

EIGHT TIPS FOR NAVIGATING LAW SCHOOL POLITICS

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I. INTRODUCTION: POLITICS VS. POLITICS

- A. Depending on the school at which you teach, there are at least one and, probably, two forms of law school politics you will have to navigate:
 - 1. *Ideological* Politics (with a capital “P”):
i.e., Left/Liberal/Libertarian/Conservative
 - 2. *Institutional* politics (or small “P” politics)
i.e. new guard/old guard; scholarship/teaching;
tenured/untentured
- B. So much of this is situational that it is a bit difficult to give general advice.
 - 1. Nevertheless, given my experience teaching at three quite different schools, (Chicago-Kent, Boston University, and Georgetown) and visiting at two others (Northwestern & Harvard), I can see certain widespread patterns.
 - 2. And, perhaps most importantly, I can also be reassuring on some matters which may needlessly be of concern to you.
- C. TIP #1:

II. IDEOLOGICAL POLITICS (the lesser of the two problems):

- A. First, the bad news: There is a tremendous amount of discrimination against persons based on their political views during the hiring process (both entry level and lateral).
 - 1. But you all have jobs, which means you have all survived this discrimination.
 - 2. So here is the really GOOD NEWS:
 - a. There is much *much* less discrimination based on political views with regard to promotion and tenure of those who have survived the hiring process.
- B. At this point it might be useful to get a bit more particular about problems facing those on “the Left” vs. those who are either “libertarian” or “conservative.”
 - 1. Political liberals are the mainstream nearly everywhere and face few problems along this dimension.

- a. If that is what you are, you do not have to worry much, if at all, about large “P” ideological Politics, but this in no way insulates you from small “P” faculty politics.
- 2. What issues there are along this dimension concern scholarship more than teaching or socializing.
 - a. On the Left, this primarily concerns one’s “method” of scholarship rather than one’s viewpoints.
 - (1) Though methodology could also be a concern for law & economics scholars of any viewpoint, law and economics has become increasingly mainstream and much less vulnerable to criticism on methodological grounds.
 - b. For libertarian and conservatives, this concerns one’s viewpoint more than one’s method, which tend to be as conventional as anyone else.

C. TIP #2:

III. INSTITUTIONAL POLITICS

- A. If your principal goal is being happy at your current school for a long time—and for many reasons it should be—institutional politics has a far greater affect on your prospects for happiness than ideological politics.
- B. Types of factional divisions:
 - 1. Untenured/Tenure (or Junior/Senior):
 - a. Something many junior faculty are conscious of, but I think is highly overrated as an issue.
 - b. Most senior tenured professor welcome the fresh blood of junior faculty members.
 - (1) And resent junior faculty paranoia.
 - c. TIP #3:
 - 2. New Guard/Old Guard:
 - a. This split is greatest in schools that have striven in recent years to improve their standing.
 - b. But, given the influx of intellectually and scholarly-inclined young professors at all levels of schools, it is likely to exist almost anywhere.
 - c. Given the increased competition for teaching jobs, recent hires are likely to be more accomplished than those older faculty hired under less competitive conditions—especially the aging

boomers who were hired when law schools were greatly expanding the size of their faculties.

d. TIP #4:

3. Teachers/Scholars

a. Tends to reflect Old Guard (nonscholar)/New Guard (scholar) divide.

(1) Because it is usually an issue raised by those Old Guard who are not scholars to maintain their status relative to New Guard who are also scholars.

b. TIP #5:

C. FACULTY APPOINTMENTS: Where Ideological Meets Institutional Politics.

1. Perhaps the greatest source of stress on today's faculties concern appointments.

a. This has much to do with the hiring discrimination you have survived and that no longer affects you directly.

(1) When you witness it affecting others like you, you may become protective of that candidate and resentful of any invidious discrimination you either witness or suspect.

(2) You may also personalize this discrimination and feel as though it is directed at you (though it usually is not).

b. This stress raised by the appointments process also stems from legitimate disagreements about

(1) The merit of particular candidates, and

(2) The best direction for the school.

2. TIP #6:

D. FINAL TIP: