

Legal Education Seminar Final Paper

TITLE

The Hierarchy of Opposition in Legal Education

**A Letter to Prof. Robert Leckey (the incoming Dean of the
McGill Law Faculty)**

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The Hierarchy of Opposition in Legal Education

A Letter to Prof. Robert Leckey (the incoming Dean of the McGill Law Faculty)

Introduction

In homage to my two favourite readings from the Legal Education Seminar (Rod Macdonald's "Academic Questions"¹ and Duncan Kennedy's "Legal Education and the Reproduction of Hierarchy"²) I have combined their styles of writing for this paper. I have thus chosen to write the paper in the style of a letter³ addressed to the new Dean of McGill University Law Faculty, Prof. Robert Leckey, and use McGill as the example of problems and possible solutions to the question: Does the structure of legal education contribute to the likelihood of explosive arguments, isolation, marginalization and mental health issues in the 1L Community? I argue the answer is yes, by demonstrating how legal education is based upon oppositions, which then creates hierarchal opposition and "debate" within a 1L Community. Similarly to Kennedy's monograph, I lay out the problems of hierarchy, using McGill as the example, but general points are also made. I then suggest "utopian proposals"⁴ for how McGill (or other universities) could change their legal education for better.

Dear Prof. Leckey,

Congratulations on your new post as Dean of the Law Faculty at McGill! Seeing as you are the new Dean, I wanted to write you this letter to plea you to follow up with Dean Jutras'

¹ Roderick A. Macdonald, "Academic Questions" (1992) 3 Leg Ed Rev 6, online: Australasian Legal Information Institute <http://www.austlii.edu.au/>

² Duncan Kennedy, "Legal Education and the Reproduction of Hierarchy" 32 J. Legal Edu 591 (1982)

³ Macdonald *supra* note 1 ("the message is in the medium" - his medium chosen was a letter.)

⁴ Kennedy, *supra* note 2 at 614

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sensitive and important email⁵ concerning the responses to the SPEAK initiative.⁶ My letter hopes to show institutional problems within the Law Faculty contributed to the comments raised in the SPEAK initiative, and also suggest changes.

I hope this letter shall not come across as sanctimonious – after all, who am I? An English, white girl (or perhaps woman) writing about hierarchy in legal education on traditional Haudenosaunee territory is at best ironic, at worst colonialist. I will try not to be either of those, but by virtue of my identity and language, my presence will always represent the dark past, and ever-present perniciousness of colonialism in the Commonwealth. I am also relatively new to McGill, do not speak much French, know nothing about civil law, never heard of transsystemia before arriving at McGill, suffer from extreme Imposter Syndrome and am a DCL student. I think the latter is important, as Prof. Richard Gold⁷ told us he thinks DCL's are “half-student, half-junior colleague”. Combine all of these facets of my identity and I end up most of the time feeling like K. from Kafka's *The Castle*.⁸ I am learning the ways of The Village (The Law Faculty) through the villagers (the undergrads), trying to attain status to enter the Castle (Faculty membership). Therefore, I am an outsider to Faculty and an outsider to the student body and so perhaps well placed to critique the workings of The Village (or perhaps quite the opposite – but this whole letter is about opposites, so the insider/outsider dichotomy fits rather well!)

Background

The SPEAK initiative was created by a 4L Class President who used student voice to demonstrate:

⁵ Appendix 1 “Dean Jutras’ Email to Faculty and Students, April 2016”

⁶ Appendix 2 “Responses to the Speak Initiative, General Disclosure”

⁷ Associate Dean of Graduate Studies

⁸ Franz Kafka *The Castle* (Harman, Mark (trans.) New York, New York: Schocken Books, 1998)

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1. The Faculty is not a “safe space”
2. Legal education is detrimental for minorities
3. Sexism is prevalent in the Faculty and the legal profession
4. Mental health issues are obstacles for many students

Students were invited to anonymously respond and speak their minds on these issues. Many responses agreed that the Faculty was *not* a “safe space”, but the responses were polarized as to *why* it was unsafe. Some wrote about how they felt unsafe as women, women of colour, gay men. Some wrote of mental health discrimination, colonialism and the violence of classroom discussions. However, some women wrote about how the Faculty was an unsafe space to speak out against “liberal” viewpoints.⁹ These SPEAK initiative responses were very emotionally and politically charged, probably because the timing of its circulation for responses fell when students were engaged in a “Facebook debate.”¹⁰ These “debates” happen every year, apparently, at around the same time. This is therefore not an isolated incident, and I therefore urge you as the new Dean to take this seriously.

This year’s Facebook debate arose out of the acquittal of Jian Ghomeshi for sexual assault charges.¹¹ The Judge said a number of unacceptable things throughout his judgment, some of them false¹² and sexist.¹³ The following evening, a 1L shared an article on his Facebook

⁹ It is interesting how they attack the “radical” women for speaking on behalf of them, yet all the while claim to be speaking on behalf of the “silent majority” who do not agree with the radicals. I find this very interesting. Individually people do not wish to feel spoken for, but they enjoy speaking on behalf of other people e.g. acting like a legal representative for a client or cause. However, whatever the political view, a woman feeling silenced in her academic institution is a travesty.

¹⁰ When I use the term “Facebook debate” throughout this essay, it is this specific one I am referring to. I sometimes put “debate” in quotation marks to both refer specifically to the Facebook debate and also to undermine the idea that this was in any way a debate.

¹¹ *R. v. Ghomeshi* (2016) ONCJ 155

¹² *ibid.* at [135] (“However, the twists and turns of the complainants’ evidence in this trial, illustrate the need to be vigilant in avoiding the equally dangerous false assumption that sexual assault complainants are always truthful”). That is not equally dangerous, and the world we live in does not have that assumption. We can still believe survivors, even if the man was acquitted – all that happened

wall, which heralded the Ghomeshi decision a “victory for the rule of law.” The student expressed his agreement with that view. A male upper year student then posted a comment on the McGill Law Facebook page (of which many students are members) stressing men ought to listen to their female peers, and explained this was not a victory for the rule of law. A small number of 1L men attacked that post by apologizing for a system that continually fails survivors, implying their female peers were “emotional” and argued that because legally the result was sound, the result was sound, and therefore the law is sound (a rather circular argument!) Many women felt harassed by these men, however many other women felt some louder “radical” women were bullying the men and silencing the majority. It is interesting and important to note that the men did *not* feel harassed or bullied.¹⁴

The previous Dean, Prof. Daniel Jutras, wrote an email in response to the SPEAK initiative, stating how he felt he had “failed” in making the Faculty a safe space for all.¹⁵ I am sure you will agree he is too harsh on himself, but both sides of the “debate” appreciated his understanding email. Prof. Jutras urged in his email the importance of community and communication. However, what is a community? The word comes from Latin origins of *Com* (together), *munis* (under obligation) and *unus* (one). Obligation, or more specifically, “responsibility”, is the theme of Prof. Jutras’ email – it is implied therefore that we must be responsible for creating a community and we are under an obligation to others within that community. Community is something shared, and there must be a unity of will.¹⁶ Perhaps the problem is, that we do not have a common will – something demonstrated by the

was the *procedural* threshold of “beyond reasonable doubt” had not been met. The false equivalence of these ideas is ridiculous and is apologetic for a system that fails victims of sexual assault.

¹³ *Ibid* at [43] (“The expectation of how a victim of abuse will, or should, be expected to behave must not be assessed on the basis of stereotypical models. Having said that, I have no hesitation in saying that the behaviour of this complainant is, at the very least, odd”)

¹⁴ I asked a couple of the men involved, and also the silence of men speaking about feeling bullied on the SPEAK initiative demonstrates this further.

¹⁵ Appendix 1, *supra* note 5

¹⁶ Raymond Williams, *Keywords: A Vocabulary of culture and society* (Oxford University Press, 1983)

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oppositions inherent within the Faculty and legal education. This is not a plea that we all become the same (Communism?) but that perhaps we feel lost, or unclear how to be *inclusive* as opposed to merely *diverse*. The word common, which all these words originate, has negative implications also – the “common” people or the “commoners” (and thus the word was used to create hierarchy and division – the opposite of a community!) or the “Commonwealth” – this word itself is bound up in oppositions. How is it possible to create a community with a word that itself creates opposition rather than “unus” (one). Communication, another theme of Prof. Jutras’ email, has similar roots and essentially means making common to many – it is a common, mutual process, and involves, as Prof. Jutras highlighted, *listening* – one cannot make anything common to another without a listener.

This “community” digression is an example of the sorts of contradictions and oppositions inherent in the “fragile construct” of the law faculty and legal education that perhaps lead to why this occurs every year in the Law Faculty at McGill. The aim of this letter, therefore, is to give my humble interpretation as to why this happens every year in the McGill Law Faculty, and to offer some possible solutions you may wish to consider as the new incoming Dean. As I already said, who am I to write this letter? Well, I am a woman, I am a student (even if just half of one), I felt attacked and unsafe during the “Facebook debate” and I have comforted and supported many of my undergrad friends involved.

My argument is that law school is set up on oppositions, and as Derrida¹⁷ argues, oppositions are necessarily hierarchal. For example you can only describe woman by what she does not have next to man (e.g. a penis). This then creates a hierarchy of man over

¹⁷ Jacques Derrida, *Positions* (The University of Chicago Press, 1981)

woman through the nature of binary oppositions and language. I thus will expose the hierarchal oppositions of Law School and suggest they set up the perfect conditions for these “Facebook debates” to occur every year.

The Various Hierarchal Oppositions in Legal Education

1. Lawyers v. Layman.

MacDonald and McMorrow¹⁸ argue Canadian legal education is “colonized”¹⁹ by different actors and factors – one of which is the legal profession. For example the Federation of Law Societies Canada controls which institutions can provide a legal education, and the skills and courses that must be covered.²⁰ As I am sure you are aware, recently Provincial Law Societies have denied accreditation on public interest grounds to Trinity Western’s proposed law degree.²¹ I think that underlying these important discussions²² is the assumption that the legal profession is somehow different, or unique in its public service. But what is so special about being a lawyer in comparison to a teacher, or doctor, or any other job? The protectionism of legal education and law creates an attitude of self-importance amongst lawyers and an “othering” of laymen.

¹⁸ Roderick A. Macdonald and Thomas B. McMorrow “Decolonizing Law School” (2013-2014) 51 Alta. L. Rev. 71

¹⁹ I am not sure I agree with the language of colonization in this article. Although “colonization” is the *act* of making a colony, whereas colonialism is ideological, the two are still very much related. In Canada in particular, colonization along with colonialism are very historically and politically loaded words, and for two white men to use that to describe how law school’s are influenced by outside forces is inappropriate, especially as the topic of the paper was not about race or breaking down barriers to Legal Education for Indigenous students, (indeed, did not mention it at all).

²⁰ Federation of Law Societies Canada, “National Requirement”, found online at <http://docs.flsc.ca/NCANatReqNov2015.pdf>

²¹ For example see *Trinity Western University v. The Law Society of British Columbia* (2015) BCSC 2326 Trinity Western University wish to open up a Law Faculty but are facing opposition because of a covenant incoming students must sign which states they believe marriage is between a man and a woman. This indirectly discriminates against homosexual relationships and marriage. British Columbia Law Society declined Trinity Western accreditation because of the “consideration of the long-term interests of the profession including its reputation and core values”. It is interesting the profession feels they would win in a Supreme Court decision, despite the Teaching Profession already attempting to do something similar. This again points to the idea that lawyers feel there is something “different” about a lawyers role in society (and of course they will be arguing this in front of lawyers – the judges, who may like having their backs stroked!)

²² My point is not that the discussion is ridiculous, as the underlying issue of discrimination is extremely important, but that the way the issue has been framed is interesting and hierarchal.

This attitude is trickled down to Law Faculties, shown for instance by their “size and location”.²³ Part of McGill’s Faculty looks like an intimidating castle with turrets and is “gothic” in style. The main Faculty itself is prominent and imposes “formal or distancing relationships with other buildings”²⁴ as it is not on central campus nor does it neighbour similar disciplines such as Arts or Social Science. This distancing symbolizes exclusivity, which is reflected in the lack of interdisciplinary or transdisciplinary work of the undergraduate courses.²⁵ Harry Arthurs²⁶ argues that when McGill introduced transsystemia, a choice was made to focus “on what [McGill] does best... thinking about juralty”²⁷ and the curriculum is still organized around “jural concepts” and does not “explore the parallel normative universe that exists alongside law.”²⁸

The idea of law being different and better than other disciplines is trickled down to students. For example, two McGill law students who write and perform raps about law under the stage name “Snorlax & Tongraf” offer an interesting insight into what McGill students think about studying law:

This ain’t no BA
it’s legal school
just cases and rules
and some doctrine too

²³ Philip C. Kissam, *The Discipline of Law Schools – “Space and Time”* – (Durham, NC.: Carolina Academic Press, 2003) at 72

²⁴ *Ibid* at 72

²⁵ Only six courses for the undergraduate programme (mandatory and optional) this year mention interdisciplinary, and two transdisciplinary.

²⁶ Harry Arthurs, “Madly Off in One Direction” (2005) 50 McGill L.J. 707

²⁷ *Ibid* at 718

²⁸ *Ibid* at 719

THAT'S LAW²⁹

The lyrics demonstrate how students think law should be kept pure from BA-like subjects, such as Philosophy (the song was about the mandatory first-year class called Foundations of Law). Another example is the move to keep SNAIL's (Students Not Actually In Law) out of the library (oh how their slimy trails infest the library with non-legal ideologies and methodologies!) The snobbery is justified under the ruse of "we need to use the law books during exams", though it is very doubtful many 1L's use the books given the summaries provided by prior students, short-cuts taken in studying, and course packs. It is possible that students feel by choosing law they have certain ideals about what that means. For example in the film *Legally Blonde*,³⁰ the dismissal of Elle Woods by her classmates because she does not "fit in" to what Harvard Law School *should* be. Whenever I tell people I just meet I study Law, the reaction is always the same – wide eyes, recoiling of the neck, the gritted teeth inhale of breath and "woaaaaah, that must be hard" or "that's pretty impressive". No one does that to Arts students demonstrated sometimes it is also laymen who also contribute to this idea that law is uniquely difficult or different.

All of this protectionist snobbery was seen in the "Facebook debate". Those who had more legal education e.g. fourth years were believed more when they spoke. The arrogance of law students in debates is startling.³¹ Students act as if using law gives them more of a right to

²⁹ The two students sent me copies of the lyrics – their co-operation was consensual and they knew I was using it for a paper. You can find their raps on Youtube: https://www.youtube.com/watch?v=7nlaY_rqNEA and <https://www.youtube.com/watch?v=l3G-1PszyEM>

They offer a lot of interesting insights to what students at McGill think about law school and their lyrics are pretty witty and insightful for studying about legal education!

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 Another example nothing to do with McGill with online arrogance of lawyers was on a feminist facebook group called "Cuntry Living" which was set up by my friend in Oxford, which has now over 10,000 members. The other week a white woman undermined a black woman's point concerning the erasure of black voices in a feminist campaign in a UK university. The white woman proclaimed "It

speak. It is not really them who is speaking - they are the vessel that says the word of the Law-d. This was seen in the "Facebook" debate where many individuals were pleading that they were simply relaying *the law* in an objective manner. The importance of speech in the legal profession (oral arguments, mootings etc.) undermines the humility of listening, which was underscored in Prof. Jutras' email, and encourages arrogance.

2. Corporate law Socialization v. Social Justice Socialization

Manderson & Turner³² argue that at law school students do not just learn to "think like a lawyer", but also to act like a lawyer through socializing with the profession, and repetition over time mean students internalize these norms and perform them without real choice. There are two careers presented as options for students – the corporate world, or social justice. Perhaps it is no coincidence that during the "Facebook debate" the fight fell between those who came to law school to "do something more...something socially constructive"³³ and those who came to get a job at Norton Rose. Of course, there are other options – but in law school it feels as though this is what you are presented with as options. Perhaps this is even more so in the US (where law school is a graduate program) or even at McGill where for many this is a second degree with the specific end goal of becoming a lawyer.

a) Corporate Law and Sponsored Coffee House

At the sponsored Coffee Houses, although apparently less opulent than when Manderson & Turner wrote their paper in 2007, networking is still prevalent, advertising is still used, the

wasn't their intention to talk about race, and as a law student, I can tell you that in criminal law intention is important". Not only were we not even discussing criminal law so that makes no sense, using law to silence others because of some superior knowledge of some sort is problematic and is exactly what was done in the "Facebook debate" at McGill.

³² Desmond Manderson & Sarah Turner "Socialisation in a space of law: student performativity at "Coffee House" in a University Law Faculty" (2007) 25 *Environment and Planning: Society and Space* 761-782

³³ Kennedy, *supra* note 2 at 592

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“youngest and best dressed”³⁴ lawyers are still sent, and fine wine and fancy food is still served. Students routinely perform lawyerly actions of small-talk and snobbery and those “who did not...feel particularly comfortable sipping their wine from a fine glass, or being offered food on a silver platter by a gloved waiter, instead learnt it through performing it.”³⁵ This correlates with Kennedy’s argument that students “act affirmatively within the channels cut for them...giving the whole patina of consent”³⁶ as students slowly assimilate into the conservatism of the profession over their time at law school.

b) Social justice

A few feet away from the Atrium (a cold American-psycho-looking space, don’t you agree?) where Coffee House is held, is the Moot Court Room. As you know, every so often, panels or lectures are held discussing social justice issues, and sometimes these events happen at the same time as Coffee House. I have been trying to work out what people saying when they attend these events as well as, or over, Coffee House? Perhaps it is sacrifice. These students sacrificed luxurious free alcohol to fight for justice in the (Moot) Court Room. Julie Lawton argues that in law school there is also the “professional socialization concerning how people ideally should view and treat the impoverished in our society”³⁷ for example, through Speed Meet events, where students have a chance to network with professionals engaged in a career of social justice.

Lawton argues that social justice as a career option is particularly popular in first year (before the fear of jobs or debt have hit!) but over time student interest wanes.³⁸ This is

³⁴ Manderson & Turner *supra* note 32 at 761

³⁵ *Ibid* at 776

³⁶ Kennedy, *supra* note 2 at 591

³⁷ Julie Lawton “The Imposition of Social Justice Morality in Legal Education” (2016) 4 *Ind. J.L. & Soc. Equality* 57 at 69

³⁸ *Ibid.* at 70

perhaps because law school undermines social justice efforts “in subtle, more effective ways by perpetuating a preference for working in private industry,”³⁹ for example by focussing on the laissez faire capitalist subject matters in First Year.

c) Deconstruction

Ultimately, is it any wonder first year students divide and fight when they are receiving divided messages of the role of the legal profession? Cassandra Sharp⁴⁰ argues that these divisions of the “good” and “bad” lawyer are presented to students through TV, media and law school as important and real. Students then repeat this divide in their social lives. Some students at McGill during the Facebook debate were definitely performing the “bad” lawyer (arguing the judge followed the law, thus even if the outcome was unjust for that victim, it is a good thing for the system overall to uphold legal rules) and others the “good” lawyer who wishes to improve society and fight for equality.

However, why is it in the end that most students “choose” the “dark side” of private practice I believe this is because left-wing students in law school have no option but express disagreement to the system through rights discourse and “liberal legalistic language”⁴¹. However this leaves the critique merely an “emotional response”⁴² to the system but not a critique that can enact real change. So although the left-wing students in the “Facebook debate” were arguing, validly, for justice, they were using the same structure and discourse as the apologists of the system, who were using the neutrality of law to defend their claims.

³⁹ *Ibid.* at 71

⁴⁰ Cassandra Sharp “The “Extreme Makeover” Effect Of Law School: Students Being Transformed By Stories” (2005) *Texas Wesleyan Law Review*, 12 (1), 233-250

⁴¹ 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 at 342

⁴² Kennedy *supra* note 2 at 599 (Interestingly, these students were labeled as being emotional, a usual way to undermine women through sexism. The liberal legalistic language, therefore, maintains and continues this label of “emotional” and usually will attach itself to oppressed and marginalized groups of people who express disagreement.

Thus, although the argument was split between the fighters for law and the fighters for justice, in reality, the two are from the same crop. Derrida⁴³ argues that when we deconstruct oppositions we see they are illusions— and we can see this with law and justice. The problem with maintaining oppositions is they are necessarily hierarchal – one defines the opposite by what the other does not have to ensure “othering” (man/woman; white/black; lawyer/layman). I shall thus argue below that most of legal doctrine and legal education is based upon opposition, and that therefore this shall forever create and reinforce hierarchy in legal education.

3. **Oppositional Pedagogy (vs. Me?)**

Both law and the pedagogy of legal education are adversarial and organized in oppositions. This causes students see law as adversarial and believe justice can only be found in the X v. Y formula. Some legal oppositions taught (and are loaded with hierarchy) are:

Public v. private

Objective v. Subjective

Common law v. Civil law

Right to X v. Right to Y

Plaintiff v. Defendant

Procedure v. Substance

Prof. v. Student

⁴³ Derrida, *supra* note 17 and also Derrida, *Force of Law*, tr., Mary Quaintance, in *Deconstruction and the Possibility of Justice*, eds., Drucilla Cornell, Michael Rosenfeld, and David Gray Carlson, New York: Routledge, 1992, at 3-67.

I shall consider a few of these.

a) **Right v Right**

*Dagenais v. Canadian Broadcasting Corp.*⁴⁴

“A hierarchical approach to rights, which places some over others, must be avoided”

To say there is no hierarchy in rights is (to adopt Kennedy’s language) “nonsense”. In an adversarial system one right “wins” and due to the nature of oppositions, there is within a case of competing and opposing rights, a hierarchical outcome. The whole of “legal Education is [then] based on this competing rights model”⁴⁵ leading students into the “rights discourse...trap.”⁴⁶

“Rights internally inconsistent, vacuous, or circular...that make it almost impossible for it to function effectively as a tool of radical transformation.”⁴⁷

Rights can never enact real change because rights work in a legal system based on a paradox: law claims to be universal, but justice (realized through rights) is individualized: it is *my* right, *his* right. This “justice” cannot effectively give equality between groups, as the state v. individual opposition shuts down discussion of broader concerns and is reductive. You cannot find justice by using language created for 19th Century laissez faire capitalism.

Unfortunately rights discourse was seen in the “Facebook debate.” The male apologists pleaded their right to freedom of speech, which they saw as a “real” right that could be affirmed in court, against the “not real” right to not be offended and “not real” harm of

⁴⁴ *Dagenais v. Canadian Broadcasting Corp* [1994] 3 S.C.R. 835

⁴⁵ Susan L. Brooks “Using Communication Perspective to Teach Relational Lawyering” (2015) 15 Nev. LJ 577

⁴⁶ Kennedy, *supra* note 2 at 598

⁴⁷ *Ibid.*

perpetuating gender norms. It is true - how could anyone bring a claim in the current system for harms of microaggressions, or rape culture? In a system that “requires evidence of concrete or material harms suffered” it is difficult to prove a culture of colonialism, sexism, and racism in society or the Faculty of Law and the harm, as Brenna Bhandar argues, “difficult quantify or articulate in the legal language of harms or “damages.””⁴⁸ It was “proof” that was demanded by the male law students in the “debate,”⁴⁹ and when women could not back up their stories with “proof” this invalidated their points. I urge you Prof. Leckey to also not respond with a similar attitude toward proof, nor individualize the problem.⁵⁰ Punishing the bad apples does not change the institution or the fact that for these problems to occur “other people must be condoning or tolerate or enable it”⁵¹ e.g. professors not stepping in to stop microaggressions in class quietly condones students who do this.

Furthermore “competing rights as the dominant lens client-centered lawyering can be easily misunderstood to mean the lawyer’s role is to fight at all costs on behalf of one’s client or cause”⁵² Your students, Prof. Leckey, were definitely fighting to the point which cost many friendships, and for a short time, their education and wellbeing. It is perhaps no coincidence that the “debate” occurred around the same time as the 1L’s were doing their mandatory moot. The mooting pedagogy reinforces the idea of law as adversarial, and also instrumentalizes listening, as students learn listening is important only in the sense of

⁴⁸ Bhandar *supra* note 41 at 347

⁴⁹ “SPEAK initiative” *supra* note 6

⁵⁰ Professors seem to do this quite often. When I have complained of issues here, and in previous institutions I was educated at, all they wanted was a name. Sometimes it is difficult to even explain why something was sexist, maybe the tone, feeling, attitude, and maybe it was a group, or a general atmosphere. It makes women look like “liars” when they cannot give a name or a precise quotation of what happened, again, reinforced gender norms and oppressing women.

⁵¹ Leila Whitley and Tiffany Page “Sexism at the Centre: Locating the Problem of Sexual Harassment” *New Formations: A Journal of culture/theory/politics* 86, 33- 53 (2015) at 40

⁵² Brooks *supra* note 45 at 481

“coming back” at your opponent. Brooks argues students perform “scripted learning”⁵³ in these situations, and students then use these scripts in their social debates also – forever speaking, and not listening. Prof. Jutras stated in his email “find the courage to speak in your own voice, under your own name, and take responsibility for what you are saying”.⁵⁴ It is thus intriguing that mootings and the legal profession (and perhaps also classroom pedagogy) provides an easy way to *not* do this. Treating the law as objective, (see below) becomes a way of sidestepping original or individual thought and responsibility – it is easy to hide behind cases and statutes. Mooting in particular discourages responsibility for your own voice – you are the client’s mouthpiece, these are not your words, your thoughts, your opinions, but what is necessary to “win”. Listening to the other side is a means to an end of winning, not learning or valuable for its own sake, and even the legal terminology a court “hearing” implies one simply *hears* the other side, but does not *listen*.⁵⁵ The fact these debates and divisions occur at the end of the year is also interesting – perhaps students, after completing their foundational legal education, are attempting to articulate their “positions” and what their view of the law is, which is probably different from when they first arrived.⁵⁶ The tensions and oppositions that underlie the law can be confusing for students to riddle out (I know for myself it was only in my third year that I eventually began to piece together law as a whole, rather than separate subject areas and see a bigger picture).

b) Thinking like a lawyer and objectivity v. Thinking like a layman and subjectivity

⁵³ *Ibid.*

⁵⁴ Appendix 1, *supra* note 5, at 2

⁵⁵ I thank my colleague Adrien Habermacher for this insightful point about the law and hearing.

⁵⁶ I thank Prof. Shauna Van Praagh for this helpful comment, also see Sharp, *supra* note 40

The pedagogical aim of teaching students to “think like a lawyer” also reinforces hierarchy. What does “thinking like a lawyer mean”? Is it really a “distinct as a method for reaching correct results from ethical and political discourse in general”⁵⁷? Mudd⁵⁸ argues that “thinking like a lawyer” utilizes critical thinking skills that other disciplines also use, and so lawyers should therefore focus more on “thinking”, and less on, “like a lawyer.” Perhaps if students were taught the value of *thinking* rather than perform lawyerly “scripts” learnt in mootings, the “Facebook debates” may become less vicious.⁵⁹ It is almost that students do not want to think, because thinking would resign them to subjectivity instead of preaching the objectivity of the law.⁶⁰

Bhandar argues “notions of objectivity are taken for granted as the solid foundation of legal reasoning without acknowledging the values and perspectives that are implicitly privileged by such concepts”⁶¹ and this was seen in the “Facebook debate”. Men were using objectivity to turn the law into a universal (and therefore just) concept compared to many women who were using individual stories of oppression. As discussed above this made it easy for men to shut down these experiences as being non-legal and subjective⁶² whereas law is simply objective. Law as objectivity is critiqued in Theoretical Approaches but students shelve these ideas once the class is over, because after all, Foundations of Law/Theoretical Approaches

⁵⁷ Kennedy *supra* note 2 at 598

⁵⁸ John O. Mudd, “Thinking Critically About ‘Thinking Like a Lawyer’” (1983) 33 J Legal Educ 704.

⁵⁹ This is just a speculation – the immediacy of online communication is also partly to blame for students perhaps not taking the time to think carefully. This is not to invalidate the anger of many women – one still thinks when one is angry.

⁶⁰ See James R. Elkins “Becoming a Lawyer: The Transformation of Self During Legal Education (1983) 66 *Soundsings* 450 (“The professional qualities that students acquire as a result of legal education are juxtaposed against qualities associated with being a person. The differentiation between head and heart, professional and personal is a “splitting” at 459. It is interesting that students say they are using their “heads” but by ignoring their hearts and using the objectivity of the law end up objectifying themselves and their peers by become objects for speaking the law, rather than humans.)

⁶¹ Bhandar *supra* note 41 at 349

⁶² They did not explicitly say this but one man did say that he thought we were debating the law (in a sarcastic way) implying the women were not using law in their arguments. A friend of mine in 1L who was on the “men’s side” defended their view to me in person by saying that the women clearly did not understand that the men were just discussing “what the law is”.

to Law is not “real” law anyway. Bringing these ideas in *all classrooms* and making them part of the pedagogy is important to ensure these methodologies are not “othered”.

All classrooms should thus use voice more, and more effectively. Shauna Van Praagh⁶³ states: “The personal can be political, but narratives that simply start and end with private and unique experience without inviting any response or seeking any commonalities can be frustrating and silencing.” It is about “shifting to the political, not drowning in the personal.”⁶⁴ Professors who do not take personal stories and turn them into political ideas do end up silencing students. For example I revealed a personal story via email three weeks ago to a professor at McGill following a discussion on tort law. I have received no response and I feel exposed, embarrassed and vulnerable.⁶⁵ Voice can be extremely effective to use in political and legal discussion and also as pedagogy. For example, Sharp argues that 1L’s are in a unique position as lawyers, as their personal identities are changing and they are creating stories about what lawyers “do” from law school, TV and society. Professors should thus “seize upon [stories] to engender critical response to stories and encourage narrative persuasion dexterity.”⁶⁶ This would teach students not only the value of story-telling and voice to enable better and careful listening, but how to utilize their own stories and voice more effectively to persuade a listener.

c) **Prof v Student; Student v Student**

Law School is a throwback to High School, and comes with the dangers high schools’ create – cliques, bullying, gossip, fear-of-grades, fear-of-teachers. The name “Law School” is in and

⁶³ Shauna Van Praagh, “Stories in Law School” (1992) 2 Colum J Gender & L 111 at 122-129 at 137

⁶⁴ *Ibid* at 139

⁶⁵ Although the professor is not my teacher, any discussion of law that brings up extremely sensitive issues should be understood as potentially triggering to any member of the audience. My personal story of this at McGill is by no means the only one I have heard.

⁶⁶ Sharp *supra* note 40 at 12

of itself problematic – why is it a *school*? The language implies the pedagogies and culture is for children or teenagers, where there is hierarchy both between teachers and students, and between the students themselves.⁶⁷

In Law School there is of course hierarchy between professors and students. Professors control pedagogy, the content of the course and grading. Grading encourages students compete against the mystical Kafkaesque curve where it ends up feeling impossible to get more than a B. Students therefore “experience these grades as almost totally arbitrary – unrelated to how much you worked [and] how much you thought you understood going in to the exam.”⁶⁸

There is also hierarchy between the students. McGill has set up the perfect class size for trouble – big enough so not everyone cares for or even knows each other, but small enough that gossip and hierarchy can form. Furthermore everyone takes the same classes. For example the LSA representatives are elected, but getting votes are contingent on popularity and being involved with events such as skit night. They must regularly attend Coffee House (because the LSA are the trained servers of alcohol for the event.) This reinforces the idea that the corporate world is the place to be as it is where all the “popular” kids end up and gather. Indeed this year the LSA was particularly male, white and straight.⁶⁹ However, I think we all have hope that the next LSA, which is a particularly diverse group who are very politically active, will change this.

⁶⁷ Technically McGill is a Faculty of Law. However students and professors refer to it as a “law school”, perhaps demonstrating Macdonald and McMorro’s criticism of American legal education influencing Canada.

⁶⁸ Kennedy *supra* note 2 at 600

⁶⁹ Perhaps this influenced their response to the “Facebook debate”. Their response was that the LSA is non-political. However, if student politicians are non-political then they must just be event organisers or bureaucrats!

d) **Common Law v. Civil Law**

Although transsystemia⁷⁰ attempts to remove the opposition of common and civil law, the point remains that in a law school where students are learning two systems, they will always be comparing them. When it is exam season, students (and professors) will prepare notes with common law on one side of the page, and civil law on the other. This visual splitting of the systems maintains an opposition – perhaps comparable to the difference between diversity and inclusion (diversity being many different kinds of people in one space, and inclusion ensuring everyone is involved).⁷¹ In a law school that consistently places one system next to, beside, against or with another, it is perhaps natural that students think in oppositions.⁷²

Furthermore, transsystemia’s selling point on the McGill website is that graduates could practice all over the world. The website states, “localized legal education is insufficient”⁷³ for the modern world. Indeed, the students themselves see it that way:

I got haters telling me Snorlax why don’t you f**kin’ realize

This transsystemic sh*t ain’t real life

I tell them yo the world is globalized

⁷⁰ The point of teaching transsystemically is to prevent students becoming “attached” to one system (either common or civil law) over another. See <http://www.mcgill.ca/centre-crepeau/transsystemic/history>

⁷¹ The point of this comparison is to suggest that McGill’s social environment is diverse but perhaps not inclusive enough, similarly to transsystemia which although aims to teach ambidextrously, when the pressure is on, students split the two up for the sake of learning for exams. Perhaps the same thing occurs in “debates” – when the fight is on, people revert to the oppositions of race and gender that are ingrained in language and society. Of course, this is pure speculation, but it would be an interesting theory to find out more about.

⁷² When I suggested this to some friends in 1L they were horrified I was suggesting this. They believe transsystemia is *not* oppositional, nor could they conceive of how their academics could be influencing the social oppositions. The latter point in my view is wrong – academic life will always influence the social life of students as this whole essay demonstrates. However, as they are insiders to the transsystemic system, whereas I am an outsider, perhaps they are correct that transsystemia is not oppositional. Until I could research and think about this more, this point must be taken with a grain of salt.

⁷³ See <http://www.mcgill.ca/centre-crepeau/transsystemic>

This brings another opposition: local v. global.

The locality of McGill as an English speaking university in Quebec lends itself to teaching common and civil law, and arguably *is* a localized, rather than globalized, legal education. It is therefore interesting how McGill attempt to shirk the local label and focus on globalization as the selling point. This ends up “othering” the word locality and reinforces a hierarchy that “local” law is not worth pursuing in legal education. Oppositions allow you to only tell half a story. The other half of this story is that local laws e.g. Indigenous law, is less important than the “world’s greatest legal traditions”.⁷⁴ McGill’s “othering” of locality is reflected in students’ attitudes (for example one woman in the SPEAK initiative actually refer to Indigenous laws as “other systems”). Something very dark and colonialist is being said through what is *not* being said about Indigenous law McGill classrooms.⁷⁵ McGill’s legal education therefore tacitly condones their own students to be “othered”.

4. Computer v Person

Adversarial communication is enhanced on social media, as it is much more difficult to communicate through body language and tone. It depersonalises the opponent⁷⁶ and contributes to the “placelessness” of power, hierarchy and harassment as it happens up in the “cyberspace”. Faculty, instead of discouraging social media, should engage with Twitter or blogging in order to give students role models and advice on how to debate effectively and appropriately online. Professors should use pedagogical techniques such as Wikipedia

⁷⁴ *Ibid.*

⁷⁵ see Molly Churchill “Final Report on McGill Faculty of Law Initiatives Relevant to the Truth and Reconciliation Commission Reports and Calls to Action” 2016 found online

⁷⁶ Dean Jutras, *supra* note 5 (“The informal, instantaneous format of these communications and the potential for magnification of their effects call for extreme care in thought and language. Challenge ideas, not people. Wait and think before you react. Consider whether you would say the same thing in the presence of people you respect.”)

pages⁷⁷ or Google docs where students have to learn to negotiate with each other via an online document, which will help in their online social communications about law.

5. **Healthy v. Sick**

As the SPEAK initiative suggested, many individuals in the Law Faculty are suffering from mental health conditions – indeed 40% of students in law have a mental health issue.⁷⁸ The online “Facebook debate” was triggering and upsetting to many (female) students, on both sides of the “debate”. Many felt bullied or felt that a small number of women were bullying a small number of men.⁷⁹ Dean Jutras highlighted that the Faculty should do more to help mental health issues. The arguably fiduciary-like nature of prof-student relations⁸⁰ means professors must act in the best interests of students. Students cannot learn effectively when they are depressed, bullied, harassed, othered, or marginalized. It is important to remember this. Who can students go to when there is a problem? The riddle bureaucracy of student welfare services leaves many students with the response from an email to simply email a different person. However, professors should take some responsibility to help their students with mental health or with any grievances they may have about other professors or students, not just directly about work in that particular class.

6. **Conclusion: Utopian Proposals**

1. **Acknowledgement**

Acknowledge that the McGill Law Faculty has set up a volatile, adversarial and oppositional legal education that perpetuates hierarchy. This acknowledgement may help professors and

⁷⁷ See Beth Simone Noveck, “Wikipedia and the Future of Legal Education” (2007) 57 J Legal Educ 3

⁷⁸ Brian S. Clarke “Coming Out in the Classroom: Law Professors, Law Students and Depression” (2015) 54 J Legal Edu 403 at 403

⁷⁹ However most of the bullying comments they are referencing happened in a forum away from the men, and were never intended to be seen by the men and therefore was not intended to upset or harm as bullying would require.

⁸⁰ See Kevin Mackinnon “The Academic As Fiduciary: More Than A Metaphor?” (2007) *CLEAR Vol 1*, at 115.

students see through the neutrality of the law, legal reasoning and pedagogy to help everyone critique themselves and the Faculty. Acknowledge this is an institutional problem, not five young bad male apples saying silly things. If there is no change, it will happen again next year. McGill Law Faculty must ask itself: Why does this not happen to the same degree and magnitude at any other Faculty at McGill?⁸¹

2. Individual professorial responsibility

Professors should acknowledge they have a role in helping relieve the hierarchal and oppositional nature of law school. For example by supporting student mental health, offering critical readings in all classes, use social media responsibly, maintain an open door. Professors should acknowledge their own identities in society e.g. if they are a white male, acknowledge their teaching, pedagogical choices, language and reading lists will be influenced by this. They should always listen to student feedback if they tell them they are exerting white or male privilege in the classroom.⁸²

3. Student responsibility

Prof. Jutras stressed in his email that students ought to take on *responsibility*. It is important to remind students that the law is not something to hide behind and that challenging law is important. It is also crucial to recognize the difference between legal debates and discussions with peers. It is not appropriate to consider a discussion about sexual violence as a legal debate in a courtroom when fellow classmates may have been victims or survivors of sexual assault. To remind students that to feel offended is not weak, and is not something to

⁸¹ I have not done a survey to discover this, but informal discussions with friends from other faculties (Arts, Engineering, Biology) have indicated that nothing to this degree occurs. However, it is difficult to know this from an outsider perspective and without proper investigation.

⁸² Even the best, well-known and well-loved by students have done this at McGill in various ways. Students will of course not confront this – the hierarchy of prof-student relations is too strong. The hierarchical nature of professors breeds “othering” in the classroom as students are afraid to call out their professor on sexism for example.

be dismissed, and to offend is abhorrent to a creation of a community and that words have impacts beyond just changing the law. Opinions do not always matter when they are offensive or when they are irrelevant, and when women are discussing sexual violence their voice should have priority. Freedom of speech is not an absolute concept, legally but also socially and morally.

4. Voice

Enforce guidelines for professors on how to respond to student voices in class e.g. do not ignore them, always believe the story, incorporate them into broader and more general political discussions, support triggered students, intervene if students are attempting to silence others through microaggressions or the plea to objectivity.

5. Indigenous Law

Incorporate Indigenous laws into transsystemia to stop the othering of that legal system.⁸³
Get rid of the word bijuralism – it implies there is no room at the inn for more systems.

6. Interdisciplinary classes

For only six courses to include interdisciplinary work in the undergraduate program is not enough. This should be in every class. Maintaining “fictitious distinctions”⁸⁴ between law and morality, or philosophy or society creates arrogance amongst law students and encourages the “othering” of students from different disciplines. Humility would of aided the “Facebook debate”. We are not special as lawyers.

⁸³ Of course there are many institutional barriers to this being done – such as the bilingual nature of McGill, which acts as a barrier to Indigenous professors applying. There are many factors involved and it may be all easier said than done, but it *is* done at other universities such as University of Victoria.

⁸⁴ Bhandar *supra* note 41 at 348

7. Critical theory

Offer left-leaning students more options of critique from the beginning than just social justice in the form of rights discourse. It is too late by the time they are able to choose critical race theory or feminist theory – the professional socialization has occurred and the discourse and language of rights and duties is too ingrained from the mandatory courses for students to conceive of change through other ideologies.

Students therefore will be required to take a critical theory course in their first term. These courses will *not* be put in the same basket of choices as human rights.

8. Grading

I am aware change is in consultation. Grading causes animosity through competition on the curve and aggravates mental health issues.

9. Mental health facilities

- The LSA must create one male and one female welfare representative. This person will be the first port of call for students with any mental, sexual physical health issues. They will be trained in mental health support and how to navigate the McGill system. They will organize “welfare teas” every week where students will receive free coffee, tea and lunch paid for by the Law Faculty and are given a space to chat in a community.
- Mindfulness or some kind of break will be mandatory in every class
- Give every incoming class a professor who will be their “Head of Year”. This will create trust and a bond between those students and this professor. They will be their first port of call of any problems students may have with professors or problems with their work or home life.

10. Classes on privilege

In orientation students should receive class on privilege, racism, sexism, colonialism, homophobia, ableism, cissexism and how they manifest in law and the Faculty. They must learn how to respond to being called out on microaggressions (e.g. not become defensive, which is not only a human reaction, but exaggerated by the oppositional pedagogy of law school). McGill introduced a discrimination workshop during the first week of school for the incoming students of Fall 2016. This is certainly a step forward and hopefully is the beginning of active change that can be carried through in classrooms as well as socialization between peers.

Professors must also engage in detailed training on these matters and on matters of harassment, sexual harassment, and on what to say and where to send a student if a student divulges personal information. It is terrible that professors do not receive the same training as other workforces. It is not good enough to say, “it doesn’t happen here as McGill is a progressive institution full of intelligent and educated people.” I have been made to feel extremely uncomfortable by a male prof at McGill, by two male colleagues and by many male undergrad students. It happens at McGill.

11. Communication

Encourage better use of online technology to prevent cyberbullying (as well as introduce a cyberbullying policy – even if it is just a Faculty one, as this problem is so prevalent in the law faculty specifically). Use Wiki pages, Twitter, blogs, in class to encourage

responsible usage. Brooks⁸⁵ argues that the most important skill lawyers must have in the future is empathy, and Dean Jutras' email highlighted empathy is crucial in a community. We must include relational pedagogy in classrooms, such as more group work to teach students that "effective lawyering is as much, if not more, about relationships, as it is about outcomes"⁸⁶ – it is not about winning or losing, but about dialogue and people. The competing rights model of legal education hinders the kind of communication and thus the creation of a community that Prof. Jutras wished to create. Brooks thus argues a relational pedagogy has as its main goal "attain[ing] greater clarity about another person and that person's context"⁸⁷ and "this change allows both speakers to create positive possibilities and reduce apathy and micro-aggressions."⁸⁸

12. Self-evident truths

We must accept, as an institution, that privilege exists. The institution must make it clear that they believe it is uncontroversial to say that within society,⁸⁹ and within the Faculty, there is privilege. This will send the message the institution does not condone apologists of a system that continues to oppress and "other" human beings.

13. Complaints

If people wish to complain through the rights-based complaints system then of course let them. However, McGill must see this as *their* failure to protect the student and not just a) call the perpetrator a bad apple b) see the complainant as upsetting institutional happiness. The victim did not upset it – the institution was never happy to begin with if sexism, racism,

⁸⁵ Brooks *supra* note 45 at 479

⁸⁶ *Ibid.* at 479

⁸⁷ *Ibid.* at 481

⁸⁸ *Ibid.* at 484

⁸⁹ Bhander, *supra* note 41 at 358

Joanne Murray

colonialism exist. Students “get away” with microaggressions because the institution tacitly condones it. It is the institution therefore that must change to prevent this.

14. Course structure and pedagogy

Why not begin legal education with teaching critique so students can then read the seemingly objective and neutral legal doctrine in a more enlightened manner? Focus on critical thinking skills rather than teaching *legal* reasoning. This creates an “othering” of any argument that does not include “law” causing more friction than is natural amongst left and right wing students.

I hope you found this letter insightful and useful as to demonstrating how I view the problems of legal education and how if it does not change, the future of legal education will have no future as such. It will be stuck in the jural-ssic era, waiting for piecemeal change. To help your students’ wellbeing, as well as help break down the hierarchy inherent in law and legal education, and change the future of legal education, would be a great way to leave a legacy at McGill!

Kind regards,

Jo Murray

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Appendixes

Appendix 1, Email from Dean Jutras

Dear Students,

I spend most of my waking hours at the Faculty, or working on projects for the Faculty, or thinking about the Faculty. I know that you do too. We all care deeply about this place. We want it to be the best that it can be.

La semaine dernière, j'ai reçu du groupe des président.e.s de classe un document issu de la consultation menée sous le titre SPEAK. Il s'agit d'une initiative offrant une plateforme anonyme, permettant à tous et à toutes de partager certaines expériences vécues à la Faculté : leurs moments de doute ou de dépression, leur sentiment d'exclusion, les gestes et paroles insensibles, les micro-agressions, la crainte de ne pouvoir dire ce qu'on pense vraiment, et toute la frustration qui vient avec.

I was quite disturbed by this document, and still am. One of my hopes, when I became Dean of Law seven years ago, was to be able to sustain a happy, supportive learning environment at the Faculty. I thought the greatest legacy a Dean could imagine was a community of professors, students and administrators who shared a strong desire to be with one another, to learn from each other, and to build together a unique, outstanding project for education in the Law. I imagined people whistling on their way up Peel Street, looking forward to a class, a workshop, a big conference or just a rich and insightful conversation in the Atrium.

It seems I have not fully succeeded.

The students' SPEAK initiative was premised on the explicit assumption, communicated to all participants, that the Faculty is not "safe space". Some – too many – feel that their voice is not heard. Some – too many – experience exclusion or silencing. Some – too many – despair at conversations that turn into hurtful reciprocal accusations. In some settings – on social media such as Facebook, in particular – it can be difficult to calmly engage with ideas, carefully lay out opposing perspectives, reassess worldviews and show respect and curiosity for the experience of others.

Il y a trois décennies, j'ai choisi la vie universitaire avec la conviction profonde qu'elle se définit par le respect et l'ouverture. Je croyais, et je crois encore, que l'université est l'un des derniers espaces sociaux qui permette la mise en examen de tous les savoirs et toutes les perspectives. Je croyais, et je crois encore, que l'université ne peut exister sans créer les conditions de liberté de pensée et de parole, sans

contrainte, qui favorisent l'émergence de nouveaux savoirs. Je croyais, et je crois encore, que l'université est l'un des seuls lieux où il est inacceptable de définir sa propre identité, ou celle des autres, en termes monolithiques. Je croyais, et je crois encore, que l'université est une agora où chaque personne est confrontée à ses propres limites, à ses propres œillères, et forcée de se reconstruire chaque jour par l'interaction avec les autres.

The University as respectful space is a fragile construct. It requires each one of us to commit to empathy and mindful engagement. It requires each one of us to pay attention to the words we choose and to the ways in which they will be heard. It requires each one of us to accept disagreement, and to build the resilience to experience it. It requires each one of us to build the courage to speak up, and the wisdom to listen. It requires each one of us to vow never to silence anyone, or any group, or any idea.

Much remains to be done for any modern institution to be fully inclusive, and the Faculty of Law is no exception. We seek more diversity and equity in all respects – race, gender, sexual orientation, gender identity, socio-economic status, language, physical or mental ability, beliefs and aspirations. We seek more opportunities for each one of us to embrace plural identities within ourselves and within the groups to which we belong. But none of this is possible unless we cherish each precious opportunity to encounter each other. Learning that one's experience of the world is not universal, viewing the world through someone else's eyes, being confronted to ideas that make us uncomfortable – that should not be toxic, or threatening, or risky: it should be liberating. I invite all of you to recapture this spirit, as the foundational spirit of the academic life that we share.

More specifically....

- I invite you to consider carefully the tone and content of your interactions with others on social media. The informal, instantaneous format of these communications and the potential for magnification of their effects call for extreme care in thought and language. Challenge ideas, not people. Wait and think before you react. Consider whether you would say the same thing in the presence of people you respect.
- Look for opportunities to encounter views that are not yours. Experience disagreement and question your own ideas, instead of seeking reinforcement for the opinions that you already hold.
- Find the courage to speak up in your own voice, under your own name, and take responsibility for what you are saying.
- Seek help and support if you think you might need it. The Faculty and the University have established programs to provide assistance to students who face mental health issues, and effective processes to address inappropriate interactions and their consequences.

The Faculty will endeavour to address more often, and in more sites within its core programs, the conditions for respectful debate and effective deliberation that define safe space in academic settings.

Daniel Jutras
Dean of Law

Appendix 2, The Speak Initiative

Responses to the SPEAK Initiative General Disclosure

Introduction:

The SPEAK Initiative is a project started by the 4L Class President Warwick Walton with the assistance of the other Class Presidents as well as Romita Sur and Valerie Olivier. Il n'est pas un projet officiel de l'AÉD. None of the content contained here represents an official opinion of the LSA or the LSA Council. The SPEAK Initiative sought to solicit anonymous responses from the student body regarding a series of issues raised by a talk called "Our Voices." Legal professionals came forward and identified issues facing women of colour in legal education and practice. This was expanded upon to create a survey which permitted students to speak directly to the Dean, the Faculty, and the rest of the student body. The panel discussion was organized by Romita Sur, Nigah Awj, and Nazampal Kaur Jaswal and through the work of Black Law Students Association, Women of Color Collective, Aboriginal Law Students Association, Feminist Collective, Contours, and Rad Law.

Quatre principes ayant mené à l'initiative SPEAK:

1. Les étudiant-e-s ne perçoivent pas la Faculté comme étant un « espace sécuritaire »
2. La formation juridique peut être préjudiciable dans certains contextes notamment à l'égard de minorités
3. Le sexisme demeure prévalent dans la profession légale et impacte probablement la Faculté
4. Les enjeux de santé mentale sont des obstacles pour de nombreux étudiant-e-s

Vingt-neuf étudiant-e-s ont répondu au questionnaire. Ci-dessous vous-trouverez les réponses identifiées pour divulgation générale, représentant 60.7% des réponses reçues.

WARNING: Some of the content below is highly charged emotionally and politically. In other words it is triggering. Please be highly cautious for the sake of your mental and emotional wellbeing.

ATTENTION: Certaines réponses présentent un contenu politiquement chargé et sensible. Procéder avec caution.

Notes:

1. If you are able to identify a student please do not assist others in identifying them. The submissions were anonymous and we expect students to respect that to the best of their abilities.
2. No edits were made to any submissions. No submissions were removed. The only submissions which would have been removed were ones personally attacking other students or which clearly met the legal definition of hate speech, none of which did so.
3. The prompt for SPEAK originally included a suggestion to consider the audience to which students were addressing their replies. This was to dissuade students from inadvertently identifying themselves. A couple students replied with troll responses, prompting the edit and then removal of this suggestion. The responses were not removed however. Like a spoiled ballot, every submission is important.
4. The Google Form indicated 28 responses but the spreadsheet had 29. It is possible Google inadvertently saved a response someone went back to edit. I apologize profusely if you are doubly represented here.

Responses:

Story/Histoire	Identité/Identity
<p>A classmate who was working on a group project with me called me "sweetie" and asked me out multiple times in front of other group members, despite my constant insistence that I have a boyfriend. He asked me several inappropriate questions in front of our group and would not stop even after I told him that I was uncomfortable.</p>	<p>Female</p>
<p>About one month ago, I felt as though I woke up from a nap that had lasted a full year. During that time, I lived through a constant and exhausting string of bad days. My brain was full of a pervasive, foggy greyness that swallowed everything. Yet if you would've asked me four months ago, though, on any given day I would have told you I was fine. It took getting better to be able to understand how unwell I was.</p> <p>I was given a diagnosis; I was prescribed a medication. I was told something is wrong. I was fortunate enough to have therapy covered by my health plan, I got a psychologist. And then my medication failed. And so many times, my therapist didn't get it. I was back to square one, and I was trying not to drop out of school. Back when I was happy, or at least felt alive, I worked hard to get into McGill Law. I told myself to get over it... But I couldn't.</p> <p>I tried my best to go to school, and people that I used to laugh with, used to care about—before caring became so tiring—they asked how I was. I told them “fine” or “good” or “okay” every time, shying away from the truth because I didn't want to scare anyone, don't want to alienate them, don't want to appear weak.</p> <p>Because for all of our good intentions as friends, as colleagues and as peers, we're not actually talking very much about mental health. And when we do, we rarely use the right language, in spite of the law's fixation on language.</p> <p>What I've learned is that language is critical in discourse about mental health. My vocabulary changed when I had to re-order my life to account for my mind. I learned ways to express what was happening: intrusive and irrational thoughts, self-loathing, disordered thinking, grief, panic, and anxiety are just a few of these words. Normally, those who have also struggled will recognize your language. Others won't.</p> <p>Even if we have struggled, we join our less-aware peers in calling group members unreliable, lazy, crazy, or high-strung. We contribute to having our struggle reduced to simple negative adjectives, we permit resentment against our peers, and we allude to their inferiority. We don't realize the ignorance of our language.</p>	<p>Mental health</p>

The Faculty administration is rarely better. Like a coach lurking on the sidelines, when a fatigued player comes off (i.e. goes to the SAO), the coach utters a few encouraging words, and lets the student rest just until he or she is needed again on the field. And then off the student goes to push him- or herself to exhaustion. The coach's positive words serve only to get the player back on the field. Like a player is responsible for their physical fitness, law students are told that they need to be in charge of their mental fitness. They compare themselves against a team of players that appear to have their #&% together, every day. The player wants to quit.

To respond to these realities, I believe that, as a collective of law students and as a Faculty, we need to better learn the language of mental health. Quitting should be due to lack of interest in the law, not depression and anxiety. We should not let our language be responsible for making others feel inadequate or unsupported.

To become fluent in this new language, we need to practice it in our interactions with each other – at all levels of administration and of student-professor relationships.

First, in our interactions as and with law students, we need to work towards creating an open and on-going dialogue wherein we can be supportive of our peers. Acknowledging that we know very little about each other and even less about the realities of each other's lives, is the first step in helping to heal those who – to be frank – we may not actually like all that much at school. It is frustrating to work with a group member that seems to give zero %*\$&s! However, combatting poor mental health amongst ourselves doesn't require affection: it requires patience, compassion, and kindness. If we are capable of learning something as complex as the law, I posit that we are also capable of learning compassion. We need to listen to the language that our peers are using. How are they expressing themselves? Which words are they choosing and why? What is being left unsaid?

Second, when we speak with our professors, we need to trust that they will not judge us for our shortcomings. I've had to apologize to many professors – professors that I want to use as references – when I was no longer showing up to class, no longer participating, and submitting subpar work rife with mistakes. While some did not know how to respond to my change in behaviour, many professors spoke to me about their own struggles, or about a loved one's struggles. Professors rarely judge us based on our lack of academic perfection, nor do they judge us on our lack of personal perfection.

Third, when we meet with the administration, we need to assert our rights. Poor mental health is debilitating. In all fairness, it's very

difficult to provide a generalized response to mental health problems at the Faculty. A person's experience with their mental health is nuanced and subjective. Trying to explain to administration why I want to take a year off or defer an exchange because everything is "cloudy and grey" doesn't exactly do the trick. The administration seems rigid in their definition of "professional" conduct and currently, it's a sad reality that poor mental health is seen to be unprofessional. Although we each play a role in shaping the reality of the future, the SAO is a potentially powerful force that can change our community's language right now. Of course, determining an objective mental-health standard is difficult. In law schools, the need for professionalism and predictability within the administration is closely intertwined with our reputation as lawyers. Doctor's notes and official diagnoses satisfy the SAO's checklist, but do little to contribute to the compassionate environment that is needed. A starting point for the administration would be sensitivity training to mental health issues. If we train staff to recognize the language of mental health, to pick up on problematic behaviours, and to handle us with patience and compassion, the entire Faculty community would benefit. Unlike a physical injury, which is visible to the eye, poor mental health is only noticeable with careful attention to what a person is saying. Like a physical injury, poor mental health can be healed if the conditions permit. We can create these conditions by practicing the language of mental health together. We can foster compassionate dialogue amongst ourselves, our professors, and our administration. Poor mental health is hard: it's an invisible hurt tailored to each individual. It's not terminal, though, I am starting to get better. I know that we can heal our hurt.

As a gay man at the Faculty of Law, I feel that LGBTQ+ issues are seen as somewhat "resolved" in our Faculty/society and not comparable to other social challenges experienced by women, people of colour, Aboriginal Canadians, for example. There is no "hierarchy of human rights" and all marginalized populations should be treated with equal efforts to improve equality for all. I also feel that although there is an LGBTQ+ law student group, this is largely in the form of a Facebook group that is not very active and fails to organize informal gatherings for LGBTQ+/queer students. They had several events such as karaoke and academic panels (from my recollection) however my concern, as with other law schools, there is a presumption that anyone part of this group is 100% comfortable with their sexuality, respected and accepted by their families/communities, or out

Gay male. Have experienced mild to severe mental health issues, given lack of social support and resources, both at McGill and in society generally.

at school/work/home/community. This is not the case by far. The group needs to find ways to reach out to those joining the Facebook group or too scared/intimidated to even join the Facebook group but who could benefit from an informal student dinner somewhere in Montreal (and no, not the gay bar/village) but somewhere people would be comfortable joining and talking with other LGBTQ+ students to feel comfortable and at ease without any questions regarding how they identify. This will take student leadership and reflection on how their comfortability with their sexuality may not be reflective of those still struggling to come to terms with theirs. Faculty-wide, even if there are known to be many LGBTQ+ students in the Faculty, this does not mean McGill Law is in any way "progressive" or embracing equity. In fact, the struggles of these communities are significant - I still get called gay/fag on the streets as a grown man and have experienced physical altercations. Finding corporate law jobs was difficult given the very conservative-minded mentality of many firms despite their touted diversity policies. Just because a handful of gay men/women/other get hired at X firms does not mean "everything is getting better now." Openly gay lawyers are still 1-2% or less at law firms and private practice in general - no where near the percentage of LGBTQ+ identified people in the general population - and there is a clear reason for that: discrimination.

Be publicly mocked with a 'meme' because of a feminist contribution to the Quid
 Being described as a bully outside of school because of feminist activism
 Being mansplained feminism
 Faire des examens et suivre des cours non féminisés
 "How could we justify discrimination?" in CLP Wars on Facebook on Ghomeshi, rape culture, non-sexist teaching, Ferguson
 A rape joke in the Quid. A rape joke at skit night. A rape culture joke on Facebook
 Will I get a job even if...?
 Être dans un cours où toutes les lectures ont été écrites par des hommes
 Class laughing when we learned a sleeping person can't consent
 Electing five male faculty council representatives
 Sexist comments on Facebook. Again. And again.
 Profs refusing to 'be involved'
 Learning that a LSA exec has sexually harassed women at the Faculty

And so many more stories but I don't keep notes. You need to listen to them when they happen...

Woman not otherwise marginalized

I am an individual with a disability and I disagree with almost all of the "concerns" raised in this missive.

1) I absolute agree that our faculty is becoming a place where unique perspectives are silenced. Indeed, any opinion that does not conform to the kind of radical, otherworldly and profoundly disconnected ideology that motivated this missive is being categorically muzzled. This faculty is more than a "safe space" - it is becoming an intellectual prison where the only discussions we are allowed to have are those that rail against a perceived (and utterly fabricated) colonialist, western, and parochial standard. The moral high ground has been clearly outlined and firmly claimed by one view, and one view only. Any dissent with this strand of groupthink results in immediate stigma and often explicit chastisement. If the faculty is western in its history and traditions, this is hardly surprising given that we are in the western world. And I see absolutely zero evidence that anything at McGill is either colonialist or parochial. Simply claiming outrage is not enough - prove it.

2) I find it difficult to sympathize with someone who would be brought to tears, apparently, by a curriculum that does not teach "des systèmes alternatifs". First of all, McGill is renowned across the legal world for its engagement with non-western systems of law. I suggest this student hold back his/her tears until they have an opportunity to take an upper level course where such topics will be explored. Until then, it makes far more sense for a course to focus on those topics that are absolutely essential for the 99% of students who came to McGill to study western law primarily and above all else. It would be a ridiculous disservice to cater to the 1%'s desires and oblige the 99% to study systems and areas of law that are of no use or interest to them. Secondly, anyone who would be traumatized by the absence of "systèmes alternatifs" on a curriculum is likely suffering from egregious psychological issues and requires medical assistance, not an overhaul of the academic system. This individual needs help addressing their problems before demanding that society conform to their unstable condition.

3) After 3 years, I have seen no evidence of male students being privileged in this way. Even if it were the case, I would venture that it is a completely natural response to the attacks and systemic biases that exist against men in the criminal justice system. It is not surprising that men are distancing themselves from any situation in which there is even the slightest room for a misunderstanding between sexes. A

A normal, average woman with a slight disability.

quick internet search of university and college investigations of sexual harassment allegations proves this point more articulately than I have the space to do here. To then speak of this as an "absurd social stigma" is to throw salt in the wound and only further demonstrates the complete lack of any holistic approach to the issues. The Ghomeshi trial is a perfect example of the mindset at our faculty. Across the country, this trial has sparked debate in two dozen areas of law. At our faculty, we focus exclusively on the feminist perspective of this debate and the plight of victims. It's a sad day when you'll get more diversity of opinion and honest debate about law from Reddit than you will from an esteemed law faculty.

4) It is absolutely the case that individuals suffering from mental and psychological conditions might experience difficulty interacting with their peers and professors. They deserve all the sympathy in the world and should be helped as much as possible. At the same time, where one's disabilities preclude them from being able to engage in the complex, demanding, and strenuous activity that is law, it seems logical that they should consider an alternate career path. What this missive seems to propose is to lower the exigencies of the curriculum to a point where even individuals with learning disabilities can succeed. As noble as this sounds, it will be an enormous disservice to our Faculty and the practice of law itself. Some things are hard to do. We are not all born to be great athletes or musicians. Similarly, some people will never set foot in a law faculty because they don't have the capacities to achieve the grades that are required to be admitted. Others will make it here only to find that the material or the workload is more than they can handle. Difficulty is part and parcel of the challenge, the reward, and the purpose of the study of law.

I am fully aware that my opinion as expressed here will likely never see the light of day since it does not conform to your beliefs and you will categorize it as hate speech - a convenient way of ensuring any views that disagrees with your own are silenced. But I am graduating, and after having suffered a constant barrage of nonsense for over 3 years, the time has come for me to voice my opinion in some way.

I will end with one final thought. There is a small and highly vocal group of students who have been able, under the color of the positive liberal rights that Bentham so aptly described as "nonsense on stilts", to completely dominate any and every discussion at our Faculty and to silence all dissenting views. Keep in mind that beneath this loud, frothing crest there is an ocean of students who are quietly and calmly

ignoring you. We are the silent majority. We are the ones who abstain from the constant and meaningless referenda. We are the ones who zone out during those class discussions you find so interesting but where dissent is punished and the only real options are to agree a little, a lot, or a whole bunch with the vocal minority. You do not speak on our behalf, and we'd appreciate it if you stopped assuming that you do.

I am going to share many other stories I've heard or experienced before sharing my own.

Male, mental illness

I was sitting next to a friend who was studying for the Ontario bar when she came across the phrase "to have and to hold" in the study materials regarding the transfer of deeds in goods. She turned to me and said "does this look familiar?" It took me a moment but I recognized it as a part of traditional wedding sermons. I think that moment made it clearest to me the constant reminders that women may face, especially after having received a legal training, that society has traditionally and contemporarily does not treat them as equals to men. I cannot imagine having to live in that kind of a world, where my worth and dignity was constantly and subtly questioned. What bothered me the most, however, was that this was never addressed in our property classes, nor even as fully as it should have been in Foundations. This is not a side issue in the law, it is central and important. I personally don't understand

In first year Foundations we had a discussion about the maps used by indigenous peoples in Australia to present their land claims in court. These maps consisted of a flat background colour punctuated by intensifying points of a different colour at various places. There was no indication of geographical indicators, roads, cities, etc. The class discussion from students showed that many had difficulty with the idea, however; students were trying to make sense of the map through a Western lens. This makes sense, but the comments were "What's the difference between that point and a city? They're the same thing." I imagine that if an indigenous person were sitting in that class listening to a bunch of Western, mainly white people telling them that their different conception of land ownership was effectively wrong and that the Western model applied despite their attempt to show things differently, that would have been a violent and negative experience. I finally piped up but I don't know how much effect it had. And that is just one way someone could be brought to tears in the middle of a class on property.

I heard another student speaking about a class where a paper with a black author was

presented, and the entire class was spent discussing the credibility of the author rather than the merits of the argument put forward.

In Criminal Law we briefly touched on the HIV cases and criminalization. But the issue is profoundly larger because the Supreme Court case at issue has criminalized some low exposure level situations while leaving legal situations which are far more dangerous. I did not learn of this until a presentation by a student at an event outside of the faculty.

The theme I think from all of these stories is that the faculty fails to engage with issues in the classroom and elsewhere in as meaningful a way as it should. Ownership of human beings, racial issues, sexuality, etc. are all briefly touched on or mentioned off-hand, but the extra 5 minutes needed to suggest that the law could be profoundly wrong or out of touch with the experiences of people in the real world aren't taken. Maybe there is some idea that students will put this together themselves, but from what I can see the people putting it together themselves are the ones being the most marginalized and hurt by the way the discussions are framed. People who are privileged don't notice and aren't confronted by these issues and so don't make the connection. Privileged individuals are themselves ignorant to the impact their contributions are having to the experiences of these other people. And this includes the faculty itself, which is predominantly white.

One off-theme issue that has also been mentioned to me repeatedly is how 1L feels like boot camp in the army. We recruit our students for their diversity and experiences but then those experiences are minimized significantly by the message that we don't know anything about law. Some of us did years of policy advocacy and development before coming to McGill, we know the law really well. Having our diversity of experiences reduced in this way is harmful to many.

My own story is that as someone suffering from mental illness I find myself facing barriers that other students do not, and I am uncertain how to overcome them at many turns. Specifically I suffer from generalized anxiety. I have therefore had trouble making connections with professors due to the lack of opportunities to approach them outside of the classroom. I feel that if I am going to a professors office hours or speaking to a professor after class it has to be with a specific question, but I usually do not have one. As a result I have felt my attempts to apply for RAships fruitless because I can imagine other students have better networked with that professor and are likely to be favoured. I also find it difficult to ask for

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references for similar reasons. I know for a fact that I am not alone in bearing this mental illness at the faculty, though I may be an extreme case. Mental health is still horrendously stigmatized in our society, a fact reflected by the Barreau du Quebec entry form which asks about mental health with the very strong suggestion that having a mental illness makes me unfit to practice law, despite my grades, my extracurricular engagement, my excellent references, the praise I have received for my work, etc.

I am writing to make sure that the silenced majority has a voice. I have been so concerned by what has happened these past few days. I am a female, but the only fear I have experienced is the fear that I will be torn to pieces by certain members of the faculty. Never has a women's rights campaign been turned into such a crusade, from the distortion of words that were not offensive but merely opinions. There are students who have claimed to speak for me as a woman, saying things I not only would never say myself, but vehemently oppose. I would speak up, but these tyrants riding under the guise of social justice are terrifying. I have been shocked and appalled at their slander of classmates, people I consider friends and exemplary citizens. Their "women's support group" has turned into an outlet to share mockeries of people who cannot defend themselves because of their gender, and I have never, ever, seen such outright bullying in my entire life. These people proclaim their commitment to stop the silencing of women... It isn't working, because you online aggression has ensured that I will never, ever, share the way I feel or what I think in an online forum. Three times I have typed lengthy responses, in the thought that I might present an alternative point of view that represents 90% of the people I have spoken to offline, only to delete before posting, out of fear that I will be targeted, by name, by these bullies. The current atmosphere at the faculty has me looking into other options... the thought of being in a place like this for the next three years is hard to take.

Female

I find that both faculty and students at this wonderful university are frequently unaware of what mental health problems entail. Some students operate under an overt assumption that individuals with mental health problems are less intelligent, less articulate and have less to contribute. Although these students may not necessarily say this to the face of the relevant person, I heard conversations where students spoke about individuals with mental health problems as if they were less worthy and somehow less human. Meanwhile, some faculty members have an implicit bias that these students do not perform as well of which

No response.

they may be unaware. It would be great if students were educated about mental health and about the statistics. Specifically, there is a staggering number of individuals who develop mental health problems whilst pursuing challenging projects such as a PhD degree and many of these individuals do not officially report this. As a result, there are many individuals struggling with mental health problems and a very low statistic of how many students actually have such difficulties. The students might also benefit from knowing that the research on mental health is much less advanced than the research on physical illnesses. Researchers are struggling to device clinical categories for diagnosis. Meanwhile, doctors are applying knowledge that is much more dated than the current research. More generally, there are many students from middle class families who would benefit from contact with real life.

I have a tough relationship with school. I was on the edge of dropping out numerous times in primary, secondary and post-secondary schools. Not because it was too hard, but because it was too boring for me. I was bullied in secondary school for being younger (I had skipped the first year of primary school) and having only the highest grades, even when missing class after sick leaves. I had to lie on how hard i was studying and that "efforts pay off", whereas I was, in fact, never studying for anything. My brain can just absorb pretty much anything, and I should have no credit for that, I'm born that way. When it began to become too much suffering at 11, I asked for a diagnosis, and got told by a childhood psychiatrist that my IQ was 40% above average and that my brain would allow me to do "anything [I] would choose" and that the choice was entirely mine. Which, by the way, is the most scary thing one could tell me. Because how to choose then?

I started every year of school with the naive hope that the upcoming year would be better, more interesting than the previous one, but it unfortunately always ended being only full of boredom, suffering, and brain understimulation. To describe what I feel when I am understimulated, it is like if someone was picking one of my neurones, pulling it out to its full extent, and then slowly rubbing it with a grater or a nail file, causing an unbearable suffering in my entire neural system.

For that reason, every time I had the opportunity to go to a more demanding program, I went. Hence I only attended the most selective and elitist programs I had access to. Every time I went to a new school or started a new program, I had that hope of finding the intellectual stimulation I needed.

Human being

And it never worked. I fell into major depression right after high school. I only started to get a bit happier at school when I arrived at university... because there were way less hours to spend in class! Finally I had more hours for myself, to go seek outside the classroom the stimulation I needed in order to feel my brain was active and that I was alive. For the first time in my life I started to make friends at school and not be bullied. I was still not studying, and got an amazing GPA while exploring my interests in tons of extracurriculars.

When I got my first full-time job, it was then a tough transition. I thought that my "high IQ handicap" was something I would only deal with in academic settings, and that once in the workplace I would be fine since I would be performing well and work is supposed to be about results, right? My big mistake. I experienced bullying, intimidation and harassment again, because I was identifying and solving issues that no one else succeeded to address before.

Now that I am studying law at McGill, I am still bored in class. The teaching model doesn't work for my brain. I need other types of stimulation. I had super high grade in first year without studying or reading much. In fact I find most assignments consist of bluffing, bullshitting, or cloud shovelling. Fortunately some of them are really stimulating, and some (rare) profs make good efforts for universal access to various types of learners. But in fact what makes me happy at McGill Law is not the courses, it's the classmates. People here are so amazing, so stimulating, so humanly rich. I've never felt that well surrounded in my life.

At some point in first year, I found myself totally unable to listen at anything in class or to do any homework. All the previous techniques I had developed over years to fight boredom had become inefficient. I went to seek help at Counselling Services, where I got told that I might have ADHD (Attention Deficit and Hyperactivity Disorder), and that I should consult a psychiatrist at Mental Health Services.

To me, that sounded like condemning me and to pathologize me. I had functioned for more than 2 decades with the brain I have, and did not understand why I needed a new label to access resources to help me benefit from learning structures. Plus why does the system force me to take pills to make my brain conform to its non flexible learning processes? Probably because it is much more rigid than all the ones I had experienced previously I guess.

I resisted very strongly to the proposition of

taking chemistry to make my brain conform to the law school mould. I really felt violated and not accepted for who I am and for who I had always been. We are supposed to be admitted at McGill Law to compose a "diverse cohort", recruited in a process that favours "diversity", right? Well, my difference had no place here in seems. Academic freedom of professors to teach the way they want and to exclude students like me seem to be a right the university and the faculty are more inclined to protect than my right to have access to a fulfilling education.

At the end, I resigned myself, and tried the ADHD treatment. And it worked and helped me a lot suffering less at law school. From not being able to listen to anything in class, I am now able to grasp a few things in the background. I just hope I will be able to stop taking these pills as soon as I leave that rigid and toxic environment, because I want to find (or to build myself) a work environment where I can simply be accepted for who I am.

I don't believe in labels. I don't think I "suffer from ADHD" or that I have a "high IQ". Those things are labels that lock people into boxes and medical categories. My brain works very fine. It is healthy. But it is different. Like all brains in fact. There are not two that work the same. But it seems I need to accept that some white coats assign to me labels and identities so that they feel important and so that I can access the resources I need to compensate for the poor design of the learning environment of the faculty.

There is no such thing as a disabled student, a student with disabilities or a student with special needs. I have no special needs or no disability. It is the systems, the context and the situations that create the need for an accommodation to students whose differences are too far from the "norm". I am a student in a *situation* of disability. And that situation is created by the faculty itself. Outside of the faculty, I don't need any medication to function perfectly well in intellectual, professional and personal activities.

In the meanwhile, I get good grades, whereas I don't deserve them I think. And anyway, since I have good grades, profs don't really care that I'm learning nothing or that I am totally bored. But I'm used to that since I am 5. I'm just very sad for my classmates whose learning styles are not addressed either and who don't get the good grades that will open them the same doors that get open to me. For a faculty of law, let's say that equity, accessibility and justice are not at the core of the teaching and assessment processes of students. And we are surprised that then, jurists are bad at

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building accessible justice systems? Yup.

I love you all, classmates, you are the ones who make my days bright and happy. And I feel honoured to be able to spend time with people as amazing as you are. :-)

I have encountered some students who feel that they are entitled to things. This feeling might stem from the fact that they are white and middle class. It so happens that they view individuals who are neither white nor middle class as being less entitled or not entitled.

No response.

I love the faculty and all of my fellow law students. I can honestly say this is first time were I have truly felt at home in a school setting and been surrounded by such wonderful people. That being said, I sometimes feel uncomfortable engaging in debate or expressing my opinions with certain students in this faculty. Contrary to feeling "the immense pressure to conform to a colonialist, Western, and/or patriarchal standard" I would say I feel immense pressure agree with some of the students who support extreme liberal ideals. For example, after the Ghomeshi verdict I was honestly scared that I would be hated if I said anything that didn't fully agree with some of the feminist groups thoughts on the verdict. This is also not the first time I have felt this way! I personally don't think the way we are taught is sexist but I have a feeling if I were to voice this I would immediately be shut down and most likely offend someone. I sometimes think that certain groups in our faculty create a chilling effect and this is unfortunate because ultimately they ostracize the people they are hoping to change.

I am a white middle class female.

I originally wrote a very different, much harsher version of this message - and in my head composed even stronger ones - but I've decided in the end to write something different.

Female. I will not disclose anything further, since in combination they can serve to identify me.

The atmosphere in the Faculty of Law is toxic. HOWEVER, in my experience this has (almost) nothing whatsoever to do with faculty members or staff. I am in my last year of the program, and have nothing but positive comments about the way that all of the faculty I have interacted with conduct themselves.

The problem lies in the student body, and perhaps not the students you expect. The toxicity - which, please make no mistake, is utterly devastating - is created exclusively by a "mob" of students (I use the term deliberately) who use mob think to achieve mob rule. These students are defined by a fundamentalist self-righteousness that is to all appearances utterly incapable of tolerating differing opinions regardless of how mildly or equivocally they are expressed. Equally, they are defined by an

ingrained hypocrisy that pollutes most of their discourse and actions.

For the most part, these students are women and they position themselves as speaking on behalf of women. They also position themselves as speaking on behalf of particular subsets of women, some of which apply to me. This utterly enrages me, particularly when they resort to utterly uncalled for ad hominem attacks using particularly loaded words (misogynist, racist, homophobic, etc.), logical fallacies that make your head spin, and the headsmackingly stupid reply of "lol." Not to mention the sheer inanity that is the "tone policing" argument.

And yet, I have stayed silent. I have watched, and I have stayed silent. Despite my knowledge that as a woman, my voice against this mob is especially critical, I have stayed silent. And here's what I've seen: In the time I've been here, I've seen the self-righteous mob physically intimidate others they disagree with ... and get away with it. I've seen them make a blanket accusation of sexual harassment against an entire group of students ... and get away with it. I've seen them spread vicious rumours about "others" ... and get away with it. I've seen them repeatedly drown out calm, civil discussions in what are supposed to be congenial forums by brandishing totally unwarranted labels like "misogynist," "racist," etc. ... and get away with it. I've seen a claim by one of this mob - in an antirape publication, no less - that it was a good thing she sexually assaulted her teenage boyfriend, because he learned his lesson!!!!!! ... and she got away with it. I've seen members of this mob, as future lawyers, suggest that we'd be better off with mob rule than a judicial system ... and get away with it.

Throughout this, I've stayed silent.

But as I have very quietly learned, in whispered or overheard conversations over the years, this group of students does not speak for anything remotely close to the "all women" in the Faculty. Yet many students (mostly female, but also male) stay silent out of fear of the ramifications to us if we speak up against them.

What astonishes me is the extent to which the deeply problematic dynamic set up by this mob is not recognized by their allies - not just professors but certain (male) students who champion the aggressive tactics of the group and deny that they are doing anything wrong. I had for a very long time considered that this must be due to a degree of self-righteousness that infects those allies as well.

But in the last few days, it has hit me that the explanation is rather different. It comes largely from the fact that the mob, as I've said, are mostly women, whereas most of the allies outside the mob are men. The allies are therefore not socialized to recognize how aggression - i.e. bullying - and hierarchy manifest among girls, and how that socialization persists into adulthood.

The mob at our Faculty are bullies, but specifically, they are "girl bullies." I would encourage anyone reading this to learn about how girls are socialized to bully, and the mindset that that creates for the bullies themselves, for their victims, and for their onlookers. It is now well understood in sociology that girl bullying is just as devastating as archetypical "boy bullying" with its hallmarks of physical aggression. Indeed, girl bullying may be worse to the extent that it is not recognized from outside and therefore allowed to fester without consequences.

What is particularly problematic in our Faculty is not just the fact of the mob's bullying itself. Rather, it is that they get away with it because of the silence of a great number of women who will quietly express their disagreement or upset at the group's tactics in groups of one or two trusted friends, but refuse to say anything publicly *out of fear.* *It is not disinterest, and it is certainly not agreement, it is fear - please no mistake.* What do we fear? Rationally, perhaps not much. But you could say the same to a bullied 11-year-old girl. The problem is that as much as the bullies have internalized since elementary school how to bully, the rest of us women (and some men, particularly those with experience of girl-on-boy bullying in school) have internalized the absolute importance of NEVER attracting the attention of bullies.

The result is that far from creating the "safe spaces" they claim to support, the mob at this Faculty has created a giant no-man's land (no pun intended) where large numbers of students, particularly women, silently tremble - literally - with (in my case at least) depression, anxiety, and isolation eating at us while we just wait to get the hell out.

Except what will happen when the bullies leave McGill Law having learned how much they can (still) get away with? What are they going to perpetrate in the next institutions they go to, their trusty BCL/LLBs in hand?

P.S. On rereading, I feel that I may have given the impression that the bullies in the Faculty were also bullies in elementary school or high school. That's not necessarily the case. All people socialized as girls learn the dynamics of girl bullying and hierarchy. Given the

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opportunity (and obviously the desire and, perhaps, an underdeveloped maturity and attitude to adult relationships), there is nothing to prevent someone who was once a victim or an onlooker to then appropriate to herself the mantle of bully.

I overheard someone say that individuals who do not have a degree or who are not "successful" in life are inferior.

No response.

This may be apparent but it is shocking how few Indigenous students there are studying law. And why is the student body predominantly white?

No response.

While there are many supportive people at McGill Law, I would say that the general culture is toxic in many ways. I think particularly online, there are too many spaces that can only be described as "not safe". Law students have strong opinions and like to discuss them, but often do so far too loudly and it seems with little thought to those around them. I have wandered countless times into these strange groups where one student is lecturing several others about this or that political idea. I promptly wander away because what I tend to hear are ideas that accord directly with our major political parties, support the status quo, and lack nuance. I don't think these opinions are representative of the majority of students, I think though that there is an identifiable "type" that likes to shout about them loudly and publicly though. I can't hide the fact that this type often consists of white, cis-gendered, heterosexual males. I by no means am saying that people who may fall into these categories should not voice their opinions or do so publicly, however, it strikes me as significant that students not falling into these categories don't. In female only groups on facebook, we often voice different opinions, however I have always felt safe doing so, and discussion involves engaging with ideas, not attacking people or twisting another's words. I'm writing this now following the release of the decision in the Gimeshi case. I observed and was involved in several discussions with fellow law students in which logically argues and supported criticisms of aspects of the decisions and their social impact were met with charges of ignorance of both the law and the trial on my part, and on the parts of those who disagreed that the decision represented perfect justice. Students who would disagree with me, would ignore the substance of my argument, pick one thing and twist it to make it sound like I was agreeing with them. I know in talking to other women at the faculty that it is really hard to be listened to. When we disagree we are not taken seriously. I don't know why this persists. As a white woman, I often think before engaging in various discussions asking myself

I am a woman, I have suffered in the past from depression and anxiety.

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if its really the right forum to have MY voice heard, or whether it is a topic on which I should encourage other classmates of differing identity to comment if whatever issue happens to touch them personally and not me. I try not to use the privilege that goes along with my race to have an opinion on everything or take space away form others to speak. I am surprised that many of my colleagues do not practice this type of mindfulness and I think we can do more to teach each other about it. Sometimes its good not to shout, but to listen. I learned a lot about reflexivity in courses on theories of knowledge during my undergrad, I think these topics are relevant to law and should be integrated in our curriculum either through foundations or the legal research courses but can also be integrated into any course. In all courses we criticise some of the assumptions judges make, I think these moments can easily lead into brief discussions of how we know what we know, and how we come to think any one account is authoritative. I think there has not been enough discussion of the way culture creates knowledge, and the influence colonialism has had in knowledge production. Barring this, I think more workshops on mindfulness such as those undertaken by OutLaw could be useful. I just wish we conducted ourselves with more empathy, and I think with just a little bit of work we can! Until this happens, I think the law school experience will remain ambivalent for many, including myself. We meet amazing, brilliant, engaging people, and yet also fear what can often be a hostile environment. I have not experienced this in other universities or programs that I have attended as much as here, and I find it very odd indeed.

Your project rocks!

No response.