Book Review. Rethinking the Law School: Education, Research, Outreach and Governance by Carel Stolker

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Reviewed by Ashley Ahlbrand

¶106 Two-year versus three-year programs. Experiential learning versus lecture. Online versus hybrid versus face-to-face instruction. Keeping up with the developments and challenges facing U.S. law schools can be tough enough, but in *Rethinking the Law School: Education, Research, Outreach and Governance*, Carel Stolker, Rector Magnificus and President of Leiden University, takes on a much more daunting task: an examination of the state of legal education across the world.

¶107 The book begins generally, with initial overviews of legal education in specific regions of the world, the modern state of the university at large, and a discussion of whether and how law schools fit into the university's academic and research agenda. The author compares the research of legal scholars to research in other disciplines, both addressing criticisms that such scholarship is pseudo-law and praising legal scholarship for its natural predilection toward interdisciplinary study.

¶108 The book picks up steam in chapter 4, discussing the education of law students. Common problems are addressed, such as whether it is better to treat law as a profession or an academic discipline. Indeed, the author notes that the dissatisfaction constituents often feel toward legal education is circular; to prove this, the author includes excerpts from a 1931 Dutch publication that complains about the lack of practical education, the dearth of faculty-student interaction, and the tendency of students to seek the "easy A." On this particular topic, the author concludes that there is still a place for both practical and doctrinal education in law school and that the two must go hand-in-hand to graduate successful jurists. The author proposes that what we need is a true study of legal education. With Ph.D.s awarded in other disciplines of law, why have we yet to see a doctoral program in legal education?

¶109 Chapter 5 ventures into discussion of pedagogy, a timely read to supplement the ABA's new Standard 302 on learning outcomes.16 As the author notes, professors tend to focus on the delivery end of teaching and learning rather than focusing on learning and the student. At this point, the author delves into a discussion of learning styles and methods of teaching, such as case dialogue, role play, and the like, concluding that law schools have for too long relied on one method of teaching to the exclusion of variety. This chapter emphasizes the need for teachers of law to make teaching a more significant focus. After all, "it looks as if the institutions of higher education prefer producing dead papers, read by almost nobody, over educating living students" (pp.184–85). (The author notes that this statement is somewhat exaggerated, and goes on to emphasize the equal importance of research in a later chapter.) For this shift to happen, however, the administration must give teaching equal emphasis, support, and encouragement.

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110 Lest I give the erroneous impression that Stolker would do away with legal scholarship in favor of total devotion to the teaching of law, the sixth chapter discusses the importance of legal scholarship, describing our need for its creativity and close monitoring and critique of developments in the law. The author divides legal scholarship into three perspectives: analytical, empirical, and normative; describes the pros and cons of each; and notes the trends in legal research throughout the world (e.g., while in the United States we are seeing a rise in empirical legal research, scholars in Europe tend toward doctrinal legal research). The discussion of legal research changes somewhat in chapter 7, focusing on how legal research is produced, comparing law journals to journals in other disciplines, and comparing the often confounding concept of the student-run law journal in U.S. law schools to the systems in other countries, which range from peer-reviewed to student-run with heavy scholarly oversight. Stolker notes and encourages the move toward open access to legal scholarship, stating that only through such a move can we hope to make law a truly global discipline. (This is the portion of the book where law librarians factor the most as well, with Stolker praising the work of academic law librarians in authoring the Durham Statement on Open Access to Legal Scholarship.) The book concludes with a look at the governance of law schools and how to encourage and foster creativity in legal education and scholarship.

111 If you are looking to examine global trends in legal education, this book is a great asset, whether you seek to read it all or to focus on a specific chapter. Read as a whole, the book starts out a bit slow, concentrating on the place of the law school in the university and discussing challenges that face modern universities today. It really picks up speed once you get to chapter 4 and all subsequent chapters; it is at this point that Stolker begins to focus on individual aspects of law school and legal education, from pedagogy to scholarship to governance and fostering creativity. While none of the topics addressed are particularly new (greater importance placed on research than teaching, inflexibility of teaching styles, treating students as consumers or stakeholders), seeing these familiar topics discussed on a global scale, noting both our similarities and our differences, provides a unique and fascinating perspective. By comparing and contrasting legal education in nations around the world, and by understanding the values placed on legal education in legal systems other than our own, we may find ourselves better able to appreciate, embrace, and pass on the values of our own institutions to the students who will take these ideals into the world.


Reviewed by Kristen M. Hallows*

112 Why can lawful actions be viewed as dubious while extralegal steps are heartily endorsed? This is precisely what Philip A. Wallach sets out to determine in his introduction to and survey of the divergence of law and legitimacy in times of crisis.

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