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Book Review

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BOOK REVIEW

THE HIGH CITADEL: THE INFLUENCE OF HARVARD LAW SCHOOL, By Joel Seligman. Houghton Mifflin, Inc., 1978. Pp. 262. \$10.95.

It is rather hyperbolic to espouse the view that law schools train their selected students in the same Spartan fashion as the U. S. Marine Corps shapes their fighting men. Yet the comparison is not as evasive as one tends to first assume. Both of these institutions resort to rigorous and often brutal methods to instill in the young recruits the spirit of combative rivalry, fierce competition and mute battlefield camaraderie. Recruits are often pushed more or less to the limits of their endurance, resulting in failures for some, disasters for a handful, and success for the majority who gloriously withstand the challenge. The Marine Corps and the law school are frankly less interested in the human, emotional tolls they exact from their participants. They are mainly concerned with the single ultimate goal, that of creating and molding superb fighting machines for some distant beachhead or some majestic, somber courtroom. Yet these are volunteer institutions in which the uninitiated gladly line up for the opportunity to be counted and selected, and subsequently, to be subjected to some specialized form of abuse. Since both lawyers and marines emerge from the similar background in training and spirit, many of them often engage in isomorphous creative mythology. Prose about former law schools by the graduates has on several occasions resembled that of a military fiction. A good illustration of this is the "war-is-hell" epic novel written by a Harvard law graduate in a few years past, *The Paper Chase*.¹

The prowess of Perry Mason, the lawyer-detective of a television series of some years ago, convinces us that lawyering is indeed a very exquisite form of personal combat. The fearsome Professor Kingsfield, the authority on contract law in *The Paper Chase*, suggests that the task of law schools is to shape and forge the analytical arsenal of our future lawyers. If the marines retained any bad memories about their early debut in the training camps, then

1. J. OSBORN. *THE PAPER CHASE* (1971).

the first-year law students, like Hart in *The Paper Chase* running up against the redoubtable Professor Kingsfield, suffered no less the nightmare of their initiation rites. Soldiers often tell tales about their tough D. I. instructors, and lawyers profess a cynical tendency to write about their years at some law school. Most notable about the latest crop of books on the subject is Joel Seligman's *The High Citadel: The Influence of Harvard Law School*.

The High Citadel takes the hand of the uninitiated reader, guiding him through a clear, delightful history of legal education with well-researched and documented description of what one high-quality law school is today. The presentation is lucid, often adorned with vivid details about events, deans, faculty, and students, thus creating in the mind of the reader a feeling of intimacy with the human drama threading through the corridors of Harvard Law School over the course of time. By the time the reader finishes the first nine chapters of the book, he somehow succumbs to bear an endearing sympathy not only to the High Citadel alone but also to other law schools throughout the nation.

The Harvard Law School is not chosen here totally at random by Seligman. It is, for better or worse, the quintessence of the American legal educational system. The vast majority of the law schools in the country look toward the High Citadel and seek to emulate or to compete with it. Often the High Citadel provides the standard against which top-quality law schools would prefer to be compared and measured. Harvard Law School has held this envious position of leadership since the arrival of Christopher Columbus Langdell, a New York city lawyer, at Harvard Yard to become first a law professor and then dean of its law school (1870-1895). Langdell began a sort of revolution by instituting curricular reforms, thus establishing the foundation for the 20th century American modern legal education. The use of appellate cases as materials, an emphasis on classroom colloquy to import information about subject matter, and a heavy reliance on the Socratic interrogation as an efficient legal teaching method, are some of the controversial innovations which are still striving today, not only at the High Citadel but also in most law schools.

For an outsider not quite familiar with law schools and their setting, the reading of the *The High Citadel* provides a good knowledge of the activities which take place within the walls of any law school. By focusing on the Harvard model of legal education in the first nine chapters, Seligman has made a serious attempt to describe the present theory of legal education, and to make the case

for a fresh start in legal education which he discusses in chapter 10, the final chapter of the book: The author succeeded splendidly in his first task, but failed miserably in his second.

For nearly a century, Harvard Law School has stood as the high citadel of American legal education. Now, Joel Seligman, a Harvard Law School graduate himself and currently an assistant professor at Northeastern University Law School, Massachusetts, explores the cracks in that citadel with objective and informed insight. Drawing on hundreds of first hand interviews with Harvard Law School students, faculty and deans,² he explores the growing doubts concerning the school's admissions and hiring policies, intense degree of competition and rivalry among students, teaching methods of professors, close affinity and, in some cases, cozy relationships with private law practice rather than public service. The author's plea for more improvements in the placement system of minority law graduates and for a lesser "dehumanization" in the teaching and training of future lawyers at Harvard, strikes the reader as both sincere and respectful, and even eloquent on occasions.

Seligman, however, utterly fails in devising a "new model" of legal education to suit properly to the changing needs and circumstances of our contemporary society. He shows, in the final chapter of the book, his overriding concern that the overall democratic ideal of equal legal representation is often neglected in many of our law schools, including the high citadel. He ventures a new model for legal education which promotes this compassionate goal. In essence, Seligman's thesis contends that the traditional law school, even though necessary, still remains insufficient for the society's current demand for a variety of legal public services. He proposes the establishment of a kind of "school of public law" which would exist alongside the conventional, structured law school. These modern legal institutions would train and evaluate students in areas of clinical and practical expertise. In doing so, they would escape the narrowly cognitive approach of the Socratic method, and turn the training of future lawyers more specifically toward job-related activities. Here, an attorney might be trained not to receive the traditional legal education but to be proficient to lobby with Congress, state legislatures, administrative agencies, etc. Legal problems such as divorces, probate cases and the like, might be handled by skillful administrators specially trained to deal with such matters. Law courses would then be designed to guide

2. J. SELIGMAN, *THE HIGH CITADEL: THE INFLUENCE OF HARVARD LAW SCHOOL* 219-51 (1978).

the students to place each legal field in an overall societal perspective, and to train them in the specific technical skills that the lawyers would need most on the job. Seligman's daring "new model" falls on such an esoteric area that an amateur like this reviewer, dares not to offer any mundane judgement. Yet, on the basis of past observations of the legal education in the United States, the reader still feels that such a proposal by Seligman offers either too much or too little. Legal education in general constitutes a self-perpetuating system, typified by interdependence and interaction. The responsibility for Socratic methods of interrogation rests as much with a pliant student body as it does with a group of faculty bullies. In such a situation, there are no obvious villains and no innocent lambs, and above all, there exists no easy solution either. The legal education system is deeply entrenched, not only within Harvard's ivy covered walls but at other law schools as well. It will not be jarred free just by a simple proposal as Seligman's "school of public law." The new model itself is too simple to be realistic and successful. The author rather naively assumes that the art and science of affective education is sufficiently well developed and easily adjusted to accommodate to such a workable creation as "public lawyering." Furthermore, one may wonder where to look for faculty and students to staff such schools. College students, even those who have read the horror stories of first-year law class, still continue to apply at Harvard Law School in large numbers. As it stands today, law students still sit quietly through lectures that many find, accurately or not, boring and sometimes degrading; the prestigious, lucrative law firms still continue to rely on law schools to evaluate and train the endless stream of recent graduates applying for jobs. The existing legal education system may inflict pain of discontent and imperfection, but the pain is just a part of a collaborative, self-sustaining process.

In brief, Seligman's book is an excellent book for young aspirants to law school and for any one wishing to gather a good knowledge about the training and apprenticeship of future lawyers. As far as the "new proposal" is concerned, one could consider it as impractical and ambitious: The last chapter should be dropped without endangering the overall quality of the book.

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