

# TEACHING METAPHORS

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## I. INTRODUCTION

Law's fundamental role in organizing society, and controlling the material conditions under which people live, lends profound social importance to the enterprise of law teaching.<sup>1</sup> In the course of a teaching career, a law professor may have a formative influence on thousands of students, who—as their careers unfold—will have access to law's institutional power.<sup>2</sup> In part for this reason, I have devoted considerable professional energy to the question of what it means to teach, what it means to do this in the field of law, what I can contribute to my law students' growth as people and professionals, and how I can do that.<sup>3</sup> For a variety of structural reasons, these questions about teaching and learning are—somewhat counterintuitively—far too underappreciated, at least in some elite circles of academic law.<sup>4</sup>

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<sup>1</sup> See, e.g., Martha C. Nussbaum, *Cultivating Humanity in Legal Education*, 70 U. CHI. L. REV. 265, 274 (2003) (arguing that the “normative dimension of legal education . . . should permeate the curriculum, since normative questions and questions of justice are raised by all areas of law.”).

<sup>2</sup> Professor William Quigley argues that with the bulk of lawyers in society engaged in defending an unjust status quo, it is incumbent upon law schools to encourage students to use law in service of fundamental social change. See William P. Quigley, *Revolutionary Lawyering: Addressing the Root Causes of Poverty and Wealth*, 20 WASH. U. J.L. & POL'Y 101 (2006).

<sup>3</sup> I have written previously on a variety of issues relevant to legal education, including the role of clinical pedagogy in legal education. See, e.g., Phyllis Goldfarb, *A Clinic Runs Through It*, 1 CLINICAL L. REV. 65 (1994) [hereinafter Goldfarb, *A Clinic*]; Phyllis Goldfarb, *A Theory-Practice Spiral: The Ethics of Feminism and Clinical Education*, 75 MINN. L. REV. 1599, 1616 (1991) [hereinafter Goldfarb, *A Theory-Practice Spiral*]; Phyllis Goldfarb, *Pedagogy of the Suppressed: A Class on Race and the Death Penalty*, 31 N.Y.U. REV. L. & SOC. CHANGE 547 (2007); Phyllis Goldfarb, *Picking Up the Law*, 57 U. MIAMI L. REV. 973 (2003); Phyllis Goldfarb, *So Near and Yet So Far: Dreams of Collaboration Between Clinical and Legal Writing Programs*, 4 J. ASS'N. LEGAL WRITING DIRS. 35 (2007).

<sup>4</sup> See Jeffrey E. Stake, *The Interplay Between Law School Rankings, Reputations, and Resource Allocation: Ways Rankings Mislead*, 81 IND. L.J. 229, 246 (2006) (arguing that competition for rankings is one of the reasons that quality of teaching, which does not appear in the rankings criteria, is undervalued in legal education). Of course, the advent of rankings has only exacerbated the longstanding tendency in legal education to undervalue pedagogical matters. As Nicholas Zeppos writes:

[T]he self-contained, isolated character of law schools has allowed them to be resistant to curricular change. . . . I know of no other university department that uses the same pedagogic approach that it did 100 years ago, or bases its first year of education on largely the same basic conceptual categories.

Texts illuminate the preoccupations of readers as well as authors. Not surprisingly, then, when I turn to the *Oz* series by L. Frank Baum,<sup>5</sup> I discern lessons there that are central to my occupation as a law teacher, in general, and a clinical law teacher, in particular. Moreover, through the good fortune that serves to integrate my cognitive life, my academic occupation coincides well with my preoccupation (unprestigious though it may be) with the art of teaching.

In my eyes, the *Oz* series functions well as an allegory about teaching and learning. I return repeatedly to the image of the green spectacles distributed at the gates of the Emerald City, required apparel of all who entered.<sup>6</sup> Drawing on that image, I pose the following questions: What is revealed if we think of the green spectacles as the lenses of teaching and learning? Viewed through these lenses, what sorts of stories do those in the *Oz* series become?

## II. THE SYMBOLISM OF THE JOURNEY

As the first story in the *Oz* series, *The Wonderful Wizard of Oz* establishes the series' primary imagery. Although I see within that imagery evocative messages about teaching and learning, it is also true that the imagery need not be viewed that way. In many respects, *The Wonderful Wizard of Oz* is an allegory about power, difference, gender, utopia, social organization, and human needs. But the beauty of an allegory like this one is that it is capacious enough to hold a proliferation of meanings.

With the symbolism of the Yellow Brick Road at its center, the first *Oz* story is undoubtedly a narrative of a long personal journey, both a delightful journey and a journey with abundant dangers lurking.<sup>7</sup> It represents a pilgrimage of sorts, with hurdles to surmount and obstacles to overcome. Dorothy and her companions are seeking something that is deeply important to each of them. It is plausible, even likely, that this powerful central metaphor—a quest for something of vital importance—is Baum's effort to illuminate what it means to live a meaningful life, even for an orphan girl living in hardscrabble, wind-ravaged, turn-of-the-century

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Nicholas S. Zeppos, *Introduction to the 2007 Symposium on the Future of Legal Education*, 60 VAND. L. REV. 325, 327–28 (2007).

<sup>5</sup> The *Oz* series contains fifteen books beginning with THE WONDERFUL WIZARD OF OZ. L. FRANK BAUM, THE WONDERFUL WIZARD OF OZ (1900). Subsequent titles, in chronological order of publication, are THE MARVELOUS LAND OF OZ (1904), OZMA OF OZ (1907), DOROTHY AND THE WIZARD IN OZ (1908), THE ROAD TO OZ (1909), THE EMERALD CITY OF OZ (1910), THE PATCHWORK GIRL OF OZ (1913), LITTLE WIZARD STORIES OF OZ (1913), TIK-TOK OF OZ (1914), THE SCARECROW OF OZ (1915), RINKITINK IN OZ (1916), THE LOST PRINCESS OF OZ (1917), THE TIN WOODMAN OF OZ (1918), THE MAGIC OF OZ (1919), and GLINDA OF OZ (1920).

<sup>6</sup> See L. FRANK BAUM, *The Wonderful Wizard of Oz*, in 15 BOOKS IN 1: THE ORIGINAL OZ SERIES 4, 19 (2005). As the Wizard later explains to Dorothy: “[W]hen you wear green spectacles, why of course everything you see looks green to you. . . . [M]y people have worn green glasses on their eyes so long that most of them think it really is an Emerald City . . .” *Id.* at 37.

<sup>7</sup> Boq, a rich Munchkin who feeds and shelters Dorothy on the first night of her long journey on the Yellow Brick Road, explains, “The country here is rich and pleasant, but you must pass through rough and dangerous places before you reach the end of your journey.” *Id.* at 8.

Kansas.<sup>8</sup> External conditions may be harsh, but if we understand our life's valuable purpose, our interior reality can be lively and glorious.

In Metro-Goldwyn-Mayer's 1939 film version of *The Wonderful Wizard of Oz*, Oz emerges from Dorothy's unconscious during a dream.<sup>9</sup> Since the dream coda of the film deviates from the literal construction of the text, it is worth pondering what the filmmakers saw in the book that suggested to them the propriety of the dream ending.<sup>10</sup> While the Oz of the text is a place external to Dorothy, the filmmakers likely intuited that Oz can readily represent our inner lives. The story highlights the significance of the choices we make on our winding personal journeys while we endeavor to create our lives as we wish them to be.

Baum clearly intended a sharp contrast between the bleak landscape of Kansas and the plentiful riches of Oz.<sup>11</sup> Those disparate depictions may signify the contrast between our external world and our interior world, between what we are given and what we create. If so, that contrast may be a kind of plea that implores us to attend to the ways that—despite the hardships we are shouldering—we can cultivate a sense of purpose that helps us to grow and evolve as individuals and as members of a social collective.

For Baum, the question of how to live appears to be inextricably enmeshed with the question of how to learn. One of the lessons of *The Wonderful Wizard of Oz* is that we become our best selves when, like Dorothy and her friends, we maintain an openness to experiences, learn from our experiences, and delight in what we learn. This active approach to learning requires us to wade into the world, join with others, and involve ourselves in the activities around us. As the first *Oz* book and the rest of the *Oz* series suggest, living well requires engagement with others and a willingness to let others change us. As a clinical educator, I would describe the deepest kind of learning in much the same way.<sup>12</sup>

<sup>8</sup> Baum opens *The Wonderful Wizard of Oz* with a description of Dorothy, orphaned as a young girl, coming to live with her somber and joyless Aunt Em and Uncle Henry who are working hard to eke out a subsistence living in the harsh climate of Kansas. See *id.* at 4. Baum describes Kansas with these words:

The sun had baked the plowed land into a gray mass, with little cracks running through it. Even the grass was not green, for the sun had burned the tops of the long blades until they were the same gray color to be seen everywhere. Once the house had been painted, but the sun blistered the paint and the rains washed it away, and now the house was as dull and gray as everything else.

*Id.*

<sup>9</sup> THE WIZARD OF OZ (Metro-Goldwyn-Mayer 1939). See also ALJEAN HARMETZ, THE MAKING OF THE WIZARD OF OZ 36 (1977).

<sup>10</sup> At the end of *The Wonderful Wizard of Oz*, Dorothy clicks her heels together three times, then whirls through the air, and comes to rest outside her Kansas home. BAUM, *supra* note 6, at 48. She has clearly been gone for some time, as “just before her was the new farmhouse Uncle Henry built after the cyclone had carried away the old one.” *Id.*

<sup>11</sup> In contrast to the bleak gray landscape of Kansas, Oz is “a country of marvelous beauty,” where: There were lovely patches of greensward all about, with stately trees bearing rich and luscious fruits. Banks of gorgeous flowers were on every hand, and birds with rare and brilliant plumage sang and fluttered in the trees and bushes. A little way off was a small brook, rushing and sparkling along between green banks . . .

*Id.* at 5.

<sup>12</sup> I have described a clinical pedagogy rooted in such a sensibility in Goldfarb, *A Clinic*, *supra* note 3.

### III. BAUM'S WORLD VIEW

If the *Oz* stories are manifestations of Baum's beliefs, we understandably ask: What influenced Baum? What were the sources of his learning and his philosophy, as transmitted implicitly through his stories? Biographical information reveals that Baum, born near Syracuse, New York in 1856, was a creative but infirm child who spent two miserable years in military school in the 1860s until his parents permitted him to withdraw.<sup>13</sup> As a young adult, he held various jobs, including stints as a playwright, journalist, author, actor, storekeeper, and poultry breeder.<sup>14</sup> In 1882, he married Maud Gage,<sup>15</sup> daughter of well-known suffragist Matilda Joslyn Gage.<sup>16</sup> Six years later, Frank, Maud, and their two sons departed from New York, living for much of the next three years with Maud's mother in drought-plagued South Dakota,<sup>17</sup> the likely referent for Kansas in *The Wonderful Wizard of Oz*.<sup>18</sup> During his time in South Dakota, Baum was a storeowner and a newspaper publisher, and he and Maud had two more boys before they moved to Chicago in 1891.<sup>19</sup> At the urging of his mother-in-law, Baum also became interested in theosophy.<sup>20</sup>

Theosophy is a quasi-religious philosophy rooted in what its founders saw as a universal striving for knowledge.<sup>21</sup> In other words, it is focused on learning as the source of human flourishing, specifically the "awaken[ing] of] new kinds of knowing"<sup>22</sup> through "consciousness-expanding experiences."<sup>23</sup> It is not a stretch to view Dorothy's journey across the

<sup>13</sup> See KATHARINE M. ROGERS, L. FRANK BAUM: CREATOR OF OZ 1–4 (2002).

<sup>14</sup> *Id.* at 4–10.

<sup>15</sup> *Id.* at 13.

<sup>16</sup> *Id.* at 11. With Elizabeth Cady Stanton and Susan B. Anthony, Gage founded the National Woman Suffrage Association in 1869 and served in various offices within the organization for many years. *Id.* at 12. For more on Gage's life and work, see SALLY ROESCH WAGNER, MATILDA JOSLYN GAGE: SHE WHO HOLDS THE SKY (1998). By all accounts, Frank Baum was a devoted admirer of his mother-in-law, who was his intellectual mentor. *Id.* at 62. He incorporates strong female characters—for example Dorothy, Ozma, and Glinda—and concerns for the equality of women into the *Oz* stories. In many respects, *Oz* is the utopia, sustained by women's power, which Matilda Gage envisioned in her own writing. See SALLY ROESCH WAGNER, THE WONDERFUL MOTHER OF OZ 10, 21 (2003) [hereinafter WAGNER, THE WONDERFUL MOTHER] ("[Matilda's] spirit, vision and ideas permeate each page of [the *Oz* books].").

<sup>17</sup> ROGERS, *supra* note 13, at 23–29.

<sup>18</sup> *Id.* at 75 (indicating that Baum may have placed Dorothy in Kansas, where conditions were similar to those in South Dakota, to spare the feelings of his Gage relatives who remained in Aberdeen, South Dakota).

<sup>19</sup> *Id.* at 23–44.

<sup>20</sup> *Id.* at 12–13, 29, 33–34. For a time, Matilda Gage, Maud, and Frank had a book group of sorts, reading the same books and discussing them. WAGNER, THE WONDERFUL MOTHER, *supra* note 16, at 8. In the summer of 1887, they all read theosophy together. WAGNER, THE WONDERFUL MOTHER, *supra* note 16, at 8. Gage officially joined the Theosophical Society in 1885. *Id.* Maud and Frank joined in 1892. WAGNER, THE WONDERFUL MOTHER, *supra* note 16, at 8.

<sup>21</sup> In the nineteenth century, an enigmatic Russian woman named Helena Petrovna Blavatsky, who had traveled to India and Tibet, became enamored of the ancient wisdom traditions. ROBERT ELLWOOD, THEOSOPIHY: A MODERN EXPRESSION OF THE WISDOM OF THE AGES 3–7, 211–214 (1986). Drawing from these traditions, she joined a New York lawyer and writer named Henry Steel Olcott in founding theosophy, a non-dogmatic spiritual movement that encouraged intellectual inquiry into the meaning of human existence. *Id.* They founded the New York Theosophical Society in 1875, attracting well-known American members such as Thomas Edison and Abner Doubleday. Blavatsky developed theosophical teachings in two books, *ISIS UNVEILED*, published in 1877, and *THE SECRET DOCTRINE*, published in 1888. See *id.*

<sup>22</sup> *Id.* at 10.

<sup>23</sup> *Id.* at 16.

desert from the bleakness of Kansas to the wonders of Oz and back again as a theosophian awakening of consciousness to the rich possibilities for human life.<sup>24</sup>

The notion that what animates the *Oz* stories is the image of finding a path to enlightened living gains yet more force if we look at the work of another theosophist of Baum's era, Rudolf Steiner.<sup>25</sup> Steiner was the founder of the Waldorf School movement, which sought to tie pedagogy to the stages of child development.<sup>26</sup> In 1894, Steiner published *The Philosophy of Freedom*, which developed his anti-materialist philosophical insights about the mutually interactive qualities of thinking and freedom.<sup>27</sup> The book elaborated Steiner's epistemology, in which consciousness is understood as creative inner activity inseparable from perception.<sup>28</sup> According to Steiner, our consciousness participates in external reality and provides access to a non-material internal world as well.<sup>29</sup>

The metaphor that Steiner and other theosophists used to describe growth in knowledge and freedom is that of a path leading to a higher plane of existence.<sup>30</sup> On that path, we have experiences that expand our consciousness and "like any occasion of deep learning, they may be difficult, but they force fresh and widening ranges of perception" that lead to greater understanding, a fuller reality, or in theosophical terms, a higher world.<sup>31</sup> Perhaps this is the deeper philosophical meaning of Dorothy's humble aphorism: "If we walk far enough, I am sure we shall sometime come to some place."<sup>32</sup>

Steiner developed his views in his books, lectures, plays, and articles.<sup>33</sup> In 1899, he published an article in which he discerned ideas of love, knowledge, and freedom in Goethe's fairy tale *The Green Snake and the*

<sup>24</sup> See, e.g., *id.* at ix, 7–10 (explaining that "[a] basic theosophical teaching is that we are perennially on pilgrimage" and that we can acquire wisdom through "initiations," important sensory and subjective experiences that "expand [our] horizons" and "sense of wonder.").

<sup>25</sup> Steiner founded a variant of theosophy known as anthroposophy. Avoiding the need to detail the differences between anthroposophy and the broader theosophical movement—which are not pertinent to the analysis presented here—I will refer throughout this Article to Steiner's thinking as a form of theosophy. For more on Steiner's life and philosophy, see GARY LACHMAN, *RUDOLF STEINER: AN INTRODUCTION TO HIS LIFE AND WORK* (2007), and RUDOLF STEINER, *AN AUTOBIOGRAPHY* (1977).

<sup>26</sup> Developing the pedagogy that he had described in his 1907 lecture, *The Education of the Child in the Light of Theosophy*, Steiner opened the first Waldorf School in September 1919, with twelve teachers and 253 children in Stuttgart, Germany. LACHMAN, *supra* note 25, at 194–98. The Waldorf School movement, the largest worldwide independent association of schools today, is a legacy of Steiner and his theosophical vision of education. See Torin M. Finser, *Afterword: The Foundations of Waldorf Education* in RUDOLPH STEINER, *THE ESSENTIALS OF EDUCATION* 87 (1997).

<sup>27</sup> LACHMAN, *supra* note 25, at 92.

<sup>28</sup> *Id.* at 94 ("[W]hat we take to be a simple, immediate perception of the external world, is already infused with the content of our inner, spiritual world, our consciousness.").

<sup>29</sup> *Id.* at 95–97 (describing Steiner's view of perception as consciousness interacting with matter, such that thinking becomes an act of spiritual freedom and a portal to an inner world).

<sup>30</sup> See, e.g., RUDOLF STEINER, *THEOSOPHY: AN INTRODUCTION TO THE SUPERSENSIBLE KNOWLEDGE OF THE WORLD AND THE DESTINATION OF MAN* at vii (1971) ("Whoever looks for paths that lead beyond this world of the senses, however, will soon learn to understand that human life only gains in worth and significance through sight into another world.").

<sup>31</sup> ELLWOOD, *supra* note 21, at 118. See also RUDOLF STEINER, *HOW TO KNOW HIGHER WORLDS: A MODERN PATH OF INITIATION* (1994).

<sup>32</sup> BAUM, *supra* note 6, at 33.

<sup>33</sup> See ELLWOOD, *supra* note 21, at 47–205. See also *THE NEW ESSENTIAL STEINER: AN INTRODUCTION TO RUDOLF STEINER FOR THE 21ST CENTURY* (Robert A. McDermott ed., 2009).

*Beautiful Lily*.<sup>34</sup> For many years before publishing the article that detailed his interpretation of the symbolism of Goethe's fairy tale, Steiner lectured widely on the meaning of the story, highlighting how it illuminated the need for dramatically different cultural and political arrangements.<sup>35</sup> His analysis of this fairy tale was one of the vehicles through which Steiner offered his listeners the philosophical foundation for a new society.<sup>36</sup>

One year after the publication of Steiner's article on *The Green Snake and the Beautiful Lily*, and a number of years after Steiner had begun lecturing on the philosophical views revealed by the fairy tale, Baum published *The Wonderful Wizard of Oz*.<sup>37</sup> When Baum's book appeared at the turn of the century, Steiner's views had considerable currency, especially in theosophical circles,<sup>38</sup> and Baum was favorably disposed toward views like Steiner's.<sup>39</sup> Through his contact with theosophy, Baum may well have encountered Steiner's teachings—most notably those that located a philosophy of personal and social transformation in a fairy story<sup>40</sup>—and those teachings may well have seeped into his creation of *Oz*.<sup>41</sup> Regardless of how directly Steiner may have influenced Baum and the *Oz* stories, we know that Steiner-like views, as enshrined in theosophy, had a profound effect on Baum's beliefs and that Baum's beliefs undoubtedly shaped his books.<sup>42</sup>

<sup>34</sup> JOHANN WOLFGANG VON GOETHE, *THE FAIRY TALE OF THE GREEN SNAKE AND THE BEAUTIFUL LILY* (2006).

<sup>35</sup> Steiner first read Goethe's fairy tale in Vienna in 1882. Paul M. Allen, *Afterword: Goethe and Steiner*, in *THE FAIRY TALE OF THE GREEN SNAKE AND THE BEAUTIFUL LILY*, *supra* note 34, at 43, 44. In 1899, in honor of the 150th anniversary of Goethe's birth, Steiner wrote an essay interpreting the fairy tale for *THE MAGAZINE FOR LITERATURE*. See Rudolf Steiner, *The Character of Goethe's Spirit as Shown in the Fairy Tale of the Green Snake and the Beautiful Lily*, in *THE FAIRY TALE OF THE GREEN SNAKE AND THE BEAUTIFUL LILY*, *supra* note 34, at 52 n.1. The essay is reprinted after the tale itself in the recently issued book on the subject. See Paul M. Allen, *Afterword: Goethe and Steiner*, in *THE FAIRY TALE OF THE GREEN SNAKE AND THE BEAUTIFUL LILY*, *supra* note 34, at 45. On November 27, 1891, years before he had published the essay, Steiner had delivered a lecture in Vienna on the meaning of Goethe's story. In a footnote to the essay, Steiner reported that "everything which I have had printed or have expressed verbally about the fairy story is only a further development of the thoughts expressed in that lecture." See Rudolf Steiner, *The Character of Goethe's Spirit as Shown in the Fairy Tale of the Green Snake and the Beautiful Lily*, in Paul M. Allen, *Afterword: Goethe and Steiner*, in *THE FAIRY TALE OF THE GREEN SNAKE AND THE BEAUTIFUL LILY*, *supra* note 34, at 54 n.6.

<sup>36</sup> Allen, *supra* note 35, at 44.

<sup>37</sup> *The Wonderful Wizard of Oz* was published in April, 1900. ROGERS, *supra* note 13, at 73.

<sup>38</sup> After reading Steiner's 1899 article on Goethe's fairy tale, Fritz Seiler, a member of the Berlin lodge of the Theosophical Society, was so impressed with Steiner's insights that he invited him to speak at the Theosophical Library. His lecture in September, 1900, was sufficiently well-received that Steiner was invited back one week later to lecture specifically on Goethe's fairy tale, in the course of which he both renewed many of the interpretations that he had first offered in his 1891 lecture on the subject and spoke publicly about his own spiritual experiences for the first time. LACHMAN, *supra* note 25, at 125.

<sup>39</sup> See *supra* notes 20–24 and accompanying text.

<sup>40</sup> Not unlike the manner in which Steiner described the message of Goethe's fairy tale, Baum told an interviewer in 1909 that the essential function of fairy tales was to develop "the capacity to envision what does not exist in the everyday world." ROGERS, *supra* note 13, at 92.

<sup>41</sup> With Baum living in the United States and Steiner in Europe, it is unlikely that the two men ever met personally. Steiner and Baum, however, each traveled to Switzerland and France in 1906. See *id.* at 143. See also LACHMAN, *supra* note 25, at 154–58. We know that the Baums sometimes took theosophically inspired trips, such as a trip to the Point Loma theosophical community near San Diego in 1904. See ROGERS, *supra* note 13, at 131. So while there is a possibility that Baum and Steiner actually met in person, Baum's familiarity with Steiner's ideas would likely have been through theosophical publications, not through personal interaction.

<sup>42</sup> Early twentieth century reviewers of *Oz* frequently praised both its humor and its philosophical content. See Rogers, *supra* note 13, at 90. Rogers sees Baum's literary contribution residing in his ability to incorporate his humor and his philosophical interests while still grounding his stories in a

It follows from Baum's theosophically tinted perspectives that an apt way to describe the journey of Dorothy and her companions is to use theosophical terms. Through a conceptual framework like Steiner's, we might understand the fellow travelers as following a path (the Yellow Brick Road) to a higher realm (the Emerald City).<sup>43</sup> In the process, they demonstrate the capacity to care for one another, work together, learn from experience, and engage in creative, collective problem-solving to attain love (embodied by the Tin Man's quest), knowledge (embodied by the Scarecrow's quest), and freedom from fear (embodied by the quest of the Cowardly Lion). Moreover, as the conclusion of *The Wonderful Wizard of Oz* implies, the fulfillment of these quests need not take us away from our home. Rather, it may facilitate our return to, or our discovery of, where we most belong.<sup>44</sup>

Dorothy, the Scarecrow, the Tin Man, and the Cowardly Lion are able to access the Emerald City because of the personal qualities they exhibit. At one point, the Cowardly Lion says, "[I]t must be a very uncomfortable thing not to be alive."<sup>45</sup> Indeed, Dorothy and her companions are lovers of life. They are alert, attentive, and curious, demonstrating a capacity for relationships of warmth, honesty, mutuality, and deep affinity. Their eyes and ears are open even if, as in the Scarecrow's case, they are simply painted on.<sup>46</sup>

#### IV. PHILOSOPHY OF TEACHING AND LEARNING

Professor Fran Quigley has described a pedagogy for teaching social justice, which she calls "seizing the disorienting moment."<sup>47</sup> Drawing from adult learning theory, Quigley describes the disorientation that is generated when students in law school clinical programs ally with victims of injustice and discover that the justice system is not working in the manner that the students had been told that it would.<sup>48</sup> To make sense of what they are

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child's point of view. *Id.* at 75. Beyond asserting that Baum incorporated his philosophy into his writing, Rogers also provides specific examples of the way in which Baum's beliefs found their way into his books. *Id.* at 81–82.

<sup>43</sup> See RUDOLF STEINER, KNOWLEDGE OF THE HIGHER WORLDS AND ITS ATTAINMENT: AN ESOTERIC SPIRITUALISM INITIATION 12 (2008) ("Noiseless and unnoticed by the outer world is the treading of the Path of Knowledge.").

<sup>44</sup> See ELLWOOD, *supra* note 21, at ix ("For the true theosophist, it is in these realms [of intellectual quest and spiritual adventure] that we are most truly human and at home."). Common theosophical metaphors for the evolution of human awareness include taking a long inner journey through other worlds, a process that leads to our ultimate return home. *Id.* at 84–86.

<sup>45</sup> BAUM, *supra* note 6, at 17.

<sup>46</sup> *Id.* at 10 ("[H]e painted my right eye, and as soon as it was finished, I found myself looking at him and at everything around me with a great deal of curiosity for this was my first glimpse of the world.").

<sup>47</sup> Fran Quigley, *Seizing the Disorienting Moment: Adult Learning Theory and the Teaching of Social Justice in Law Schools*, 2 CLINICAL L. REV. 37 (1995) (describing techniques by which clinical educators can use disorienting moments to teach social justice).

<sup>48</sup> In Quigley's words:

Adult learning theory maintains that when a learner begins describing an experience with the phrase, "I just couldn't believe it when I saw . . .," an opportunity for significant learning has been opened. This phenomenon is called the "disorienting moment," when the learner confronts an experience that is disorienting or even disturbing because the experience cannot

experiencing, students in these situations need to develop new understandings of how the world works.<sup>49</sup> By grappling with the disjunction that they are observing, students derive vivid lessons and develop new perspectives.<sup>50</sup>

What better depiction of a disorienting moment than Dorothy's sudden arrival in the strange new world of Oz? Dorothy certainly seizes the moment, resolving "to wait calmly and see what the future would bring."<sup>51</sup> Dorothy and her friends succeed in reaching the Emerald City and fulfilling their quest because, in the words of Martha Nussbaum, their "[a]ctive searching intelligence becomes joined to openness, to a willingness to be surprised and moved, in company with others."<sup>52</sup> As Steiner would have it, their knowledge is inseparable from their perceptions and is connected to their emotions and their actions.<sup>53</sup> In modern parlance, Dorothy, the Scarecrow, the Tin Man, and the Cowardly Lion are experiential learners par excellence. They learn from their actions and act on their learning, a process that I have previously described as "a distinctly ethical project."<sup>54</sup>

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be easily explained by reference to the learner's prior understanding—referred to in learning theory as "meaning schemes"—of how the world works.

*Id.* at 51.

<sup>49</sup> This method of learning from experience has served as the fundamental pedagogy of clinical education for decades. *See, e.g.*, Gary Bellow, *On Teaching the Teachers: Some Preliminary Reflections on Clinical Education as Methodology*, in *CLINICAL EDUCATION FOR THE LAW STUDENT* 374, 383 (1984) (describing the need that clinic students develop for guidance from some framework which will help them to make sense of their experiences).

<sup>50</sup> One of my attempts to describe this phenomenon appears in Goldfarb, *A Theory-Practice Spiral*, *supra* note 3, at 1652 (explaining that through critical reflection on observations and experiences, "a person can come to a holistic, visceral understanding, a kind of meaning that can be felt and trusted because it makes good sense of experienced events.").

<sup>51</sup> BAUM, *supra* note 6, at 5.

<sup>52</sup> MARTHA NUSSBAUM, *THE FRAGILITY OF GOODNESS: LUCK AND ETHICS IN GREEK TRAGEDY AND PHILOSOPHY* 72 (1986).

<sup>53</sup> *See supra* note 28 and accompanying text. Referring specifically to legal education, James Boyd White expressed a similar educational philosophy:

[T]he proper focus of attention is not on what the student is learning to repeat or to describe but what she is learning to see and to do; on the doctrine or language of the law not abstracted from experience, but embedded in it, as the object and medium of thought, expression, and individual action.

James Boyd White, *Doctrine in a Vacuum: Reflections on What a Law School Ought (and Ought Not) to Be*, *J. LEGAL EDUC.* 155, 162 (1986).

Early in the twentieth century, John Dewey developed a philosophy of experiential learning. *See* JOHN DEWEY, *EXPERIENCE AND EDUCATION* 13 (1938) ("[A]ll genuine education comes about through experience."). *See also* DAVID KOLB, *EXPERIENTIAL LEARNING: EXPERIENCE AS THE SOURCE OF LEARNING AND DEVELOPMENT* (1984) (asserting the value of learning derived from action). These views are consistent with Steiner's educational philosophy, as expressed in STEINER, *supra* note 26, at 69 ("Education, therefore, is not something we work at in isolated activities, but something lived."). Baum would likely endorse this philosophy of experiential learning as well, if we are to judge by the Wizard's response when confronted with the Scarecrow's request for brains: "Experience is the only thing that brings knowledge." *See* BAUM, *supra* note 6, at 37.

More than forty years ago, Alfred Schutz described the cross-disciplinary nature of the phenomenon of experiential learning: "In philosophy, literary criticism, psychology, linguistics, and the social sciences, there is an emerging concern with the world as lived and perceived . . . . Linked to this is an interest in the symbolic constructs people use to make sense of their experience." ALFRED SCHUTZ, *THE PROBLEM OF SOCIAL REALITY* 55 (1967).

<sup>54</sup> *See* Goldfarb, *A Theory-Practice Spiral*, *supra* note 3, at 1697. From the standpoint of experiential education, ethical practice involves "engagement in activity in which one learns reflectively from and with others." *Id.* at 1673. Steiner's epistemology, too, is one in which the connections among perceptions, ideas, emotions, and actions produce "ethical individualism," a framework of guidance for living. *See* LACHMAN, *supra* note 25, at 111–12.

## A. ATTENTION

What is the method for learning from experience employed by Dorothy and her compatriots? As stated earlier,<sup>55</sup> careful attention to others is a primary aspect of the method. The Tin Woodman walks very carefully to avoid stepping on tiny ants.<sup>56</sup> When Dorothy tells the Wizard that she has killed the Wicked Witch of the West, she notices that the Wizard's voice trembles a bit.<sup>57</sup> In Baum's hands, attention emerges as a philosophy of learning as well as a set of finely-tuned perceptions.

## B. CARETAKING

The quality of attention is combined with a sense of obligation to others, expressed as caretaking. Scarecrow allows himself to be disassembled so that his straw stuffing can be used to hide the others from danger.<sup>58</sup> The Cowardly Lion faces down the Kalidahs, beasts with bear-like bodies and tiger-like heads, to try to save the other protagonists, even though he believes that he may be killed in the process.<sup>59</sup> Several times Dorothy risks her own well-being to protect others, including her little dog Toto.<sup>60</sup>

One message of *The Wonderful Wizard of Oz* is that when you come upon somebody who needs help—like the Scarecrow who asks to be taken down from his pole and to come with you to see the Wizard<sup>61</sup>—your obligation is to provide what help you can, even to a stranger. When Dorothy first asks the Wizard to send her back to Kansas, the Wizard asks: “Why should I do this for you?” She replies: “Because you are strong and I am weak.”<sup>62</sup> Strength carries with it the obligation to provide assistance to those in need of it.<sup>63</sup>

## C. COLLABORATION

Beyond qualities of attention and philosophies of caretaking, Dorothy and her friends make an excellent experiential learning community because

<sup>55</sup> See *supra* notes 44–45 and accompanying text.

<sup>56</sup> BAUM, *supra* note 6, at 15 (“[W]hen he saw a tiny ant toiling by he would step over it, so as not to harm it. The Tin Woodman knew very well that he had no heart, and therefore he took great care never to be cruel or unkind to anything.”).

<sup>57</sup> *Id.* at 35.

<sup>58</sup> When the Wicked Witch sends black bees to sting the traveling companions to death, Dorothy, Toto, and the Cowardly Lion lie down, and the Tin Man covers them from view with Scarecrow's straw. The bees perish trying to sting the Tin Man, whom they cannot harm. *Id.* at 23. Later, when the travelers need to scale a high wall, the Tin Man makes a wooden ladder. The Scarecrow climbs it and then falls off the top of the wall, lying at its base for the others to jump down on his straw, providing a soft landing. *Id.* at 28–29, 43–44.

<sup>59</sup> *Id.* at 17.

<sup>60</sup> When Dorothy first encounters the Cowardly Lion, the Lion moves forward to bite Toto. Dorothy, “fearing Toto would be killed, and heedless of danger, rushed forward and slapped the Lion upon his nose as hard as she could . . .” *Id.* at 14.

<sup>61</sup> *Id.* at 9.

<sup>62</sup> *Id.* at 25.

<sup>63</sup> Theosophy includes an ethical dimension such as this. See ELLWOOD, *supra* note 21, at 46 (explaining that “compassion and service” are an “ethical expression” of awareness).

they understand the value of collaboration.<sup>64</sup> To cross a river, the Scarecrow suggests that the Tin Woodman build a raft. But when the current carries them far from the Yellow Brick Road, the Lion jumps into the water and has the Tin Man hold his tail while the Lion swims to shore, pulling the raft behind him.<sup>65</sup> Teamwork is a hallmark of the problem-solving methods employed in the story.

#### D. TRUST

These collaborations work because they are based on trust. Moreover, consistent with the teachings of theosophy, differences between people—or the animals and objects that serve as their anthropomorphic stand-ins in the *Oz* stories—are not barriers to trust.<sup>66</sup> When the Scarecrow asks the field mice to help pull the sleeping Lion from the deadly poppy field, the mice agree to help based solely on this stranger’s reassurances that the Lion would never hurt anyone who had befriended the Scarecrow.<sup>67</sup> In sum, Baum teaches us that the methods by which we best live and best learn are attention, caretaking, collaboration, and trust across socially constructed bounds.

#### E. LESSONS FOR TEACHERS

*The Wonderful Wizard of Oz* could not be clearer that each of us already has everything we need to access higher realms of development and understanding. The brainless Scarecrow is always thinking, the heartless Tin Man is full of feeling, the Cowardly Lion repeatedly acts with daring and bravery, and all along Dorothy has been wearing the silver shoes that can take her home.<sup>68</sup> What does this mean for those of us who teach? That we are dispensable? That, like the Wizard, we are humbugs?<sup>69</sup> To the

<sup>64</sup> For an analysis of the contribution that collaboration can make to experiential learning, see Susan Bryant, *Collaboration in Law Practice: A Satisfying and Productive Process for a Diverse Profession*, 17 VT. L. REV. 459 (1993).

<sup>65</sup> BAUM, *supra* note 6, at 17–18.

<sup>66</sup> These narrative choices colorfully express the egalitarianism that was central to Baum’s thinking and to theosophy’s teaching. As Ellwood explains:

[T]heosophy teaches that . . . all humanity is on the same great path. How could this be expressed socially but in ways that emphasize the universal brotherhood of humanity and that make no distinction on grounds of race, creed, sex, caste, or color . . . [T]he Theosophical Society . . . is interracial, cross-cultural, cross-creedal, and committed to sexual equality.

ELLWOOD, *supra* note 21, at 22–23. At the end of his education lectures, Steiner phrased this theosophical teaching more poetically, observing that “[t]o see oneself in all humanity is to construct worlds.” STEINER, *supra* note 26, at 82. Steiner’s expression of the egalitarian theme is especially helpful in framing the message of the *Oz* stories, in which Dorothy enters another world to learn through experience to see her connections to others, no matter how different they might first have appeared.

<sup>67</sup> BAUM, *supra* note 6, at 20.

<sup>68</sup> In the Metro-Goldwyn-Mayer production of *The Wonderful Wizard of Oz*, Dorothy’s silver slippers were likely changed to ruby slippers to create a more visually dramatic effect. See HARMETZ, *supra* note 9, at 40–41.

<sup>69</sup> In *The Wonderful Wizard of Oz*, the fraudulence of the Wizard’s claim to special powers is assigned the term “humbug” during this dialogue:

“I’m supposed to be a Great Wizard.”

“And aren’t you?” she asked.

“Not a bit of it, my dear; I’m just a common man.”

contrary, my view is that Baum is suggesting a role for teachers that remains vital but is far subtler than the explicator role that we are often assigned.

The reality that our students already have what they need means that, as teachers, we should not—as the Wizard did—overstate our claims to expertise. Rather, we should remember, as Howard Lesnick has noted, that the word education is derived from the Latin “educere,” which means “to draw out something latent.”<sup>70</sup> By engaging students in meaningful experiences, assisting them in effective use of the methods described above, and helping them to formulate and understand the lessons that these experiences contain about life and law, the world and their role in it, we are precipitating and guiding their self-teaching, drawing out the creative inner activity that is latent within them.<sup>71</sup>

Baum’s *Oz* stories suggest that the highest art of teaching, whether in law schools or elsewhere, involves facilitating others’ movement from latency to engagement with their fullest talents. I see this important lesson emerging from between the lines of Baum’s children’s tales. Its influence sustains the mentoring work that I feel privileged to undertake each year in my profoundly rewarding role as professor of law.

## V. CONCLUSION

Understanding teaching as a relational process of helping students realize themselves, as they help teachers do the same, seems to me a worthy and important pedagogy that requires attention, caretaking, collaboration, and trust, not to mention brains, heart, and courage. If there were schools in Oz, I think these are the methods that they would endorse. And there is no particular reason why these methods would not work in Kansas and other locations as well.

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“You’re more than that,” said the Scarecrow, in a grieved tone; “you’re a humbug.”

“Exactly so!” declared the little man, rubbing his hands together as if it pleased him. “I am a humbug.”

BAUM, *supra* note 6, at 36.

According to Katharine Rogers, the nineteenth century showman P.T. Barnum, who delighted in fooling the public with tricks and illusions, was Baum’s model for the Wizard. See ROGERS, *supra* note 13, at 83. She reports that newspapers frequently referred to Barnum as a wizard and Barnum proudly referred to himself as a humbug. *Id.*

<sup>70</sup> Howard Lesnick, *Being a Teacher, of Lawyers: Discerning the Theory of My Practice*, 43 HASTINGS L.J. 1095, 1097 (1992). Lesnick continues:

To me, it revolutionizes the idea of teaching to think of it as bringing out something that is in a student, rather than putting something in that the student lacks . . . . To draw out of students what is latent inside them, teachers must, I believe, put more of ourselves into our engagement with the subject matter of our teaching. At the same time, we must struggle to do this in a way that encourages our students to look for more of themselves in their responses to us and to the subject matter.

*Id.* (footnote omitted).

<sup>71</sup> Steiner articulated a similar facilitative role for teachers. See STEINER, *supra* note 43, at 31–32 (“The teacher, as we know, can confer upon the pupil no powers which are not already latent within him, and his sole function is to assist in the awakening of slumbering faculties.”). Like Lesnick, Steiner also used derivations of the verb “to educate,” meaning to “draw out” or to “lead out,” in support of his educational philosophy. See STEINER, *supra* note 26, at 74 n.1.

