



The City Law School
CITY UNIVERSITY LONDON

Teaching Legal Ethics UK Workshop

Friday 12 July 2013

2 – 10, Princeton Street, London WC1R 4BH

Workshop on Understanding and Learning Moral Courage

Programme:

- 9.30 Coffee and networking. Welcome and introductions. Introducing 'Teaching Legal Ethics UK'. Nigel Duncan
- 10.00 Lessons from Gandhi: Transforming legal education. Clark Cunningham
- 11.15 Coffee break
- 11.30 **Parallel sessions:**
1. What makes a person morally courageous? Graham Ferris and Jane Jarman
 2. Reflections on moral courage and the necessity of practical wisdom Phil Drake and Stuart Toddington
- 12.45 Plenary report back from parallel sessions
- 13.00 Sandwich Lunch
- 13.45 Learning to take a stand through storytelling Dawn Watkins and Alison Davies
- 15.00 Tea break
- 15.15 A virtue approach to understanding courage in legal practice Hywel Thomas, Luca Badini Confalonieri and Ben Kotzee
- 16.30 Plenary discussion and plans for the future.
- 17.00 Close

18.00 Launch of City Law School's new Centre for the Study of Legal Professional Practice. Keynote address: Baroness Hale.

Participants are invited to join us at this launch event. Please tick the relevant box on the registration form if you are able to attend.

For details of workshops, please see over.

Workshop details:

Lessons from Gandhi: Transforming legal education. Clark Cunningham, Georgia State University

As the 19th century was coming to a close an Indian merchant based in the South African port of Durban, named Dada Abdulla Sheth, filed a lawsuit in Pretoria against another group of Indian merchants. Possibly this was the most important lawsuit in history. Because of his participation in this lawsuit, an obscure and miserably unsuccessful lawyer named Mohandas Gandhi embarked on the path that transformed him into the father of Indian independence and the originator of the practice of nonviolent civil disobedience.

Linked are a draft book chapter and a Powerpoint presentation that includes information about teaching legal ethics with reference to the Carnegie Report on legal education and the Four Component Model of professional conduct. Two excerpts from the movie, Gandhi, shown as part of the presentation, can be viewed at:

<http://law.gsu.edu/ccunningham/PR/Video/VideoExcerpts.htm>

What makes a person morally courageous? Graham Ferris and Jane Jarman

We consider the work of Oliner & Oliner who tried to identify what features of situation, origins, personality, or value orientation were characteristic of rescuers of Jewish people in World War II. Our proposal is to deploy this analysis more generally. Essentially we are interested in what may lead to a person acting in a morally courageous manner or what may lead to a person not doing so.

As contemporary examples of moral courage we consider the actions of Yvonne Bradley and Charles Swift who used their position as legal representatives of Guantanamo Bay detainees to challenge the treatment of their clients by the military authorities of the United States of America.

Samuel P Oliner and Pearl M Oliner, *Altruistic Personality: Rescuers of Jews in Nazi Europe* (1988)

Reflections on moral courage and the necessity of practical wisdom. Phil Drake and Stuart Toddington, University of Huddersfield

There is no doubt that students and practitioners of the law continually face situations that demand moral courage. However, there is a rational 'mean' to courage where excess can lead to rash behaviour and similarly deficiency to cowardice¹. Therefore, if we are to extol the virtue of moral courage, it is vitally important that we also focus on the importance of practical wisdom² and prudence³.

Participants will contemplate what we mean by practical wisdom and how practical wisdom is linked to the virtue of courage and moral *doing*. We intend to explore the implications of Aquinas's dictum that:

*"Prudence enables the virtuous person to make right choices by identifying the right means to achieve good ends through deliberation and planning."*⁴

¹ Aristotle.

² Referred to as *phronesis* by Aristotle.

³ Referred to as *prudencia* by Aquinas.

⁴ Aquinas T. *Summa Theologica: A Concise Translation*. Westminster, MD: Christian Classics, 198:243.

What role does practical wisdom play in the cultivation of moral courage? As law teachers, what are our responsibilities in this regard, and what should be our realistic expectations in light of the demands that we know will be placed upon students as they enter the legal profession?

Learning to take a stand through storytelling. Dawn Watkins and Alison Davies, University of Leicester

An important aspect of demonstrating moral courage is the willingness to 'take a stand' when no one else is standing. It is suggested that if we want to help students to develop the ability to take a stand 'morally', then we first need to look at developing this ability through practical means. The aim of this workshop is to develop students' capacity to take a stand in literal and physical terms, through the mode of storytelling. Participants will listen to a story. They will then each compose and present to the group their own version of the story, written from the perspective of one of the characters. The workshop will close with an informal feedback session, where participants will be invited to reflect on what it felt like to consider the story from a particular point of view, and what it felt like to present their story to the group; standing whilst no one else was standing.

A virtue approach to understanding courage in legal practice. Hywel Thomas, Luca Badini Confalonieri and Ben Kotzee, University of Birmingham

This workshop will introduce participants to the work of the Jubilee Centre for Character and Values on the role of character and values in the legal profession. The workshop will introduce the dilemma approach that the centre uses to studying professional character or virtue and will focus on the virtue of courage. Participants will have the opportunity to discuss one of two dilemmas designed by the Centre to illustrate courage in conflict with other virtues and values. Participants will discuss to what extent certain courses of action (and the reasoning behind these courses of action) reflect courage in ethical decision-making and will discuss how important courage is in relation to other character strengths a professional may demonstrate (e.g. loyalty, justice or wisdom).
