

(prescribes doctrinal change), empirical scholarship (examines the social effect of legal rules), historical scholarship (relates legal doctrine to historical perspectives), and jurisprudential scholarship (investigates the essential nature of law). Feminist Jurisprudence, Critical Race Theory and Postmodernism are the new kids on the block. Two of the four types of feminism identified sit squarely within the traditional forms of scholarship, whilst the third form seeks to explain how women fare as a group, and the fourth focuses on the different moral and empirical worlds of women and men.

*"Legal educators and theorists need to stop talking to each other and step out of their own doctrinal comfort zones and talk to those outside of legal institutions."*

*R Delgado*

Using Edward Rubin's method of evaluating scholarship, the third and fourth types of feminist jurisprudence fail the test for rational discourse as does critical race theory. Postmodernism is not a form of legal scholarship but a philosophical outlook of universal applicability that has found its way into law reviews, both in its own right and as a tool used by the critical forms of legal scholarship. Whilst law is not an autonomous discipline it does contain an autonomous technique - scholarly legal advocacy (SLA). SLA is the interpolation of a legal principle from a line of cases with a view to arguing that the principle covers the case at hand. However, SLA is philosophically untenable. In hiring new faculty members, JDs should not be preferred over PhDs and excellence as legal scholarship does not require a particular composition of women and minorities.

**Ambivalence: The resilience of legal culture in the United States**

J Resnik

[see Women's Issues]

**Legal scholarship today**

R A Posner

[see Curriculum]

**"A(nother) critique of pure reason": toward civic virtue in legal education**

A P Harris and M M Shultz

[see Purpose]

**Liberal political culture and the marginalised voice: interpretive responsibility and the American law school**

D A J Richards

[see Purpose]

**CONTINUING EDUCATION**

[no material in this edition]

**CURRICULUM**

**Legal scholarship today**

R A Posner

45 *Stan L Rev* 6, July 1993, pp 1647-1658

The past three decades have wrought profound changes in legal scholarship. The traditional law professor was a student of legal doctrine, a lawyer training the next generation of lawyers who through law review articles, treaties, model laws, and restatements of the law guided the judges and practitioners. Such doctrinal legal scholarship flourished between 1870 and 1965 but has been in decline since. Law and Economics takes pride of place as a discipline that has challenged the legal doctrinalists' monopoly. The application of political and moral philosophy to the law are examples of other disciplines that have recently arisen to challenge the doctrinalists. The newcomers deploy non-legal tools to the study of the law.

Politically the faculties of leading American law schools now stand to the left of the judiciary. The newcomers write for each other and therefore offer little guidance on substantive issues of concern and interest to the practitioners of law. Furthermore the new learning

is antagonistic to the old. The introduction of the interdisciplinarian has shown that lawyers rarely understand the social and economic effect of the laws they administer. However, whilst a professionalism, dependability and craftsmanship is being lost, intellectual sophistication is being gained.

**Legal education and the ideal of analytical excellence**

J H Wilkinson III

[see Purpose]

**Legal education and the politics of exclusion**

R A Epstein

[see Context, Criticism and Theory]

**The use and abuse of philosophy in legal education**

M C Nussbaum

[see Context, Criticism and Theory]

**The value of public service: A model for instilling a pro bono ethic in law school**

J Chaifetz

[see Purpose]

**DISTANCE EDUCATION**

[no material in this edition]

**ENROLMENT POLICIES**

[no material in this edition]

**EVALUATION**

[no material in this edition]

**FACILITIES**

[no material in this edition]

**FINANCIAL ASPECTS**

**Commission on financing of legal education formed**

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Recognising that the issue most affecting legal education and its future is the need for adequate financing of