**Those who can`t**

BY A D E E L W A H I D 2022-03-24

WE in Pakistan may have taken George Bernard Shaw a bit too seriously when he quipped in his exceptional play, Man and Superman, that `those who can, do; those who can`t, teach`.

Those who teach in Pakistan are treated as if they can`t `do`, and hence do not deserve to be compensated as if they `can`.

As a result, in most cases, our very best are not drawn in to teach. This is particularly the case in our law schools. Ironically, Bernard Shaw`s is a prophecy that fulfils itself. The cycle of mediocrity, especially in the legal profession, therefore, keeps repeating itself.

Meanwhile, in the US, there is a saying that goes something like this: `A` students become academics; `B` students become judges; and `C` students end up making big bucks. While it is a broad generalisation, which like other generalisations, is hardly always the truth, it still is revelatory of a culture alien to us. The academics are said to be `A` students since original contributions to the law often come from the academia in the US, where legal scholars are instrumental in shaping the law and exploring new avenues, after completely immersing themselves and taking ever deeper plunges in their respective subject areas.

Before they ended up doing what `B` students supposedly do, justices Scalia, Ginsburg and Kagan among others with impeccable credentials who ended up in the US supreme court ensured that they had a layover doing what `A` students are supposed to do, ie teach, lest there be any doubt. One has to be something of a superstar to be able to land a teaching stint at an esteemed law school in the US.

There is reason for this. Law professors can mould and transform, imparting skills that can end up making craftsmen out of law students. In 1958, Learned Hand gave his famed Holmes Lectures at Harvard Law School where he paid homage to his professors, stating: `From them I learned that it is as craftsmen that we get our satisfaction and our pay.` Further, it is the law professors who are capable of inculcating in their students that grander vision of law, which in the words of justice Scalia, allows students to be taught not to pursue a `trade`, but rather a `profession`, which, importantly, encapsulates honing the `craft`, and also other valuable things such as ethics, morality and a civic responsibility to one`s nation.

Such lessons, however, do not come easily to recent graduates of law schools in Pakistan juggling their day jobs at law firms, and squeezing out time to teach courses at our law schools, barely beingable to meet the demands of their students.

They form the bulk of law professors preparing the next crop of lawyers in Pakistan.

Their motivation to teach comes from supplementing their paltry incomes, and that too, with nominal additions, as they struggle to subsist, stretching themselves thin.

There are also some others with serious scholarship and a commitment to teaching, cocooned in their ivory towers, away from the practical world, with barely any public conversations happening between them and the practitioners. The superior courts rarely cite an expert academic, while our academics rarely make publicly digestible contributions with the intent of getting an area of law streamlined. The bridge between the intellectual atmosphere in a university, to whatever extent it exists, and the severity of the courts is to be crossed by the law student herself.

The foreign degree-churning institutes and our other law schools do not even feign teaching their law students the practicalskills that can be instilled by enrolling students in legal clinics. In these clinics, the students, under the supervision of attorney-professors, can be allowed the opportunity to represent real clients with their consent who may be indigent with no possibility of access to the courts otherwise. The students may gain val-uable real-world court experience in the process.

Such experience comes belatedly to young lawyers here, who in return for meagre or no handouts, are merely allowed to be spectators in the galleries with the spotlight firmly fixed on their seniors.

`I`ve given up on the current generation they`re gone, forget about them. But the kids in law school, I think there`s still a chance,` confided justice Scalia in law students during one of his talks, explaining for whom he wrote his forceful dissents.

Our former and current generations have come up with, among other things, the `doctrine of necessity`, oaths under the provisional constitutional orders, shutting down courts, locking and beating up judges, storming hospitals and the superior courts.

The future does not have to be the same.

The foundation, however, will have to be laid in our law schools.  The writer is a litigator based in Islamabad.

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