Today’s conversation seems to begin with the assumption that “Liberal Arts Values” naturally reside within the Arts and Sciences (“the core liberal arts disciplines”), thereby challenging us to think about how to “embed” or transplant these values into less receptive locations called “Professional Schools.” This view, and the identification of this challenge, rests upon the assumption that there really is a tractable distinction between so-called “Professional Schools,” on the one hand, and the “rest of William and Mary” (call it the Faculty of Arts and Sciences or the unprofessional school), on the other. Is there really such a distinction? If so, does the distinction help us identify the “natural” locus of liberal arts values? I am not so sure.

The College’s “Faculty Handbook” constitutes the University, including the President, Provost, Deans and various faculties and schools. It does not mention “Professional Schools,” but instead refers to various ‘faculties” and “schools” that all seem to occupy an equal footing. The adjective “Professional” appears throughout the Handbook, but always it seems in a way that cuts across all disciplines. Historians must possess the requisite “Professional Education” before obtaining tenure, Sociologists must carry out their duties with “Professional Competence,” and decision makers in tenure or promotion cases throughout the University must exercise “professional academic judgment.” The Faculty of Arts and Sciences is more “professional” than you think!

Perhaps the term “Professional School” refers to the output of a school, as measured by the destination of a school’s graduates. Despite the terrible economy, most who receive the J.D. still enter “the legal profession,” at least initially. But, then, so do many who earn a A.B. in English or Government, albeit after successful completion of Law School. More to the point, Math majors become (professional) actuaries, History majors become (professional) four star generals, and Economics majors become (professional) financial analysts or bank presidents. Surely we would all argue that a William and Mary education --- whatever the degree --- prepares a graduate to enter his or her “chosen profession.”

What about research output? Maybe a faculty (or “school”) is “professional” if the faculty addresses its scholarship to “the profession” that its graduates enter. There certainly was a time when, say, law professors often wrote books and articles designed mainly to discern and articulate the content of the law, expressed as various rules. Within the legal academy we call this type of scholarship “descriptive,” and lawyers and judges are its primary consumers. Today, however, faculty at the top law schools usually address their research to faculty at other top schools, sometimes even faculty in the social sciences!

Maybe the distinction lies elsewhere, that is, in the content of education that leads to the degrees granted by the respective faculties. Maybe the Faculty of Arts and Sciences is “unprofessional” because its graduates pursue a relatively unfocused course of study. Sure, there are “majors,” but majoring in Economics, for instance, requires a whopping 36 credit hours, leaving the other 84 (mostly) to the discretion of the student. In Law, by contrast, it’s “all Law all the time,” thus reflecting, one might say, a terribly narrow focus on a single subject.
But this “content-based” taxonomy founders for two reasons. For one thing, graduate study in Physics is “all Physics all the time,” perhaps with a little Math thrown in. We would not therefore define the graduate Physics program as “professional” and thus distinct in that way from the Chemistry Department. Moreover, Law is not as monolithic as you might think. Yes we teach Contracts, Torts, Civil Procedure, Evidence, Remedies and Property. But there is also Constitutional Law, Corporate Law, Antitrust Law, Commercial Law, Securities Law, and Family Law, to name a few. Each body of law has its own story to tell, each presents its own set of policy puzzles, and each reflects the influence of a different constellation of historical, economic and doctrinal influences. Finally, even a law student who wants to focus on a particular field of law, say, Business Law, cannot do so to the exclusion of other subjects. There simply are not enough Business Law courses in the second and third year, and most first year courses are not of the Business Law genre.

2. Now of course, the absence of a tractable distinction between what we once (until today) called “Professional” schools, on the one hand, and the Arts and Sciences, on the other does not thereby demonstrate that the values that characterize a liberal education are alive and well in the Law School. These values may, for reasons unrelated to any taxonomy, be entirely absent. Moreover, even if there really is a meaningful distinction between “Professional Schools,” and everything else, these values may also be “alive and well,” even in the “Professional Schools.” It is beyond my charge and ability to develop a comprehensive list of the values that characterize a liberal arts university. So, I have started with a list of values the Provost provided us and subtracted one.\(^1\) As luck would have it, each of these values is, in fact, part and parcel of what we do at the Law School.

A) Ability to analyze texts. Lawyers do this all the time. We analyze, draft and interpret statutes, regulations, constitutions, judicial opinions, wills, contracts, purported contracts, corporate charters, and articles of partnership, to name a few. Faculty work with texts in their scholarship and they teach students how to work with texts in the classroom.

B) Ability to construct an argument and make a persuasive case. If anything, law professors do this too well, sometimes crossing the line between scholarly inquiry and exposition, on the one hand, and advocacy of a pre-determined result, on the other. (Sometimes it’s hard to take the zealous advocate out of the law professor, and some use their positions as platforms to advocate “legal” results that just so happen to coincide

\(^1\) I have subtracted “developing the sensibilities for full participation and leadership in a pluralistic world and democratic society.” A liberal education may well develop these sensibilities, just as it develops any number of other virtues. I am not sure why we would single out this particular virtue for special focus when defining the values that characterize such an education. Moreover, I am a bit skittish about a definition of “liberal arts values” that depends upon whether a society is pluralistic and democratic.
with their political preferences. These folks sometimes construct very “persuasive” arguments.) In the classroom, we teach students how to construct arguments and persuade literally every day. If done well, the Socratic method of teaching forces students to make arguments, often for positions they dislike or find weak. Their classmates make counter arguments, the instructor orchestrates the discussion and, hopefully, students soon learn what counts as a good argument and what does not.

C) **Deep intellectual engagement.** Here again the Law School scores quite well. Lawyers treat various bodies of law as data sets and seek to discern organizing principles that explain the data. We ask ourselves and our students whether, say, modern Tort Law reflects principles of corrective justice, an effort to maximize economic welfare, interest group pressure by potentially affected enterprises, or none of the above.² We also ask whether Tort Law *should* reflect any of these theories. Finally, if we decide that Tort Law should, say, maximize economic welfare, some of us then employ the tools of microeconomics to determine whether, in fact, particular rules do cause parties to act in a way that achieves the best possible allocation of resources. We teach our students to do the same.

D) **Learning from a breadth of areas and from different modes of inquiry.** The Law School may score less well on this attribute than on the others, though perhaps as well as some units in the “core liberal arts disciplines.” Law students focus on law, though on a wide variety of legal subjects. Courses on Economic Analysis of Law, Statistics for Lawyers, Legal History, and Law and Philosophy introduce students to external methodologies that shed light on legal problems. Still, the (doctrinal) “case method” still dominates law teaching, even as more and more faculty pursuing scholarship of an interdisciplinary nature. Nearly all law schools could do a better job systematizing their pedagogical efforts to introduce students to various social science methodologies.

3. I will now turn to a slightly different question, also posed by the Provost, which I have rewritten (with the new language in italics) to reflect what we have learned so far, namely, how do we “best take advantage of William and Mary’s mix of various liberal arts and professional programs—departments and schools, including those once called Professional Schools?”

As reformulated, the question really evolves into a larger question, *viz.*, how does William and Mary facilitate and encourage interdisciplinary teaching and research? Let us recognize at the outset that William and Mary has been attempting to do this since at least 1779,

---

² Moreover, this sort of inquiry necessarily requires the development of criteria for judging whether a body of law in fact best fits one theory or the other. My sense is that legal academics could do a better job articulating the standards governing the identification of and choice between various positive theories of law.
when Bishop (and President) James Madison, then teaching Political Economy using Adam Smith’s Wealth of Nations, appointed George Wythe Chair in Law and Police, when “police” meant “government” or “administration,” as in “the police power.” Given our modest scale, it is something we have to do. A law faculty of 80 or 100 can accommodate three or four individuals, some of them economists, deeply engaged with antitrust law and, presumably, collaborating with one another, or at least talking to each other. A law faculty of 30 can barely accommodate one, if that. The antitrust professor at William and Mary who wants to talk with someone about his or her research or co-author papers must find a collaborator somewhere else, e.g., at another university or in the Mason School of Business or the Department of Economics. The labor law scholar must seek out the labor economist or labor historian. No individual Department or School can employ all the human capital necessary for the sort of research (or teaching) we hope to produce.

In any event, here are some ideas for further implementing the (interdisciplinary) vision of Madison and Wythe.

A) Appoint people who are eager and able to do such work. If the Law School appoints faculty who are not interested in other disciplines, or whose grasp of other disciplines is weak, such collaboration will rarely occur. When it does occur, the collaboration will be disappointing to all concerned and not worth facilitating. I suspect the Law School is very good at gauging the interest of candidates in doing such work. We may be less able to evaluate a candidate’s ability to do such work. This shortcoming suggests the need for ex ante institutional collaboration, whereby the Law School, for example, solicits the expertise of the Government Department when evaluating the candidacy of a lawyer with a Ph.D in Political Science.

B) Invite colleagues from other disciplines to faculty workshops, either as presenters or mere participants.

C) Assign each new faculty member a mentor from a different (but related) discipline.

D) Create an “SSRL Exchange Program,” whereby, say, a faculty member on leave from the School of Education trades offices with a faculty member on leave from the Sociology Department. This way each faculty member could “get to know” a new set of colleagues.

E) Encourage related units (e.g., Law, Public Policy, Government and Economics) to cross-list working papers, post all such papers in a central location, and even coordinate workshop schedules.

F) Encourage related units to hold “scholarship slams,” i.e., all day retreats where, say, six faculty from related disciplines present papers seriatim, followed by a nice dinner.

G) Encourage co-teaching by faculty in related disciplines. Such co-teaching can enhance the classroom experience but also, and perhaps more importantly, enhance faculty
human capital and thus research output. Put more simply, students can learn from faculty, but faculty can also learn from each other.

H) Broadcast scholarly lectures or panel discussions live throughout the University.

Alan J. Meese