Preface: Academic Freedom and Legal Education

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The papers and comments printed here were delivered at a conference on Academic Freedom and Legal Education, held at the Tulane University School of Law on April 3 and 4, 1992. Although their publication comes months later, the problems they deal with are enduring. Law schools are uncertain how the traditional norms of academic freedom apply to the special situation of professional schools. One may be surprised that this is the first published symposium on academic freedom and legal education. A smaller set of papers from the conference will be published separately in the Journal of College and University Law.

Speaking or writing about academic freedom propels one from current controversies toward implicit or explicit propositions about the nature and goals of legal education. As law professors we seldom engage in sustained abstract discussion about what values make our profession worth pursuing. Yet we often know in debating appointments or curricular issues that powerful unarticulated beliefs surge beneath the surface. Discussion of ends may make us both more intelligent and kinder in resolving practical questions of governance.

In recent decades, law schools have more fully understood themselves as part of the broader university community. This closer integration may be seen most clearly in the search of legal scholarship for more rigorous methodology and in appropriations from an increasing number of allied disciplines. The benefits garnered from the change have been enormous. Yet, as a participant in this conference, I was struck by the recurring invocation by speakers of ways in which law schools were valuably distinct from purely academic departments. The papers will be successful indeed if they stimulate continuing discussion of the relationship between the intellectual activity of legal scholars and the intellectual tasks and moral pressures of the legal practice for which we are preparing our students.

Many people must be thanked for the vitality of the conference. All the contributors took their tasks, but not themselves, entirely seriously. The planning committee consisted of Anita Allen, Rebecca Eisenberg, Stephen Frankino,
John Kramer, Robert O'Neil, and David Tatel. The Section of Legal Education and Admissions to the Bar of the American Bar Association and the Tulane University School of Law provided indispensable support. Dean Kramer also served as a warm host for the participants. Those who attended asked sharp but friendly questions. The greatest credit, however, must go to Norman Redlich, Dean Emeritus of New York University School of Law, who chaired the planning committee. He first recognized the need for such a conference and willed it into being, insisting politely that the contributors address hard questions to the best of their abilities.