



The Arsenal complex from the air. Harvard's acquisition of the property, including a long-funct power plant (left), initially alarmed Watertown residents, who were concerned that eventual removal of the fully developed commercial property from their tax rolls would irreparably harm their revenue base.

had been for naught. The town enlisted the help of the media and initiated state legislation that would have limited nonprofits' tax exemption under certain circumstances.

In the State House, Harvard was a sitting duck. "Within the nonprofit sector," says Kevin Casey, Harvard's senior director of state and federal relations, "Harvard is a

unique institution in terms of its scope, its size, and its financial wherewithal," and that makes it difficult to explain to people why the University merits its nonprofit status for education and research. Yet, "regardless of size, we have only three major sources of income," he explains: "Tuition, room, and board, which doesn't cover the cost of the service provided; federal research funding, which does not cover the full cost of the research; and donations, which go to support education and research." None of

those are profit-making centers, "but it is hard for people to conceptualize that when they think of a multibillion-dollar endowment and a place as large as this University," Casey says. "Those are perceptions that are hard to run away from."

Harvard "never felt that the Watertown purchase would be a detriment to the community," says Casey. "We always thought that we would come to an equitable agreement because we have always had PILOT agreements with our host communities. We were the first university in the country to have a PILOT agreement, going back to the 1920s."

"If the University is going to expand its real-estate holdings," says Spiegelman, "then we have to take into consideration what the impact of that expansion is. Unlike the case in Allston, where we have a whole series of investments that we are going to make in infrastructure and other community benefits, in Watertown our one single acquisition was a literal revenue source for a small town. The land was on the tax rolls, so it was appropriate to guarantee some form of income stream."

The Watertown agreement is unique, but Harvard's principle of keeping communities whole when property, newly acquired for academic use, is taken off the tax rolls applies in each of Harvard's host communities. Says Alan Stone, vice president for government, community, and public affairs, "Obviously we knew that when the Watertown PILOT was completed, other communities would take notice. This is a natural thing."

Legacy at Law

REFLECTING ON his 14-year tenure, ending June 30, as dean of Harvard Law School (HLS), Robert C. Clark discerns three distinct periods. In the first six years, he says, "I was obsessed with getting good appointments to happen, and making the campaign a success." Next came a "delightful" interval focused on implementing the major projects enabled by the campaign's \$183-million bounty: renovation of Langdell Hall (which houses the

enormous law library) and Areeda and Austin Halls, and the expansion of the clinical program. Finally, the dean engaged the faculty at large in devising a strategic plan (see "The Law School Looks Ahead," September-October 2001, page 64). That "launches the process again" for a new \$400-million capital campaign scheduled to kick off publicly June 13 and 14, the precursor to the next round of growth in faculty, research, and facilities.

Why does Clark emphasize faculty appointments in surveying his administra-

tion? Because, as he puts it, appointments—subject to a vote of the entire faculty at HLS—were "deadlocked" when he assumed office in 1989. A professoriate riven by disputes over methodology, ideology, the social context of the law, and diversity could not renew itself (see "The Law School and the Law," January-February 2000, page 42). Having completed 39 tenure-track appointments—ultimately expanding the core faculty by more than one quarter, to 81 positions today—ranks as Clark's "happiest" achievement. He says

the differences of opinion within academic law remain as “severe” as ever, but he managed to thaw the gridlock by chairing search committees, insisting on high scholarly and teaching standards, and just spending “a lot of time on task and not being too rigid on any one model” of recruiting.

The expanded faculty ranks and additional research resources have let the school burgeon. Today it offers 250 or so elective courses and research programs in fields from law and economics to East Asian and Islamic legal studies. As part of the new strategic plan, the faculty has focused on teaching, beginning with significantly smaller, more cohesive, first-year class sections.

For those achievements, Clark’s tenure ranks as “one of the major deanships in the history of the school,” says Daniel R. Coquillette, J.D. ’71, the Kissel visiting professor of law and Monan University Professor at Boston College, where he was law-school dean from 1985 to 1993. Coquillette is writing a two-volume history of HLS and puts Clark in the league of Joseph Story, who rescued the fledgling school 175 years ago (“when there was one student and one teacher—the best ratio in the school’s history”); Christopher Columbus Langdell; Roscoe Pound; and Erwin Griswold.

In Clark’s case, Coquillette cites three accomplishments. “He raised a simply phenomenal amount of money,” not only in the campaign but through annual giving. (Those efforts and kind markets quadrupled the endowment to \$840 million.)

That mattered educationally, because HLS used the new funds to effect a “sea change” in its structure and operations. HLS had long lived off what Coquillette calls its “pretty bad” but “extraordinarily profitable” student-teacher ratio, with relatively few faculty mem-

bers conducting huge classes by the Socratic method. Given the school’s dependence on tuition income, a rising burden of student debt in recent decades, and “the demands of modern professional education,” he says, that model of funding and instruction “just doesn’t cut it any more.” Raising capital enabled the school in the past 10 years to effect a neat hat trick: expanding the faculty ranks, reducing class size in the new first-year structure, and extending its debt-relief program for graduates who end up in lower-income practices. “It was Clark who really did the heavy lifting” to make that possible, Coquillette says.



Robert C. Clark’s tenure ranks among “the major deanships” in Harvard Law School history. A portrait of Dean Joseph Story hangs behind Clark.

Finally, Clark “was able to get the faculty to focus on things outside themselves, and to move forward” on appointments and the cooperation necessary for

fundraising. Coquillette attributes that refocusing in part to Clark’s insights about the need for “trained legal infrastructures” around the world—not necessarily American-style legal systems, but *some* legal framework for conducting commerce and securing equal protection and due process. That international vision, he says, can extend much further if the strategic plan is implemented.

TAKING STOCK OF the current state of the law, legal scholarship, and education for the profession, as distilled in the HLS plan, Clark suggests that interdisciplinary study, stronger connections to practice, and internationalization are likely to figure on his successor’s agenda.

In the longest perspective, Clark says, legal scholarship and the intellectual aspirations of law professors have become “much more serious.” What was once delimited by practice and by studying doctrine and legal materials—legislation, cases, regulations, and opinions—broadened gradually during the twentieth century to embrace analysis of the social implications of law. That initial effort became much more rigorous, beginning in the 1970s with the adoption of economic tools to assess antitrust issues, business law, contracts, and torts. Today, the use of concepts from disciplines such as political science and sociology has become almost commonplace.

This opening up of academic law, Clark warns, has two risks. To prevent “amateurish” use of the new disciplines, HLS recruits faculty members with advanced degrees in liberal arts as well as legal training, and invests in rigorous joint-degree programs, current and proposed: law and economics, law and business, law and government.

To keep from getting “detached from law practice,” HLS—unlike many other

schools—supports its remarkably broad curriculum by relying on many lecturer-practitioners. Recalling a conference of judges a few years ago, Clark says a principal complaint was “Law professors don’t know anything about what’s really happening.... They’re very smart but wacky.” In rebuttal, Clark mentions faculty members with significant practice experience and emphasizes the importance of co-teaching (joining a faculty member with a practitioner) and the planned ramping up of the school’s program on the legal profession to keep pace with highly specialized practitioners and multinational law firms.

“Legal practice is becoming *much* more global,” adds Clark, citing the proliferation of law schools in China. Throughout the curriculum, in faculty research, and among the ranks of the people brought to campus to lecture and learn, the plan aims for “an even more international” school.

That evolution will coexist with further change in the faculty. Increasingly, Clark notes, the faculty consists of people with diverse disciplinary training, ranging from

quantitative methodologies to the humanities. That makes it harder for professors to judge prospective colleagues’ qualifications, leading to temptations to base appointment votes on other factors. (As someone who originally thought to enter the priesthood and then acquired a philosophy Ph.D. before specializing in corporate law, Clark, J.D. ’72, managed to bridge those gaps personally.) Accordingly, searches are now organized “informally” by subject matter, and may evolve toward a departmental or some other structure. “Getting everyone to understand and appreciate each other, that’s still the challenge,” he says. If the University moves toward more central review of professional-school appointments, along the lines of the current Faculty of Arts and Sciences “ad hoc” process chaired by the president, that could introduce further change.

And the school faces decisions about its future location. Although faculty members voted overwhelmingly in 1999 to remain in Cambridge, the University’s planning for an Allston campus—possibly

including a cluster of professional schools—continues apace, with deadlines later this year. The capital campaign envisions significant construction along Massachusetts Avenue and Everett Street, where a new quadrangle would replace a garage and smaller buildings to accommodate current and future personnel growth envisioned in the strategic plan (see below). But in the not-distant future, the school would become space-constrained again.

Accommodating those needs will be up to future deans. Clark anticipates a sabbatical year, to “travel the world of ideas, instead of the fundraising circuit.” He plans to focus on projects in corporate governance, law and religion, and a few other topics, when he can “read all the things I want to read and not the things I don’t want to—my idea of the good life.”

But until then, Clark will be in hard pursuit of a dazzling capital-campaign nucleus fund to pass on to his successor. As it proceeds, he envisions HLS over the next decade “connecting even better to the academy, the profession, and the world.”



North Precinct Plans

HARVARD HAS CHOSEN architect Craig Hartman of Skidmore, Owings & Merrill LLP (SOM) to design two new science buildings at the northern end of the Cambridge campus, in an area between the Divinity School and Oxford Street that is known as the North Precinct. The Faculty of Arts and Sciences (FAS) urgently needs new laboratory space for professors in the biological sciences; several programs could suffer severe setbacks if new space isn’t built soon, say administrators familiar with the situation. The envisioned “West” building will consist of “wet labs” devoted to such research; the “North” building will accommodate environmental studies, engineering, and physical-sciences faculty. Hartman is working with residents of the Agassiz neighborhood as he creates plans for these two buildings on this residential edge of the Cambridge

Harvard Law School plans a feasibility study of its options for expansion in Cambridge. The study area (designated with diagonal lines) includes buildings either owned or occupied by the school (yellow) as well as a University-owned parking garage (blue).

campus. Harvard has already voluntarily downsized the edge closest to the neighborhood, following negotiations with the community and the city of Cambridge.

One block west, along the Massachusetts Avenue corridor, Harvard Law School (HLS) is poised to embark on a feasibility study for its own possible future expansion in Cambridge, the result of a strategic plan to reduce class size by adding faculty, and to address other deficiencies identified by students, faculty, and alumni. The question of whether the Law School might one day relocate across the Charles River remains unanswered, but in any event, planners say, the Allston site would not be ready in time to meet HLS’s anticipated space crunch.

Because both these projects are taking place in the same vicinity, in an area that encompasses one neighborhood, Harvard has been making efforts to present the totality of its plans—as best they are known at present, and in light of increasing financial constraints—to both the local residents and the city government. Though Harvard’s schools have traditionally done their physical planning and expansion in-