

## **New Objectives of Law Schools in A Changing World**

Prof. Dr. A. Can Tuncay  
Bahcesehir University, Faculty of Law  
Turkey

### **I. GLOBALIZATION FACT**

During the past 30 years it is a clear reality that globalization is the most significant development that has taken place in the world order. Technological developments in accessing knowledge, growing number of internet usage and trade relations between the countries, development in the means of communication and satellite broadcasting, immigration from one country to another, free movement of capital and labour, activities of multinational companies are the major inducements that have fostered globalization. Primarily the birth and growth of the European Union, emergence of new states after the fall of the Soviet Union and the activities of the international organizations throughout the world such as IMF, NAFTA, EFTA, ASEAN, WTO, NATO etc. contributed heavily to the acceleration of globalization. Globalization affects a great number of people and areas of activity (economic, cultural, business etc.), throughout the world. Banking, trade, business, finance, production and service sectors are the most significant areas which are embraced by globalization. Not as remarkable as in those areas, the field of law including legal education and legal profession have also been affected by globalization. This "delayed reaction" might be the result of conservatist nature of lawyers and jurisdictions that are mostly domestic oriented. However a significant number of lawyers in most countries are today involved in a wide range of legal practice throughout the world due to globalization. We see the number of the law firms with offices and partners around the world coping with international or foreign legal cases that are increasing daily. While domestic law still is of principal concern to lawyers the globalization of legal practice compels them to learn the foreign legal systems and international law. Free movement of students and academic staff within the EU countries thanks to Erasmus and Socrates programs or the increasing number of students studying abroad are important indications of globalization of legal education. All these developments cause the lifting of geographical borders in law and the diminishing of national identity of law.

Successful lawyers of today are the lawyers who know not only their domestic laws but some foreign laws and international law as well. Indeed if a law firm wants to be a good, reliable and profitable law firm in the legal market it must be experienced in international law and must have international connections and liaison offices. In this context the law schools must adapt themselves to a globalized legal education and educate young lawyers of tomorrow to take places in the new world order. The first step that must be

taken by the law schools is to change and reinforce the curriculums with adequate and updated courses. For example at my law school International Human Rights, Environmental Law, European Union Law, Consumers Law, Copyright and Intellectual Property Law, Competition Law, International Trade Law, Capital Market Law, Banking Law, International Arbitration Law, International Business Law, International Criminal Court, International Organizations and Comparative Law are courses which aim to teach students the global aspects of the law.

In recent years due to the commercial and political power of the American giant companies across the world and also direct investment of American companies into the Turkish capital market American Law system and practice gained significant popularity and interest in my country and in others. In this respect many law schools included some new courses, other than those mentioned above, as legal English, advanced legal writing, essentials of American Law into their curricula. However adopting these types of courses are easier in private universities (like mine) due to their liberal structures and openness to new perspectives in the country. Law students while taking these theoretical courses, also intensify this theoretical knowledge with practical courses such as moot courts, clinical courses, practical courses etc.

I am delighted to let you know that the debate team (consisting of elected students from my university) has qualified for an international moot court contest that will take place during the coming month in the USA. This contest has been organized by ILSA (International Law Students Association) and the students in the team are trained and taught by some faculty staff members.

Possibly the most significant activities in my law school are organized by IGUL (Institute for Global Understanding of Law). The founders of this institute are Turkish and American academicians. This institute holds seminars and a number of conferences on new developments and current legal issues domestic or international, publish them and also invite foreign professors mostly from the USA and Germany and have them teach under and post graduate students. By doing so the students find opportunity to learn foreign legal orders and to widen their legal perspectives.

## II. NEW STRATEGIES OF LAW SCHOOLS

Law schools in order to catch up with legal globalization and to be lucrative and competitive have to create new targets, new exercises and new programs. For example in my university a new program called CO-OP has begun. The content and aim of this program is to make agreements with famous and leading firms to provide students with the opportunity to learn about business life and practice in those firms while they are studying. The students are encouraged to participate in cooperative (CO-OP for short)

education. CO-OP education is integrating classroom based teaching with on job training. Students chose this educational work in a company or law firm for 3-6 months. The CO-OP courses which use "my campus is my workplace" slogan are professional type courses delivered by the managers of the partner firms and companies both at the university or in their places. From these courses the students get credit that is needed for graduating. In this way the students find the opportunity to see business life and practice outside the university before they graduate. When they graduate they also find the opportunity to find internship place or job in these firms more easily. As far as I know this is a new program which is applied in some American universities (like Northeastern) and Dutch universities.

In my opinion a law student today in a changing world must not restrict him/herself only with studying law and his/her student books. He/she must widen his/her perspective and must improve him/herself in order to be capable of discussing and evaluating the important issues of our society. Bahcesehir University is deeply involved with public debate and other social issues. In my university a TV program called "Political Arena" is shot and televised once a month where some current political, economical and social issues are discussed by the experts and students. Most of the participant spectators of this program are the students. Therefore Bahcesehir University serves as a platform for the community. Another popular TV program called "Eco Dialogue" is organized by another private university every two weeks where only economical and monetary issues are discussed by an expert staff trio. The spectators of this program are also students. Many law schools (including mine) are now trying to serve as a platform for policy making and public debate.

In my university (like in some others) students have set up a number of social clubs where they work to improve themselves to be good and well trained citizens. Jazz, classical music, sports, yoga, film, theater, humor, energy and law clubs are but some available.

I myself began a new practice about 3 years ago. I recommend a book that has philosophical, cultural or historical content to the students as a reading assignment, for each semester. At the end of the semester I give them a test just before the final exam about the book they had read. They get graded. The aim of this is to instill in them the habit of reading. It is a wide known reality that students read too little besides course books today. According to the shocking results of a survey held among the university students in Ankara it was discovered that only %10 of students read other books beside course books, %5 read from time to time, %85 do not read at all. The computer, the internet, the internet games were the major obstacles to reading. Therefore law schools must train students not only to become lawyers but also a well equipped person.

I must mention also that a unity called Durable Peace Center was founded 2 years ago in my university. Its aim is to organize and run the activities realizing a sustainable world peace.

### III. CAN LAW SCHOOLS AFFECT THE LEGAL POLITICAL AND LEGAL ORDER OF THE COUNTRY?

I can say YES. Because law schools and generally lawyers are regarded as respected institutions and persons in the society. Since they know how an ideal legal and social order in a society would be they will try to realize or to keep it by way of their behavior and activities. Besides lawyers have the capability to talk and convince people thanks to the education they get. It is not a coincidence and surprise that many of the world leaders today have a legal background. However and paradoxically in the 85 year political history of the Turkish Republic there has only been one president with a legal background as far as I know. From time to time law faculties and law professors are considered and blamed for being the opponents to the government in office, because they oppose and challenge naturally if the government ever deviates from rule of law.

In a democratic country it is a usual practice that the governments invite some law professors to the parliamentary commissions charged with preparing draft bills. This practice is the same in Turkey as well. For example new Civil Code, new Penal Code and the new Labour Act have been prepared by the law professors before they were discussed and passed by the Parliament. Now the new Code of Obligations and Code of Commerce are heading towards the same procedure.

My point of view is that legal ethic varies from culture to culture in principle. However the law today, with the contribution of globalization has progressed universally. Not with standingly the rule of law, respect to law, respect to human rights, independence of judiciary, freedom of press are the fundamental rules and values in a western type of democracy and in the Turkish legal and state system as well. These rules are always and in every class of the law schools repeatedly taught. These rules are constitutionally guaranteed too. According to the Constitution of Turkey "Republic of Turkey is a democratic, secular and social state governed by the rule of law ... respecting human rights" (Art. 2). "Judicial power shall be exercised by independent courts on behalf of the Turkish Nation" (Art. 9). "Judges shall be independent in fulfillment of their duties". "No organ, authority, office or individual may give orders or instructions to courts or judges relating to the exercise of judicial power or send them circulars make recommendations or suggestions" (Art. 138). "Protection of the Republic and Democracy is counted as one of the main duties of the state" (Art. 5). However the critics are voicing loudly that these basic rules are under pressure from the government in office nowadays.

In some universities in my country, including mine a number of new and current legal subject like new bill drafts and proposals are open to discussion among the legal students and practitioners. As a point of fact in my country law schools train and educate students to become practicing lawyers rather than research lawyers. Likewise the curriculum and examination systems are based on this system. This shortcoming has tried to be covered by internship programs organized by the bar for the young attorney at law candidates. These programs last for one year. The post graduate study programs held by the universities serve the same objective.

#### IV. SHOULD GOVERNMENTS GIVE FINANCIAL SUPPORT TO LAW SCHOOLS?

The response to that question should be positive without doubt. Year after year the number of students who seek a place in a law school regardless of being state owned or private are growing. And also it is clear that the number of female students interested in studying law is growing in my country. The same trend is observed in exercising the legal profession. The main reason of this preference might be that the females are now more conscious to study law in order to learn and defend their rights in a rather male dominated society.

While the number of students who plan to study law is growing, the number and quality of the law school buildings and classrooms and premises is insufficient. This situation is particularly valid for state universities. Because private universities are funded relative well by tuitions. Private universities so far do not meet significant problems in collecting tuition. Therefore financial support from the government to the state owned law faculties is much more necessary. Financial support will raise the quality of the legal education on the other hand. However the government seems to be reluctant to make financial support to not only law schools but the universities as a whole mainly due to budget restrictions. According to some statistics published recently the share of the educational expenditures among the public expenditures has dropped to %9 from %15 in the year 2005. Such shrinkage is an important issue to be considered regarding the quality of the education in my country.

It is upon us to influence the educational establishment to incorporate Globalization into the curricula, educate the law student beyond wording of the law, encourage key opinion leaders of law to seek governing positions and most importantly convince all governments to fund higher education appropriately. However the law schools in my country can hardly play a leadership role to orient people and the society for a better and freer life, due to some social, economic and cultural reasons.