



REFLECTION

**Leadership in Educational Institutions:
Reflections of a Law School Dean**

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As Deborah Rhode observes in her superb book *Lawyers as Leaders*,¹ there is a vast literature on leadership. It has become an object of microscopic study. It is as though leadership were an element that could be measured, its essence extracted, its secrets replicated, and its puissance transmitted to those capable of learning.

I have no doubt that we can acquire a great deal by the study of leadership. But my own intuition is that leadership is more a verb than a noun. It is evidenced in actions appropriate to ambient circumstances. Leadership is like the right key sliding into the right lock. Sometimes leadership requires adamant inflexibility, as when Churchill resisted the Nazis, and sometimes it requires endless agility, as when President Roosevelt continuously improvised to get his New Deal off the starting blocks. Sometimes an effective leader must be cautious and appreciative of the wisdom of existing arrangements, and sometimes a leader must be audacious and willing to crack eggs. Sometimes leadership requires cunning, sometimes confidence. Context is everything.

What is clear is that a leader gets no points for following a rulebook. In the end, leaders are almost always measured by their success, and success can be known only retrospectively. Leaders must thus gamble on their vision of the future. Leaders are judged both by the content of that vision and by their capacity to achieve it.

Sometimes, however, we view leadership through a narrower, more technocratic lens. We judge the effectiveness of leadership based on a person's ability to assemble and mobilize followers.² The strategies available for a leader

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1. DEBORAH L. RHODE, *LAWYERS AS LEADERS* (2013).

2. Sometimes this is put "as the ability to persuade others to embrace your ideas and to act upon them." Paula A. Monopoli & Susan G. McCarty, *Introduction to LAW AND LEADERSHIP: INTEGRATING LEADERSHIP STUDIES INTO THE LAW SCHOOL CURRICULUM* 1, 1 (Paula Monopoli & Susan McCarty eds., 2013).

to connect with followers will depend on preexisting relationships. Followers can be employees, constituents, or believers; they can be subordinates, co-conspirators, customers, or colleagues. As the relationship between a leader and her followers changes, so do the legal and social tools that a leader can bring to bear in making her leadership effective. Sometimes trust is necessary to leadership, sometimes fear. Sometimes discipline is required, at other times inspiration.

Given all of these variables and uncertainties, what can be said about leadership in general or about leadership in educational institutions? I can offer only a few desultory autobiographical reflections. I shall discuss, first, the strategic dilemmas I faced while striving to maintain the pedagogical culture of Yale Law School (YLS) during a time of crisis in legal education and, second, my difficulties in mobilizing various constituencies whom I was expected to “lead.”

Vision and Strategy

We assess leaders by success. But what does success mean in the context of an academic organization? While the success of commercial corporations is easily measured in dollars and cents, the success of educational institutions is much more difficult to evaluate.

In his great essay “The Idea of a University,” the eminent English philosopher Michael Oakeshott criticized “current talk about the ‘mission’ and the ‘function’ of a university.”³ “A university is not a machine for achieving a particular purpose or producing a particular result,” he argued; “it is a manner of human activity.”⁴ A university “is a home of learning, a place where a tradition of learning is preserved and extended, and where the necessary apparatus for the pursuit of learning has been gathered together.”⁵ How might one measure the success of leadership in such an institution?

The first point, and it is a deep one, is to determine whether Oakeshott has accurately captured the nature of the modern university. In the small corner of higher education that I occupy—legal education—Oakeshott’s view of the university as a home of learning that eschews any particular result is quite controversial. So, for example, legal educators were informed during the recent crisis that there was agreement that “the basic purpose of law schools is to train lawyers” (although we were also instructed that “there is no consensus about

3. Michael Oakeshott, *The Idea of a University*, LISTENER, Mar. 9, 1950, at 424, 424.

4. *Id.*

5. *Id.*

what this means").⁶ We were also advised "that law schools are in the business of delivering legal education services."⁷

Even these two simple views of legal education can create conflicting metrics: one can succeed in the business of legal education, as measured by criteria like commercial sustainability, but nevertheless fail in the goal of training lawyers (however assessed). Certainly the former goal is different from preserving and extending a tradition of learning, which was the concern of Oakeshott. The success or failure of a law school dean will depend on how she navigates among these various objectives.

I am fortunate to be Dean of YLS, which is highly ranked and by all usual measures deemed a successful enterprise. It would of course involve a colossal failure of leadership to drive YLS into impossible debt. Given YLS's large endowment, however, it does not require rocket science to maintain YLS's commercial viability. The challenging test of leadership at YLS instead concerns negotiating the intricate tradeoff between maintaining a tradition of learning and providing an educational environment that trains future lawyers.

This challenge involves something more than the usual tension between academic and clinical approaches to legal education. The challenge arises from the difference between an education that aims to inspire students to think⁸ and an education that prepares them for the exercise of a profession. Oakeshott is quite clear about the distinction between the two. He argues that learning in a university should not encourage a student

to confuse education with training for a profession, with learning the tricks of a trade, with preparation for future particular service in society or with the acquisition of a kind of moral and intellectual outfit to see him through life. Whenever an ulterior purpose of this sort makes its appearance, education (which is concerned with persons, not functions) steals out of the back door with noiseless steps. The pursuit of learning for the power it may bring has its roots in a covetous egoism which is not less egoistic or less covetous when it appears as a so-called 'social purpose,' and with this a university has nothing to do. The form of its curriculum has no such design; and the manner of its teaching—teachers interested in the pupil himself, in what he is thinking, in the quality of his mind,

6. TASK FORCE ON THE FUTURE OF LEGAL EDUC., AM. BAR ASS'N, REPORT AND RECOMMENDATIONS 14, http://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/report_and_recommendations_of_aba_task_force.authcheckdam.pdf ("It matters greatly whether, for example, one takes a view of lawyers as primarily deliverers of technical services requiring a certain skill or expertise, or as persons who are broad-based problem solvers and societal leaders. Different views about what it means to 'train lawyers' yield different views about curricula; different views about faculty; and different emphases regarding services to students.").

7. *Id.* at 25.

8. Oakeshott, *supra* note 3, at 426.

in his immortal soul, and not in what sort of a schoolmaster or administrator he can be made into—the manner of this teaching has no such intention.⁹

The tension between preparing students to think and preparing them to exercise a profession is captured in Hannah Arendt's beautiful "Thinking and Moral Considerations."¹⁰ Arendt observes that although all persons possess the potential to think, it is nevertheless a rare habit of mind that involves a "quest for meaning," a "habit of examining and reflecting upon whatever happens to come to pass" in a manner that "relentlessly dissolves and examines anew all accepted doctrines and rules."¹¹ Arendt builds on the contrast between "thinking" and "knowing."¹² Thinking *interrupts* both knowledge and action. It demands that we draw back from and interrogate what we otherwise believe we know. An important value of thinking is to prevent "disastrous" failures of "conscience" when a prevailing social and political ethos might otherwise lead us unselfconsciously into complicity with great evil.¹³

Legal training customarily requires students to internalize the practices and knowledge of a discipline. It seeks to train students to master the substance, structure, and pragmatic horizons of the law, so that they can engage with legal institutions with authority and ease. A lawyer who must pause to rethink every question before acting is likely to be a lawyer who is paralyzed and unsuccessful. There is thus inevitable tension between a well-trained lawyer and a person who is perpetually thinking.

All law schools must train students to become effective members of the legal profession. YLS is one of the few law schools that also has a long pedagogical tradition of emphasizing thinking. What other law school would teach a course, year after year, on the Book of Job? YLS's insistent focus on the unending conversation of thought is the basis of the longstanding joke: "Anything you can do, we can do meta." The question facing me when I became Dean was how to lead the school with respect to these twin aspirations of training and thinking.

I became Dean in 2009, immediately after the Great Recession had inflicted a profound crisis on legal education. It seemed that from every corner there arose insistent demands for more cost-effective legal education that would produce better-trained and accomplished lawyers. As the Special Committee on the Impact of Current Law School Curriculum on the Future of the Practice of

9. *Id.*

10. Hannah Arendt, *Thinking and Moral Considerations*, Helen Kenyon Lecture at Vassar College (Mar. 10, 1971), in 38 SOC. RES. 417 (1971).

11. *Id.* at 418, 435.

12. *Id.* at 422 ("[T]his distinction between knowing and thinking is crucial.").

13. *Id.* at 418, 435-36. Arendt has in mind complicity in the crimes of the Holocaust and in the totalitarian repression of the Soviet Union.

Law in Illinois opined in 2014, “[l]aw school graduates must be equipped with practice-ready skills to succeed in today’s legal marketplace. It is no longer sufficient for law school graduates to merely *think* like lawyers; they must be able to perform the basic tasks central to legal practice.”¹⁴ The Committee built on the prior *Final Report & Recommendations* of the 2013 Special Committee on the Impact of Law School Debt on the Delivery of Legal Services, which had concluded that “[l]aw schools . . . must transform their curricula to focus on educating lawyers for practice” and “cut back on courses such as ‘Law and Literature’ that focus exclusively on the academic study of law, with no practical application.”¹⁵

In response to the revived urgency of this practical vision of legal education, the American Bar Association (ABA) revised its *Standards and Procedures for Approval of Law Schools*. The newly revised Standard 301, for example, provides that a “law school shall maintain a rigorous program of legal education that prepares its students, upon graduation, for admission to the bar and for effective, ethical, and responsible participation as members of the legal profession” and that a “law school shall establish and publish learning outcomes designed to achieve these objectives.”¹⁶ The ABA now requires graduating students to take at least six credit hours in one or more experiential courses.¹⁷

It is customary in such situations to deny the fissure between theory and practice, to assert that the quality of legal training improves as does the breadth of knowledge that has been transmitted to a student. I happen to believe that this is true and that the recommendations of the Illinois Bar Association are for this reason very short-sighted. Most major law schools would reject them out

14. SPECIAL COMM. ON THE IMPACT OF CURRENT LAW SCH. CURRICULUM ON THE FUTURE OF THE PRACTICE OF LAW IN ILL., ILL. STATE BAR ASS’N, REPORT AND RECOMMENDATIONS 6 (n.d.), <https://www.isba.org/sites/default/files/committees/Impact%20of%20Current%20Law%20School%20Curriculum%20on%20the%20Future%20of%20the%20Practice%20of%20Law%20in%20Illinois.pdf>.

15. SPECIAL COMM. ON THE IMPACT OF LAW SCH. DEBT ON THE DELIVERY OF LEGAL SERVS., ILL. STATE BAR ASS’N, FINAL REPORT & RECOMMENDATIONS 5 (2013), http://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/law_school_debt_report_030813.authcheckdam.pdf. Other recommendations include prioritizing “teaching ability and practice skills when hiring and granting tenure, rather than academic scholarship”; including “[e]xperienced practitioners and judges . . . on law school faculty hiring and tenure committees”; hiring “more adjunct faculty to lower . . . costs and provide students additional exposure to the practice of law before graduation”; and giving “[c]linical and legal writing faculty . . . the same responsibilities with respect to law school governance as traditional faculty.” *Id.* at 6.

16. SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, AM. BAR ASS’N, ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS, 2016-2017 standard 301, at 15 (2016), http://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2016_2017_aba_standards_and_rules_of_procedure.authcheckdam.pdf.

17. *Id.* standard 303(a)(3), at 16.

of hand. But the question I address now is slightly different, for the kind of *thinking* that concerns Arendt and Oakeshott is addressed to a student's quality of life, not to her capacity to function more effectively in the legal profession, although it may certainly have that effect. Arendt and Oakeshott advocate for a form of thinking that is not reducible to knowledge, although striking new forms of knowledge may come from it.

As a novice dean, I was forced to decide how to lead the school during an unprecedented crisis in legal education and the legal profession. I knew that in the end I would be judged based on my successors' assessment of whether I had guided the school in the right direction. I sought to discern my path based on three principles.

First, I believe in the value of thinking. I am myself the product of a YLS education, and throughout my life I have treasured the adventure of exploring outside the usual constraints of professional knowledge and training. I believe that the YLS tradition has produced something like the "real cultivation of mind" that Cardinal Newman believed was the object of higher education.¹⁸ "When the intellect has once been properly trained and formed to have a connected view or grasp of things," Newman wrote,

it will display its powers with more or less effect according to its particular quality and capacity in the individual. In the case of most men it makes itself felt in the good sense, sobriety of thought, reasonableness, candour, self-command, and steadiness of view, which characterize it. In some it will have developed habits of business, power of influencing others, and sagacity. In others it will elicit the talent of philosophical speculation, and lead the mind forward to eminence in this or that intellectual department. In all it will be a faculty of entering with comparative ease into any subject of thought, and of taking up with aptitude any science or profession.¹⁹

Second, I believe that Oakeshott was correct to describe universities as sites of tradition. Universities are not merely transmission belts for the distribution of information and knowledge. They are repositories of inherited behavioral scripts and attitudes that merge to establish an atmosphere of learning. This atmosphere is synergetic; it is more than the sum of its parts. It is easily damaged and not easily recovered. That is why my colleague John Langbein took me aside when I became Dean and offered me the best advice I ever received. "A good dean," he said, "can only modestly improve a school. But a bad dean can cause a great deal of damage very quickly."

Third, whether the object of a law school is the inculcation of professional training or the practice of thinking, serious law schools operate through individual teachers. Law school faculty are not fungible. They are not like bar

18. JOHN HENRY CARDINAL NEWMAN, *THE IDEA OF A UNIVERSITY, DEFINED AND ILLUSTRATED*, at xiv (London, Longmans, Green & Co. 1891).

19. *Id.* at xvii-xviii.

review lecturers who can be replaced at will because their duty expires with the transmission of information. Students both learn how to think and acquire professional training by forging personal psychological connections with individual faculty. As Cardinal Newman observed, “[a]n academical system without the personal influence of teachers upon pupils, is an arctic winter; it will create an ice-bound, petrified, cast-iron University, and nothing else.”²⁰

Only one conclusion was possible when I applied these three principles to Yale’s response to the crisis that had engulfed legal education. I would have to lead in a way that minimized the risk of downside damage, that maintained YLS’s synergistic educational atmosphere, and that did not eliminate a traditional focus on the encouragement of thought. This conclusion meant that I had to conceptualize the choices facing the school in a particular way.

If I were to formulate that choice as a zero-sum game, as a decision whether to pursue professional training *or* maintain a tradition of learning, there would be winners and losers among the faculty. Some faculty would strongly approve the former; others would lean heavily toward the latter. Dividing the faculty in this way would inevitably alienate some excellent YLS faculty, even as it comforted others. It would therefore disrupt the syncretic atmosphere that sustained the unique blend of a YLS education. That atmosphere was delicate and, once damaged, not easily restored.

Sometimes life may force us into excruciating decisions that come in the form of zero-sum choices. In such circumstances, the role of leadership may well be to seize one horn of a dilemma and to ride it as forcefully as possible. Law school deans who have had to downsize in the recent crisis have no doubt had to face zero-sum choices in deciding how to proceed. But despite the recommendations of those who admire decisive leadership, I was convinced that the choices I faced at YLS ought not be defined as zero-sum except as a matter of last resort. In the absence of exigent circumstances, I decided to pursue an essentially Burkean reform that would conserve existing arrangements and traditions, even as it subtly shifted emphases and priorities.

The path forward, therefore, was to validate YLS’s traditional commitments *both* to thinking *and* to professional training, without sacrificing one in favor of the other. There were many tools at my disposal to attain this end. I could articulate and model the virtues of each of these two educational approaches, so as to create a space for each to be respected and supported. For the first time in the history of YLS, I appointed a Deputy Dean for Academic Affairs *and* a Deputy Dean for Experiential Education. I could influence hiring decisions so that new faculty would respect both educational perspectives. I could facilitate the integration of these two educational approaches by

20. 3 JOHN HENRY CARDINAL NEWMAN, HISTORICAL SKETCHES 74 (Christian Classics Inc. new ed. 1970)(1872).

simultaneously encouraging clinical faculty to teach substantive academic courses and academic faculty to offer clinical courses.

No doubt there are many who would criticize the approach I adopted as waffling because it failed to decisively pursue one educational objective rather than another. But my judgment as a leader was that my first obligation was to conserve the strengths of the school, even as I acknowledged the necessity of building out to other, distinct objectives by increasing the components of professional training in the curriculum. This meant precisely not defining the challenge facing the school as a zero-sum choice. Certainly many deans would have made a different decision. But in the end the inevitable (if unenviable) fate of leaders is to await the judgment of the future.

Responding to Constituencies

I shall turn now to the narrower conception of leadership, which focuses on the ability of a leader to motivate and mobilize followers. In this regard, the distinctive point about being dean of a law school is the diversity of constituencies to which one is answerable. Each requires a different approach to leadership. These constituencies include faculty, students, staff, and alumni.

With regard to staff, the Dean of YLS is more or less in the same situation as any CEO in a small corporation facing a workforce that is half unionized. It was unnatural and difficult for me to learn to inhabit the hierarchical relationships of evaluation and reward that are characteristic of the contemporary workforce. I found it unsettling to face the bewildering decisions to hire and the grim decisions to fire. I never became comfortable with the formalities that seem necessary in that environment. I found that the extreme decentralization of departments, each with its own standard operating procedures, undermined the possibility of overall leadership, which was characteristically exercised through discrete hierarchical chains of command. Human resource (HR) protocols, as well as union contracts, transform the relationship between a dean and her workforce into something quite different from the relationship that obtains between a dean and her faculty or her student body.

Of course, I am speaking now about the relationship between a dean and the staff considered as an entire constituency, not the relationship between a dean and individual members of the staff. I found that my relationship to the entire staff altered during moments of crisis when the entire constituency was worried about the dire possibility of layoffs. I could then bypass formal HR channels of communication and speak directly to the staff to set a tone of human reassurance and comfort. My effort was always to express a vision of the school as a community in which the pain of spending cuts would be ameliorated and widely shared because of the need to maintain solidarity. I

affirmed that we would have each other's backs, and I believe that this approach yielded long-run benefits of trust and allegiance.

I concede that there is sharp tension between this image of the school as a loyal family and the image of the school as a managerial institution created by formal university HR protocols. But I believed that a dean ought to know when to invoke one image and when the other.

It is plain that in no circumstances does the Dean of YLS stand to his faculty in the way that a CEO stands to her employees. If nothing else, basic principles of academic freedom and tenure prevent a dean from assuming such a managerial role. Instead, a dean is in many respects something like the Chief Justice of the United States Supreme Court: she is first among equals, with merely one vote like every other tenured faculty member.

But this description of equality drastically understates the actual position of a dean with respect to faculty. A dean sets agendas, appoints committees, takes initiatives, allocates budgets, speaks for the school in official settings, and so forth. There are many ways for a dean to turn this kind of authority into hard power, especially by deploying budgetary decisions. But if a dean takes this route, she pushes faculty toward the status of employees, diminishes their independent initiative, and undermines the collegial setting of the school. Because a law school must ultimately run through its faculty, I found the exercise of hard power ultimately counterproductive. No law school can run well if its faculty members do not take ownership of its policies and priorities.

I thus found it advisable to deploy the special prerogatives of a dean in the form of soft power, using tools of persuasion and emphasis. One of the most important tasks of a dean is to maintain faculty enthusiasm for and psychological investment in the school. This was especially important for me, not merely because it was the only way for the school to fulfill its educational potential but also because almost all YLS faculty can acquire jobs at other schools of their choosing, so it was essential to keep faculty content at YLS. A YLS Dean who goes head-to-head with a member of the faculty has already lost the war unless he actually means to drive that person out of New Haven.

Keeping privileged faculty happy is far more easily said than done. I have always believed that excellent faculty are like artists. They are disappointed with the world and wish to make it better. They are unhappy with existing authorities whom they perceive as underwriting a status quo that requires reformation. Faculty who are happy barely notice their dean; they simply go about their business. But dissatisfaction and anxiety spread easily among faculty, and unhappy faculty characteristically regard the dean as the source and abettor of their troubles. They treat him the way a dog does a fire hydrant.

A dean can exercise soft power only if she retains the respect and trust of her faculty. I attempted to earn respect and trust by creating reliable and transparent processes. I was a repeat player and so had many chances to evidence bona fides. I strove always to be an honest broker. It was an odd

ambition for someone at the putative pinnacle of the institution. If I succeeded, I had the sense of becoming invisible, someone who merely presided over processes that themselves diffused conflict. It brought to mind LaoTse's famous observation that when the "task" of good rulers

is accomplished, their work done,

The people all remark, "We have done it ourselves."²¹

From the lived experience of a dean, this high-flying aphorism brings to mind the old saw that being a dean is like taking a walk in the cemetery: one is on top, but nobody is listening.

The respect and trust of the faculty is a volatile resource. Faculty typically have inordinate difficulties with authority (which is why they seek to reshape reality), and I was shocked by the depth and strength of the transference that immediately attached to the office of the dean. One moment I was a colleague, and the next I was an authority figure subject to all the projections that ordinary people cast onto such figures. My relationships with faculty were thus always at risk of regression, which meant that I was praised and blamed for matters that had little to do with me. Just as in any family, the price of authority is Oedipal conflict. There were thus invisible trip wires everywhere, noiselessly but effectively turning trust into resentment.

For this reason, I found it safest and most comfortable to lead from behind. I wanted initiatives to appear to rise up from the faculty, not to be handed down as decrees from the dean, which would immediately attract opposition and resistance. It was always safest to respond to faculty-led ventures. Among other advantages, this allowed me to maintain a posture of transparency and disinterest that reinforced faculty trust and respect.

Yet however much leading from behind reduced the chances of Oedipal conflict, it also meant I had to invest considerable energy seeding the ground and waiting for the right time to bring projects to fruition. It was essential to maintain control over the substance and timing of choices likely to become ripe, so that school decisions would ultimately be acceptable to me. In this way I could both shape the agenda of the school and yet also give faculty the real experience of taking ownership of the institution. There were only very few times that I would allow myself to get out in front of the faculty and nakedly seek to persuade them to follow my lead. I always felt vulnerable at such times, and I always felt that I was drawing down on a limited fund of goodwill.

In the first Part of this Reflection, I set forth analytic reasons for a Burkean style of leadership in educational institutions. Yet it is apparent to me that these reasons also express my own psychological vulnerabilities. My susceptibility to counter-transference was distressing. Whenever I deemed it

21. LAOTSE, *Rulers*, in *THE WISDOM OF LAOTSE* 114, 114 (Lin Yutang trans. & ed., 1948).

necessary to get out in front of the faculty and to seek to persuade them to one decision or another, I found it difficult to distinguish faculty responses from their judgment of me personally. Everyone tells a dean that she must not take such things personally, but it is much easier said than done.

It has been my observation that some deans—some of our finest deans—actually draw vitality from an atmosphere of electric transference and counter-transference. They receive emotional energy that affirms their sense of self-worth and personal efficacy. They feel comfortable exercising what I shall call a charismatic style of leadership. Faculty culture and decisionmaking revolve around them and their initiatives, and as a consequence their leadership and their authority are always on the line. I myself never felt comfortable in such a stance.

This is the precise point where leadership and personality intersect. Of course, there will always be times when a school must take decisive action that does not emerge from the bottom up. But the question is *when* such action is necessary. Charismatic deans would probably be more likely to find such action necessary than I. From my point of view, the disadvantages of charismatic leadership are, first, that it provokes resentment and is thus self-limiting and, second, that it risks disrupting the cultural ecology and tradition of a school, which are always delicate and sometimes impossible to repair. But I readily concede that because of my own psychological dynamics I am probably tempted to overstate these disadvantages. If charismatic deans may act too quickly and decisively, I may not act quickly and decisively enough.

For a law school dean, students represent an entirely different kind of constituency than faculty. A dean can know and talk to every member of her faculty, but it is the exceptional dean who can do the same with students. I have always loved teaching and mentoring students. But deans, unlike professors, face students en masse. They face the student body itself. They must deal with “Student Opinion,” not merely with the opinions of a particular class or of specific students.

Student Opinion is of course an abstraction. I addressed the entering class of YLS students as they began their legal education, and I addressed the graduating class when I presented degrees. During the year I would hold “state of the school” sessions for students who wished to attend. I met with our elected student representatives, with the leaders of student groups, with student members of working committees and task forces, with students in my classes, with research assistants, and so on. These meetings were typically enjoyable and rewarding. They were almost always constructive. It gave me a great deal of pleasure to learn from our students. Yet during all of these meetings, I never faced Student Opinion itself.

Dealing with the opinions of particular students is analogous to dealing with the opinions of particular faculty. One exercises the usual conversational tools of persuasion. Whatever the outcome of an interaction, one comes away

with an understanding of why particular students believe what they do, and one can act accordingly. But Student Opinion—the opinion of the student body itself—is always an abstract construction. One can never encounter it in the flesh. It is not reducible to any single student or group of students.

Student Opinion is therefore almost a perfect screen for projection. One endows it with attitudes that arise from the dynamic forces of one's own psychological makeup. For me, Student Opinion tended continually to invoke the voice of a harsh and judgmental super-ego of the kind dramatically explored in Kafka's *Das Urteil*.²² It was therefore a continual and difficult struggle for me to humanize Student Opinion and to experience it as nothing more or less than what it actually was. It quickly became apparent to me that I was not built to be a politician, for whom a mass public is a source of energy rather than a source of continuous psychological torment. I believe that deans with a charismatic style of leadership might have a much easier time facing Student Opinion because they experience it as affirming a more positive self-image. But this is only my guess, and perhaps only my projection.

I learned from this struggle the extreme importance of scale in educational leadership. In a small institution like YLS, I could deal with each faculty member individually. I could experience faculty opinion as the sum of the opinions of particular faculty. But even at YLS this was not true of Student Opinion, which was always something more than the particular students with whom I could actually converse. It was possible to affect student views by talking with student leaders and representatives, with faculty members who had close relationships with influential students, with administrators who were respected and effective, and so on. But facing Student Opinion directly was always a source of self-doubt.

Consider in this context the leaders of even medium-sized educational institutions, like Yale University. Such leaders can deal face-to-face with only a small number of persons. They must encounter the issue of mass opinion at every turn—with regard to faculty, staff, students, and alumni. To the extent they seek to exercise leadership in any sense beyond that of mere administration—that is, to the extent they seek to inspire, to guide, to comfort, to create community—they must exercise the same talents as any contemporary politician. They must confront their own projections and draw sustenance from dynamics that lie deep within their own personalities.

That is no mean task for those who are genuinely academic, which is to say for those who are drawn to a field that attracts and values self-criticism. My experience has given me a new appreciation of the genuine difficulties of educational administration in larger institutions.

22. See Franz Kafka, *Das Urteil* [*The Judgment*], in *ARKADIA: EIN JAHRBUCH FÜR DICHTKUNST* 55 (Max Brod ed., 1913).

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If I were to stand on one leg and summarize the essential lessons of eight years of law school deaning, I would say that it comes down to two forms of knowledge. The first is self-knowledge. The most important aspect of leadership within a small institution like a law school is being able to properly discern the boundaries between self and other. This is generally one of the hardest tasks in life, but it is especially so in intimate environments like a law school. The second is a knowledge of legal education, which is to say of what a law school should aim to accomplish with respect to the education of its students and the scholarship of its faculty. In a time when the nature of legal institutions is rapidly changing, it is no small feat to firmly grasp the purposes of a law school.

Leadership, in short, depends on qualities of self-awareness and substantive vision. Like anything truly valuable in human life, it cannot merely be taught. It must be earned.

