis in original).

109. K.N. LLEWELLYN, *supra* note 53, at 141.

110. Llewellyn, *supra* note 22, at 346. *See also* K. N. LLEWELLYN, *Law as a Liberal Art*, *supra* note 46, at 380:

> Consider the indispensability of pure technique. Surely each—any—member of the practicing art must be able to *do* what is needed, must be *able* to do it with at least a journeyman's accuracy and dispatch, for *any* consumer of the art's service, and at *any* time. (Let me say here, fast, that this minimum competence of *each* mint-marked law graduate does not appear, as yet, in these United States.) (emphasis in original)

111. *See* Holmes, *supra* note 5, at 577:

> [T]he issue of applied-skills training does not necessitate a choice between theory and practice. The study of doctrine . . . is not just the study of "theory." The study of doctrine "constitutes an intensely practical skill, perhaps the most important single skill of the practicing lawyer." Capable analysis of theory is a necessary prerequisite to capable lawyering. Moreover, training in lawyering operations is not simply learning the tricks of the trade because such operations contain theoretical dimensions. Since the study of theory is practical and practical-skills study has both theoretical dimensions and applies theory in lawyering operations, the distinction is not between theory and practice. Rather the distinction should be between theoretical training which is useful to private practice and theoretical training which has no practical use.

See also Pepe, *supra* note 11, at 310.

112. *See* Amsterdam, *Clinical Legal Education—A 21st-Century Perspective*, 34 J. LEGAL ED. 612 (1984) noting that modern legal education fails

> to develop in students ways of thinking within and about the role of lawyers—methods of critical analysis, planning, and decision-making which are not themselves practical skills but rather the conceptual foundations for practical skills and for much else, just as case reading and doctrinal analysis are foundations for practical skills and for much else.

113. *See* Feinman and Feldman, *supra* note 4, at 529:

> The crucial element of our ideas about law school learning is the goal of having nearly all students leave law school as capable novice lawyers. Probably most law professors would regard this goal as a fantasy. . . . Student performance is widely distributed, and mediocrity is accepted as inevitable. But satisfaction with that level of performance . . . sets standards too low and gives too little credit to the capacities of our students and to our own capacities as teachers. It is also shamefully inadequate for institutions that, like it or not, function as the primary filter for admission to the bar.

See also Zillman and Gregory, *Law Student Employment and Legal Education*, 36 J. LEGAL ED. 390, 401 (1986):

> The study suggests that, whether they like it or not, the law schools and law firms are partners in the business of legal education and training for the bar. Rather than deplore or ignore the partnership, professors and practitioners should assess how it might be used to produce better law students and better lawyers.

> convincing oneself and then convincing others that the norm which [the lawyer] desires is in fact the right norm."[114] Llewellyn was convinced of the primacy of craft training in legal education. It is a misfortune that he was unable to convert more than a few of his colleagues.
>
> Llewellyn did not have his head in the sand. He knew how his ideas were received. He continued to plug away, lecturing on the deficiencies of legal education. He had his theme: *"Not rules, but doing, is what we seek to train men for."*[115] He stuck to it over the years:
>
> It is for the *practice of law* that we are to train. . . . [W]e mispose issues and misfocus our work when we think of curriculum and deal with it as if our major objective were equipping our students merely with some *knowledge* of prevailing legal doctrine—leaving almost everything else to be got as by-product, and as by-product which receives little separate and sustained attention. . . . Training in the basic craft-skills of the lawyer is the present pressing need; effective training, even in the skills of case-law, comes now with undue slowness and with sad unreliability; we have available possibilities of inculcating with thoroughness a considerable number of craft-skills which we now leave largely neglected or to accident.[116]

He did not glamorize the task. To train the lawyer to be a person of measures was "a matter of the most desperately uncomfortable, hard, dirty, grubbing over technique, a matter of developing skill, a matter of developing patience along with skill."[117]

Yet the result of training students "to do" could be good, true, beautiful.[118] The inclusion of such training could excite, stimulate, disrupt the doldrums of traditional education and open up "the meaning, of the living use and handling of legal material, an opening up of the actual working integration of 'law,' fact-background, and craft-skill."[119] Such training would show that

> the essence of our craftsmanship lies in skills, and wisdoms; in practical, effective, persuasive, inventive skills for getting things done, any kind of thing in any field; in wisdom and judgment in selecting the things to get done; in skills in moving men into desired action, any kind of man, in any field; and then in skills for regularizing the results, for building into controlled large-scale action such doing of things and such moving of men.[120]

Llewellyn called for the reevaluation and reintegration of practical craft training into legal education.[121] It is a call which went largely unanswered.

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114. K.N. LLEWELLYN, *Legal Tradition and Social Science Method* in JURISPRUDENCE, *supra* note 23, at 87.

115. Llewellyn, *supra* note 86, at 654 (emphasis in original).

116. Llewellyn, *supra* note 43, at 333 (emphasis in original).

117. Llewellyn, *supra* note 92, at 3.

118. *See* K.N. LLEWELLYN, *On the Good, the True, the Beautiful, in Law* in JURISPRUDENCE, *supra* note 23, at 167.

119. Llewellyn, *supra* note 22, at 377.

120. Llewellyn, *supra* note 2, at 3 (emphasis in original).

121. *See* K.N. LLEWELLYN, *supra* note 41, at 17-18:

> [Procedure and evidence and trial practice] should be marked off for the most intensive study. But they should be marked off not because they are really separate, but because they are of such transcendent importance as to need special emphasis. They should be so marked off not to be kept apart and distinct, but solely in order that they may be more firmly learned, more firmly ingrained into the student *as conditioning the existence of any substantive law at all.* . . . For what substantive law says should be means nothing except in terms of what procedure says that you can make real. (emphasis in original)

IV.

Gropius had more success in translating his vision into reality than Llewellyn.[122] Although he had administrative, collegial, and student problems, he was able, by selection, training, and authority, to realize his goal of producing designers who were "artists possessing sufficient technical knowledge [and] craftsmen endowed with sufficient imagination for artistic problems."[123]

The discord between the Form and Workshop Masters stimulated rather than defeated Gropius. The debates and disputes in fact helped to liberate the Bauhaus from the paralyzing historicism of the academy. The conflicts strengthened the school by focusing the debate, narrowing the differences, and showing the need for a new approach, a synthesis of the differing spheres.[124]

Gropius had the self-confidence to bring together strong teachers with formidable talents, allow them to expound their views, and then, by force of intellect and personality, provide the cohesive force necessary to attain a dynamic balance.[125] Gropius was also strong enough to modify some of his original views in light of experience and to stop what seemed to be endless bouts of theorizing. He turned the school's direction toward production, using teachers who had been trained to be both Form and Workshop Masters. With the disruptive hierarchy gone, a new unity was achieved within the faculty and the school.[126]

Gropius assembled and trained a remarkable faculty who shared his ideas and were capable of teaching heads and hands simultaneously, correlating theoretical reasoning, creative vision, and practical translation. There were no shortcuts; there was no imitation. The Bauhaus staff worked with the students, encouraging

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122. Gropius was aided by a move from the hostile environment of Weimer to the more receptive atmosphere in Dessau where the construction of a new building and the presence of Bauhaus trained instructors stimulated a period of serious, practical and effective work. *See* Dorner, *supra* note 58, at 13; F. WHITFORD, *supra* note 58, at 164.

123. W. GROPIUS, *supra* note 20, at 14.

124. *See* Gropius, I., *supra* note 67, at 21; F. WHITFORD, *supra* note 58, at 201; Jacobsohn, *supra* note 18, at 29. The conflicts among the masters gave Gropius headaches, but

> he accepted this turmoil as a natural consequence of his trying to reconcile groups of people who, for the last century, had completely drifted apart into isolated spheres of work and who found it understandably hard to cooperate in daily encounters about working schedules, financial considerations, outside pressures, and inside disagreements.

Gropius, I., *supra* note 68, at 24.

Gropius would have had the sympathy of many current law school deans. Perhaps in law, as in design, some discord, some turmoil is healthy and productive of new ideas. *See* Jenkins, *Theory and Practice in Law*, 19 U. FLA. L. REV. 404, 411 (1967):

> If the practitioner is content to merely [sic] employ the apparatus already at his disposal, and the theoretician to bring this to a yet higher surface polish, their work becomes sterile. A decent measure of discontent is essential to all constructive work. So the practical man of affairs must continually challenge the body of theory currently at his disposal, looking for ways in which this can be modified so as to improve its treatment of actual cases. And the man of ideas must be equally alert to the direction in which practice is tending, so that he can anticipate and correct its course.

125. *See* Currie, *A New Tribute to Walter Gropius*, 143 ARCH. REC. No. 5, May 1968, at 10:

> [T]he Bauhaus, brought together the most formidable array of talent . . . and before long had them joined by . . . great designers, architects, and teachers . . . as diverse and dedicated and contentious a group of creative people as has ever been assembled. Small wonder that their interaction gave off sparks that illuminated the entire world of the creative arts. And who provided the cohesive force to hold these energies in dynamic tension but the man with the seminal idea of the Bauhaus—Walter Gropius. It was surely on this forge that he shaped and tempered and tested one of his favorite maxims— "diversity within unity."

126. *See* F. WHITFORD, *supra* note 58, at 132, 147, 156; H. WINGLER, *supra* note 24, at 420.

them to develop individual creative attitudes and independent conceptions of solutions to problems.[127] The faculty was committed to "the slow, inner growth that comes from personal experience and experimenting."[128]

Patience and experimentation resulted in achieving the goals of fusing vision and technology and developing a spirit of cooperation among people who retained their individual identity. Creative imagination was united with practical craftsmanship.[129] The educational product, the new masters, in contrast with the old, "were much less specialized, equally at home in the workshop and studio, dedicated to solving practical problems, devoted to artistic activities with an obviously public application, and determined to demonstrate that there is no essential difference between fine art and the crafts."[130]

Gropius molded designers who were creatively ambidextrous. He did this by thoroughly training all the creative faculties at once rather than compartmentalizing them. He preserved the unity of this training by relating it to as many practical problems as possible, by using realistic conditions, by putting the classroom theory to the workroom test.[131] His "sense of discipline kept going a kind of formal ethic, which demanded that visions be sharpened on the touchstone of function, material, and process."[132] He converged the theoretical, the technical, and the practical; he evolved a curriculum which joined and interrelated the three; his synthesis produced a course of study which was alive, vital, and productive.[133]

That vitality remains today both in product and in education.[134] What Gropius and his colleagues developed and what lives today is "an attitude toward creativity intended to result in variety."[135] They achieved unity in diversity; they brought together and concentrated that which had been dispersed.[136] Working in

127. *See* Werner, *Art and Industry*, 131 NEW REPUB. No. 24, Dec. 13, 1954, at 21.

128. Gropius, I., *supra* note 67, at 21.

129. *See* Von Eckardt, *supra* note 83, at 237; Jacobsohn, *supra* note 18, at 29; H. WINGLER, *supra* note 24, at 11; Dorner, *supra* note 58, at 13.

130. F. WHITFORD, *supra* note 58, at 178. *See also* H. WINGLER, *supra* note 24, at 7:

> Master craftsmen did not teach at the Dessau Bauhaus. It had now become possible to dispense with the dual appointments to the workshops, artist and craftsman side by side, since younger Bauhaus-trained people were available to complement the teaching staff. These young teachers had been educated in the spirit of the new program and combined design capability with manual skill.

131. *See* Dorner, *supra* note 58, at 12; Gropius, *supra* note 33, at 23; W. GROPIUS, *supra* note 20, at 52; CURTIS, MODERN ARCHITECTURE SINCE 1900, 261 (1982).

132. Kallman, *supra* note 82, at 273.

133. *See* Rosensberg, *Keeping Up*, 46 NEW YORKER No. 1, Feb. 21, 1970, at 85:

> The virtue of the Bauhaus lies in its intellectual forthrightness, its willingness to draw candid conclusions. . . . The Bauhaus based its program on its realization that once the idea of the individual artist and his metaphysics of creation was discarded, art had to face the consequences of finding its meaning in social utility.

See also Shaw, *The Influence of the Bauhaus*, in FOUR GREAT MAKERS, *supra* note 62, at 245.

134. *See* F. WHITFORD, *supra* note 58, at 10: "[T]he Bauhaus created the patterns and set the standards of present-day industrial design; it helped to invent modern architecture; it altered the look of everything from the chair you are sitting in to the page you are reading now."

135. *Id.* at 198. *Cf.* Schnaidt, *Architects of an Educational Revolution*, 33 UNESCO COURIER 18, 27 (April, 1980): "[L]ooking back at the Bauhaus, one cannot fail to be struck by the contrast between the profusion of its discoveries and the paucity of their consequences, between the confidence of its assertions and the precarious fate which lay in store for them."

136. *See* S. GIEDION, SPACE, TIME AND ARCHITECTURE 397-98 (1947):

> At the Bauhaus under Gropius the effort was made to unite art and industry, art and daily life, using architecture as the intermediary. . . . The principles of contemporary art were there for the first time translated into the field of education. Dispersed tendencies were brought together

a cooperative yet individual way on real world problems, they achieved a "[d]aring balance, cerebral and soul equilibristics."[137]

Gropius and his colleagues brought art and technology into balance; they stressed actual doing rather than empty posturing; they worked within their profession and across disciplines; they erased the artificial division between theory and application.[138] They "consolidated themselves into a working unit, the better to translate their ideas into actual achievements."[139] They practiced as they taught, learning and exploring by doing. The Bauhaus under Gropius was a living, practical institution, "practical and serviceable as a bridge,"[140] and therein lies its lesson for legal education, for realizing the vision of educators such as Karl Llewellyn.

V.

The rupture between legal education and legal practice has existed for over 100 years. And for over 100 years, voices have been raised about the dangers of either practice or theory dominating the other.[141] The need, as Llewellyn clearly saw, "is, in some fashion, for an integration of the human and the artistic with the legal."[142] The practice of law—its theories, techniques, and ideals—gives actual meaning, actual application to doctrine. To leave the practical craft unstudied "is to leave unspoken and undiscussed half of the guidance and control and soundness which lies in our actual going legal scheme of things."[143]

What Llewellyn sought was a bridge between the poles of theory and practice.

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and concentrated. This treatment of the Bauhaus has been limited to those of its aspects which have a bearing on our constant concern: the way in which this period has moved toward a consciousness of itself. The vital and difficult development of the Bauhaus reflects that process in the circumscribed realm of education as no other institution of that period does.

See also Gropius, *Tradition and Continuity in Architecture*, 135 ARCH. REC. No. 5, May 1964, at 134:

> I bloodied my nose repeatedly in my attempts . . . to put visual education on a much broader and more contemporary basis as we finally succeeded in doing at the Bauhaus. . . . [T]oday, 50 years later, . . . visual training is far from being on an equal level with other subjects of education.

137. Kallai, *Ten Years of Bauhaus*, in FORM AND FUNCTION, *supra* note 26, at 174. Not all observers have been so charmed. *See* P. BLAKE, FORM FOLLOWS FIASCO 143 (1977):

> The Bauhaus spawned more Good Design than any one breeding ground established or identified in this century. Among the products developed by its masters and students were not only unsittable chairs, backbreaking beds, and unreadable type; there were also many of those educational toys that our children hate; water pitchers that titillate your visual perceptions while wetting your pants; coffee-making machines . . . so complicated as to make one want to switch to tea; a "samovar with spirit lamp and small pot for tea essence," consisting of so many grotesque cubist, pre-cubist, and post-cubist movable (and static) parts that you might want to switch back to coffee; and finally, a whole series of floor, wall, and ceiling lamps designed by someone who had obviously been maddened in real life by the problem of replacing a light bulb.

138. *See* Currie, *supra* note 125, at 10.

139. Levy, *supra* note 98, at 71. *See also* Kallman, *supra* note 82, at 277.

140. Calverton, *The Cultural Barometer*, 47 CUR. HIST. No. 3, Dec. 1937, at 90-91.

141. *See* Coffin, *The Law School and the Profession: A Need for Bridges*, 11 NOVA L. REV. 1053, 1056 (1987):

> [I]n 1883, the first Dean of the [Harvard] Faculty, Ephriam Gurney, deeply concerned about "the contemptuous way which both Langdell and Ames have of speaking of Courts and Judges," had written President Eliot these ominous forebodings about Langdell:
>
> > He is as *intransigent* as a French Socialist, and his ideal is to breed professors of Law, not practitioners; erring, as it seems to me, on the other side from the other schools, which would make only practitioners. Now to my mind it will be a dark day for the School when either of these views is able to dominate the other. . . . (emphasis in original)

142. Llewellyn, *supra* note 86, at 663.

143. K.N. LLEWELLYN, *supra* note 53, at 136-37.

Like Gropius, he sought to interweave the two into a whole, to give students an appreciation of the doing as well as the doctrine, to train them in the traits necessary for a lifetime of practice. He wanted to integrate practical craft components into the classroom, putting an end to what may be seen as a form of educational apartheid practiced by the entrenched professoriate.[144]

Llewellyn felt that a legal education which ignored the practical craft components cheated the students and disserved the public. It remains true today as it was for Llewellyn: we train students to be lawyers, to be people of effective reckonable action, to understand what lawyers do, how they do it, and how it can be done better. Any legal education which focuses exclusively or primarily on rule accumulation is deficient.[145] That is a passive, not an active, education. It is not an education for people who are to do.[146]

Gropius and his colleagues at the Bauhaus saw that the best form of education brought students face to face with real problems, demanding that they observe, plan, and execute solutions. The same holds true for legal education. Students best learn "by confronting the infinite frustrations and dilemmas that come from having to make decisions, not just reviewing the decisions of others."[147] Learning is achieved from practice of the lawyering craft. Professor Michelman described it as an

> *active* learning . . . learning in which the student is called upon to respond to the demands of a professional role into which he or she is cast, in actuality or in simulation. . . . [P]ractical is an inseparable aspect of proper cognitive

144. Clinicians are in a position to help build the bridge. *See* Bodensteiner, *An Explanation of Clinical Education*, in MAXIMIZING, *supra* note 3, at 166:

> [The clinical method] provides a unique opportunity, for both professor and student, to bridge what is often perceived as a huge gap between theory and practice. . . . Any pretense that there exists an all-pervasive dichotomy between theory and practice is harmful. Just the opposite is true: theory and practice should be intertwined.

145. *See* Wald, *Teaching the Trade: An Appellate Judge's View of Practice-Oriented Legal Education*, 36 J. LEGAL ED. 35 (1986); Morgan, *supra* note 7; Mentschikoff and Stotzky, *supra* note 89, at 743:

> The law schools . . . must teach a broad range of the crafts of the law. . . . This is certainly not a new proposal. Indeed, since the thirties, experimental work has been going on in [the major crafts of the law]. Yet, legal education has progressed very little from the days in which rules were said to determine results and skills training was unknown. The hope that there would be a rapid increase in the development of materials and teaching techniques in the crafts of law in the post World War II era never materialized. . . . We must reverse this trend. Academic lawyers must do the research necessary to teach these skills.

146. *See* White, *Doctrine in a Vacuum: Reflections on What a Law School Ought (And Ought Not) to Be*, 18 U. MICH. J. L. REF. 251, 259-60 (1985):

> [T]he kind of knowledge with which a true education is concerned is never repeatable data, but a knowledge that entails a use or activity—a knowledge of practice that is a kind of action, including a kind of invention or creation. . . . What you learn in law school is not law in the sense of repeatable propositions but how to learn law—that is, how to do it and how to make it. . . . A good law school is thus a school of law-making. This means that the proper focus of attention is not on what the student is learning to repeat or to describe but what she is learning to see and to do; on the doctrine or language of the law not abstracted from experience, but embedded in it, as the object and medium of thought, expression, and intellectual action.

147. Wald, *supra* note 145, at 42-43. *See also* Horwitz, *supra* note 10, at 391; Cavers, *"Skills" and Understanding*, 1 J. LEGAL ED. 395, 396-97 (1949):

> [T]he lawyer . . . is a man of decision and action, a fact we tend to overlook in our preoccupation with the analytical and deliberative aspects of his work. Each non-routine operation of the lawyer is likely to involve him in a series of decisions as he determines upon action calculated not only to resolve the issues immediately before him, but also favorably to predispose, so far as practicable, all those future questions that he can forsee may be implicated in his present action. He must, therefore, constantly examine legal materials in relation to the various uses to which he may wish to put them.

> learning. It is axiomatic in learning theory that when cognitive studies are accompanied by active engagement in their application to concrete problems, a likely result is fuller comprehension, better retention, and apter recall of the cognitive material.[148]

The goal should be an integration, not a segregation, of applied and analytical skills, orienting students to the real world of lawyering performance. Students must be trained to think about what they will do as lawyers and to learn from what they do. The true aim of legal education must be giving students the aptitude and attitude necessary for a career in the craft.[149]

Llewellyn began preaching about that goal more than 50 years ago, yet its realization seems almost as distant now as then.[150] This may result from what

148. Michelman, *The Parts and the Whole: Non-Euclidean Curricular Geometry*, 32 J. LEGAL ED. 352, 353-54 (1982) (emphasis in original). *See also* Kissam, *supra* note 100, at 254:

> I believe that the study and practice of law would be improved by a more contextual approach to legal education, an approach that places a greater emphasis on both the application of law to concrete situations and the understanding of how law serves or fails to serve conflicting social values. This approach would improve professional education by initiating future practitioners into the uncertainties, complexities, and value conflicts of the "practice situation." It would also promote a legal system that is more self-consciously "responsive to social needs."

As any reading of recent issues of the *Journal of Legal Education* will show, there are many teachers in different disciplines who are using an active, craft-oriented approach. *See* Calhoun, *The Law and the Little Big Horn: What Beginning Law Students Can Learn from General Custer*, 36 J. LEGAL ED. 403 (1986); McAninch, *Experiential Learning in a Traditional Classroom*, 36 J. LEGAL ED. 420 (1986); Spiegelman, *Civil Procedure and Alternative Dispute Resolution: The Lawyer's Role and the Opportunity for Change*, 37 J. LEGAL ED. 26 (1987); Garth, *ADR and Civil Procedure: A Chapter or an Organizing Theme?*, 37 J. LEGAL ED. 34 (1987); Schneider, *Rethinking the Teaching of Civil Procedure*, 37 J. LEGAL ED. 41 (1987); Bush, *Using Process Observation to Teach Alternative Dispute Resolution: Alternatives to Simulation*, 37 J. LEGAL ED. 46 (1987); Johnson, *Audiovisual Enhancement of Classroom Teaching: A Primer for Law Professors*, 37 J. LEGAL ED. 97 (1987); Anderson and Kirkwood, *Teaching Civil Procedure with the Aid of Local Tort Litigation*, 37 J. LEGAL ED. 215 (1987); Burg, *supra* note 102; Fry, *Simulating Dynamics: Using Role-Playing to Teach the Process of Bankruptcy Reorganization*, 37 J. LEGAL ED. 253 (1987); Herwitz, *Teaching Skills in a Business Law Setting: A Course in Business Lawyering*, 37 J. LEGAL ED. 261 (1987); Grosberg, *The Buffalo Creek Disaster: An Effective Supplement to a Conventional Civil Procedure Course*, 37 J. LEGAL ED 378 (1987).

149. *See* Holmes, *supra* note 5, at 564:

> Applied-skills training has the merit of forging problem-solving judgment and the intellectual skills taught by the case method. Case-method analytical skill is inculcated through the reading-reasoning operations of law students. They acquire the ability to analyze, distinguish, reconcile and synthesize . . . as well as the ability to make independent, critical commentary. Case-method training provides students with tools *to be applied* in performing lawyering operations. In turn applied training enhances those case skills by using them in a functional context. (emphasis in original)

See also Mudd, *supra* note 4, at 197-98:

> To orient students toward the real world they will encounter, law schools must take their reference points from lawyer performance. Law faculties need to understand lawyering in its several dimensions and take care not to narrow the description of lawyers' work to those portions which the professors have encountered personally or to which they are attracted. The task is to introduce students to the real world of lawyer performance, not a world trimmed to suit professors' interests.

150. *See* Redlich, *Professional Responsibilities of Law Teachers*, 29 CLEV. ST. L. REV. 623, 627 (1980):

> Law teachers should not only have respect for the views of other faculty members, but also for the progams in which their colleagues may be involved. This does not mean that the programs should not be critically questioned. But a law professor teaching a traditional course should not view clinicians, writing instructors, or trial practice teachers as second-class citizens. All are engaged in the academic enterprise. If we want students to perform all of their professional tasks at a high level . . . then we should develop in our students a respect for excellence and integrity in the performance of work. . . . While teaching students "to think like lawyers" may represent the mental mother lode of a lawyer's career, those other lawyering skills . . . are essential in order to mine that resource. Respect for those engaged in imparting those vital skills reflects a respect for the lawyering profession as distinct from a respect for academic excellence alone. A

one writer calls "an elitist bias within the law school community against" practical craft training programs.[151] Perhaps it is more politely called "intellectual incompatibility."[152] Whatever we call it, it undeniably exists.[153] Yet the greater problem may lie with those of us who see ourselves as teachers of people who will practice the craft. We rightly complain about the second class treatment we receive. Yet we take few steps to show how what we know and do can be integrated into the traditional legal education.[154] We make little effort to bridge the gap. We may be guilty of self-segregation.

We speak disparagingly of academics as being inbred and unworldly; academics regard us as vocationalists, training in tricks and ploys. We are the Workshop Masters; they are the Form Masters. Legal education may need a Gropius, a Bauhaus, to demonstrate that an integration is needed and possible.

> law teacher who glorifies mediocre scholarship because it is a lofty endeavor, but who scorns the teaching of lawyering skills as pedestrian, will produce students who will be bad scholars and bad lawyers. Neither their ideas nor their skills will be worthy of attention.

Perhaps my comment is overly pessimistic. Much is being done by individual teachers as seen in the articles cited in footnote 150. Schools such as CUNY and Montana are attempting to educate with an integrated curriculum designed to inculcate many of the craft traits. The organized bar is interested in the problem as witnessed by the recent American Bar Association National Conference on Professional Skills and Legal Education. But these efforts only underscore the point that, for the most part, legal educators do not see their role as educating students for the practice of the craft.

151. Devitt, *Why Don't Law Schools Teach Law Students How to Try Law Suits?*, 29 CLEV. ST. L. REV. 631, 638 (1980). The author continued:

> The law schools must learn to accept the need for polished skills training and clinical programs and take the steps necessary to ensure the success of those programs. They must strive to eliminate the indicia of inferiority presently so common in the treatment of clinical professors. They must, in short, give their clinical and skills training programs the priority those programs deserve and need. To do so certainly is in the best interests of the profession and the public. It also is in the best interests of law schools.

Id.

152. Hardaway, *Problems in Clinical Integration: A Case Study of the Integrated Clinical Program of the University of Denver College of Law*, 59 DENVER L. J. 459, 464 (1982).

153. *See* Kronman, *Living in the Law*, 54 U. CHI. L. REV. 835, 873 n. 58 (1987) where the author says that "one of the most striking characteristics of our leading law schools today is the attitude of contempt that prevails in them toward the old-fashioned virtue of practical wisdom." He continued:

> There will, of course, always be a separation of sorts between those who choose an academic career in law and those who practice their craft in some more worldly setting. In this country, such a separation has existed for at least a century, since legal education began to assume an academic character. In recent years, however, the separation has widened considerably. Most practicing lawyers still believe that excellence in the practice of law requires prudence or sound judgment, a view shared by those law teachers whose primary identification continues to be with the practicing bar. Many law teachers, however . . . take a different and more disparaging view of these qualities. In their view, an insistence on the importance of practical wisdom is to be regarded either as an ideological ploy or as a sign of scientific naivete. To be sure, practicing lawyers and law teachers inevitably will have different interests and aims. This difference in outlook becomes troubling, however, when it is accompanied by a loss of respect on the one side for the qualities of mind and temperament whose possession is regarded by those on the other as a badge of professional pride.

154. *See* Munger, *Clinical Legal Education: The Case Against Separatism*, 29 CLEV. ST. L. REV. 715, 734 (1980):

> The future of the clinician lies in becoming part of the mainstream of legal education in ways other than expanding the clinic. Clinical faculty must show that what they have learned has broad application in teaching core curriculum courses. Clinicians are still viewed as representing goals which are secondary or supplemental to those of the mainstream of legal education. . . . By offering better methods of training lawyers, the clinical movement has an important role to play in improving legal education.

Also see H. PACKER AND T. EHRLICH, NEW DIRECTIONS IN LEGAL EDUCATION 39 (1972) evaluating clinical education along the axes of student involvement, faculty supervision, and "*academic integration*, the extent to which the experience is blended with other aspects of the student's program."

Or, perhaps, it needs to pay heed to those within its own walls, like Llewellyn, who have worked toward that goal.

We in the Workshop must show that what we have learned has broad application to a quality legal education. We must convince the Form Masters that the lessons of the workshop can be and must be blended in with other aspects of legal education. We, whether we are called clinical or skills or craft teachers,

> have a crucial role to play in the gradual transformation of the student experience in law school. Many [of us] have wrestled for years with the issue of how to enrich the education of the individual students whom [we] supervise so intensively. When [we] have been self-reflective about [our] work, [we] have had to grapple as well with the issue of bridging theory and practice for these students. [We] need to continue devoting [our] efforts to creating opportunities for experiential learning in the clinical setting. But [we] also need to make [our] teaching skills and methods available in the classroom and to [our] colleagues who work there. There is no more effective way than this to demonstrate that [our] concerns . . . go beyond the immediate case; that "skills" as well as "analysis" are indispensible to lawyers and both are compatible as teaching methods; and that what [we] do is intellectually and professionally worthy of the respect of [our classroom] peers.[155]

What we cannot afford to do is to barricade ourselves in the workroom.[156]

A legal education which produces graduates who only think like lawyers ill-serves them, the profession, and the public. A legal education which produces graduates armed only with techniques is a menace. Legal education must be intellectually based, humanistically motivated, and craft oriented.[157] Like the

155. Burg, *supra* note 102, at 251-52. *See also* Keyes, *Approaches and Stumbling Blocks to Integration of Skills Training and the Traditional Methods of Teaching Law*, 29 CLEV. ST. L. REV. 685, 691 (1980):

> The advantage of [integrating clinical law into the curriculum] include [sic] the following. First, the public will benefit by receiving a more competent lawyer who relates his legal knowledge to the solution of the problems of his clients. Second, the legal profession will benefit because it will have a better image. . . . Third, the law schools will initiate an honest goal of training lawyers, thereby gaining students' respect due to the increased relevance of the education provided. Fourth, the law school graduate will be more competent to practice law, having obtained a blend of the skills required for practice. Fifth, the law schools will have commenced a program of upgrading its [sic] faculty according to their abilities to teach practically as well as academically. It will help to reorient the priorities of faculty members in addition to drawing them toward the practicing bar from which many have become estranged.

156. *See* Cramton, *supra* note 13, at 331-32:

> The addition of courses focusing on lawyering skills will broaden and deepen the law curriculum only if those courses are infused with a theoretical and critical perspective. If they merely reinforce the existing vocational orientation of the traditional skills courses . . . they will have failed. Courses in interviewing, negotiation, counseling, and advocacy will acquire a permanent place in the basic curriculum of the university law school because they are founded on insightful, theoretical explanations of why lawyers and officials behave as they do and because they produce important empirical findings that illuminate how lawyers, clients, and officials behave and interact or lead to valuable normative statements of how they should behave.

157. *See* F. ALLEN, LAW, INTELLECT, AND EDUCATION 89 (1979):

> [I]t seems clear that the needs for greater practical training being expressed today by many lawyers, judges, and law students cannot sensibly be ignored by the law schools. 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 when 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.

Bauhaus, it "must engage [students] in a continuous process of thinking and learning from their own activity, integrating intellect with performance, theory with practice."[158]

We who teach for the practice of the craft must convince students and colleagues that the integration of head and hand, of thinking and doing is the hallmark of a true professional.[159] Perhaps then the distinction between craft teachers and traditional law teachers will disappear.[160] We are, after all, engaged in the same enterprise: the education of men and women for a career in the craft of the law.[161] The work of each of us is of equal importance for the final result. Doctrinal and performance instruction must be combined into a whole designed to produce competent craft practitioners. Gropius and Llewellyn were craft teachers and bridge builders. They saw the value of this integration. Their efforts demonstrate that it can be done.

158. Payton, *Is Thinking Like a Lawyer Enough?*, 18 U. MICH. J. L. REF. 233, 238 (1985). *See also* Mentschikoff and Stotzky, *supra* note 89, at 743, n.78:

> One of the things that terrifies us as we look at the law school world and see that skills are often taught without substance or that information is stressed to the exclusion of an understanding of the process, is that those who are being trained in that limited way are simply never going to know what they do not know. They will simply be unable to judge adequately the necessary ingredients of a competent lawyer.

159. *See* Cramton, *The Need for Greater Emphasis on Skills Development*, in LAWYER COMPETENCY, *supra* note 50, at 15-16:

> As I see it there are many unexplored, or relatively unexplored, areas about professional operations, the professional role, and acting as a lawyer in a decision-making and strategic context which are intellectually interesting and significant, and which will attract and enlist the attention of fine minds. . . . The ultimate justification for finding a place for these things . . . is that these matters do have intellectual substance, that these are fields of research about which much can be said in terms of the development of generalizations and new insights, and that they are as important as much of the kind of doctrinal research that one sees in law reviews, or as the law-reform oriented or empirical research that one sees in other settings. . . . The work has not yet been done and the proof has not yet been fully established. But I think it will be, and I think we ought to take the plunge because if we are successful, we can radically improve the quality of our graduates, make law school more interesting and feel much happier teaching things which the students are happy studying and learning. Such a plunge, then may have synergistic effects which will benefit society and improve our own psychology and morale.

160. *See* Burg, *supra* note 102, at 233:

> [T]he gulf separating clinic and classroom appears to have narrowed. I remain committed to client-based clinical education as a distinct process; but I have also come to see the possibilities inherent in the integration of clinical perspectives with classroom instruction. . . . [T]his viewpoint . . . may have been initiated by a growing awareness that the only feasible way to share at least some of the benefits of clinical learning with most law students is to cycle those benefits in some form through the nonclinical curriculum. It seems to me that the time for experimentation with integration is at hand.

161. *See* Eisele, *supra* note 1, at 389:

> [L]aw . . . is an activity, an activity of artistry. . . . While it is clear that a part of our legal knowledge and legal education is expressed in and by the rules of law that we study, it also is clear that these rules are not sufficient in themselsves to produce or represent our knowledge of law or of an education in the law. To know the activity of the law, we shall have to know how we teach it, how we learn it, and how we practice it. Thus, among other things, to learn what law is, which puzzles us, we shall have to learn what the activity of being a lawyer is, a still more puzzling matter.

See also Ross, *supra* note 16, at 871:

> We owe our students the opportunity to live greatly within the law, and to do that one must somehow reconcile the vision of law as it ought to be with the law as it is. Simply pretending that law is in fact something it is not is a bad form of reconciliation. Yet reacting with cynicism and putting aside one's ideals and values is worse. To live greatly within the law one must embrace the reality without giving up the vision. One must accept the idea that a vision which will never be fully realized is nonetheless worth pursuing.