

Book Review

Susan Bartie and David Sandomierski eds., *American Legal Education Abroad: Critical Histories*, New York, N.Y.: New York University Press, 2021, pp. 415, \$60 (hardcover)

Reviewed by Theresa Kaiser

Ambition begets vexation, say the Sinhalese. *American Legal Education Abroad: Critical Histories* is an ambitious project that proves the proverb. The book strives to analyze the development of legal education outside the United States through the lens of American influence. How—or did—the United States influence legal education abroad? The book offers insights about “Americanization” that range from useful to thought-provoking to perplexing, but ultimately it suffers from a scattershot approach toward what “Americanization” means and from framing that is unnecessarily and unconvincingly provocative. Both shortcomings detract from the informative and well-written chapters and obviate any larger take-aways about how U.S. legal education has or has not exerted influence beyond its borders.

‘Americanization’

Editors Susan Bartie and David Sandomierski acknowledge in the introduction that they intentionally neither defined nor constrained the meaning of “the Americanization of legal education” for the contributing authors. The editors explain their choice was made to allow the authors to “reveal the various ways that the regions have received, interpreted, and engaged with US educational ideas and practices and to understand what this has meant for those regions” (2). Such a flexible approach is defensible, in theory, given the vastly disparate perspectives bound to exist from country to country. However, in practice it begets chaos.

The book commences with *Part I: Foundation Stories*, whose purpose should be to offer what American legal education is or is not, where American legal education came from, or why anyone cares about the influence of the United States on legal education abroad. The two chapters in this section succeed in implying only that “Americanization” is either the Harvard case method or a shape-shifting ideal in the eye of the non-American beholder.

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Bruce Kimball's chapter describes the adoption, adaptation, and/or rejection of the Harvard case method of teaching in U.S. law schools, medical schools, and business schools. Though deftly written, this chapter illuminates only this single aspect of "Americanization." Because no other foundational chapter offers an alternative, Kimball's Chapter 1 sets the stage for the case method being the measuring stick for "Americanization."

David Sugarman's Chapter 2, the other foundational story, is oddly placed. The bulk of Sugarman's work belongs in the critical histories section, where authors reflect on any impact American legal education may have had on a particular country. Sugarman writes about similarities, differences, and parallels between British and American legal education, pointing to several legal fields such as administrative law and corporate law as places of American influence, but otherwise concluding that "the American law school does not travel well" in the United Kingdom (54). What Sugarman offers as a "foundation" story comes in the afterward portion of his chapter. Here, he notes that influence "is a slippery concept" (53) and warns that "people found what they wanted to find in US law schools" (54). This nod to the editors' intent of letting a thousand flowers bloom when it comes to defining "Americanization" creates a dissonant reckoning with Kimball's specific case method discussion.

One way to alleviate confusion would have been to include an additional foundational chapter, written from the American perspective, that provides a more holistic look at what American legal education is. Susan Carle's reflections in *Part III: US Perspectives* does some of this quite well, but it is too late for the reader when it comes at the end of the book. A full-throated voice describing what "Americanization" is, might be, or is perceived to be would construct a stage with many paths for the authors and readers to travel together. Considering "Americanization" with nuance, depth, and breadth at the beginning of the book could also break through superficial assumptions, such as the omnipotence of Harvard, that can perpetuate when powerful brands are encountered without sufficient background information.

Ultimately, *Part I* offers a meager attempt to encapsulate what American legal education is. It does not address other foundational questions that would have served as relevant starting points for the reader, such as who influenced American legal education or why America's possible influence abroad is an important question to answer. The reader thus begins her journey through the book puzzled about whether "Americanization" is a narrow and clearly defined way of teaching or an amorphous concept or something else altogether. She is not offered the chance to think deeply about where influence, evolution, impact, and adaptation came from or the role perspective and lived experience plays in it all. Instead, she must prepare to discern the book's purpose by stumbling alone through the written landscape peering through random windows—offered intentionally or not—along the way.

'Americanization' Defined by Selected Countries

One window provided for the viewing of "Americanization" comes from the countries that were chosen for evaluation. *Part II*, the meat of the publication, comprises the critical histories of twelve countries in thirteen chapters: Australia, Brazil, Canada, China, Estonia, France, Ghana, Israel, Japan, Nigeria, the Philippines, and Sweden (though much of Sugarman's chapter on England should have been included here, as noted above). Why these particular countries were selected is not explained, and the editors justify their choice simply as representing "a significant sample." For the reader, the intellectual experience thus becomes one of random hopping from one unconnected geopolitical unit to another and raises concerns about conclusions being drawn from a relatively small and arbitrary set of subjects.

Upon closer inspection, the countries chosen are rather curious. For example, Canada inexplicably merits two separate chapters, with Sandomierski's contribution drilling down on two decades covered by Philip Girard's chapter of broader historical exploration. Canada's significance presumably results from its contiguous border with the United States, though the reader is left to draw this conclusion on her own. Whether that is the reason for Canada's disproportional presence in the book or not, a chapter on the "Americanization" of legal education in Mexico, the only other country sharing similar neighboring geography, could have provided some coherence to the country-hopping as well as the opportunity to consider whether and how physical proximity may affect influence.

A more curated selection of countries, following any driving principle, would have more convincingly explored the "Americanization" of legal education abroad and would have offered the reader guideposts for understanding and drawing conclusions. One approach would have been to explore "Americanization" in countries that share common legal histories or traditions, thereby offering some control factors to better illuminate any effects. For example, choosing only civil law countries or countries that, like the United States, were former British colonies, would have helped parse American influence. Robert Gordon suggests in the final chapter of the book that countries sharing common British ancestry have been more open to American influence (374-75). Maybe that is true, but this is a tenuous conclusion to draw when only three countries (Canada, Australia, and England itself) have been considered. A more comprehensive inquiry beyond what the book offers, to include India, Hong Kong, Singapore, South Africa, and even Scotland, for example, could answer this question, compel deeper questioning, and provide a relevant organizing principle.

Any number of approaches would have provided the necessary structure to probe the question the editors pose. One would have been to explore "Americanization" in countries that are economically powerful on the global stage. According to some of the chapter authors, America's presumed influence abroad in legal education, at least in part, derives from its financial might. India, China, Germany, Japan, the United Kingdom, France, and Italy, as other major drivers of the world's economy, would have been an interesting and cohesive assemblage.

Another approach would have been to pursue the question of “Americanization” through one specific element of U.S. legal education. For example, the J.D., which is a postgraduate and terminal degree functioning as the gold standard for legal practice in the United States, has cropped up over the past few decades in Japan, China, and Australia. Jedidiah Kroncke mentions this in passing in his chapter on China, suggesting the Chinese J.D. will not flourish. Yoshiharu Matsuura acknowledges the Japanese J.D. was modeled on the U.S. version, but his chapter turns to a discussion of the case method. Bartie does not address the University of Melbourne J.D. experiment in her chapter on Australia. Replicating the J.D. degree abroad presents as an obvious effort to imitate U.S. legal education and could have served as a logical locus around which to study “Americanization” and its impact.

‘Americanization’ Defined by Selected Time Frames

The random historical time frames explored by each author also contribute to the reader’s difficulty in making sense of what is meant by “Americanization.” Some authors use short time frames and discrete years to undertake their analysis: 1957 to 1966 for Ghana, 1945 to 1990 for Sweden, and 1967 to 2008 for Israel, for example. Japan’s temporal focus is the most pointed, looking at its legal education reforms of 2004. Other authors consider U.S. influence over centuries, as Girard does with his chapter on Canada (late 1700s to the present) and Emily Sanchez Salcedo does with hers on the Philippines (1889 to the present). Still others choose seminal moments in their own history, such as China during its two post-revolutionary eras and Nigeria following its independence, or pivotal moments in world history, such as France and Sweden post-World War I.

Using lenses of such different periods makes it difficult to situate American influence in the wide-angled context of U.S. and world history, thus making it impossible to draw conclusions about what “Americanization” means. For José Garcez Ghirardi in present-day Brazil, “Americanization” means globalization; for Matsuura in 2004 Japan it means the case method of teaching; for John Harrington and Ambreena Maji in 1960s Ghana it means humanistic teaching; for Sandomierski in 1950s Canada it means preparing lawyers to be social architects; for Kjell Modér in 1940s Sweden it means pragmatism and includes moot courts, law reviews, and clinics; while for Jean-Louis Halpérin in France of the late 1800s it is “the Harvard model.” Like the parable of the blind men touching different parts of an elephant and declaring different conclusions, the disparate moments in history touched by each author reveal different answers about what “Americanization” is. It is thought-provoking, to be sure, but presents as anecdotal and therefore unreliable for understanding the true meaning of “Americanization” and whether any of it has staying power.

‘Americanization’ Defined by Professors

Every author of every chapter of the book is first and foremost a professor. Consequently, the analytical lens through which “Americanization” is considered is through the eyes of this unique contributor to and observer of legal educa-

tion. Professors, whose primary roles are teaching students in the classroom and publishing research, and whose secondary roles are participating in the evolution of legal education ideology, thus logically consider “Americanization” chiefly through pedagogy, scholarship, and purpose. This perspective is not only useful, but critical. However, it is too narrow to stand alone and is perhaps one reason the case method and Socratic method play like a broken record throughout the book as points of possible impact.

Another contributor to and observer of legal education is the law school administrator. From the U.S. law school administrator perspective, especially those of us working in international legal education, there are numerous avenues to investigate that could offer a deeper exploration of “Americanization” abroad. For illustrative purposes, only LL.M. degrees and J.D.-level semester study abroad will be discussed here, though other areas of inquiry exist.

As noted throughout the book, LL.M. graduates from outside the United States who return to their home countries can bring new ideas from their American experience that may influence legal education abroad. In her chapter, Pnina Lahav identifies two Israeli scholars who studied at Harvard, and in his, Mod er mentions the inspiration brought back by numerous Swedish scholars who studied for a year at U.S. law schools, for example. An individual’s influence is important and, at times, can be pivotal. However, when an organization as a whole makes a move that reflects foreign influence, the drop in the ocean from an individual’s impact is dwarfed by the tidal wave from an institutional shift. Such is the case with the establishment of LL.M. programs outside the United States.

Graduate law programs existed in Europe long before they came to the United States, but they were research heavy and suited specifically to European culture. Leaping across the Atlantic in the 1880s, LL.M. programs simmered quietly in the New World as they adapted to serve the purposes of the few U.S. institutions that adopted them. By 1906, just nineteen U.S. law schools offered LL.M. programs.¹ This number increased only marginally during the next century, reaching thirty-two in 2008, when the global financial crisis hit. With plummeting J.D. enrollments causing both increased competition for U.S. News-worthy students and decreased budget bottom lines, law schools were under intense pressure to find revenue streams other than J.D. tuition. It is no coincidence that the next ten years witnessed an explosion of new LL.M. programs. By 2018, 160 U.S. law schools offered at least one master of laws degree, raising the percentage of LL.M.-granting schools from twenty percent in 2008 to eighty percent in 2018.

Law schools outside the United States appeared to be paying attention. Likewise in need of revenue, they began creating LL.M. programs in English to compete for paying students. In 2008, just ten European and seven Asia-Pacific law schools offered LL.M. degrees in English. By 2018, nearly 300 were in Europe and more than 120 were in the Asia-Pacific region.

1. Matthew S. Parker, *The Origin of LL.M. Programs: A Case Study of the University of Pennsylvania Law School*, 39 U. PA. J. INT’L L. 855 (2018).

Admittedly, further research is merited before any conclusions can be drawn about how much, if any, influence can be attributed to the United States in the development of LL.M. programs globally. It is possible U.S. and non-U.S. schools were acting in parallel, with neither one influencing the other. However, at least four factors intimate U.S. inspiration: the relatively large number of U.S. law professors teaching as short-term visiting professors in foreign LL.M. programs; English chosen as the language of instruction (even in non-English-speaking countries); one year of study sufficient to earn the degree (historically, master's degrees abroad were two years while the U.S. program was always one); and tuition typically much less than in the United States but usually much more than standard legal education in the host country. Because the number of LL.M. programs created outside the United States has exploded in recent decades, competing directly with the United States for students and replicating many hallmarks of the U.S. LL.M. degree, it would be worthwhile to consider the "Americanization" of legal education abroad in this aspect.

Another example of law school administrators' experience with "Americanization" occurs during the formation and implementation of J.D. semester study-abroad programs. U.S. law schools must adhere strictly to American Bar Association (ABA) standards to retain their accreditation and to ensure their graduates earn a nationally recognized J.D. degree. Schools must also follow state bar requirements to ease the transition of their students from school to licensure. Finally, schools have their own faculty and university policies to follow. With so many rules, it is often challenging to identify law schools outside the United States that can offer an ABA-U.S. bar-U.S. university/law school-compliant semester of study to an American J.D. student. For the most part, U.S. administrators' hands are tied by these myriad rules, leaving little room for compromise. The foreign partner who seeks places for its students in exchange or who targets U.S. tuition dollars is motivated to find a solution. As a result, many law schools around the globe have changed the way their law schools operate administratively by adopting U.S. characteristics. They change their academic calendars to match the U.S. time frame. They offer a full semester's worth of courses in English. They hire a corps of administrators to provide the academic and student support services expected by U.S. students. Some schools, such as Bucerius Law School in Hamburg, Germany, have gone so far as to follow ABA standards regarding minutes of in-class instruction per credit hour.

The "Americanization" of legal education abroad extends beyond teaching, research, and ideology. Law school administration—the mechanics of making an institution work and of meeting all organizational obligations—also plays a role. The paragraphs above relate to international legal education administration, but other facets of U.S. law school administration could also exert influence abroad. Selective admissions, diversity, equity, and inclusion initiatives, administrative bloat, and education as a commodity are possible U.S. legacies to explore. Ten years ago, this reviewer once spent thirty minutes visiting six offices in a Polish law school just to purchase a \$5 branded T-shirt offered in a window display. She wonders if such commitment by the buyer would be required today.

Considering the impact of other constituencies would also be worth pursuing. For example, U.S. law students who participate in international moot court competitions, summer internships abroad, and other global activities could exert American influence. They literally give legs to American legal education ideals.

‘Americanization’ Defined by Individual Perspectives

No telling of history is untainted by the storyteller’s personal viewpoint. The prerogative to choose words, emphasis, context, and conclusions is the power of the pen. Recognizing and revealing one’s own biases and subsequent impact on the story being told is always a challenge. In this volume of critical histories, personal perspectives appear in three ways, two obvious and one more subtle. All should be noted for the reader’s consideration as she peeks at “Americanization” through this particular window.

Individual perspectives noticeably affect analysis when comparing both Girard’s and Bartie’s discussion of Erwin Griswold. Seemingly unaware that they have targeted the same person for discussion, they consider the impact of Griswold, Harvard Law School dean from 1946 to 1967, but arrive at very different assessments of his motivations and influence in their respective regions. Girard, who sits comfortably in his Canadian skin, permeates an attitude of confidence about where Canadian legal education has been, what it has become, and where it is going. He does not feel imposed upon by U.S. models or ideals, recognizes countries and constituencies other than the United States that have equally (or more so) influenced Canadian legal education, and expresses gratitude that his country has been able to take only what it wants from other jurisdictions, adapting it to the unique Canadian context. It is with this sense of maturity and self-awareness that Girard introduces the reader to Dean Griswold. In the mid-twentieth century, Griswold meddled in the development of Canadian legal education by recommending faculty appointments, corresponding with law deans, and commenting on scholarly works. This intervention was embraced by The University of British Columbia with the bestowing of an honorary degree. Girard warmly frames Griswold’s interest in Canadian legal education as “quasi-paternal” and concludes that “Griswold played an underappreciated role in the development of Canadian legal education at the time of its greatest expansion” (80).

Bartie, on the other hand, paints Australian academics as scholars with an inferiority complex. She bemoans a perceived subordination of Australian legal education and thought to American influence and claims Australians consider their legal traditions to be “impoverished” in comparison with Anglo-American ideals (108-09). With this bitter backdrop, she sees Griswold as a pejorative missionary intent on subordinating the Australian legal environment to mighty Harvard. Griswold communicated regularly with Australian legal scholars, as he did with his Canadian counterparts, funded the exchange of legal scholars between the United States and Australia (in both directions), and had a tiff with an Australian reporter who baited Griswold by saying Harvard was not really all that great. Bertie packages all of Griswold’s actions in Australia as nefarious

exploits harboring a singular desire to belittle Australian legal education and elevate Harvard. Such cultural cringe is hard to swallow and makes Australian academics appear like angst-ridden teenagers who have not yet found their own voice.

It is true there is some possibility Griswold was paternalistic toward Canada but domineering toward Australia. He could have spent the 1950s thinking Canadian legal education was exemplary while believing Australian legal education was run by bogans and drongos. He could have felt some commonalities with Canadian institutions yet been compelled to look down on Australian ones. If so, the stories told by the authors may be more objective than they appear. If not, personal or societal biases have shaped the telling. The reader will never know which is the case, because these two starkly differing characterizations of Griswold have not been reconciled.

A second obvious instance of perspective influencing outcome occurs when considering the two Canadian chapters. In Girard's full sweep of Canadian legal education, he pauses at 1949 to consider the next three decades during which Canadian legal education expanded rapidly. He declares "Harvard Triumphant" (78) during this era because of the disproportionate number of Canadian graduate students it educated and sent back to Canada as newly minted professors. Sandomierski pursues the legal process movement during a similar time frame (1950 to 1969), connecting Lon Fuller at Harvard to James Milner at the University of Toronto. Sandomierski concludes that Milner was not successful in transplanting the ideology of lawyer as problem-solver in Canada, effectively declaring "Harvard Defeated." One author determines "Americanization" had an impact and the other determines it did not—in the same country at the same time. Considering different aspects of legal education is each author's privilege, but these conflicting conclusions from Canada warn the reader that perspective is a force to be acknowledged before any final lessons about "Americanization" are settled. Each chapter of the book is written about specific aspects of legal education at specific moments, as opposed to addressing a country's legal education comprehensively and in detail. Therefore, the danger exists that individual perspectives (through bias or selected topic) will elicit unreliable answers.

The third, more subtle way in which personal biases creep into the narrative is through the authors' own elite educational experiences. *Part I: Foundational Stories* and *Part III: US Perspectives* provide the bookends to this publication. Each part comprises two chapters written by four different authors. Three of these authors come from the American legal tradition, having earned U.S. law degrees: Carle, J.D. from Yale; Gordon, J.D. from Harvard; and Sugarman, LL.M. and S.J.D. from Harvard. Kimball, who kicks off the book with his *Part I* chapter on Harvard's case method, was not educated as a lawyer, but has an Ivy League pedigree from Dartmouth with an undergraduate degree and Harvard with a Master of Divinity. He also spent a year at Harvard Law as a liberal arts fellow. All four commentators, who are tasked with the powerful roles of introducing the book and offering final reflections, completed their legal education (or

their study of it, in the case of Kimball) at the most elite law schools and the most-discussed institutions considered in the book.

Part II contributors, who investigate and analyze the critical histories, include three authors who have studied in U.S. law schools: Kroncke (China), J.D. from Yale; Matsuura (Japan), LL.M. from Yale; and Salcedo (the Philippines), S.J.D. from Indiana University Maurer School of Law. That makes a total of seven authors with firsthand U.S. legal education experience upon which to write their reflections of the “Americanization” of legal education abroad. Three come from Harvard and three come from Yale. Salcedo is the only book contributor with U.S. legal education experience outside of these two rarefied institutions. The remaining ten authors must rely on what they hear, see, or read about what American legal education is.

People who attend Harvard (and I am one of them) generally do so because they believe Harvard is influential, important, special, and “the best.” This is not their fault—Harvard works incredibly hard to create and sustain this impression, and it is very good at doing so. As James B. Twitchell writes in *Branded Nation*, Harvard is the “megaphone” of American education and the most overrated brand.² Harvard University, including its law school, is a luxury label, supported by the psychological value of its astronomical endowment (which *distributed* \$2 billion in July 2021),³ the pioneering advantage of being around since 1636, and its incessant and careful storytelling overseen by the Harvard Corporation, which polices the brand to ensure it is “univocal and unambiguous.”⁴ Consumers of the Harvard story, whether internal or external, cannot be blamed for succumbing to the siren song of its greatness. Mere humans are no match for the Harvard machine. However, both authors and readers must remember U.S. higher education is a chorus of many parts, not a solo performance.

American Legal Education Abroad: Critical Histories focuses ad nauseam on the influence of Harvard such that “Americanization,” the case method, the Socratic method, the “Langdellian” model, and the Harvard model become muddled and interchangeable terms. The Harvard brand is so pervasive that fourteen of the book’s seventeen chapters name Harvard as delivering at least one aspect of “Americanization.” Only the chapters discussing Ghana, Estonia, and Sweden provide the chance to come up for air that is not dyed crimson. This myopic focus, possibly due to the authors’ backgrounds or to the titanic Harvard brand, not only becomes tiresome, but leaves interesting territory unexplored.

American legal education and the “Americanization” of legal education abroad are so much richer than what Harvard or even the other top fourteen (T-14) schools have to offer. There are 199 ABA-accredited law schools in the United States. Some have applicants beating down their doors and some cannot fill

2. JAMES B. TWITCHELL, *BRANDED NATION: THE MARKETING OF MEGACHURCH, COLLEGE INC., AND MUSEUMWORLD* 139 (2004).

3. *Harvard’s Endowment*, HARVARD UNIV., <https://finance.harvard.edu/endowment> (last visited 7/25/2023).

4. TWITCHELL, *supra* note 2, at 142.

their classrooms. Some focus on developing the country's next generation of leaders while others strive to provide legal services to local populations. Some barely sniff at bar pass rates while others include bar preparation courses in the curriculum with credits counting toward the J.D. degree. Some charge \$75,000 tuition per year (Columbia) while others ask \$12,000 or less (University of South Dakota School of Law, University of Nebraska College of Law). Cultures, missions, visions, resources, geography, leadership and so much more differentiate U.S. law schools from one another. U.S. law schools are not homogeneous. And they do not all want to be Harvard.

One result of this heterogeneity is intriguing innovation coming from nonelite schools. Their luxury comes not from huge endowments but, ironically, from their need to survive, which requires nimble pivots and fearless solutions. What do they have to lose? They do not worry about ruining their reputations or falling out of the top ten. They do not often suffer wealthy donors pressing certain policies or programs. Their mindset is not "don't break it" but instead "let's try something new and see if it works." When "Americanization" of legal education is explored, these schools should be at the table, because their experience and impact will be unique and add genuine depth to the conversation.

Some examples of recent activities at non-Harvard-Yale schools with direct pathways abroad that could contribute to the "Americanization" of legal education are the following: Joel Samuels's Rule of Law Collaborative at the University of South Carolina School of Law; Dean Marc Miller's model for international programs at the University of Arizona James E. Rogers College of Law, which is intended ultimately to make the J.D. tuition free; the Lawyering in Spanish program at the University of Denver Sturm College of Law; Temple's Beasley School of Law campus in Japan; Detroit Mercy Law, located less than half a mile from Canada; international J.D. dual degrees, such as DePaul College of Law's J.D./M.A. in International and European Business Law in Madrid; and American University Washington College of Law's two decades of leadership by a dean from Chile. Examples of nonelite schools pushing the boundaries of traditional U.S. legal education through non-international exploits include Elon University School of Law's shortened time to degree and increased experiential learning; Syracuse University College of Law's hybrid online J.D. degree; and Northeastern University School of Law's Cooperative Legal Education Program.

Perhaps these projects are too young for historical analysis, but it is improbable schools like these were not doing interesting things in earlier eras such as those covered by this book. In fact, passing mention is made to the University of Akron School of Law and the University of Wisconsin Law School in Mod  er's chapter on Sweden. Sifting more deeply through the tiers of U.S. law schools looking for global impact would have been a worthy effort for this project.

This critique is not meant to cast aspersions on graduates from elite institutions or to indict the existence of such universities. Instead, it is meant to elevate more pedestrian schools and implore their inclusion in the conversation. Nonelite institutions can and do contribute to innovation and progress in American higher education, some of which may ultimately permeate international borders and

leave a lasting impact. Had this book included perspectives less constrained by the Harvard hegemony, a more nuanced tale from the American legal education diaspora would have been told.

‘Americanization’ Defined by Itself

American legal education did not form in a vacuum. It has been influenced enormously by internal and external forces—politics, wars, culture, history, technology, money, immigration, racism, classism, the economy, ideology, social issues, capitalism, international relations, population, globalization, Supreme Court decisions, and so much more. The legal education, philosophies, and systems of other countries must also be included in this list.

The difficulty of teasing out what American legal education is compared with the legal education of other countries arises from the circular nature of its development. Sugarman acknowledges the creation of the modern law school at the turn of the twentieth century was a “transnational enterprise” (39). Girard rightly points out that influence is not a one-way street. Canada has influenced the United States just as the United States has influenced Canada (67). Kimball reminds us that the American university-based law school model was borrowed from German legal education, and Carle points to Europe as the prototype for American legal education being an academic, as opposed to vocational, program (355). The U.S. system did not magically rise from the swamp in 1870 with the appointment of Christopher C. Langdell as dean of Harvard Law. Instead, it developed—and continues to do so—with the adoption and adaptation of ideas from other places in consort with local, national, and world conditions.

The thesis of this book then becomes a chicken-and-egg conundrum. Is a particular characteristic of American legal education actually American or did it come from elsewhere? If it came from elsewhere, at what point did it morph sufficiently to be considered “American”? Is America’s influence due to the export of American ideas or to America’s ability to export the ideas of others?

Carle insists that “in order to trace the transmission of ideas about legal education, it is necessary to look in detail at particular contexts and search for specific lines of transmission, which may or may not exist *or* persist” (360). She encourages each of the thirteen critical history authors to follow this method. Had this assignment been exercised with U.S. legal education at the outset, the reader would have had a larger window from which to make sense of American influence. Instead, the book jumps in most often during the tenure of Langdell at Harvard, amputating “the Harvard model” from context and effectively declaring Langdell’s deanship the birthplace of American legal education. Having lost the tracing of ideas that contribute to American legal education, “Americanization” thus assumes an arbitrary identity projected by each observer on an uncomfortably blank canvas.

Framing

In addition to the lack of help understanding what is meant by “Americanization,” the other shortcoming of this book is its framing. *American Legal Education Abroad: Critical Histories* relies on the unsubstantiated premise that American legal education has dominated the development of legal education around the world. The dust jacket proclaims “*prevailing narratives* of exportation, transplantation, and imperialism” as well as “*conventional wisdom* that American ideas and practices have dominated globally.” The introduction asserts the global “allure” of U.S. law schools, which engendered “admiration, influence, and envy” from foreign lawyers (1) and cites “*common perceptions* that the history of legal education beyond the United States is uninteresting and unexceptional” (4).⁵ Even the book title assumes American legal education has been exported abroad and there is something critical to be said about it.

With such a provocative setup, the reader expects fireworks. Instead, the book offers a damp wick. The reader learns that particular countries at particular moments considered some aspect of what they perceived to be “American” legal education. Some aspects were rejected, resulting in no “American” influence abroad. Other aspects were adopted but were adapted to the unique conditions of the geopolitical region at issue, resulting in some “American” influence abroad, which may or may not have lasted. There are no surprises here. Legal education must suit the particulars of place. Overselling the tension leaves the reader oddly disappointed, which is unfortunate because the book has lots to offer—just not about American imperialism in the field of legal education.

Contributions to the Field of Legal Education

Despite its vexations, this book makes useful contributions to legal education in several ways. Because this reviewer is not a legal historian, she will not attempt to comment on what this work contributes to that field of scholarship.

Administration

For international legal education administrators, especially those in U.S. law schools, this book is a gift. It offers information about the legal education of thirteen different countries that can be used when devising collaborative projects or when integrating students from these countries into the U.S. law school classroom. Better understanding the legal histories, traditions, and cultures of others will make better international program administrators, open doors for better partnerships, and facilitate international student success.

Change

Two chapters of the book stand out from the rest because of their impassioned focus on the present and future of legal education. It is unexpected to have essays in a legal history text that are so forward looking, but the authors

5. Emphasis supplied to highlight the unsupported nature of the premise.

connect their perspectives to the past in ways that work. Both chapters sound alarms and calls to action that should be heeded.

Ghirardi's chapter on Brazil fervently calls attention to the globalization of legal education. He portends the fall of the nation-state and the rise of global systems that will require a new type of local-global lawyer. His prediction raises important questions, two of which he flags for urgent discussion. First is the philosophical matter of whether legal education in a global world is a public good, a private good, an economic good, or a world good. Though not stated explicitly, Ghirardi's chapter by implication changes the traditional binary choice (public good versus private good) to a multifaceted one. Second, he asks what skills or characteristics should be normative for lawyers in a global world and who gets to decide what those competencies will be. For example, should English be the common legal language? Both questions beg serious consideration within the global community.

Salcedo's chapter on the Philippines is perhaps the darkest of the book. Her study of the Filipino version of the Socratic method, though far from scientifically sound (which she readily admits), reveals a twisted and abusive practice that seems to be particularly damaging to female law students. Her chapter builds slowly as a manifesto and ends in a desperate and ardent call for reform. None of what she reports should be acceptable on any scale in any classroom of humans. The legal community in the Philippines should take notice. If her study accurately reflects Filipino legal education writ large, the legal community in the Philippines should act. Again, her research needs revising to include a larger sample size, a randomized sample, and other scientifically accepted principles before the conclusion of systemic pervasiveness can be reached.

Questions

Finally, this book raises many soul-searching questions, especially for the U.S. audience. What is "American legal education"? Has "American legal education" been promoted globally as something other countries should aspire to, and, if so, by whom, when, why, and how? What impact, if any, has "American legal education" had abroad? Is "American legal education" the appropriate lens through which to consider the development of legal education around the globe? Which other countries have influenced the growth of legal education beyond their borders, and how? How has U.S. legal education been influenced by the legal education of others?

Such queries are bound to engender long nights of raucous debate among legal historians, professors, law school deans, and law school administrators. They force honest self-reflection by an American population that can be elitist and domineering but is not always so.

Conclusion

Ambition is to be admired, even when it falls short, if it comes from a desire to illuminate and advance knowledge or progress. This book is admirable.

However, it lacks coherence and structure and misses some important perspectives by relying on random contributions and buying into the exceptionalism of elitist institutions without pause. Yet it also offers useful information about other countries' legal education systems, gives a voice to people with compelling pleas, and provides an infinite buffet of questions for those who are intellectually hungry for a better understanding of "Americanization" and its possible impact. Ultimately, this book suggests "Americanization" is an academically appropriate topic whose exploration has barely begun and whose topography offers many facets for discovery. It is hoped that future projects will expand on this work, perhaps along some of the lines suggested in this review, to offer a more convincing and comprehensive picture.