THINKING CRITICALLY ABOUT INTERNATIONAL AND TRANSNATIONAL LEGAL EDUCATION

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INTRODUCTION

It has become a matter of recurring lament and concern—and periodically, an object of satire and derision[1]—that Americans lack basic knowledge, awareness, or interest concerning the world beyond their borders, whether in terms of history, public affairs, culture, language, or even basic geography.[2] Politicians, corporate leaders, scholars, and other observers across a broad spectrum routinely warn of the potential dangers this global awareness deficit poses to the well-being and security of the United States.[3] In an in-

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1. *E.g.*, *Study: Majority Of Americans Not Informed Enough To Stereotype Chechens*, THE ONION, Apr. 19, 2013, http://onion.com/1185nMm ("reporting," in the aftermath of Boston Marathon bombing, that "efforts to thoughtlessly stereotype the alleged terrorists were impeded by the majority of Americans' lack of basic knowledge about Chechnya or the Chechen people"); *The Colbert Report: Around the World in 11.6 Seconds*, (Comedy Central television broadcast, Mar. 7, 2006), *available at* http://on.cc.com/vL50hh ("I've always said our Founding Fathers, if they wanted us to care about the rest of the world, they wouldn't have declared their independence from it.").

2. *E.g.*, James Curran et al., *Media System, Public Knowledge and Democracy: A Comparative Study*, 24 EUR. J. COMM. 5, 13–15 (2009) (reporting original survey results "reveal[ing] Americans to be especially uninformed about international public affairs" compared to Europeans); SUSAN JACOBY, THE AGE OF AMERICAN UNREASON 281–82 (2008) (discussing 2006 National Geographic-Roper survey documenting widespread lack of knowledge or interest among Americans in international geography and languages); Alkman Granitsas, *Americans Are Tuning Out the World*, YALEGLOBAL ONLINE, Nov. 24, 2005, http://yaleglobal.yale.edu/content/americans-are-tuning-out-world (describing long-term decline in attention given by Americans to international affairs); *see also* RAJINI SRIKANTH, THE WORLD NEXT DOOR: SOUTH ASIAN AMERICAN LITERATURE AND THE IDEA OF AMERICA 21 (2004); MARTHA C. NUSSBAUM, CULTIVATING HUMANITY: A CLASSICAL DEFENSE OF REFORM IN LIBERAL EDUCATION 116–17 (1997).

3. *E.g.*, James B. Hunt, Jr. & John M. Engler, *Introduction*, *in* NATIONAL COALITION ON ASIA

creasingly interdependent world—with a growing array of economic, political, social, and environmental problems that transcend national borders—individuals cannot meaningfully function as responsible democratic citizens without both greater global knowledge and the capacities and sensibilities necessary to engage that knowledge critically and with sophistication.[4] Some observers push harder and deeper. As Martha Nussbaum argues, "[i]t is irresponsible to bury our heads in the sand, ignoring the many ways in which we influence, every day, the lives of distant people."[5]

In response to these concerns, significant investments have been made in recent years to expand the place of global perspectives in elementary, secondary, and undergraduate education.[6] To what extent and in what manner, then, are analogous concerns relevant to U.S. law schools, which educate some of society's most active and influential citizens?[7] And how have law schools responded? On October 12, 2012, the *Drexel Law Review* and the Drexel International

& INT'L STUDIES IN THE SCHOOLS, STATES PREPARE FOR THE GLOBAL AGE 2 (2005) (discussing "pressing need" to improve Americans' "international knowledge and skills" and urging "movement to prepare young people . . . to become informed global citizens"); APPLE INC., GLOBAL AWARENESS AND EDUCATION: AMERICA'S TEST FOR THE 21ST CENTURY (2007) (describing global awareness, knowledge, and experience as a "necessity, not a luxury, in business and government"); Douglas McGray, *Lost in America*, FOREIGN POL'Y, May-June 2006, at 40, 48 (arguing that "[t]he United States can no longer afford an isolationist education system"); Laura Miller, *America the Ignorant*, SALON, Sep. 27, 2001, http://www.salon.com/2001/09/27/stupidity_2 (arguing, in the wake of the 2001 terrorist attacks, that "Americans' global cluelessness" may be "one more dangerous luxury we can no longer afford").

4. *E.g.*, MARTHA C. NUSSBAUM, NOT FOR PROFIT: WHY DEMOCRACY NEEDS THE HUMANITIES 79–94 (2010).

5. *Id.* at 80; *see also* RAJINI SRIKANTH, CONSTRUCTING THE ENEMY: EMPATHY/ANTIPATHY IN U.S. LITERATURE AND LAW 7 (2012) (arguing that Americans' failure to sufficiently conceive of the United States "as an integral part of a community of nations . . . [has] blinded us to our vulnerabilities and allowed us to persist in our delusional certainties not only about ourselves but also about Others"); *cf.* Rafia Zakaria, *The Tragedies of Other Places*, GUERNICA, Apr. 17, 2013, http://www.guernicamag.com/daily/rafia-zakaria-the-tragedies-of-others (reflecting upon why violent attacks in the United States seem to carry "greater poignancy" and seem "far more indelible in the world's memory than attacks in any other country," even when they involve "fewer victims and less blood").

6. *E.g.*, Edward B. Fiske, *States Prepare for the Global Age*, *in* STATES PREPARE FOR THE GLOBAL AGE, *supra* note 3, at 3 (2005) (documenting and assessing recent efforts). More anecdotally, Peter Spiro, a leading international law scholar, deemed it significant that his son's fourth grade class—albeit one at a "lefty Quaker school in the Northeast"—even included lessons and group project assignments on the UN Convention on the Rights of the Child. Peter Spiro, *You Know International Law Is Getting Some Traction When . . .*, OPINIO JURIS, May 7, 2012, http://shar.es/Za0cl.

7. *See* Martha C. Nussbaum, *Cultivating Humanity in Legal Education*, 70 U. CHI. L. REV. 265, 271 (2003) (emphasizing the position of lawyers as "highly influential citizens" who actively "set norms and directions for public life").

Law and Human Rights Society convened a symposium to examine these questions and to critically engage current trends concerning globalization and legal education. The Symposium, *Building Global Professionalism: Emerging Trends in International and Transnational Legal Education*, considered a series of conceptual and methodological themes at the leading edge of these recent developments, including innovative approaches to integrating international, transnational, and comparative perspectives into the law school curriculum, pioneering methods of bringing these global perspectives into experiential learning and lawyering programs, and critical perspectives on all of these emerging ideas and trends. Martin Flaherty, Professor of Law and Co-Director of the Leitner Center for International Law and Justice at Fordham University School of Law, delivered a keynote address, and fifteen panelists—with expertise and experience spanning a variety of countries and legal systems—presented papers.[8] Eight of these papers are published in this Symposium issue of the *Drexel Law Review*.

I.

Of course, calls to give international, comparative, and transnational law greater prominence within U.S. legal education are by no means new.[9] In recent years, however, initiatives to bring interna-

8. The panelists included Raquel Aldana (Pacific McGeorge School of Law), Larry Catá Backer (Pennsylvania State University Dickinson School of Law), Kerstin Carlson (American University of Paris), Diane Penneys Edelman (Villanova University School of Law), Jorge Luis Esquirol (Florida International University College of Law), Kath Hall (Australian National University College of Law), Kimberly Kirkland (University of New Hampshire School of Law), Alana Klein (McGill University), Holning Lau (University of North Carolina School of Law), Vasuki Nesiah (New York University Gallatin School of Individualized Study), Fernanda Nicola (American University Washington College of Law), Sarah Paoletti (University of Pennsylvania School of Law), Elisabeth Wickeri (Leitner Center for International Law and Justice, Fordham University School of Law), Rick Wilson (American University Washington College of Law), and Leighanne Yuh (Korea Summer Program, Fordham University School of Law). In addition, four professors from Drexel University served as panel moderators: Richard Frankel, Alex Geisinger, Pammela Quinn Saunders, and myself. Video of the Symposium is available online at http://bit.ly/ILSDrexel2012 and the schedule and program for the Symposium are available at http://bit.ly/ILSDrexelPrgm.

9. *E.g.*, *Interview with Myres S. McDougal*, 29 HARV. INT'L. L.J. 266, 269 (1988) ("[E]very student who goes through law school should have some sense of the role and relevance of international law."); *see also* Harold Hongju Koh, *Why Transnational Law Matters*, 24 PENN ST. INT'L L. REV. 745, 750–52 (2006); Nussbaum, *supra* note 7, at 275; Adelle Blackett, *Globalization and Its Ambiguities: Implications for Law School Curricular Reform*, 37 COLUM. J. TRANSNAT'L L. 57 (1998); W. Michael Reisman, *Designing Law Curricula for a Transnational Industrial and Science-Based Civilization*, 46 J. LEGAL EDUC. 322, 325–28 (1996); John Edward Sexton, *The Global Law School Program at New York University*, 46 J. LEGAL EDUC. 329 (1996).

tional and transnational law into U.S. legal education have seemed to gain momentum. As the practice of many areas of law—including those conventionally regarded as wholly domestic—has become more obviously and visibly infused with international and transnational dimensions, legal scholars and practitioners increasingly have argued that graduating law students must obtain greater knowledge and understanding of international, comparative, and transnational perspectives as part of their basic legal education.[10] Indeed, some observers have gone so far as to suggest the onset of a "new Langdellian moment" in U.S. legal education, in which the "globalization of law"[11]—along with the increasing relevance of law's transnational and "transsystemic" dimensions—has made greater knowledge of law, legal systems, and modes of legal thought beyond and across national borders an imperative.[12] Increasingly, leading U.S. law schools have emphasized international and transnational law as central components in their strategies to innovate and modernize their academic programs.[13]

10. *See, e.g.*, Claudio Grossman, *Building the World Community Through Legal Education*, *in* THE INTERNATIONALIZATION OF LAW AND LEGAL EDUCATION 21, 30 (Jan Klabbers & Mortimer N. S. Sellers eds., 2008) (arguing that "[v]irtually every lawyer practicing in the twenty-first century, regardless of his or her practice area, will encounter issues of international law").

11. Terence C. Halliday & Pavel Osinsky, *Globalization of Law*, 32 ANN. REV. SOC. 447 (2006); *see also* Vik Kanwar & Prabhakar Singh, *The Globalization of Legal Knowledge*, 2 JINDAL GLOBAL L. REV. i (2010).

12. Carrie Menkel-Meadow, *Why and How to Study "Transnational" Law*, 1 U.C. IRVINE L. REV. 97, 100–01 (2011); Peter L. Strauss, *Transsystemia – Are We Approaching a New Langdellian Moment? Is McGill Leading the Way?*, 56 J. LEGAL EDUC. 161 (2006); Simon Chesterman, *The Globalisation of Legal Education*, 2008 SINGAPORE J. LEGAL STUD. 58 (2008); *see also* David Fontana, *The Rise and Fall of Comparative Constitutional Law in the Postwar Era*, 36 YALE J. INT'L L. 1, 46–53 (2011) (urging the development of a more "durable structure for comparative constitutional law" within legal education, the legal profession, and the judiciary in the United States).

13. For example, when launching the new law school at the University of California at Irvine, the faculty decided to include a required course in International Legal Analysis as part of the first-year curriculum, concluding that "globalization meant that a significant percentage of our students would have to deal in their careers with transnational legal issues." Erwin Chemerinsky, *The Ideal Law School for the 21st Century*, 1 U.C. IRVINE L. REV. 1, 18–19 (2011); *see also* Menkel-Meadow, *supra* note 12. Recent changes to the third-year curriculum at New York University Law School include expanded opportunities for study abroad and concentrated study of international legal issues. Peter Lattman, *N.Y.U. Law Plans Overhaul of Students' Third Year*, N.Y. TIMES, Oct. 17, 2012, at B1. *See also* Christopher J. Gearon, *Law Schools Go Global*, U.S. NEWS & WORLD REPORT, Mar. 29, 2011, http://www.usnews.com/education/best-graduate-schools/top-law-schools/articles/2011/03/29/law-schools-go-global (discussing expansion of initiatives and programs for U.S. law students to learn international and transnational law, including study abroad programs); Ruti Teitel, Book Review, *Comparative Constitutionalism in a Global Age*, 117 HARV. L. REV. 2570, 2570–71 (2004) (recounting "contemporary explosion" of comparative constitutional law scholarship, programs, centers, and conferences in recent years).

One therefore might be tempted to conclude, as Vasuki Nesiah puts it in her contribution to this issue, that the aircraft of globalized legal education "has already left the hangar."[14] However, other indicators suggest less certainty about the trajectory and durability of these trends. Despite all of these recent efforts to embrace and adapt to globalization, observers continue to regard U.S. law schools as overly provincial—particularly when compared to their counterparts in other countries.[15] The highest profile recent effort to evaluate teaching and learning in U.S. law schools, the Carnegie Foundation's widely-noted 2007 report, *Educating Lawyers: Preparation for the Profession of Law*,[16] has essentially nothing to say about the place of international, transnational, and comparative law in 21st century U.S. legal education.[17] Moreover, in the recent, high profile public debates over the challenges facing U.S. law schools, questions concerning the place of international, transnational, and comparative dimensions of legal education have played virtually no role.[18] Should those challenges evolve into a larger scale, full-blown crisis for U.S. legal education—presenting even more severe fiscal constraints for many law schools—the future prospects for initiatives and programs bringing global perspectives into U.S. legal education could be placed in some doubt.[19]

14. Vasuki Nesiah, *A Flat Earth for Lawyers Without Borders? Rethinking Current Approaches to the Globalization of Legal Education*, 5 DREXEL L. REV. 371, 388 (2013).

15. *See* Kevin Jon Heller, *Rob Howse on the Future of American Legal Education*, OPINIO JURIS, Feb. 2, 2013, http://opiniojuris.org/2013/02/02/rob-howse-on-the-future-of-american-legal-education (characterizing U.S. legal education as "absurdly insular—far more so than legal education anywhere else in the world"); Grossman, *supra* note 10, at 28 ("[A]lthough international law is offered more widely in today's law schools, the full incorporation of the subject into legal training remains marginal."); *see also* Rosalie Jukier, *Transnationalizing the Legal Curriculum: How to Teach What We Live*, 56 J. LEGAL EDUC. 172 (2006) (discussing the transsystemic approach to legal education at McGill University in Canada).

16. WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW (2007).

17. *See* Larry Catá Backer, *Internationalizing the American Law School Curriculum (in Light of the Carnegie Foundation's Report)*, *in* THE INTERNATIONALIZATION OF LAW AND LEGAL EDUCATION, *supra* note 10, at 49, 56 (identifying, as one of the "significant lacunae" in the Carnegie Report, "an assumption of the purely domestic nature of law in which American law students must be trained").

18. *See* BRIAN Z. TAMANAHA, FAILING LAW SCHOOLS (2012). *But see* Rob Howse, *The Brilliant Future of America's Law Schools*, PRAWFSBLAWG, Feb. 1, 2013, http://prawfsblawg.blogs.com/prawfsblawg/2013/02/the-brilliant-future-of-americas-law-schools.html (suggesting, in partial response to these challenges, that a U.S. JD degree increasingly might be "an attractive option for foreign students").

19. *See* Backer, *supra* note 17, at 101 (surmising that "accrediting bodies will tend to expect that, all things being equal, that the marginal dollar of resources available should be expended to strengthen the domestic, rather than to expand the international aspects of legal educa-

II.

Although the rationales for globalizing legal education are longstanding and well-developed, this dynamic and uncertain context demands an equally dynamic set of responses that continue to develop, critique, refine, and rearticulate these rationales—and equally important, that critically assess and reassess the specific forms that initiatives to globalize legal education can and should take.[20] In this Symposium, three categories of contributions take on these challenges.

First, several contributions address macro-level conceptual themes concerning the relationship between globalization and legal education, and the implications of specific approaches taken by U.S. law schools in their current initiatives. In an essay based on his Symposium keynote, Martin Flaherty addresses the challenges that arise "when academic globalization meets authoritarian oppression," in the context of academic partnerships with regimes that violate fundamental rights.[21] He identifies and assesses concerns arising from two recent initiatives: Yale University's establishment of an undergraduate college in Singapore, which long has been criticized for curtailing free expression, assembly, association, and other civil and political rights; and a 2011 "summit" in Beijing of deans of "leading" law schools in the United States and China which coincided with the Chinese government's brutal, widely reported crackdown on lawyers and human rights defenders, but about which the deans evidently remained silent. Flaherty argues that law schools and universities should more directly acknowledge the human rights concerns implicated by programs operating in countries facing significant human rights issues, and proposes the development of self-regulating codes of conduct to protect and promote human rights within these initiatives.[22]

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20. *Cf.* Menkel-Meadow, *supra* note 12, at 106 ("[I]t is important to point out why we should study these complex forms of legal regulation and action, even as they may complexify the meaning of law for neophytes to the profession.").

21. Martin S. Flaherty, *"But for Wuhan?": Do Law Schools Operating in Authoritarian Regimes Have Human Rights Obligations?*, 5 DREXEL L. REV. 297, 302 (2013).

22. Human rights advocates have documented similar concerns arising from other international initiatives by U.S. universities, such as New York University's establishment of its campus in Abu Dhabi. *See* Nina Burleigh, *Trouble on Happiness Island*, N.Y. OBSERVER, Feb. 25, 2013, at A9; HUMAN RIGHTS WATCH, THE ISLAND OF HAPPINESS REVISITED: A PROGRESS REPORT ON INSTITUTIONAL COMMITMENTS TO ADDRESS ABUSES OF MIGRANT WORKERS ON ABU DHABI'S SAADIYAT ISLAND (2012); HUMAN RIGHTS WATCH, "THE ISLAND OF HAPPINESS": EXPLOITATION OF MIGRANT WORKERS ON SAADIYAT ISLAND, ABU DHABI (2009).

From a different vantage point, Larry Catá Backer and Bret Stancil also examine developments beyond U.S. borders, highlighting the emergence in recent years of U.S.-style law schools that have been established not by U.S. academic institutions as satellite outposts, like the Yale program discussed by Flaherty, but rather by non-U.S. institutions seeking to produce graduates who are educated with U.S.-style teaching methods, attain knowledge of U.S. law subjects, and are capable of practicing U.S. law, whether in the United States or elsewhere.[23] Backer and Stancil argue that while the export of U.S.-style legal education is ordinarily understood as projecting the reach of U.S. law and legal culture throughout the world—in a manner sometimes understood as imperialist or neocolonial—the "detachment" of U.S.-style legal education from U.S. institutions may contribute to a more complex and varied set of outcomes than this account implies.[24] When non-U.S. institutions "become part of the discourse that applies and ultimately produces U.S. law," the United States may lose some control not just of its modes of legal education, but of U.S. law itself—a result they characterize as reminiscent of an "older imperial problem."[25] "[I]nternationalized U.S. law," they suggest, therefore "may not remain U.S. law for long."[26]

At a more conceptual level, Vasuki Nesiah's contribution maps current debates on globalization and legal education more generally, critically examining how those debates have been framed and identifying key issues at stake in prevailing initiatives and ap-

23. *See* Larry Catá Backer & Bret Stancil, *Beyond Colonization: Globalization and the Establishment of Programs of U.S. Legal Education Abroad by Indigenous Institutions*, 5 DREXEL L. REV. 317 (2013).

24. *Id.; but cf.* Richard J. Wilson, *Training for Justice: The Global Reach of Clinical Legal Education*, 22 PENN ST. INT'L L. REV. 421, 428–29 (2004) ("emphatically reject[ing]" characterization of the export and development of U.S.-style clinical legal education to law schools in other countries as entailing a form of "legal imperialism").

25. Backer & Stancil, *supra* note 23, at 368; *cf.* Dipesh Chakrabarty, *Postcoloniality and the Artifice of History: Who Speaks for "Indian" Pasts?*, REPRESENTATIONS 1, 21 (1992) (arguing that as a consequence of European imperialism, "third-world nationalisms, as modernizing ideologies par excellence, have been equal partners in the process" of constructing the "version of Europe," as an imagined construct, associated or equated with "modernity"). The postcolonial evolution and transnational circulation of laws governing emergency powers, preventive detention, and antiterrorism in the legal systems of nations previously colonized by Britain, such as India and Pakistan, may be understood as illustrating variants of the phenomenon that Backer and Stancil suggest. *See* Anil Kalhan, *Constitution and "Extraconstitution": Colonial Emergency Regimes in Postcolonial Pakistan and India*, *in* EMERGENCY POWERS IN ASIA: EXPLORING THE LIMITS OF LEGALITY 89 (Victor V. Ramraj & Arun K. Thiruvengadam eds., 2010); Anil Kalhan et al., *Colonial Continuities: Human Rights, Terrorism, and Security Laws in India*, 20 COLUM. J. ASIAN L. 93 (2006).

26. Backer & Stancil, *supra* note 23, at 370.

proaches.[27] As a counterpoint to the view offered by Backer and Stancil, Nesiah highlights the "consolidation" she regards as inherent in the dissemination of U.S. models of legal education—which, she argues, have overwhelmingly been driven by the imperatives of private law and legal practice, and thereby have "nudged [students] towards internalizing a disciplinary orthodoxy" that helps reproduce the architecture and hierarchies of the global political economy.[28] She advances an agenda for further research on globalization and legal education, urging more critical attention, on the one hand, to the relationships between approaches to the globalization of legal education and global governance structures, and on the other hand, to the "legal consciousness" or "political imagination" that infuses different approaches to globalization and legal education.[29] Such research, she argues, would help assess whether approaches to globalization of legal education "better equip[] us to productively unsettle received ideas while boldly imagining alternative institutional arrangements in shaping the zeitgeist in which we teach, research, and study."[30]

A second set of contributions offers a series of case studies illustrating not only the ways in which knowledge of international, transnational, and comparative perspectives can be relevant to the practice of law, but also particular modes of thought and approaches to global knowledge that the authors suggest legal education should emphasize and prioritize. Kerstin Carlson draws attention to the ways in which globalized legal education should critically engage "law as culture," an orientation towards law that she deems worthy of further attention and development in both law schools and other legal studies or law and society programs within university communities more generally.[31] After sketching in general terms the ways in which law exists in cultural context, Carlson draws upon case studies in three separate legal practice settings—international commercial arbitration, international criminal law, and

27. Nesiah, *supra* note 14.

28. *Id.* at 385; *cf.* Chakrabarty, *supra* note 25, at 21.

29. Nesiah, *supra* note 14, at 383-88; *see also* Blackett, *supra* note 9, at 78–79 (since "[g]lobalization is varied and complex," proposals to "reform law school in light of it . . . should be considered from the perspective that they are not value-neutral").

30. Nesiah, *supra* note 14, at 390.

31. Kerstin Carlson, *Found in Translation: The Value of Teaching Law as Culture*, 5 DREXEL L. REV. 407, 407-08 (2013). On the relationships between law and culture, see generally Naomi Mezey, *Law as Culture*, 13 YALE J.L. & HUMAN. 35 (2001); Austin Sarat & Thomas R. Kearns, *The Cultural Lives of Law*, *in* LAW IN THE DOMAINS OF CULTURE 1 (Austin Sarat & Thomas R. Kearns eds. 2000).

domestic litigation within the United States—to highlight the kinds of "cross-cultural blunders" that can result in practice from an insufficiently robust theoretical and conceptual understanding and appreciation of the "cultural relevance, place, and function of legal norms and practices."[32]

Like Carlson, Kath Hall offers a case study from legal practice—the construction of the 1,700 km Baku-Tblisi-Ceyhan pipeline in Central Asia by a consortium of entities led by British Petroleum—to illustrate the value of particular modes of thought in the globalization of legal education.[33] As Hall recounts, lawyers from leading elite global law firms played instrumental roles in structuring the legal and financial arrangements for the BTC pipeline project, including an unprecedented series of contractual arrangements that enabled British Petroleum and its partners to circumvent human rights obligations under international law. Hall argues that these controversial arrangements, whose revelation caused great damage to British Petroleum's reputation, raise important questions about the proper role of lawyers in navigating between their clients' economic interests and other social and environmental responsibilities. Echoing Nesiah's call for greater attention to the ways in which different approaches to globalized legal education shape "legal consciousness," Hall urges the use of case studies like the BTC pipeline project to advance an understanding that lawyers not only can play crucial roles in making sure that human rights, empowerment, and democracy are not marginalized, since the "legitimacy of the global order" depends upon those values, but also may even have ethical obligations to perform that role.[34]

The third and last set of contributions builds upon the earlier discussions and moves to questions of pedagogy and method across a range of domains within legal education. Sarah Paoletti considers the challenges of appropriately designing an international human rights clinic and selecting cases and projects that will most effectively enable students to fulfill the roles demanded of them as professionals. When, as she puts it, the "world is your oyster" in terms of clinical project options, what should the criteria be to identify and select the "teaching pearls" among them?[35] With illustrations drawn

32. Carlson, *supra* note 31, at 408.

33. Kath Hall, *Educating Global Lawyers*, 5 DREXEL L. REV. 391 (2013).

34. *Id.* at 405; *see* Nesiah, *supra* note 14, at 383; Susan S. Silbey, *After Legal Consciousness*, 1 ANN. REV. L. & SOC. SCI. 323 (2005).

35. Sarah H. Paoletti, *Finding the Pearls When the World Is Your Oyster: Case and Project Selection in Clinic Design*, 5 DREXEL L. REV. 423, 425 (2013).

from her experience in establishing and directing an innovative transnational legal clinic, Paoletti answers that question with reference to a framework of competencies she maintains that human rights clinics should cultivate, including skills and values traditionally associated with lawyering and other important professional values, such as collaboration and team-building.[36] Moreover, she argues, human rights clinics must also engage students in a theoretically grounded, "critical inquiry into how law is constructed, how it is applied, and the role both the clinical program and students play in that process."[37] Echoing themes articulated by Flaherty, Nesiah, and Hall, Paoletti closes by insisting that human rights clinics be attentive to the potential unanticipated harms their activities might bring to the communities they seek to serve and that they ensure that their pursuit of their own pedagogical goals does not endanger the "fragile ecosystems" in which clinical faculty and students find themselves diving.[38]

Drawing from his own teaching experiences as well as his substantive expertise on law and sexuality in both the United States and Asia, Holning Lau identifies and discusses four different ways that courses on law and sexuality can be enhanced by incorporating transnational materials and perspectives: first, by contextualizing discussions of U.S. law within discussions of transnational norms; second, by using other nations' cultures as "foils" to illustrate the cultural contingency of aspects of sexuality that have shaped law in the United States; third, as a means of identifying avenues of potential reform of U.S. law that have been pursued in other jurisdictions; and fourth, as a means of drawing attention to different lawyering and advocacy strategies.[39] Like others who have proposed incorporating international, transnational, and comparative perspectives into particular substantive courses, Lau suggests that incorporating these perspectives not just in particular courses designated as "in-

36. *Id.* at 423-25, 445-46.

37. *Id.* at 450-451; *see also* Caroline Bettinger-Lopez et al., *Redefining Human Rights Lawyering through the Lens of Critical Theory: Lessons for Pedagogy and Practice*, 18 GEO. J. ON POVERTY L. & POL'Y 337 (2011). This approach shares some continuities with other initiatives that seek to bridge the divide between theory and practice in legal education, such as the Summer Theory Institutes launched in recent years for public interest law students at Harvard and, subsequently, at Drexel. *See* Nisha Agarwal & Jocelyn Simonson, *Thinking like a Public Interest Lawyer: Theory, Practice, and Pedagogy*, 34 N.Y.U. REV. L. & SOC. CHANGE 455 (2010) (discussing Harvard Summer Theory Institute and Drexel Summer Theory Institute).

38. Paoletti, *supra* note 35, at 475.

39. Holning Lau, *Law, Sexuality, and Transnational Perspectives*, 5 DREXEL L. REV. 479, 488 (2013).

ternational," "comparative," or "transnational," but rather across the curriculum—what Larry Catá Backer has termed an "integration" model[40]—may temper the risk that global approaches and perspectives within law schools become "siloed" or marginalized.[41]

Finally, Diane Penneys Edelman considers the ways in which international, comparative, and transnational perspectives may be incorporated into courses on legal writing, research, methods, and skills.[42] She notes that while examples of first-year legal writing courses incorporating international legal issues date as far back as the 1970s, the number of law schools incorporating international topics into legal writing courses has increased significantly since then. Recognizing that even the "typical American lawyer with a locally based practice" now can face issues with international or transnational dimensions in many areas of practice—ranging from adoption and products liability to discovery and other aspects of civil procedure—Edelman urges more law teachers to incorporate these topics into legal research, writing, and advocacy assignments, and even to "bring international law to life in the classroom" by inviting practitioners to speak about their experiences working on those issues.[43] Edelman's comments are reinforced by the feedback given in a survey of Villanova Law School alumni who report that their experience with globalized legal education, in the form of being presented with international law issues in their legal writing and advocacy courses, had proven helpful and relevant in their practice of law since graduation.[44]

CONCLUSION

Of course, the distinguished contributors to this Symposium furnish neither the first word nor the last word on the dynamic, rapidly shifting set of questions for legal education that arise from globalization—particularly at a moment of such uncertainty and potential

40. Backer, *supra* note 17, at 76–77.

41. Lau, *supra* note 39, at 480-81; *see also* Helen Hershkoff, *Integrating Transnational Legal Perspectives into the First Year Civil Procedure Curriculum*, 56 J. LEGAL EDUC. 479 (2006); Sadiq Reza, *Transnational Criminal Law and Procedure: An Introduction*, 56 J. LEGAL EDUC. 430 (2006); M. Stuart Madden, *Integrating Comparative Law Concepts into the First-Year Curriculum: Torts*, 56 J. LEGAL EDUC. 560 (2006); Neil S. Siegel, *Some Modest Uses of Transnational Legal Perspectives in First-Year Constitutional Law*, 56 J. LEGAL EDUC. 201 (2006).

42. Diane Penneys Edelman, *A Global Approach to Legal Writing and Legal Research: An Evolutionary Process*, 5 DREXEL L. REV. 497 (2013).

43. *Id.* at 504-05.

44. *Id.* at 507-09.

transformation in U.S. legal education and, indeed, in U.S. higher education more generally. What they do offer is a rich, theoretically grounded, and critically engaged set of perspectives that will hopefully inform a continuing dialogue and agenda for further research about the place of U.S. legal education in the world and the place of the world in U.S. legal education—and the stakes, tradeoffs, and implications of choosing certain approaches rather than others.