

The Future of Legal Education in a Globalizing World:

Culture of the Body, Mind and Soul

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Introduction	2
I. Culture of the Body	4
1.1. Body of Experts: Practitioners and Academics.....	5
1.2. Body of Legal Knowledge and Transferable Skills.....	7
II. Culture of the Mind	9
2.1. Beyond Thinking Like a Lawyer.....	9
2.2. Critical and Creative Thinking.....	11
III. Culture of the Soul	13
3.1. Self-examination and Active Citizenship.....	13
3.2. Across Disciplinary and Cultural Boundaries.....	14
Conclusion	16
Bibliography	19

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The above picture is the logo of the Comenius Partnership Association supported by the European Commission Lifelong Learning Programme¹, now called Erasmus+ (EU Programme for Education, Training, Youth and Sport)². Said programme promotes education and training across borders in different fields, including legal education. As we can see, the logo depicts an individual meditating in a circle, which prompts us to re-examine what legal education is or should be in a globalizing world. What is “cultural globalization”, and how it affects legal education? How to prepare law students for a transnational professional career, and more broadly for citizenship? Those are the main challenges for the future of legal education, if not of education in general. The above logo reminds us of *Lady Justitia*. However, instead of holding a sword in one hand and the scale in the other, it holds a book and a heart aiming at a work and life balance. The stars, official emblem of the European Union, symbolise community belonging and social involvement. As for the latin expression *mens sana in corpore sano*, which appears at the

¹ *Comenius Partnership Association*, online: <comeniusmenssanaincorporesano.blogspot.ca>.

² *Erasmus +*, online: <ec.europa.eu/programmes/erasmus-plus>.

bottom of the logo, it is usually translated as ‘a healthy mind in a healthy body’³. Originally coined in the Antiquity⁴, said expression was reinterpreted by Plato as ‘to strive for a balance and harmony between body and soul’⁵. Nowadays, the motto *mens sana in corpora sana* is used in various contexts, both in education and fitness institutions⁶. Sports areas are designed in almost all schools and universities. McGill University is no exception in that regard. It has a rich history of organized sports dating back to 1860s⁷. Several Athletics and Recreation Centers are available on campus. What is however the link between sports and education, in particular for legal education?

At first sight none: law being mainly an intellectual activity, while fitness a purely physical activity. As law student and group fitness instructor, I’ve nevertheless soon realized that there are several connections to be drawn between those two distinct disciplines. I’ve started my law undergraduate degree at the same time as my YMCA certification. For more than nine years now, I’ve been living in those two parallel worlds: studying, practicing and researching in law as well as exercising, working and teaching in fitness centers. Said experiences have enriched my understanding of the goal of education. Both are raising similar questions about education: what to teach, by whom and to whom, and how to teach it? Of course there are major differences between a law course or a fitness course, the most obvious being in terms of the content (law / exercise) and the material used (books, boards, power-points / mirrors, music, steps, balloons, weights). Despite those differences, there share several points in common, among which: 1) the human interactions and the hierarchical status between teacher and students; 2) the setting of the classroom and the larger environment (indoors, group or individual spaces, social and food areas, etc.); 3) the teaching and learning methods used (traditional versus alternatives modes); 4) the governance structure and the monopoly of professional

³ *A Healthy Mind in a Healthy Body: Mens Sana in Corpore Sano*, online: <www.drribut.com/wordpress>.

⁴ Juvenal, *The Satire* (Trans. Niall Rudd, Oxford: Oxford University Press., 1992).

⁵ *Plato: Political Philosophy*, online: Internet Encyclopedia of Philosophy <www.iep.utm.edu/platopol>.

⁶ *Mens sana in corpore sana*, online: Ancien Olympics <ancienolympics.arts.kuleuven.be>: During the 19th century, John Hulley used the phrase *mens sana in corpore sana* as the motto of an Athletic Club. At English boarding schools wealthy boys received not only an intellectual education, but also a thorough physical training, based on the ideal of a complete education.

⁷ *McGill Athletics & Recreation*, online: <www.mcgillathletics.ca/hof.aspx>.

bodies (Bar or YMCA associations). This essay examines the challenges for the future of legal education by the prism of my own experience as a fitness instructor. A comparison of the pedagogical methods as well as the dynamics in a law classroom versus a fitness classroom can provide useful insights for improving legal education, and education more broadly.

As suggested by the maxim *mens sana in corpore sano*, education should encompass the following elements: the culture of the body, mind and soul. The culture of the body implies teaching and learning the basic notions of a new language (Part 1). In the first part of this essay, we will critically examine the dichotomies that we usually find in legal education literature (knowledge / skills, theory / practice, local / global). I argue for a culture of the body which transcends those dichotomies in order to enhance learning effectiveness. As for the culture of the mind, it concerns the development of critical thinking (Part 2). In this second part, we will try to shift from the ‘thinking like a lawyer’ paradigm to the ‘thinking for oneself’ principle. I argue for a culture of the mind that enhances critical and creative thinking. Finally, the culture of the soul goes even further by moving across disciplinary and cultural boundaries (Part 3). It includes both an internal and external component, namely self-examination and active citizenship. In this third part, I argue for the need of legal education to nourish law students’ aspirations and to develop a sense of community. By integrating those three elements together—the culture of the body, mind and soul—we can aim at improving not only the future of legal education, but also our society as a whole.

I. Culture of the Body

The culture of the ‘body’ shall be understood here as a metaphor. It implies to teach a basic body of legal knowledge and transferable skills, useful both at the national and international level (Section 1.1). Such teaching may be done by a body of experts, be it academics or practitioners (Section 1.2). The culture of the body aims thus at escaping the usual dichotomies between knowledge versus skills, theory versus practice and local

versus global. Such dichotomies are not necessarily incompatible, but rather complementary. Understanding domestic and foreign legal systems as well as theoretical and practical implications are all essential elements for the formation of future lawyers. Teaching and learning of a basic body of legal knowledge and transferable skills is necessary in order to fully prepare law students for any type of career, legal and non-legal. What then a ‘well-made lesson (should) look like’⁸? Law and fitness classes offer a good case study. The evolution of education and fitness institutions has several points in common. First, both are rooted in Plato’s philosophy, and took similar paths after the industrial revolution: from liberal education to career-oriented training. Second, both are under the monopoly of a body of experts, given their institutionalisation and specialisation.

1.1. Body of Experts: Practitioners and Academics

In Ancient Greece, intellectual education and physical education were not institutionalized, neither taught separately. Learning and exercising was part of everyday life. Teachers were not experts. Education belonged to no one in particular, but to everyone in the society⁹. It is only later in history, that education and fitness became institutionalized with the creation of law schools and fitness centers. This specialisation led to a monopoly on education by the development of a body of experts and professional associations, such as the Bar¹⁰ and the YMCA¹¹. The idea behind such associations was to build an *esprit de corps*, aiming to ‘grow in spirit, mind and body’¹². During the late 19th century, Langdell’s reforms in legal education marks however a

⁸ Nigel Blake, et al., “Giving Someone a Lesson” in Henry A. Giroux ed, *Thinking Again: Education After Postmodernism* (Westport, Con., Bergin & Garvey, 1998) 81.

⁹ John Passmore, “The Concept of Teaching” in Steven M. Cahn eds, *Classic and Contemporary Readings in the Philosophy of Education* (Oxford: Oxford University Press, 2012) 362 at 366.

¹⁰ *Online Etymology Dictionary*, online: < www.etymonline.com>: The ‘Bar’ derives from the division of benchers in the Inns of Court, during the early 16th century in England, and refers to the ‘whole body of lawyers’.

¹¹ *YMCA Canada*, online <ymca.ca>: As for YMCA, it stands for ‘Young Men’s Christian Association’, also created in England, but two centuries later ‘in response to unhealthy social conditions brought on by the Industrial Revolution’. The movement spread around the globe: the first YMCA in North America opened in Montreal (1851)

¹² *Ibid.*

major shift. Departing from Plato's liberal educational philosophy, it became to serve the needs of the 'increasingly specialized industrial society'¹³. Interestingly, the American Bar Association did not agree with such reforms, which created a division between 'academics' and 'practitioners'¹⁴. Such dichotomy exists even today. Current legal education and fitness institutions are still designed in the image of the industrial revolution: they are market-oriented¹⁵.

The literature on legal education strongly criticises the 'infeudation of law schools' by the legal profession¹⁶. Many authors advocate for change in legal education by opening up the monopoly of the legal profession¹⁷. Some argue for a complete divorce between academia and practice¹⁸. Initially oriented towards practical training, the study of law is nowadays mainly an 'intellectual discipline'¹⁹. Courts are citing less and less academics articles²⁰. While law faculties should indeed become more autonomous in their governance, they should not however be too disconnected from the legal practice. Theory and practice are not two distinct realms, but they inform one another. Taking into account theoretical and practical implications, allows a better understanding of the complexity of a legal phenomenon. Legal issues are often interlinked with other social, political and economical issues. Therefore, the question that needs to be asked is not whether teachers should be practitioners or academics, but rather what constitutes a

¹³ Robert Stevens, *Law School: Legal Education in America from 1850s to the 1980s* (Chapel Hill, NC.: The University of North Carolina Press, 1983) 35 at 38, 41.

¹⁴ *Ibid.*

¹⁵ Ariely, "What Makes Us Feel Good about Our Work", online: <www.ted.com>; Robinson, "Changing Education Paradigms", online: <www.ted.com>.

¹⁶ Claude Thomasset & René Laperrière, "Faculties under Influence: The Infeudation of Law Schools to the Legal Professions" in Fiona Cownie ed, *The Law School – Global Issues, Local Questions* (Aldershot, UK.: Ashgate/Dartmouth, 1999) 190 at 190-227; Glen A. Jones, Theresa Shanahan & Paul Goyan "University Governance in Canadian Higher Education" (2001) 7:2 *Tertiary Education and Management* 135 at 135-148.

¹⁷ *Idid.*

¹⁸ *Ibid.*; Paul W. Kahn, *The Cultural Study of Law: Restructuring Legal Scholarship – "The State of the Discipline"* – (Chicago: The University of Chicago Press, 1999) at 7-30.

¹⁹ Paul C. Weiler, "Past and Future in Canadian Legal Education: Personal Reflections" in Neil Gold ed, *Essays on Legal Education: Centre for Studies in Canadian Legal Education* (Toronto: Butterworths, 1982) at 1-8.

²⁰ Adam Liptak, "The Lackluster Reviews that Lawyers Love to Hate" (October 21, 2013) *The New York Times*, online: <www.nytimes.com>.

‘good’ teacher? The same question may be asked in regard to what makes a ‘good’ fitness instructor?

Law professors and fitness instructors share common qualities as teachers: good communication skills, great expertise in their respective fields, and a strong commitment towards their students. The art of a ‘good’ teacher is to make learning both an enjoyable and challenging experience: stronger the effort, higher the satisfaction. While this is the main criteria in hiring fitness instructors, it is different in legal education. Recruitment, promotion and tenure of law professors are however often based on their impressive curriculum vitae (research subventions, publications, conferences, etc.)²¹. However, a ‘good’ researcher does not make necessarily a ‘good’ teacher, and *vice versa*. The quality of legal education resides first of all in the quality of the students and the teachers as well as the teaching methods they use. The pedagogical techniques used in a classroom can make a huge difference in the way students learn. How and what body of legal knowledge and transferable skills should be taught to future lawyers, given the transnational character of the legal practice?

1.2. Body of Legal Knowledge and Transferable Skills

The phenomenon of globalisation forces us to redefine the concept of legal knowledge. What is legal knowledge in a globalised world? Without falling back into the dichotomy ‘knowledge v. skills’, the culture of a body encompasses both ‘tacit and implicit’ legal knowledge²² as well as ‘transferable’ skills²³. Knowledge is usually understood as knowing something, while skills refer to the ability to do certain things²⁴. In law, like in fitness, one must first learn basic notions, such as legal terminology (rules, norms, legal

²¹ Roderick A. Macdonald, “Academic Questions” (1992) 3 Leg Ed Rev 6, online: Australasian Legal Information Institute <www.austlii.edu.au/>.

²² Edmund B Spaeth Jr, “What a Lawyer Needs to Learn” in Robert J Sternberg and Joseph A Horvath, *Tacit Knowledge in Professional Practice – Researcher and Practitioner Perspectives* (Mahwah, New Jersey and London, Lawrence Erlbaum Associates Publishers, 1999) at 21-36.

²³ Crispin Taylor, “Heeding the Voices of Graduate Students and Postdocs” in Chris M. Golde & George Walker eds, *Envisioning the Future of Doctoral Education: Preparing Stewards of the Discipline, Carnegie Essays on the Doctorate* (Stanford, CA.: Jossey-Bass, 2007) 46.

²⁴ Robin Barrow & Ronald Woods, *An Introduction to Philosophy of Education, 4th ed.* – “Knowledge and the Curriculum” – (New York: Routledge, 2006) at 38-49 [Knowledge and the Curriculum].

system, legal traditions, etc.) or fitness terminology (bones, muscles, joints, breath, etc.). In both cases, one must also learn a set of different skills, depending on the type of law practice (litigation, corporate, criminal, family, international) or the type of fitness exercises (squat, abs, posture alignment, balance). What body of knowledge and transferable skills are necessary in order to be able to do any kind of exercise? The same question should be asked in law. What body of legal knowledge and transferable skills are necessary in order to be able to do any kind of career, national or international?

While we assist at a ‘growing internationalisation of law’²⁵, the legal profession remains essentially protectionist of its local monopoly. There are not yet global law schools, and Bar exams remain confined to particular jurisdictions. The same is true for fitness certification, which is confined within the provincial territory. Professional bodies, such as the Bar or the YMCA, control the admission to practice and the continuing education requirements. They also dictate the content of law faculties’ curriculum and fitness centers’ services. Law courses, like fitness courses, are market-oriented and target a particular audience (age, genre, social status, etc.). Also, traditional ‘core’ courses are seen as more serious (contracts, family, criminal / aerobics, step, core strength), while ‘soft’ courses are less attractive (literature, philosophy / dance, aqua fitness). The latter, which are usually optional, are often the first to be cut out from fitness centers programmes and legal education curriculums²⁶. The reasons are not simply a lack of interest on the behalf of the students, but also economic and cultural constraints. Some courses are less popular than others in function of the schedule (morning / afternoon / night), the level of difficulty (advanced / introductory), the reputation of the teachers (strict / easy) or simply because they are market-oriented. ‘Soft’ courses become more and more market-oriented²⁷. This reflects the power of professional bodies in the management of public institutions, such as law faculties or YMCA fitness centers. The curriculum of legal education programs, and fitness centers services, are largely influenced by the market as well as the interests of industrialisation and globalization.

²⁵ Kenneth G.C. Reid, “The Idea of Mixed Legal Systems” (2003) 78 Tul L Rev 5 at 17.

²⁶ Claude Thomasset & René Laperrière, *supra* note 16, at 198-199.

²⁷ *Ibid.*

II. Culture of the Mind

At the age of cultural globalisation, we are constantly ‘indoctrinated’²⁸ about how we should look, think and behave. The term “cultural globalization” refers to the transmission of ideas, meanings and values by the development of new technologies²⁹. Popular culture (television, media, cinema, Internet, etc.) plays an important role in the construction of identity. Popular culture reinforces a dominant culture, leading to ‘standardisation’ or Americanization. For instance, the American actress Jane Fonda, also known for her workouts videos, represents the ideal of what a ‘fit person’ is or should be. The same is true in law. American movies, such as *Legally Blonde*³⁰ or *Paper Chase*³¹, represent the ideal of what lawyers are or should be. Cultivating the mind is thus as important as cultivating the body. Curriculum reforms are not sufficient in themselves to change law students’ expectations and aspirations as future lawyers. The real challenge is to change the mentality of the legal culture, what I call here the culture of the mind. How the legal mind is constructed? How legal education transforms law students? What does it mean to ‘think like a lawyer’? The culture of the mind aims at enhancing critical and creative thinking (Section 2.1). Law students should not solely be trained to ‘think like a lawyer’, but rather to think for themselves (Section 2.2).

2.1. Beyond Thinking Like a Lawyer

‘Thinking like a lawyer’ refers to the development of a rational legal mind. It embodies the assumption that law is all about arguing and winning. Law schools organize activities similar to sports competitions, such as moot courts, *course aux stages*, coffee houses, etc. Although such activities may be beneficial for developing leadership or team work

²⁸ Robin Barrow & Ronald Woods, *An Introduction to Philosophy of Education*, 4th ed. – “Indoctrination”– (New York: Routledge, 2006) at 70-83.

²⁹ *Encyclopedia Britannica*, online: <www.britannica.com/science/cultural-globalization>.

³⁰ *Legally Blonde*, 2001, You Tube Excerpt (Beverly Hills, Calif.: Metro Golden Meyer, 2001), online: You Tube <<http://www.youtube.com/watch?v=iaQbC5bgh2s>>.

³¹ *The Paper Chase Clip*, 1973, You Tube Excerpt (Los Angeles: 20th Century Fox, 1973) online: YouTube <<http://www.youtube.com/watch?v=qx22TyCge7w>>.

abilities, they implicitly reinforce a ‘competitive spirit’³². Such activities promote an adversarial culture, rather than a culture of collaboration. Popular culture also promotes litigation: the trial being represented as the process which permits to discover the truth. It perpetuates certain stereotypes and narratives of what lawyers are or should be that still ‘casts a shadow in today’s law schools’³³. Law students’ expectations and aspirations are influenced by the idealized image of ‘the lawyer’ in popular culture³⁴. Movies, television and media reinforces the paradigm of the ‘thinking like a lawyer’, from which it is a real challenge to shift years.

The growing literature in legal education also emphasizes on the metamorphosis of law students by legal education. Law school changes the way we think, and the way we act. Law students’ experience is described as a ‘transformative rite of passage’³⁵. Recent empirical studies refer to such transformation as an ‘extreme makeover’³⁶, a ‘cultivation of law students’³⁷ and an instrumental of the conception of law³⁸. By the third year of law school, becoming a lawyer is less seen as a vocation than a profession³⁹. The effect of this self-transformation is to ‘homogenize’ law students’ prospects⁴⁰. The majority of law students want to do litigation or corporate law. Such forms of lawyering are promoted by law schools. Legal education should open student’s minds, rather than narrow their vision of the world. Teachers must find a balance between developing the body and the mind, by helping students to form their own opinions about their goals in life. Students should be lead to think for themselves, a practice of

³² *McGill Sports Complex*, online: <virtualcampustour.mcgill.ca/en/details/87/mcgill-sports-complex>.

³³ Elisabeth Mertz, *The Language of Law School: Learning to “Think Like a Lawyer”* – “Learning to Think Like a Lawyer: Text, Context, and Linguistic Ideology – (Oxford: Oxford University Press, 2007) 43 at 50.

³⁴ Claude Thomasset & René Laperrière, *supra* note 16.

³⁵ James R. Elkins, “Rites of Passage: Law Students Telling Their Lives” (1985) 35 *J Legal Educ* 27.

³⁶ Cassandra Sharp, “The ‘Extreme Makeover’ Effet of Law SCHOOL : Students BEING Transformed by Stories ” (2005-2006) 12:1 *Texas Wesleyan Law Review* 233-250.

³⁷ Desmond Manderson & Sarah Turner, “Coffee House : Habitus and Performance among Law Students” (2006) 31:3 *Law & Social Inquiry* 649-676.

³⁸ Pierre Noreau et Pierre-Olivier Bonin, “Faire droit...devenir juriste - Trajectoires des étudiants en faculté : une étude en contexte québécois ” (à paraître).

³⁹ *Ibid.*

⁴⁰ Pierre Schlag, “10,000 Cases Maybe More – an essay on centralism in legal education” online: Stanford Agora <<http://agora.stanford.edu/agora/volume2/schlag.shtml>>.

‘liberation’ rather than ‘alienation’⁴¹. How to shift from the paradigm of ‘thinking like a lawyer’ to ‘thinking for oneself’? This is where the future of legal education can make a difference by enhancing critical and creative thinking.

2.2. Critical and Creative Thinking

In order to be able to form our own opinions, we need to critically examine them. Critical thinking is the ability to put into question our assumptions. As for creative thinking, it is the ability to develop new ideas. Both are essential for future lawyers, but the means to achieve them are various: reading, writing, group work, oral presentations, clinical training, problem-solving, etc. A diversity of teaching methods, evaluations and experiences allows students to develop their minds and imagination. Most law professors use however mainly the case method, which is strongly contested⁴². Such method is seen as polluting students’ minds and their ‘capacity of creativity’ or ‘diverging thinking’⁴³. It also reinforces hierarchy and power⁴⁴. In law classrooms, like in fitness classrooms, teachers are ‘authority figures’⁴⁵. They usually stand in front of the class and give instructions to the students, who follow the orders without questioning them. Teachers can also ask at a particular student to explain the facts of a case or to perform an exercise. Such approach may be intimidating for the person putted on the spotlight and exclusive for the rest of the class. Despite these criticisms, the case method is nevertheless beneficial for motivating students to actively participate and prepare for class⁴⁶. Its effectiveness depends however on the trust relationship built within a classroom.

⁴¹ Emily Robertson, “The Epistemic Aims of Education” in Harvey Siegel ed, *The Oxford Companion of Philosophy of Education* (Oxford: Oxford University Press, 2009) 11; John O. Mudd, “Thinking Critically About ‘Thinking Like a Lawyer’” (1983) 33 *J Legal Educ* 704; Paulo Freire, “Pedagogy of the Oppressed” (excerpt) in Steven M. Cahn eds, *Classic and Contemporary Readings in the Philosophy of Education* (Oxford: Oxford University Press, 2012) 379.

⁴² James R. Maxeiner, “Educating Lawyers Now and Then: Two Carnegie Critiques of the Common Law and the Case Method” (2007) 35:1 *Intl J Legal Information* 1 at 1, 19-46.

⁴³ Robinson, *supra* note 16; Richard Feldman, “Thinking, Reasoning, and Education” in Harvey Siegel ed, *The Oxford Companion of Philosophy of Education* (Oxford: Oxford University Press, 2009) 67.

⁴⁴ Duncan Kennedy, “Legal Education as Training for Hierarchy” in David Kairys, ed, *The Politics of Law, 2nd ed.*, (New York: Pantheon Book, 1990) at 38-48.

⁴⁵ Mertz, *supra* note 33, p. 52-52

⁴⁶ Weiler, *supra* note 19.

Education is not only a question of method, but also of relationship⁴⁷. Participation in a classroom, be it in a law or fitness course, often depends on the student-teacher relationship. It is also influenced by the relationship developed among students themselves. The roles of teacher and students can therefore be interchanged⁴⁸, the latter learning from one another.

There are many ways in which law courses can stimulate and develop critical and creative thinking, such as the use of active learning⁴⁹, or even Shakespeare Moot Courts⁵⁰. Movies, literary fiction, poems should not only be part of elective courses, such as law and literature. Teachers should use their imagination to also incorporate such materials into mandatory ‘core’ courses. Critical thought and creativity also require ‘time and space’ for self-reflection⁵¹. As in a fitness course, we must take the time to stretch, relax, reflect, and receive feedback. Active and innovative teaching techniques are important for stimulating self-reflection. Active participation of students’ necessities however more work in terms of preparing a course, be it in law or in fitness. Given the frenetic career rhythms of contemporary society⁵² and the contingency of the job market⁵³, there is little time nowadays for self-reflection. Legal education should nevertheless promote self-reflection, which is essential for finding creative responses to complex problems⁵⁴. Education requires a ‘transformation of the outlook’ as well as ‘caring and committing’ social engagement⁵⁵. In addition to cultivating the body and the mind, legal education should therefore also cultivate the soul.

⁴⁷ Hunter McEwan, “Narrative Reflection in the Philosophy of Teaching: Genealogies and Portraits” (2011) 45:1 *Journal of Philosophy of Education* 125.

⁴⁸ Freire, *supra* note 41.

⁴⁹ Chet Meyers & Thomas B. Jones, *Promoting Active Learning: Strategies for the College Classroom* – “What Active Learning Is and How it Works” – (San Francisco: Jossey-Bass, 1993) at 19-32.

⁵⁰ Desmond Manderson & Paul Yachnin, “In the *Tout Court* of Shakespeare: Interdisciplinary Pedagogy in Law” (2004) 54 *J L Educ* 283.

⁵¹ Philip C. Kissam, *The Discipline of Law Schools* – “Space and Time” – (Durham, NC.: Carolina Academic Press, 2003) at 71-91.

⁵² *Ibid.*

⁵³ David Segal, “Is Law School a Losing Game?” *The New York Times* (8 January 2011), online: *The New York Times* <<http://www.nytimes.com>>.

⁵⁴ Weiler, *supra* note 19, at 5-7.

⁵⁵ Robin Barrow & Ronald Woods, *An Introduction to Philosophy of Education, 4th ed.* – *The Concept of Education* – (New York: Routledge, 2006) at 26-37 [The Concept of Education].

III. Culture of the Soul

Plato's metaphor of a charioteer struggling to control two separate horses illustrates the complexity of the human soul encompassing reason, will and desire⁵⁶. Contrary to Aristotle's saying 'law is free from passion', the culture of the soul is far from being a detachment from our emotions. It involves both 'emotion and reason', for conveying 'passion and compassion'⁵⁷. It implies cultivating humanity by self-examination and active citizenship (Section 3.1). It also aims at moving across disciplinary and cultural boundaries (Section 3.2). Such approach is necessity, especially in our multicultural and global society. Law students should not solely be trained to become 'good lawyers'. They should also be educated to become 'good citizens'. Lawyers are a particular kind of citizens, having heavy responsibilities towards their clients and to the society at large.

3.1. Self-examination and Active Citizenship

Self-examination and active citizenship are important components of legal education. Law is 'primary concerned with human affairs'⁵⁸, as said Plato. Intellectual 'humility' and 'self-doubt' are essential to the study and practice of law, as well as in life⁵⁹. Nussbaum also highlights the importance of 'cultivating humanity' by 'Socratic self-examination', 'world citizenship', and 'narrative imagination'⁶⁰. Self-examination is necessary in order to become self-aware of our own beliefs and values. It is a precondition for enabling us to think for ourselves, while also understanding other perspectives and traditions. This implies that law students should not solely be trained to become 'skillful lawyers', but also 'cultivated human beings'⁶¹. In other words, law

⁵⁶ Kahn, *supra* note 18.

⁵⁷ Shauna Van Praagh, "Stories in Law School" (1992) 2 Colum J Gender & L 111 at 122-129.

⁵⁸ Plato, "Meno" in Steven M. Cahn eds, *Classic and Contemporary Readings in the Philosophy of Education* (Oxford: Oxford University Press, 2012) 6 at 12-17.

⁵⁹ Macdonald, *supra* note 21; Sherman J. Clark, "Law School as Liberal Education (2013) 63:2 J Legal Educ 235 at 241.

⁶⁰ Martha C. Nussbaum, "Cultivating Humanity in Legal Education" U Chicago L Rev 70:1 265-279.

⁶¹ Harry Arthurs, "The Future of Legal Education: Three Visions and a Prediction" (2013) Osgoode Hall Law School – 49 Research Paper Series; J.S. Mill from "Inaugural Address at Saint Andrews" in Stephen

students should liberal their ‘souls’, morally and ethically speaking⁶². They should aim at becoming responsible citizens, who can make informed decisions on sensible issues of world governance. Legal education should not be ‘soul-crushing’, but rather ‘soul-food’⁶³. It should aim at achieving ‘something worthwhile’ and ‘meaningful’⁶⁴, for oneself and for the broader community.

Law is both ‘profoundly individualist’ and ‘profoundly social’, as said Macdonald⁶⁵. Law schools, like fitness centers, are places where individuals get together to study or to get in shape. In doing so, they are developing a sense of community. Community life is an important aspect of education. Education is not the monopoly of schools, as exercise is not the monopoly of fitness centers. Learning, like exercising, may take place in different contexts. Learning inside and outside of law schools can be cultivated through off-campus activities, such as community service, internships or studying abroad. Such experiences may be more beneficial than additional classroom teaching. Social environments and personal experiences contribute to our understanding of the “human and interpersonal dimensions of law”⁶⁶. It promotes social engagement and active citizenship for improving social justice. Legal education therefore extends beyond the law faculty walls as well as across disciplinary and cultural boundaries.

3.2. Across Disciplinary and Cultural Boundaries

Disciplinary and cultural boundary-crossing is one of the major challenges for the future of legal education, especially within our multicultural and globalizing world⁶⁷. The challenge is not new. In 2000, the McGill transsystemic law program was

M. Cahn ed, *Classic and Contemporary Readings in the Philosophy of Education* (New York: MacGraw-Hill, 1997)185 at 224-226; 227; 229-230. 249-251.

⁶² W. Wesley Pue, “Legal Education’s Mission” (2008) 42:3 *The Law Teacher* 270.

⁶³ Clark, *supra* note 58, at 236.

⁶⁴ Ariely, *supra* note 15; *The Concept of Education*, *supra* note 54, at 26-37.

⁶⁵ Macdonald, *supra* note 21.

⁶⁶ Pue, *supra* note 62 at 288-290.

⁶⁷ Lewis Z. Schlosser, et al., “Multicultural Issues in Graduate Advising Relationships” (2011) 38:1 *Journal of Career Development* 19; Deborah Maranville et al, *Building on Best Practices: Transforming Legal Education in a Changing World* (New Providence, LexisNexis, 2015).

implemented for similar concerns⁶⁸. Transsystemia aims at promoting a cross-cultural and ‘cosmopolitan’ legal education, by teaching common law and civil law together⁶⁹. Sixteen years later, has it achieved its goals? The Calls to Action of the Truth and Reconciliation Commission of Canada reveal that the challenge in regard to legal education is far from being resolved. The Commission recommends that lawyers acquire ‘intercultural skills’ and imposes a mandatory course on Aboriginal people⁷⁰, who remain largely marginalized communities. Law teaching is focused on Western legal traditions (civil law and common law). We are still in ‘Law’s Empire’, as said Kasirer⁷¹. Law students should however be encouraged to move towards Law’s Cosmos. They should try to understand other legal traditions of the world (eg. Chthonic, Talmudic, Islamic, Hinduism, Confucianism)⁷². They should listen to new voices and perspectives, including marginalized communities and alternative forms of lawyering based on the ethics of care⁷³. Being able to put ‘oneself in the shoes of another’⁷⁴ is a valuable quality in law as in life.

In legal education, like in fitness, everybody preaches for more crossing-boundary approaches, but nobody knows what exactly it means or how to do it properly. Law courses (corporate, criminal, obligations, etc.) and fitness courses (cardio, yoga, tonus, weightlifting, etc.) are taught as ‘distinct and autonomous fields of knowledge’⁷⁵. So called ‘multi/trans/interdisciplinary’⁷⁶ courses, such as law and literature or cardio and toning, are rarely offered and often less cross-boundary than expected. Moving across disciplinary and cultural boundaries implies moving from law ‘and’ towards law ‘as’

⁶⁸ Peter L. Strauss, “Transsystemia – Are We Approaching a New Langdellian Moment? Is McGill Leading the Way?” (2006) 56 J L Educ 161.

⁶⁹ Bridget Wayland, “Greater than the Sum of its Parts: Celebrating Ten Years of McGill’s Integrated B.C.L./L.L.B. Program” *McGill Focus Law/Droit* (Autumn, 2012) 11.

⁷⁰ Truth and Reconciliation Commission of Canada: Calls to Action, online:

<www.trc.ca/websites/trcinstitution/File/2015/Findings/Calls_to_Action_English2.pdf>, No. 27, 28.

⁷¹ Nicholas Kasirer, “Bijuralism in Law’s Empire and in Law’s Cosmos” (2002) 51:1 J Legal Educ 29.

⁷² H. Patrick Glenn, *Legal Traditions of the World*, 5th ed. (Oxford : Oxford University Press, 2014).

⁷³ Fabien Gélinas et al, *Foundations of Civil Justice: Toward a Value-Based Framework for Reform* (Cham: Springer, 2015), at 58-60.

⁷⁴ Clark, *supra* note 58, at 237-238.

⁷⁵ Knowledge and the Curriculum, *supra* note 24.

⁷⁶ Desmond Manderson, “Some Considerations about Transdisciplinarity: A New Metaphysics?” in Margaret Somerville & David J Rapport, eds, *Transdisciplinarity: Recreating Integrated Knowledge* (Oxford, UK. EOLSS, 2002) at 68.

culture⁷⁷. It implies more permeable borders by reintegrating law into the humanities⁷⁸. Law is not scientific and hegemonic discipline, but rather interlocked and mutually-constitutive with others disciplines: sociology, history, politics, etc. The same is true in fitness, which is not solely about physical education, but also about lifestyle (health, alimentation, stress management, etc.). Furthermore, in both cases, we must take into account the particularities of each person (e.g. cultural backgrounds, physical or intellectual disabilities, age, gender). Access to legal education, like access to fitness centers, is not only a matter of costs, but also of social status. Although, law and fitness classrooms are nowadays majority filled with women and cultural minorities, the privileged ‘white male’ dominant adversarial culture persist into the legal culture⁷⁹. In addition to pursuing efforts to include marginalized communities, we must therefore also seek to change the deeper culture of the soul of legal education by advocating for more humanity, tolerance and inclusiveness.

Conclusion

Considering all the above, and as illustrated by Erasmus+’s logo, legal education should be a lifelong learning process. It is mostly a question of finding a balance between the culture of the body, mind and soul. The culture of the body can be associated with the *Socratic Meno Model*. It consists in learning and recollecting a body of legal knowledge and transferable skills, taught by a body of experts. Legal education should take into account both practical and theoretical implications, local and global issues. The culture of the mind corresponds to the *Socratic Testing Model*. It aims at putting into question our assumptions and enhancing our critical and creative thinking. As for the culture of the soul, it combines elements of both the *Socratic Testing Model* and the *Socratic*

⁷⁷ Kathy Laster, *Law as Culture*, 2nd ed (Sydney: The Federation Press, 2001) at 202-223.

⁷⁸ Macdonald, *supra* note 21; Rob Moore & Johan Muller, “The Discourse of ‘Voice’ and the Problem of Knowledge and Identity in the Sociology of Education” (1999) 2 *British Journal of Sociology of Education* 20.

⁷⁹ Brenna Bhandar, “Always on the Defence: The Myth of Universality and the Persistence of Privilege in Legal Education” (2002) 14 *Can J Women L* 341.

Theatereus Model, namely self-examination and collaborative inquiry. Therefore, the culture of the body, mind and soul encompasses all three models of Plato's educational philosophy⁸⁰. It aims at enabling students *to transcend the shadows of uncertainty, go beyond the cave of ignorance and into the light where one would be able to determine what is for the common good*⁸¹. The challenge for the future of legal education is thus not solely to train a body of skilful lawyers, but also to develop open-minded citizens, and most importantly open-heart individuals.

Improvement of legal education does not necessarily imply more resources, but rather more imagination in how to engage students. All law courses, as all fitness courses, should incorporate multiple perspectives and diversity. The need is not so much for a 'common collective pedagogy'⁸², than a variety of teaching methods borrowed from other fields. Such approach enables us to put into question 'the objectivity of knowledge'⁸³ by incorporating new forms of knowledge from other disciplines. Law teachers and fitness instructors can inspire and learn from one another. Informed and constructive feedback should be valuable from everybody, especially from students. Law schools remains nevertheless very hierarchical. Students are participating to events, such as Coffee Hours, only if they are presenting or if a notorious person is presenting. The multicultural and bilingual policy at the McGill Law Faculty should also be made more permeable to the events going around. In legal education, like in fitness, we should encourage a more intergenerational and multicultural environment in order to reflect the diversity of the world. Education is an 'art transmitted from one generation to another'⁸⁴. Moving across disciplinary and cultural cross-boundary is therefore crucial.

⁸⁰ Thomas C. Brickhouse & Nicholas D. Smith, "Socratic Teaching and Socratic Method" in Harvey Siegel ed, *The Oxford Companion of Philosophy of Education* (Oxford: Oxford University Press, 2009) 177.

⁸¹ Platon, *La République* (Paris : GF Flammarion, 2002), at 514a-520a.

⁸² Bhandar, *supra* note 79.

⁸³ Rob Moore & Johan Muller, "The Discourse of 'Voice' and the Problem of Knowledge and Identity in the Sociology of Education" (1999) 2 *British Journal of Sociology of Education* 20.

⁸⁴ Immanuel Kant, "Lectures on Pedagogy" in Steven M. Cahn eds, *Classic and Contemporary Readings in the Philosophy of Education* (Oxford: Oxford University Press, 2012) 153-159.

To conclude, legal education should be a place of both personal and professional flourishing. A place where there is no ‘compartmentalization’ between the private and public spheres⁸⁵; both spheres nourishing each other. Law students should not solely be trained to ‘think like a lawyer’, but rather to think for themselves and to become better citizens. In addition to training students in legal performance, legal education should provide them the tools to search for answers to their own questions. By encouraging self-examination and active citizenship, legal education can enable law students to ‘make a difference’⁸⁶. It is important that law students be self-aware of their roles as ‘stewards of the discipline’⁸⁷, ‘architects of society’⁸⁸ and ‘agents for change’⁸⁹. It is only by being self-conscious of our values and beliefs that we can transform and built a better world. According to Robert Leckey, the new Dean of McGill Law Faculty, the task for the future of legal education ‘isn’t to train philosopher kings’⁹⁰. Indeed, legal education should not be completely disconnected from legal practice. The priority is rather ‘professionalism and development of students as rounded citizens’⁹¹. A well-rounded education may better equip law students to face and engage with world governance problems in a socially and ethically responsible way. Therefore, the culture of the body, mind and soul aims at balancing ‘competing values’⁹², towards a sustainable future.

⁸⁵ Elkins, *supra* note 35, pp. 44-47.

⁸⁶ Wade Channel, “Making a Difference: The Role of the LL.M. in Policy Formulation and Reform” in Ronal A. Brand & D Wes Rist eds, *The Export of Legal Education: Its Promise and Impact in Transition Countries* (Burlington, VT: Ashgate, 2009) 13.

⁸⁷ Taylor, *supra* note; Chris M. Golde, “Preparing Stewards of the Discipline” in Chris M. Golde & George Walker eds, *Envisioning the Future of Doctoral Education: Preparing Stewards of the Discipline, Carnegie Essays on the Doctorate* (Stanford, CA.: Jossey-Bass, 2007) at 3-5, 9-14.

⁸⁸ John Willis, “What I Like and What I Don’t Like About Lawyers: A Convocation Address” (1969) 76 *Queen’s Quarterly* 1.

⁸⁹ Thomas S. Popkewitz & Marie Brennan, “Restructuring of Social and Political Theory in Education: Foucault and a Social Epistemology of School Practices” in Thomas S. Popkewitz & Marie Brennan eds, *Foucault’s Challenge: Discourse, Knowledge, and Power in Education* (New York: Teachers College Press, 1998) at 3-12.

⁹⁰ Robert Leckey, Letter to Advisory Committee for the Selection of a Dean for the McGill Faculty of Law, 16 December 2015.

⁹¹ *Ibid.*

⁹² Francis A. Allen, “Humanistic Legal Education: The Quiet Crisis” in Neil Gold ed, *Essays on Legal Education: Centre for Studies in Canadian Legal Education* (Toronto: Butterworths, 1982) at 9-22.

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