

Spring 3-1-2005

Globalizing & De-Hermeticizing Legal Education

Robert J. Morris

Follow this and additional works at: <https://digitalcommons.law.byu.edu/elj>

 Part of the [Legal Education Commons](#)

Recommended Citation

Robert J. Morris, *Globalizing & De-Hermeticizing Legal Education*, 2005 BYU Educ. & L.J. 53 (2005).

Available at: <https://digitalcommons.law.byu.edu/elj/vol2005/iss1/4>

.

This Article is brought to you for free and open access by BYU Law Digital Commons. It has been accepted for inclusion in Brigham Young University Education and Law Journal by an authorized editor of BYU Law Digital Commons. For more information, please contact hunterlawlibrary@byu.edu.

GLOBALIZING & DE-HERMETICIZING LEGAL EDUCATION

Robert J. Morris'

*Education without rigor: The teacher's indolence.*¹

*The correct use of the pedal remains a study for life.*²

I. INTRODUCTION AND SUMMARY

The problem of education: What counts as good education? Despite discussions of globalization and the need to produce “world-class” graduates, the pedagogy of law is *hermetic*—the exclusive preserve of the law schools, their faculties, and the legal profession. Much is made of comparative *law* and comparative *legal* education, usually with reference to specific subjects such as treaties or commerce, for example, but the discussion does not expand to the *pedagogy* of general (non-legal) comparative education. Comparative education has seldom included legal education—and vice versa. Legal educators seldom participate in general comparative education fora or interact with their peers there—and vice versa. The outfall of this hermeticism is dangerous for the law: growing insularity, thickening jargon, isolation of the law from non-lawyers, loss of allusiveness, injustice, and worst of all, bad teaching.

“Comparative” means little unless it leads to “interdisciplinary,” particularly in a post-World Trade Organization (WTO) world where the boundaries between essential kinds and forms of knowledge are blurring.

' © 2004 Robert J. Morris. B.A., Chinese Language and Asian Studies; M.A., Chinese-English Comparative Literature; J.D., U. of Utah; Ph.D. candidate and Faculty of Law, U. of Hong Kong. This paper was presented at the Comparative Education Society of Hong Kong (CESHK) Conference, *Comparative Education in an Increasingly Globalized World* at the U. of Hong Kong on Feb. 7, 2004. Thanks to the reviewers and commentators at the Conference for their insights. Thanks also to Professor Jill Cottrell of the University of Hong Kong Faculty of Law, to Professor Nigel Bruce of the University of Hong Kong English Centre, and to Professors Albert J. Schütz, James H. Pietsch and Steven Goldsberry of the University of Hawaii for their comments.

1. “Jiao buy an, shi zhi duo.” *Sanzi Jing* (Three Character Classic) 6 (Starite Book Co. 2002) (my translation); see also *San Tzu Ching: Elementary Chinese* 12 (Herbert A. Giles ann. & trans., rev. ed., Literature House, Ltd. 1964).

2. Lowell M. Durham, *Program Notes* from Utah Symphony Orchestra performance of Chopin's *Concerto in E Minor for Piano and Orchestra* (Mar. 9, 1977).

World-class graduates (and educators) need to be seen as citizens of the world. Lack of global literacy is global illiteracy. The 2000 report on “Legal Education and Training in Hong Kong”³ and the voluminous ensuing papers and discussions demonstrate that not all is well with legal education, and not all the problems can be fixed from within the discipline alone. Finding solutions requires work across institutional, curricular, national, and professional practice boundaries. We must answer anew the questions: Who counts as an educated person? Who counts as an educated person in the law? What *is* good teaching?

Lytton Strachey wrote: “The history of the Victorian Age will never be written: we know too much about it.”⁴ The studies of both education generally and legal education particularly partake of the same character. These studies encompass educational leadership, foundations, and curriculum; school psychology and policy; and lifelong education. Despite the volumes of information amassed in these studies, certain educational problems remain that need to be investigated comparatively, including: (a) whether different legal systems necessarily inhere in the *languages* to which they were born (English for the common law) and the *methods* which were invented to teach them (the Socratic method in the United States); (b) whether these can truly be globalized; (c) whether legal education should be undergraduate or postgraduate; and (d) how other disciplines in the social sciences, sciences, and humanities (including the findings of cognition science and the “law and literature” movement) can be integrated with legal studies. This rather personal meditation discusses my own cross-national background, hermeticism, practical ideas to implement a global curriculum, guideposts for educators, and the importance of experience.

II. DISCUSSION

When I worry about teaching and education, I recall Professor Leon Edel’s answer to my query about the biggest change he noted during his forty year teaching career. Professor Edel said, “I find that with each new class, I am able to make fewer and fewer allusions.” Each new generation of students increasingly lacks basic preparation, and this makes them more and more people *upon whom more and more things are lost*. That

3. Paul Redmond & Christopher Roper, *Legal Education and Training in Hong Kong: Preliminary Review* (The Steering Comm. on the Rev. of Leg. Educ. and Training in Hong Kong, Aug. 2001) [hereinafter *Report of the Consultants*] and Paul Redmond & Christopher Roper, *Legal Education and Training in Hong Kong: Preliminary Review* (The Steering Comm. on the Rev. of Leg. Educ. and Training in Hong Kong, Sept. 2000).

4. Lytton Strachey, *Eminent Victorians* vii (Harcourt, Brace, & World 1969).

was back in 1975; Professor Edel's words were prescient and prophetic. Whom shall we blame for this lack of basic student preparation and inability to grasp allusions? Attempting to place blame is our knee-jerk reaction. I will return to the topic of the mid-1970s later. Perhaps in first discussing hermeticism, language, and theories of comparative education, we can take down enough names to decide whom to blame.

Professor Mark Bray says, "Insights from the field of comparative education can be useful to specialists in other fields, just as the insights from those other fields can be useful to specialists in comparative education."⁵ This is the project I argue for and, in addition to theories of globalized and interdisciplinary education, the thesis I advance. This thesis grows from my position standing between Hong Kong and the US—two of the centers of my own education, and two places that do not place enough emphasis on educational interchange and cross-fertilization between their respective legal cultures. Yet the teaching of comparative law is not new in the Chinese realm. Professor Alison W. Conner documents that, from 1915 to 1952, the Soochow University Law School (known as the *Comparative Law School of China*) was doing just that.⁶ Its students were both bringing the laws of various countries together and putting them together in comparative synthesis that traced concepts and ideas across different legal systems and put them into historical perspective.⁷ As one of its graduates put it, they received rigid training in practical law plus "the power of logical reasoning in a judicious way."⁸

At the outset, let us admit—and celebrate—that the project of education, like a cathedral, is forever under construction. Hence, reform

5. Mark Bray, Speech, *Comparative Education: Traditions, Applications, and the Role of HKU* 21 (20th Anniversary Inaugural Professorial Lecture, U. Hong Kong, Feb. 7, 2004). Hong Kong looks primarily to Europe and the UK, the People's Republic of China (PRC), and East Asia, while the U.S. looks within itself, to Europe, and now increasingly to the PRC. *Id.* See generally e.g. Denis Chang, *Has Hong Kong Anything Special or Unique To Contribute to the Contemporary World of Jurisprudence?* 30 *Hong Kong L.J.* 347 (2000). The traditions are continuous; see e.g. Brian McKnight, *Mandarin as Legal Experts: Professional Learning in Sung China*, in *Neo-Confucian Education: The Formative Years* 493–516 (U. Cal. Press 1989); see also Arturo Lopez Torres & Mary Kay Lundwall, *Moving Beyond Langdell II: An Annotated Bibliography of Current Methods for Law Teaching*, 35 *Gonz. L. Rev.* 1 (2000).

6. Alison W. Conner, *The Comparative Law School of China*, in *Understanding China's Legal System: Essays in Honor of Jerome A. Cohen* 210–73 (C. Stephen Hsu ed., N.Y.U. Press 2003). Conner's chapter points out an anomaly: American law is today taught extensively in the law schools of Taiwan and the PRC, but not much in Hong Kong's law schools. *Id.* Conversely, Taiwan's legal education has been overly localized. *Id.* See e.g. Inst. Tech. L., Natl. Chiao Tung U., "internationalizing," http://www.itl.nctu.edu.tw/international_2003en.htm (accessed Feb. 15, 2003).

7. Conner, *supra* n. 6, at 214, 223. Historical depth is exemplified in Robert Bocking Stevens, *Law School: Legal Education in America from the 1850s to the 1980s* (U.N.C. Press 1983).

8. Conner, *supra* n. 6, at 265.

is ever-present. We may forever expect reports declaring that not all is well and conferences on how to fix what is broken. The project of legal education follows the same rules—mine is not the last word. Sir Edward Coke said, “Knowledge of the law is like a deep well, out of which each man draweth according to the strength of his understanding.”⁹ There are as many ideas and insights to be drawn from the well of knowledge as there are students to draw. Education, like food, is best approached as a smorgasbord. So, also, I take it, is the vast subject of legal education.

Comparative work in legal education must undertake more than comparative *legal* education. For example, comparative legal education and the pedagogy of law might include, for example, not only “literature and law” but also the pedagogy of literature,¹⁰ not only “law and technology” but also the pedagogy of technology. As Sarah K. Harding wrote, “[W]hat comparativists [and, I would add, pluralists] share is a passion for looking beyond, an empathy for differences but also for similarities, a faith in the self-transformative task of learning, and an interest in the *form of knowledge itself*.”¹¹ This is crucial not only for teachers but also for teacher-trainers—the machine tools of the profession.

Perhaps before going further regarding *comparative* education or *legal* education, it would be well to define what plain old quality education is. Sometimes, as with love or pornography, we “know it when we see it,” but we can’t define it.¹² Here is Aldous Huxley’s definition:

A good education may be defined as one which helps the boys and girls subjected to it make the best of all the worlds in which, as human beings, they are compelled, willy-nilly, to live. An education that prepares them to make the best of only one of their worlds, or of only a few of them, is inadequate . . . *Mens sana in corpore sano* [a sound mind in a sound body] is an ancient educational ideal and a very good one. Unfortunately, good ideals are never enough. Unless they are accompanied by *full instructions* regarding the *methods* by which they may be realized, they are almost useless.¹³

9. Catherine Drinker Bowen, *The Lion and the Throne: The Life and Times of Sir Edward Coke (1551–1643)* 63 (Little, Brown & Co. 1956).

10. See John Jay Osborn, Jr., *Atticus Finch—The End of Honor: A Discussion of To Kill a Mockingbird*, 30 U.S.F. L. Rev. 1139 (1996); John Jay Osborn Jr., *On the Tenth Anniversary of Cardozo Studies in Law and Literature*, 10 Card. Stud. L. & Literature 129 (1998).

11. Sarah K. Harding, *Comparative Reasoning and Judicial Review*, 28 Yale J. Intl. L. 409, 438 (2003) (emphasis added) (quoting Annelise Riles, *Wigmore’s Treasure Box: Comparative Law in the Era of Information*, 40 Harv. Intl. L. Rev. 221, 229 (1999)).

12. As, perhaps, with the law itself. See Peter Wesley-Smith, *Understanding the Common Law*, in *The Future of the Law in Hong Kong* 15 (Raymond Wacks ed., Oxford U. Press 1989).

13. Aldous Huxley, *Education on the Nonverbal Level*, 91 *Daedalus* 279, 280–81 (1962) (emphasis added).

This definition covers, albeit incidentally, both comparative and legal education, as the legal world is one of the several worlds in which most of us are these days compelled increasingly to live, even if against our will.

III. DE-HERMETICIZATION, GLOBALIZATION, AND THEORIES FOR IMPLEMENTATION

My interest in cross-disciplinary legal education, and then cross-border legal education, began with a seemingly simple inquiry into the psychology and cognition of learning to “think like a lawyer,”¹⁴ and has expanded to the question of how to *learn* like a lawyer. It is apparent to me that not only is Western legal education trapped within its own pedagogical paradigms and psychology, but it is also trapped within a hermetically-sealed methodology that neither consults, nor is consulted by, other educational disciplines. It is the exclusive preserve of the law schools, their faculty, and the legal profession.¹⁵ To explore this issue, I conducted some informal qualitative research at a comparative education conference in Hong Kong in 2004. I asked if any law-educators were present. I then asked if, among those professional non-law educators present, any had ever attended any sort of confab on legal education. The answer in both cases was, expectedly, no.

Why does this hermetic situation exist? Indeed, how can it exist in the era of comparative education, and what can be done about it?¹⁶ I am motivated by a personal experience of one year ago when a proposal I submitted to read a paper at a non-law academic conference was accepted. The news was greeted with dismay in my faculty—not disdain, just dismay: Hadn’t I rather go to a *law* conference? In a truly global community of scholars, there would not exist such a question because there would not exist such a dichotomy.

Language is the great globalizer and one of the keys to achieving that kind of global community. The psychological and cognitive processes involved in learning vary across languages, and English and Chinese, for

14. Robert J. Morris, *Not Thinking Like a Nonlawyer: Implications of ‘Recognition’ for Legal Education*, 53 J. Leg. Educ. 267 (2003) (“Legal thinking” is in many ways unique.); see also Kenneth J. Vandeveld, *Thinking Like a Lawyer: An Introduction to Legal Reasoning* (Westview Press 1996); and Pierre Schlag, *Laying Down the Law: Mysticism, Fetishism, and the American Legal Mind* (N.Y.U. Press 1996). My own consideration of “mind” begins where I began, with H. A. Overstreet’s *The Mature Mind* (Norton & Co. 1949).

15. A notable step in redressing this situation is in Adelle Blackett, *Globalization and Its Ambiguities: Implications for Law School Curricular Reform*, 37 Colum. J. Transnatl. L. 57 (1998), and in the major sources cited in the footnotes of this article.

16. A problem noted in Andrew Goldsmith, *Standing at the Crossroads: Law Schools, Universities, Markets and the Future of Legal Scholarship*, in *The Law School—Global Issues, Local Questions* 62–101 (Fiona Cownie ed., Ashgate Publ. Co. 1999).

example, may be compared for such variances.¹⁷ These distinctions between languages are often ignored in the teaching of the common law, which is founded and taught in English.¹⁸ This creates another barrier to globalized education.

Before going further, it seems important to define “global” and discuss its cognates and extensions. Here is its poetic dimension in the lines of Edna St. Vincent Millay:

The world stands out on either side
 No wider than the heart is wide;
 Above the world is stretched the sky,—
 No higher than the soul is high.¹⁹

Here is its mechanical dimension in the words of Archimedes: “Give me where to stand, and I will move the earth.”²⁰ Its legal dimension might be captured in these prosaic words from Article 2 of the *Uniform Commercial Code*: we seek goods that will “pass without objection in the trade.”²¹ The “trade” in which the global lawyer and the global educator must pass is the world, among the citizens of the world.

Today, there is a great movement to “globalize” education, to prepare learners, including those already teaching, to act meaningfully in a global context, to become global thinkers.²² Yet the literature on this subject

17. *Cognitive Processing of Chinese and Related Asian Languages* (Hsuen-Chih Chen ed., Chinese U. Press 1997).

18. Compare the teaching of Chinese law as discussed in Lingyun Gao, Student Author, *Comment: What Makes a Lawyer in China? The Chinese Legal Education System after China's Entry into the WTO*, 10 *Willamette J. Intl. L. & Dis. Res.* 197 (2002); and Zeng Xianyi, *Symposium: A Global Legal Odyssey: Legal Education in China*, 43 *Tex. L. Rev.* 707 (2002). Compare also the teaching of the common law with the civil law, as discussed in H. Patrick Glenn, *Integrating Civil and Common Law Teaching Throughout the Curriculum: The Canadian Experience*, 21 *Penn St. Intl. L. Rev.* 69 (2002).

19. Edna St. Vincent Millay, *Early Poems* 9 (Holly Peppe ed., Penguin Books 1998).

20. *Bartlett's Familiar Quotations* 105 (Emily Morison Beck ed., 14th ed., Little, Brown, & Co. 1968); see also www.bartleby.com/66/60/3960.html (accessed Nov. 11, 2004).

21. U.C.C. § 2-314(2)(a). See e.g. *Thomas v. Amway Corp.*, 488 A.2d 716, 719 (R.I. 1985) (“This implied warranty is breached when a product of fair average quality does not pass in the trade and is unfit for the ordinary purpose for which it is used.”).

22. The Asia Society and the Goldman Sachs Foundation have begun awarding annual prizes “to recognize innovative programs designed to close the international knowledge gap” that is perceived to exist in United States schools. The Goldman Sachs Group, *The Goldman Sachs Foundation and Asia Society Establish First Ever Excellence in International Education Prizes for Nation's Schools*, http://www.gs.com/our_firm/our_culture/social_responsibility/goldman_sachs_foundation/knowledge_center/articles/recent_press_releases_article_030703140411.html (July 2, 2003); see also e.g. information at [InternationalEd.org](http://www.international.ed.org), *International Education*, <http://www.international.ed.org> (accessed Jan. 30, 2004). For what I mean by the “global context,” as well as by “world-class,” see the elements presented in the speech by John F. Johnson, *The New Global Executive: What It Takes To Succeed*, <http://bus.ualberta.ca/rfield/Speeches/John%20Johnson%201998.htm> (accessed Sept. 9, 2004). See generally, *Papers from CLEA [Commonwealth Legal Education Association] Conference 1992*, 22 *No. 1 Hong Kong L.J.* 132 (1992); and M. J. Le Brun,

does not often include legal education within its matrix, and, conversely, the literature on legal education does not often include the work and findings of non-legal educators within its matrix.²³ This cluster of problems extends to the theory, practice, and critique of American comparative law and comparative legal education.

At present, Hong Kong's law schools are in the process of moving from a three-year to a four-year basic curriculum for the LLB.²⁴ This is in part a response to studies critical of legal practice and legal education, such as the 2001 *Legal Education and Training in Hong Kong: Preliminary Review* and a resultant *Consultation Paper*.²⁵ Such reports caused, and are causing, a major rethinking of the benchmarks, models, standards, philosophies, theories, and praxes of legal education.

As part of this rethinking, the University of Hong Kong Faculty of Law is at present sponsoring a new class to teach critical thinking to undergraduate law students, while at the same time participating in the University's larger goal of continuing to attract international faculty and students. The contents of the critical thinking course will include both legal and non-legal materials.²⁶ One might have thought that students

Reflections on Legal Education, 30 Hong Kong L. J. 329 (2000) (discussing *The Law School—Global Issues, Local Questions*, *supra* n. 16).

23. The situation is beginning to change somewhat. See e.g. *Symposium on Continuing Progress in Internationalizing Legal Education—21st Century Global Challenges*, 21 Penn St. Intl. L. Rev. 1 (2002). One such article that relates directly to the internationalization of law and legal education is Larry Catá Backer, *Human Rights and Legal Education in the Western Hemisphere: Legal Parochialism and Hollow Universalism*, 21 Penn St. Intl. L. Rev. 115 (2002); see also Eugene Clark & Sam Blay, *The Internationalisation of Legal Practice and Education*, 73 Australian L.J. 791, 793 (1999); Daniel Jutras, *Two Arguments for Cross-Cultural Legal Education*, in *Unterschiedliche Rechtskulturen-Konvergenz des Rechtsdenkens/Different Legal Cultures: Convergence of Legal Reasoning* 79–82 (Heinz-Dieter Assmann, Gert Brüggemeier & Rolfe Sethe eds., Nomos Verlagsgesellschaft Baden-Baden 2001); Julie Bedard, *Transsystemic Teaching of Law at McGill: "Radical Changes, Old and New Hats,"* 27 Queen's L.J. 237 (2001); and Kim Diana Connolly, *Promoting Justice Through Interdisciplinary Teaching, Practice, and Scholarship Elucidating the Elephant: Interdisciplinary Law School Classes*, 11 Wash. U. J.L. & Policy 11 (2003). John Flood argues pessimistically that the "story of globalization is not really one that involves law and lawyers very much." John Flood, *Legal Education, Globalization, and the New Imperialism*, in *The Law School—Global Issues, Local Questions*, *supra* n. 16, at 127.

24. See e.g. Faculty of Law, U. Hong Kong, *New 4 year LLB (2004–2005)*, <http://www.hku.hk:8400/law/display.php?id=518> (accessed Jan. 28, 2004).

25. The various studies and reports may be found at City U. Hong Kong, <http://www.cityu.edu.hk> as well as comments on the consultation paper by the L. Socy. Hong Kong, *Position on Legal Education and Training*, <http://www.hklawsoc.org.hk/pub/news/submissions/20010924.pdf> (accessed Jan. 24, 2004). One such document upon which I have relied is the *Summary of Consultation Paper* of the overall study entitled *Legal Education and Training in Hong Kong: Preliminary Review* (Aug. 2001) [hereinafter *Summary of Consultation Paper*].

26. For example, proposed texts under discussion at present include *Critical Thinking, Reading and Writing: A Brief Guide to Argument* (Sylvan Barnet & Hugo Bedau eds., 4th ed., Bedford Books of St. Martin's Press 2002) and *Current Issues and Enduring Questions: Methods and Models of Argument from Plato to the Present* (Sylvan Barnet & Hugo Bedau eds., Bedford Books of St. Martin's

admitted to law programs would already be highly skilled in critical thinking, and/or that the mere process of learning the law, without more, would further qualify them to think critically by the end of their three, now four, years. Obviously, this is not entirely the case. The redesigned and updated Post-graduate Certificate in Laws (PCLL) program emphasizes learning transferable skills that will assist in lifelong learning.²⁷ It will include hands-on experience where students learn by actually doing. I applaud this because I have always believed that every education must include some kind of performance experience—where you stand up before a live audience and “do your thing”—play music, speak, act, dance, mime.

There are lessons to be learned in performance that cannot be learned in any other way.²⁸ Performance itself assumes a sequence of presentation that forces the student to follow logic and to compose according to some kind of value judgment with stated subject, purpose, thesis, intent, and so on, upheld by supporting materials. In other words, performance is a version of critical thinking “on your feet.”

The center of gravity in legal education seems to be shifting, as evidenced by changes in educational curriculum such as the PCLL program. I recall my own culture shock on arriving in Hong Kong to discover that law school, unlike that in my country, is *undergraduate*. The shock, in fact, revealed my own lack of elasticity in thinking about education globally. Even so, the concerns expressed in the 2001 Hong

Press 1987). Critical thinking is also taught at the University of Hong Kong Philosophy Department as part of the required curriculum for all postgraduate students; see Hong Kong Philosophy Department, <http://philosophy.hku.hk/think> (accessed Oct. 24, 2004). Critical thinking and legal thinking are not identical, as indicated in my discussion *infra* of Oliver Wendell Holmes, Jr., and others.

27. Stephen Nathanson, Wilson W. S. Chow & Felix W. H. Chan, *The University of Hong Kong's New PCLL*, 32 Hong Kong L.J. 381 (2002). These authors present a truly eclectic and comparative study that goes outside *legal pedagogy*—see especially the bibliography contained in their footnotes.

28. My personal experience in teaching law subjects at the University of Hawaii, Hawaii Pacific University, Shenzhen University, and at the Guangdong Gain Law Firm (Shenzhen Office), tells me that all legal skills—even the most “mundane”—may benefit from this approach. For example, I taught “How To Use the Law Library,” ESL/Legal Writing (opinion letters, research memoranda, pleadings, appellate briefs, contracts, and real property), Persuasion, “Writing for the Courts,” and “Writing for publication in peer-reviewed journals.” Some years prior to that, I developed a nationwide, then worldwide, executive legal writing program for Shipley Associates, now called Shipley Group, *Shipley Group*, <http://www.shipleygroup.com> (accessed October 10, 2004). For five years as legal counsel to the Hawaii State Legislature (House of Representatives), I practiced and taught legislative drafting. I also taught “Literature and Law” as a cross-disciplinary course with the English Department at the University of Hawaii. This last approach is one of the most effective, especially across cultures, because it engages students in stories. One of its most famous exponents is James Boyd White. I also acknowledge a profound debt to Louis Auchincloss, the American attorney/writer/scholar.

Kong study are deep and dire,²⁹ and they go beyond the age and preparation of the students. For example, the study highlighted the following concerns among the present “unmet needs” in legal education:³⁰

- a rote learning system that impedes the ability to think critically and creatively, and fosters only modest evaluative and problem-solving capacity, skill, or interest; even where students do not learn by rote but still figure out what they need to learn for the examination, the fundamental problem remains: they have still not learned “how to fish;”³¹
- the legal education system may still be preparing its graduates for a world which no longer exists;
- Hong Kong’s law schools are not producing either degrees or students that are world-standard;
- many graduates have a narrow world view and fail to understand the needs and situations of many of their more global clients;
- graduates reflect a lack of intellectual curiosity and possess only a limited outlook on life;
- graduates similarly lack both a broad and a deep range of intellectual and institutional skills, a result that may be consistent with the large number of students to be taught, the lecture teaching method,³² and the rushed and superficial treatment of the subject matter; consistent also with the post-1970s dumbing-down of liberal (general) education values and content in higher education generally.³³

The study suggests that there is a need for more than cosmetic changes in the curriculum. The study noted truly enough that the “various aspects of legal education and training form part of a continuum of legal education.”³⁴ I argue further that they need to form part of a continuum with all of the students’ other, non-legal, education as well—i.e., integration across the entire curriculum.³⁵ The study concludes:

29. See *Report of the Consultants*, *supra* n. 3.

30. See *id.*

31. On this subject, see Nigel Bruce, *Dovetailing Language and Content: Teaching Balanced Argument in Legal Problem Answer Writing*, 21 *English for Specific Purposes* 321–45 (2002).

32. Or what I call the “beer stein model” of teaching: You just open the lid of their heads with your thumb on that little handle and pour the facts in. Then you close the lid.

33. See generally William K. Cummings, Maria Teresa Totto & John Hawkins, *Values Education for Dynamic Societies: Individualism or Collectivism* 153 (Comp. Educ. Research Ctr. U. Hong Kong 2001).

34. *Summary of Consultation Paper*, *supra* n. 25, at 16.

35. Compare e.g. Matthew C. Gordon, *Beyond Mere Competency: Advanced Legal Research in a Practice-Oriented Curriculum*, 55 *Baylor L. Rev.* 1 (2003) (emphasizing more research and writing across the law curriculum).

With China's . . . accession to the WTO, there is the risk that Hong Kong may lose its competitiveness as foreign lawyers will be able to establish practices more easily in China . . . and Chinese lawyers who are trained overseas may return and work in the Mainland. Lawyers in Hong Kong, if they are to continue to play the role of a bridge between the outside and Mainland China, need to be well equipped in Chinese law *and with comparative law perspectives*.³⁶

IV. INTERDISCIPLINARY CLASSROOMS AND ROAMING THE GLOBE

If graduates are to develop such comparative law perspectives, their professors and the curriculum must adopt concomitant comparative education perspectives. In 1999, David N. Smith, then acting dean of the City University School of Law, stated unequivocally that if legal education is to attain the status of a "world-class system," legal educators must "dramatically rethink the structure, process and content of legal education."³⁷ Indeed, he argued, "it is simply no longer feasible to study law in isolation from other disciplines. Law spans the whole spectrum of human experience . . . and . . . is influenced by and influences economics, social theory, and science and technology."³⁸ But if this is true, then comparative law and jurisprudence together with comparative education must necessarily follow.³⁹ And I would argue that the reverse is also true: Those in such other disciplines need to study the basics of law—for the same and other reasons.⁴⁰

Before becoming a lawyer, I was a university English literature teacher and curriculum planner. I combined my two careers in such endeavors as "Literature and Law" and "Film, Literature, and Law" classes. And I can testify that all law teaching, indeed all teaching, is

36. *Summary of Consultation Paper*, *supra* n. 25, at 47 (emphasis added); see also Robert McCrate, *Legal Education and Professional Development: An Educational Continuum* (ABA 1992) (reaching many similar conclusions over a decade ago).

37. David N. Smith, *Imagining the Future: Training Hong Kong Lawyers for the 21st Century*, *Hong Kong Law* 51, 51 (Dec. 1999).

38. *Id.* Smith also argues that legal studies should become a graduate program like the system in the US, a position with which I agree but will not discuss in this paper. *Id.* See Darrin R. Lehman, Richard O. Lempert & Richard E. Nisbett, *The Effects of Graduate Training on Reasoning: Formal Discipline and Thinking About Everyday-Life Events*, 43 No. 6 *Am. Psychologist* 431 (1988). The "explosive changes in pedagogy" and the "dramatic pedagogical move" required for such a program are discussed in John Sexton, *Dialogue: Legal Education, Today & Tomorrow*, 3 *Green Bag* 2d 417 (2000).

39. An interesting case is Susan Bryant, *The Five Habits: Building Cross-Cultural Competence in Lawyers*, 8 *Clin. L. Rev.* 33 (2001), which studiously omits any insistence on the place of language study in the "cross-cultural" curriculum.

40. This seems to be, in part, the problem identified in David Faure, *Higher Education Reforms and Intellectual Schizophrenia in Hong Kong*, 8 *Ritsumeikan J. Asia P. Stud.* 80 (2001).

always *language teaching*, and (these days) it is almost always remedial.⁴¹ One of the books that early convinced me to go to law school was Karl Llewellyn's *The Bramble Bush*, which takes its title from the nursery rhyme—

There was a man in our town
 And he was wondrous wise:
 He jumped into a bramble bush
 And scratched out both his eyes—
 And when he saw that he was blind,
 With all his might and main
 He jumped into another one
 And scratched them in again.⁴²

Llewellyn's piece also contains an eloquent challenge: "So, gentlemen, the prospect: the thicket of thorns. . . . High sun, no path, no light, thirst and the thorns[]—I fear there is no cure. No cure for law but more law. No vision save at the cost of plunging deeper."⁴³

Fans of science fiction will recall the visual image of the "message" from the Vegans that comes to earth via radio signal in Carl Sagan's novel, *Contact*.⁴⁴ At first, the earthlings cannot read it; its parts do not match. And they cannot find any decryption code, any "primer." It has something to do with building a large machine, but what machine? A machine that does what? Finally, they realize—and this is presented visually with great power in the Robert Zemeckis film⁴⁵—that they must "rotate the image ninety degrees" and open it out like the folds of *origami*, because it is three-dimensional, like a hologram. They had been trying to digitally paste two flat pages together because they were trapped in their usual binary thinking. The disjuncture of the parallax view stymied them. And the "primer," they realized, was interleaved throughout the massive text, with instructions reiterated endlessly so that a child could understand. They could read the message only if they stretched themselves into a new and better way of thinking and then

41. Gert Steenhoff, *Teaching Comparative Law, Comparative Law Teaching*, Netherlands Reports to the Sixteenth International Congress of Comparative Law 47–51 (Ewoud Hondius & Carla Joustra eds., Intersentia 2002). See e.g. Hong Kong B. Council, *Bar Council's Views on the Final Report on Review of Legal Education & Training* (Nov. 30, 2001) ("The Bar considers any English course available to the LLB students should be remedial in nature and should not be counted as part of the LLB degree curriculum"—the correct premise but the wrong conclusion.). A fundamental text in this regard is Linwood E. Orange, *English: The Preprofessional Major* (4th ed., Modern Lang. Assn. 1986).

42. Karl N. Llewellyn, *The Bramble Bush: On Our Law and Its Study* frontispiece (Oceana 1951).

43. *Id.* at 105–06.

44. Carl Sagan, *Contact: A Novel* (Simon & Schuster 1985).

45. See *Contact* (Warner Brothers 1997) (motion picture), <http://www.contact-themovie.com>.

translated it out. In so doing, they learned the machine would take them to a new dimension.

Insights from other disciplines and cultures may be the primer that students need to creatively work with a global collective. We want to teach our students to make the match, to line up the parallax, and then to build the machine and take the ride to a new dimension of thinking.

I recall also the character of the Rabbi in Chaim Potok's novel, *My Name Is Asher Lev*.⁴⁶ He teaches: "The Master of the Universe gives us glimpses, and only glimpses. It is for us to open our eyes wide . . ." It is this greater vision that (globalized) education is all about. I would prefer the term "cosmopolitanization" to globalization or internationalization because it suggests the necessary under-girding elements of sophistication and maturity, or as J. Clifford Wallace defines it, "attracting worldwide participation."⁴⁷

At present, much of the discussion echoes what is being said critically about the *American* comparative experience. Most American law students still receive a distinctively domestic legal education. Let me suggest one area where true comparative integration may now be at work on the project of globalization. Professor Albert Chen of the University of Hong Kong law faculty and others have claimed that the *law itself* is in the process of changing the very psychology (*xinli*)—the mental identity—of the Chinese people.⁴⁸ The Chinese authors argue instead that it is not law that is the expression of human personality so much as *human personality is the expression of the law*. These are remarkable claims for the law, which, if true, or even colorable, propound enormous

46. Chaim Potok, *My Name Is Asher Lev* 284–85 (Fawcett Crest 1973).

47. J. Clifford Wallace, *Globalization of Judicial Education*, 28 *Yale J. Intl. L.* 355, 356 (2003).

48. Albert H. Y. Chen, *Confucian Legal Culture and Its Modern Fate*, in *The New Legal Order in Hong Kong* 527–28 (Raymond Wacks ed., Hong Kong U. Press 1999); Albert H. Y. Chen, *Toward a Legal Enlightenment: Discussions in Contemporary China on the Rule of Law*, 17 *UCLA P. Basin L.J.* 125, 156 (1999/2000) (citing Chen Duanhong, *Duizhi: Cong Xingzheng Susong Kan Zhongguo de Xianzheng Chulu* [Confrontation: The Future of Chinese Constitutionalism from the Perspective of Administrative Litigation], 4 No. 40 *Zhongwai Faxue* [Chinese and Foreign Legal Studies] Peking U. L.J. 1, 7–9 (1995)). I understand both authors Chen to mean "why, how, and under what circumstances people obey the law," as discussed in James R. P. Ogloff & David Finkelman, *Psychology and Law: An Overview in Psychology and Law: The State of the Discipline* 11 (Ronald Roesch, Stephen D. Hart & James R. P. Ogloff eds., Kluwer Academic/Plenum Publishers, 1999) (citing Craig Haney, *Psychology and Legal Change: On the Limits of Factual Jurisprudence*, 4 *L. & Hum. Behav.* 147, 156 (1980)). Law and psychology have a close nexus. Hence, Oakeshott gets it exactly backwards when he argues for a thoroughgoing psychological interpretation of the nature of law, describing "the presupposition that law is the expression of human personality, and that only an examination of the working and mechanism of human personality can afford an adequate explanation of the nature of law." Michael Oakeshott, *The Concept of a Philosophical Jurisprudence, Part I*, *Politica* 203, 211 (Sept. 1938).

consequences for legal education.⁴⁹ They suggest that a useful framework may be found in what Clifford Geertz calls “cultural translation.”⁵⁰ Geertz argues, contra Justice Holmes, that law is not merely reflective of the values and norms of its society. It is, instead, constructive, constitutive, formational. He writes:

[A] comparative approach to law becomes an attempt . . . to formulate the presuppositions, the preoccupations, and the frames of action characteristic of one sort of legal sensibility in terms of those characteristic of another.⁵¹

Among those uses is that, in such an approach, law is rejoined to the other great cultural formations of human life—morals, art, technology, science, religion, the division of labor, history . . . —*without either disappearing into them or becoming a kind of servant adjunct of their constructive power.*⁵²

This means that if law is constitutive, and if law indeed has the power to transform the actual psychology of a people, then what we are witnessing in the development of the law in Taiwan, Hong Kong, and PRC, for better or for worse, is that very process—and not the mere reflection of the evolution of the underlying societies by other means. “Law reform” thus takes on new meanings. It is not simply reforming the law to create better laws; it also means making space for the law itself to reform society, to reform the people. This is what our educational efforts ought to be about.

Similarly, new research such as *The Chinese Learner*,⁵³ and its sequel, *Teaching the Chinese Learner*,⁵⁴ routinely examine questions about the psychology involved in education, even the psychology of a whole people or culture. Yet there are in those texts no articles about legal education or legal psychology, no chapters by legal educators, who, I dare say, would be hard put to extract from them much material that they would consider useful in the law classroom. This very real deficiency obstructs

49. See also Leo T. S. Ching, *Becoming “Japanese”: Colonial Taiwan and the Politics of Identity Formation* 8, 60, 66–67 (U. Cal. Press 2001) (notes on the “psychology of “particular” Chinese areas and peoples); Jung-Hua Chou, *Taiwan’s Higher Education in Transition: A Personal View* 8 *Ritsumeikan J. Asia P. Stud.* 68 (2001).

50. Clifford Geertz, *Local Knowledge: Fact and Law in Comparative Perspective*, in *Local Knowledge: Further Essays in Interpretive Anthropology* 218 (Basic Books 1983) (emphasis added).

51. *Id.*

52. *Id.* at 219 (emphasis added).

53. *The Chinese Learner: Cultural, Psychological and Contextual Influences* (David A. Watkins & John B. Biggs eds., CERC & ACER 1996).

54. *Teaching the Chinese Learner: Psychological and Pedagogical Perspectives* (David A. Watkins & John B. Biggs eds., CERC & ACER 2001).

interdisciplinary learning.

Expertise in a scholarly field and expertise in being able to teach that field to others are two very separate and distinct talents. The first does not ineluctably imply the second. Quality as a practitioner is not a transferable skill to quality as a pedagogue—although it is a prerequisite. This fact alone ought to argue for a greater dialogue among the pedagogical professions. My law school, sadly, failed to appreciate this and treated legal writing, for example, as a poor second cousin twice removed, to be taught after hours by part-time adjunct teachers, because it was not a “doctrinal” or “core” subject. It did not work. There was no consistency, no theory. We students ended up teaching ourselves, impoverishing the law school, the law curriculum, and us.

Globalization implies *immersion*—in culture, language, law, and ambiance. An example of how to supply comparative education in the business world is the Japan- and China-Focused MBA Program (JEMBA and CHEMBA) of the Japan-America Institute of Management Science (JAIMS) in coordination with the University of Hawaii College of Business, which requires each of its students to spend an internship in either of those countries as a requirement for graduation.⁵⁵ This widening of pedagogical approaches is already underway in several notable law schools, including the Asian Law program at the University of Washington in Seattle,⁵⁶ and the Chicago-Kent Law School’s exchange program with Shenzhen University.⁵⁷ Similarly, Hong Kong University (HKU) has developed an “English for Law” program,⁵⁸ and City University has developed a “Master of Arts in Language and Law” and a comparative law program.⁵⁹ Also of interest are: the “Hauser Global Law School Program” of the New York University School of Law,⁶⁰ the Warwick degrees,⁶¹ the University of Buffalo program in Comparative

55. See JAIMS, *Japan-Focused and China-Focused MBA, Overview*, <http://www.jaims.org/MBA/index.html> (accessed Jan. 24, 2004).

56. See UWLS Asian L. Ctr., *ALC Profile*, <http://www.law.washington.edu/asianlaw/> (accessed Jan. 24, 2004). Specifics about the comparative law program, with syllabus and links to similar programs at other universities, may be read at U. S. Cal., *Asian & Comparative Law*, <http://www.lfip.org/laws827> (accessed Jan. 24, 2004).

57. See Shenzhen U., <http://www.szwotc.com/kente2.htm> (accessed Jan. 24, 2004).

58. See Hong Kong U., *English for Law, English for Law, The English Centre*, <http://ec.hku.hk/law/> (accessed Jan. 24, 2004).

59. See City U. Hong Kong, *Academic Programmes*, http://www.cityu.edu.hk/cityutoday/prospectus/pg/fhs/ctl/pg-002-ctl_-01/pg-002-ctl_-01.htm (accessed Jan. 24, 2004).

60. See N.Y.U. Sch. L., *Hauser Global Law School Program, Welcome*, <http://www.law.nyu.edu/programs/globallawschool/> (accessed Jan. 24, 2004).

61. See Warwick Sch. L., *Undergraduate Law Courses at Warwick*, <http://www2.warwick.ac.uk/fac/soc/law/ug/degrees/> (accessed Jan. 24, 2004).

and Global Studies in Education,⁶² and the SOAS law and language program.⁶³

I propose an extension of these ideas.⁶⁴ The teachers and the students should form *an inseparable cohort* from start to finish, and when the students move, the teachers move with them. After the teacher-student cohort completes its “basic training” at the home institution, it moves as a unit abroad to the sister-institution, sister-city, sister-bar association, and/or sister-law firm for the second phase. Conversely, the cohort in that locale completes its basic training and then moves to this locale at the same time. All during the first phase, both cohorts have kept in touch with each other as they have studied each other’s law and practice at home—the theory part. And when they move, the teachers come along—a traveling or rotating faculty. The students do not leave their master behind; he/she is not a local fixity. Both cohorts pass each other (not, one hopes, as ships in the night) somewhere in the middle, and both continue to stay in touch, comparing notes, answering questions, and assisting each other in their respective (now foreign) environments—the practice part. They may even create a new law journal dedicated to the study of similar globalizing methods. The portable instructors become residents with the faculty in the foreign location for the duration of phase two.

For everyone involved, it is literally a moveable feast. The phases can be a few weeks, a few months, a semester, or a year. The cohorts can be university students, practicing lawyers, non-lawyers, or any combination of these. When I worked in Shenzhen, we did this with law firms between Shenzhen and Honolulu. The only pedagogical rule we had was that you could not teach if you had not been in the trenches. Non-lawyers were not allowed to teach law, just as non-native speakers of English were not allowed to teach English. You had to have struggled with each—and succeeded—in order to teach.

What are the practical implications of all this? What would a class in global civics or world civics look like? Why should we care about it? First, I note that citizenship education, or what we used to call civics, is a subject that includes a hefty dose of law for all citizens. Current events illustrate the need for global civics. Last summer, 500,000 ordinary Hong Kong citizens, most of them neither lawyers nor legal educators, took to

62. See U. Buffalo, *Comparative and Global Studies in Education, Introduction to Comparative and Global Studies in Education*, <http://www.gse.buffalo.edu/DC/CCGSE/index.html> (accessed Jan. 24, 2004).

63. See U. London, Sch. Oriental & African Stud., *Department of Law, Faculty of Law and Social Sciences, Law*, <http://www.soas.ac.uk/departments/departmentinfo.cfm?deptid=13&type=ug> (accessed Jan. 24, 2004).

64. This is a proposal I developed in Shenzhen. I later learned that it substantially parallels the methods used in classroom education in Taiwan, as reported in Cummings et al., *supra* n. 33.

the streets in protest over the lack of democracy and the threat of Article 23 of Hong Kong's *Basic Law*.⁶⁵ Many participated because they were surprised, even shocked, at what happened to Hong Kong following the 1997 handover. Some felt they had been hoodwinked.⁶⁶ The argument can be made that this perception actually refers all the way back to the early 1980s when the UK-PRC "Joint Declaration" was being negotiated, and that indifference and lack of civic awareness allowed things to be placed in those documents that have only now come home to roost.

Similarly, Americans were hoodwinked by the dumbing-down of education in the mid-1970s, when the curriculum was downsized by those who argued that we no longer needed language *and* math *and* science *and* philosophy,⁶⁷ but that any of these would substitute for the others because, in reality, these subjects all taught the same reasoning skills.⁶⁸ At the time I served on a university language-skills curriculum committee in Hawaii. We tried, citing the good Shakespeare, "O reason not the need!";⁶⁹ to argue for the traditional rigor of liberal education—all to no avail with the then Department of Education, which proceeded to lower the standards to accommodate the television and MTV generation, who are now the parents of yet a less-educated generation.⁷⁰ Rigor has become rigor *mortis*. When our department and similar organizations opted to focus on a vocational career tag at the expense of broad-based learning "for learning's sake,"⁷¹ it spelled the end of civics.⁷²

65. *Basic Law* Art. 23, which requires Hong Kong to pass legislation to prohibit any act of treason, secession, sedition, subversion, or theft of state secrets, and to substantially limit ties of local organization with foreign counterparts—all, it was feared, to limit democracy and human rights. *The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China*, Art. 23 (Joint Publ. (H.K.) Co. 1991); Harvey Stockwin, *Article 23 Stimulate Hong Kong's People Power*, 3 *China Brief* 14 (July 15, 2003); see also Joseph Man Chan, Kenneth K. L. Chau & Francis L. F. Lee, *Education and Principle-Based Opinion: A Study of the Right of Abode Controversy in Hong Kong*, Occasional Paper No. 111 (Chinese U. Hong Kong/ Hong Kong Inst. Asia-P. Stud. 2000).

66. See Stockwin, *supra* n. 65.

67. Carl Sagan, *The Demon-Haunted World: Science as a Candle in the Dark* (Random House 1995) (discussing throughout the book these consequences, including their implications for democracy).

68. *Id.*

69. William Shakespeare, *The Tragedy of King Lear*, 2.4.258 (E.A. Horsman ed., Bobbs-Merrill Co. 1973) (references are to act, scene, and line).

70. A process documented in Allan Bloom, *The Closing of the American Mind* (Simon & Schuster 1987). Bloom's book should be considered along with its contemporary, E. D. Hirsch, Jr., Joseph Kett & James Trefil, *Cultural Literacy: What Every American Needs To Know* (Houghton Mifflin 1987).

71. A problem undertaken at length in Julian Webb, *Post-Fordism and the Reformation of Liberal Legal Education*, in *The Law School—Global Issues, Local Questions*, *supra* n. 16, at 228–60. Webb uses cognate terms such as "commodification," "performativity criteria," and the most felicitous "tradability." See *id.* An umbrella term might be "vocationalism." *Id.*

72. See Goldsmith, *supra* n. 16, at 62–101 (discussing the career-tag problem).

Gregory P. Fairbrother documents similar constrictions in Hong Kong's education system that for years forbade a number of subjects from being taught as too politically sensitive.⁷³ It is surely significant that in 1975, in the very midst of these sea changes, the International Legal Center in New York undertook a study of legal education in developing countries. "The Committee recognized the crucial importance of language as a factor in legal education,"⁷⁴ and recommended the need for further study of indigenous language, language policy, and the language(s) of instruction—all at the very time when language education in the United States was being dumbed-down. The Committee also recognized that the lawyer is not only a researcher but an educator,⁷⁵ and as such, a public servant.⁷⁶ I hold that the whole training of lawyers is the training of teachers, for lawyers—whether trial attorneys, judges' clerks, appellate advocates, politicians, counselors of clients, or researchers—are always and ever teaching some audience about the law, through the law, and often in the form of stories. So it might be well to remember the power of the teacher-as-storyteller, as recounted in John Gardner's novel *Grendel*:

When he finished, the hall was as quiet as a mound. I too was silent, my ear pressed tight against the timbers. Even to me, incredibly, he had made it all seem true and very fine.

I too crept away, my mind aswim in ringing phrases, magnificent, golden, and all of them, incredibly, lies. What was he? The man had changed the world, had torn up the past by its thick, gnarled roots and had transmuted it, and they, who knew the truth, remembered it his way—and so did I.⁷⁷

The more things have changed since the 1970s, the more they have stayed the same. If a public school system is systematically limiting its students internationally from some of the very subjects they are going to need in law school—politics, civics, government, controversy,

73. See Gregory P. Fairbrother, *Toward Critical Patriotism: Student Resistance to Political Education in Hong Kong and China* (Hong Kong U. Press 2003); W. O. Lee, *Citizenship Education in Hong Kong: Development and Challenges*, in *Citizenship Education in Asia and the Pacific: Concepts and Issues* 59–80 (W. O. Lee, David L. Grossman, Kerry J. Kennedy & Gregory P. Fairbrother eds., Kluwer Academic Publishers Group 2004).

74. International Legal Center, *Legal Education in a Changing World: Report of the Committee on Legal Education in the Developing Countries* 84 (Intl. Leg. Ctr. & Scandinavian Inst. African Stud. 1975).

75. *Id.* at 24; see also Fairbrother, *supra* n. 73, at 84.

76. International Legal Center, *supra* n. 74, at 28.

77. John Gardner, *Grendel* 43 (Random House/Vintage Books 1989) (emphasis added); see also John Gardner, *On Moral Fiction* (Ballantine Books 1971).

questioning, and argumentation—either the law school will have to make up that deficiency, or it will have to let those students “do without.” It is a Hobson’s Choice.

V. GUIDEPOSTS FOR GOOD TEACHING AND STUDENT PREPARATION ON THE ROAD TO DE-HERMETICIZATION

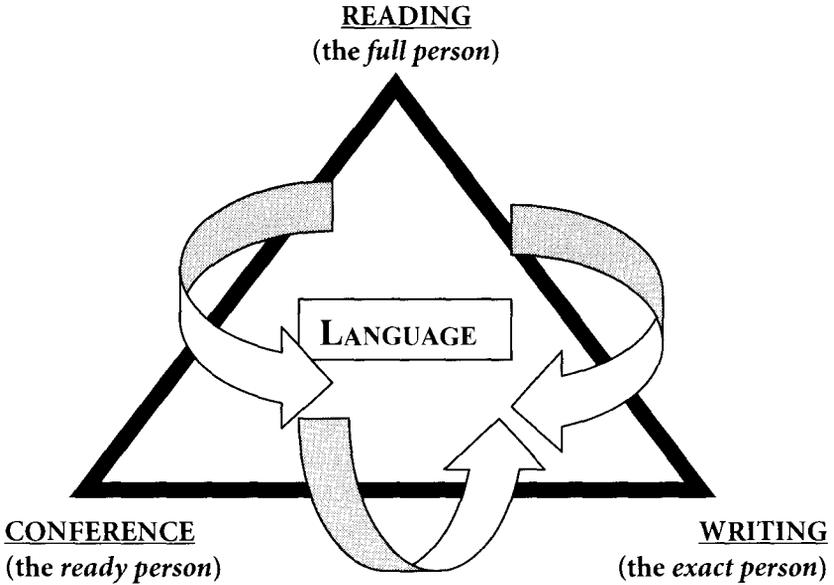
In stating my own philosophy of education, I recall that elegant opening scene of the *Canon of Filial Piety* in which the young student, Zengzi, panics at the difficulty of the lesson that Confucius begins about filial piety, and impetuously jumps up from his seat exclaiming, “I am not bright. How can I understand this?” Upon which the Master, representing all of us who love teaching, calms him: “Sit down again, and I will teach you.”⁷⁸ The rest of the text demonstrates how Confucius refuses to permit the dialogue to become teacher-centered. It remains a vigorous interchange between the master and student. Confucius famously said, “Starting from the [poorest] person who brought [for tuition] a bundle of dried meat on up, I have never denied anyone my instruction.”⁷⁹ I now offer several brief ideas that I have gleaned from some great teachers—ideas that serve as clear-and-present guideposts on the path to an educational curriculum that “never deni[es]... instruction.”

First and emphatically, Sir Francis Bacon: “Reading maketh a Full Man; Conference a Ready Man; And Writing an Exact man.”⁸⁰ Bacon’s paradigm, this triangle of skills, all interacting with and folding back into each other, is still *the best summation of education* that I know. They are not three different things but all part of the same thing, manifestations or facets of the same jewel—a godhead, if one prefers a religious metaphor. This is the core; I cannot stress it enough:

78. Zengzi: “*Can bu min, he zu yi zhi zhi?*” Confucius: “*Fu zuo, wu yu ru.*” (my translation). Confucius, *Xiao Jing*, in *Canon of Filial Piety* ch. 1.

79. Confucius, *Analects* 7:7 (my translation).

80. Sir Francis Bacon, *Of Studies*, in *The Essayes or Counsels, Civill and Morall* 152–53 (Michael Kiernan ed., Clarendon Press 1985).



The operative word is the conjunction “and”: We must never think of the three elements of this triumvirate in the disjunctive. Several crucial corollaries flow from Bacon. Extensive and forensic *reading*, engaging in *dialogue* whereby the learner “stand[s] and deliver[s]” before his fellows and with his master, and conferencing with each other—as with Confucius’s Zengzi and Plato’s Socrates—then *writing up* for publication what one has learned in order to make a fresh contribution to knowledge⁸¹—then cycling back to reading, debating, and writing. My unalterable motto is, *all good writing is rewriting*. The same is true of all good reading and all good conferencing. And through it all is the adage that “great minds discuss ideas, average minds discuss events, and small minds discuss people.”⁸² Here is Professor Sagan’s description of just such a class in critical thinking that he taught at Cornell University:

We stress written assignments *and* oral argumentation. Towards the end of the course, students select a range of wildly controversial social issues in which they have major emotional investments. *Paired two-by-two* they prepare for a succession of end-of-semester *oral* debates. A few weeks before the debates, however, they are informed that it is the

81. And facing the editorial process, which sometimes includes being rejected. Dan Subotnik & Glen Lazar, *Deconstructing the Rejection Letter: A Look at Elitism in Article Selection*, 49 J. Leg. Educ. 601 (1999).

82. Attributed to Eleanor Roosevelt, see Thinkexist.com, available at http://en.thinkexist.com/quotation/great_minds_discuss_ideas_average_minds_discuss/166649.html (accessed Nov. 11, 2004).

task of each to present the point of view of the opponent in a way that's satisfactory to the opponent—so the opponent will say, 'Yes, that's a fair presentation of my views.' In the joint *written* debate they explore their differences, but also how the debate process has helped them to better understand the opposing point of view.⁸³

This is really Chopin's "lifelong study" of the unexpected, lowly *pedal*. The flash of the fingers on the keyboard is always the focus. Whoever watches or photographs Cliburn's *foot*? It is easy to imagine that all the music comes out of the keys. But Chopin remarked: "Everything depends on good fingering. Suppleness is of extreme importance. Do not use a flat hand. The correct use of the pedal remains a study for life."⁸⁴

Chopin did not leave the pedal out. Bacon's triangle is likewise: It can be turned on any side to place any of the three skills at the apex, but it cannot be flattened. The triangle is equilateral; all three points are coequal; slighting any one of them debilitates the others, making us less articulate. To shunt any of them off to lesser status is akin to Milton's studiously casual comment that Italian can be "easily learned at any odd hour" by the diligent schoolboy.⁸⁵ Milton jests, of course. Neither Italian nor legal writing can thus be learned. Language must be taught across the curriculum. The subjects or modules of the curriculum are the islands; language is the sea.⁸⁶

Not all is well in this regard: I am, at present, the only postgraduate law student at HKU who has published—a fact I do not brag about but lament. Most or all of my peers are already well-read, and some can even "conference." But none have published. In my ideal university, every student would have to publish in a peer-reviewed forum as a requirement for both admission and graduation. At the very least, Bacon's paradigm means that students write more about a course's subject than a single final examination. His paradigm is meaningful not only for the student-learners but also for the teachers and the process used by the curriculum planners.⁸⁷ Were I the King of the University, this would be my edict to the teachers: "You and each of you are ever and always co-equally responsible to ensure that each student becomes a competent reader, writer, and converser. This is as much a part of your substantive

83. See Sagan, *supra* n. 67, at 435 (emphasis added).

84. See Durham, *supra* n. 2.

85. John Milton, *Areopagitica and Of Education* 54 (K. M. Lea ed., Clarendon Press 1973).

86. See e.g. Lynn N. Hughes, *The Metaphysics of Courses in Legal Writing*, 8 Leg. Writing 11 (2002); James B. Levy, *We Teach Thinking, Not Writing*, 17(2) Second Draft 12 (2003).

87. For a recent survey, Kristin B. Gerdy, *Continuing Development: A Snapshot of Legal Research and Writing Programs Through the Lens of the 2002 LWI and ALWD Survey*, 9 Leg. Writing 227 (2003).

curriculum and classroom endeavor as the ‘doctrinal’ subjects you teach. In order to pass your class, your students must demonstrate such competence. You must do this in order to retain tenure. No one is exempt.” This full-throated participation guarantees that we do not lapse into the dismal situation I saw on a poster many years ago: A child living in obvious squalor, under which the caption read: “The trouble with a cheap education is that we never stop paying for it.”

Second, Baruch Spinoza wrote, “*humanas actiones non ridere, non lugere, neque detestari, sed intelligere*”⁸⁸ (“Not to laugh, not to lament, not to curse, but to understand.”)⁸⁹ And also from the Latin: “*Homo sum; nihil humani a me alienum puto.*” (I am a man; nothing human is alien to me.) In all of our getting, we must always strive to get understanding.⁹⁰ That is the endpoint. The globalized and de-hermeticized education guides the student to an understanding of the people and the world around him/her.

Third, a statement made, surprisingly, some thirty-five years ago by my former professor, Hugh Nibley:

The ever-increasing scope of knowledge necessary to cope with the great problems of our day has led to increasing emphasis on a maxim that would have sounded very strange only a few years ago: “There are no fields—there are only problems!”—meaning that one must bring to the discussion and solution of any given problem whatever is required to understand it: If the problem calls for a special mathematics, one must get it; if it calls for three or four languages, one must get them; if it takes 20 years, one must be prepared to give it 20 years— or else shift to some other problem. *Degrees and credentials are largely irrelevant where a problem calls for more information than any one department can supply or than can be packaged into any one or a dozen degrees.*⁹¹

But this means that if one is to do interdisciplinary work, one must have the necessary skills—those that can be attained through globalized and interdisciplinary education. Too many lawyers (who have only a law degree) are these days undertaking historiography, criminology, statistical research and analysis, science, forensics, linguistics, etc.—all credentialed disciplines in their own right with their own prerequisites. This is fraudulent; it is the unauthorized practice of [whatever is the

88. Benedict de (Baruch) Spinoza, *A Treatise on Politics [Tractatus Politicus]*, in *The Political Works* ch. 1, art. 4, 262–263 (A. G. Wernham ed. & trans., Clarendon Press 1958).

89. The epigraph that begins Ernest Becker’s *The Denial of Death* (Free Press 1973), from which I first learned it.

90. “Wisdom is the principal thing; therefore get wisdom: and with all thy getting get understanding.” *Proverbs* 4:7.

91. Hugh Nibley, *A New Look at the Pearl of Great Price, Part I: Challenge and Response (Continued)*, 71 Improvement Era 14 (Feb. 1968) (emphasis added).

second discipline].

Fourth, Oliver Wendell Holmes, Jr., who bears quoting at length for two related propositions:

The life of the law has not been logic: it has been experience. The felt necessities of the time, the prevalent moral and political theories, intuitions of public policy, avowed or unconscious, even the prejudices which judges share with their fellow-men, have had a good deal more to do than the syllogism in determining the rules by which men should be governed. The law embodies the story of a nation's development through many centuries, and *it cannot be dealt with as if it contained only the axioms and corollaries of a book of mathematics.*⁹²

Legal reasoning is not merely propositional; it is not formal logic, algebraic logic, syllogistic logic, Kantian logic, Platonic logic, or Aristotelian logic. Neither is it philosophical (except for courses in jurisprudence and legal theory). As Sir Edward Coke famously said, common law causes that concern the life and fortunes of the King's subjects "are not to be decided by natural reason but by the *artificial reason* and Judgment of law."⁹³ Students need to get grease on their hands—critical thinking mixed with practical doing. Holmes was the law's great "metacognator," its thinker about thinking. Again he wrote:

The mark of a master is, that facts which before lay scattered in an inorganic mass, *when he shoots through them the magnetic current of his thought*, leap into an organic order, and live and bear fruit

If you convince a man that another way of looking at things is more profound, another form of pleasure more subtle [sic] than that to which he has been accustomed—if *you make him really see it*—the very nature of man is such that he will desire the profounder thought and the subtler [sic] joy. So I say the business of a law school is not sufficiently described when you merely say that it is to teach law, or to make lawyers. *It is to teach law in the grand manner, and to make great lawyers.*⁹⁴

92. Oliver Wendell Holmes, Jr., *Lecture I*, in *The Common Law*, 5 (Mark DeWolfe Howe ed., Belknap Press of Harv. U. Press 1962) (emphasis added).

93. Edward Coke, *Prohibitions Del Roy*, 77 Eng. Rep. 1342, 1343 (K.B. 1608) (W. Green & Son Lt. and Stevens & Sons Lt. 1907) (emphasis added); see also David J. Bederman, *Reception of the Classical Tradition in International Law: Grotius' De Jure Belli ac Pacis* n. 138, <http://www.law.emory.edu/EILR/volumes/spring96/bederman.html> (accessed Mar. 1, 2004).

94. Oliver Wendell Holmes, Jr., *Judge Holmes' Oration*, 3 L. Q. Rev. 118, 118–19 (1887) (reprinted in *The Occasional Speeches of Justice Oliver Wendell Holmes* 36 (Mark DeWolfe Howe ed., Belknap Press of Harv. U. Press 1962) (emphasis added)). "[W]hen he shoots through them the magnetic current of his thought" is reminiscent of sentence 131 of the Three Character Classic, *supra* n. 1, which advocates piercing (*tong*), i.e., mastering thoroughly, the *Classic of Filial Piety* (*Xiao Jing*)

It is this process that teaches *dia*-gnosis, the ability to distinguish two (or more) things that appear very similar, to do forensic work, to think particularly.

Fifth, a proverb sometimes attributed to the Sanskrit: “Walk together, talk together, O ye peoples of the earth. Then and only then shall ye have peace.”⁹⁵ Internationalizing the curriculum does not necessarily internationalize the students. Global education means that each student must get out and roam the globe. Get the globe into the students by getting the students into the globe.

For example, some of my former Shenzhen students are learning American law at Chicago-Kent and New York as well as teaching Chinese law to their American counterparts. The City University of Hong Kong has developed a “Global Gateway” program for foreign resident exchange.⁹⁶ These approaches mimic the pattern set by the likes of John Milton, the author of the *Areopagitica* and *Of Education*, who, despite all his book learning and classroom erudition, *went abroad* for globalization.

Sixth, Galileo, who said under his breath, “*E pur si muove*”⁹⁷ (and yet it does move), even as the Inquisition forced him to recant his view that the earth moves around the sun. Educated people stand up and stand against. They are stubborn. Like Galileo, they defy attempts to replace truth with dogma.

Seventh, Heraclitus said, “You cannot, even if you travel in every direction, perceive the ends of the soul, so deep is its Logos.”⁹⁸ He argues for appreciation of human potential, which engenders respect toward the “targets” of education—the students of student-centered education.

Eighth, the definition of “style,” which Alfred North Whitehead calls the “most austere of all mental qualities.”⁹⁹ He is discussing what it means to engage in “special study,” i.e., the study that takes one beyond the realm of the amateur:

It is an aesthetic sense, based on admiration for the direct attainment of a foreseen end, simply and without waste. Style in art, style in literature, style in science, style in logic, style in practical execution have fundamentally the same aesthetic qualities, namely, attainment and

as a basic part of one’s education. Giles, *San Zi Jing*, *supra* n. 1, at 60.

95. Katharine T. Kinkead, *Walk Together, Talk Together*, available at <http://www.ku.edu/carrie/specoll/AFS/library/Kinkead/walk1.html> (accessed Nov. 16, 2004) (from the Sanskrit).

96. See City U. Hong Kong, *Global Gateway Program*, <http://www.cityu.edu.hk/cityu/dpt-acad/slw.htm> (accessed Jan. 24, 2004).

97. Infoplease.com, available at <http://www.infoplease.com/ce6/people/AO85327.html> (accessed Nov. 16, 2004).

98. Aphorism B-45.

99. Alfred North Whitehead, *The Aims of Education and Other Essays* 12 (Free Press 1967).

restraint

. . . .

Style, in its finest sense, is the last acquirement of the educated mind; it is also the most useful. It pervades the whole being Style is the ultimate morality of mind

. . . .

Style is the fashioning of power, the restraining of power

. . . .

Where, then, does style help? In this, with style the end is attained without side issues, without raising undesirable inflammations. With style you attain your end and nothing but your end. With style the effect of your activity is calculable, and foresight is the last gift of gods to men. With style your power is increased, for your mind is not distracted with irrelevancies, and you are more likely to attain your object. Now style is the exclusive privilege of the expert. Whoever heard of the style of an amateur painter, of the style of an amateur poet [or the amateur lawyer]? Style is always the product of specialist study, the peculiar contribution of specialism to culture.¹⁰⁰

Ninth, from the Chinese, my own motto: *Hui ren bu juan*. (Teach with tireless zeal.) My grandmother, who, next to my grandfather, was that kind of teacher and my best educator, loved to teach me new, hard words. When I was about four, I remember she taught me “remarkable” and how to spell it. I impressed many adults when I called them, and everything, in my infantile pronunciation, “remarkabo,” and then spelled it for them. “That’s remarkable!” my audience exclaimed, and they were right—not about me but about her. At the same time, I watched the Perry Mason¹⁰¹ lawyer stories of Erle Stanley Gardner on television. Perry Mason always won and, even though we knew that nobody wins all the time, he inspired us because he was a good man who advocated “with tireless zeal” for justice. Interestingly, Judge Kemal Bokhary of Hong Kong’s Court of Final Appeal argues that the sort of person we should wish to attract to legal education is one who possesses “an unshakable belief that the law has a great capacity for the doing of good.”¹⁰² Atticus Finch and Sydney Carton are others in the same category with Perry Mason.

Tenth, Professor Gary S. Williams who, for a final examination in

100. *Id.* at 12–13; see also the materials regarding Whitehead in Robert R. Rusk, *Doctrines of the Great Educators* (4th ed., Macmillan 1974).

101. *Perry Mason* (CBS 1957–66) (TV Series).

102. Kemal Bokhary, *Justice and the Law: The Evolving Role of the Lawyer*, 34 *Hong Kong L.J.* 133, 140 (2004).

Chinese literature, gave us this: “Write your own final exam question and answer it with an essay.”

Eleventh and finally, the Socratic method does not ineluctably imply either: (a) use of the case-study method or (b) classroom “pedagogy.”¹⁰³ Plato’s Socrates himself practiced neither. Rather, he taught students to question the teacher and each other deeply and repeatedly, to note carefully what everyone in the class says, and to work knowing that you know nothing and that all education is self-education. He created what I call the “testamentary classroom,” after the legal requirement that, when making a last will and testament, *all witnesses and the testator must be physically together in the same room “in the presence of each other” at the same time*. Socrates always invited dialogue by stating that he himself “knew nothing” and then asking his interlocutor to instruct him so that he might become educated. Socratic probing is not for the purpose of isolating, hurting, shaming, or belittling the student. It should benefit the teacher as much as the student. Like a doctor’s stethoscope or blood test, it is a tool for the teacher to get the feel as to whether the student has caught on and then to lead them to “know nothing.” The proper Socratic question is the palpation of the physician. In the actual Platonic Socratic dialogues, the students probe as much as Socrates. Their attitude is “back at you!”¹⁰⁴

Socrates also demonstrated what Jaime Escalante in *Stand and Deliver* believed¹⁰⁵: the classroom rigor has to be such that “bullets gotta fly.” Oddly, perhaps, this group dynamic is an individualizing pedagogy: It hews and hones the individual in the fire of performance. What do I

103. My coinage, but a criticism mounted in both Scott Turow, *One L* (Farrar Straus Giroux 1977) and John Jay Osborn, Jr., *The Paper Chase* (Houghton Mifflin 1971); more recently, see Benjamin Barton, *The Emperor of Ocean Park: The Quintessence of Legal Academia*, 92 Cal. L. Rev. 585 (2004) (reviewing Stephen L. Carter, *The Emperor of Ocean Park*). A famous example of proper Socraticism is E. R. Braithwaite, *To Sir, With Love* (Pyramid Book 1959); and the Sidney Poitier film *To Sir, With Love* (Columbia Pictures Corp. 1967) (motion picture). An example of a non-Socratic approach that is equally effective is Pat Conroy, *The Water Is Wide* (Houghton Mifflin Co. 1972), from which the Jon Voight film was made. *Conrack* (20th Cent. Fox 1974) (motion picture). Other education films that represent similar values include *Educating Rita* (Columbia Pictures Corp. 1983) (motion picture), *Dead Poets Society* (Touchstone Pictures 1989) (motion picture), and *Good Will Hunting* (Miramax Films 1997) (motion picture).

104. Karl Popper gets at the real Socrates in the two volumes of *The Open Society and Its Enemies*, his attack on the totalitarianism of Hegel, Marx, and Plato himself, whom Popper accuses of betraying Socrates. Popper notes what he calls Socrates’ “moral intellectualism,” which included the notion that everyone, even a slave, can be taught. Karl Popper, *The Open Society and Its Enemies* vol. 1, 135, 137 (Routledge 1945); Chris Patten, *East and West* 326 (Random House 1998), calls Popper’s book “the book that has marked me most.” *Id.* at 290. Patten was Hong Kong’s last British colonial governor. “Hegelian dialectics” vis-à-vis education is discussed in Jack A. Hiller and Bernhard Grossfeld, *Comparative Legal Semiotics and the Divided Brain: Are We Producing Half-Braided Lawyers?* 50 Am. J. Comp. L. 175, 189 (2002).

105. *Stand and Deliver* (Warner Bros. 1988) (motion picture).

think? What do *I* stand for? What do *I* know? As Professor Cummings points out, it takes a strong and confident individual to learn to answer such questions, and thereby to contribute most significantly to society.¹⁰⁶

All my greatest teachers have been Socraticists, gently or gruffly coaxing out of me (us) answers and connections we didn't know we had, in the presence of each other. That is why the classroom—the convened community of learners—is so vital, and why I will never fully trust “distance education,” recorded lectures, or any form of one-way teaching as a complete substitute.

These assorted points are not necessarily part of a single field theory of education. Ezra Pound groaned—or whined—that “*I cannot make it cohere*,”¹⁰⁷ but coherence on these points may not be the greatest *desideratum*. I think of them rather as tools in a box to be used here and there when I need them.

VI. GLOBALIZATION AND EXPERIENCE

It is fashionable among modern educators to speak of teaching students “how to fish” (as opposed to “giving them a fish”) without reflecting on the facts that: (a) there are many ways to fish, and (b) in a professional globalized lifetime, one will need to fish in many ways in many waters. A fully globalized lawyer will need to fish like a communist, a capitalist, a common law lawyer, and a civil law lawyer, a Confucian, a Deweyan, a Jeffersonian, an adept at Mao Thought and Deng Theory, an Islamicist, Russellist, Aristotelian, and Platonist, and a partisan advocate and a conciliatory mediator—all perhaps on a different continent each week—to “learn and control a foreign legal culture.”¹⁰⁸ Teachers of the globalized lawyer and thinker will need to distinguish between teaching him/her the *subject of jurisprudence* and teaching him/her how to *think jurisprudentially*. Globalization means that one perceives his/her “community of scholars” as being as heterodox as the world—where the “professional peer group is worldwide.”¹⁰⁹ Continuing global education is much more than mere broadening. It is also deepening—perhaps the much harder task. Playwright Robert Bolt has his lawyer, Sir Thomas More, say: “God made the *angels* to show him splendour—as he made

106. William K. Cummings, *The Future of Values Education in the Pacific Basin*, in Cummings et al., *supra* n. 33, at 287.

107. Quoted in Adrienne Rich, *What Is Found There: Notebooks on Poetry and Politics* 232 (Norton 1993).

108. Ugo Mattei, *Some Realism About Comparativism: Comparative Law Teaching in the Hegemonic Jurisdiction*, 50 Am. J. Comp. L. 87, 99 (2002).

109. Estelle M. Phillips & Derek S. Pugh, *How To Get a PhD: A Handbook for Students and Their Supervisors* 21 (3d ed., Open U. Press 2000).

animals for innocence and plants for their simplicity. But Man he made to serve him wittily, in the tangle of his mind! . . . And no doubt it delights God to see splendour where he only looked for complexity.”¹¹⁰

Professor Edel’s allusions come into play here, too.

Recent research by Mark Shiu Kee Shum also indicates that the contexts of situation and culture are such fundamental variables that they will always constrain the implementation of any curriculum plan.¹¹¹ He writes:

The results lead one to ask whether a commitment to a curriculum reform that sees itself as part of a movement towards globalization is at all realistic, since local cultural expectations and values will always prevail over reforms that aim to be ‘global’ in character; and that local forces will always lead to models of pedagogy that differ from the intended ‘global’ ones.¹¹²

This is substantially realistic and not to be lamented. The perseverance of the local amid the pressures to globalize is in fact the creative interface where educational excitement and creativity take place. It ensures that globalization does not degenerate into homogenization. Arjun Appadurai argues that “globalization is not simply the name for a new epoch in the history of capital or in the biography of the nation-state. Appadurai contends that globalization “is marked by a new role for the imagination in social life” that tries to see the relationships between world regions. He asks: “Are we prepared to move beyond a model of internationalizing academic research that is mainly concerned with improving how others practice our precepts?”¹¹³ Hence, we come to a greater definition of the elements of “world-class,” “global,” and “world-standard” in terms of comparative education, theory, and praxis: it is to become a translator or reconciler of diverse and incommensurable perspectives as James Boyd White conceives of it:

For me the image of translation thus teaches the paradoxical duty, impossible to discharge with perfection, of simultaneously affirming respect for the other—the other language, the other culture, the other person—and asserting the value of one’s own experience and judgment,

110. Robert Bolt, *A Man for All Seasons: A Play of Sir Thomas More* 78 (Random House/Methuen Drama 1995).

111. Mark Shiu Kee Shum, *Teaching and Learning Report Writing in Senior Secondary Chinese in Melbourne and Hong Kong: A Cross Cultural Case Study*, No. 1 of 2003 CERCular 9 (newsletter of the Comp. Educ. & Research Ctr., Faculty of Educ., U. Hong Kong 2003).

112. *Id.*

113. Arjun Appadurai, *Grassroots Globalization and the Research Imagination*, in *Globalization* 1–21 (Arjun Appadurai ed., Duke U. Press 2001).

and one's own culture, too.¹¹⁴

The comparative project thus finally must become one of affirming respect for the other's law as well, so that globalization does not become elitism, the preserve of the rich and powerful. To be globalized is to be synergetic and eclectic. Truly globalized people will have slept under some bridges in foreign lands, pedagogically speaking, and perhaps blown a few of them up. They will conceive of liberal education for liberal democracy. They will find joy in teaching even the basic curriculum (torts, contracts, procedure) to beginning students, to show them the way to be the "best and the brightest." The task is to make us and them "really see it," to "teach in the grand manner," to "scratch our eyes in again," and to make great graduates—people on whom nothing is lost—so that the young lawyers can do more than just sit around hermetically for the rest of their lives and "talk shop" with each other.

A de-hermeticized legal education demands global thinkers. However, if your path to law school has been directly from high (middle) school to university, where is the foundation for you to be global? Surely the American educated among such as these would understand an allusion to *Brown v. Board of Education*, 349 U.S. 294 (1955), but they also need to understand ones such as "Pacific Basin versus Pacific Rim," or "the rule of law with Chinese characteristics." Moreover, the paradigm for becoming a law teacher is remarkably like that for becoming an official in dynastic China: the examination system. First, you "test on" or "write on" to law review or the dean's list, then from there you do the same to the professorate—with little or no real-life experience intervening. I like the description of what was required of a practicing American lawyer in the Shanghai Mixed Court in the 1920s:

[He] might be in the Chinese court one day, the British court the next, the French or American Court another. . . . A fluency in French, plus a good working knowledge of the Code Napoleon and of Chinese and English law was highly desirable. It was taken for granted that the American lawyer in Shanghai knew something about international law, maritime law, the laws of the District of Columbia, the decision of the Federal courts, equity, and the laws of most of the forty-eight of these United States. Cases in the American court frequently turned upon the law of anyone of the States not to mention the laws of the Philippine

114. James Boyd White, *From Expectation to Experience: Essays on Law and Legal Education* 84 (U. Mich. Press 1999); see also the review of White's book in Robert P. Burns, *Book Review*, 50 No. 1 J. Leg. Educ. 147 (2000). White's most sustained treatise on "translation" in this sense occurs in James Boyd White, *Justice As Translation: An Essay in Cultural and Legal Criticism* (U. Chi. Press 1990). I acknowledge my own enormous debt to White who, in all of his books, thinks and writes in comparative and combinative terms of language, literature, and law.

Islands.¹¹⁵

Or consider the exacting system under which the training in the Inns of Court took place during term as well as vacation in 1666 and earlier: “Call to the bar involved examination by all the Benchers of one’s Inn; no barrister of less than five years’ standing was permitted to draft pleadings for a case at Westminster Hall; and no barrister of less than 10 years’ standing was permitted to argue a case there.”¹¹⁶ When Leon Edel lamented that his students could no longer understand his allusions, his desire was for just such Miltonians in his classes.

I recall that not long after my “allusions” conversation with Professor Edel, I had another conversation with a young man who had graduated from the public school system—certified by that system and his teachers that he possessed a basic high school education. He was impressed by the number of books I owned. He said: “You have so many books. You must *like* to study.” I answered yes. He asked: “What are you studying now?” I said: “I’m studying Plato.” He grew genuinely puzzled at my response, then asked: “Why would you want to study Play-Doh?” Play-Doh, of course, is the malleable synthetic “dough” that kids play with to learn molding. As I tried to explain that Plato was a Greek philosopher, I only confused this young man more. He could not grasp the allusion. I am reminded also of a more recent conversation with a postgraduate student at the University of Hong Kong, whom I observed working for hours at the computer:

I: Writing again, eh? You write a lot. You must like it.

He: I hate writing.

I: But writing helps you learn to think.

He: I hate thinking.

I: Well, then, why are you at the University?

He: To get my degree.

Globalization does not (or ought not to) argue that the foreign is better than the domestic. The student may end up deciding that the home fires burn brighter after all. But such a decision will be an informed decision: “When the last of earth left to discover [i]s that which was the beginning. . . ;”¹¹⁷ That, for all of us, is the “romance and high adventure” of (legal and comparative and language) education.

115. Norwood F. Allman, *Shanghai Lawyer* 115–116 (McGraw-Hill 1943) (quoted in Thomas B. Stephens, *Order and Discipline in China: The Shanghai Mixed Court 1911–27*, at 58 (U. Wash. Press 1992)).

116. Kemal Bokhary, *supra* n. 102, at 140 (citing the Editor’s Preface of Dugdale, *History and Antiquity of the Four Inns of Court* (1780)). Justice Bokhary is a member of the Hong Kong Court of Final Appeal.

117. T. S. Eliot, *Four Quartets* 39 (Harcourt, Brace, & Co. 1943).