Helsinki Law Review 2014/1 p. 95–120

Legal Education and the Reproduction of the Profession

Critical scholarly responses to the crises of legal education in the United States in the 1930s and 1960s–1970s, and in Finland in the 1960s–1970s

Keywords: legal education, jurisprudence, lawyers, legal history, comparative law

Juhana Salojärvi[1]

Abstract

This article examines the criticism that legal education faced in the United States in the 1920s and 1930s and again in the 1960s and 1970s, and in Finland in the 1960s and 1970s. The purpose is to demonstrate that the criticism of legal education reflects broader social currents as well as changes in scholarship in general. Although no fundamental change ever occurred, the criticism, when it is as widespread as it was during the periods under examination, always pushes forward some ideas and contributes to the changes in legal education. Thus, persistent critical analysis of legal education as well as its relationship with society is important in order to reveal problems in law and society and to keep legal education up to date.

Full Article

1 Introduction

Legal education is an essential part of the making of the legal profession. Sometimes it comes under heavy criticism and pressure for reform, which usually reflects some deeper problems in society and the position of the legal profession within it. This essay examines critical the perspectives of legal scholars on legal education in the United States in the 1930s and the

1 Juhana Salojärvi, LL.D. (University of Helsinki), is currently working as a researcher at the Faculty of Law of the University of Helsinki. His main field of study is legal history. He defended his doctoral thesis, which regarded critical legal scholarship in the United States and the Nordic Countries in the 1960s and 1970s, in November 2013.

1960s and 1970s, and in Finland in the 1960s and 1970s. The purpose of this article is to consider the critical potential for reform of legal education, and historical analysis is used as a lesson for modern legal scholarship. I will point out that the times and places analyzed in the article produced relatively similar ideas about reforming legal education. Despite the criticism, however, education has not changed much even though some reforms have occurred.[2] Thus, the simple task of the article is to investigate and compare the responses in order to provide sketches of the relationship between legal education, legal scholarship, and society.

The United States and Finland belong to very different legal cultures and have different legal education structures.[3] However, the fact that the countries are different only makes the comparison more interesting, as it allows us a perspective on similar ideas in different contexts. Moreover, despite the difference in methods, the purpose of legal education is to train students in the legal profession, and the fundamental aspects of education are similar. I will point out that, in spite of the cultural differences, the opinions of the critical scholars with respect to legal education were very close to each other, or, in rough terms, even the same.

The structure of the article is as follows. First, I examine the critical insights on legal education of the American legal realists of the 1930s. Legal realism was a movement that criticized legal formalism and sought to bring elements of empirical social science into legal scholarship. Its ideas on legal education thus conformed to the wider picture, emphasizing the position of the social sciences, a functional approach, and practical skills in legal education. Second, I will analyze the critical perspectives on legal education in the United States in the 1960s and 1970s. The sixties registered a revitalization of sociological jurisprudence, which was also apparent in the criticism of

2 See e.g. Attanasio 2002, pp. 473–475 (2002). It seems that legal education has been modified both in the United States and Finland during the twentieth century but the fundamental elements have remained the same.

3 Roughly speaking, the United States is a common law country whereas Finland belongs to the Scandinavian legal area, which is closer to the continental civil law system, but also has its unique characteristics. With respect to legal education, the American system is based on the case method in which legal cases are discussed in class through the Socratic method, and the purpose is to concentrate on legal process and reasoning. In Finland, legal education is based on lectures and textbooks, the emphasis being on the legal rules and principles, i.e., more on the substance than on the process.

legal education. Legal scholars of the 1960s and 1970s once again emphasized the importance of the social sciences, the functional approach, practical skills, and policy analysis in legal education. After examining the two American periods, I will explore the criticism of legal education in Finland in the 1960s and 1970s. I will not analyze the Finnish situation in the 1930s in much detail, because there was no intense discussion on legal education at that time. Thus, a brief remark in this regard must suffice. The later decades, on the other hand, were in general a time of social turbulence and reform in legal and social policy, and legal scholarship and education were also under pressure to reform. With respect to legal education, the Finnish critical legal scholars emphasized the importance of the social sciences, a functional approach, and ideological aspects.

As will be seen, the three periods exhibit similar approaches to legal education. Since the purpose of this article is to examine the critical responses to the "crises" of legal education, I will not explore the actual reforms, but will simply concentrate on the critical responses of legal scholars. Nor will I conduct a thorough historical analysis of the critique. Since my purpose is to provide general accounts of the critique, the context of the debates will inevitably be covered only on a rather general level. I believe that such a general analysis can provide a useful perspective on the inner dynamic and problems of legal education as well as the critical potential to reform it. Duncan Kennedy has argued that legal education reproduces hierarchy.[4] My purposes are far more modest. I will merely point out that the fact that fundamental changes in legal education are virtually impossible is because of its function in producing lawyers for society. Fundamental changes in education would therefore first require fundamental changes in society.

2 American Legal Realism and the Critique of Legal Education in the 1930s

The interwar years in the United States were marked by two very different periods. The 1920s was a time of economic growth, increasing democracy and civil rights and a need for social reform, but also a time of strikes and la-

4 Kennedy 2004.

bor unrest. The legal profession and the law firms also expanded. The stock market crash of 1929, however, changed the social picture, and the 1930s was the time of the great depression. While the depression meant unemployment, poverty, and lack of finance, it also meant New Deal politics, market regulation and governmental measures to revive the economy, which meant new kinds of social planning and regulation. The 1930s was also a time of rising Nazism and fascism in Europe, which provoked powerful democratic and anti-communist sentiments in the United States. The thirties ended in the war in Europe into which the United States entered in 1941.[5]

The 1920s and 1930s were also the heyday of legal realism. Its roots date back to the sociological jurisprudence of earlier decades, but the interwar years are usually considered as its most important period.[6] Realism was not a unified "school" or "movement"[7], but at the fundamental level its basic tenets could be summarized as follows. The realists criticized legal reasoning and judicial decision-making for their claimed formality. According to the realists, judicial decision-making was not neutral or logical but always affected by the personal biases of the judge and therefore irrational to an extent. Furthermore, law was not natural or absolute, but a positive, man-made enterprise that served certain social functions. Therefore, the realists argued, legal scholarship should focus on the social functions and effects of the law.[8]

Legal realism developed in the 1920s, first at Columbia and later at Yale, as an effort to integrate social science into legal research,[9] and legal education was an important part of the endeavor to reform the tradition of legal schol-

5 Parrish 1992; Morison, Commager, Leuchtenburg 1983, pp. 577–631; Leuchtenburg, 2009; Sobel 1968.

6 See e.g. Tamanaha, 2010, p. 1. Tamanaha's thesis that realism was not anything radically new at the period is of no interest here. Realist notions were not an invention of the 1920s, but that is not the concern of this paper.

7 According to Neil Duxbury, "Realism was more a mood than a movement." (Duxbury 1995, p. 69.)

8 Duxbury 1995, pp. 93–135; Horwitz 1992, pp. 172–212; Singer 1988, pp. 470–503. For realism as an academic movement, see Kalman 2001. On the relationship between realism and empirical social science, see Schlegel 1995. On realism in general, see Fisher, Horwitz, Reed (eds.) 1993.

9 Duxbury 1995, pp. 83–89; Kalman 2001, pp. 68–78; Schlegel 1995, pp. 81–146; Stevens 1983, pp. 137–141; Twining 1985, pp. 26–60.

arship.[10] To the realists, research was an essential part of legal scholarship and of legal education, and they often considered it important that research be both conducted within the universities and applied in education.[11] Three elementary issues in legal education concerned students, teaching methods, and teaching material. Students should be pre-educated in the social sciences before entering law school, legal education should focus on social problems, and the curriculum ought to be reorganized accordingly.[12]

Besides reorganizing the structure of education to correspond with the social functions of law, the realists disliked the case method as a method of teaching. A pivotal vice was the conceptualist belief that law consisted of abstract principles that could be applied deductively to legal problems in order to achieve uniformity and certainty in law,[13] and the case method represented the conceptualism that inculcated the idea of legal certainty into the minds of law students. Thomas Reed Powell thus voiced the self-criticism of the realists when he wrote that "[e]ver since we hit upon the success of the mechanical device of the case method, we seem to have forgotten the possibilities of flexibility in teaching methods."[14] In his opinion, the case method not only conceptualized legal education, but also stultified it.

The problem of the case method, however, related to the larger problems of legal education, which the realists wanted to concentrate on in actual social problems. According to Felix Cohen, "[l]aw is a social process, a complex of human activities, and an adequate legal science must deal with human activity, with cause and effect, with the past and the future."[15] Max Radin wrote that the case method was often criticized, "when what [was] objected to [was] really the group of propositions in which that method is exercised."[16] However, "[l]aw [was] not a matter of propositions at all but a part of the

10 For comprehensive accounts of the relationship between the realists and legal education, see Stevens 1983, pp. 131–171; Kalman 2001.
11 Oliphant & Bordwell 1924, pp. 295–297; Frankfurter, Llewellyn, Sunderland 1930, pp. 669–670.
12 Oliphant 1928, pp. 329, 331–335; Stone 1924, p. 33; Hutchins, Powell, Cook 1929, pp. 405–406.
13 Frank 1949, pp. 48–56, 206–217; Llewellyn 1930, pp. 444, 453–454; Llewellyn 1931, pp. 1238–1246.
14 Powell 1927, p. 74.
15 Cohen 1935, p. 844.
16 Radin 1937, p. 680.

living order of society and must be taught as such."[17] According to the realists, law was to be taught in accordance with the social problems it dealt with, not detached from them.[18] The general idea of the realists was that law was a social phenomenon and that was to be taken into account in educating legal professionals.

In emphasizing the practical skills of the lawyers, some realists stressed another approach. For instance, Jerome Frank observed that "[w]here the Langdellian atmosphere is thickest, teaching is weakest; where that atmosphere is thinnest teaching is strongest."[19] Hence, legal education ought to be reformed to resemble a legal clinic where students could participate in actual legal practice and study trial court records instead of appellate court decisions.[20] Frank departed from other realists in endorsing a very practical legal education, but his fundamental thesis was nonetheless concerned with bringing education closer to real problems and familiarizing law students with real-life circumstances.

Realists did not simply criticize legal education but also brought new insights into it, such as social material in education, a more critical perspective on cases, new kinds of textbooks, and seminars.[21] The critics of realism, however, were not convinced of the usefulness of the social sciences in legal education.[22] The realists could therefore not change the curriculum

17 Ibid. pp. 683–684.
18 Frank 1933, pp. 723–725; Frankfurter, Llewellyn, Sunderland 1930, p. 673; Llewellyn 1930(a), pp. 93–100; Oliphant 1928(a), pp. 75–76, 159–160; Radin 1937, pp. 683–685; Yntema 1928, pp. 477–478.
19 Frank 1933, p. 726.
20 Frank 1933(a), pp. 907–923.
21 For Yale and Columbia, see Reed 1930, p. 771; for Yale, see Hutchins, Powell, Cook 1929, pp. 404–406, 408–409; Clark 1933, pp. 167–169; for Northwestern, see Green 1931, p. 300; Green 1933, pp. 821–825. On the realist reforms of legal education in general, see Kalman 2001, pp. 68–119; Stevens 1983, pp. 156–163.
22 Keyserling 1933, pp. 454–455; Hutchins 1934, pp. 512–516. While working as the Dean of Yale in 1927–1928, Hutchins contributed remarkably to the realism of Yale. However, he resigned to accept the presidency of the University of Chicago. (Kalman 2001, pp. 107–115.) While Hutchins was acting as the president, Thurman Arnold accused him of promoting the symbolic part which law plays in society. (Arnold 1935, p. 734.)

markedly,[23] and in 1935 Karl Llewellyn argued that legal education was still "blind, inept, factory-ridden, wasteful, defective, and empty,"[24] and that there was still a need to integrate social sciences into legal education to make it correspond with the social reality.[25]

The realists struggled with traditional education for at least a decade without achieving any fundamental changes or reforms. Many of the realists were aware that it was difficult to change the training because of its importance to the profession. Thus, John Hanna could write that lawyers were mostly very tolerant, but the question of education caused disturbance. "Whatever concerns the training of the legal profession or admission to it is basically important to our political and social structure."[26] Reed also noted that "[t]he initial attitude of many practitioners was that some of the scholarly specialists were in danger of restating the law in unusual language that would hardly be serviceable for actual use in the court room,"[27] and Arnold wrote that "[s]ince the role of the law school is to justify faith in an abstract science of law, it is natural that when this role is abandoned, social pressure appears which compels a return to it. Therefore law schools are for the most part conservative and conceptual in their thinking."[28]

Realists endeavored to integrate the social sciences into legal scholarship, reorganize the curriculum in accordance with social problems rather than legal subjects, increase the amount of empirical data in legal education, widen the perspectives of education, and bring it closer to practice. Their goals in education would have prepared students for a legal profession of their conceiving. As radical reforms, their plans failed, although they achieved certain changes. All in all, it seems to have been the practicability of the reforms, opposition of the profession and the faculties, and financial, social and educational factors which suppressed the efforts of the realists. In any event, the realists did leave a lasting legacy in American legal thought, even though they were not completely successful in their endeavors, a legacy seen in the critical legal insights of the following decades.

23 Kalman 2001, pp. 82–96; Stevens 1983, pp. 139–141.
24 Llewellyn 1935, p. 653.
25 Ibid. pp. 653–656, 660–663, 667–671.
26 Hanna 1930, p. 745.
27 Reed 1930, p. 767.
28 Arnold 1935, p. 733.

3 The "Crisis" of American Legal Education in the 1960s and 1970s

The legal realists made serious efforts to reform legal education in the 1920s and 1930s, but they did not achieve any fundamental changes. In addition to the opposition of the faculty and the fact that the realists faced difficulties in putting their theories into practice, realism in the law schools was also weakened by the economic downturn and the political atmosphere that followed the Second World War.[29] However, efforts to reform legal education continued in the 1940s and 1950s, the post-realists, for example, seeking to adapt policy analysis into legal education,[30] and the postwar decades witnessed several reforms.[31] Nonetheless, even if "the Yale Law School of the late 1940s was a far more 'realistic' institution than it had been in the previous decade,"[32] case method survived as the dominant teaching method.[33]

The debates on and the criticism of legal education continued through the decades following legal realism and the Second World War,[34] and in the latter part of the 1960s they only intensified. In general, the 1960s was a time of social turbulence. Civil rights movements rose to prominence, and government sought to deal with the problems of poverty, crime, and discrimination against minorities. In addition, students rebelled at the university and the New Left was born as a reformist social ideology.[35] The decade was also a time of a resurgence of sociological jurisprudence in various forms, and an increased interest in applying social, political, and behavioral sciences in legal research.[36]

As the interest in alternative methods of legal scholarship increased, some legal scholars became concerned about the conservative status of legal education. For instance, Charles Reich advocated an education that would pay

29 Kalman 2001, pp. 121–144. Because of its leftist sympathies, realism was often labelled as a fascist ideology supporting an idea of a strong government.
30 Lasswell & McDougal 1943, pp. 204 206, 242 245, 256.
31 Kalman 2001, pp. 188–228; Stevens 1983, pp. 205–231.
32 Kalman 2001, p. 164.
33 Stevens 1983, pp. 268–270.
34 See Notes 1964, pp. 710–734.
35 Isserman & Kazin 2000; Morgan 1991.
36 See e.g. Friedman & Macaulay 1969. The book gathers the essential aspects of the sociology of law and other forms of alternative legal scholarship of the 1960s.

more attention to substance instead of process and also apply the methods of the social sciences,[37] Lester Mazor argued that the study materials should consider the social functions and consequences of law more and not simply legal cases,[38] and Arthur Miller wrote that education ought to pay attention to the realities of judicial decision-making.[39] Reformist scholars thought that traditional education could not provide adequate information about law in action because a simple focus on cases and legal methods distanced students from legal reality.

Much like the realists a couple of decades before, legal scholars once again argued for a fundamental reform of legal education. The critical scholars criticized the traditional division of the curriculum, demanded a functional approach[40] and argued for interdisciplinary methods in education.[41] They opined that there ought to be more history,[42] philosophy,[43] social science[44] and empirical data[45] in legal education because these would help the would-be lawyers to understand the purposes, functions and effects of law in society and thus make them better professionals. Just like the realists, the alternative legal scholars of the 1960s did not believe that lawyers could serve their function properly without knowledge of the society in which they worked.

Indeed, the reformist legal scholars thought that it required more to be a lawyer in modern society than to be simply able to solve legal cases. They argued that law students should be educated to deal with contemporary social problems,[46] to use law as a tool of social reform,[47] and to specialize in particular fields in order to have special skills for particular problems.[48]

37 Reich 1965, pp. 1402–1408.
38 Mazor 1965, pp. 1202–1211.
39 Miller 1965, pp. 1094–1101.
40 Yegge 1967, pp. 21–22.
41 Friedman 1968, pp. 459–460.
42 Friedman 1967, pp. 45–46.
43 Wallace 1967, pp. 26–27, 34.
44 Moore 1967, pp. 50–54.
45 Macaulay 1968, pp. 467–468.
46 Cavers 1968, pp. 143–148; Johnstone 1970, pp. 255–258; Leleiko 1971, pp. 503–506.
47 Reich 1965, p. 1405; Yegge 1967, pp. 13, 16–17; Moore 1967, p. 53; Macaulay 1968(a), p. 635.
48 Goldstein 1968, pp. 164–165.

Some even thought that law schools should focus on policy analysis.[49] As society was becoming more complex, legal problems and their solutions were also becoming harder. In addition, lawyers were not to serve only the elite interests, but were supposed to understand law in a broader social context.

The late 1960s also brought student radicalism into law schools.[50] Student discontent with legal education and awareness of it among the teachers of law increased during the decade,[51] which also intensified the willingness to reform the training. Studies revealed that students felt the Socratic method was very stressful.[52] The case method was thus again seen as a major vice in legal education, and the scholars who wanted to reform it so as to respond to the needs of the society and be more hospitable to students wanted to abolish it. Paul Savoy wrote that a real interaction between teachers and students would "never happen until we remove our academic masks and put an end to those degrading ceremonies we politely call the 'Socratic method.'"[53] Students found the case method offensive and critical teachers considered it unrealistic and impractical, and various alternatives were suggested. In addition to interdisciplinary education and a functional approach, clinical education also received support.[54] Dissatisfaction with the mechanical application of the traditional case method was considerable, and scholars were figuring out ways to improve and modernize education.

The problem was, however, much deeper than simply in the form of the law school curriculum. Because of the rapid change in the atmosphere of the law school in the late 1960s, radical scholars began to talk about a profound crisis in legal education that related to a more fundamental crisis in the legal profession in modern society.[55] Critical lawyers argued that since legal education merely served the interests of the rich,[56] the curriculum ought to be fundamentally revised so that lawyers in the future would understand all of the problems of contemporary society.[57]

49 Miller 1970, pp. 587–608.
50 Kalman 2005, pp. 28–31, 84–105, 122–135, 145–157.
51 Silver 1968; Kennedy, 1970; Borosage, 1970.
52 Watson 1968, p. 124.
53 Savoy 1970, pp. 456–457.
54 Leleiko 1971, pp. 511–513.
55 Kinoy 1969.
56 Nader 1970, pp. 493–496.
57 Kinoy 1969, pp. 2–6.

As can be seen, not much had changed during the decades between the realist era and the 1960s. Although the law school curriculum was reformed to an extent, scholars favoring alternative approaches to legal scholarship still lamented the dominance of the case method and endorsed interdisciplinary education, a functional approach, and policy analysis. The society was in a transforming phase in the 1920s and 1930s when the realists were at the peak of their endeavor, and society was again in turmoil in the 1960s when the desire to reform legal education became more intense. Although the times were different, the approaches to reform were basically the same. The critical legal scholars of the 1960s sought to increase social analysis in legal education so that law students could understand the relationship between law and society. In addition to the changes in legal scholarship, the critics of education followed the changes in society, which encouraged understanding the various social functions of law. It seems that the realist ideas were simply adapted to the different social and academic circumstances. Similar arguments were also advanced in Finland in the 1960s, and a brief analysis of the events there will provide another perspective on the adaptation of the realist ideology in a different context.

4 Radical Responses to the Reform of Legal Education in Finland in the 1960s and 1970s

Finnish legal education did not face fierce criticism until the 1960s. Until then, the basic ideas of legal education had prevailed since Finland gained its independence in 1917, and since the decree on legal education in 1921.[58] In general, the 1920s and 1930s represent a period when legal education was poor and legal scholarship was reactionary. Thus, nothing that could be called a debate emerged.[59] A brief look at these decades will help to understand the later period.

58 Asetus Helsingin yliopiston lainopillisessa tiedekunnassa suoritettavista tutkinnoista, 30.12.1921; Kangas 1998, pp. 37–46, 70; Korpiola 2010, pp. 34–37, 65–68.

59 Legal scholars did not debate about the curriculum publically. Pressing problems in the 1920s and 1930s were law school admissions and the problem concerning the language of education. Because of the Swedish heritage, Swedish was dominating language in the 1920s although students were mostly Finnish speaking. (Kangas 1998, pp. 48–51, Korpiola 2010, pp. 22–24.) A general concern was also how to shorten the time and lower the costs of legal studies while producing skilled jurists and officials. (See Hermanson 1927, pp. 306–307).

Both legal scholarship and legal education remained untouched by radical currents in Finland during the interwar years. Although realism established a strong position in Scandinavia, and although some Finnish scholars endorsed some realist elements, no considerable change occurred in Finnish legal scholarship.[60] Because of the Civil War of 1918, the political right dominated Finnish society until the 1950s. The legal profession conformed to the social ideology, and scholars with leftist sympathies had poor chances of success.[61] Furthermore, Finnish legal scholars in general rejected, and often misunderstood, realist arguments in the 1930s.[62] Thus the Finnish legal establishment remained conservative in scholarly as well as in political sense.[63] With respect to education, the circumstances did not encourage change. Legal education was poor in Finland in the 1920s.[64] There were very few professors, as well as young scholars, and the shortage of textbooks was considerable.[65] Thus, discussion on legal education among legal scholars remained virtually non-existent. The very few scholars who wrote about education contemplated merely the appropriateness of the structure of education without considering any fundamental issues.[66]

The social situation and the poor state of the faculty of law explain the absence of scholarly criticism of legal education. In the 1920s, legal education was just taking its first steps and the circumstances for that were in general poor. Quite obviously, then, since even the basis was weak, there was no urge to make any radical revisions. And since there was a considerable shortage of professors, there were no young or any other scholars to argue for radical reforms. The reasons for the failures of reforming legal education in a realist or more socially-oriented direction in the 1930s, on the other hand, are the same reasons for which realism in Finnish jurisprudence failed. Finnish society in the 1930s was conservative and dominated by the political right. Since the legal and political elite were closely tied, the legal

60 Pihlajamäki 1997, pp. 64–66; Pihlajamäki 2000, pp. 344–350; Helin 1988, pp. 265–276.
61 Malminen 2003, pp. 85–87.
62 Helin 1988, pp. 276–283.
63 Malminen 2003, pp. 83–84.
64 Kangas 1998, p. 37.
65 Serlachius 1923, pp. 179–184; Caselius 1924, pp. 47–48, 50.
66 Serlachius 1921; Hermanson 1927; Kaira 1937. A common opinion was that philosophy and history, which were included in the preliminary studies, should be replaced with economics. (Serlachius 1921, p. 17; Kaira 1937, p. 175.)

profession was conservative. And since realism related to social reformism and leftism, it did not have a chance under such circumstances. Because of the conservative society and the shortage of alternative scholars, there was no evident need for reform. Nor were there scholars with the willingness or ability to make change happen.

The 1960s in Finland was a time of rapid social change. Finnish society transformed from a relatively backward agricultural society into a modern industrial one. The 1960s was also a time of economic expansion and urbanization, accelerated by rapid population growth and migration from the countryside to the cities. In addition, it was a time of nascent welfare state politics, rising working class ideology, a bull market in higher education, and student protests. The radicalism of the period challenged traditional values, and leftism became the dominant reformist ideology in the society as well as in the universities.[67]

The 1960s and 1970s were also times of transformation in law and legal scholarship. There were intense discussions on legal politics, and the time in general was marked by optimism in social planning and regulation as well as liberation in legal politics. Thus, these decades witnessed a serious amount of social legislation.[68] In addition, legal scholarship was placed under serious threat for the first time when critical young legal scholars argued that legal scholarship was political and biased, and called for sociological jurisprudence and the bringing of social sciences into legal scholarship.[69] Although the change was not dramatic, the times marked a general shift toward methodological pluralism and social scientific orientation in legal scholarship.[70]

The turbulence extended also to legal education. The social transformation and the growth of the student population also called for a reform of higher

67 Riihinen 1993, pp. 1–20; Soikkanen 1997; Suomen historian pikkujättiläinen 2003, pp. 850–860; Tuominen 1991; Virtanen 2002, pp. 269–350.
68 Kekkonen 1998, pp. 103–119.
69 As a short, though not comprehensive, excursus on the debate one may look at the following literature (in alphabetical order according to author). Aarnio 1970; Aarnio 1970(a); Backman 1972; Blom 1970; Eriksson 1969; Jyränki 1969; Kivivuori 1970; Klami 1970; Tolonen 1970.
70 See Kekkonen 1998, pp. 119–123.

education, including legal education.[71] Discussion about reforming legal education was heated in the late 1960s,[72] and radical law students often felt that legal education was conservative.[73] The interview with the President of Finland on his 70th birthday in September 1970 brought an interesting addition to the debate. The President, who was an authoritative figure, had been in office for fourteen years, and often took a strong stand on public issues, criticized legal education for its conservative nature, blind faith in traditional authority, and the lack of social data and a realistic approach.[74] Because he supported the agenda of the critical legal scholars of the 1960s,[75] the interview gave a significant impetus to the discussion on legal education.

There was a general consensus on the need for legal education reform,[76] but the opinions as to the course of the reform differed. Critical scholars argued that values and ideologies underlying the law should be analyzed in education,[77] more social data ought to be included,[78] the students should be educated on the relationship between law and social structures,[79] and that the social data should be integrated with an analysis of the social role of the legal profession.[80] Critical legal scholars followed their jurisprudential notions in their concerns on education and wanted to reform it to correspond with modern needs.

71 Kangas 1998, pp. 110–111; Häikiö 1977, pp. 13–14. Generally on the reform of higher education in Finland in the 1960s and 1970s, see Häikiö et al. 1977.
72 Andersson 1971, pp. 4–8.
73 Lehtinen 1969, pp. 24–25; Vikatmaa 1969, pp. 34–35; Lammi 1969, pp. 26–28; Backman 1970, pp. 14–19; Uomola 1970, pp. 22–23. The majority of law students were probably not radical. Moreover, to think of legal education as conservative did not necessarily imply to similar ideas about reforms or similar political ideologies, as can be seen, for example, in the writings of Vikatmaa. (Vikatmaa, 1970.)
74 Kekkonen 1970, pp. xii–xiv.
75 The interview followed precisely the issues the critical legal scholars brought up in the 1960s and 1970s. This is entirely understandable because certain young legal scholars put the questions and others talked with the President before the interview was conducted. All of the scholars involved in the interview participated in the legal debates of the time on the critical side. (Jyränki 1990, pp. 258–265.) Although the actual impact of the "preparation" on the outcome of the interview is doubtful, it obviously had some influence on it. It is possible that the interview served different purposes for its part and was thus beneficial for both the President and the legal scholars. For the President, it was an opportunity to score points off his political opposition. On the other hand, the critical legal scholars gained an authoritative voice for their cause.
76 Pöyhönen 1970, pp. 5–8; Andersson 1971; Ylöstalo 1971, pp. 10–14; Muukkonen 1971, pp. 8–9.
77 Zilliacus 1970, pp. 20–23.
78 Louekoski 1970, p. 13.
79 Ojanen 1971, pp. 19–21.
80 Aarnio 1971, pp. 31–35.

When the details of the reforms are put aside, the question was whether legal education ought to provide the would-be lawyers with more general knowledge on law and legal matters, or whether it ought to provide better knowledge of the context in which the law functioned. The most radical views also linked law and legal education to social ideologies and wanted to emphasize this explicitly in education. The critical scholars argued that since law was an elementary part of society, it was important to pay attention to the social circumstances and ideologies underlying the law, in order to provide more thorough understanding of the law in its social context.

As can be seen, the criticism of legal education and the suggested reforms resembled the notions of the American legal scholars of the 1930s and 1960s. Finnish legal scholars also endorsed social sciences and philosophy in legal education and the idea of analyzing law as a means of social change. American scholars of the 1960s emphasized policy analysis and the various social roles of lawyers, and so did the Finnish legal scholars who also stressed the ideological function of law more. The emphasis on ideology followed the social structure of Finland and the position of Marxism in the leftist thought of the 1960s. In any event, the critical insights were seen in the reform of legal education of the 1970s.

In 1973, the legal education reform committee published a memorandum in which it proposed increasing materials on social sciences, history, and philosophy.[81] Most legal scholars as well as the practical legal profession opined that the proposed reform was impractical and too sweeping, arguing that the emphasis in legal education should be on legal materials and practical legal problems.[82] The radical or reformist scholars either supported

81 Oikeustieteellisten opintojen uudistuskomitean mietintö, 1973:30.

82 Tirkkonen 1973, pp. 637–654; Kilpi 1974, pp. 661–671; Helminen 1974, pp. 672–679; Piepponen 1974, pp. 680–686; Korkeimman oikeuden lausunto oikeustieteellisten opintojen uudistamiskomitean mietinnöstä 1974, pp. 692–697; Korkeimman hallinto-oikeuden lausunto oikeustieteellisten opintojen uudistamiskomitean mietinnöstä 1974, pp. 697–703; Suomalaisen lakimiesyhdistyksen lausunto oikeustieteellisten opintojen uudistamiskomitean mietinnöstä 1974, pp. 703–711.

the memorandum or thought that it did not go far enough.[83] The critical opinion was that the law reflected social relations and power structures, and was therefore to be taught accordingly and the study subjects ought to be divided functionally, not according to legal disciplines.[84]

In the end, the reform was a compromise between the two extremes; the amount of the social sciences in the curriculum did increase, but the fundamental basis of legal education did not change.[85] The idea of a legal education as a training for the profession prevailed, but some of the contemporaneous concerns were taken into account. The difficulty of transforming the basis of education was obvious, even if there was a strong support for a more radical reform.

The critical response to the legal education reform in Finland in the 1970s greatly resembled the ideas of the American legal scholars of the 1930s and 1960s. The Finnish scholars were probably not aware of the details of the American situation in the 1960s. They knew the fundamental notions of realism in general,[86] but it seems that they were not as much influenced by other scholarship as simply reflecting the social currents of the time. Despite the differences in cultures, similar arguments were adapted to the different contexts. On each occasion, the central arguments were that legal education should focus on social problems, include empirical data and social sciences, and that it should be structured according to the social functions of law. Whenever legal education has been in need of reform, legal scholars had appealed to social science and problems to resolve the situation. In addition, on all of the occasions dealt with above, the need to reform education has emanated from deeper problems of society or of legal scholarship, and legal scholarship has also been under pressure of change. The criticism of education has always followed the responses to these pressures on legal scholarship.

83 Mäenpää 1973, pp. 6–9; Bruun 1975, pp. 35–40; Oikeus- ja yhteiskuntatieteellisen yhdistyksen lausunto 1976, pp. 137–139.
84 See Aarnio, Heinonen, Tuori 1975. This book was meant for law school admission tests but it was never accepted as such. Nevertheless, the content and the disposition of the book followed the concepts of the critical scholars in that the social and ideological functions of law were emphasized and the book was functionally structured.
85 See Korpiola 2010, p. 222.
86 See Eriksson 1966, pp. 476–479.

5 Conclusions

The three periods analyzed above show that the responses to the problems of legal education have been quite similar at different times and in different places. Even a superficial analysis like this demonstrates that legal education and its criticism conforms to the general trends in society and jurisprudence. In the realist era, the growth of the 1920s and the depression of the 1930s called for sociological jurisprudence. The legal realists were young legal scholars, eager for an academic position and willing to transform legal scholarship. They undertook the task of reform and lobbied for their cause in various ways. In Finland, on the other hand, social and political circumstances prevented the impact of realism in both legal scholarship and legal education. In the 1960s, postwar society was in a state of change, social problems became more pronounced, and student radicalism rocked the campuses. Once again, there was a serious need to transform legal education, and once again those legal scholars who were not pleased with the traditional legal scholarship wanted to change the training to respond to the new trends in legal scholarship as well as to social problems and student discomfort. In the United States as well as in Finland, the overall picture was the same, and the differences in detail were due to the jurisprudential, social, and cultural differences. Without regard to culture or the constitution of the legal system, the responses to the crises of legal education followed the same pattern.

Two of the most strikingly similar elements in the criticism were the willingness to increase the amount of the social sciences in legal scholarship and education and the urge to create a functional structure for the curriculum of the legal studies. In these respects, the arguments of the American realists were restated, although in a modified sense, in the 1960s and 1970s in the United States as well as in Finland. The idea behind these propositions was to improve the social awareness of the legal profession. The scholars who supported change challenged the autonomy of law and legal scholarship in favour of the social sciences and sought to bring them closer to social problems. It seems, then, that these arguments were a means to add the social significance of the legal profession, challenge traditional authority, and support a change in the legal culture. Obviously, the social sciences and

social participation are the most influential ways to do these. Despite the differences in the American and Finnish legal tradition, fundamentally the law serves the same purposes, and thus also the efforts to change the law in times of crisis are fundamentally the same.

Radical thoughts always changed the education to a certain extent and added additional social science aspects to it, but fundamental changes never occurred. The amount of social studies did increase and the traditional training had to make way for the alternative approaches, but the structure of the education always remained more or less traditional because education has to produce lawyers and remain within the margins of the tradition of the scholarship. Even during turbulent times, the majority of society and of the various professions remain true to the tradition and change only to a very minimal extent. There are always people willing to take a step further and aim at a greater transformation, but they often belong to the noisy minority and will have to make compromises between their endeavors and tradition. A historical analysis of the dynamic of the epochs of change and of the people who jumped on the radical bandwagon would be both important and interesting, but is unfortunately beyond the scope of this article.

The fact, however, that a similar critique emerged shows at least one point. Whenever legal scholars feel that there is a crisis of legal education, they seem to argue for legal scholarship and education that go beyond the traditional style and conform to contemporary social problems. The critique seems to emanate from critical social thought that is widely accepted but which, nevertheless, represents the critical and, hence, the opposing view. Changes, as noted, are mostly compromises between the critical thought and the tradition, and can occur only to the extent that the basis of the tradition is preserved. Critical legal scholars often argue for fundamental change, but because of the relationship between the tradition and society this is hardly possible. Therefore, in order to realize the critical potential to change the education, critical scholars need to analyze the relationship between the legal tradition and the society on the one hand, and between

law and social problems on the other. Critical legal scholarship is needed to distinguish these relationships, lest law failed to contribute to solving the problems. Fundamental changes can hardly be made, but even minor corrections are always steps forward.

Bibliography

Aarnio, Aulis. Sananen "lakipositivismista", LM 3/1970, 276–288. (Aarnio 1970).

Aarnio, Aulis: Analyysistä, käyttäytymisen selittämisestä ja vähän muustakin, LM 5/1970, 566–590. (Aarnio 1970(a)).

Aarnio, Aulis: Ei ainoastaan muodoista…, Lakimiesuutiset 2/1971, 30–36. (Aarnio 1971).

Aarnio, Aulis; Heinonen, Olavi; Tuori, Kaarlo: Suomen oikeus I–II. Helsinki, Tammi 1975. (Aarnio, Heinonen, Tuori 1975).

Andersson, Edward: Opintojen kokonaisuudistus, Lakimiesuutiset 3/1971, 4–8. (Andersson 1971).

Arnold, Thurman: Apologia for Jurisprudence, Vol. 44, No. 5, Yale Law Journal 1935, 729–753. (Arnold 1935).

Attanasio, John: Out-of-the-Box Dialogs: Foreword, Vol. 52, No. 4, Journal of Legal Education 2002, 473–479. (Attanasio 2002).

Backman, Eero: Milloin lakia pitäisi muuttaa, Contra 1/1970, 14–19. (Backman 1970).

Backman, Eero: Mietteitä analyyttisen oikeusteorian johdosta, Vol. 2, Oikeustiede – Jurisprudentia 1972, 315–360. (Backman 1972).

Blom, Raimo: Luottamus oikeuslaitokseen, Lakimiesuutiset 2/1970, 4–10, 25–26. (Blom 1970).

Borosage, Robert: Can the Law School Succeed? A Proposal, Vol. 1, No. 1, Yale Review of Law and Social Action 1970, 92–101. (Borosage 1970).

Bruun, Niklas: Opintojenuudistus tienhaarassa, Oikeus 1/1975, 35–40. (Bruun 1975).

Caselius, Ilmari: Nuorten tieteenharjoittajien puolesta. LM 1924, 47–51. (Caselius 1924).

Cavers, David F: Legal Education in Forward-Looking Perspective. Teoksessa Hazard, Geoffrey C (ed.): Law in a Changing America. Englewood Cliffs, New Jersey, Prentice-Hall 1968, 139–156. (Cavers 1968).

Clark, Charles E: The Educational and Scientific Objectives of the Yale School of Law, Annals of the American Academy of Political and Social Sciences 1933, 165–169. (Clark 1933).

Cohen, Felix S: Transcendental Nonsense and the Functional Approach, Vol. 35, No. 6, Columbia Law Review 1935, 809–849. (Cohen 1935).

Duxbury, Neil: Patterns of American Jurisprudence. Oxford, Clarendon Press 1995. (Duxbury 1995).

Fisher, William W III; Horwitz, Morton J; Reed, Thomas A (eds.): American Legal Realism. New York, Oxford University Press 1993. (Fisher, Horwitz, Reed (eds.) 1993).

Eriksson, Lars D: Rättslig argumentering och den dialektiska logiken, JFT 1966, 445–482. (Eriksson 1966).

Eriksson, Lars D: För en kritisk rättsvetenskap, Contra 1/1969, 12–15, 37. (Eriksson 1969).

Frank, Jerome: What constitutes a Good Legal Education? Vol. 19, No. 12, A.B.A. Journal 1933, 723–728. (Frank 1933).

Frank, Jerome: Why Not a Clinical Lawyer School? Vol. 81, No. 8, University of Pennsylvania Law Review 1933, 907–923. (Frank 1933(a)).

Frank, Jerome: Law and the Modern Mind. London, Stevens & Son 1949. (Frank 1949).

Frankfurter, Felix; Llewellyn, Karl N; Sunderland, Edson R: The Conditions for and the Aims and Methods of Legal Research, Vol. 6, No. 11, American Law School Review 1930, 663–681. (Frankfurter, Llewellyn, Sunderland 1930).

Friedman, Lawrence M: History and the Future Law School Curriculum, Vol. 44, Special Issue, Fall 1967, Denver Law Journal 1967 43–48. (Friedman 1967).

Friedman, Lawrence M: Contract Law and Contract Research (Part I), Vol. 20, No. 4, Journal of Legal Education 1968, 452–460. (Friedman 1968).

Friedman, Lawrence M & Macaulay, Stewart: Law and the Behavioral Sciences. Indianapolis, The Bobbs Merrill Company 1969. (Friedman & Macaulay 1969).

Goldstein, Abraham S: The Unfulfilled Promise of Legal Education. Teoksessa Hazard, Geoffrey C (ed.): Law in a Changing America. Englewood Cliffs, New Jersey, Prentice-Hall 1968, 157–166. (Goldstein 1968).

Green, Leon: A New Program in Legal Education, Vol. 17, No. 5, A.B.A. Journal 1931, 295–299. (Green 1931).

Green, Leon: Integrating Law School and Community, Vol. 7, No. 9, American Law School Review1933, 821–826. (Green 1933).

Hanna, John: A Modern Approach to Legal Education, Vol. 6, No. 12, American Law School Review 1930, 745–750. (Hanna 1930).

Helminen, Arvo, Opintouudistus vanhan juristin näkökulmasta, LM 7/1974, 672–679. (Helminen 1974).

Hermanson, Robert: I anledning av ett förslag till förändrade bestämmelser rörande juridiska examina. JFT 1927, 305–319. (Hermanson 1927).

Horwitz, Morton J: Transformation of American Law 1870–1960: The Crisis of Legal Orthodoxy. New York, Oxford University Press 1992. (Horwitz 1992).

Hutchins , Robert Maynard: The Autobiography of an Ex-Law Student, Vol. 1, No. 4, University of Chicago Law Review 1934, 511–518. (Hutchins 1934).

Hutchins, Robert M; Powell, Richard R; Cook, Walter W: Modern Movements in Legal Education, Vol. 6, No. 8, American Law School Review 1929, 402–414. (Hutchins, Powell, Cook 1929).

Häikiö, Martti, Tutkinnonuudistuksen taustaa: järjestelmäkeskustelua ja tutkintoasetuksia. Teoksessa Häikiö, Martti; Rautkallio, Hannu; Tuomikoski-Leskelä, Paula; Vuorinen, Juha (ed.): Korkeakoulut ja tutkinnonuudistus. Helsinki, Werner Söderström Osakeyhtiö 1977, 12–29. (Häikiö 1977).

Häikiö, Martti; Rautkallio, Hannu; Tuomikoski-Leskelä, Paula; Vuorinen, Juha (ed.): Korkeakoulut ja tutkinnonuudistus. Helsinki, Werner Söderström Osakeyhtiö 1977. (Häikiö et al. 1977).

Isserman Maurice & Kazin, Michael: America Divided: The Civil War of the 1960s. New York, Oxford University Press 2000. (Isserman & Kazin 2000).

Johnstone, Quintin, Student Discontent and Educational Reform in the Law Schools, Vol. 23, No. 2, Journal of Legal Education 1970, 255–275. (Johnstone 1970).

Jyränki, Antero: Teesejä juridiikasta ja juristeista, LM 8/1969, 880–892. (Jyränki 1968).

Jyränki, Antero: Kolme vuotta linnassa: muistiinpanoja ja jälkiviisautta. Juva, Werner Söderström osakeyhtiö 1990. (Jyränki 1990).

Kaira, Kaarlo: Virkamiestutkintojen uudelleenjärjestämisestä. LM 1937, 167–188. (Kaira 1937).

Kalman, Laura: Legal Realism at Yale 1927–1960. New Jersey, Lawbook Exchange 2001. (Kalman 2001).

Kalman, Laura: Yale Law School and the Sixties: Revolt and Reverberations. Chapel Hill, The University of North Carolina Press 2005. (Kalman 2005).

Kangas, Urpo (ed.): Oikeustiede Suomessa 1900–2000. Juva, Werner Söderström Lakitieto Oy 1998. (Kangas (ed.) 2000).

Kennedy, Duncan: How the Law School Fails: A Polemic, Vol. 1, No. 1, Yale Review of Law and Social Action 1970, 71–90. (Kennedy 1970).

Kennedy, Duncan: Legal Education and the Reproduction of Hierarchy: A Polemic against the System. New York, New York University Press 2004. (Kennedy 2004).

Kekkonen, Jukka: Suomen oikeuskulttuurin suuri linja 1898–1998. Helsinki, Suomalainen lakimiesyhdistys 1998. (Kekkonen 1998).

Kekkonen, Urho Kaleva: Kansanvallasta ja sen toteutumisesta lainkäytössä, LM 6/1970, xii–xiv. (Kekkonen 1970).

Keyserling, Leon H: Social Objectives in Legal Education, Vol. 33, No. 3, Columbia Law Review 1933, 437–461. (Keyserling 1933).

Kilpi, Lassi: Oikeustieteellisten opintojen uudelleenjärjestelystä, LM 7/1974, 661–671. (Kilpi 1974).

Kinoy, Arthur: The Present Crisis in American Legal Education, Vol. 24, No. 1, Rutgers Law Review 1969, 1–10. (Kinoy 1969).

Kivivuori, Antti: Suomalaisen oikeustieteen virheet I–II, LM 4 & 7/1970, 422–429, 929–940. (Kivivuori 1970).

Klami, Hannu Tapani: Historialliset aspektit positiivisoikeudellisessa tutkimuksessa, LM 1/1970, 47–66. (Klami 1970).

Korkeimman hallinto-oikeuden lausunto oikeustieteellisten opintojen uudistamiskomitean mietinnöstä, LM 7/1974, 697–703.

Korkeimman oikeuden lausunto oikeustieteellisten opintojen uudistamiskomitean mietinnöstä, LM 7/1974, 692–697.

Korpiola, Mia: Ystäviä, politiikkaa ja oikeustieteen opintoja: Pykälä ry 1935–2010. Helsinki, Edita 2010. (Korpiola 2010).

Lammi, Pertti, Eräs asennetutkimus, Contra 4/1969, 26–28. (Lammi 1969).

Lasswell, Harold D & McDougal, Myres S: Legal Education and Public Policy: Professional Training in the Public Interest, Vol. 52, No. 2, Yale Law Journal 1943, 203–295 (1943). (Lasswell & McDougal 1943).

Lehtinen, Reijo: Nyt se alkaa, Contra 1/1969, 24–25. (Lehtinen 1969).

Leleiko, Steven H: Legal Education – Some Crucial Frontiers, Vol. 23, No. 4, Journal of Legal Education 1971, 502–527. (Leleiko 1971).

Leuchtenburg, William E: Franklin D. Roosevelt and the New Deal: 1932–1940. New York, Harper Perennial 2009. (Leuchtenburg 2009).

Llewellyn, Karl N: A realistic Jurisprudence – The Next Step, Vol. 30, No.4, Columbia Law Review 1930, 431–465. (Llewellyn 1930).

Llewellyn, Karl N: The Bramble Bush: Some Lectures on Law and its Study. New York, Columbia University School of Law 1930. (Llewellyn 1930(a)).

Llewellyn, Karl N: Some Realism About Realism – Responding to Dean Pound, Vol. 44, No. 8, Harvard Law Review 1931, 1222–1264. (Llewellyn 1931).

Llewellyn, Karl N: On What Is Wrong with So-called Legal Education, Vol. 35, No. 5, Columbia Law Review 1935, 651–678. (Llewellyn 1935).

Louekoski, Matti: Eräitä näkökohtia oikeustieteellisen tiedekunnan tutkintojen uudistamisesta, Lakimiesuutiset 12/1970, 9–14. (Louekoski 1970).

Malminen, Toni: So You Thought Transplanting Law Is Easy? Fear of Scandinavian Legal Realism in Finland, 1918–1965. Teoksessa Husa, Jaakko; Nuotio, Kimmo; Pihlajamäki, Heikki: Nordic Law: Between Tradition and Dynamism, Antwerp, Intersentia 2007, 75–87. (Malminen 2003).

Mazor, Lester J: Book Review [Cases and Materials on Constitutional Rights and Liberties], Vol. 49, No. 6, Minnesota Law Review 1965, 1202–1211. (Mazor 1965).

Macaulay, Stewart: Contract Law and Contract Research (Part II), Vol. 20, No. 4, Journal of Legal Education 1968, 460–468. (Macaulay 1968).

Macaulay, Stewart: Law Schools and the World Outside Their Doors: Notes on the Margins of "Professional Training in the Public Interest", Vol. 54, No. 4, Virginia Law Review 1968, 617–636. (Macaulay 1968(a)).

Miller, Arthur Selwyn: On the Interdependence of Law and Behavioral Sciences, Vol. 43, No. 7, Texas Law Review 1965, 1094–1101. (Miller 1965).

Miller, Arthur Selwyn: The Law School as a Center for Policy Analysis, Vol. 47, No. 4, Denver Law Journal 1970, 587–608. (Miller 1970).

Moore, Wilbert E: Social Science and the Future Law School Curriculum, Vol. 44, Special Issue, Fall 1967, Denver Law Journal 1967, 49–54. (Moore 1967).

Morgan, Edward P: The Sixties Experience: Hard Lessons about Modern America. Philadelphia, Temple University Press 1991. (Morgan 1991).

Morison, Samuel Eliot; Commager, Henry Steele; Leuchtenburg, William E: A Concise History of the American Republic. New York, Oxford University Press 1983. (Morison, Commager, Leuchtenburg 1983).

Muukkonen, P.J: "Niissä on totta toinen puoli", Lakimiesuutiset 1/1971, 8–9. (Muukkonen 1971).

Mäenpää, Olli: Opintojen uudistamiskomitea on puhunut, Oikeus 3/1973, 6–9. (Mäenpää 1973).

Nader, Ralph: Law Schools and Law Firms, Vol. 54, No. 3, Minnesota Law Review 1970, 493–502. (Nader 1970).

Notes: Modern Trends in Legal Education, Vol. 64, No. 4, Columbia Law Review 1964, 710–734. (Notes 1964).

Oikeus- ja yhteiskuntatieteellisen yhdistyksen lausunto: Opintojen yleisvaiheen suunnittelu, Oikeus 3/1976, 137–139. (Oikeus- ja yhteiskuntatieteellisen yhdistyksen lausunto 1976).

Oikeustieteellisten opintojen uudistuskomitean mietintö, 1973:30.

Ojanen, Ilmari: Oikeudesta ja oikeuden tekemisestä, Lakimiesuutiset 1/1971, 15–21. (Ojanen 1971).

Oliphant, Herman: The Future of Legal Education, Vol. 6, No. 7, American Law School Review 1928, 329–336. (Oliphant 1928).

Oliphant, Herman: A Return to Stare Decisis, Vol. 14, Nos. 2–3 A.B.A. Journal 1928, 71–76, 107, 159–162. (Oliphant 1928(a)).

Oliphant Herman & Bordwell, Percy B: Legal Research in Law Schools, Vol. 5, No. 5, American Law School Review 1924, 293–299. (Oliphant & Bordwell 1924).

Parrish, Michael E: Anxious Decades: America in Prosperity and Depression, 1929–1941. New York W.W. Norton & Company 1992. (Parrish 1992).

Piepponen, Risto, Oikeustieteellisten opintojen uudistaminen elinkeinoelämän kannalta, LM 7/1974, 680–686. (Piepponen 1974).

Pihlajamäki, Heikki: Den rättsliga formalismen och kritiken av den: En rättsjämförande granskning av den finska rättsvetenskapen under 1900-talets första decennier, Retfærd 1997, 51–67. (Pihlajamäki 1997).

Pihlajamäki, Heikki: Rättskämpar och protorealister – den tidiga kritiken mot konstruktivismen i Finland, JFT 2000, 338–350. (Pihlajamäki 2000).

Powell, Thomas Reed: The Recruiting of Law Teachers, Vol. 6, No. 2, American Law School Review 1927, 70–76. (Powell 1927).

Pöyhönen, Aulis: Missä viipyy oikeustieteellisten opintojen uudistus, Lakimiesuutiset 12/1970, 5–8.

Radin, Max: The Education of a Lawyer, Vol. 25, No. 6, California Law Review 1937, 676–691. (Radin 1937).

Reed, Alfred Z: Legal Education, 1925–1928, Vol. 6, No. 12, American Law School Review 1930, 765–779. (Reed 1930)

Reich, Charles A: Toward the Humanistic Study of Law, Vol. 74, No. 8, Yale Law Journal 1965, 1402–1408. (Reich 1965).

Riihinen, Olavi: Johdanto. Teoksessa Riihinen, Olavi (ed.): Sosiaalipolitiikka 2017: Näkökulmia suomalaisen yhteiskunnan kehitykseen ja tulevaisuuteen. Juva, WSOY 1993, 1–27. (Riihinen 1993).

Savoy, Paul N: Toward a New Politics of Legal Education, Vol. 79, No. 3, Yale Law Journal 1970, 444–504. (Savoy 1970).

Schlegel, John Henry: Legal Realism and Empirical Social Science. Chapel Hill, The University of North Carolina Press 1995. (Schlegel 1995).

Serlachius, Allan: Lainopilliset opintomme. LM 1921, 14–25. (Serlachius 1921).

Serlachius, Allan: Yliopiston lainopillinen tiedekunta. LM 1923, 179–184. (Serlachius 1923).

Silver, Lawrence: Anxiety and the First Semester of Law School, Vol. 1968, No. 4, Wisconsin Law Review 1968, 1201–1218. (Silver 1968).

Singer, Joseph William: Legal Realism Now, Vol. 76, No. 2, California Law Review 1988, 465–544. (Singer 1988).

Sobel, Robert: The Great Bull Market: Wall Street in the 1920s. New York, W. W. Norton 1968. (Sobel 1968).

Soikkanen, Hannu: Miten 1960-luvun raju elinkeinorakenteen muutos syntyi ja miten sitä hallittiin. Teoksessa Tie tulkintaan: Heikki Ylikankaan juhlakirja. Juva, WSOY 1997, 578–602. (Soikkanen 1997).

Stevens, Robert: Law School: Legal Education in America from the 1850s to the 1980s. Chapel Hill, The University of North Carolina Press 1983. (Stevens 1983).

Stone, Harlan F: The Future of Legal Education, Vol. 5, No. 6, American Law School Review 1924, 329–334. (Stone 1924).

Suomalaisen lakimiesyhdistyksen lausunto oikeustieteellisten opintojen uudistamiskomitean mietinnöstä, LM 7/1974, 703–711.

Suomen historian pikkujättiläinen. Helsinki, WSOY 2003.

Tamanaha, Brian Z: Beyond the Formalist Realist Divide: The Role of Politics in Judging. New Jersey, Princeton University Press 2010. (Tamanaha 2010).

Tirkkonen, Tauno: Eräitä mietelmiä oikeustieteellisten opintojen uudistamiskomitean mietinnön johdosta, LM 7/1973, 637–654. (Tirkkonen 1973).

Tolonen, Juha: Muutamia näkökohtia oikeustieteen nykytilasta, LM 2/1970, 138–154. (Tolonen 1970).

Tuominen, Marja: “Me kaikki ollaan sotilaitten lapsia”: Sukupolvihegemonian kriisi 1960-luvun suomalaisessa yhteiskunnassa. Helsinki, Otava 1991. (Tuominen 1991).

Twining, William: Karl Llewellyn and the Realist Movement. London, Weidenfield and Nicholson 1985. (Twining 1985).

Uomola, Markku: Opintojen uudistuksesta, Contra 1/1970, 22–23. (Uomola 1970).

Vikatmaa, Juha: Juristit yhteiskuntakeskustelussa, Contra 2/1969, 34–35. (Vikatmaa 1969).

Vikatmaa, Juha: Uudistusta tarvitaan, mutta mihin suuntaan? LM 8/1970, 1011–1019. (Vikatmaa 1970).

Virtanen, Matti: Fennomanian perilliset: Poliittiset traditiot ja sukupolvien dynamiikka. Hämeenlinna, SKS 2002. (Virtanen 2002).

Wallace, James E: Philosophy and the Future Law School Curriculum, Vol. 44, Special Issue, Fall 1967, Denver Law Journal 1967, 24–35. (Wallace 1967).

Watson, Andrew S: The Quest for Professional Competence: Psychological Aspects of Legal Education, Vol. 37, No. 1, University of Cincinnati Law Review 1968, 91–166 (Watson 1968).

Yegge, Robert B: The Future Legal Practitioner in the United States: What Training He Must Receive, Vol. 44, Special Issue, Fall 1967, Denver Law Journal 1967, 12–23 (Yegge 1967).

Ylöstalo, Matti: [haastattelu], Lakimiesuutiset 1/1971, 10–14. (Ylöstalo 1971).

Yntema, Hessel E: The Hornbook Method and the Conflict of Laws, Vol. 37, No. 4, Yale Law Journal 1928, 468–483. (Yntema 1928).

Zilliacus, Patrick: Undervisning i juridik/politisk konservatism i misstag, Contra 3/1970, 20–23.