

Foreword

At the IJCLE conference at Comenius University in Bratislava¹, Hugh McFaul called for those involved in clinical legal education (CLE) to engage in reflection that would be “*thicker, more grounded and more theoretical*”. I wrote that down in my notebook, celebrating and thinking ‘this is what I had hoped for in our network’. CLE is a lovely, active, collegial community, with a tradition of sharing the procedural specifics and local characteristics of clinical practice. When I took over as editor of the *International Journal of Clinical Legal Education*² in 2014 I celebrated that tradition and pledged to preserve that vital space. It remains a strong theme in the journal, a source of rich descriptive data for interpretation as well as the basis for systematic review and pattern analysis³. I also knew that we could do different things, so I challenged my new colleagues to do more empirical work, more comparative studies and to engage more critically with theory. The first two challenges were taken up enthusiastically and in this strand of the conference, where I had been invited to act as Discussant, I saw the third coming to vibrant life.

What I thought – but didn’t write – was that this thick, grounded, theoretical reflection sounded difficult. I am a fan of theory and philosophy, though I should confess that this was a late-blooming preference (akin to olives, pickles and malt whisky) and I’d like to apologise in print to my undergraduate philosophy tutor, who could not prise me away from my commitment to over-simplifying ideas. I still need to start somewhere: further down the page I wrote some key terms (with definitions where I thought I needed them) related to the goals of CLE, some temporary ‘rough ground’ in Wittgenstein’s terms⁴. I was excited to see these concepts being introduced as tools we could work with and happy to work with my basic understanding. Later I ventured onto the ‘slippery ground’ and added some marginal comments, wondering about the nature and potential of these concepts to become limiting or, preferably, to develop into epistemic tools⁵ (Knorr Cetina, date).

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| *** | <i>Do these concepts mean what I think they mean?</i> |
| ***Eudaimonia- ‘flourishing’*** | <i>Who gets to define them? Is excellence assessed?</i> |
| ***Arete – ‘excellence’*** | <i>How?</i> |
| ***Phronesis / praxis*** | <i>Are there multiple modes of being/ professional or practical wisdom/ theorised practice? Probably yes.</i> |
| *** | <i>Are some privileged? Definitely yes.</i> |

¹ Details of this conference, including papers and presentations can be found here <https://www.northumbria.ac.uk/about-us/news-events/events/2019/07/ijcle-2019/>

² An open access peer reviewed journal hosted here <https://www.northumbriajournals.co.uk/index.php/ijcle>

³ See, for example Tribe Mkwebu’s work: Mkwebu, Tribe. “A systematic review of literature on clinical legal education: a tool for researchers in responding to an explosion of clinical scholarship.” *Int’l J. Clinical Legal Educ.* 22 (2015): v. and ‘Unpacking Clinical Scholarship: Why Clinics Start and How They Last’, *Asian Journal of Legal Education*, (2017) 4(1), pp. 33–46.

⁴ L. Wittgenstein *Philosophical Investigations* (4th Edition) London John Wiley and Sons (2010)

⁵ K. Knorr Cetina ‘Objectual Practice’ in Schatzki, T. et al (Eds.) *The Practice Turn in Contemporary Theory* (Abingdon, Routledge, 2001)

The papers in that stream and the chapters in this book all contribute to both a plain text and a critical reading of these concepts-as-tools⁶: we are invited to explore the ‘flourishing’ of our students, our clients, our professional contexts and wider communities and to reflect on whether flourishing is supported by processes of streamlining or deliberation, of intervention or empowerment. The authors consider perspectives on excellence – pragmatic, virtuous, idealised – and *both* what flows *and* for whom from accepting each perspective. Professional wisdom and theorised practice are used to represent, critique and promote specific modes of being as well as to open up discussions about alternatives. After participating in the conference and reading these chapters I am less sure that I know what eudaimonia *is*. I think that this is a good thing: my understanding is less certain and more complex, I am more open and curious. Eudaimonia and other tools remain in play as friendly partners: to be met each time with the expectation that I will learn more. Philosophical enquiry of this type deconstructs the ‘scarcity model’: multiple perspectives do not crowd each other out in the way that rigid definitions might and my experience with this book has been that I can approach conceptual tools from my own perspective and at my own pace, that changes to my understanding are both inevitable and create space for other voices. It is an exciting place to be: I am in dialogue with the theories and with my reflective practice, so that while I know less ‘for sure’, that is a more comfortable position than I might fear. I am very grateful to all the authors for their endeavours, for providing me with this enquiry space.

Forewords sometimes summarise content or direct you to particular spots but I do not want, nor do I feel competent to do this. Instead, I commend this book to you as a philosophical escape: stay for as long as you like, enquire, learn new languages or new argot in familiar ones, make friends, argue fiercely, take snapshots of your understanding and return each time playful and curious.

⁶ Dewey, J., 1938. Logic, the theory of enquiry. In: Jo Ann Boydston, ed. *The later works of John Dewey*, vol. 12. Carbondale and Edwardsville: Southern Illinois University Press