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“INSTANT TRADITION”^{*}—A CHALLENGE TO LEGAL EDUCATION IN THE TWENTY-FIRST CENTURY

RICHARD B. KUHNS^{**}

How can we expect our students to become bold and fearless in thought and action if we encase them in sentimental shrines feigning a culture which has long since disappeared?

Walter Gropius^{***}

Anheuser-Busch Hall, the new home of Washington University School of Law, is a huge squarish structure that creates an imposing presence at the northwest corner of the hilltop campus. The facade of pink granite and limestone attempts to mimic the collegiate Gothic style of other campus buildings, and the interior with its abundance of dark wood doors, beams, tables, and carrels is suggestive of the Inns of Court. All in all, the building, at least upon first impression, seems to stand as a monument to the tradition and stability of the law. Indeed, a Washington University press release describes the structure as “majestic.”¹ In a number of respects, however, Anheuser-Busch Hall is at best only a superficial symbol of these values. More importantly, in their zeal to symbolize the tradition and stability of the law, the planners and architects of Anheuser-Busch Hall looked backward rather than forward.² As a result, they ignored values that should receive

* The phrase comes from the title of a speech by Washington University School of Law dean Dorsey D. Ellis, Jr. at an American Bar Association Conference on Law School Facilities held at Washington University on March 7 and 8, 1997. The full title is “Anheuser-Busch Hall: ‘Instant Tradition’ in a Building for a New Century.”

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*** Walter Gropius, *Tradition and the Center*, HARV. ALUMNI BULL., Oct. 14, 1950, at 68.

1. Washington University News Release, *Washington University in St. Louis School of Law Marks New Era in State-of-the-Art Facility*, Jan. 10, 1997.

2. A July 1993 document included the following in a section entitled “Symbol of the School of Law”:

The new Law Building must go beyond finding a solution to housing the School of Law functions. First, the building should express the traditional and conservative nature of the discipline of law. The practice of American Law has its roots in English Common Law; architecturally, the Inns of Court in London represent this tradition.

ENVIRONMENTAL RESEARCH GROUP, PROGRAMMING CONSULTANTS & HARTMAN-COX, ARCHITECTS, ARCHITECTURAL PROGRAM FOR THE SCHOOL OF LAW, WASHINGTON UNIVERSITY IN SAINT LOUIS (July, 1993). Cf. FRED RODELL, *WOE UNTO YOU, LAWYERS!* 20 (2d ed. 1987):

symbolic recognition in any building designed to educate lawyers for the twenty-first century.

The implications of this last point are significant for the educational endeavor at Anheuser-Busch Hall. The structures and communities within which we live and work have an impact on how we think of ourselves, our colleagues, and our tasks.³ Moreover, as the planners of Anheuser-Busch Hall themselves acknowledged,⁴ the symbolic statement that a structure makes is itself a matter of importance.⁵ The challenge for all of us who teach at Anheuser-Busch Hall is to become aware of and to compensate for the serious shortcomings of the physical space we occupy.

The Law is the killy-loo bird of the sciences. The killy-loo, of course, was the bird that insisted on flying backward because it didn't care where it was going but was mightily interested in where it had been. The Law, when it moves at all, does so by flapping clumsily and uncertainly along, with its eye unswervingly glued on what lies behind. . . . Only The Law, inexorably devoted to all its most ancient principles and precedents, makes a vice of innovation and a virtue of hoariness. Only The Law resists and resents the notion that it should ever change its antiquated ways to meet the challenge of a changing world.

3. The study of the impact of environment in general, and structures in particular, on human beings is relatively recent, and the relationships between environment, behavior, and cognition are complex. The current state of knowledge is not adequate to assert that any specific behavioral or cognitive consequences will result from one's association with Anheuser-Busch Hall. The literature strongly suggests, however, that the types of concerns expressed here are serious and worthy of attention. See, e.g., Roger Christenfeld et al., *How Physical Settings Affect Chronic Mental Patients*, 60 PSYCHIATRIC Q. 253 (1989) (reporting on behavior and attitude changes of both patients and staff); Jack L. Nasar, *Symbolic Meanings of House Styles*, 21 ENV'T & BEHAV. 235 (1989); Edward K. Sadalla & Virgil L. Sheets, *Symbolism in Building Materials: Self-Preservational and Cognitive Components*, 25 ENV'T & BEHAV. 155 (1993). See generally IMAGE AND ENVIRONMENT: COGNITIVE MAPPING AND SPATIAL BEHAVIOR (Roger M. Downs & David Stea, eds. 1973); Winifred Gallagher, THE POWER OF PLACE: HOW OUR SURROUNDINGS SHAPE OUR THOUGHTS, EMOTIONS, AND ACTIONS (1993); Dolores Hayden, THE POWER OF PLACE: URBAN LANDSCAPES AS PUBLIC HISTORY (1995); AMOS RAPOPORT, THE MEANING OF THE BUILT ENVIRONMENT (1982); Harold M. Proshansky, Abbe K. Fabian, & Robert Kaminoff, *Place-Identity: Physical World Socialization of the Self*, in READINGS IN ENVIRONMENTAL PSYCHOLOGY: GIVING PLACES MEANING 87 (Linda Groat ed., 1995).

4. In a slide presentation following Dean Ellis' "Instant Tradition" speech, see *supra* note *, architect Lee Becker consistently referred to the symbolic statements that structures make. Both presentations are preserved on videotape and maintained with the law school's audio-visual collection. See also *supra* note 2.

5. The shape of architecture is the shape of the earth as it is modified by the structures of mankind. Out of that relationship, human beings fashion an environment for themselves, a space to live in, suggested by their patterns of life and constructed around whatever symbols of reality seem important to them. Most of all, that environment and those structures invest the vast indifference of nature with meanings intelligible to, indeed imagined by, mankind. . . .

VINCENT SCULLY, ARCHITECTURE: THE NATURAL AND THE MANMADE 1 (1991). See Geoffrey Broadbent, *A Plain Man's Guide to the Theory of Signs in Architecture*, 47 ARCHITECTURAL DESIGN 474 (1978), reprinted in THEORIZING A NEW AGENDA FOR ARCHITECTURE: AN ANTHOLOGY OF ARCHITECTURAL THEORY 1965-1995 124-40 (Kate Nesbitt, ed. 1996); Hartmut Espe, *Differences in the Perception of National Socialist and Classicist Architecture*, in READINGS IN ENVIRONMENTAL PSYCHOLOGY: GIVING PLACES MEANING, *supra* note 3, at 131.

Part I of this essay provides a critique of Anheuser-Busch Hall as a symbol of tradition and stability. Part II discusses how Anheuser-Busch Hall ignores or undermines values that should be critical to the education of lawyers in the twenty-first century. Finally, Part III contains some modest suggestions, and offers reason to hope that a better established and more forward-looking tradition of the law school will prove to be more enduring than the “instant tradition”⁶ of Anheuser-Busch Hall.

I

The imposing mass of Anheuser-Busch Hall captures a sense of stability, an important value for both the lawyer⁷ and the architect.⁸ Indeed, it is hard to imagine any force that could move the bulk of Anheuser-Busch Hall. The tradition of the law, like the tradition of architecture, however, is not merely one of stability. Throughout the ages, a primary objective of both law and architecture has been the expression of society’s highest ideals and aspirations—ideals and aspirations that sometimes encompass but typically extend beyond stability. For example, classic Greek architecture symbolized order, harmony, and perfection. The spires of Gothic cathedrals that rise to the heavens represent an effort to reach out to and communicate with God. Similarly, some of our most important and enduring legal documents—for example, the Declaration of Independence⁹ and the Equal Protection Clause of the Fourteenth Amendment¹⁰—pay homage to the ideal of equality.

Unfortunately, many of the ideals—particularly the ideal of equality—are seldom realized in the law. Rather, part of the stability of the law derives from its being a vehicle for maintaining status and privilege. As Anatole France said, “[T]he law, in its majestic equality, forbids the rich as well as

6. *See supra* note *.

7. “[T]he whole structure of the common law . . . stands as a monument slowly raised, like a coral reef, from the minute accretions of past individuals, of whom each built upon the relics which his predecessor left, and in his turn left a foundation upon which his successors might work.” Learned Hand, Book Review, 35 HARV. L. REV. 479 (1922) (reviewing BENJAMIN N. CARDOZO, *THE NATURE OF THE JUDICIAL PROCESS* (1921)).

8.

[A] wise man . . . built his house upon the rock; . . . and the floods came, and the winds blew and beat upon that house, but it did not fall, because it had been founded on the rock. And . . . a foolish man . . . built his house upon the sand; and the rain fell, and the floods came, and the winds blew and beat against that house, and it fell; and great was the fall of it.

Matthew 7:24-27, (Revised Standard Version) (Jesus’ Sermon on the Mountain).

9. THE DECLARATION OF INDEPENDENCE (U.S. 1776) (“We hold these truths to be self-evident, that all men are created equal. . .”).

10. U.S. CONST. amend. XIV, § 1 (“No state shall . . . deny to any person within its jurisdiction the equal protection of the laws.”).

the poor to sleep under bridges, to beg in the streets, and to steal bread.”¹¹

Part II of this essay suggests that virtually everything Anheuser-Busch Hall symbolizes is antithetical to the ideal of equality. Thus, sadly, with respect to this part of tradition, Anheuser-Busch Hall is more reflective of the reality rather than the aspirations of the law.

Anheuser-Busch Hall’s effort to symbolize the traditions of stability and “majesty”¹² in the law, which the building’s promoters applaud, is unmistakably overt. The effort, however, is deeply flawed.

To the extent that the building is meant to suggest not merely a sense of stability, but also a sense of majesty or grandeur, Anheuser-Busch Hall, at least in the eyes of this observer, is a failure. Admittedly, there is a large dose of subjectivity in the extent to which one sees or fails to see majesty or grandeur in any structure. The assessment, however, is not wholly subjective. There are at least two significant physical features that distinguish some of the older, more elegant collegiate Gothic structures on campus from Anheuser-Busch Hall. First, the older buildings tend to be long and narrow,¹³ whereas Anheuser-Busch Hall is hulking and squarish.¹⁴ Second, the older buildings are adjacent to, and by their juxtaposition to each other create open spaces. By contrast, Anheuser-Busch Hall is squeezed tightly between pre-existing buildings and parking lots. It seems too large and massive for the space it occupies.

11. ANATOLE FRANCE, *LE LYS ROUGE*, ch 7 (1894), *quoted in* JESSE DUKEMINIER & STANLEY M. JOHANSON, *WILLS, TRUSTS, AND ESTATES* 631 (5th ed. 1995). *But cf.* *Ybarra v. Illinois*, 444 U.S. 85, 97 (1979) (Burger, C.J., dissenting) (“I would hold that when police execute a search warrant for narcotics in a place of known narcotics activity they may protect themselves by [frisking all persons present. The police] . . . are not required to assume that they will not be harmed by patrons of the kind of establishment shown here, something quite different from a ballroom at the Waldorf.”)

12. *See supra* note 1 and accompanying text.

13. The narrowness of the earliest buildings on the campus was functional as well as aesthetic. Without air conditioning, there was no way to cool vast interior spaces during the hot St. Louis summers. Buildings completed after the availability of air conditioning are more varied in size and shape, but none of the collegiate Gothic structures compares in bulk to Anheuser-Busch Hall.

14. The Cathedral at Milan, a large Gothic structure, has a similar boxy appearance. It does not begin to have the grace, elegance, and majesty of most other Gothic cathedrals. In his classes at Stanford University, Edward M. Farmer, an art history professor, described the Milan Cathedral as a cow barn with wedding cake frill. For me, the Milan Cathedral is to Gothic architecture what Anheuser-Busch Hall is to collegiate Gothic architecture.

Two structures in Athens, The Parthenon on the Acropolis and the building in the agora commonly referred to as the Temple of Theseum, provide another apt comparison. In contrast to the Parthenon, the Temple of Theseum has (1) columns that are proportionately shorter and fatter, especially at the top, and that do not slope inward, (2) stylobates that do not rise toward the center, and (3) base dimensions that are squarer. These differences contribute to a sense that the Temple of Theseum is thicker, more squat, and considerably less graceful and elegant than the Parthenon. Similarly, Anheuser-Busch Hall does not have the grace and grandeur of the earlier collegiate Gothic buildings on Washington University’s campus. Of course, for an admirer of the Milan Cathedral or the Temple of Theseum, this footnote will make the point that beauty is indeed in the eyes of the beholder.

The interior fares no better. Admittedly, there are trappings of tradition—for example, the heavy dark oak tables and carrels, the dark oak doors and beams, and the arched windows in the reading room. Nonetheless, as the oxymoronic phrase “instant tradition”¹⁵ suggests, the instant tradition of Anheuser-Busch Hall is hollow, both literally and figuratively. The “stone” walls directly beyond the front entrance are fabricated and in fact hollow. Despite their massive appearance, the doors to the moot court room—like other dark oak interior doors in the building—are also hollow.

The superficiality manifests itself elsewhere throughout the building. In the two-and-a-half story reading room, the dark oak of the beams and columns is merely a veneer. The windows in the reading room and the dean’s office apparently are intended to have the appearance of leaded glass. In fact, they are large sheets of ordinary glass overlaid by artificial dividers to create the impression of small panes. The grand circling staircase, which one first encounters beyond the main entrance on the third floor, runs from the fourth to the first floors. It provides convenient access to the fourth, third, and second floors, but ultimately it appears to go nowhere. At the bottom of the staircase one finds only a landing area and locked door.¹⁶

The most significant failure of Anheuser-Busch Hall’s effort to symbolize tradition and stability is the law library. Perhaps nothing could be a more important symbol of the law—and particularly of legal education and scholarship—than books. Indeed, the tradition of the common law is one of reliance on judicial precedent, and without books to record decisions, it would have been impossible to know what precedent existed or to train lawyers in the tradition of the common law. Even with the rapidly growing reliance on electronic storage and retrieval of information, books are far from obsolete. Moreover, books themselves symbolize the importance of precedent and scholarship. Thus, a thoughtful effort to symbolize the tradition of the law should seek both to give prominence to books and to create an environment that invites study and scholarship.

The failure to achieve these objectives is apparent immediately as one enters the library.¹⁷ There are no comfortable chairs or study tables inviting

15. *See supra* note *.

16. Limited access cards, which for the most part are available only to faculty and staff, permit cardholders entry to and egress from the library through this door. It is unlikely, however, that faculty or staff would use this remote location to enter or leave the library. The primary function of the door and the extension of the circling staircase to the first floor apparently is to provide an emergency exit from the library. A considerably less lavish staircase would have been more than adequate for this purpose. Indeed, if the staircase ever becomes an emergency exit, its grandeur is likely to be lost on those fleeing the library.

17. The only public entrance to the library, which is described here, is on the fourth level of

one to sit down and read. There are no readily available books, newspapers, or periodicals to peruse. Indeed, there is little furniture of any kind,¹⁸ and except for the reserve volumes that one can see protected behind a dark oak counter to the left of the entrance, there is no reading material in sight! Instead, one enters into an almost empty 22 x 39 foot space. The wall straight ahead is blank except for a large portrait of a library donor. To the immediate left is a long hallway that leads to offices and eventually to some open stacks, study tables, and carrels. The stacks, study tables, and carrels, however, are not visible as one looks down the hallway. Further ahead to the left is the library reference and reserve book area. The large two-and-a-half story reading room, which is the main physical attraction of the library, sits to the right. It is accessible, however, only through two relatively narrow doors. Moreover, although a portion of the wall between the two doors is glass, nothing directs one's eyes to the right upon entering the library.¹⁹ Only a chance glance in that direction, a guided tour,²⁰ or perhaps a desperate search for something more interesting than the visages straight ahead and to the left would make one aware of the reading room's existence.

There are two attempts to achieve a symbolic sense of the importance of books and scholarship in Anheuser-Busch Hall. Both attempts, however, are flawed and incomplete.

First, book display cases contain faculty publications and new library acquisitions. There are, however, no display cases for rare books, despite the existence of a rare book collection.²¹ Moreover, the existing display cases are visible only if one happens to travel down a specific hallway,²² and much of the law library is readily accessible without ever using that hallway.

Second, some students may find that the reading room is a comfortable place to study. The immensity of the room with its tall windows, vaulted ceiling, and dark oak furnishings and finishes suggests a sense of grandeur. To some it may be awe-inspiring; to others it may seem merely a pretentious waste of space. In any event, the reading room does not seem to suggest or

Anheuser-Busch Hall.

18. Along one wall there is a long narrow bench with an empty lamp table and a chair on either side of it. The bench and chairs do not look comfortable or inviting. Rather, they give the sense of a waiting area, not a reading area. Along another wall is a long table with a single computer that can be used to search the on-line catalogue of the library's holdings. (There are additional computers for this purpose in other parts of the library.)

19. The bench, lamp tables, and chairs described in note 18 are located along this wall. They are dark and fade into the woodwork so that they are hardly noticeable.

20. Guided tours have become a common phenomenon at Anheuser-Busch Hall.

21. The rare book room is tucked away in a corner of the bottom floor of the library. There are no display cases. The books are kept in conventional stacks.

22. This hallway is described in the text as being immediately to the left as one enters the library.

invite study and scholarship. Indeed, despite its huge size, it contains relatively few books.²³ Many older libraries—for example, the library at Trinity College in Dublin, the library in the Paris Opera House, and the library at Lincoln's Inn, one of the Inns of Court—have impressive floor to ceiling collections of books. These spaces, by virtue of the fact that one feels immersed in books, evoke a sense of learning and scholarship. By contrast, in the main part of the Anheuser-Busch Hall reading room, the book shelves alternate between two and seven rows in height. The atmosphere is one of a grand dining hall or a refectory in an English boys' school with some books present merely as a decorative touch. Thus, it is perhaps not surprising that the reading room has already served this purpose on several occasions.

There is one respect in which Anheuser-Busch Hall does provide a supportive environment for study and scholarship. The sophisticated technology throughout the building—including wiring for lap-top computers in classrooms and the library—renders Anheuser-Busch Hall user-friendly from a technological standpoint.²⁴ Nonetheless, as the foregoing discussion illustrates, the planners of Anheuser-Busch Hall missed important opportunities to reinforce the technologically user-friendly features of the building with symbols suggesting the importance of books and scholarship.

II

The most significant symbolic problem with Anheuser-Busch Hall is that the building is antithetical to and tends to undermine values that are critical to the law and legal education. In an effort to create a structure that expresses "the traditional and conservative nature of the . . . law,"²⁵ planners of Anheuser-Busch Hall apparently gave no consideration to what, if anything,

23. Elsewhere in the library there are more books than space. Compact, movable stacks on the first floor eliminate the need for aisles between each row of stacks. When one pushes a button at the end of a row, the stacks move electronically to create an aisle at the desired location. The banks of movable stacks vary in size. The larger ones permit access to only one of thirteen aisles at a time.

24. Getting to the technology and other library resources, however, may require substantial effort. Until last December, students who wanted to use the computer room on the second floor had to enter the building on either the first or third floor, travel to the library's main entrance on the fourth floor, and then descend to the second floor. Egress required taking the same up and down route in reverse. Since December, as a result of their complaints, students have had direct second floor access to the library during regular business hours.

Use of the library remains inconvenient for the student editors and staff of the school's two law journals. The journal offices are located on the first floor near one of the limited access doors to the library. The students, however, do not currently have access to and from the library through this door. To obtain books for research and cite checking, they must go to the library's main entrance on the fourth floor, collect the needed books (many of which are housed on the first three floors), return to the fourth floor to check out the books, and then carry the books to their first floor offices.

25. *See supra* note 2.

the building should express about such matters as the importance of interdisciplinary and international legal study,²⁶ the commitment to public service,²⁷ or the ideal of equality.²⁸ The attainment of these values, which are part of the tradition of the law, requires openness, interaction with the outside world, and an absence of exclusivity. A building reflecting these values should manifest a sense of openness to the campus and the community; it should be easily accessible and inviting to all; it should be laid out in a way to promote interaction among its users; and it should have symbols that respect and honor diversity. Because Anheuser-Busch Hall has none of these symbolic attributes, it sends the wrong message to its occupants, to the adjacent campus, and to the larger community.

Despite the collegiate Gothic pink granite exterior that Anheuser-Busch Hall shares with many other campus structures, the overwhelming sense from the building is one of splendid isolation. It is a large, closed box with a courtyard that is visible and accessible only from the interior. Nothing integrates Anheuser-Busch Hall with its immediate surroundings;²⁹ there is no exterior space created by the building;³⁰ and by virtue of its size, it dominates rather than co-exists with other campus buildings. In short, almost nothing about the building suggests a reaching out to or interaction with the rest of the campus, much less the St. Louis or the national and international communities.

The physical surroundings of Anheuser-Busch Hall contribute to the sense of isolation. There is no inviting walk way and no open exterior area to make visitors feel welcome. Rather, both the front and back entrances open to parking lots. Indeed, it seems as if the building is protected from the outside world by this moat of parking lots.

A recently planted hedge-row that runs between the front of the building and the adjacent parking lot provides a visual break between the drabness of

26. Increasingly over the last quarter of a century, legal educators have recognized the importance of interdisciplinary work. Moreover, as we become even more of a global economy, and as modern electronic communication reduces the significance of geographical distances and boundaries, the importance of interdisciplinary and international legal study will inevitably increase.

27. See Harry T. Edwards, *A Lawyer's Duty to Serve the Public Good*, 65 N.Y.U. L. REV. 1148 (1990).

28. The west portico over the entrance to the Supreme Court building in Washington D.C., proclaims "Equal Justice Under Law." As Chief Justice Earl Warren stated in *Cooper v. Aaron*, 358 U.S. 1, 19 (1958), "[t]he Constitution created a government dedicated to equal justice under law. The Fourteenth Amendment embodied and emphasized that ideal."

29. Immediately to the east of Anheuser-Busch Hall is Mudd Hall, a poured concrete structure in the brutalist style that is the former home of the law school. Immediately to the west are brick tudor style fraternity houses. To the north, south, and southwest are parking lots.

30. By contrast, Mudd Hall, the former law school building, had a large patio area that it shared with Eliot Hall, the home of economics and political science departments.

the parking lot and the building. Ultimately, however, the hedge further isolates Anheuser-Busch Hall. It is a symbolic barrier between the building and the world beyond. Like a wall rising above the moat of parking lots, it is one more obstacle for visitors to overcome.

The entrances reinforce the sense that one is unwelcome. Unlike the open interior courtyard, the entrances are cold and impersonal. The main entrance is particularly dark and foreboding—almost tunnel-like.

People who successfully negotiate the moat, the wall, and the tunnel will find a pleasant courtyard and well-lit interior hallways. The hallways, however, like the stairwells and classrooms, have a sameness about them. Unless one happens to be in the reading room or to have a view of the courtyard, it is difficult to pinpoint one's location in the building. The sameness suggests that legal education is unimaginative and sterile. Anheuser-Busch Hall's overriding message, though, is one of isolation: legal education can be complete without ever inquiring beyond the four walls of Anheuser-Busch Hall. If there is need for a respite, the interior courtyard is available.

This message of isolation reinforces the reality that law is a privileged profession, but the message does not pay even lip-service to a crucial concomitant of the privilege—the lawyer's public service obligation. Indeed, in subtle³¹ and not so subtle³² ways, the isolation of Anheuser-Busch Hall suggests that there is no need for public service—or any engagement with the outside community through, for example, pro bono legal services work or interdisciplinary study.³³

The sense of isolation exists even within the walls of Anheuser-Busch Hall. Although the courtyard and the adjacent student commons provide convenient social gathering places, the vastness of the building often gives one the sense of being alone. The library has over 500 carrels and table study

31. See John Cary, *The Nature of Symbolic Beliefs and Environmental Behavior in a Rural Setting*, 25 ENV'T & BEHAV. 555 (1993); Robert G. Hershberger, *Architecture and Meaning*, 4 J. AESTHETIC EDUC., Oct. 1970, at 37. See also *supra* note 3.

32. As part of their clinical education programs, many law schools have in-house clinics that serve indigent clients. It seems likely that the planners of Anheuser-Busch Hall never contemplated the possibility of in-house clinics at Washington University. It is obvious that they did nothing to create a hospitable environment for indigent clients in the event that the law school chooses to develop such clinics.

33. Despite its symbolic isolation, Anheuser-Busch Hall is electronically well-connected with the outside world. Computer terminals throughout the building provide access to the world wide web and to various electronic legal research tools. Indeed, as Dean Ellis stated in his "Instant Tradition" speech, one of the goals in planning Anheuser-Busch Hall was to have a building that "maximizes the potential for electronic connectivity within the building and to the world beyond." See *supra* note * (emphasis in original). The planners of Anheuser-Busch Hall apparently gave no consideration to non-electronic "connectivity."

spaces³⁴ scattered throughout all five floors of the building.³⁵ In many parts of the library, a large majority of these spaces are almost always empty. Being assured a quiet place to study is obviously desirable, and the variety of study spaces—including group study rooms—ensures that students are likely to find comfortable locations.³⁶ Nonetheless, the sparsely populated study areas add to Anheuser-Busch Hall's pervasive sense of isolation. In addition, the separation of the students from each other in the library may undermine benefits that could flow from a sense that the students are part of a community engaged in a common pursuit.³⁷

There is also isolation between the students and the faculty, all of whose offices are in the library. The students' only access to faculty offices is through the main entrance to the library on the fourth floor. The majority of faculty offices are on the fifth floor, where there are no classrooms. The remaining offices are clustered in one corner of the fourth floor, as far away from the entrance to the library as possible. None of the offices is in a regular student traffic pattern.

Anheuser-Busch Hall's isolation and "majesty"³⁸ are suggestive of elitism, and that symbolic message is inconsistent with—indeed, antithetical to—the ideal of equality. It is a message that only the privileged few are welcome and that the law exists only for their benefit. This symbolic statement of exclusivity, however, is easy to ameliorate, at least within the building, by prominently displaying portraits and other works of art that celebrate the diversity of our citizens and our culture.³⁹ For example, at the University of Iowa College of Law, a large plaque commemorating the first law school graduate, the first female law graduate, and the first African American law graduate sits immediately inside the front entrance. Its inscription reads, "Iowa Law School—A Tradition of Excellence Through Diversity." The plaque is one of the first things visible to people entering the

34. With the law school's normal student body of well under 700, these spaces exceed the American Association of Law School and American Bar Association requirements. See ASSOCIATION OF AMERICAN LAW SCHOOLS, 1997 HANDBOOK, Executive Committee Regulation 8.3 at 52-53 ("Seating accommodations, with generous table or desk space, should be available at any one time for 65 percent of the student body. . . ."); AMERICAN BAR ASSOCIATION SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR, STANDARDS FOR APPROVAL OF LAW SCHOOLS, Standard 703, Interpretation 703-1 at 62 (1997) ("study seating for at least 50 percent of its . . . enrollment").

35. In addition, there is a computer room, and there are study areas in the rooms assigned to the law journals and various student organizations.

36. See PHILIP D. LEIGHTON & DAVID C. WEBER, PLANNING ACADEMIC AND RESEARCH LIBRARY BUILDINGS 185-94, 221-22 (2d ed. 1986).

37. See *id.* at 186.

38. See *supra* note 1 and accompanying text.

39. See Tim R. V. Davis, *The Influence of the Physical Environment in Offices*, 9 ACAD. OF MGMT. REV. 271, 276-81 (1984) (discussion of symbolic artifacts in offices).

building. It is, in effect, a statement that the College of Law regards those events as particularly significant, and that women and minorities are an integral part of the institution.⁴⁰

The current art work and ornamentation at Anheuser-Busch Hall send precisely the opposite message. Although the law school purports to be⁴¹—and in many ways is⁴²—concerned with promoting diversity, the ornamentation is inconsistent with that concern, and in fact, undermines it.

Part of the first impression of prospective students or other visitors to the law school is likely be the photographs of distinguished alumni located around the corner from the main entrance.⁴³ These distinguished alumni are almost all white males.⁴⁴ Both students and visitors to the law school have commented about their discomfort generated by the prominent display of these photographs.⁴⁵

A similar display exists outside the dean's suite. Visitors who arrive there, and students going to and from nearby classrooms, will probably not overlook the six large portraits of former deans hung on the walls outside the suite. These portraits are all of white males.

40. At the University of Iowa College of Law, walls not far from the front entrance contain portraits of current and former faculty members with twenty-five years of teaching experience. They are all males, and all but one are white. *Cf. infra* notes 44-45 and accompanying and following text (describing photographs and portraits of white males at Washington University). In response to concern expressed by some Iowa law faculty members, Iowa Law School Dean N. William Hines has recently appointed a committee to review the displays of art throughout the building. Telephone Interview with Michael Green, Professor, University of Iowa College of Law (Sept. 8, 1997).

41. *See, e.g.*, WASHINGTON UNIVERSITY IN ST. LOUIS, SCHOOL OF LAW 1997-98 BULLETIN 32:

Because the faculty believes that a diverse student body enriches the quality of legal education for all, the Admissions Committee . . . considers a wide range of subjective factors as part of its admission decisions. These include cultural, economic, educational, and geographic background; nonacademic experiences; and other qualities the Committee may feel deserve special consideration in the admissions process.

Id. at 37 (describing availability of fellowships for women and African Americans).

42. The admissions policy is not mere rhetoric. The law school actively strives to attain a diverse student body, as well as a diverse faculty. The law school also promotes diversity through its support of various student organizations, including the Black Law Student Association, the Gay and Lesbian Alliance, and the Women's Law Caucus.

43. Another part of the first impression may be a large portrait of Fred L. Kuhlmann located just inside the main entrance. Mr. Kuhlmann is an alumnus and former vice chairman of the board of Anheuser-Busch Company. A plaque below the portrait announces that Anheuser-Busch Hall is named in recognition of a gift from the Anheuser-Busch foundation in honor of retired Anheuser-Busch executive and law school alumnus Fred L. Kuhlmann. Mr. Kuhlmann's portrait, like several others in the building, including two portraits of females, symbolizes substantial gifts that have been made to the law school.

44. The group of 32 photographs that is closest to the main entrance contains 31 white males and 1 white female. A second group of photographs, which is around the corner from the first group, contains 20 white males, 1 black male, and 4 white females.

45. Without making an elaborate effort to poll my colleagues, I have heard these reports from five different faculty members.

Only a person who spends a fair amount of time in the building is likely to notice the portraits of Phoebe Wilson Couzins and Walter Moran Farmer, the first female graduate and the first African American graduate of the law school.⁴⁶ These portraits hang on a third floor wall near the student commons, the vending machines, and rest rooms. It is a bit like having the portraits in one's kitchen or bathroom—not a prestige location, but nonetheless one that receives substantial traffic from the regular users of the building. These two portraits comprise the only celebration of diversity in the building.⁴⁷

The law school, of course, cannot change the reality that the majority of its alumni and all of its deans have been white males. Moreover, it is appropriate for the law school to honor its distinguished alumni and deans. If the law school is serious about its commitment to diversity, however, it is also appropriate to symbolize that commitment. Moreover, it is particularly important to avoid giving prominence to symbols that are inconsistent with the commitment to diversity. In attempting to accommodate the interest in honoring alumni and deans and the interest in promoting diversity, there will be difficult choices. Will the institution give priority to the past, as Washington University School of Law currently does, or will it give priority to the present and future? How any institution answers this question says much about the values that are truly important to it.

III

There are a number of ways to respond to the inadequacies of Anheuser-Busch Hall. Some involve altering the physical environment; others focus on institutional programs and priorities. The suggestions offered here are quite modest and by no means exhaustive. Perhaps they will spur others to come forward with new and better ideas.⁴⁸

One priority should be to make the main entrance of Anheuser-Busch Hall more open and inviting. Landscaping that extended well into the

46. The framed portrait of Mr. Farmer includes a brief biographical insert identifying him as the first African American graduate of the law school. The frame of Ms. Couzins' portrait identifies her by name, but nothing reveals the significance of the portrait.

47. The library contains two portraits of females, one of whom made a substantial contribution to the former law library in Mudd Hall, and one of whom made a substantial contribution to the current law library. The latter portrait is prominently displayed on the wall directly across from the entrance to the library. See text following *supra* note 18. These portraits exist as an expression of acknowledgment and gratitude for the gifts.

48. If so, the legacy—and ultimate irony—of Anheuser-Busch Hall may be that it became the catalyst for creative thought about how to overcome its deficiencies and make legal education in the twenty-first century truly meaningful.

existing parking lot and that opened to the rest of the campus could counteract the sense of isolation that is so prominent now. The landscaping might include benches or some type of seating area that would be inviting to the rest of the campus, and that might lure the occupants of Anheuser-Busch Hall outside.

The interior area near the front entrance could also be made more friendly and less pretentious. Art work could lighten the harshness of the entry way. A bulletin board or kiosk for signs, posters, announcements, or even argumentation could be both a practical asset to the institution and the symbol of an active, engaged student body.

Another obvious—but not necessarily expensive—physical change would be to emphasize ornamentation and displays that symbolize diversity.⁴⁹ A first important step in this direction would be to move the photographs of distinguished alumni—or at least the thirty-two photographs that are nearest to the main entrance⁵⁰—to a different location.

There are a number of possible responses to the inadequacies of Anheuser-Busch Hall that do not involve physical change. For example, to help ensure that the institution remains a welcome place for those who have not traditionally shared fully in the legal profession, the law school should reaffirm its commitment and increase its efforts to achieve a diverse faculty and student body. With respect to students, the commitment should go well beyond the admissions decision. For example, there needs to be sufficient financial aid to make diversity a reality. For single parents with young children, there should be day-care facilities or funds for day care; and for students with disabilities, there should be a strong commitment to providing accommodations that will facilitate their physical comfort and learning.⁵¹

Another institutional response would be to give priority to programs and activities that involve interaction with individuals outside the law school. For example, the school could host interdisciplinary social functions in the commons and courtyard—perhaps regular happy hours with students and faculty from different parts of the university. In addition, the law school could make an effort to sponsor academic events that are likely to attract both law students and individuals from outside the law school.

One curricular possibility is the establishment of an in-house clinic, where

49. All of the ornamentation would not have to be permanent. For example, it may be desirable to have a temporary display with a particular theme—such as the celebration of women lawyers or the birthday of Martin Luther King, Jr.—and to have a speaker's program in conjunction with the theme.

50. See *supra* note 44 and accompanying text.

51. As required by the Americans with Disabilities Act, Anheuser-Busch Hall is accessible to people with disabilities. Providing access to the building, however, is only a first step in ensuring a comfortable, welcome environment.

real clients would come to the law school and interact with students in the course of receiving legal services. The presence of actual clients in the building would tend to break down Anheuser-Busch Hall's sense of isolation. If the clients were indigent, as would likely be the case, the in-house clinic would be both a very real and an important symbolic statement of the importance of public service.

Not many years ago the law school decided not to include an in-house clinic as part of its clinical education program. Reversing that decision now may seem particularly unwise in light of the uninviting, elitist environment created by Anheuser-Busch Hall. On the other hand, the need to counteract that environment is an important reason to revisit the issue.

Regardless of whether the law school develops an in-house clinic, it should consider ways to emphasize the public service obligation of the profession.⁵² Because the symbolism of Anheuser-Busch Hall is so antithetical to the notion of public service,⁵³ and because one is unlikely to overcome that symbolism with ornamentation, the need to pursue this issue is especially important.

Finally, the faculty should continually be conscious of, and try to compensate for, the fact that their offices are physically isolated from the students. Finding ways to remain accessible to students should be a high priority.

The task of trying to counteract the conservative, elitist, isolationist, backward-looking message that Anheuser-Busch Hall sends forth is a difficult one under any circumstances. Fortunately, Washington University School of Law does not have to start from scratch. It has well established programs and practices that embrace many of the suggestions here. For example, the school has a commitment to developing and maintaining a diverse faculty and student body, a substantial commitment to clinical education, a strong international law program, and a number of faculty who interact regularly with colleagues in other disciplines. An important immediate task for all of us is to remain vigilant to ensure that the "instant tradition"⁵⁴ of Anheuser-Busch Hall does not undermine our sounder and more long-standing traditions.

52. Possibilities include a curriculum requirement of public service, a loan forgiveness program for graduates who enter public service, funding of public service internships, and increasing efforts to identify and promote public service jobs.

53. See text at and preceding *supra* notes 31-33.

54. See *supra* note *.