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Transnationalization of Legal Education: A Confluence of Multiple Factors Review of “The Globalization of Legal Education: A Critical Perspective” by Bryant Garth and Gregory Shaffer

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**TRANSNATIONALIZATION OF LEGAL EDUCATION:
A CONFLUENCE OF MULTIPLE FACTORS REVIEW OF “THE
GLOBALIZATION OF LEGAL EDUCATION: A CRITICAL
PERSPECTIVE” BY BRYANT GARTH AND GREGORY SHAFFER**

MD. RIZWANUL ISLAM*

ABSTRACT

Legal education across many parts of the world is increasingly transnationalized. Transnationalized legal education is a metamorphosis propelled by a combination of factors, some endogenous to the law school and legal community, some exogenous to them. This review essay finds that globalization and reform of legal education are often part of a broader change within a state. Any reform of legal education is often chaotic, as it deals with human actors, not with value-free formulas. The engineers of reform of legal education have not been a single or cohesive force, but more often groups of reformers have coalesced with others to engender changes.

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INTRODUCTION

Bryant Garth and Gregory Shaffer's book is a thorough yet highly readable volume exploring the globalization of legal education from many angles. However, in some ways, it should appeal to an audience broader than readers interested in legal education. This is because law is a normative, value-laden subject with a close nexus to power, and legal education can hardly be insulated from historical, socio-economic, and political forces. After all, how legal norms are constructed may often have little to do with organic, or objective, let alone equitable processes.¹ The study of legal education analyzed in the book is, thus, an exploration of legal education in a broader context. The book demonstrates that the globalization and reform of legal education are also kaleidoscopic. The authors have masterfully situated legal education reform within the broader movements of society. It vividly shows that legal education has not just been shaped by the socio-economic development within the state, but it has sometimes impacted the wider society. The book demonstrates that any reform of legal education is often chaotic, as it deals with human actors, not with value-free formulas. The engineers of reform have not been a single or cohesive force, but often, more than one group of reformers has coalesced with others to engender changes.

It also shows that while legal education may be more globalized today, the movement of actors and epistemic legal resources are not homogeneous. This means that even in this globalized era, more often than not, the Global South is mostly an exporter of law students to the Global North and a consumer of legal education materials produced in the Global North. Thus, while there may be an assimilation of epistemic practices, the dynamics of de facto power—from core to the periphery—exist in legal education in various forms. The comprehensive nature of the volume should make it a compelling read for future studies on the globalization of legal education. Due to its comprehensive and analytical richness, it should prove to be a pioneering socio-legal research work on the globalization of legal education. Most chapters contain a very rich bibliography, which would be helpful for inquisitive readers.

I. OVERARCHING THEMES

The chapters depict legal education on a broad yet highly comprehensible canvas. This is not only a book on legal education but many other aspects of law such as legal history, legal sociology, legal practice, and other topics beyond law. Of course, the vantage point is legal education, but in exploring legal education, it offers glimpses of wider issues. For instance, the book points out

1. Andrea Bianchi, *Knowledge Production in International Law: Forces and Processes*, in *INTERNATIONAL LAW'S INVISIBLE FRAMES: SOCIAL COGNITION AND KNOWLEDGE PRODUCTION IN INTERNATIONAL LEGAL PROCESSES* 155, 155 (Andrea Bianchi & Moshe Hirsch eds., 2021).

that during the colonial era, colonial powers such as the UK or the Netherlands invested in legal education of the colonized elite with the hope that this would allow the elites greater roles in governance and stave off criticism of the colonized rulers.²

The authors rightly point out that by teaching some courses such as corporate law or human rights in somewhat similar fashion in different jurisdictions, legal education may serve as a means for the “transnational flow of legal norms” (though often only from a selected few ‘core’ countries) across jurisdictions.³ Thus, legal education may simultaneously be a symptom of, and also a tool for, transnational changes.⁴ Somewhat paradoxically, this transnational legal ordering may serve those in power (public or private) but may also be a tool for confronting and restraining raw power.⁵ While the authors do not explicitly mention this, it would appear that the sort of role legal education would play within a particular society has more to do with the broader social fabric than the legal education per se.

The elites who benefit from the status quo in a legal system due to their personal and familial connections may resist the reform of legal education as has been evident in countries such as Brazil and India.⁶ A topic like the globalization of legal education could easily have been opinionated. It is to the credit of the authors that they do not offer any didactic views of best practices in legal education; rather they mostly present the information in a critical yet dispassionate manner. In other words, they present an excellent snapshot of how the norms and dogmas of legal education transcend borders.

A notable issue evident from the volume is that while transnationalization of legal education may augment the role of meritocracy, at the same time it has exacerbated inequality.⁷ This has happened because of the increasing privatization of legal education, higher tuition fees, and other associated costs of legal education.⁸ This is a bigger challenge for the Global South, where entry into many quality law schools is often contingent not only on academic abilities, but also on the ability to pay tuition and other costs.⁹ And to make it worse, unlike in many Organization for Economic Co-operation and Development (OECD) countries, tuition fee loans are scarce commodities for most in the

2. BRYANT GARTH & GREGORY SHAFFER, *THE GLOBALIZATION OF LEGAL EDUCATION: A CRITICAL PERSPECTIVE* 13 (2022); *contra infra* notes 28-29 and the accompanying text.

3. *Id.* at 17.

4. *Id.* at 18.

5. *Id.* at 19-20.

6. *Id.* at 20-21.

7. *Id.* at 21.

8. *Id.* at 22.

9. *Id.* at 27.

Global South.¹⁰ The funding for legal research is also a scarce commodity.¹¹ In this milieu, thankfully, this book is published open access. If a reader is not willing to invest the time in reading this relatively long volume, she may even read just the first chapter, which provides a highly readable and deft overview of the entire book. This is not to imply that the chapters that follow are any less readable.

II. CHAPTER-WISE FINDINGS

Chapter Two by Ron Levi, Ronit Dinovitzer, and Wendy Wong explores the role that the Ford Foundation has played in the reform of legal education.¹² The chapter argues that it played a key role not only in legal education but also in reforming the broader state machinery by pushing the role of lawyers and legal experts in statecraft both within and outside the United States.¹³ The authors of this chapter find that during 1950-2003, 721 out of 5,091 grants disbursed by the Ford Foundation were related to legal education.¹⁴ The authors point out that a core aim of the funding was, inter alia, to impart training on foreign lawyers who might occupy important positions in their respective countries.¹⁵ Within the United States, the central focus of the Ford Foundation's grants was to make U.S. legal education more international and comparative.¹⁶ The chapter observes that early leaders of the Ford Foundation were acutely aware of the challenges of trying to reform legal education in a foreign country without sufficiently addressing and appreciating the local contexts within that country.¹⁷

The direction of grants changed trajectories with the changed psyche of those who are at the helm of the Ford Foundation, as exemplified by the conviction of William Pincus, who was disenchanted by many grant proposals that he could not see having any nexus to the improvement in the administration of justice.¹⁸ This convinced the Ford Foundation to focus on grants to implement clinical legal education.¹⁹ Clinical legal education had its skeptics perceiving the

10. *Id.* at 32, 34.

11. Scarce funding is not limited to legal research but also happens to basic science where the value of a discovery may not be immediately evident or may not have industrial application, resulting in a disinterest in funding by the private sector. See Richard H. Levin, *Top of the Class: The Rise of Asia's Universities* 89 FOREIGN AFF. 63, 63 (2010).

12. Ron Levi, Ronit Dinovitzer & Wendy H. Wong, *Strategic Philanthropy and International Strategies: The Ford Foundation and Investments in Law Schools and Legal Education*, in THE GLOBALIZATION OF LEGAL EDUCATION: A CRITICAL PERSPECTIVE 79, 79-80 (Bryant Garth & Gregory Shaffer, eds., 2022)

13. *Id.* at 80-81.

14. *Id.* at 81.

15. *Id.* at 88.

16. *Id.* at 89.

17. *Id.*

18. *Id.* at 93.

19. *Id.* at 94.

model of dubious academic pedigree.²⁰ The wider social and political contexts, such as the U.S. Civil Rights Movement, influenced a growing number of grants dealing with civil rights.²¹ Another pivot of the Ford Foundation grant scheme was funding law and development projects based on the conviction that lawyers were well placed to explore social maladies and respond to them.²² The perennial social justice issues such as countering the apartheid policies in South Africa also became a focus of funding for legal education reform.²³ The form of the Ford Foundation's engagement in different countries was not identical. In China, where the Ford Foundation was perceived with suspicion, the engagement began with a network of elite professors from the United States and China.²⁴

Chapter Three by Michelle Burgis-Kasthala deals with the transnationalization of legal education in Africa.²⁵ This chapter points out that while African universities may rank at the bottom of global rankings, in terms of the mobility of students and use of overseas funding and epistemic resources, they are among the most internationalized.²⁶ The onset of colonization meant the emergence of a dual legal system in Africa in which the private law was regulated by traditional customary and religious law, and the public law or state law became distinct from the indigenous or customary law.²⁷ Both in Anglophone and Francophone colonies, the colonizers were disinclined to promote legal knowledge due to an anxiety such education might install an emancipatory mood among the colonized.²⁸ This only changed after the substantial contribution made by the African troops during the Second World War which created a milieu in which the colonizers felt that they should invest in imparting legal education to Africans which often took place by providing elite Africans scholarships to study overseas.²⁹ This was so much so that at the dawn of independence, in some African countries, there were more students enrolled in English Inns of Court than in African local universities.³⁰

20. *Id.*

21. *Id.* at 99-100.

22. *Id.* at 98-99.

23. *Id.* at 104.

24. *Id.* at 107-09.

25. Michelle Burgis-Kasthala, *The Transnationalization of Legal Education on the Periphery: Continuities and Changes in Colonial Logics for a "Globalizing" Africa*, in *THE GLOBALIZATION OF LEGAL EDUCATION: A CRITICAL PERSPECTIVE* 123, 124 (Bryant Garth & Gregory Shaffer, eds., 2022).

26. *Id.*

27. *Id.* at 127.

28. *Id.* at 127-28.

29. *Id.* at 128.

30. *Id.* at 129.

In post-colonial Africa, legal education was perceived as a tool for developmental policy formulation.³¹ Although funding for law schools in Africa came from the former colonizers—the United States, the USSR, China, and U.S. private charitable entities—the funding often embodied geopolitical rivalries of the Cold War era, and African interests received secondary consideration.³² In Anglophone Africa, British funding for legal education centered on private practice, but the Ford Foundation focused more on public lawyering for social transformation.³³ The funding of education by inter-governmental organizations like the United Nations Educational, Scientific, and Cultural Organization (UNESCO) and the World Bank operated on different philosophies. The World Bank viewed university education (other than in some areas such as economics, science, information and communication technology—perceived as complementing neoliberal values) as less beneficial to society;³⁴ UNESCO believed in the prospect of universities contributing to the economic development of states.³⁵ This forced African universities and law departments to try to generate more revenue for sustenance.³⁶ While in the twenty-first century, this wedge has somewhat narrowed, the funding milieu is still donor-driven and African national and regional initiatives have remained largely overlooked.³⁷ The author points out that for African universities to be truly ‘African Universities’ rather than ‘Universities in Africa,’ they need to ensure that their teaching and research respond to the concerns of national, subregional, and regional needs.³⁸ With that being said, there are some regional endeavors to strengthen ties among African universities.³⁹ Unlike many other chapters in the book, this chapter presents many of its findings in a more generic context within the wider tertiary education, presumably because of a lack of segregated data on the transnationalization of legal education in Africa.

Chapter Four by Ralph Madlalate, dealing with legal education in South Africa, perhaps unsurprisingly, focuses on the colonial and apartheid eras.⁴⁰ It shows that law schools played a dual role as producers of colonial and apartheid agents as well as those who led the movement against colonialism,⁴¹ demonstrating that law can both be a tool of oppression and emancipation. The

31. *Id.* at 131-32.

32. *Id.* at 132-33.

33. *Id.* at 133-35.

34. *Id.* at 137, 140.

35. *Id.* at 129-30.

36. *Id.* at 137-38.

37. *Id.* at 141.

38. *Id.* at 144.

39. *Id.* at 144-45.

40. Ralph Madlalate, *Legal Education in South Africa: Racialized Globalizations, Crises, and Contestations*, in *THE GLOBALIZATION OF LEGAL EDUCATION: A CRITICAL PERSPECTIVE* 157, 157 (Bryant Garth & Gregory Shaffer, eds., 2022).

41. *Id.* at 157-58.

South African legal system has footprints of both the Roman-Dutch legal system as well as the English legal system promoted by the British colonizers.⁴² Even when the apartheid-era law schools were formally open to the African people of color, the latter faced many forms of discrimination which meant Nelson Mandela could not complete his LLB degree.⁴³ Such discriminations were not just limited to official policies and financial constraints, but also rooted in subtle prejudices of faculty members and others they interacted with.⁴⁴ When apartheid policies gained a formal foothold in 1948, even law schools that hitherto followed formally ‘open’ policies regarding the admission of Black students, had to radically change their admission policies.⁴⁵ Segregation of law schools into categories such as for “African,” “Indian,” and “colored” people meant that the opportunities for Black students, located far away from the metropolises dwindled and they turned into lower-tier law schools.⁴⁶ Very rarely, a handful of Black students were able to pursue education in top-ranked law schools overseas where they could attain academic and professional excellence.⁴⁷

The racial segregation in the wider society also reflected in the type of degrees that law students pursued. The LLB degree, which was at the pinnacle, was typically only pursued by the privileged white, while the less alluring *Baccalaureus Procuratoris* (B Proc) and *Baccalaureus Juris* (B Juris) were pursued by students of other races.⁴⁸ The racist policies meant that in 1994, around eighty-six percent of African lawyers were white.⁴⁹ Similar underrepresentation of the non-white community could also be witnessed in law firms, on the bench, and in the academe.⁵⁰ The legal education of the racist era was also decontextualized education premised on technicality, positivism, and parliamentary, evading perennial questions of natural justice and promoting the status quo.⁵¹ Despite these being the dominant tenor, of course, legal education was not completely insulated from other perspectives of law, as there was exposure to texts of classic scholarly works and laws of other jurisdictions. There were also countervailing forces such as the Ford Foundation-led law clinics promoting contextualized legal education.⁵²

In post-apartheid South Africa, while the philosophy of the government was to make the legal system more demographically representative, ironically, the

42. *Id.* at 160.

43. *Id.* at 160, 162-63.

44. *Id.* at 162-63.

45. *Id.* at 163.

46. *Id.* at 163-64.

47. *Id.* at 164.

48. *Id.* at 164-65.

49. *Id.* at 165.

50. *Id.*

51. *Id.* at 165-67.

52. *Id.* at 166-67.

notion of ‘academic freedom’ often proved to be a sanctuary for many law schools to continue operating as they had during apartheid.⁵³ A critical reform was the introduction of a four-year LLB degree as a common (though not the sole) entry requirement for the bar which combined both academic and professional skill.⁵⁴ Post-apartheid South Africa also has witnessed the formation of larger public law schools.⁵⁵ A related development is the rating of researchers through a National Research Foundation which has meant that legal research is more theoretical, collaborative, and globally-oriented.⁵⁶ This positive perception about the global orientation of research seems to be at odds with the perception presented in Chapter Three—that in the quest for speaking to an international audience, African universities may somewhat compromise their duty to cater to national and regional research needs.⁵⁷ As the number of female and non-white law graduates has significantly increased, many discontents have raised concerns about the quality of the graduates.⁵⁸ Many students have also raised the concern about legal education remaining behooved to the colonial era and the high cost of tuition.⁵⁹ However, some of the disquiet may not be attributable to the law schools, but rather to the education that students received before enrolling in law school.⁶⁰ In sum, the author finds that equitable legal education still remains somewhat elusive in South Africa.⁶¹

Chapter Five by Yves Dezalay and Bryant Garth delves into legal education in India, which may be summarized as a clash between the entrenched privileged class and the lower classes.⁶² The chapter notes, except for supporting the movement for liberation, the legal elites in India have traditionally stayed close to the colonial power.⁶³ Aristocracy was not only prevalent in the legal profession but also in legal education, dissuading the brightest students of non-elite families from pursuing legal education.⁶⁴ The chapter explains the influential role played by, among others, a renowned academic, Upendra Baxi (himself educated at University of California, Berkeley), who pioneered public

53. *Id.* at 168-69.

54. *Id.* at 169-70.

55. *Id.* at 171.

56. *Id.* at 172.

57. Burgis-Kasthala, *supra* note 25, at 130.

58. Madlalate, *supra* note 40, at 172-73.

59. *Id.* at 176.

60. *Id.* at 178.

61. *Id.* at 178-79.

62. Yves Dezalay & Bryant Garth, *Battles Around Legal Education Reform in India: From Entrenched Local Legal Oligarchies to Oligopolistic Universals*, in *THE GLOBALIZATION OF LEGAL EDUCATION: A CRITICAL PERSPECTIVE* 185, 185-86 (Bryant Garth & Gregory Shaffer, eds., 2022).

63. *Id.* at 189-90.

64. *Id.*

interest litigation and national law schools in India.⁶⁵ This coincided with opportune funding from the Ford Foundation.⁶⁶ The first national law school in India, set up in Bangalore, heralded the beginning of a five-year law degree in lieu of a three-year law degree.⁶⁷ A more market-oriented legal education also gained a foothold in India due to the economic opening policies pursued by the then Prime Minister, Manmohan Singh, whose economic reform policies meant that overseas corporate law firms could offer their service to Indian clients.⁶⁸

While admission to the prestigious national law schools in India is meritocratic, most who gain access and do well there come from the upper echelon of Indian society thanks to a host of accumulated privileges.⁶⁹ While many law firms in India may on paper be partnerships, in essence they are rarely true partnerships and, instead, are often dominated by families or only some individuals within the firm.⁷⁰ In India, the leading law firms, the grand advocates, bureaucracy, and courts, along with familial connections, often create a network of long-standing relationships.⁷¹ The position of law academe is subaltern even in academic matters such as the law school curriculum and hiring for leading roles, and funding is tightly controlled by the judges.⁷² Due to these dynamics, the direction of the national law schools is often steered by the privileged class, and, barring few exceptions (such as Jindal Law School), research productivity is not high on the agenda of the law schools.⁷³ Some elite law professionals, some legal researchers of the Indian diaspora, and internationalized law firms have become the advocates for reform of legal education in India.⁷⁴ Another force of challenges to traditional legal education in India has been internationally educated think-tanks and proponents of interdisciplinary legal research.⁷⁵ However, even the educationally elite drivers of change do not seem to possess the familial or social capital needed to engineer radical reform in India or to seriously challenge the power of the elite bar.⁷⁶ As the authors concede, the chapter focuses on the legal education of India as

65. *Id.* at 190-91.

66. *Id.* at 190. For a scholarly discussion on Baxi's role in Indian legal education, see Prakash Sharma & Partha Pratim Mitra, *Upendra Baxi and Legal Education: An 'Open' Reflection of Illustrious Career*, in CLINICAL AND CONTINUING LEGAL EDUCATION: A ROADMAP FOR INDIA 417, 449, 455-456 (S. Sivakumar, Prakash Sharma, & Abhishek Kumar Pandey eds., 2021).

67. Dezalay & Garth, *supra* note 62, at 191.

68. *Id.* at 192.

69. *Id.* at 193, 195.

70. *Id.* at 194.

71. *Id.* at 195-96.

72. *Id.* at 196-97.

73. *Id.* at 197-98.

74. *Id.* at 202-05.

75. *Id.* at 204-06, 208.

76. *Id.* at 200, 206-08.

offered by the national law schools, who are only a small fraction of the diverse Indian legal academe.⁷⁷

Chapter Six by Veronica Taylor explores the engagement of law schools from selected Asian jurisdictions—China, Indonesia, Japan, Myanmar, and the Philippines—with policy making.⁷⁸ The chapter discusses that in a jurisdiction like Myanmar, where authoritarian regimes have ruled for many years, having dialogues on the rule of law or transitional justice requires prior authorization from the government.⁷⁹ While in advanced economies—like the United States, much of Europe, and Australia—public policy engagement is encouraged by university insiders and the government. The situation is not the same in some countries in Asia.⁸⁰ In China, the author points out that any policy engagement by law schools that, in the perception of the Chinese government, may have a disruptive potential, is tightly regulated.⁸¹ In Indonesia, while universities partner with NGOs and donor agencies to engage in policy making discourse, there is some disquiet about universities losing academic staff opting to work for external organizations and the law schools not getting enough recognition from project-implementing bodies.⁸² In 2004, Japan launched as many as seventy-four new graduate law schools to generate more lawyers who would possess the skill to engage in transnational legal work and areas such as intellectual property law, which were aligned with the industrial policy of the country.⁸³ However, a coalescence among Japan Federation of Bar Associations, the Supreme Court, and the Ministry of Justice, meant tight bar examination and a de-emphasis on international and transnational courses have meant that many of those programs have been short lived.⁸⁴ Thus, academics had to concentrate more on preparing students for bar examinations while teaching and engaging with policymaking was de-prioritized.⁸⁵ The chapter concludes that the Asian experience implies that interaction between public and private actors would facilitate legal education reform and impact legal knowledge production.⁸⁶

Chapter Seven by Javier Cuoso delves into the transnationalization of legal education in Latin America with a particular focus on Latin American Seminar

77. *Id.* at 192.

78. Veronica L. Taylor, *Asian Legal Education's Engagement with Policy*, in *THE GLOBALIZATION OF LEGAL EDUCATION: A CRITICAL PERSPECTIVE* 213, 215 (Bryant Garth & Gregory Shaffer, eds., 2022).

79. *Id.* at 214-18.

80. See Md. Rizwanul Islam, *Challenges of Research and Publications on International Law in Bangladesh: A Soliloquy?* 26 *CHITTAGONG U. J. L.* 3-4, 7 (2024) [forthcoming] (showing a pronounced disconnect between policymaking and legal academe in Bangladesh).

81. Taylor, *supra* note 78, at 223-24.

82. *Id.* at 228.

83. *Id.* at 228-29.

84. *Id.* at 229-30.

85. *Id.* at 230-32.

86. *Id.* at 232.

on Constitutional and Political Theory (SELA)—a network of Latin American scholars and Yale Law School set up in 1995.⁸⁷ This network of scholars meets on an annual basis for three days to exchange ideas and is not limited to Constitutional Law scholars.⁸⁸ In this closed circle, the dialogue is open in that it dispels traditional hierarchical norms found in universities in Latin America.⁸⁹ In its initial phase, SELA heavily relied on Yale Law School, but it subsequently formed an official organizing committee consisting of different Latin American states.⁹⁰ To encourage active participation, all papers at SELA annual meetings are circulated in advance, presented in only plenary sessions, and are not presented by the authors, rather commented upon by the participants.⁹¹

SELA was driven by a network of scholars educated in the United States, the UK, and former colonies of the UK, who felt marginalized in the legal academe by the older generation of academics generally taught in Continental European countries.⁹² However, the SELA network was also boosted by external developments of that time, i.e., the beginning of democratic regimes in some Latin American countries and a feeling of betrayal by a formalist judiciary and legal education.⁹³ The chapter also notes the existence of some regional academic networks in Latin America and asserts (but does not sufficiently explain) that SELA has been impactful in shaping contemporary legal education in Latin America.⁹⁴ However, as a scholar driven network, the chapter rightly posits that unlike any exportation of U.S. legal education, SELA is a much more fluid and horizontal network.⁹⁵ One missing part of this chapter is that it does not thoroughly analyze how SELA has impacted legal education or legal research in Latin American law schools.

Chapter Eight by Oscar Vilhena Vieira and José Garcez Ghirardi, explores the challenges of promoting cosmopolitan legal education in Brazil.⁹⁶ The earliest law schools created in the country in 1827, after Brazil's independence from Portugal, laid emphasis on encyclopedic and informative legal education

87. Javier Couso, *Transnational Legal Networks and the Reshaping of Legal Education in Latin America: The Case of SELA*, in *THE GLOBALIZATION OF LEGAL EDUCATION: A CRITICAL PERSPECTIVE* 238, 239 (Bryant Garth & Gregory Shaffer, eds., 2022).

88. *Id.* at 239-40.

89. *Id.* at 240.

90. *Id.* at 241-42.

91. *Id.* at 242, 244.

92. *Id.* at 239.

93. *Id.* at 245.

94. *Id.* at 246-48.

95. *Id.* at 248.

96. Oscar Vilhena Vieira & José Garcez Ghirardi, *The Unstoppable Force, the Immovable Object: Challenges for Structuring a Cosmopolitan Legal Education in Brazil*, in *THE GLOBALIZATION OF LEGAL EDUCATION: A CRITICAL PERSPECTIVE* 253, 255, 261 (Bryant Garth & Gregory Shaffer, eds., 2022).

with little emphasis on the practical application of law.⁹⁷ The law school was more a place of networking and gaining social capital than one of academic learning or research.⁹⁸ Only naturally, the same permeated in a professoriate culture where higher court justices, ministers, top bureaucrats, and prominent private legal practitioners were the worshiped law professors.⁹⁹ *Magister dixit* was more valuable than scholarly contribution.¹⁰⁰ The occasional scholarly critique from within the legal academe about the non-academic legal academe could not yield much change to the status quo.¹⁰¹ With this backdrop, *FGV Direito SP* (Law School of São Paulo) came into being in order to have a law school insulated from the dictate of the legal profession, with an autonomous law faculty geared to have a set of legal professionals that could cater to the demands of globalization and respond to social needs through independent legal research.¹⁰²

FGV Direito SP not only introduced new legal courses aimed at situating law within the broader inter-disciplinary context, it also adopted a more student-centric approach to the teaching of law.¹⁰³ This new structuring of teaching is not just a pedagogical tool, but a tool for embedding a perception of law which is more participatory and targeted at addressing social maladies.¹⁰⁴ In its international dimension, the Brazilian assertive role on international legal issues in the arena of trade, environment, and human rights also played its part in the changing praxis of legal education in Brazil.¹⁰⁵ *FGV Direito SP* has also launched a Law School Global League for law schools from all continents which organizes conferences, annual dean meetings, a summer course, etc.¹⁰⁶ The chapter argues that in transplanting the legal education model of the Global North, agents of change have to interact with the vanguards of the traditional legal education model.¹⁰⁷ The reformist may, for instance, point out that if the hegemony of the Global North in shaping global laws is to be challenged by the Global South, the latter group must first master the existing rules and, only then, mount a successful challenge.¹⁰⁸ A big challenge for promoting high-quality research and teaching is the high cost which may exacerbate inequality.¹⁰⁹ The

97. *Id.* at 255, 257.

98. *Id.* at 257-58.

99. *Id.* at 258.

100. *Id.*

101. *Id.* at 260.

102. *Id.* at 261.

103. *Id.* at 261-62.

104. *Id.* at 262-63.

105. *Id.* at 263.

106. *Id.* at 264-65.

107. *Id.* at 267, 273.

108. *Id.* at 268-69.

109. *Id.* at 271-72.

chapter asserts that *FGV Direito SP* has sought to allay this concern by providing scholarships and loans.¹¹⁰

Chapter Nine, by David Law, is quite novel in the sense that it deals with legal education in a country where the first law school was set up less than a decade ago—Bhutan.¹¹¹ The study of Bhutanese legal education in the chapter is preceded by the wider historical and strategic forces in Bhutan that shaped the creation of its first and, so far, only law school, Jigme Singye Wangchuck School of Law (JSW).¹¹² JSW was set up with two primary goals. First, preparing a well-trained government service in a country which is situated within two giant neighbors—India and China.¹¹³ For many years, Bhutan has embraced isolationist policies, secluding itself from the forces of globalization, but technological innovations instilled a conviction within the government that resisting engagement with the rest of the world is futile.¹¹⁴ Second, the presence of very few lawyers in Bhutan dramatically elevated citizens' legal costs and more lawyers were necessary.¹¹⁵ Despite its global outlook, JSW's design of retaining a strong Bhutanese character remains omnipresent.¹¹⁶ The inclusion of the course "Law and Gross National Happiness" is but one testament to the unmistakably Bhutanese identity.¹¹⁷ But at the same time the very charter of the JSW also recognizes the value of comparative legal scholarship and pedagogy.¹¹⁸ The courses on Buddhist philosophy; Dzongkha, the official language of Bhutan; and Alternative Dispute Resolution, emphasizing the Bhutanese tradition of community-based mediation; also bear the hallmarks of Bhutanese identity.¹¹⁹ In its pedagogical practices, the JSW imbues a mixture of methods including: traditional lecture, the Socratic method, and simulations.¹²⁰

110. *Id.* at 272.

111. David S. Law, *Isolation and Globalization: The Dawn of Legal Education in Bhutan*, in *THE GLOBALIZATION OF LEGAL EDUCATION: A CRITICAL PERSPECTIVE* 276, 276 (Bryant Garth & Gregory Shaffer, eds., 2022).

112. *Id.* at 276-78.

113. *Id.*

114. *Id.* at 277-78.

115. *Id.* at 281.

116. *Id.* at 289-90.

117. *Id.* at 290. Bhutan's obsession with "gross national happiness" (GNH) began when the Bhutanese King in 1974 retorted to an Indian reporter that Bhutan does not believe in gross national product, but in GNH. Genevieve Boyreau, *Bhutan's Gross National Happiness (GNH) and the World Bank*, END POVERTY IN SOUTH ASIA (May 20, 2016), <https://blogs.worldbank.org/en/end-povertyinsouthasia/bhutans-gross-national-happiness-gnh-and-world-bank#:~:text=Thus%20for%20my%20nation%20today,pursuit%20of%20Gross%20National%20Happiness%E2%80%9D> [https://perma.cc/8H9Y-D96H]. GNH has now found a place in Article 9(2) of the Constitution of the Kingdom of Bhutan. *Id.*

118. Law, *supra* note 111, at 288.

119. *Id.* at 291-92.

120. *Id.* at 292.

One distinct advantage of JSW is that with a clean slate and absence of a bar regulatory body, the founders of the law school did not have to confront forces that may sometimes constrain the freedom to create a legal curriculum.¹²¹ Other influential actors were Stanford University and George Washington University, which was due to the fact that some members of the Bhutanese Royal family were alumni of the former and the faculty at JSW and George Washington University had connections.¹²² Funding from Austria, Canada, Germany, and Singapore also meant some degree of interaction between JSW and the agencies of these countries.¹²³ However, in the case of Austria and Germany, the linguistic issue of instruction proved to be a constraint on more engagement between the former and JSW.¹²⁴ The non-market orientation of JSW means that its students are non-fee paying and the faculty-student ratio can rival the best in the world.¹²⁵

A unique feature in the creation of the JSW Law School was that the steering role in its design was played by a global law firm, White & Case, which was attributable to somewhat fortuitous personal networks.¹²⁶ JSW launched a five-year undergraduate program like the ones offered by Indian national law schools, albeit not designed in the same manner as the Indian model.¹²⁷ The program focuses on economics (for drafting agreements and helping businesses), political science (for civil service), and philosophy (for installing ethical values).¹²⁸ The chapter brands Bhutan's globalization as an "adaptation of global phenomenon to local conditions."¹²⁹ Thus, globalization of legal education need not be a binary choice between global and national.¹³⁰

Chapter Ten, by Philip McConaughay and Colleen Toomey, analyzes the globalization of Chinese legal education through the establishment of Peking University's School of Transnational Law (STL) which is located in Shenzhen, the focal point of China's Belt and Road Initiative.¹³¹ STL's initial design was to launch a U.S. JD program in China.¹³² However, in 2012, the American Bar Association's decision to not accredit any new JD programs beyond the United

121. *Id.* at 283.

122. *Id.* at 301-02.

123. *Id.* at 302-04.

124. *Id.* at 303-04.

125. *Id.* at 277-78.

126. *Id.* at 282.

127. *Id.* at 286.

128. *Id.* at 287.

129. *Id.* at 306.

130. *Id.*

131. Philip J. McConaughay & Colleen B. Toomey, *China and the Globalization of Legal Education: A Look into the Future*, in *THE GLOBALIZATION OF LEGAL EDUCATION: A CRITICAL PERSPECTIVE* 308, 308-09 (Bryant Garth & Gregory Shaffer, eds, 2022).

132. *Id.* at 309.

States and Puerto Rico dealt a severe blow to its mission.¹³³ With the ABA shutting the door, the JD program had to pivot from a bar-centric focus to a wider focus on providing education that caters to the needs of globalization.¹³⁴ A JM program followed STL's JD program.¹³⁵ The chapter notes that increasing Chinese interaction with other countries in Asia and beyond means the traditional method of doing business by concentrating on a relational basis has changed to more formal modes based on written contracts.¹³⁶ The chapter points out that Chinese are increasingly engaging actors from countries with a mix of legal traditions.¹³⁷ These include a variety of non-Western, religious, communist, and customary traditions.¹³⁸ The chapter argues that in the future, these exchanges may challenge the contemporary global convergence of law shaped by Western legal traditions and may create a more diverse global legal order.¹³⁹

STL's courses reflect the Chinese's encounters with actors from diverse legal traditions. For instance, its courses include: the legal systems of major Belt and Road Initiative (BRI) countries, commercial dispute resolution mechanisms for Sino-African dealings, Islamic legal tradition, and the legal systems of the Commonwealth of Independent States.¹⁴⁰ However, the chapter argues that Chinese central regulations regarding admission to the programs, internet policies and regulations, periodic censorship and bans on books, and others pose challenges to promote truly free and global education and scholarship.¹⁴¹ However, these restrictions are not overt in impeding the contents of the academic programs or dialogue in classrooms, unlike other academic institutions in China,¹⁴² possibly mirroring the special status of STL. One caveat regarding this chapter is that both of its authors had worked at STL and despite their best efforts, the findings may not be fully objective or at least dispassionate.

Chapter eleven by Kevin Davis and Xinyi Zhang explores the factors that motivate students to move beyond national borders to pursue legal education overseas.¹⁴³ The central argument of the chapter is that post-education employment opportunities are just one of the factors that drive aspirant students to study abroad—the real drivers are a cacophony of more complex economic,

133. *Id.* at 309-10.

134. *Id.* at 316.

135. *Id.*

136. *Id.* at 321-22.

137. *Id.* at 323.

138. *Id.*

139. *Id.* at 324.

140. *Id.*

141. *Id.* at 326-28.

142. *Id.* at 328.

143. Kevin E. Davis & Xinyi Zhang, *Who Wants the Global Law School?*, in *THE GLOBALIZATION OF LEGAL EDUCATION: A CRITICAL PERSPECTIVE* 333, 333-335 (Bryant Garth & Gregory Shaffer, eds., 2022).

social, and psychological factors.¹⁴⁴ The authors make their points through a case study of students pursuing a semester-long overseas study program called “NYU Law Abroad” in whose design they played an important role.¹⁴⁵ The authors chronicle the development of this program as part of a broader initiative of globalizing New York University (NYU) with campuses set up beyond the United States.¹⁴⁶ Rather curiously, the strategy committee, whose reports set the basis of the program, pointed out only a small percentage of students participate in exchange programs.¹⁴⁷ It nonetheless emphasized the importance of transnational legal training for students and recommended launching the study abroad program.¹⁴⁸

The chapter argues that more economic globalization-driven transactions may not necessarily generate more demand for transnational legal services.¹⁴⁹ It points out that lawyers trained in multiple jurisdictions may well be supplanted by hiring lawyers directly from those jurisdictions.¹⁵⁰ In a similar way, on the job training by transnational law firms may also undercut the demand for academic training on foreign law.¹⁵¹ The chapter posits that the choice of students is driven by a “constructed demand” which is the combination of social and psychological factors such as the social class they belong to, the class they interact with at the law school, and notions of power and prestige shaped by history and ideological influence.¹⁵² The chapter states that many alumni of NYU Law Abroad point to motivations such as exposure to different legal systems, moving with friends, improving language skills and cultural immersions, recommendations of friends and faculty, and allures or romanticized ideas about the site as driving their choice to pursue a semester abroad.¹⁵³ These perception-based factors along with unfamiliar language, according to the chapter, explain why a site in a commercially important jurisdiction such as China attracted fewer students than a Latin American site (Buenos Aires).¹⁵⁴ One may or may not agree with the basic thesis of the chapter, but one would find it difficult to disagree with the concluding observation of the chapter that in coming days, law schools will likely confront a fundamental question in designing a globalist legal curriculum whose interest should occupy

144. *Id.* at 334.

145. *Id.*

146. *Id.* at 348-50.

147. *Id.* at 350.

148. *Id.* at 349-50.

149. *Id.* at 336.

150. *Id.* at 338.

151. *Id.* at 339.

152. *Id.* at 345-46.

153. *Id.* at 357-60.

154. *Id.* at 354, 358.

primarily: the choice of students, the demands of the legal profession, or a set of some other factors.¹⁵⁵

One obvious question that arises is to what extent the findings of the chapter, which are based on a single law school (albeit with a diverse student body), are truly representative of the global student body who cross national boundaries to embrace foreign legal education. Indeed, the authors acknowledge that enhancing professional opportunities is a major motivation for many students pursuing higher legal education in the UK, the United States, France, and Germany—the centers of trade and investment.¹⁵⁶ The authors also accept that the motivation of students from other jurisdictions which are less prolific in international transactions may provide a different picture than what the chapter depicts.¹⁵⁷

Chapter twelve by Carrie Menkel-Meadow explores how some law professors have become more transnational and how it impacts legal education.¹⁵⁸ The main tenet of the chapter is that by engaging with law in more than one jurisdiction, a professional's life can be transformed by the transplantation of "transnational legal knowledge."¹⁵⁹ The author of this chapter, argues that all of us now, in some manner, have to encounter legal systems beyond our country of origin's, and in that sense are "legal pluralists."¹⁶⁰ The chapter asserts that a real transnational and comparative legal education would allow professors to break free from the shackles of knowledge received from the jurisdiction where they were trained and should prepare them to learn from different jurisdictions.¹⁶¹ This in itself may be the subject of a study on how legal academics in general are open to embrace learning from other jurisdictions. While studies show through citation practice that those who have studied overseas (both judges and professors) are prone to replicate their overseas learning in their national context,¹⁶² the perception of those without foreign legal education may be interesting.

The chapter analyzes at some length, the praxis of the Centre for Transnational Legal Studies (CLTS), which was established in 2008 by eleven law schools from Asia, Australia, Europe, Latin America, and the United States,

155. *Id.* at 361.

156. *Id.* at 340.

157. *Id.* at 346-47.

158. Carrie Menkel-Meadow, "Have Law Books, Computer, Simulations—Will Travel": *The Transnationalization of (Some of) the Law Professoriate*, in *THE GLOBALIZATION OF LEGAL EDUCATION: A CRITICAL PERSPECTIVE* 366, 366-67 (Bryant Garth & Gregory Shaffer, eds., 2022).

159. *Id.* at 367.

160. *Id.* at 370.

161. *Id.* at 372.

162. David S. Law, *Judicial Comparativism and Judicial Diplomacy*, 163 U. PA. L. REV. 927, 979 (2015); David S. Law & Wen-Chen Chang, *The Limits of Global Judicial Dialogue*, 86 WASH. L. REV. 523, 558 (2011); Haim Sandberg, *Legal Colonialism - Americanization of Legal Education in Israel*, 10 GLOB. JURIST 1, 10 (2010).

and was subsequently joined by nine other universities.¹⁶³ Students from participating law schools may join for a semester or a year to receive a “Certificate in Transnational Legal Studies” and also get credits for their work as part of the programs in their respective home institutions.¹⁶⁴ Selected faculty from the participating law schools teach the students.¹⁶⁵ The program commences with a “Global Practice Exercise,” which is a week-long simulated study on a particular global issue.¹⁶⁶ The program also involves field trips to courts and tribunals.¹⁶⁷ A recurrent theme of the chapter is that a transnational legal education is broader than learning from legal texts and involves immersion in deeper social and cultural exchanges.¹⁶⁸ The transnational experience also meant not just the introduction of new courses but also redesigning courses taught by this transnational professoriate.¹⁶⁹

Chapter thirteen by Mikael Madsen sheds light on the educational capital of the judges in the international courts and tribunals.¹⁷⁰ The chapter empirically studies the institutional legal education of judges in nine international courts in Latin America, Africa, Europe, and the Caribbean.¹⁷¹ These courts are human rights courts, regional economic courts, and courts with a general jurisdiction.¹⁷² An interesting finding of the chapter is that while some studies have categorized international judges as law professors, civil servants, or national judges, in reality, their careers are often more complex to befit such specific categories.¹⁷³ While it has been suggested that many judges in international courts and tribunals have received international legal education, the chapter finds that only one in three international judges has received overseas legal education.¹⁷⁴ However, the trend of international judges receiving overseas education has increased since 1990.¹⁷⁵ Curiously, the international human rights courts have the fewest concentration of judges with overseas legal education, which is puzzling because these courts, as human rights institutions, lay strong claim to universality.¹⁷⁶ The chapter explains that this may be due to a conscious effort

163. Menkel-Meadow, *supra* note 158, at 372.

164. *Id.*

165. *Id.*

166. *Id.* at 374.

167. *Id.* at 377.

168. *Id.* at 378.

169. *Id.* at 386-87.

170. Mikael Rask Madsen, *Who Rules the World?: The Educational Capital of the International Judiciary*, in *THE GLOBALIZATION OF LEGAL EDUCATION: A CRITICAL PERSPECTIVE* 403, 403-06 (Bryant Garth & Gregory Shaffer, eds., 2022).

171. *Id.* at 405.

172. *Id.*

173. *Id.* at 407.

174. *Id.* at 410-11.

175. *Id.* at 411.

176. *Id.* at 414.

by states who nominate judges attuned to their own national disposition on human rights.¹⁷⁷

Regarding the sites, most of the international judges have been trained in elite British and French law schools, closely followed by elite U.S. law schools.¹⁷⁸ However, the University of Madrid, with a tradition of teaching Latin American students in Spanish, also features in the list of top ten universities where international judges have studied.¹⁷⁹ Though they do not feature in the top ten list, the National Autonomous University of Mexico, Moscow State University, and Kampala also have track records of training many international judges.¹⁸⁰ Thus, it would seem that in some cases, the overseas education of international judges had been regional. More than fifty percent of the international judges surveyed by the author of this chapter had a doctoral degree, but in the past, the percentage tended to be even higher.¹⁸¹ The chapter surmises that holding a doctorate degree may give some edge in obtaining the role of international judge.¹⁸² It concludes by arguing that in terms of their education, international judges are not by any means detached or “denationalized elites.”¹⁸³ Of course, the chapter’s focus on international judges, as it concedes, does not fully encapsulate the power dynamics in international courts as other actors such as judicial bureaucrats also hold an important role in international courts.¹⁸⁴

Chapter fourteen by Anthea Roberts delves into the question of how transnational legal education impacts the discipline of public international law.¹⁸⁵ The central tenet of the chapter is that instead of an “invisible college” of international lawyers, there is a divisible college of public international lawyers which is asymmetrical.¹⁸⁶ In this asymmetry, the national practices of leading Western countries often become *international* or *universal*. The asymmetry and western dominance take place because students receiving international legal education in the “core” western centers of excellence often return to their native countries and transplant what they learned abroad.¹⁸⁷ If one

177. *Id.*

178. *Id.* at 416-18.

179. *Id.* at 418.

180. *Id.* at 419.

181. *Id.* at 420.

182. *Id.* at 424.

183. *Id.*

184. See TOMMASO SOAVE, *THE EVERYDAY MAKERS OF INTERNATIONAL LAW: FROM GREAT HALLS TO BACK ROOMS* 153-62 (2022).

185. Anthea Roberts, *Cross-Border Student Flows and the Construction of International Law as a Transnational Legal Field*, in *THE GLOBALIZATION OF LEGAL EDUCATION: A CRITICAL PERSPECTIVE* 428, 428-30 (Bryant Garth & Gregory Shaffer, eds., 2022).

186. *Id.* at 428

187. *Id.* at 430.

considers “epistemic nationalism,”¹⁸⁸ then the college of international lawyers would look even more divisible. That is to say that some scholarly works may align with the perspective of the narrative of the country to which the author belongs to.

Of course, the chapter accepts that there are exceptions that do not follow the trend. For example, the Chinese government has aspired to send students to study law overseas so that they can master the art, thereby enabling China to use it against Western countries.¹⁸⁹ While students tend to go mostly from peripheral states to the core Western jurisdictions, epistemic legal materials tend mostly to move to the opposite jurisdiction.¹⁹⁰ Perhaps rather unsparingly, based on UNESCO and OECD data, the chapter shows linguistic affinity and colonial past are among two major factors influencing the movement of students to pursue legal education abroad.¹⁹¹ Of course, the dynamics of student movement are also influenced by socio-political factors as evidenced by Brexit or Donald Trump’s tough immigration policies.¹⁹² In some cases like China, there may be factors triggered by conscious funding and other allures that encourage foreign students to pursue international rankings and project soft power.¹⁹³

This chapter finds that within a specific time span (2008-2012), France and the UK happened to attract the highest number of overseas law students.¹⁹⁴ Given the prestige that U.S. universities enjoy, the chapter surmises that tuition fees or other admission requirements might explain the United States being positioned in third place.¹⁹⁵ While brain drain is a concern in many other disciplines, this is less of an issue in law, as most law students return to their home countries.¹⁹⁶ The chapter does not explain why this may be the case, but one possible explanation may be that unlike disciplines such as science and engineering, there may be fewer employment opportunities for law students in the overseas jurisdictions where they received their legal education. Thus, it is uncertain to what extent the return home is a conscious or forced choice. Further research in this area may be revealing.

By highlighting the trend of elite U.S. law schools (particularly Harvard and Yale Universities) dominating the U.S. domestic legal academic market,¹⁹⁷ the

188. Anne Peters, *International Legal Scholarship Under Challenge*, in *INTERNATIONAL LAW AS A PROFESSION* 117, 118-19 (Jean d’Aspremont, et al. eds., 2015).

189. Roberts, *supra* note 185, at 444.

190. *Id.* at 431.

191. *Id.* at 433-35, 438-39.

192. *Id.* at 437.

193. *Id.* at 438.

194. *Id.* at 440.

195. *Id.* at 442.

196. *Id.*

197. Eric J. Segall & Adam Feldman, *The Elite Teaching the Elite: Who Gets Hired by the Top Law Schools?*, 68 *J. LEGAL EDUC.* 614, 619 (2019). Commenting on this pattern, a committee of the American Bar Association observed: “Were we biologists studying inbreeding, we might

chapter posits that elite law schools may exert similar influence in international legal academe.¹⁹⁸ However, that assumption is susceptible to skepticism, because not every country's legal academe appears to be dominated by elite national law schools.¹⁹⁹ International law academe in France and Russia tend to have few professors with foreign education mainly because of the lack of opportunities for teaching law beyond the French or Russian language respectively.²⁰⁰ The United Kingdom represents an exception in that most of its international legal academics have first degrees in law from overseas law schools, which the chapter attributes to the relatively lower salary in many U.K. law schools (dissuading locals to pursue a legal academic track) and a flood of international law students to the United Kingdom.²⁰¹ This may explain the outsized role that the UK plays in shaping transnational international law.²⁰² The chapter predicts that as China and other non-Western states grow in power and stature, the lack of expertise on those former legal systems may be problematic for even a contemporary super-power like the United States, whose legal education is mostly national.²⁰³ Even the highly internationalized law faculty at NYU mostly employs professors from only a few Western countries and thus, though it may display some denationalizing trends, its concentration of academics from a few countries demonstrates that it is still Westernized.²⁰⁴

Chapter fifteen by Carole Silver and Swethaa Ballakrishnen, analyzes the movement of international law students to the United States.²⁰⁵ Somewhat contradicting the findings in Chapter Eleven, a survey of international students pursuing legal studies in the United States demonstrates that expanding the professional opportunity in their home countries is the biggest motivation for studying abroad, although there are several other factors.²⁰⁶ While many international law students in the United States wanted to gain professional experience in the United States, the hopes of many of them were dashed by the fact that *U.S. News*' ranking metric only considered JD employment record,

predict that successive generations of imbeciles would be produced by such a system"; quoted in Richard E. Redding, "Where Did You Go to Law School?" *Gatekeeping for the Professoriate and Its Implications for Legal Education*, 53 J. LEGAL EDUC. 594, 594 (2003).

198. Roberts, *supra* note 185, at 444-45.

199. *Id.*

200. *Id.* at 451, 453-54.

201. *Id.* at 459-60.

202. *Id.* at 467.

203. *Id.* at 465.

204. *Id.* at 469.

205. Carole Silver & Swethaa S. Ballakrishnen, *International Law Student Mobility in Context: Understanding Variations in Sticky Floors, Springboards, Stairways, and Slow Escalators*, in *THE GLOBALIZATION OF LEGAL EDUCATION: A CRITICAL PERSPECTIVE* 476, 476-81 (Bryant Garth & Gregory Shaffer, eds, 2022).

206. *Id.* at 483-84.

meaning that law schools tended to prioritize placement of JD students.²⁰⁷ In some U.S. law schools, international students made up a larger demographic group than U.S. nationals belonging to Black, Asian, or Latino communities.²⁰⁸

International students in U.S. law schools are mostly LLM students, but there is increasing enrollment in the JD programs of U.S. law schools, with the lion's share from Canada, which may possibly be explained by the easy migration opportunity from Canada to the United States.²⁰⁹ The choice of students naturally is not always determined by intrinsic factors considered by themselves, but also by regulators.²¹⁰ The chapter argues that, sometimes, international students may not only influence legal education but may also influence certain professional practices—e.g., through a particular form of document preparation.²¹¹ Even though a U.S. LLM may not confer significant professional benefits, it may offer some soft advantage such as rapport building or professional prestige.²¹²

CONCLUSION

Despite the denationalization or internationalization of legal education, much of legal education remains local.²¹³ However, what is local may change through the subtle transplantation of foreign dogmas and praxis imported by foreign-trained students becoming professors, policymakers, and lawyers. And as legal education globalizes, there may be some disquiet about universities not speaking or not speaking adequately to local actors, particularly the national bar and bench.²¹⁴ Thus being transnational, while at the same time being equally responsive to national issues, may prove to be a challenge for some globally-oriented law schools. Legal education can be empowering, but access to legal education (in a meaningful way with access to adequate facilities conducive to quality learning) is a challenge.

While the book is organized in a thematic rather than globe-trotting manner, the near omission of legal education in the Middle East (barring brief references to NYU at United Arab Emirates) is a bit striking. One possible explanation is that Middle Eastern legal education is predominantly religion-centric and is rarely transnational. However, this type of jurisdiction, where legal education reform has been relatively static or minimal, may be worth exploring in future

207. *Id.* at 485.

208. *Id.* at 488-89.

209. *Id.* at 490.

210. *Id.* at 501-02.

211. *Id.* at 505.

212. *Id.* at 506-07.

213. *Id.* at 505.

214. This is not a concern limited to the new frontiers but may also be present in a powerhouse like the United States. See RICHARD A. POSNER, *DIVERGENT PATHS: THE ACADEMY AND THE JUDICIARY* 2-12 (2016).

works. Along a similar line, much of the analysis is devoted to globalized legal education; even within a core jurisdiction like the United States,²¹⁵ the curricula of less globalized law schools remain mostly unexplored. Another overlooked phenomenon in the book is to what extent the law professoriate embraces changed curriculum and pedagogies. This is because a changed curriculum's real transformation may often depend on how individual faculty members respond to it. These issues may be worth exploring in future research projects on the globalization of legal education. While the book tends to concentrate on 'modernizing' legal education through transnational transplanting, there may be local, non-transnationally driven efforts to modernize legal education, and future works may delve into that.

Generally, legal academe has a limited role as the driver of the transnationalization of legal education. The SELA network in Latin America seems to be an exception in that it has been driven by academics. This is understandable due to the intrinsic connection of law and legal education to politics and political power. This is where the earlier seminal work of Duncan Kennedy seems to come true.²¹⁶ This is not to say that the legal academe are powerless actors, as they may, through coalition with other actors such as donor agencies, prove to be a catalyst for change in legal education as the role played by Upendra Baxi of India implies. One peril of any form of legal education reform through foreign funding is that because legal education cannot claim value neutrality, the advocates of reform may do well to engage with traditional actors so as to avoid the castigation of importing "legal colonialism" in a hubristic manner. Another kind of transformation may, of course, take place through pedagogic practices by individual faculty members in their respective courses, which is dubbed as "reform at the periphery."²¹⁷

Although the authors seem to have rightly pointed out a relative push to a sort of legal or legalist empire, they are not euphoric. They do not argue that there is an irreversible trend to legalism. They accept that whether the trend holds in the future is uncertain as changes in the balance of power both nationally

215. Regarding the varied response to a demand for globalized curriculum in the U.S. law schools, see Rosa Kim, *Globalizing the Law Curriculum for Twenty-First-Century Lawyering*, 67 J. LEGAL EDUC. 905, 905-06 (2018). She observes:

Historically, the United States has had a varied track record on international political engagement and harbors an inherent reluctance to take cues from other countries on important policy matters, even as some have consistently favored a globalist approach. The response of U.S. law schools to calls to internationalize the curriculum has taken an analogous path; the theory that law students need training to become solvers of global problems has not materialized into practice for the great majority of law schools. *Id.*

216. Duncan Kennedy, *Legal Education and Reproduction Hierarchy*, 32 J. LEGAL EDUC. 591, 591 (1982).

217. Mohsen al Attar & Vernon Ivan Tava, *TWAIL Pedagogy - Legal Education for Emancipation*, 15 PALESTINE Y.B. INT'L L. 7, 10 (2010).

and internationally may tilt the balance either way.²¹⁸ Thus, it would be difficult for legal education to retain its important role within a society unless authoritarian impulses can be restrained politically and socially. An authoritarian regime with heavy control over domestic polity or deep pockets may very well invest in the *reform of legal education* on national and foreign shores to effectuate *rule by law*, as opposed to rule of law. A fundamental contribution of the book is that it has depicted a more complex picture of transnationalized legal education beyond a mere transition from a local-centric curriculum to adopting a globalist focus to cater to the demands of globalization. Transnationalized legal education is a metamorphosis propelled by a combination of factors including: the rise of corporate legal firms, the competition for local and global influence, the pursuit of rewarding careers, and a complex web of exchange between *the core* and the *periphery*. The book amply demonstrates that the change in *zeitgeist* has often provided the impetus in transnationalizing legal education. That trend may persist for the foreseeable future.

218. Bianchi, *supra* note 1, at 20-23.

