

The Role of Law Schools In a Changing World

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The law schools of the new millennium must prepare the law students to be the visionaries in our society, and also the nations legal architects who are competent enough to take up the task of renovating the scales of justice and re-designing the landscapes of justice opportunities in India. "Legal Education' as 'Justice Education' has to sensitize the law students to the problems of society so that when they enter the profession, they are aware that they are the main actors on the stage of the legal system; the role being the dispensation of justice specially to the poor, the have-nots and the invisibles, the fourth world within the third world i.e., for "we the other people of India". The lawyers of tomorrow must have a positive bias towards the helpless and should tirelessly aid the weak, the poor and the dispossessed. Today India is also facing challenges posed by malnutrition, inadequate healthcare and housing, corruption in Government and the overall fall of our political system. The whole scenario has been further worsened as those in power often have lacked personal morality or have failed to observe real values that they have possessed, to manifest in real life. In such a scenario, the burden on the lawyers is much heavier.

Justice Holmes very pertinently remarked, for a professional lawyers engaged in justice dispensation: "The life of the law has not been logic; it has been experience. The felt necessities of the time, the prevalent moral and political theories, intuitions of public policy, avowed or unconscious, even the prejudices which judges share with their fellow men, have had a good deal more to do than the syllogism in determining the rules by which men should be governed." Each Lawyer, Judge, Politician, Professor or Entrepreneur must make personal value judgments. Admittedly moral and human values cannot be acquired by even the most meticulous reading of opinions or statutes. Each Lawyer must endeavour constantly and consciously to acquire and transmit values and goals in forging rules of laws for the future and future generations.

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The law schools of today faces much bigger challenge of teaching virtue to promote professional ethics in lawyers. But, can we teach it? Must we teach it? How do we teach it? These questions are perennial problems of any education and legal education is no exception. The question – “virtue as taught” has presented a problem in almost all systems of education. In all ages, the problem of teaching virtue is complicated by the fact that the meaning of the term is unclear and also the subject to which we apply the term is diverse. But this should not prevent one from learning what virtue is, or from teaching it. Whether virtue is narrowly or broadly understood the teaching of virtue is the teaching of a skill within a practice or form of life and is the training of a capacity in law student. Virtue is embodied in action. Accordingly, our knowledge of virtue is a kind of performity of knowledge – both knowledge acquired through action and knowledge expressed or revealed in action in performing a task. Virtue of course may be acquired genetically. It’s possibility is culturally inherited. This possibility is either inherited or acquired from the family, from the society, societal practices and the institutions into which one is born and grows up.

The academic curriculum is the most immediate example of this kind of societal framework. What is important is one must learn to exercise if one has to truly possess it? To earn and acquire it, one must spend it, use it, in a society and also in the family. We often do so by watching our elders and following them or in some cases may be, not following them. Virtue is a kind of skill, based upon performative knowledge, a capacity for judgement and action, since performative knowledge is taught performatively virtue can be taught by doing virtue, by acting virtuously. In this respect, virtue is like language. Both are inheritances that are learned and earned through use. Virtue, like language is taught by example. The intellectual and practical virtues which we find missing from law students today are matters not only that can be taught, but must be taught. They are transmissible in no other way, the continuity of virtue being transmitted takes place between generations. Taking responsibility for such transmissions is one of the highest responsibilities on a professional teacher teaching in a law school.

Question may arise as to how does one take on such responsibility. It is believed that virtue or excellence can be taught by modeling, imitation and emulation, - initiation. Teachers can fulfill this responsibility by displaying in class, virtues or excellence. Consequently, teaching virtue should be important competent of legal education which rests upon performances being given and received in the class room and then replicated by the students themselves. Teachers as performers and teaching as a performative art has to enable the student to be made aware of and accept the virtues of our society and culture. Regardless of the subject being taught, teaching is an activity that calls for courage, temperance, prudence and justice in the teacher. So teacher can play a very effective role as a model for transmitting, inculcating and nurturing values in students aspiring for professional legal education. This would ultimately inculcate natural professional ethics. Professional ethics in the legal profession would become easier to practice and perform when virtues are taught in a law school as a performative art of skill through education.

These goals and challenges of professional ethics are not mere pipe dreams and whether the law schools work to achieve them and prepare a few lawyers we search qualities which depend

upon the moral philosophies that guide us. I feel confident that most law students are capable of becoming good legal architects and legal technicians. But the world today desire that the lawyers of tomorrow need more than mere craftsmen and craftswomen. They would be welcomed into the life of legal profession if they also pursue and commit themselves to moral visions and professional values.

H. H. Koh addressing the students of Yale Law School said:

*Find your friends in small groups.
Set your own limits.
Never let them tell you that you have to do anything.
When you don't know, say so.
Listen to others, but make up your own mind.
Don't worry – too much anyway – about the rules that don't count.
When you have to, scramble.
Remember that your best hours are not billable.
When you make life choices, follow your heart.
Realise that all anyone can ever ask is that you do your best.
And never forget that Excellence without Humanity is worthless.*

The last line above i.e., “Excellence without Humanity is worthless” is the central virtue which should be taught, as one can not be a good lawyers if one is not a good human being. It should be the first and foremost duty of each law teacher to chisel students to shape them to be good human beings and good lawyers full of virtue and moral ethical values. Law schools obviously are the places where the students have to learn their first lessons in professional ethics.
