

Introduction to Legal Studies

Spring2007

Discussion Questions for Thursday, April 12th

Legal Consciousness and Legal Education

This class will discuss how legal education in the United States frames and nurtures certain ways of thinking about the law, and about people's place in the social system. Read the two articles in *BEFORE THE LAW*, Pp. 351-359; 360-367

1. According to Kennedy, within the law school context, what is meant by "legal reasoning" and how does it differ from other kinds of reasoning?
2. What does the phrase "incapacitation for alternative practice" mean?
3. Kennedy says that people generally accept the idea that hierarchies express the net value of each individual's worth, and thus they also accept not only other people's unequal relationship to themselves, but their own location in unequal systems. Do you agree?
4. What is the main argument in Williams' article "Diary of Law Professor"?
5. Williams, by taking up the student's cause, comes to suffer the same fate as the student – ostracism and blaming the victim. What does this imply about law school culture, pedagogy and hierarchies, and about advocacy?