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Preparing Global Professionals

Alfred C. Aman, Jr.

Editor’s note: This essay is based on a talk Professor Aman gave to members of the Cornell University Council on October 14, 1988, as the new director of the law school’s International Legal Studies Program.

The latter half of the twentieth century has witnessed the creation of an increasingly interdependent world economy. Although we have had global trade at least since the time of the Phoenicians, “what is interesting and different about the world of international relations since 1945 is that a peaceful trading strategy is enjoying much greater efficacy than ever before.” The rise of the trading state is transforming the relationships between and among old and new countries, East and West, North and South.

An interdependent global economy with multiple players encourages the creation and growth of new bodies of international law and heightens our awareness of, and sensitivity to, the domestic law and distinctive cultures of other trading states. There is every reason to establish some common legal and economic ground for the trade relationships that are now developing. The realities of the global economy are having, and will continue to have, transforming effects on international law as well as on the domestic law of individual nation-states.

In addition to the challenges and opportunities created by the rise of the trading state, there are emerging problems that are truly global in nature, whose solutions must also be global. The global environment is a prime example. The greenhouse effect, the increasing damage to the earth’s ozone layer, and the devastating effects of acid rain on lakes and forests have placed several important environmental issues on an international agenda. The causes of those problems know no national boundaries. Their solutions require multinational compromise and cooperation.

We are all responsible for increased levels of carbon dioxide in the atmosphere. How we deal with that problem is likely to have profound economic and equitable consequences worldwide. And, not unlike domestic environmental issues, any real attempt at understanding these global issues, not to mention suggesting any realistic solutions, requires an interdisciplinary effort. The science of the greenhouse effect is complex, as are the economic and ethical effects of proposed collective solutions. Hand in hand with the substantive complexity is the importance of recognizing the interdependence of the problems and their possible solutions. If, for example, the People’s Republic of China were to enter the economic mainstream by using its considerable coal reserves to go all-electric in the early twenty-first century, the worldwide environmental consequences could be devastating. United States environmental law regulatory schemes would have little impact on pollution worldwide. Of course, whether or how the world community is able to balance the future needs of developing countries for economic growth with the overall global need to protect the earth’s atmosphere is one of the foremost challenges of our time.

International law is thus no longer just an interesting subspecialty like tax or antitrust. It is an important source of principles and problems that will greatly influence our daily lives as well as the development of various bodies of domestic law. Indeed, it is impossible to understand and analyze such areas of the law as antitrust, securities, banking, administrative law, and environmental and energy regulation without an increasingly sophisticated sense of the international context within which those bodies of domestic law must now develop.

The rise of the trading state and global environmental and developmental issues have profound implications for law schools and legal educators. How should we prepare global professionals for the complex multicultural world they will encounter? How should we think about the bodies of law that are now developing, both domestically and internationally?

There was a time when law schools could be differentiated by whether they were local or national in their orientation. Local law schools focused largely on the law of their own state and region. They drew a relatively local student body, most of whose members intended to practice in the state or region within which the school was located. Before the New Deal state law was what lawyers primarily needed to know. There were a few federal statutes, and the
federal Constitution, of course, required serious study. But the focus was largely local. The common law was king.

As national governmental approaches to problems became the norm, as our domestic economy became integrated on a national basis, as businesses became national in their orientation, significant bodies of national law began to grow. The Supreme Court broadly interpreted the commerce clause. Statutes such as the Uniform Commercial Code and various national regulatory schemes dominated the legal landscape. Law schools had to become more national. Many of them turned to the new body of law, no longer limiting themselves primarily to the law of one or a few states. Nationally oriented schools tended to attract national student bodies, and their graduates pursued legal careers all over the country.

The Cornell Law School was one of the first law schools to establish an international legal studies program. The program has long provided students with an opportunity to take a global perspective on legal problems. That opportunity is now more important than ever before. We have entered a new era in legal education, one in which we can talk about the global law school. The global aspects of education at the Cornell Law School are apparent, particularly if one focuses on three facets of life at Cornell: (1) the increasingly global nature of our student body, (2) the increasingly global nature of our faculty, and (3) the global nature of our curriculum, including both in-class and out-of-class learning experiences.

The makeup of the student body itself is an important facet of one’s law school education. In addition to the give and take of the classroom, important educational experiences result from the exchanges that take place outside the classroom and from what one learns from one’s peers. Students at Cornell are increasingly global in their awareness of other cultures and countries, as well as in their own origins. Over 25 percent of our incoming class of J.D. students this year have spent at least a year abroad. Moreover, some of them are foreign nationals who have decided to pursue a J.D. degree at Cornell. We frequently have students from Korea, the People’s Republic of China, and various Commonwealth countries in our entering J.D. classes. In fact, ours is one of the few schools that have successfully recruited and admitted J.D. students from the People’s Republic of China. Our ability to find and recruit high-quality students, in the absence of such admission tools as LSAT scores and records from familiar colleges, is a tribute to the high quality and creativity of our admission office, as well as the interest and dedication of our faculty, particularly those who serve on our admission committee.

By far the greatest infusion of non-American students comes from our one-year LL.M. program. Each year we admit fifteen to twenty students from all over the world. They have already earned a law degree—usually in their home country—and they now want to obtain an American degree. This year we have students from Japan, Korea, Taiwan, Belgium, Colombia, France, Great Britain, and Canada. They add an important global and comparative law dimension to our student body. Many of our LL.M. students are older than the typical J.D. student; they have practiced law for a few years and have a perspective on legal issues that differs from that of American students. As they broaden and deepen their own perspective on American law, they broaden and deepen the perspective of our J.D. students as well.

Along with our increasingly global student body, there is the increasingly global student body of the university beyond the law school, and the many national resource centers that exist under the umbrella of the Center for International Studies. Indeed, Cornell is world-renowned for its East Asian, Southeast Asian, Latin American, Peace Studies, and Western Societies programs, among others. It draws students and faculty members from all over the world. A global law school needs to be a part of a great, global university, and we certainly are.

Thus the new global thinking in the law has a large university context. Our law school faculty is increasingly
global in makeup and outlook. We regularly have distinguished visiting professors from around the world. Over the last five years we have had faculty members from France, Austria, Italy, Zambia, Great Britain, West Germany, and Canada. They have taught various comparative law and international law courses. We also host many other faculty members whose visits are associated with research. This year, for example, Jisu Kim, a legal philosopher on the faculty of the Hankuk University of Foreign Studies in Seoul, Korea, is a visiting scholar at the law school.

If there is one area in which we must continue to develop comparative and foreign law courses, it is the Far East. The importance of the Pacific rim countries to the future of the interdependent global economy cannot be overstated. Moreover, Asian legal systems such as those of Japan and China provide ways of analyzing the relationship of the individual to society that are particularly provocative and stimulating for Western lawyers and scholars. We should add courses to our curriculum that directly deal with those legal systems and cultures.

Our own full-time faculty is also increasingly global in its outlook and research interests. Many members of the faculty spend sabbatical time abroad and are pursuing research projects that involve the law of other countries and law colleagues overseas. And, as I noted above, many of us simply cannot analyze, understand, or teach our own
domestic law courses without taking global realities into account.

Our curriculum increasingly reflects the broader global outlook. It deals with the three main areas that I have been discussing thus far: (1) the need to acquaint ourselves with other legal systems and cultures and to compare them with our own and other legal systems, (2) the need to develop a knowledge and understanding of a growing and important body of international law, and (3) the need to understand the relationship and impact of global contexts on various bodies of domestic law. Indeed, the international curriculum at Cornell is, in effect, built on a four-sided foundation.

First, comparative law has long been an important course at Cornell. Since the days of Prof. Rudi Schlesinger it has been a mainstay of our international curriculum and taught by distinguished professors from abroad. Last fall Prof. Bernard Rudden—who holds the chair of comparative law at Oxford University—returned to teach comparative law, as he has every year since 1985. In the spring semester Prof. Jamie Cameron of Osgoode Hall in Toronto taught a course in comparative constitutional law. Next fall Prof. Yvonne Cripps of Emmanuel College, Cambridge, will teach a course in comparative public law. Prof. Herbert Hausmaninger of the University of Vienna recently offered a course in Soviet law.

Second, we continually offer courses in public international law, international business, and international trade as well as a course on the European Economic Community. Professor Barceló, the A. Robert Noll Professor of Law, who so ably directed our International Legal Studies Program for the past ten years, is responsible for several of those important international law courses.

Third, the International Legal Studies Program at Cornell benefits from the increasingly global perspective that many of our faculty members take when analyzing their own areas of domestic law. The global realities of the latter part of the twentieth century are clearly changing the way we view various legal approaches to problems, particularly those involving the kinds of regulation that used to be thought of primarily in national, rather than international, terms.

Finally, there is the informal curriculum as well. This year, for example, the International Legal Studies Program has sponsored a series of talks on the global environment. The yearlong interdisciplinary series has covered issues involving the science, economics, politics, ethics, and, of course, legal aspects of such problems as the greenhouse effect, the protection of the earth’s ozone layer, and the complex issues raised by acid rain and the export of hazardous waste materials. In addition, this year the International Law Journal sponsored a successful symposium, “United States-Japanese Trade Relationships: An Interdisciplinary Approach for the 1990s.” Many renowned experts in American and Japanese law and culture participated. Their papers were published in the International Law Journal.

In the final analysis, however, the International Legal Studies Program at Cornell is more than its programs, both in and out of class. It is an attitude, a perspective on problems both international and domestic, one that sees trends and changes in global terms. That perspective requires, from time to time, new courses and an interdisciplinary approach to new issues. But coming to grips with the global age in which we live also reinforces what has always been the fundamental goal of the Cornell Law School: the training of truly learned lawyers. Indeed, the sage advice of Sol Linowitz at the centennial celebration of the law school this past year evokes our global era and rings true with particular force. Now more than ever, it is important that “lawyers be learned in the law” and that “a lawyer should know accounting but needs to know philosophy” as well and that “for understanding the idea of a contract,” especially, I would add, a contract across national boundaries, “acquaintance with anthropology and psychology is apt to be more valuable than case law—that you could often learn more about people from great novels than law books.”

In preparing global professionals, we must be innovative and global in our outlook. But we must also continue to resist the lure of mere technocratic training. Taking a truly global perspective requires that we try to make our students aware not just of domestic, foreign, and international law but of the broad and deep cultural, philosophical, and economic forces that drive legal systems. The global perspective, in the final analysis, is an intensely human one—one that calls for specialized skills and greater awareness of the world around us, but one that also requires the kind of breadth of intellect and intellectual outlook that Cornell has long sought to instill in its students.

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