

**TOWARDS A MORE HUMANE LEGAL EDUCATION AND
LEGAL PROFESSION - SOME STRAWS IN THE WIND**

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ABSTRACT

The legal profession, often regarded as a learned vocation, requires practitioners to exhibit not just technical expertise but the high standards of ethical conduct. The societal perception of lawyers is disheartening, and the article emphasises on how Legal Education can play an instrumental role in fostering ethical and compassionate lawyers. Drawing inspiration from Subroto Bagchi and Swami Vivekananda, the article underscores how education, through integrity and ethics, plays a transformative role. The article says that pro bono work and the pursuit of justice should be a heart-driven endeavour, not a merely mechanical or doctrinal. It also highlights to importance of being socially conscious humans as we move towards the Fourth and Fifth Industrial Revolution. Towards the end the article gives solutions and recommendations on legal education in the 'New Human Renaissance'.

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**I. RESTORING INTEGRITY AND COMPASSION IN THE LEGAL
PROFESSION**

Legal Profession is often referred to as the learned profession not because great learning has to be displayed but because the highest conduct which is the natural corollary and consequence of that learning is required to be displayed. However, the societal perception of lawyers is disheartening. The profession has always been subject to public suspicion; however, off late public trust has sharply deteriorated. Universally, ‘lawyer bashing’ has become the order of the day. A recent poll revealed this notable shift in public perception over time. The proportion of respondents who considered lawyers dishonest rose from 17% to 31% as the percentage of individuals who had direct contact with lawyers increased to 68%.¹ Hardly 10 to 15 % of the lawyers are considered to be ethical and honest. This can be attributed to the public frustration with the slow, costly and complicated legal justice system.

To restore trust and integrity within the legal profession, systemic issues must be addressed by fostering both competence and compassion in legal practice. It is not enough for lawyers to be technically proficient; they must also embrace the ethical dimensions of their roles by prioritizing client understanding, empathy, and transparency.²

¹ Randall T. Shepard, *Lawyer-Bashing and the Challenge of a Sensible Response*, 27 IND. L. REV. 699 (1994).

² Kristin B. Gerdy, *Clients, Empathy, and Compassion: Introducing First-Year Students to the “Heart” of Lawyering*, 87 NEB. L. REV. 1 (2008).

Recognising this need, Subroto Bagchi in his book, ‘The Professional’, argues that being a professional is not about having a degree, he says, “*lawyers, engineers, doctors, and chartered accountants among others are not professionals but only professionally qualified persons. For a person to become professional, two qualities are required: he or she must add integrity to whatever he or she does and leave footprints on the sands of time and should be remembered by the posterity for right reasons*”³. A professional should have ‘passion for what he or she does and compassion for those they serve’.

This sentiment aligns with Mother Teresa’s description of ethics as ‘showing concern for others’. Yet, how many of us have functioning hearts and not just functioning brains? Compassion and empathy are not only desirable traits but essential for justice and fairness. Without these, professionals risk reducing their work to mere mechanical tasks without moral significance and justice becomes a casualty.

The tragic case of Mark Levy, a brilliant Law Graduate from Yale Law School who suicide in 2009, has exemplified this struggle. He loved the profession of law but hated the ‘business of law’. Mark is not the only one, National Law Journal notes more such instances in major law firms in the United States of America.⁴

The level of confidence in the institutions including the Courts and the personae associated with these institutions has to be restored to avert

³ SUBROTO BAGCHI, *THE PROFESSIONAL* (2009).

⁴ Debra Cassens Weiss, *Disappointments Preceded Suicides by Lawyers at Three Major Law Firms*, ABA J. (May 11, 2009), https://www.abajournal.com/news/article/disappointments_preceded_suicides_by_lawyers_at_three_major_law_firms.

real and imminent danger. Legal Education can bring about this metamorphosis. As Swami Vivekananda said, education bridges the distance between ‘a human being and being human’. Education should not be relegated to mere transfer of information but it shapes character and forms the foundation of a human being. Education should foster humaneness that converts an empty mind into an open mind.

As highlighted in the Carnegie Foundation’s assessment of legal education in the United States, two critical shortcomings stand out: a notable gap in practical training, specifically in understanding client issues, and insufficient support for the cultivation of ethical and social competencies.⁵ This highlights the need for a fundamental shift towards nurturing empathy and fostering ethical responsibility from the first year of law school itself.

Law schools, including but not limited to National Law Schools, must prioritize teaching ethics, integrity, and compassion alongside legal doctrines. Only then can we create a legal profession that serves justice with both intellect and humanity.

The Constitution of India, under Article 51A(g), calls upon every citizen to strive for excellence in all spheres of activity, emphasizing the holistic development of individuals as contributors to societal welfare.⁶ This pursuit of excellence as envisioned by the Constitution demands more than

⁵ WILLIAM M. SULLIVAN, ET AL., THE CARNEGIE FOUND. FOR THE ADVANCEMENT OF TEACHING, EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW: SUMMARY 6 (2007).

⁶ INDIA CONST. art. 51A, cl. (g).

just professional or academic success — it calls for the cultivation of ethical character and compassion. Therefore, excellence would imply a balance between intellectual competence and human values. Academic achievements devoid of moral grounding risk leading society astray, reducing the practice of law to a transactional pursuit rather than a mission for justice.

II. A FEW STRAWS IN THE WIND

A. ETHICS AND HOLISTIC EDUCATION

Legal education should be more holistic, integrated, and interdisciplinary — drawing upon the principles of natural law, ethics, compassion, intercultural dialogue, and an unwavering respect for human rights.⁷ The role of law professors in shaping these values is pivotal as they are among the most responsible actors in cherishing and promoting ethical principles. Professor William Tetley of McGill Faculty of Law, Montreal, insightfully noted that each law professor puts in his views of religion and the law in the courses he teaches.⁸

The course on ethics should not be viewed as a technical formality to be fulfilled, but to cultivate a holistic understanding of law as a human-centric discipline and instil good values in students. It should not be taught in a ritualistic manner just in the final or penultimate semester. Right from the outset, all subjects should be taught from the perspective of ethics and human rights. Specialised courses on ethics can be made available as

⁷ Marko Pavliha, *The Significance of Ethics in Legal Education: Towards the Holistic Method*, 8 SLOVENIAN L. REV. 115 (December 2011).

⁸ *Id.*

mandatory or optional offerings, even at post-graduate programs. Bar exam preparations can also test Ethics to reinforce ethical perspectives before students step fully into professional practice.⁹

By fostering a continuous and immersive engagement with ethical issues throughout legal education, future legal practitioners can develop not only technical competence but also the compassion and integrity essential for upholding justice.

Students must also recognize that law alone cannot regulate the greed of human beings nor can it instill character. This underscores the importance of other agencies of social control like parental guidance, religious code of conduct and the broader ethical considerations.

B. LEGAL AID AND PRO BONO

Legal education should also instil a commitment to serving the public good; it benefits not only the society but also the lawyer and the legal profession as well. It is well said, “*The lawyer has an ethical obligation to practice public interest law. If he displays doctrinal skills without concern for the public interest, he is just a good legal technician and not a good lawyer*”.

The legal profession, once regarded as a noble obligation, has increasingly become guided by monetised and elitist concerns, leaving little room for the marginalised and indigent. This erosion of public service values underscores the pressing need to prepare a new generation of lawyers committed to socially responsive legal professionalism. Such preparation is

⁹ *Id.*

essential for building a strong foundation for community-based legal aid initiatives.¹⁰

This approach necessitates redefining legal aid as a basic human right directly linked to access to justice. Legal education must align with this objective by integrating practical training that connects law students with the national legal aid network as the focal organization.

By doing so, future lawyers will be better equipped to uphold justice and contribute meaningfully to bridging the gap between legal services and those who are often excluded from the system. By cultivating socially responsive values and fostering connections between young lawyers and legal aid initiatives, legal education can reclaim its role in shaping lawyers who serve both as skilled professionals and compassionate advocates for the public good.¹¹

C. THE HEART THROB OF JUSTICE – EMPATHY AND COMPASSION

For centuries, legal philosophers have assumed that the underlying principles of justice ought to be devoid of emotions, so that reason can prevail. However, recent trends show acceptance that justice cannot be seen in isolation of emotions and social circumstances which influence law makers and judges.¹²

The key justice theories, Rawls' 'Justice as fairness', Sandel's 'Justice as virtue', Sen's 'Anne, Bob and Carla's competing claims and the need to

¹⁰ Yubaraj Sangroula, *Holistic Approach to Delivery of Legal Aid Services: Beginning from Community Responsive Legal Education and Professionalism*, 1 NJA L.J. 213 (2007).

¹¹ *Id.*

¹² Martin L. Hoffman, *Empathy, Justice, and the Law*, in *EMPATHY: PHILOSOPHICAL AND PSYCHOLOGICAL PERSPECTIVES* 230-255 (Amy Coplan & Peter Goldie Eds., 2011).

traverse from text to context’, when taught in the classrooms should ground discussions in the real world. Justice is not only a logical construct, it is the ‘heart throb’ which embodies empathy and compassion. For instance, Corporate Law classes need to emphatically state that Corporations in addition to having a ‘business brain’ should have ‘a social heart’. What is required is ‘a functioning empathetic heart’ and ‘not just a functioning business brain’.

III. MOVING TOWARDS A NEW HUMAN RENAISSANCE

Technological advancement brings unprecedented convenience, but we must use it in a manner such that it does not dehumanize us. The Fourth Industrial Revolution is not limited to product innovation, but it is defined by systemic transformation. Klaus Schwab has highlighted the need for a balance between technological advancement and human qualities essential for meaningful progress. As we navigate our way, a renewed focus on the human aspect of leadership is crucial. He said:

“We are at the tipping point of a whole variety of interconnected technological breakthroughs:

Robots, drones, intelligent cities, artificial intelligence, brain research...What differentiates the Fourth Industrial Revolution is that it is not a product revolution, it is a system revolution. If we do not want to be dominated by technology, we have to become a more human society. What leadership style, what capabilities do we need to master all technologies? I believe, we need to emphasise the more human aspect in leadership as a counterweight to all of these technological advances.

If you think about what a human being is, we exist because of brains, soul, and heart. What we can replicate in a robot is the brain. But you will never replicate the heart, which is passion, compassion. And the soul, which enables us to believe.

*The robot will never have the ability to believe in something. So perhaps, we will have at the end of this revolution-possibly, possibly- a basis for 'New Human Renaissance.'*¹³

The system has now evolved to the Fifth Industrial Revolution and further to the 'Intelligent Age' because of the all-pervading Artificial Intelligence. As Yuval Noah Harari rechristens it, 'Alien Intelligence' might be a more fitting term.¹⁴

The Intelligent Age is fundamentally altering how we communicate — both with one another and with the world around us. AI is taking instantaneous and global communication to the next level, enabling real-time translation across languages, automatic content generation and hyper-personalized messaging that caters to individual preferences and behaviours. AI-driven platforms are already beginning to mediate much of our communication, whether through social media algorithms that decide what content we see or virtual assistants who manage our schedules and interactions. As these systems become more sophisticated, they will increasingly shape the flow of information in society, raising important questions about bias and misinformation.

As we delegate more decision-making to algorithms, we risk exacerbating social divides if the systems are designed without fairness, inclusion, and an understanding of

¹³ Michael Duffy, *7 Questions With Klaus Schwab*, TIME MAGAZINE, (Jan. 14, 2016, 6:38 AM EST) <https://time.com/4180273/7-questions-with-klaus-schwab/>.

¹⁴ Yuval Noah Harari: 'Alien intelligence' will destroy us, THE TIMES (Sept. 8, 2024), <https://www.thetimes.com/culture/books/article/yuval-noah-harari-interview-nexus-brief-history-information-networks-stone-age-ai-0qfrnb9hs>.

*what it means to be human at their core. Social intelligence means understanding the broader societal impacts of technology and ensuring that the Intelligent Age fosters greater inclusion and equity, not further division and polarization*¹⁵.

What the world needs is a New Human Renaissance — a revival rooted in empathy, ethics, and social intelligence. This awakening should be nurtured and nourished in the classrooms by the teachers through innovative legal education pedagogies.

One should remember that human beings always ‘care more for longings than belongings.’ In this age of hyper-connectivity, young people becoming the most disconnected. This ironic disconnect may breed alienation, frustration, and aggression. Here lies the critical role of teachers as guides, transmitting not just knowledge but also cosmic energy — nurturing emotional intelligence and spiritual well-being.

Our former Prime Minister Atal Bihari Vajpayee observed: ‘Internet is important but more important is the inner net’. And teachers need to focus on the Inner Net.

Teachers should remember the axiomatic truth that the ordained duty of a teacher is not to cover the syllabus but is to uncover the syllabus - *removing the cover of darkness, ignorance, and transience* - ‘from darkness to light, ignorance to knowledge and from transience to permanence’.

¹⁵ Klaus Schwab, *The Intelligent Age: A time for cooperation*, WORLD ECONOMIC FORUM (Feb. 7, 2025), <https://www.weforum.org/stories/2024/09/the-intelligent-age-a-time-of-cooperation/>.

IV. RECOMMENDATIONS

For your judicious cognizance, a few tips for making “*Learning Law with ‘Pleasure’ and not under ‘pressure’*” has been provided below:

1. How to make Legal Education “*intellectually stimulating, professionally competent and socially relevant?*”
2. Switch the focus from Volume to value creation.
3. The classroom should be a lively place where the focus should not be entirely on ‘Power Point Presentations’ but on ‘Powerful Presentations’. The classroom should draw the students like a magnet.
4. Students feel burnt out and frustrated because they develop an attitude of ‘lack of meaning in life’.

Hence classroom teaching should:

Focus on ‘Life’ and not ‘Living’;

Focus on ‘Learning’ and not “Earning Power, and

Focus on Education for ‘Well Being’ and not for ‘Being well off’.

The objective should be “Contentment and compassion in private life and public life”.

5. No electronic gadget can substitute the warmth and radiance of a teacher. Computer makes teaching ‘robotic’ relegating the ‘human and humane’. The Robotic like pedagogy makes students feel alienated. Let us remember: ‘What is said reaches the mind, how is said reaches the heart’.

The brain sends 'sight' to the Heart and the Heart sends 'vision' to the Brain Teaching should focus on 'Heart Throbbing' or 'Empathy'. This can be done only by a teacher with a functioning heart and not by an inanimate gadget with something like a functioning brain.

6. The answers of the students may reflect their knowledge but the questions of the students will reflect their thinking capacity.

Enhancing the thinking capacity can only be done through classroom teaching.

The sacred job of a teacher is to transmit the cosmic energy.

As the Humane element is indispensable, robotisation of teaching should give place to humanising of teaching.

The danger of exclusive online teaching is: 'content and consumption' being given primacy over 'teaching, research and learning'.

7. Prof. Satish Deshpande answering the question 'Can online education replace the public education, the only kind that the majority can access?' says:

"We have ignored the vital role public educational institutions play as exemplary sites of Social Inclusion and Relative Equality. In Indian conditions, this role is arguably more important than the scholastic role. The Public Educational Institution is the only place where people of all genders, classes, castes and communities can meet without one group being forced to bow to others. Whatever its impact on academics, this is critical learning for life. Women students, in particular, will be worse off, if confined to their homes by

online education. Students learn not only social skills but develop leadership qualities in conventional class rooms.”

Our efforts should be driven towards making law graduates ‘good human beings’ by ‘sensitising them towards the morals and ethics, which are badly needed in the legal profession today’.