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LEGAL EDUCATION GENERALLY

Academic freedom and political neutrality in law schools: an essay on structure and ideology in professional education

J P Byrne

43 *J Legal Educ* 3, September 1993, pp 315-339

The role of institutional political neutrality in fostering academic freedom within law schools is examined in this essay. The author summarises traditional understandings of academic freedom, then examines the obligations that professionalism imposes on legal education, which involves reconsidering the debate surrounding Paul Carrington's strictures on 'nihilism'.

Finally, he considers allegations by the Washington Legal Foundation that law school clinics are biased in client selection, then generally discusses the relationship among clinical legal education, academic freedom and professional ethical commitment.

Comment on Peter Byrne's "Academic freedom and political neutrality"

H G Manne

43 *J Legal Educ* 3, September 1993, pp 340-345

The author explains an alternative history of academic freedom. He concludes that law schools cannot be politically neutral, and the ultimate goal of academic freedom can only be met by building intellectual diversity among different law schools.

Freedom to do what? Institutional neutrality, academic freedom, and academic responsibility

D Barnhizer

43 *J Legal Educ* 3, September 1993, pp 346-357

This paper examines academic freedom, the university ideal of academics pursuing and communicating truth, and these concepts in the context of American law schools. The author then comments on the revolution in legal scholarship because of perceived discrimination against certain categories of people, and the impossibility of political neutrality. He explains that emphasis should not be on the political neutrality of law schools, but on their intellectual honesty and openness.

Does professional education constrain academic freedom?

D M Rabban

43 *J Legal Educ* 3, September 1993, pp 358-370

The author agrees with Peter Byrne's article (43 *J Legal Educ* 3, p 315) and reiterates and examines his point that the political neutrality of the university has traditionally supported academic freedom. He then discusses the possibility that conflicts between law professors and practitioners may provoke novel controversies about the institutional autonomy of law schools and academic freedom, especially because of the recent increase in the number of law professors who deny the autonomy of law as an academic discipline.

Diversity and academic freedom

D A Bell

43 *J Legal Educ* 3, September 1993, pp 371-379

The author writes that the academic freedom which protects scholars from outside interference has not translated into the individual right to teach and research. Discrimination by law faculties because of race and gender is a greater threat to academic freedom of individual professors than any external institutional and political pressures, as faculty diversity is a prerequisite for academic freedom.

Comment on Derrick Bell's "Diversity and academic freedom"

P D Carrington

43 *J Legal Educ* 3, September 1993, pp 380-390

This critique disagrees with Bell's assertions of race and gender discrimination. It states that diversity should not be a mandate, as a mandatory rule would intrude on the autonomy of law schools, and be harmful to the American Bar Association as well as race relations within the profession and the nation.

The scholar as advocate

R S Eisenberg

43 *J Legal Educ* 3, September 1993, pp 391-400

This article notes that the justification for academic freedom may be compromised when faculty members have consulting clients or external interests which advance the interests of an individual or a group. Academics should balance the value of their outside interests against possible distortionary effects on their scholarship.

Comment on Rebecca Eisenberg's "The scholar as advocate"

J R Kramer

43 *J Legal Educ* 3, September 1993, pp 401-404

An academic describes his own experiences working outside the law school, in the context of the warnings and criticisms from Eisenberg's article.

Against the wall

S Gillers

43 *J Legal Educ* 3, September 1993, pp 405-411

The author examines other influences on the objectivity of legal scholars, and describes different types of distortions which may occur when a legal scholar is also involved in external consulting work.

Comment on Rebecca Eisenberg's "The scholar as advocate"

R Pitofsky

43 *J Legal Educ* 3, September 1993, pp 412-414

The author agrees generally with Eisenberg, but thinks that consulting does not necessarily distort a scholar's view, and notes the tradeoff - that outside consulting work allows an academic to integrate book knowledge with practical experience, which is desirable in legal education.