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BOOK REVIEW

Zenon Bankowski, *The Arts and Legal Academy:
Beyond Text in Legal Education*

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Book Review

The Arts and the Legal Academy

Beyond Text in Legal Education

Zenon Bankowski et al., eds., Ashgate 2012, 233 pages.

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Efforts to reform legal education in the United States often tout the next great thing. In the last two decades alone, the legal academy has innovated by adding active learning in the classroom, experiential learning, technology, and new methods of assessment. Each time I read the latest report or attend a conference on how we now are supposed to change our teaching, I end up thinking, “Where have you been?” Legal writing professors in the United States are used to using their classrooms and courses as laboratories to improve legal education, long before those farther up the hierarchy have even identified needs and problems. In *The Arts and the Legal Academy: Beyond Text in Legal Education*,¹ I happily encountered academics in law and other fields working on the cutting edge of legal education.

This book is one of two volumes that stemmed from a series of workshops and a conference on *Beyond Text in Legal Education*, held at the University of Edinburgh’s School of Law in 2008 and 2009. Zenon Bankowski (University of Edinburgh) and Maksymilian Del Mar (University of London) organized those events, and they were joined by Paul Maharg (Northumbria University) in compiling and editing the essays that participants wrote afterward, reflecting on their experiences in the

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¹ Zenon Bankowski, Maksymilian Del Mar & Paul Maharg, eds., *The Arts and the Legal Academy: Beyond Text in Legal Education* (2012).

workshops. The result was the present volume and its companion, *The Moral Imagination and the Legal Life: Beyond Text in Legal Education*.²

In *The Arts and the Legal Academy*, legal professionals in the United States will find much food for thought. The authors of the essays come from a variety of scholarly and practice backgrounds, including law, philosophy, education, information technology, architecture, sculpture, music, and dance. The authors also come from different education settings, in undergraduate, graduate, and professional education, in the United Kingdom, Canada, and the United States. In addition, they extrapolate from different aspects of the text-free communication exercises they experienced in the workshops. The essays that result offer a wide variety of perspectives, ideas, and possibilities. Thus, readers should anticipate having a variety of reactions to the book, chapter by chapter, essay by essay.

Despite all of its variety, the book's themes come through clearly. This book challenges text-based legal educators and legal-education reformers to pay attention to other ways human beings gain knowledge, solve problems, and communicate. Indeed, "[t]he objective of moving beyond text would be to encourage students to view the exercise of imagination as legitimate and necessary in working with law."³ Understanding the creative process helps students understand the "contingency" of the law and develop the tolerance for uncertainty so central to the study of law.⁴ Incorporating the arts in legal education may help students "explicitly appreciate the messy nature of solving problems."⁵ As they learn modes of legal analysis, "[h]aving the ability to tap into the arts . . . gives back other parts of the human experience so that students can see more than one way to interpret something—more than one way to approach a problem."⁶

Consider the chapter titled *The Battle of the Precedents: Reforming Legal Education in Mexico Using Computer-Assisted Visualization*.⁷ Mexico's legal system is undergoing rapid change from civil-law to common-law practices, and everyone working within that legal system has had to retool quickly.⁸ To aid them, this chapter suggests the use of military-style campaign maps to show visually how common-law practi-

2 Zenon Bankowski & Maksymilian Del Mar, eds., *The Moral Imagination and the Legal Life: Beyond Text in Legal Education* (2013).

3 Elaine Webster, *From Interpretive Imagination to Contingency in Law*, in Bankowski et al., *supra* n. 1, at 97.

4 *Id.* at 91.

5 Bruce Anderson & Kim Morgan, *Beyond Text: Critique and Creativity*, in Bankowski et al., *supra* n. 1, at 221.

6 Nancy Rapoport, *Analysis and the Arts*, in Bankowski et al., *supra* n. 1, at 114.

7 Panagia Voyatzis & Burkhard Schafer, *The Battle of the Precedents: Reforming Legal Education in Mexico Using Computer-Assisted Visualization*, in Bankowski et al., *supra* n. 1, at 149.

8 *Id.* at 149–50.

tioners and judges marshal precedent to support an argument or legal conclusion.⁹ These highly stylized maps are easy to create on the computer, and they could introduce the use of precedent to law students in common-law jurisdictions.

The suggestions for infusing the arts into legal education that many legal-education reformers will likely find least familiar, and thus more challenging, are those involving physical movement. For example, a chapter titled *Mapping the Lawscape: Spatial Law and the Body* describes an assignment that requires students to walk alone through their city for forty-five minutes, noticing indicia of the law and its absence. Simultaneously, each student notes changes in the body, including changes in locomotion, eye contact, facial expressions, breath, tension, temperature, etc. This assignment makes the ways in which law operates in physical space “more visible” and “more open to critique.”¹⁰ Like many of the chapters, this one includes detailed instructions for the assignment and explains typical results to anticipate. Thus a teaching exercise that at first might seem “out there” (literally and figuratively) ends up sounding highly instructive and valuable for law students.

Many readers will welcome this book’s invitation to tap into skills and abilities that go beyond text to train attorneys. Some readers may find it too *avant garde*. I would encourage legal readers, especially those with little background in the arts, to approach this book consciously suspending their inner skeptic until the cumulative effect of all of the chapters has soaked in. There are many gems here.

⁹ *Id.* at 160–63.

¹⁰ Andreas Philippopoulos-Mihalopoulos, *Mapping the Lawscape: Spatial Law and the Body*, in Bankowski *et al.*, *supra* n. 1, at 123.