

Challenging the Existing Paradigm: How to Transnationalize the Legal Curriculum

Pauline H. ...

I was absolutely delighted to be invited here today, not only as a

Canadian, but as a Canadian from la province du Québec, a civil law jurisdiction, to present on the topic of transnationalizing the legal curriculum at an *American* association of law schools' meeting. The fact that you want to hear from someone from another jurisdiction and another legal system gives credibility to your interest in learning about

incorporating perspectives of others into your curricula, and I have been quite heartened by the positive response that has been given to this topic

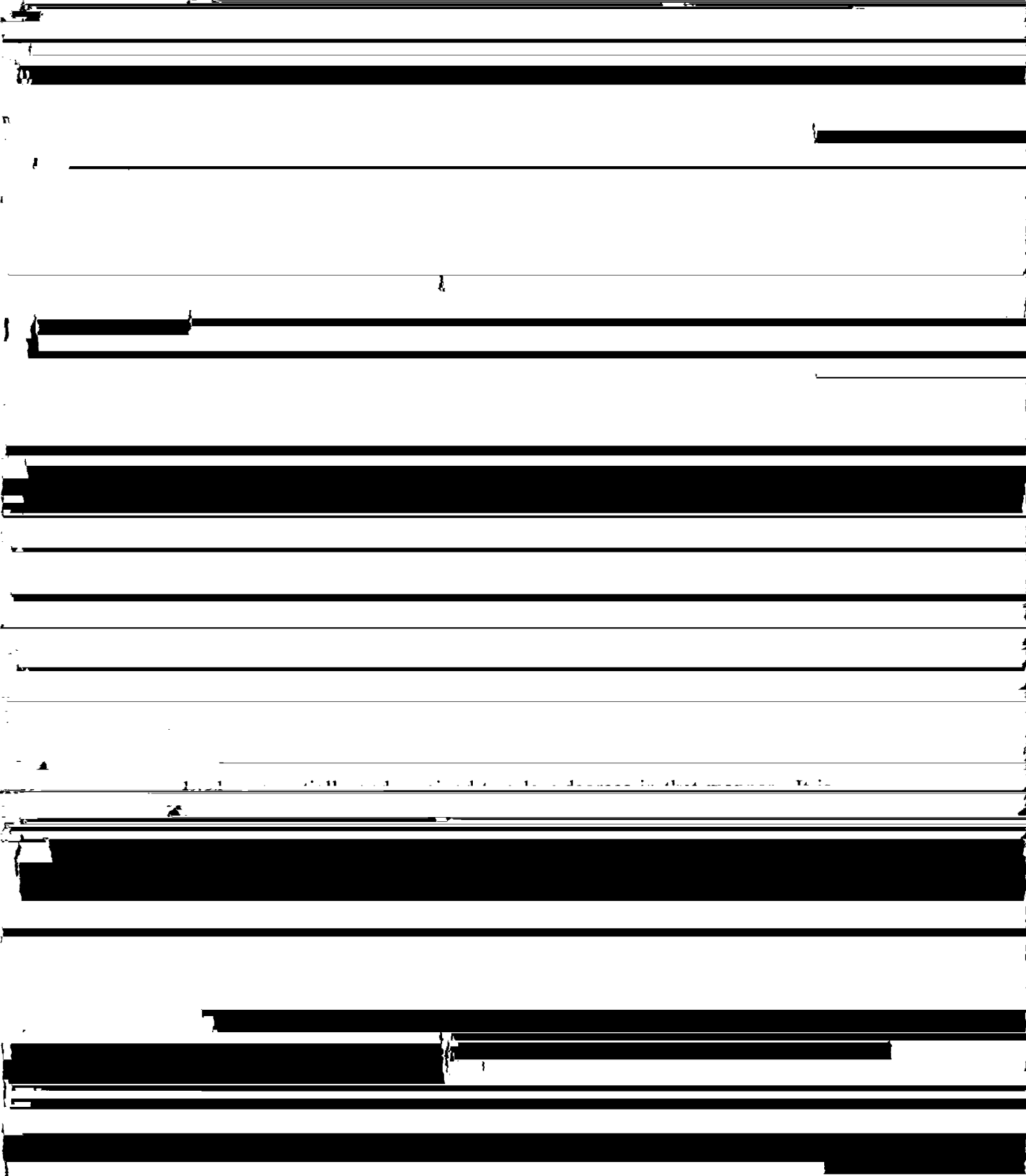
rather a transsystemic approach to legal education, meaning at its most basic level, if you dissect the word "trans-" for "cross" and "systemic" for

legal system. The nub of what we have tried to do is to integrate transnationalism into our curriculum by freeing the study of law from

jurisdictional or systemic boundaries and thereby to broaden the perspectives to that legal education, hopefully, along the way, developing more agile legal minds in our students, and more outward-looking and more broadly trained lawyers or legal professionals in our industry.

manner.¹ When I was a student at McGill in the late '70s and early '80s, in my first year, I took the course Civil Law Obligations, and in second year, I took the equivalent courses of Common Law Contracts and Torts. I graduated with an understanding of the world's two major legal

~~systems but (and I am repeating this) as if I had gone to two law~~



reality.

perspectives that is key to operating in a transsystemic world, it is that these perspectives are linked to global systems of thought.

Apart from being intellectual stimulating and interesting, this vision of legal education carries with it two great advantages. The first is that by studying law from the perspective of a legal system, rather than from the perspective of legal rules, one gains the ability to work through a

understands its basic underlying traditions and elements. We recognize that we can never expose our students to every jurisdiction in the world but we believe that even though the Belgian Civil Code may be different

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[REDACTED]

[REDACTED]

[REDACTED]

...since that knowledge of German and Spanish would be important to

[REDACTED]

[REDACTED]

[REDACTED]

helpful, but how realistic is that.

The second challenge is the need to have knowledge of German that

[REDACTED]

[REDACTED]

[REDACTED]

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traditional law school exams—

with everything, except for the kitchen sink, thrown in, followed by the simple question requiring the student to advise an unfortunate party of all his legal rights. That is more difficult to do when you are not operating within one discrete jurisdiction. We have altered our evaluations in many ways but I will share one I use often with you. I have found a convenient, and of course make-believe, place I call “Transania” where much of what happens in my exams takes place. This avoids my

students being able to give me an answer out of the Québec Civil Code,

absolutely no control on the tuition fees that we charge. Suffice it to say

in the language (as all of our first-year and

[REDACTED]

teaching materials is another way to overcome some of the challenges as I am not sure that anybody can prepare transsystemic teaching materials on their own, or do so as well as they could without the collaboration of other colleagues.

Joint research projects is both a way of overcoming challenges, as well as a reward for moving in this direction, since transnationalism, as

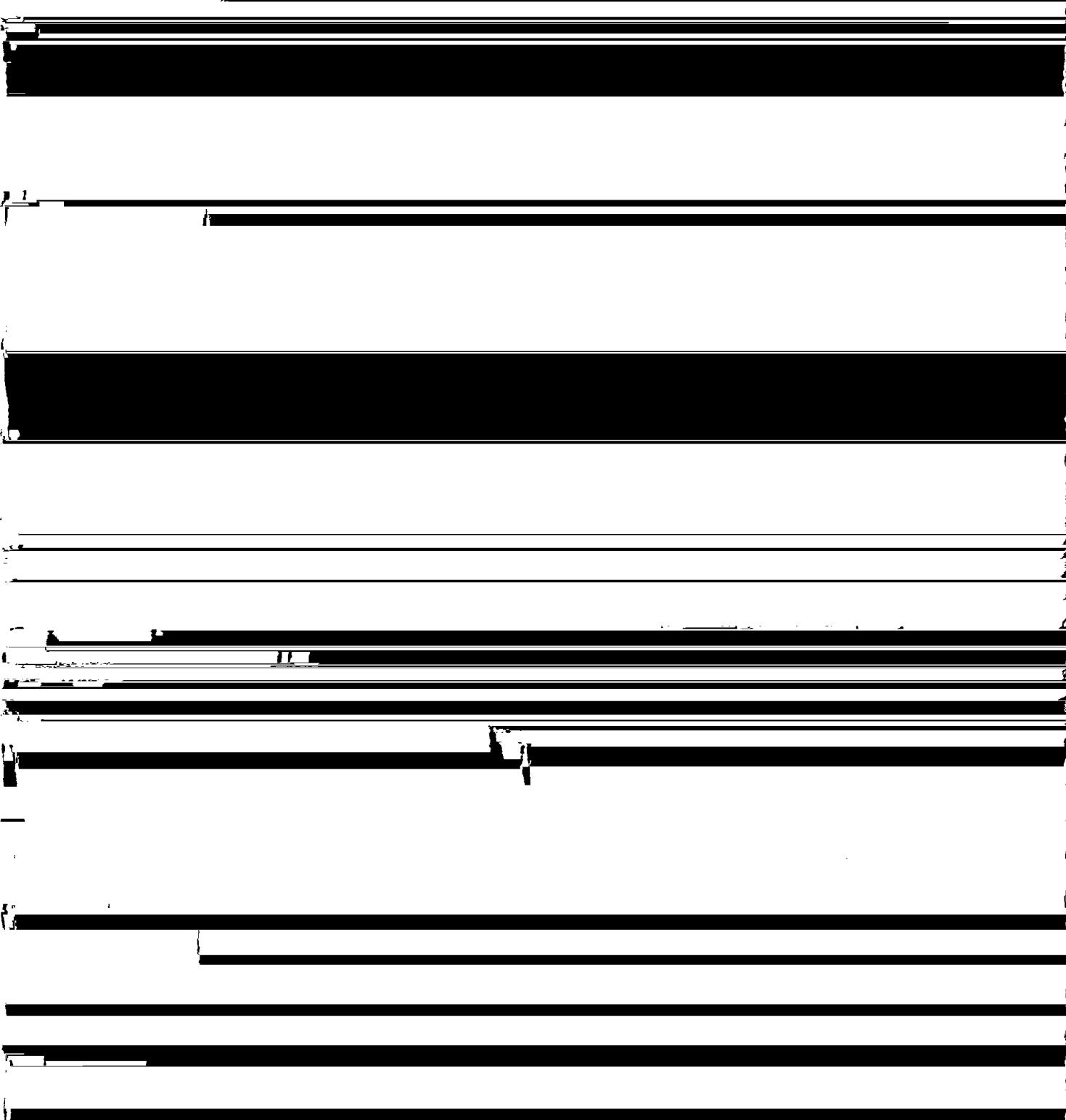
research. Working on joint research projects with other colleagues leads to a greater appreciation and knowledge of different approaches, different sets of knowledge and, of course, different perspectives.

Participation in exchange programs and international consortia, as

exchange as well. I am not sure that we actually have enough faculty exchanges. We benefit enormously from students crossing borders but I also think that there is a need for faculty to cross borders as well.

Rewards

Q. ... Also, I have listed the rewards of transactional or



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