

Legal education in the Latin American context: the dialogue between education and society.

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Abstract. In contemporary times, legal education can be considered a strategic axis to mitigate the gap between legal repertoires and local/regional realities or, in other words, bring Law closer to the historical-social scenario in which it is inserted. As debates about legal education acquire centrality and academic-institutional density, there is a new look at legal education and, notably, at its social relevance through curricular and extension activities. In Latin America, legal formalism forges the notions of Law, legal education and professional practice, and overcoming it involves the construction of a new legal thought, guided by reflection on what is officially ordered and consecrated, in terms of knowledge, discourse and behavior. Higher education, and in particular legal education, can be seen as possible instruments of social transformation. In this sense, the values propagated by the Córdoba Reform, which go back to the dialogue between education and society, are revalued through global and regional declarations on higher education, and by the Tuning Latin America Project, which, together, converge towards the construction of socially relevant education.

Keywords. Legal training, social transformation, socially relevant education.

1. Introduction

In Latin America, legal formalism forges the notions of law, legal education and professional practice. According to Bonilla Maldonado [1], the concept of formalist law associates the legal system with the law and, therefore, considers the set of rules created by the legislator as the core of the legal system. For Latin American legal formalism, the law is complete, coherent, closed and capable of providing unique responses to all conflicts that may arise in a society.

Formalist legal education, in turn, reinforces and reproduces this concept, and is marked by decontextualization, dogmatism and unidisciplinarity. Given this, this educational system engenders the training of legal professionals disconnected from the realities of which they are a part, with difficulties in the practical application of the theoretical contributions assimilated in legal careers.

Teaching based on a normative-positivist matrix; reproduction of dogmatic legal knowledge; exegesis of the norm, reading *in verbis* of the legislative texts and their *ipsis litteris* interpretations; compendiums, memorization and exhaustion of laws and Codes;

centrality and authority of the teaching figure; teacher-student relationship based on the transmission-absorption of knowledge; disconnection from social reality; the enclosure of knowledge, among other elements, configure this approach.

The approach of law and, more specifically, legal education, to social reality was one of the main guiding principles of criticism that, since the 1960s, warned about the crisis of legal education in the Latin American context. These criticisms, guided by the overcoming of traditional teaching paradigms, provided important support to forge the educational reforms experienced in recent years.

The formation of this critical thinking and the advancement of the frontiers of knowledge put on the agenda both the improvement of legal training through the acquisition of professional skills and competencies, and the deepening of the link between education and society. In this direction, the Córdoba Manifesto, the regional and global declarations on higher education, the Tuning Latin America Project, among other events focused on the social relevance of education, have been building a new discursive formation [2].

2. Diagnosis of legal education

Crisis is a recurring term when legal education is on the agenda. The crisis here is considered as a situation or a set of situations in which the models of a given field – in this case, the legal field – prove incapable of facing the new or providing the results expected of them.

“It is possible to consider it a commonplace to say that in Latin America legal education is in crisis” [3]. However, the depth of this crisis “remains as a driver of dissent and the production of ways to overcome it” [4].

Londoño Toro [5] points out that the legal formalism involved in the dogmatic training of legal practitioners, the methodological problems of legal education, and the disconnection between education and society as a university social responsibility, make up the crisis of legal education in Latin America since the creation of Law courses.

Pôrto [6], when mapping the cartography of legal education and its crisis, identified the traditional model of legal education as the center of the map, and decontextualization, dogmatism and unidisciplinarity as demarcators of this system. Despite the author's study focusing on the Brazilian fabric, the same elements can be observed in other Latin American countries,

Excessively formalistic legal education trains highly positivist professionals, more committed to the laws than to society and its complexities [7]. In addition to the insensitivity to social reality, there is a great difficulty in reconciling theory and practice, since most manuals used throughout the courses do not offer all the answers to social needs [8].

“Lawyers, prosecutors and judges, trained in the midst of a formalistic, dogmatic and liberal-individualistic legal culture, cannot fully keep up with the complex conditions of change in corporate structures”, as well as “the frequent demands for rights generated by fundamental human needs and the emergence of new types of conflicts” [9].

When identifying Law with the law, the obstacle arises of relying on purely technical training to deal with reality. There is therefore a lack of “equipping the bachelor, future operator of Law, social architect, with instruments capable of allowing his/her collaboration on the long path of social transformation” [10].

It appears that there is an expectation that legal education promotes more qualified professional training, which contributes to overcoming the distance between education and reality, with an emphasis on a fairer social order and expanding access to justice. Along these lines, Rodrigues [11] assures that legal education is responsible for “training professionals who are aware of their role in society; legal operators qualified to exercise the various legal professions and aware of their political

role within a changing society”.

In addition, Machado [12] points out that legal education must be aligned with the social function of the university and, for this, it is necessary to break with the traditional didactic-pedagogical model that maintains and reproduces current power relations.

3. The dialogue between education and society

3.1 Córdoba Manifesto

In Latin America, the demand for university social responsibility dates back to the Córdoba Movement, promoted by Argentine students throughout 1918. The student struggle against the traditionalist university system in force at the time, triggered a process of reforms that spread throughout the Latin American continent [13].

To think and build a university from Latin America, the Movement's ideas put on the agenda issues related to the organization and government of the university, teaching and its procedures, and its political and social projection. One of the consequences of the set of Córdoba proposals was the incorporation of extension activities to the list of functions of universities in different countries on the continent [14].

Despite the adoption of different models and conceptions of extension, with different developments and levels of institutionalization, according to the national and historical specificities of each country, “this multiplicity converged in the constitution of an ethos of the Latin American university, which has as its extension as the main component” [15]. In a broader context, the incorporation of university extension was part of a historical process of democratization of universities and social projection of their practices.

With a focus on the dialectical relationship between education and society, strongly influenced by Freire's [16] analysis of educational processes, extension came to be considered one of the great functions of the university. With the preponderance of the idea of pedagogy of teacher-student dialogue and education-society, in the 1970s and 1980s the commitment of higher education to participation in the social process and to action to transform the community. These considerations were present in important debates on higher education in contemporary times, and were revalued through conferences, declarations and projects.

3.2 Global and Regional Declarations on Higher Education

It is observed that, at the end of the 20th century, and especially from the beginning of the 21st century, higher education was consolidated as an important axis for development, thus reiterating the need for a greater connection with the social environment [17]. In 1998, the first World Conference on Higher

Education (WCES, 1998) was held in Paris, convened by the United Nations Educational, Scientific and Cultural Organization (UNESCO).

As a result of this event, the World Declaration on Higher Education in the 21st Century: Vision and Action pointed out the need for greater awareness, responsibility and commitment of higher education institutions to teaching, research and extension activities, focusing on relevance of these systems to social demands [18].

One of them is the World Conference on Higher Education, held in Paris in 2009, from which emerged the document entitled The New Dynamics of Higher Education and Research for Social Change and Development [19]. The document highlighted the social responsibility of higher education and its commitment to society as part of the global educational agenda.

UNESCO's discursive repertoire and emphasis on social commitment is corroborated by the Regional Conference on Higher Education in Latin America and the Caribbean 2018, held in Córdoba, Argentina, and by the World Conference on Higher Education 2022 (WHEC), held in Barcelona, Spain.

3.3 Latin America Tuning Project

In addition to this repertoire, another movement that also contributes with other directions for legal education is the Tuning Latin America Project, from which points of reference, understanding and confluence were drawn between university educational structures in the Latin American context.

Tuning, from the English tune, means “to tune to a specific frequency of the radio; It is also used to describe the tuning of the different instruments in an orchestra, so that the performers can interpret the music without dissonance” [20].

It is important to highlight that in the aforementioned project, general competencies for higher education in Latin America were identified and, therefore, common to all areas, as well as specific competencies for different academic areas and, among them, the area of Law.

To outline the competencies, the needs of the region (from the local to the international context), the meta-profile of the area, the future trends of the profession and society, and the specific mission of the university were considered.

It is important to highlight that the emphasis of the project was on the question of social relevance, more precisely, on the relationship between the university and society. One of the ways to materialize these goals points to the articulation between legal theory and practice.

This connection entails different possibilities for the exercise of skills specifically designed for the area of Law. Considering that many skills are complementary to each other, we can mention the

ability to critically analyze legal situations, reason and create solutions for specific cases, including promoting the culture of dialogue and the use of alternative means in conflict resolution, among other possibilities.

4. Final considerations

“Universities in Latin American and Caribbean countries once again face the need to completely redefine themselves” [21]. In countries such as Bolivia, Ecuador, Venezuela, Argentina, Uruguay, Brazil and Mexico, more critical positions point to new horizons.

In this context of intense reflection on higher education and, more specifically, on legal education, the university pays attention to the training of more responsible and committed citizens and, to this end, seeks to promote knowledge, skills, attitudes and values in line with its social reality [22].

These processes of change and transformation that reflect the contemporary world require responses that overcome the legal formalism that still persists (Mantilla, 2007). It is possible to say that the education-society dialogue has been forging the structuring of a socially relevant legal education.

It seems that there is an expectation that legal education promotes more qualified professional training, which contributes to overcoming the distance between education and reality. Along these lines, it is necessary to break with the traditional didactic-pedagogical model that maintains and reproduces current power relations. Tables

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