

Pedagogy

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INTRODUCTION

Today we are witnessing dramatic global transformations that call into question both the content and methodology of legal education. They include global trade, foreign investment, the breakdown of authoritarian political structures, the emergence of new nations, and the presence of new international actors such as individuals, multinational corporations, and non-governmental organizations (NGOs). Individual states alone cannot solve the crucial problems that challenge humankind. Instead, this growing trend demonstrates the necessity for international cooperation.

LEGAL EDUCATION IN AN INTERCONNECTED WORLD

Despite the past century's numerous changes, the curricula of law schools continue to focus on a domestic agenda. This continued focus, which remains inextricably attached to domestic concerns, is inadequate to prepare lawyers for the new world reality. Lawyers practicing in this new reality are challenged by rapidly developing international economic and political links. Rising global technologies, such as satellite communications, establish greater transparency between global actors. The Internet and high-tech computer networks now connect the world with the click of a mouse. Societies are becoming more open and there is a trend of challenging and dismantling authoritarian political systems.

These changes have simultaneously altered the role of law schools, calling for a fundamental re-conceptualization of legal training. Inasmuch as individual states can no longer isolate themselves from the international community, legal training should no longer be enveloped within the four walls of a law school. Instead, law schools must connect themselves with the outside world and reconstruct their academic agenda to work with actors in the international community, such as NGOs, multinational corporations, governments and legal systems of other countries.

Today, new skills are required in legal education as exemplified by the development of practical and experiential training methodologies such as clinical programs, moot court competitions, study abroad courses, debate clubs, and an increased reliance on non-legal disciplines - economics, psychology, political science, anthropology, and sociology. Today's law school graduates must possess the skills needed to function as facilitators and problem solvers in international transactions. They must also be able to act as liaisons for communications between and among formally organized legal systems with differing national histories, customs, and experiences.

What challenges do we as legal educators face as we try to prepare our students and institutions to confront the changing world?

CHALLENGES

Challenge 1: Redefining a Narrow Concept of Sovereignty

The scope of legal education can no longer be reduced solely to studying mostly “domestic” law, as it was in the past when the practice of law was primarily confined within national borders.

Challenge 2: Understanding the Pedagogical Value of Diversity

In an international and multi-cultural environment, the interplay of culture and nationality in legal decision making cannot be absent from the academic agenda. Lawyers interacting with individuals in, and from, different nations must understand this interplay. Implicit in this is also the necessity of an understanding of the relationship between gender and the law, since concepts of gender are intricately linked to culture.

Challenge 3: Addressing New Ethical and Moral Challenges

Globalization has created new social problems such as increased international crime and environmental degradation from increased economic activity related to trade. It has also brought the effects of problems that were once “far away” closer to home. For example, increased interaction among nations means that a domestic financial crisis in one country can now more easily spread to another country. Contagious diseases are also easily spread from country to country. Other perennial problems like child labor and unfair labor standards are exacerbated by growing export markets for goods. It is a moral/ethical obligation to address these issues and it is also in our own self interest to do so.

ADDRESSING THESE CHALLENGES

How do we address these challenges?

Strategy 1: Creating Linkages between the Study of Domestic and International Law

Teaching methodologies, such as moot court competitions, which have been traditionally used to develop advocacy skills in the domestic sphere, should also be used to expose students to the interplay between domestic and international law and to promote advocacy skills within international fora.

Providing opportunities for experiential learning, *e.g.*, clinics and externships, in settings that provide hands-on experience in cases which involve both domestic and international issues is also essential to preparing students for the reality of an interconnected world.

We need to create such linkages because in the new global reality, even “domestic” lawyers will at some point in their career have to address issues concerning international law. The first year curriculum – the bedrock of legal education in numerous countries - should be revised so as to incorporate international law issues into traditional first year “domestic” law courses. For example, Torts or Constitutional Law classes that in many instances do not give proper attention to the linkages between international and domestic matters, should present those connections theoretically as well as in a historical perspective.

Strategy 2: Studying Different Legal Systems

Law schools should offer courses in comparative law and international conflicts of laws in order to give students an understanding of the types of legal traditions other than common law, *e.g.*, civil law, religious law, customary law, and mixed systems.

Law schools should also recognize the limitations of a single method (*e.g.*, the case method, lectures) in teaching other legal traditions, and use a variety of teaching methods including simulations and experiential learning. For that purpose, study abroad programs should be encouraged, as should supplementing classroom experiences with externships in institutions including local law firms, courts and NGOs.

Strategy 3: Including Cultural and Gender Issues in the Academic Agenda

Law schools should also add doctrinal courses to the curricula that address cultural and gender issues. In addition, here, too, experiential learning is essential. Clinics in immigration law, international human rights law or gender provide valuable educational experience, as do supervised externships. These experiences achieve maximum impact when students are able to reflect upon them in a classroom setting. Another component of promoting cultural understanding is providing opportunities for students to acquire or develop foreign language skills.

Strategy 4: Including the Perspectives of Other Academic Disciplines in the Study of the Law

This can be achieved, for example, by establishing joint degree programs with schools of political science, international organizations, business, communications, journalism, and so forth. Faculty exchanges allowing professors from academic disciplines other than the law are also very valuable, as is allowing law students to take a number of courses in other academic departments.

Strategy 5: Promoting Social Change and International Awareness through Purpose-oriented Programs outside the Curriculum

Law schools can be vehicles for meaningful social change while at the same time providing valuable experience for their students. The purpose here is not to present students with ideologically motivated “solutions” to the world’s problems. What matters here is to present the issues and the theoretical and practical aspects relevant for the students themselves to make their own choices and develop their own thinking. In addition to the role that the faculty plays in raising those topics in the classroom, student opportunities can be created through the development of centers for human rights, student publications on different subjects (gender, the environment, etc.), and pro bono options within student organizations.

CONCLUSION

As lawyers, we have the opportunity to shape the legal institutions that will govern the future. As legal educators, we have the responsibility to prepare students to participate in and contribute to this process. Changing legal education, like institution building, is also a process in which we are engaged. While we do not yet know the end result, we know that participating in this process is essential to

helping address the global problems facing today's world as well as realizing the full potential of the career aspirations of our students and graduates.

We also know that the challenges faced by legal education cannot simply be solved by adding a few courses. What is needed is a profoundly different approach: one that advocates *qualitative* rather than *quantitative* changes in legal education.