CONTEXT, CRITICISM & THEORY

Scholarly Paradigms: a new tradition based on context and color
A M Johnson, Jr.
16 Vermont L Rev 3, pp 913-932
Essay addresses two issues: (1) whether neutral scholarly paradigms or traditions exist, and (2) assuming their existence, whether minority scholars should embrace them. These questions are important in the debate over the existence and worth of the "voice of color". Issue of whether there is one predominant scholarly paradigm or tradition by which to evaluate the merit of all scholarly works, or whether there are multiple evaluative scholarly paradigms which should be employed to evaluate "non-traditional" scholarship.

Contends that the evaluative academic paradigm employed by "traditionalists" is too narrowly circumscribed to evaluate the merits of works prepared by scholars of colour who implicitly or explicitly speak in the voice of colour. Claims there is an interpretive paradigm, based on the perspectives of the author and the reader, that can and should be employed when the author is speaking in the voice of colour. Then makes an analogy concerning developments in the field of epistemology. Nevertheless continues to support the traditional scholarly paradigm insofar as when a scholar, irrespective of colour, intends to speak in a neutral voice, then should be judged according to that standard. Sees neutral/objective and impassioned/subjective paradigms as complementary.

Critical Legal Studies in England: Prospective Histories
P Goodrich
12 Oxford J Legal Stud 2
pp 195-236
Essay suggests a series of partial strategies to compensate for and potentially to reverse the marginality, the low status and limited impact, of critical legal studies in England. Suggests that in terms of substantive analysis and curricular programs critical legal studies has had as yet little impact in England. What substantive literature exists lacks any distinctive program, seldom adopts a self-consciously critical label and is scarcely differentiable from extant socio-legal, contextual or more explicitly political analyses of regulatory forms. The absence of a distinctive political and curricular program within the English legal jurisdiction not only assigns the literature of critical legal studies to the generic category of general jurisprudence, but also and correlatively marginalizes its perceived relevance to substantive legal analysis.

Essay focuses on the repression of specific historical texts critical of English law, and examines the theoretical implications of that repression.

Beyond Cut Flowers: Developing a Clinical Perspective on Critical Legal Theory
P Goldfarb
43 Hastings L J 4 (April 1992) pp 717-748
The author examines the relationship between clinical legal education and critical legal theory. She highlights the resemblances between the two movements while elaborating a clinical educator's perspective on and critique of some of the ideas associated with critical legal studies.

As the heir to different versions of legal realism - critical legal studies being associated with "rule scepticism", and clinical legal education with 'fact scepticism" - both are engaged in a project of theoretical deconstruction. For each the goal of this project is to generate a climate favourable to social change. The author, however, argues that much of the critical legal studies perspective, generated from the cloistered position of the academy, borders on being inconsequential. The new wave of clinical education theory, which engages in the inductive process of theory building by proceeding from the concrete to the general and back again, is better able to test the value of critical theory's insights and use them to effect change.

The Faces of Law in Theory and Practice: Doctrine, Rhetoric and Social Context
R Boldt and M Feldman
43 Hastings L J 4 (April '92)
pp 1111-1146
Although the Realist critique of Langdellian educational practice has been widely accepted, the authors demonstrate how the impact of this critique is minimised because of the disjointed way in which it is presented in the classroom. They offer an account of an integrated reconception of legal doctrine. They describe their attempts to break down the barriers in legal education and in the legal profession more generally by uncovering the doctrinal and rhetorical strategies employed by actors within the legal system to disclaim the political dimension of law and to reinforce a sense of institutional powerlessness.

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