

“NO FURTHER DISCUSSION NECESSARY”: COMPLIANCE AS PROFESSIONALISM IN LEGAL EDUCATION

*Sarah J. Schendel**

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INTRODUCTION

Since 2009, the Virginia Board of Bar Examiners has published a formal dress code for bar-exam takers. For several years, it ended with a telling line: “Recognizing the high caliber of professionalism that has traditionally characterized the bar, the Board is confident that no further discussion of this topic will be necessary.”¹ The sentence was eventually removed, but its intent and legacy remain, revealing how the legal profession often equates

* Director, and Associate Professor of Academic Support, Suffolk University Law School (Boston, MA). Thank you to the participants of the 2025 Stein Colloquium for their feedback and warm welcome, and the staff of the *Fordham Law Review* for their hard work. Thank you also to the Deans of Suffolk University Law School for their scholarly support, to Professor René Reyes for comments on an earlier draft, and—as always—to my students, who keep me focused on the future of legal education.

This Essay was prepared for the Stein Colloquium titled *The Professional Socialization of Lawyers*, cohosted by the *Fordham Law Review* and the Stein Center for Law and Ethics on October 24, 2025, at the Fordham University School of Law.

1. See *Mandatory Dress Code*, VA. BD. OF BAR EXAM’RS, <https://web.archive.org/web/20210508012239/https://barexam.virginia.gov/bar/barmdc.html> (last visited May 8, 2021); see also Joe Patrice, *Virginia Bar Exam Continues to Embarrass Itself*, ABOVE THE L. (Feb. 24, 2022, at 11:31), <https://abovethelaw.com/2022/02/virginia-bar-exam-continues-to-embarrass-itself/> [<https://perma.cc/T9BM-EGXS>].

professionalism not with ethical judgment but with unquestioned compliance.

This seemingly trivial example exposes something central about how lawyers are made. Legal education does more than teach doctrine; it socializes students into a professional identity built on hierarchy, restraint, and deference. From orientation to the bar exam, students are taught that composure signals competence, that neutrality means fairness, and that disagreement threatens professionalism. The result is a culture that prizes conformity over conscience.

Drawing a line between a dress code and deference to authoritarianism may be a stretch. Yet norms do more than govern appearance—they set expectations and shape disposition. Law school trains students not only to follow rules but to internalize obedience and compliance as professional virtues. As Professor Duncan Kennedy argued decades ago, “students do more than accept the way things are, and ideology does more than damp opposition. Students act affirmatively within the channels cut for them, cutting them deeper, giving the whole a patina of consent, and weaving complicity into everyone’s life story.”²

This Essay argues that what law schools call *professionalism* is too often, in practice, the socialization of compliance. Students learn that success means anticipating authority, modulating emotion, and avoiding open dissent. The distinction between *obedience*—a deliberate choice to follow authority that is perceived as legitimate³—and *compliance*—a reflexive

2. DUNCAN KENNEDY, *LEGAL EDUCATION AND THE REPRODUCTION OF HIERARCHY: A POLEMIC AGAINST THE SYSTEM* 23 (2004).

3. See, e.g., Ying Xie, Mingliang Chen, Hongxia Lai, Wuke Zhang, Zhen Zhao & Ch. Mahmood Anwar, *Neural Basis of Two Kinds of Social Influence: Obedience and Conformity*, *FRONTIERS HUM. NEUROSCIENCE*, Feb. 2016, at 1, 1 (“The term ‘obedience’ refers to direct requests from an authority figure to one or more persons.”); Leandre R. Fabrigar, Meghan E. Norris & Devin Fowlie, *Conformity, Compliance, and Obedience*, *OXFORD BIBLIOGRAPHIES* (Aug. 26, 2020), <https://www.oxfordbibliographies.com/display/document/obo-9780199828340/obo-9780199828340-0075.xml> [https://perma.cc/824E-NN8W] (“Obedience is a change in behavior as a result of a direct command from an authority figure. Obedience is an active form of influence in that it is usually directly initiated by an authority figure and is typically external in that overt behaviors are generally the focus of commands.”).

adherence to institutional norms⁴—too often collapses.⁵ Our law schools thus risk producing graduates that are more comfortable preserving order than confronting injustice.

The consequences are threefold. First, students become estranged from their own moral instincts and values. Conditioned to seek extrinsic validation from authority, they learn to equate self-suppression with professionalism. This estrangement falls heaviest on students who are already marginalized in the profession, whose belonging depends on conformity to dominant norms of race and gender. Second, the profession itself suffers. Lawyers trained to equate ethics with rule following are less able to exercise the individual discretion that justice demands, viewing themselves primarily as technicians rather than discerning professionals. Finally, the potential democratic cost is grave. A profession that confuses compliance with integrity risks enabling many of the same abuses it was designed to prevent. History reminds us that authoritarian regimes rely not on lawlessness but on lawful compliance.⁶

4. Fabrigar, Norris & Fowlie, *supra* note 3 (“Compliance is often referred to as an active form of social influence in that it is usually intentionally initiated by a person. It is also conceptualized as an external form of social influence in that its focus is a change in overt behavior. Although compliance may sometimes occur as a result of changes in people’s internal beliefs and/or feelings, such internal changes are not the primary goal of compliance, nor are they necessarily required for the request to be successful.”); Robert B. Cialdini & Noah J. Goldstein, *Social Influence: Compliance and Conformity*, 55 ANN. REV. PSYCH. 591, 592 (2004) (“Compliance refers to a particular kind of response—acquiescence—to a particular kind of communication—a request. The request may be explicit, as in the direct solicitation of funds in a door-to-door campaign for charitable donations, or it may be implicit, as in a political advertisement that touts the qualities of a candidate without directly asking for a vote. But in all cases, the target recognizes that he or she is being urged to respond in a desired way.”); *see also id.* at 595 (“[T]he distinction between authority based on one’s expertise and authority derived from one’s relative position in a hierarchy has remained relevant in differentiating mere compliance from what is commonly referred to as obedience.”).

5. “Obedience” derives from the Latin term *obedire*, meaning to “listen to” or “pay attention to,” suggesting conscious deference to authority perceived as legitimate. *See Origin and History of Obedience*, ETYMONLINE, <https://www.etymonline.com/word/obedience> [https://perma.cc/4CEN-MTAW] (last visited Feb. 3, 2026). “Compliance” comes from the Latin term *complere*, meaning “to fill up” or “complete,” connoting action taken to satisfy external expectations rather than internalized respect. *See Origin and History of Comply*, ETYMONLINE, <https://www.etymonline.com/word/comply> [https://perma.cc/5GXC-5Z52] (last visited Feb. 3, 2026); *see also* Douglas R. Jordan, *Obedience (Human Behavior)*, EBSCO RSCH. STARTERS, <https://www.ebsco.com/research-starters/social-sciences-and-humanities/obedience-human-behavior> [https://perma.cc/CW7U-XKPP] (last visited Jan. 12, 2026) (“Unlike simple adherence to social norms, obedience involves a recognized hierarchy.”); Stephen Gibson, *Obedience Without Orders: Expanding Social Psychology’s Conception of ‘Obedience’*, 58 BRIT. J. SOC. PSYCH. 241, 255 (2019) (defining obedience as a broader concept beyond simply accepting direct orders from those in authority); Elizabeth Rholetter Purdy, *Compliance (Psychology)*, EBSCO RSCH. STARTERS, <https://www.ebsco.com/research-starters/psychology/compliance-psychology> [https://perma.cc/6X78-9JKX] (last visited Jan. 12, 2026) (“While closely related to obedience and conformity, compliance typically involves voluntary agreement rather than mere submission to authority.”).

6. *See* Aziz Huq, *America Is Watching the Rise of a Dual State*, ATLANTIC (Mar. 23, 2025), <https://www.theatlantic.com/magazine/archive/2025/05/trump-executive-order-lawlessness-constitutional-crisis/682112/> (on file with the *Fordham Law Review*) (explaining that authoritarian regimes maintain ordinary legal rules and institutions, relying on lawful compliance to preserve legitimacy while authoritarian power expands alongside the law); *Law, Justice, and the Holocaust*, U.S. HOLOCAUST MEM’L MUSEUM: HOLOCAUST ENCYCLOPEDIA

This Essay proceeds from that concern. Part I traces how law schools function as institutions of obedience, using pedagogy, grading, and decorum to moralize hierarchy. Part II distinguishes obedience from compliance and shows how their conflation undermines moral discernment. Part III examines how the ideals of neutrality and civility convert emotional suppression into professional virtue. Part IV considers the personal, professional, and democratic costs of this culture of compliance and what happens when students resist it. Part V imagines a different future: one where professionalism is defined not by deference but by ethical engagement, where rigor is rooted in trust, and where care replaces control as the measure of integrity.

If legal education is to prepare lawyers for democratic responsibility, it must teach discernment and the capacity to decide when to obey and when to resist. Professional identity formation is not a neutral process; it is moral formation. Our task as educators is to ensure that formation leads not to passivity but to courage. In a moment of democratic fragility, law schools cannot afford to produce compliant technicians of the law. We must cultivate engaged citizens who understand that the rule of law requires sustained effort.

I. LAW SCHOOL AS AN INSTITUTION OF OBEDIENCE

From orientation onward, students learn that success means performing competence through restraint, composure, and predictability. Beneath these lessons lies a deeper pedagogy of compliance, one that too often prizes adherence to authority over ethical discernment. This approach reflects a broader legacy of schooling designed for control rather than curiosity, intended to meet the needs of factory labor and hierarchical workplaces.⁷ Historically, these systems emphasize order, control, and rote learning, producing students adept at following instructions but ill-prepared to address complex, real-world challenges. Legal education's most familiar rituals—the Socratic method, competitive grading curves, and hierarchies of prestige—reward students who intuit and reproduce authority.

This culture of compliance seeps into the hidden curriculum of law school as well: the unwritten norms about professionalism, demeanor, and

(Aug. 22, 2023), <https://encyclopedia.ushmm.org/content/en/article/law-justice-and-the-holocaust> [<https://perma.cc/5CWB-T9WL>].

7. See KEVIN GANNON, *RADICAL HOPE: A TEACHING MANIFESTO* 28–31 (2020) (describing how modern educational systems reflect nineteenth century industrial models that emphasize control, uniformity, and passive learning); Jesse Stommel, *Ungrading: An Introduction*, JESSE STOMMEL (June 11, 2021), <https://www.jessestommel.com/ungrading-an-introduction/> [<https://perma.cc/JFD5-RFDK>] (critiquing the roots of compliance-based education and advocating for more human-centered, participatory approaches); Rachel López, *Critical Curriculum Design: Teaching Law in an Age of Rising Authoritarianism*, 109 MINN. L. REV. HEADNOTES 81, 83–88 (2025) (arguing that legal education's emphasis on hierarchy, apolitical reasoning, and doctrinal abstraction undermines democratic participation and civic engagement).

belonging. Students absorb that “professionalism” means restraint—speak in measured tones, suppress emotion, and avoid visible reactions. Those who deviate from this script risk being deemed as unprofessional or immature. For students from marginalized backgrounds, the costs are particularly high: to be taken seriously often requires suppressing aspects of identity that mark difference.⁸

Recent scholarship by Professor Rachel E. López links these hierarchical and individualistic aspects of traditional legal pedagogy to a “decontextualized understanding of the law that undervalues the qualities needed to be good citizens of democracy.”⁹ The dynamics that encourage compliance in the classroom produce passive citizens.¹⁰ The virtues of composure and restraint, celebrated as maturity, can harden into habits of deference among attorneys, threatening to undermine “some of the very norms of engaged citizenship crucial for safeguarding democracy.”¹¹

These formative experiences in law school matter because they persist. As Suffolk University Law School’s Dean Andrew M. Perlman warns, lawyers trained in hierarchical, compliance-oriented environments are especially prone to “unethical obedience”—deferring to supervisors or institutional norms even when those directives conflict with conscience.¹² The posture of deference rewarded in the classroom becomes an instinct in practice: to protect hierarchy rather than to question it.

Like the Virginia Board of Bar Examiners’ assurance that “no further discussion will be necessary,”¹³ law schools too often communicate that the highest form of professionalism is silence in the face of authority. The pedagogical lesson and the ethical one are the same—that to belong is to comply.

II. DIFFERENTIATING OBEDIENCE AND COMPLIANCE

The professional socialization of lawyers toward deference may rest on a profound confusion between obedience and compliance—two terms that share linguistic roots but diverge in meaning. Obedience implies a conscious decision to follow legitimate authority; it assumes deliberation, assent, and moral recognition. Compliance, by contrast, describes behavioral

8. See Chris K. Iijima, *Separating Support from Betrayal: Examining the Intersections of Racialized Legal Pedagogy, Academic Support, and Subordination*, 33 IND. L. REV. 737, 755 (2000); Kimberlé Williams Crenshaw, *Foreword: Toward a Race-Conscious Pedagogy in Legal Education*, 11 NAT’L BLACK L.J. 1, 3 (1988).

9. López, *supra* note 7, at 82.

10. *Id.* at 110.

11. *Id.*

12. Andrew M. Perlman, *Unethical Obedience by Subordinate Attorneys: Lessons from Social Psychology*, 36 HOFSTRA L. REV. 451, 452 (2007) (exploring “lessons we can learn from social psychology regarding a lawyer’s willingness to comply with authority figures . . . when they make unlawful or unethical demands”); *id.* (“[L]awyers will too often obey obviously unethical or illegal instructions or fail to report the wrongdoing of other lawyers.”).

13. See *supra* note 1 and accompanying text.

conformity—aligning with expectations out of fear, habit, or the desire to belong. Where obedience engages conscience, compliance bypasses it.

Law students are rarely ordered to obey. Rather, they are conditioned to comply—to read cues, anticipate reactions, and align with unspoken expectations before those expectations are voiced. Social psychologists have long observed that compliance thrives in environments where overt commands are unnecessary.¹⁴ Similarly, Perlman claims that, rather than explicit instructions, it is hierarchical structures and social status, ambiguities of law, and “powerful social forces exist[ing] in many law practice settings that make conformity more likely than most people would expect,” thereby producing “excessive obedience.”¹⁵

Compliance feels safe because it demands no risk, instead providing comfort in alignment. Students learn that professionalism is precisely this capacity to anticipate and mirror authority. They modulate tone, appearance, and emotion to avoid disruption. The institution rarely needs to enforce obedience overtly; conformity is internalized as maturity.

This dynamic extends beyond individual classrooms. Across higher education, universities and professional schools have modeled anticipatory compliance on a larger scale.¹⁶ When law schools valorize harmony and civility over debate, they teach the same lesson: that to challenge authority is to threaten the institution itself. As Anna Dumont observes, seemingly small performances of institutional compliance—editing a website, softening language, staying silent—may appear trivial but are politically consequential.¹⁷ Each act of retreat signals that safety and belonging depend on submission. These more impactful gestures of institutional deference mirror the aesthetic compliance demanded in legal education: the belief that virtue lies in calm tone and smooth surface, not in conviction. Within law schools, this belief produces graduates who perform professionalism through polish—measured speech, neutral affect, visible self-control—rather than through ethical reasoning or intentional deference to legitimate authority.

Disentangling obedience from compliance is essential to reclaiming ethical judgment. Obedience, properly understood, requires listening and discernment; it is the act of following authority because one has judged it to be legitimate and just. Compliance requires neither listening nor belief; it is the automatic fulfillment of external expectations. One is moral, the other mechanical.¹⁸

14. Stanley Milgram’s studies famously revealed how ordinary individuals defer to authority even when doing so violates conscience. See STANLEY MILGRAM, *OBEEDIENCE TO AUTHORITY: AN EXPERIMENTAL VIEW* 1–6 (1974); see also Gibson, *supra* note 5, at 241.

15. Perlman, *supra* note 12, at 462.

16. See AM. ASS’N OF UNIV. PROFESSORS, *AGAINST ANTICIPATORY OBEEDIENCE* 1 (2025), https://www.aaup.org/sites/default/files/Against_Anticipatory_Obedience.pdf [https://perma.cc/SH59-3LDR].

17. Anna Dumont, *What Autocrats Want from Academics: Servility*, CHRON. OF HIGHER EDUC. (Mar. 20, 2025), <https://www.chronicle.com/article/what-autocrats-want-from-academics-servility> (on file with the *Fordham Law Review*).

18. I acknowledge that there is a lot of literature on compliance and obedience. I am not at all an expert; rather, I am merely using the difference in my basic understanding of these

Legal education must teach students to recognize the difference and to reserve obedience for authority that earns legitimacy through justice, not hierarchy. Deference to authority must be treated as a moral decision rather than a reflex. Only then can law schools produce lawyers capable of dissent—lawyers who understand that professional integrity sometimes demands saying *no*.

Law school does not merely encourage students to obey; it teaches them to see compliance as a virtue. The “good” student learns when to speak and when to remain silent, performing professionalism through restraint. However reasonable it is for students to make some initial adjustments to the culture of a professional education, what begins as a posture of respect for authority becomes a habit of ethical deference.

The hidden curriculum of law school communicates that professionalism means deference to procedure over care. Syllabi, attendance rules, and participation policies, while presented as administrative neutralities, often encode behavioral expectations that socialize students into compliance.¹⁹ Rigid deadline and extension policies, as I have argued elsewhere, teach students to equate timeliness with virtue.²⁰ Such policies fail to prepare students for a “real world,” which requires cultivating judgment and communication, and instead emphasize conformity.

Participation grades perform a similar disciplinary function. Though framed as objective measures of engagement, traditional participation grades that only recognize a certain type of in-class engagement may primarily reward confidence, fluency in doctrinal reasoning, and alignment with the professor’s norms.²¹ Students who intuit these cues are praised; those who express dissent, or who communicate differently because of culture or neurodiversity, may be penalized. Sara Ahmed’s notion of “*institutional passing*” suggests that marginalized students learn to mimic dominant styles of speech and composure to “minimiz[e] signs of difference,” an effort that is yet “another kind of institutional labor.”²² Participation becomes a performance of legitimacy rather than a means of learning.

Pedagogical traditions, such as the Socratic method, when used intentionally, can model collaborative inquiry. Yet when operating as one-way interrogation, these methods teach hierarchy more than judgment and risk becoming a performance of deference. The grading curve likewise transforms learning into competition, converting intellectual development

two terms to try to better understand behaviors within law school and within the legal profession.

19. Susan Sturm & Lani Guinier, *The Law School Matrix: Reforming Legal Education in a Culture of Competition and Conformity*, 60 VAND. L. REV. 515, 521–24 (2007).

20. See Sarah J. Schendel, *Due Dates in the Real World: Extensions, Equity, and the Hidden Curriculum*, 35 GEO. J. LEGAL ETHICS 203, 203–04 (2022).

21. See Anna Broadbent, *The Problem with Participation Grades (and How to Solve It)*, INSIDE HIGHER ED (May 21, 2024), <https://www.insidehighered.com/opinion/career-advice/2024/05/21/benefits-and-pitfalls-grading-class-participation-opinion> (on file with the *Fordham Law Review*).

22. SARA AHMED, COMPLAINT! 152 (2021).

into ranking, pushing students away from a focus on individual understanding. Even well-intentioned reforms can reproduce the same externally focused dynamic. Grading rubrics, for instance, aim to clarify expectations and reduce bias, but they can also make learning transactional. Students learn to “check the boxes” rather than to ask what those boxes measure. The result is an ethic of precision without purpose—a sense that if one performs the steps correctly, success is promised (most often in the form of an “A”).

Digital learning environments have extended these expectations into new terrain. Learning management systems (like Blackboard, Canvas, etc.) quantify presence and diligence, transforming attentiveness into visible compliance. What seems like flexibility (e.g., appearing remotely, doing assignments on students’ own time) often intensifies surveillance, teaching students that professionalism is something to be displayed and monitored through backgrounds, time stamps, and digital tracking. Even the physical and digital environments of law school reinforce these lessons. No-laptop rules, mandatory attendance, and cold-calling practices control students’ disposition in the name of decorum. Learning management platforms extend this regulation into the virtual classroom, where cameras and timestamps turn attention into a visible form of compliance.²³ These norms teach students that professionalism is something that can be monitored and measured at all times.

Ranking and grading systems complete this moral training. The grading curve functions as law school’s structural enforcement mechanism, translating intellectual competition into moral hierarchy.²⁴ Grades signal not only academic success but worthiness, reinforcing the belief that hierarchy is both natural and deserved. Students learn that advancement depends on playing the game: mastering institutional cues, mirroring authority, and avoiding critique of the system itself.

The effects of competitive grading and ranking are racialized and economic. Professors Atinuke Adediran and Shaun Ossei-Owusu have shown how alienation within law school discourages students of color from pursuing public interest paths, steering them toward traditional hierarchies of prestige.²⁵ The grading curve does more than sort achievement; it disciplines affect. Anxiety becomes a virtue and evidence of commitment, while critique is framed as immaturity or fragility. For students already marginalized by race or class, the curve’s message is clear: prove your worth through prestige, not purpose. Students who might otherwise pursue public interest work—which often requires challenging institutional power—instead internalize that professional legitimacy depends on conforming to hierarchical markers of success. Law schools thereby produce lawyers

23. Audrey Watters, *School Work and Surveillance*, HACK EDUC. (Apr. 30, 2020), <https://hackeducation.com/2020/04/30/surveillance> [https://perma.cc/N2MM-3WUY].

24. See KENNEDY, *supra* note 2, at 39–41.

25. See Atinuke O. Adediran & Shaun Ossei-Owusu, *The Racial Reckoning of Public Interest Law*, 12 CALIF. L. REV. ONLINE 1, 5–7, 11 (2021).

trained not only to follow rules but to equate obedience with ethical professionalism.

The combined weight of these policies—syllabi, participation norms, and ranking—creates a culture where belonging depends on restraint and conformity. Students internalize that professionalism means mastering institutional decorum, while dissent risks exclusion. For marginalized students especially, professionalism becomes a demand for emotional and cultural adaptation: be composed, be agreeable, and be grateful.

The lesson, ultimately, is that to be a good lawyer, one must first be a compliant student. This is the moral foundation of what Perlman calls “unethical obedience”: a professional instinct to preserve authority rather than question it.²⁶ When law schools reward compliance as maturity—and dismiss dissent as immaturity—they do more than train lawyers to follow rules. They teach them to confuse conformity with conscience. In this environment, to be compliant is to be professional; to question authority is to risk exclusion.

III. THE AFFECTIVE TRAINING OF PROFESSIONALISM

Professionalism in law school is not only intellectual training, but also emotional training. Students are taught not only how to *think* like lawyers, but also how to *feel* like them—selectively, impersonally, and above all, dispassionately.²⁷ The professional ideal is emotional discipline: calmness under pressure, composure in disagreement, and distance from moral conflict. This detachment is framed as maturity, yet it functions as a subtle pedagogy of obedience.

Professor Chelsea Baldwin likens legal education to cognitive behavioral therapy without safeguards:²⁸ a process that teaches students to identify and suppress “unlawyerly” feelings of empathy, uncertainty, or outrage.²⁹ According to Baldwin,

[t]he interplay between stereotypes, fear, stigma, and other human biases is the foundation upon which the “thinking like a lawyer” paradigm is built. When lawyers in training are taught that their emotional state is one to be

26. Perlman, *supra* note 12, at 453 (“Studies on conformity and obedience suggest that professionals, whom we would ordinarily describe as ‘honest,’ will often suppress their independent judgment in favor of a group’s opinion or offer little resistance in the face of illegal or unethical demands.”); *id.* at 456–59 (discussing Stanley Milgram’s obedience experiments, which demonstrated that “given the right situation, most people will follow orders that they would ordinarily consider blatantly immoral”).

27. See Chelsea Baldwin, *Bad Therapy: Conceptualizing the Teaching of “Thinking Like a Lawyer” as Cognitive Behavioral Therapy*, 55 ST. MARY’S L.J. 917, 940–41 (2024); PATRICIA J. WILLIAMS, *THE ALCHEMY OF RACE AND RIGHTS* 140 (1993).

28. See Baldwin, *supra* note 27, at 941 (characterizing legal education as emotional restructuring without therapeutic safeguards). Students are taught not just how to think like lawyers, but also how to feel like them.

29. See *id.* at 950.

divorced from their cognitive state in analyzing legal problems, it implicitly reinforces an idea that a fundamental aspect of human existence is wrong.³⁰

This emotional transformation is taught as a doctrinal one. Professor Patricia J. Williams writes, “[W]e are taught from the moment we enter law school to temper our emotionalism, [and] quash our idealism Form [is] exalted over substance, and cool rationales over heated feelings.”³¹ Such training is not incidental—it marks which emotions are professional and acceptable and which are not. Over time, students learn that emotional restraint signals competence; to express feeling is to risk being read as irrational or unprofessional. Some scholars, like Professor Kristin Gerdy Kyle, challenge this narrative, arguing that empathy enhances rather than undermines analytical clarity and client trust.³² Yet within most classrooms, emotional neutrality remains the unspoken rule of belonging.³³

This affective discipline falls unevenly. As Professor Bennett Capers observes, the law school operates as a “white space,” where professionalism is racially coded as composure and detachment.³⁴ To succeed, students from marginalized backgrounds often must “unrace” or depersonalize themselves, performing an ideal of neutrality that privileges Whiteness, masculinity, and class conformity.³⁵ Students are not oblivious to this division and “know that success means a splintering of self, a division into the professional and the personal to mirror the dichotomies that dominate the first-year curriculum—theoretical and practical, procedural and substantive, public and private law.”³⁶

In this model, the good lawyer is the detached one, the technician rather than the citizen. Professor Susan Bandes warns that such a conception of law “cordon[s] off emotion” and risks producing lawyers who are intellectually

30. *Id.*

31. WILLIAMS, *supra* note 27, at 140.

32. Kristin B. Gerdy, *Clients, Empathy, and Compassion: Introducing First-Year Students to the “Heart” of Lawyering*, 87 NEB. L. REV. 1, 15 (2008) (“The opinions of legal scholars echo the statistics: empathy and compassion must go hand in hand with ‘thinking like a lawyer’ and in fact, caring actually makes analysis stronger.”).

33. See López, *supra* note 7, at 94 (observing that “much of the law school curriculum, particularly in the courses taught in the first year, perpetuates an idea of the law as neutral and emotionless”); see also Susan L. Brooks, *Fostering Wholehearted Lawyers: Practical Guidance for Supporting Law Students’ Professional Identity Formation*, 14 UNIV. ST. THOMAS L.J. 412, 417 (2018) (warning that the pose of neutrality in law schools is “hazardous to the health and well-being of law students”).

34. Bennett Capers, *The Law School as a White Space*, 106 MINN. L. REV. 7, 17–20 (2021).

35. *Id.* at 11–12 (discussing the author’s own experience with having to “unrace” himself); see also A.T. McWilliams, *“We Need to Make Sure You Belong Here”: On Being Black in the White Space of Yale*, SLATE (May 11, 2018, at 18:23 ET), <https://slate.com/news-and-politics/2018/05/on-being-black-in-the-white-space-of-yale.html> [https://perma.cc/FE54-UJCD] (“In white spaces like Yale, black students—and all students of color—are forced to navigate spaces not built for them . . . [and] navigation often means assimilation But even that often isn’t enough to ‘prove’ we belong.”).

36. Iijima, *supra* note 8, at 748 (quoting LOUISE HARMON & DEBORAH POST, *CULTIVATING INTELLIGENCE: POWER, LAW, AND THE POLITICS OF TEACHING* 194 (1996)).

sharp but “numb[] . . . to their ethical intuitions.”³⁷ The suppression of emotion is not a sign of professionalism; it is a political act that narrows moral vision.

Even academic support programs (ASPs), designed to offer support for students who may not feel welcome or comfortable within traditional and often exclusionary systems of legal education, risk becoming complicit in marginalization if they solely emphasize assimilation.³⁸ Professor Chris Iijima writes that “[m]erely to groom students—particularly students of color or those at academic risk—to participate ‘successfully’ within the larger environment, particularly when that environment itself may cause a significant portion of the dysfunction[,] is ultimately counterproductive and actually perpetuates and exacerbates the conditions of failure.”³⁹ Students learn that mastery means adaptation, not transformation—that to thrive is to fit, not to question. What could be spaces of repair instead become laboratories of obedience. The professional posture of neutrality presented within law schools is not neutral but disciplines emotion and identity in ways that reproduce hierarchy.

Even the language of “resilience,” increasingly prevalent in legal education, has been co-opted into this disciplinary logic.⁴⁰ Instead of inviting students to challenge unjust systems, resilience becomes a euphemism for endurance—an expectation that students will persist through inequity rather than question it.⁴¹ Such a “narrative thus has the potential to normalize racial and other inequalities in legal education while silencing student activism, by shifting the focus from structural inequalities which impact student learning to focusing on the individual traits of students as an explanation for failure.”⁴² The push toward neutral emotional presentation and resilience proposes individual solutions to systemic challenges, presenting a lawyer’s job as one of endurance and tolerance rather than empathy and engagement. In resisting this reliance on individualism, Soraya Chemaly argues that resilience should not mean silent perseverance but collective transformation.⁴³ When law schools teach resilience as stoic survival, they recast compliance as a form of strength, and exhaustion as a sign of professionalism.

The affective training of law school thus completes the socialization of obedience. Students learn to regulate emotion as they regulate speech and conduct, internalizing that control as the measure of competence. This discipline produces lawyers adept at composure but uneasy with moral

37. Susan A. Bandes, *Feeling and Thinking Like a Lawyer: Cognition, Emotion, and the Practice and Progress of Law*, 89 FORDHAM L. REV. 2427, 2429 (2021). Bandes further argues that “the progress of law depends on giving voice to moral emotions. The passion for justice is fueled by emotions like moral outrage.” *Id.*

38. Iijima, *supra* note 8, at 771.

39. *Id.*

40. Christian Sundquist, *Beyond the ‘Resiliency’ and ‘Grit’ Narrative in Legal Education: Race, Class and Gender Considerations*, 50 J. MARSHALL L. REV. 271, 276–77 (2017).

41. *Id.* at 272, 277.

42. *Id.* at 277–78.

43. SORAYA CHEMALY, *THE RESILIENCE MYTH: NEW THINKING ON GRIT, STRENGTH, AND GROWTH AFTER TRAUMA* 6 (2024).

discomfort. Refusing this norm, Professor Mari J. Matsuda reminds us that true legal understanding requires locating oneself within the system one critiques, rather than erasing identity to survive it.⁴⁴ If law schools are to prepare lawyers for democratic responsibility, they must teach not the suppression of feeling but its ethical integration: anger at injustice, empathy for clients, and humility in the face of power. These emotions are not threats to professionalism but its moral foundation.

The idea of emotional neutrality as integral to legal education ties directly to the idea that legal education itself can (and should) be *value neutral*. By presenting doctrine as objective and procedure as apolitical, law schools frame obedience and compliance as morally neutral acts. It is not only the lawyer but the law that is neutral.⁴⁵ However, philosopher and professor Tara Smith reminds us that even the formal conditions of the rule of law “inescapably further some values and impede others.”⁴⁶ To teach law as neutral is to take a position: that hierarchy and precedent deserve preservation. Yet this fiction of neutrality remains one of law school’s most powerful myths, passed through casebooks that present doctrine as natural, professors who disclaim politics, and classrooms that treat dissent as deviation from the intellectual. Professor Susan L. Brooks warns that this pose of neutrality—held in “both subtle and more direct ways”—is not only inaccurate but “hazardous to the health and well-being of law students, lawyers and their clients, and the larger societies they serve.”⁴⁷ Such a pose teaches students that justice is primarily procedural, not moral.

The related idea of civility ties together this call for emotional neutrality and procedural overreliance. Calls for “civil discourse” have become ubiquitous across law schools and universities, often presented as antidotes to polarization, with prestigious institutions launching initiatives urging renewed commitment to civility as the foundation of academic and professional life.⁴⁸ At first glance, such programs seem benign. Yet civility, like neutrality, often functions as an instrument of control. Students quickly learn that the “proper” way to engage in difficult conversations is to remain calm, to tolerate all viewpoints, and to suppress visible emotion, even when confronted with speech that demeans or denies their humanity. Students internalize that professionalism requires composure in the face of harm—they should not appear angry when reading about rape or slavery, should not

44. Mari J. Matsuda, *When the First Quail Calls: Multiple Consciousness as Jurisprudential Method*, 11 WOMEN’S RTS. L. REP. 7, 8–10 (1989).

45. “[A]s I am not the first to say, much of the law school curriculum, particularly in the courses taught in the first year, perpetuates an idea of the law as neutral and emotionless.” López, *supra* note 7, at 94; see Crenshaw, *supra* note 8, at 3.

46. Tara Smith, *Neutrality Isn’t Neutral: On the Value-Neutrality of the Rule of Law*, 4 WASH. U. JURIS. REV. 49, 95 (2011).

47. Brooks, *supra* note 33, at 417.

48. See, e.g., *FAS Initiatives: Civil Discourse*, HARV. FAC. OF ARTS AND SCI., <https://www.fas.harvard.edu/civil-discourse> [<https://perma.cc/GGG9-53DD>] (last visited Jan. 16, 2026); *Engaging in Civil Discourse at Georgetown*, GEO. UNIV., <https://www.georgetown.edu/civil-discourse/> [<https://perma.cc/C5A4-WGQD>] (last visited Feb. 6, 2026).

name bias too loudly, and should maintain decorum above all. Civility, when used to police tone and emotion, becomes the aesthetic of compliance.

Sara Ahmed describes this mechanism with precision: institutions preserve power by reframing dissent or complaint as incivility and discomfort as disruption.⁴⁹ The dissenter becomes the problem, preventing the goal of harmony. The same logic underlies what Roxane Gay calls the “fantasy” of civility, a promise that “if we are polite about our disagreements, we are practicing politics the right way. If we are polite when we express bigotry, we are performing respectability for people whom we do not actually respect and who, in return, do not respect us.”⁵⁰ Civility’s performance matters more than its substance.

For students, these norms shape not only behavior but identity. Overprioritizing civility can teach that respect is owed even to injustice, that emotion undermines argument, and that calm neutrality is proof of intellect. What begins as training in professional demeanor becomes emotional conformity—a learned incapacity to respond morally to harm.

This civility training also reinforces hierarchy. Those already comfortable within dominant norms—White, male, elite students—find their natural comportment affirmed as professionalism, while others must self-edit to belong. In this way, civility reproduces the same asymmetries as neutrality: both elevate detachment as the measure of virtue.

Properly understood, civility should not mean docility. Nor should neutrality mean an absence of values. Professional ethics demand not the avoidance of conviction but its examination. Anger at injustice, empathy for clients, and moral clarity in the face of power are not breaches of professionalism but can be evidence of it. To prepare lawyers for democratic responsibility, law schools must dismantle the myth that neutrality and civility are moral goods. They are techniques of compliance, and compliance, however polished, is not integrity.

IV. THE DANGERS AND COSTS OF COMPLIANCE

Legal education conditions students to equate professionalism with compliance. Some obedience is essential. But uncritical compliance, the expectation that students and lawyers will follow institutional norms without reflection, can breed a habit of passivity that, once internalized, is hard to unlearn. Compliance becomes a self-protective reflex, and a costly one, as the burden of compliance is not evenly distributed. Expectations of deference fall heaviest on those already marginalized within the profession. Scholars like Professors Meera E. Deo and Bennett Capers have shown how students and faculty of color are read as provisional members of the academy—expected to perform neutrality, gratitude, and composure to be

49. AHMED, *supra* note 22, at 147–53.

50. Roxane Gay, *Civility Is a Fantasy*, N.Y. TIMES (Sep. 24, 2025), <https://www.nytimes.com/2025/09/24/opinion/civility-fantasy-power-kirk.html> (on file with the *Fordham Law Review*).

seen as “professional.”⁵¹ Professor Lorgia García Peña captures this psychic toll: to be “The One” elevated as proof of inclusion “means behaving, obeying the rules of whiteness . . . and above all, being grateful . . . [and] willing to comply to make white people comfortable.”⁵² This is the hidden tuition of belonging: to pay for inclusion with silence.

The professional consequences follow. Institutions reward lawyers who preserve order over those who question it. Under political pressure, universities and firms alike have reframed capitulation as prudence.⁵³ The few who resist are cast as troublemakers or idealists, proof that courage remains the exception, not the norm. Such reflexive obedience erodes the moral discretion central to lawyering.

The democratic consequences are serious. History shows that when lawyers outsource moral judgment to authority, legality becomes a tool of repression. The danger is not that law schools breed authoritarians, but that they cultivate habits of deference that authoritarian systems later exploit. Students see that universities themselves too quickly defer: the American Association of University Professors recently warned of institutions unable to resist “*anticipatory obedience* . . . acting to comply in advance of any pressure to do so.”⁵⁴

Professionalism in legal education is often treated as beyond debate—a dress code that will not be discussed, a participation rule without exception, a list of interview questions without deviation. When students resist these norms, they risk being labeled unprofessional, disruptive, or immature. In *Complaint!*, Ahmed captures this dynamic; those who name discomfort are cast as the source of it.⁵⁵ Dissent becomes disruptive to the institutional good.

In law schools, this logic is pervasive. A student who questions grading curves, challenges participation policies, or critiques the framing of a case may be seen not as an engaged interlocutor but as a problem to be managed. Faculty and administrators may not issue overt sanctions, but subtler penalties might result, like diminished recommendations, reduced opportunities, and reputational whisper networks. The message is clear: professionalism means composure, not critique.

Anna Dumont describes this reflex as the university’s performance of unity, where academic institutions reframe critiques of injustice as threats to legitimacy.⁵⁶ The preservation of calm appearance becomes an end in itself. Legal education mirrors this tendency—when students point out inequity, their tone or timing, not their substance, becomes the issue. Institutions protect their image of neutrality by pathologizing dissent.

51. MEERA E. DEO, *UNEQUAL PROFESSION: RACE AND GENDER IN LEGAL ACADEMIA* 110–13 (2019); Capers, *supra* note 34, at 17–20.

52. LORGIA GARCÍA PEÑA, *COMMUNITY AS REBELLION: A SYLLABUS FOR SURVIVING ACADEMIA AS A WOMAN OF COLOR* 21 (2022).

53. Dumont, *supra* note 17.

54. AM. ASS’N OF UNIV. PROFESSORS, *supra* note 16, at 2.

55. AHMED, *supra* note 22, at 106–07.

56. Dumont, *supra* note 17.

The disciplining of dissent is especially acute for students from marginalized backgrounds, who often experience criticism as double-edged: to challenge authority risks confirming stereotypes of anger or incivility, while silence exacts psychic cost. The burden of compliance thus falls heaviest on those whose identities already mark them as deviations from the professional norm.

Yet resistance persists. García Peña offers a counter model grounded in collective care. In *Community as Rebellion*, she argues that while compliance isolates individuals, collective action transforms power.⁵⁷ By forming study groups, student organizations, and informal networks that affirm rather than erase difference, marginalized students and allies practice a different professionalism—one rooted in solidarity rather than subservience. Such communities reject the idea that dissent is unprofessional; they treat it as ethical labor, an act of responsibility to one another and to the law itself.

For educators, the challenge is to recognize these acts of dissent not as disruption but as evidence of engagement. When students question grading structures, call out bias, or critique institutional inequity, they are enacting the very democratic habits the profession claims to value. To punish dissent is to train future lawyers to confuse decorum with ethics. We should heed Ahmed’s warning not to make the source of the complaint “the location of a problem.”⁵⁸ Students meaningfully engaging with how we teach the law, and how we train them to be lawyers, is not a distraction from our work, but part of the democratic education we claim to provide.

The task, then, is to create classrooms and institutions where refusal is understood as fidelity to justice, to honesty, and to the collective good. Law schools must learn to welcome what Ahmed calls the “unhappy” or “difficult” subject: the student whose discomfort signals that something in the system is misaligned.⁵⁹ To teach professionalism responsibly is to teach that ethical dissent is part of one’s duty, not a violation of it.

V. IMAGINING PROFESSIONALISM BEYOND COMPLIANCE

To repair the ethical distortions of compliance culture, law schools must cultivate a different vision of professionalism—one grounded in engagement, care, and trust. Professional identity formation should not aim to produce perfectly compliant lawyers but discerning ones, capable of obedience when warranted and resistance when necessary.

57. GARCÍA PEÑA, *supra* note 52, at 34–38.

58. AHMED, *supra* note 22, at 2–3 (“To be heard as making a tiresome complaint is to be heard as being tiresome, as distracting somebody from doing ‘important work elsewhere.’ . . . To become a complainer is to become the location of the problem.”).

59. *Id.* at 62, 101–07.

A. Engagement Over Obedience

An education designed for democratic practice must move beyond compliance-based pedagogy toward engagement-based learning. This model values inquiry, reflection, and ethical imagination over memorization and mimicry. It teaches students not only to interpret law but to interrogate it—asking whom the law serves, whom it harms, and how it might be changed. Rachel López describes this as preparing students for “engaged citizenship,” or training lawyers to contest injustice and bridge divides, not merely to apply precedent.⁶⁰ Such an approach would “center diverse and critical perspectives, embed student-facilitated discussions, and encourage ongoing reflection on the relationship between law and justice.”⁶¹ This approach is not only about including more perspectives, but also “designed to challenge students’ assumptions, deepen their engagement with each other, and encourage students to interrogate foundational legal concepts from multiple vantage points.”⁶²

When students grapple with moral ambiguity, collaborate across differences, and reflect on their values, they are learning obedience to principle rather than submission to hierarchy. Practical shifts can reinforce this orientation. For instance, law schools might consider integrating reflection into doctrinal courses, designing simulations that involve ethical conflict, expanding professional responsibility classes beyond Multistate Professional Responsibility Examination preparation, and assessing growth through self-evaluation rather than rank. The goal is not to soften law school but to align ideas of rigor with moral purpose.

B. Professionalism as Care, Not Compliance

Traditional professionalism measures belonging by decorum and restraint. Attorney Kendra Albert urges a simple but powerful redefinition: “Professionalism, at its best, is an act of love and belief toward those we work with, rather than a set of behavioral standards that we have to live up to.”⁶³ When professionalism is reimagined as care, it becomes a practice of accountability rather than appearance.

This shift aligns with Chemaly’s reframing of resilience as collective transformation, not solitary perseverance.⁶⁴ Likewise, introducing care as essential to professionalism and ethical reasoning reinforces Gerdy Kyle’s proposal that empathy deepens, rather than dilutes, legal analysis.⁶⁵ Care also requires humility: the recognition that authority must be earned, not assumed. When professors model openness to feedback and vulnerability

60. López, *supra* note 7, at 82.

61. *Id.* at 98.

62. *Id.* at 98–99.

63. Kendra Albert, *Care, Not Respect: Teaching Professionalism*, KENDRA ALBERT (July 15, 2021), <https://kendraalbert.com/2021/07/15/care-not-respect-teaching-professionalism.html> [https://perma.cc/7UVY-793V].

64. CHEMALY, *supra* note 43, at 38.

65. Gerdy, *supra* note 32, at 25–27.

after mistakes, they demonstrate that professionalism is not control but curiosity and repair. Professor Catherine Denial’s *A Pedagogy of Kindness* captures this ethic—we should trust students with our expectations, not our suspicion.⁶⁶

C. Rigor as Trust, Not Punishment

If legal education is to form ethically engaged professionals, it must disentangle rigor from control. Professor Kevin Gannon cautions that higher education too often confuses rigor with harshness, mistaking difficulty for depth.⁶⁷ Rigor should challenge, not humiliate, and it should demand reflection, not exhaustion. Alternative assessment models like self-assessment, portfolio reviews, and narrative feedback can maintain high standards while inviting students to take responsibility for their learning. Professor Jesse Stommel imagines a sort of compassionate rigor, whereby professors set ambitious goals but remove unnecessary barriers.⁶⁸ These approaches teach that professionalism means integrity and persistence, not submission.

Ultimately, the most rigorous training a law school can provide is moral rather than mechanical. Professional identity formation should therefore center self-awareness and discernment—the capacity to decide when to obey, when to resist, and why.

Professionalism reconceived in this way demands more of us as educators. It requires relinquishing the comfort of authority and confronting our complicity in systems that reward compliance. But it also invites transformation. As Mariame Kaba and Professor Bettina L. Love remind us, change begins with imagination—the willingness to see the world, and our classrooms, as capable of repair.⁶⁹ Law schools can be sites of that repair if we teach that integrity lies not in silence, but in engagement; not in compliance, but in care.

CONCLUSION

When the Virginia Board of Bar Examiners once assured applicants that “no further discussion of the topic will be necessary,”⁷⁰ it revealed more than a dress code—it revealed a worldview. Legal professionalism, as taught and

66. CATHERINE J. DENIAL, *A PEDAGOGY OF KINDNESS* 4–6 (James M. Lang & Michelle D. Miller eds., 2020).

67. GANNON, *supra* note 7, at 27–31.

68. Jesse Stommel, *The Practice of Ungrading*, JESSE STOMMEL (May 22, 2025), <https://www.jessestommel.com/the-practice-of-ungrading/> [<https://perma.cc/QDK5-7JCN>]; see also *As Times and Students Change, Can Faculty Change, Too?*, INSIDE HIGHER ED (Apr. 02, 2020), <https://www.insidehighered.com/news/2020/04/03/faculty-face-uphill-battle-adapting-needs-todays-students>, [<https://perma.cc/BN95-E4Y7>].

69. MARIAME KABA, *WE DO THIS 'TIL WE FREE US: ABOLITIONIST ORGANIZING AND TRANSFORMING JUSTICE* 32–35 (2021); BETTINA L. LOVE, *WE WANT TO DO MORE THAN SURVIVE: ABOLITIONIST TEACHING AND THE PURSUIT OF EDUCATIONAL FREEDOM* 89–95 (2019).

70. See VA. BD. OF BAR EXAM’RS, *supra* note 1; see also Patrice, *supra* note 1, at 2–5.

practiced, too often assumes that discussion itself is a threat to order. The same instinct underlies law schools' pedagogies, their hierarchies, and their unwritten rules: professionalism as silence, obedience as virtue, compliance as belonging.

But discussion is necessary, and it is at the heart of both education and democracy. Law schools occupy a paradoxical position: they exist to train advocates yet too often reward deference; they claim to prepare defenders of justice yet socialize students to equate dissent with failure to belong. The habits formed in this environment—emotional detachment, procedural neutrality, reverence for hierarchy—do not disappear at graduation. They become the reflexes of the profession itself: risk aversion, moral caution, and polite complicity.

The cost to students is potentially profound. They learn to distrust their moral instincts, to equate self-suppression with professionalism. Those most marginalized in the profession bear this cost most heavily, as their belonging is conditioned on conformity to dominant norms of Whiteness, masculinity, and restraint. The cost to the profession is similarly high, as lawyers become fluent in compliance but uneasy with conscience, trained to preserve institutions rather than to question them.

The cost to democracy is most widespread when the legal profession equates obedience with integrity and is ill-equipped to confront injustice. The rule of law is not self-sustaining—it depends on practitioners distinguishing lawful authority from legitimate authority and questioning when the two diverge. As Dean Cynthia Fountaine and Professor Bernard E. Harcourt warn, authoritarian regimes thrive not on lawlessness but on lawful obedience.⁷¹ When lawyers conflate legality with morality, the machinery of democracy grinds forward even as its spirit erodes.

If legal education is to serve democracy rather than hierarchy, we must reclaim professionalism as discernment, not deference. This requires honesty about our own discomfort. Professors and administrators avoid hard conversations about power because they threaten our sense of control. We mistake calm for order and compliance for learning. Yet our duty is not to maintain comfort, it is to model the ethical courage we hope our students will practice.

Professional identity formation, rightly understood, is moral formation. It demands that we teach students not simply to follow rules, but to recognize when rules fail justice. It asks that we distinguish between obedience that honors wisdom and compliance that evades responsibility. And it requires that we, as educators, cultivate the humility to admit when our own structures perpetuate the very hierarchies we claim to critique.

71. See Cynthia L. Fountaine, *Complicity in the Perversion of Justice: The Role of Lawyers and Judges in Nazi Germany*, 10 ST. MARY'S J. LEGAL MALPRACTICE & ETHICS 198, 225 (2020); Bernard E. Harcourt, *On Hannah Arendt and the Lawfulness of Totalitarian Regimes*, COLUM. CTR. FOR CONTEMP. CRITICAL THOUGHT (Dec. 6, 2023), <https://the1313.law.columbia.edu/2023/12/06/bernard-e-harcourt-on-hannah-arendt-and-the-lawfulness-of-totalitarian-regimes/> [<https://perma.cc/752Y-L8DK>].

As Kendra Albert reminds us, professionalism can be an act of care and a way of taking responsibility for the world we build together.⁷² And as Mariame Kaba teaches, hope is a discipline: it demands action, imagination, and persistence.⁷³ To teach law with hope is to invite students into the difficult work of ethical discernment, of learning when to obey and when to resist.

The next generation of lawyers does not need more compliant professionals. It needs engaged citizens—those who understand that justice is not inevitable, that the law’s legitimacy depends on conscience, and that silence in the face of unearned authority is not professionalism but surrender. There is no justice without discomfort, no professionalism without reflection, and no democracy without dissent. Discussion is, and must remain, necessary.

72. See Albert, *supra* note 63.

73. See KABA, *supra* note 69, at 93–99.