

DEANING & THE ART OF BONSAI

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I have had the privilege of serving as dean at two law schools during the past twelve years. During that time I have made my share of mistakes and had my share of triumphs, as most deans do. For the most part, I have enjoyed being a dean, although I must admit that I am currently enjoying not being a dean. During the twelve years in which I was a dean, I think I learned a number of things. Unlike David Letterman, I do not think that one can make a top ten list of things deans should know. On the contrary, I have come to the conclusion that, while there are a number of common elements to every deanship, it is also true that every dean has different experiences and faces problems and triumphs unique to his or her own institution. Having said that, I also believe that there are various ways in which an individual can behave as a dean, some of which tend to be more successful in most situations than others. Over the course of my twelve years as a dean, I have come to realize that one of the best approaches to dealing with a school is one which bears striking similarity to the art of bonsai.

When I was a young professor at the University of Illinois College of Law, I had the good fortune to become friends with Gene Scoles. Gene had returned to Illinois to teach for several years before retiring. He had a distinguished career as a law professor, law writer, and as a law school dean. Gene was part of that post-war generation of law professors who seemed to know everything about legal education. He had taught at a number of law schools both in the United States and abroad and had served as dean of the University of Oregon Law School with distinction. Gene taught me a great deal about the law and legal education as well as about German short-haired pointers and bonsai. Early on when I was getting to know Gene, I spent a good deal of time in his office. On his credenza by the window were trays of the most marvelous plants, all bonsai, the art of which Gene had acquired on one of his many trips abroad. Gene, of course, had learned the art thoroughly and he had a superb collection of exquisite old bonsai plants. I was fascinated and my wife [an engineer] and I began to acquire books and plants. We never did manage to produce the specimen trees that Gene seemed to create with ease, but we continue to attempt to do so. But somewhere along the line, I came to realize that the spirit of bonsai is as applicable to deaning as it is to shaping miniature plants.

To understand bonsai in its full complexity one must understand the historical and philosophical context from which it grows, a task that can take a lifetime. Certainly, I would make no claims to such understanding. But I do understand a little bit. The essence of bonsai is to take a plant from the wild, train it to assume a particular shape and in achieving this shape, assist the plant in becoming a thing of beauty. Engaging in the art of bonsai is something very different from cutting shrubs to look like circus animals. To do bonsai properly one must execute a number of carefully thought out steps. First, one must find a plant or tree that has within it the potential to be shaped into something beautiful. Not all plants have this capacity to the same degree. Once one has found a plant that possesses this inner quality that can be

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manifested externally, it is necessary to plan the various steps required to make this beauty flower. The bonsai master or mistress must understand the plant and must meditate upon its existing shape and its capability of assuming a new shape. To achieve this the bonsai master may take away from the plant by removing limbs or leaves. The master may also shape limbs by carefully wiring the plant to help it achieve a certain pose. The master must decide on the shape and decoration of the pot that will hold the plant and of the position of the plant in the pot. But all of these decisions must spring from the bonsai master's understanding of the "spirit" of the plant: will removal of a limb so damage the plant as to kill it? Will the wiring shaping the plant distort a limb rather than shape it into something of beauty? In effect, the act of training a bonsai is a collaborative act, between plant and human. Unless the two are in harmony, which can only come when the bonsai master has thoroughly understood the plant, then the effort will be a failure. Finally, the master must know when the shaping efforts are done and the plant is finished.

I have come to believe that being a law school dean is much the same as being a bonsai master. A law school is a living thing. Indeed, it is several living things. It is each individual who is part of the law school community as well as those individuals working collectively within particular groupings: students, faculty, alumni, and staff. And it is a collective whole, the combination of multiple interests and multiple capabilities. Most of us who become deans do so because we want to have some impact on our schools beyond that of a faculty member. Most of us, at one time or another, speak of wanting to shape our schools. And it is here that the art of bonsai, which itself is but an art of shaping living beings, can be of assistance.

As I noted, the first step in bonsai is to find a plant that has the capacity to be shaped and made into a thing of beauty. The decanal analogue of this is to find a school that has the collective capacity to change and be shaped. It has been my experience over the past two decades that, when in the midst of a dean search, virtually every law faculty says to candidates that it is ripe for change. Indeed, faculty members usually say that they want to change for the better, that they aspire to reach a "new level of excellence" or make it to the "next tier," whatever this may mean. I am certain that when law professors say this in this particular context they mean it, but, often, once a dean has been picked and things settle down, change is the very last thing they want. For the successful dean the choice of a school that truly wants to change and is capable of changing is crucial. Thus, it is essential that a would-be dean not simply accept the statements made by faculty and staff during the interview period, but, rather, make a thorough study of the institution and only then make an objective analysis of the institution's capacity to change. Failing to make this analysis can only lead to frustration and failure. Just as the bonsai master cannot shape a limb that will break off under the pressure of the training wire, a new dean cannot force an unwilling institution to make the necessary changes. Collaboration is all-important.

The similarity between bonsai and deaning does not stop with the choice of a tree or a law school. Just as the bonsai master must study a tree to understand *from the tree* in what directions it wants to grow, so a law school dean should study the school and decide in which directions it may grow successfully. To take an oversimplified example, a dean of a school with few faculty interested in intellectual property, and with a student body that has demonstrated no demand for intellectual

property courses, would be ill-advised simply to charge ahead and hire three new professors in this field because intellectual property is the “hot” new field. To do this invites failure. Instead, the dean must understand that the school must want to grow in this direction and that the job of the dean is to help the school to desire such growth. This can be accomplished by a process of consensus building and gradual acceptance. Most important, the faculty and the students must see such growth as their idea and as part of their destiny, not as something forced upon them or something that they are undertaking solely at the dean’s behest. If the dean can achieve consensus and have the faculty and students internalize the desire for growth in this direction, then such growth may occur easily and successfully. Similarly, the bonsai master who wishes to bend a tree limb at a sixty-degree angle will not begin by forcing the limb to such a position. Rather, he will gently shape the limb in the desired direction and permit the tree to grow into this position of its own will.

This notion of gentle shaping is one of the most difficult for both the bonsai master and the law school dean to accept for it has serious implications for the master’s or dean’s ego. Inherent in this idea of gentle shaping and permitting the institution to grow in a way which the institution feels is natural means that there can be no show of dominance by the one who is doing the shaping. The dean or bonsai master must gain ego gratification not through being able to say “I did that,” but rather through the observation of an end product that is to the shaper’s liking. To be successful in such a shaping process means a rejection of ego, dominance, or brute shows of strength and power, and a change in the dean or master that permits joy in the end result without attribution or recognition. In the context of the bonsai master, it is the very naturalness and seeming artlessness of the bonsai plant that is the reward. For the dean it is the positive change that has come about in the institution.

In fact, I would suggest that the most successful deans are those whose faculty believe that the dean has done little and who are seen, rather, as having assisted the faculty and other members of the law school community in achieving institutional goals. A dean who seeks ego gratification competes with the faculty and students, such competition is rarely helpful or positive in result. One thought that can be of use to the dean in suppressing the ego also comes from the work of the bonsai master. When the process of training a plant has ended, the bonsai master has a beautiful creature to live with and nurture, whose beauty provides comfort to the soul of the master, his family and friends. I believe that the greatest works of bonsai, like the greatest works of other artists are those which the artist or master may retain rather than have to sell for income. It is the prospect of decades of sharing the beauty of the bonsai plant that is the greatest motivator of the bonsai master. Similarly the dean, after the deanship is over, should be able to enjoy the reshaped, reinvigorated law school. Thus, a dean who does not intend to remain at the school after the deanship is over is a dean who is less able to remove the ego from the task and who is less likely to be able to shape the institution successfully.

Faculties should think of this carefully when they interview dean candidates. I have witnessed a number of dean searches over the past few years where faculty have made it clear that they want an “ambitious mover and shaker” who is going to leave for a “better” school after a successful deanship. This is likely to produce a

dean who is closer in action and attitude to a hired gun than a bonsai master with all the attendant negative connotations.

The final step in creating a bonsai is to know when to stop pruning and shaping. There comes a time when the process of shaping the plant must end. Knowing when to let well enough alone and when, indeed, to step down from being dean, is crucial. All too many deans have seen their deanships go from successes to failures because they clung to the office too long. It is important that a dean know when to give in and, most importantly, when to give up. I have often told people that when one starts a deanship one has a certain amount of intangible capital to spend. The start of a deanship is often referred to as the "honeymoon" period. But as time passes, each decision a dean makes [which is certain to offend, anger, or annoy some member of some constituency] uses up some of that initial capital. Eventually, enough capital is gone so that the shaping process becomes impossible. Once that point of stasis is reached, a dean should step down and may do so gracefully. To stay beyond that point is to risk damaging the institution and, almost certainly, damaging one's relationship with one's students, colleagues, and alumni. Just as the bonsai master must know when it is time to stop pruning and to remove the training wires, so, too, must the dean know when to stop. Only in this way may the dean have a graceful exit.

I have tried to make a small point about the similarity of two subtle arts, law school deaning and bonsai. The insight that has aided me over the past few years, and I hope it may aid some fellow shaper. It has made not only the office of dean but the dean's office more pleasant for me. [Having the bonsai on the windowsill, after the manner of Gene Scoles, is a reminder as well as a comfort.]