

change, pro bono work must begin when the students enter law school. In New York state, Pro Bono Students New York (PBS NY) is an organisation that places students in voluntary public interest positions. A counsellor determines the student's legal area of interest, then a computer database produces a list of the organisations befitting the student. Once a student chooses an organisation the counsellor contacts the organisation to discuss the student and inform the organisation that the student will be calling shortly. Students are required to sign an agreement obligating them to carry through on any projects assigned to them. Making pro bono work mandatory has the effect of legitimising work for the poor and under-represented, and students gain valuable lawyering experience by working on a real life project. Alternatively it is argued that no student should be forced to do what is conceived of as a voluntary gift of one's time to a chosen cause.

#### Can virtue be taught to lawyers

A Gutmann  
45 *Stan L Rev* 6, July 1993, pp 1759-1771

The three conceptions of lawyerly virtue are the standard conception - recommending zealous advocacy of clients' interests, the justice conception - that lawyers be above all dedicated to the pursuit of social justice and the character conception - that they live a good life in the law, a life characterised by the exercise of practical judgement. The missing virtue is the capability of lawyers to deliberate with non-lawyers - a mutual interchange of information and understanding oriented toward decision making about both ends and means. Through deliberation lawyers will help their clients examine the broader implications of their initial preference and explore the pros and cons of alternative strategies.

Clinical practice can be designated and directed to cultivate the skills and dispositions of deliberation. Regular law school courses should teach more of the knowledge and understanding that is necessary to make informed

judgements about alternative legal strategies.

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

A P Harris and M M Shultz  
45 *Stan L Rev* 6, July 1993, pp 1773-1805

Classical legal education celebrates reason and devalues emotion, however, emotion can enrich debate. The dominant ideology is that rationality and emotion are opposites and that the former and not the latter is appropriate in legal reasoning. The source of this dominant ideology are the Langdellian view of law as a science, the notion that justice should wear a blindfold to shut out persons and passions and the threat that unrestrained emotion poses to the rule of law. When law teachers seek to eliminate emotion from legal discourse all they achieve is suppression of its direct expression. Rationality unchallenged by emotion makes legal analysis an abstract exercise and classroom discussion a dry and sterile past-time.

At law school, students learn to articulate arguments for and against but are unable to place them in a broader philosophical, moral or practical context. If reason and emotion are not integrated throughout the course, the result can be to reinforce the split between the two. The dominant ideology is also politically entrenched. As women are more comfortable expressing emotions, and reason is prized above emotion, women will tend to be at a disadvantage. People who may be characterised as the 'losers' within the legal system will often be emotional, whereas 'winners' can be more calm and dispassionate. The subordination of reason over emotion perpetuates the status quo.

#### Erastian and sectarian arguments in religiously affiliated American law schools

T L Shaffer  
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Legal education by religiously affiliated law schools is now supported by the ABA provided religion is maintained as

a private affair of the individual and that the public moral issues addressed are secular and discussed in secular language. Despite earlier statements by the ABA, accreditation of religiously affiliated law schools by the ABA has largely ignored its own diversity requirement. Most religiously affiliated law schools are, however, secular. There are two alternatives to a secular religiously affiliated law school. The first is the Erastian view in which the Church serves a civil society that remains, in important ways, Christian. Erastian law schools are not secular but are for the most part indistinguishable from all other law schools. The second alternative is the sectarian view where the particular calling of the people of God is to be distinct within civil society and to endure consequent separation from it.

*"...There is a major shift in student attitudes during first year from the use of law as a tool for social change and betterment to a perception of law as a system of conflict resolution."*

*J Chaifez*

A sectarian law school would be (1) communal - students would receive their legal education in and from the community of the Church, (2) commissioned - it would view the practice of law as a commissioned ministry of the sect, (3) infallible - it would depend on infallible assurance - that the lawyer is right by virtue of his/her faith in God and (4) specific - the law school's ethic would address specific, particular professional behaviour. Religious sources of social, political and legal morality are specific in that they have predetermined policies on specific issues.

Of the two alternatives to a secular religiously affiliated law school, the sectarian model is the more religiously sound alternative.