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The Value of an Interdisciplinary Education for Prospective Law Students

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Abstract

Undergraduate pre-law education must prepare prospective law students for the challenges of law school and the law school admissions process. Although law school does not require a prerequisite course of study, it is my contention that the optimal undergraduate preparation consists of interdisciplinary liberal arts education. Such a pedagogical approach allows for students to understand law in the context of society and its practice beyond the theoretical fundamentals taught in most law schools. Many law school faculty favor interdisciplinary education in law school and law admissions officials stress liberal arts education for undergraduates. Accordingly, the optimal pre-law undergraduate education should take into account both interdisciplinarity and liberal arts approaches to law. I highlight some programs providing such undergraduate education.

Keywords: *Pre-Law Education, Interdisciplinary Education*

Law school remains a popular post-graduation destination for many undergraduate students, but there is no consensus as to the optimal preparation for a law degree. Unlike medical school, there are few defined curriculums, so a pre-law student's preparation can vary significantly. Although colleges and universities vary considerably in their law-oriented course offerings – if any at all – most educational institutions have the opportunity to prepare their student for law school. Recently, there has been much

discussion about the value of the liberal arts and interdisciplinary work. I argue that law-in-the-liberal arts interdisciplinary undergraduate education provides the optimal preparation for legal education and meets the expectations of law school admissions officials and faculty. This curriculum meets the concerns of law schools that students come prepared with the specific skills law schools admissions officials expect, it substantively prepares prospective law students for the intellectual demands of law school, and it

provides undergraduate students with an introduction to matters not traditionally covered in the law school curriculum, which prepares prospective law students to better understand the legal profession and the nature of law. In short, interdisciplinary liberal arts pre-law education prepares future practitioners for the real work of lawyering. The skills needed to understand clients' predicaments, how to effectively represent and advise them, and how to achieve the optimal result for clients are all related to understanding and integrating different disciplinary perspectives. Pre-law advisors can best serve the students they advise by encouraging the selection of interdisciplinary courses and explicitly referencing the need and utility of interdisciplinary approaches to problem-solving and the value of such modes of thought for law school admissions, law school work, and legal practice. The history of legal education and current law school curriculum support the relevance of an interdisciplinary liberal arts pedagogy for students planning to become lawyers.

Legal Education as a Liberal Arts Education

In the nineteenth century formal legal education was not viewed as a necessary step into a professional world of lawyering. Rather, legal education was a supplement to and furthering of a liberal arts education. In fact, in the eighteenth century and most of the nineteenth century most lawyers in America were trained as apprentices to practicing lawyers rather than formally educated in the law (Friedman, 2005). From the early national period through the late nineteenth century, formal legal education usually took the form of a private law school, of which there were only a few (Stevens 1983).

Most lawyers were simply apprenticed into the profession and formal legal education was seen as supplemental to apprenticeships (Johnson, 1978). In the mid-nineteenth century, formal legal education began to gain among lawyers and their clients. Law schools, of which there were 21 in the United States by 1860, were a response to the perceived needs of uniform standards of professional competency among lawyers. Also, lawyers came to embrace law schools (and state bar exams) as gatekeepers that restricted easy entry into the profession (Stevens, 1983). Undergraduate general education was not a pre-requisite to law school and law schools competed with colleges and universities for students. For example, Cornell Law School, founded in 1887, encouraged law students to take history and political science courses (Stevens, 1983). Cornell's founders believed law school was superior to apprenticeship and would eventually establish "a basis of such breadth and excellence of scholarship as will recommend it to the immediate favor of the profession" (Hen, 1965, p. 139-40).

Proponents saw law schools as part of a liberal arts education. As an unsigned article in the *American Law Review* of 1870 praises Harvard Law School's then-recent requirement of passing exams to obtain a law degree: "The object of a law department is not precisely and only to educate young men to be practising [*sic*] lawyers ... It is to furnish all students who desire it the same facilities to investigate the science of human law, theoretically, historically, and thoroughly, as they have to investigate mathematics, natural sciences, or any other branch of thought" (176).

The debate concerning whether the mission of law schools should be academic and intellectual or primarily vocational originated in the 1880s (Spencer, 2012). By the end of the nineteenth century professional preparation had begun “shifting” to law schools. This was partly because the low-skilled tasks many lawyer-apprentices had once performed were taken over by less expensive non-lawyer clerks and secretaries. In addition, commercial clients wanted “sophisticated” lawyers and formal schooling was viewed as the surest method of providing them (Friedman, 2002).

The history of American law schools’ pedagogy can be summarized by reference to one man: Christopher Columbus Langdell. As dean of Harvard Law School in 1870, Langdell implemented a curriculum premised upon law as a science. He saw legal education as a process of demonstrating the principles of law in the context of real-world legal disputes. Students read appellate case opinions to see how rules were derived. Harvard graduates replicated Langdell’s “case method” in their own teaching at other American law schools. Although Langdell’s views of legal science were less influential among academics by the early twentieth century, his “case-method” remains the dominant pedagogy in American law schools. Most law schools use the case method to teach a repertoire of courses, including contracts, property, torts, constitutional law, and civil procedure (Friedman, 2002). In the last forty years many law schools have developed clinical programs as a way of introducing students to the rigors of practice and interacting with clients (Pincus, 1975-1976). Although many practitioners complain young lawyers lack practical knowledge, currently “only 3% of

[law] schools require clinical training, and a majority of students graduate without it.” Accordingly, most American law schools have continued the tradition of theoretical education, with “a combination of lecture and Socratic dialogue that focuses on doctrinal analysis” (Rhode, 2013, p. 448). However, there are indications that there has been a shift in teaching emphasis among some law professors and schools to a greater understanding of the interdisciplinary nature of law and its practice, with a resulting combination of traditional legal doctrinal instruction and interdisciplinary instruction (Friedland, 1996; Priest, 1993; Penland, 2006; Zimmerman, 1999).

Interdisciplinary Education in Today’s Law Schools

Ever since law school became the preferred means for legal education, there has been a debate about the character and quality of legal education (Stuckey, 1996). In the last thirty years, legal scholars have debated whether law schools need to use a liberal arts model, introducing interdisciplinary modes of thought, or focus on the teaching of doctrine (Edwards, 1992; Priest, 1993; White, 1994). Over twenty years ago, George L. Priest identified a trend among law schools toward developing interdisciplinary educational curricula (Priest, 1993). That trend has continued. Today, some law schools have merged traditional doctrinal legal education with clinical courses. Many of those efforts involve interdisciplinary collaboration of law students with graduate students from fields such as social work, psychology, medicine, and law enforcement (Golick & Lessem, 2004; Weinstein, 1999).

In short, some modern law schools have been developing an interdisciplinary educational experience to highlight how actual legal practice occurs (Macey, 2004). This appears to be the preference of many law school faculty who in one study preferred “more variety in legal pedagogy, such as cooperative and collaborative learning techniques” (Friedland, 1996, p. 34). Such learning techniques can be found in interdisciplinary approaches to education, wherein students use the insights from different disciplinary perspectives to achieve a new solution to problems (Repko, 2012). Interdisciplinary education reflects the realities of law practice, wherein lawyers must develop a competency in fields of knowledge or disciplines beyond law in order to effectively represent their clients (Weinstein, 1999).

It is the position of this author that, just as some law schools have done, undergraduate pre-law educators should take cognizance of the pedagogical character of the modern interdisciplinary legal education model. One method of doing so is for pre-law advisors to advise students to gain an understanding of interdisciplinarity and seek out courses (or curriculums and majors, if they exist at their institution) that foster interdisciplinary thought and skills.

In today’s law schools admissions are primarily based upon cumulative undergraduate grade points averages (GPAs) and scores on the Law School Admission Test (LSAT) (Ariens, 2010). However, in addition to LSAT scores and GPAs, law school admissions officials are concerned with the liberal arts backgrounds of their students. Admissions officials are concerned with the “professional promise” of applicants. Julie

Givans, a pre-law advisor at Arizona State University, urged undergraduate students to “[t]ake advantage of your undergraduate education ... [and avoid putting yourself on a] narrow track going toward what you think law schools want to see” (Montauk, 2011, p. 156). Admissions officials have expressly stated that, in addition to strong LSAT scores and high GPAs, they want to see “clearly demanding analytical courses” on transcripts. Law professors have noted that courses in logic, philosophy, history, political science, writing, and reading literature are of immense value to law students (Stropus & Taylor, 2009; Ariens, 2010). No matter what the undergraduate curriculum, law professors stress the importance of active, engaged reading for law students (Gallacher, 2010). The choice of major is less important than that the overall undergraduate curriculum showed “real breadth, depth, and challenge.” Chloe T. Reid of the University of Southern California School of Law noted that, “Since law school is all about writing, we look for expository writing ability” (Montauk, 2011, p. 168). Many admissions officials want to see “tough courses,” especially in the final two years of college, and courses that require “intensive research and writing” and “reading and interpreting texts.” Although no major is required or recommended by any law school, it is assumed that liberal arts majors provide exposure to these kinds of demanding courses (Montauk, 2011). As Megan A. Barnett of Yale Law School has stated, “If you major in a hard science or business, be sure to take a few classes that involve lots of writing” (Montauk, 2011, p. 170). Jim Milligan of Columbia Law School has noted that admissions officials “like to see people writing a senior thesis. It requires commitment and self-discipline. ... The process engenders real growth and development” (Montauk, 2011, p. 169).

Each of these admissions concerns can be addressed by an interdisciplinary liberal arts approach to undergraduate pre-law education.

Undergraduate Pre-Law Education

Contemporary education for prospective law students takes many forms. Post-secondary institutions provide an array of approaches, including formal majors such as pre-law, jurisprudence and/or legal studies, and criminal justice. Paralegal curriculums can also serve as a form of pre-law education. Most law school students go directly to law school after completing their undergraduate degrees. According to data compiled by the Law School Admissions Council (LSAC), over 62 percent of law school applicants are under the age of 25 (“ABA Applicants by Age Groups,” 2013). Applicants are usually young, relatively recent university and college graduates. Accordingly, the locus for learning the essential analytical and communication skills is the undergraduate institution.

Since the Progressive Era, pre-law education has been a concern for legal scholars (Ashley, 1901). By the 1950s, scholars were advocating undergraduate curriculums dedicated to law (Brown, 1951-1952). Beginning in the 1950s, undergraduate colleges and universities introduced law courses as part of a “law-in-the-liberal-arts” enhancement of undergraduate curriculums (Barkman, 1966-1967). Scholars thought courses in formal law and legal theory were important for the general education undergraduate students. For example, writing in 1953, Harvard Law professor Paul A. Freund rhetorically asked:

Should the student whose preparation for mature living must include a study of Boyle’s law of gases, be left unexposed to [Roscoe] Pound’s *Spirit of the Common Law* and [Benjamin] Cardozo’s *Nature of the Judicial Process?* ... A university overlooks a rich educational experience when it fails to offer instruction in legal thinking as a part of general education (Eliot, 1956-1957, p. 1).

The objective of including such courses in the undergraduate curriculum was to make students “mature citizens” (Fluno, 1953-1954, p. 214).

Since then, undergraduate institutions have adopted pre-law courses of study to teach law as a field of inquiry into the nature of power and political legitimacy within the broader society. Such programs place law within a broader social context, beyond the traditional doctrinal pedagogy of law schools. As of 2004, sixty colleges or universities allowed students to concentrate in “legal studies or law and society” (Sarat, 2004, pp. 1-13).

A liberal arts education has been defined in a variety of ways, from the “religion of the ruling class” to an empirically defensible form of education that enhances democracy in ways superior to vocational and community college education (Bird, 1975, p. 109; Winter et al, 1981). Since the end of the Roman Empire, the “seven liberal arts” (grammar, dialectic, rhetoric, geometry, arithmetic, astronomy, and music and drawing) have been viewed as preparation for a political

and social life or, in the Middle Ages, a theological career (Abelson, 1906). The twentieth century witnessed a healthy debate about the purposes and contents of liberal arts education. In 1928, Edgar Eugene Robinson, a Stanford professor of history and well known as the intellectual father of Western Civilization studies, contended that liberal arts education looks toward the future of the democratic state by preparing youth for their obligations as citizens (Carnochan, 1994). Within this context, recent scholars have articulated specific goals of liberal arts education, including critical and analytical thinking skills, empathy, self-control, leadership, and holding equalitarian views (Winter et al, 1981). Today, liberal arts education is distinguished from vocational and professional education, both of which teach technical and applied knowledge and skills (Plihal & Copa, 1986; Kennedy, 1987). Nevertheless, modern liberal arts educational institutions share the goals of the vocational and professional models. Most post-secondary teaching seeks student-to-student interaction and creating opportunities for applying in practice knowledge learned in the classroom or through reading (McGlynn, 2001).

In addition to liberal arts instruction, many colleges and universities have embraced interdisciplinary studies curricula. Interdisciplinary education seeks to integrate the insights of scholars from different fields of inquiry in order to produce a better-informed understanding of phenomena and their causes (Repko, 2012). When interdisciplinary approaches are combined with the democratic theoretical and applied-knowledge goals of modern liberal arts education, pre-law education can be enhanced, providing students with an education that meets multiple goals. Pre-law students are

introduced to law in a variety of contexts and encouraged to question and analyze law's functions and purposes through different disciplinary lenses. Regardless of whether pre-law students eventually attend law school, they are better prepared to be engaged citizens. If they do attend law school, they are equipped with the skills law school admissions officers and faculty desire of them. Additionally, they are better prepared to understand how law functions in society, thereby preparing them for learning the professional skills law school will teach them.

Some undergraduate institutions have adopted an interdisciplinary "law-in-the-liberal arts" model. For example, Amherst College has created a curriculum titled, "Law, Jurisprudence, and Social Thought." The program seeks to teach about legal thought, institutions and substantive law utilizing the methods and concerns of the liberal arts. The curriculum combines instruction in traditional pre-law subjects, such as survey courses on the American legal system, with liberal arts courses such as surveys of jurisprudential thought and interdisciplinary research and writing courses (Amherst College, 2013). Such a combination of disciplines also contributes to the liberal arts character of the jurisprudence major and allows for an incorporation of social scientific methods and the concerns of political science regarding how interests are organized and effected and the exercise of political power in a society.

Such programs emphasize the application of interdisciplinary theory to research. For example, at my own institution, Montclair State University, the jurisprudence major has a senior capstone course. This is a yearlong course that

requires students to produce a substantial interdisciplinary legal research paper of approximately 30 pages in length. Students are allowed to choose their topic and analyze it from at least two different disciplinary perspectives. The end product is a true interdisciplinary paper, which not only views the topic from different disciplines but also integrates different disciplinary perspectives to achieve a balanced assessment of the topic, propose an interdisciplinary solution to a law-related problem, or make an interdisciplinary argument for legal reform.

Such capstone courses require students to develop a degree of competency in at least two disciplines in order to craft their interdisciplinary analyses, which entails extensive reading regarding their topics and the relevant disciplines. For example, a student who seeks to analyze the efficacy and prudence of anti-bullying legislation must research and understand the relevant legal rules and concepts, and develop a degree of competence regarding the sub-disciplines of child and developmental psychology.

In addition to being interdisciplinary, such programs provide a truly liberal arts approach to pre-law education. Students are required to not only understand the formal, positive legal rules, whether adduced through statutory interpretation or common law court precedents, but also to understand legal problems and issues in a broader societal context. The liberal arts approach often results in a “law and society” approach to understanding legal problems. Law and society pedagogy has centered on achieving an understanding of a legal topic in terms of social and economic context in which it exists. In order for this broader

understanding to occur, students need to interact with fellow students in a supportive environment, accompanied by objective assessment metrics (Easteal, 2008).

It is important to note that interdisciplinary pre-law education is distinct from traditional law school-based doctrinal and clinical education. Interdisciplinary pre-law education allows students to understand how formal legal rules can be applied in practice and how positive law is understood by non-legal actors and affects societal institutions. Law schools have fostered an understanding of legal theories and principles and how lawyers and judges implement those principles in making case law, statutes, and practicing law. By contrast, interdisciplinary law in the liberal arts approaches foster an understanding of how principles are interpreted and affect people and institutions beyond the legal field and traditional legal actors. Law in the liberal arts is not primarily concerned with litigation or procedures, although an awareness of how such matters affect legal and societal outcomes is important and should be delineated by the instructor. Accordingly, the modes of inquiry and analysis are not limited to formal rule memorization or “issue spotting” nor is instruction concerned with clinical application of legal rules and practice methods. Rather, interdisciplinary pre-law education allows students to investigate the connections between formal, positive legal rules and the society in which those rules are applied.

Another difference between interdisciplinary pre-law education and traditional law school pedagogy is the treatment of the Socratic Method. The Socratic method of legal education has

been the norm in law schools since Harvard's Langdell employed the question-and-answer method in the late nineteenth century. Langdell's "case method" of teaching became the norm at American law schools throughout the twentieth century and survives to this day, although often in a modified form (Friedman, 2004). The Langdellian case method sought to instruct students to be litigators and understand the methods of judges and their styles of reasoning (Rakoff & Minow, 2007). By contrast, the interdisciplinary liberal arts approach seeks to instruct students through a variety of pedagogical methods. Students not only understand how litigation is conducted and how judges think, they also understand law in different contexts and they are informed about legal issues through the lenses of other disciplines. The interdisciplinary methods used are the standard lecture format, small-group exercises, roleplaying, and student-led demonstrations. These methods allow students to interact with the law in varied ways. Accordingly, the law is not understood as merely a series of rules and abstract principles; it is a "living thing" that interacts with and shapes society. Law molds societal practices and is influenced by them. Students are responsible for reading cases and learning to brief cases, just like law school students. Yet, they are also required to investigate beyond the "black letter" rules and question the interests at stake, the effects of applying formal rules, and the reasons supporting the formation and possible reformation of existing legal rules. Such targeted goals of the law in the liberal arts pedagogy foster creative problem-solving skills, teach critical reasoning, and allow for the possibility of a comprehensive understanding of law in the American societal context, broadly construed.

Finally, it appears that this interdisciplinary liberal arts approach to the subject of law is greatly desired by law schools. As the American Bar Association advises prospective law school students, law schools seek students with skills, like analytical and problem-solving skills, critical reading skills, research and writing abilities, oral communication and listening skills, task-completion and management skills, and a concern for serving others and "promoting justice" (American Bar Association). Each of these skills and broader social concerns are addressed in a law-in-the-liberal-arts approach to pre-law education.

Although it has been recently suggested that undergraduate institutions should be allowed to compete with law schools for the legal education of lawyers, it is likely that law schools are here to stay for the foreseeable future (McGinnis & Mangas, 2012). In light of that probability, it behooves undergraduate degree-granting institutions to consider the optimal approaches to pre-law education. The interdisciplinary pedagogical approach fosters skills that are helpful to students regardless of their eventual career path. However, for those students intent on advancing to law school, interdisciplinary curriculum can be an invaluable asset.

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