

The suppression of emotion in undergraduate legal education

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Introduction

The law has traditionally stood in counterpoint to emotion as the bastion of reason and rationality. Within legal education, this manifests itself as a celebration what it deems to be a rational, dispassionate, objective assessment of material facts. This is often termed as “thinking like a lawyer” and has become synonymous with suppressing or ignoring emotion and personal experience..



The focus on “thinking like a lawyer” in legal education leads students to suppress or ignore their emotions mirroring a tradition of Cartesian dualism.

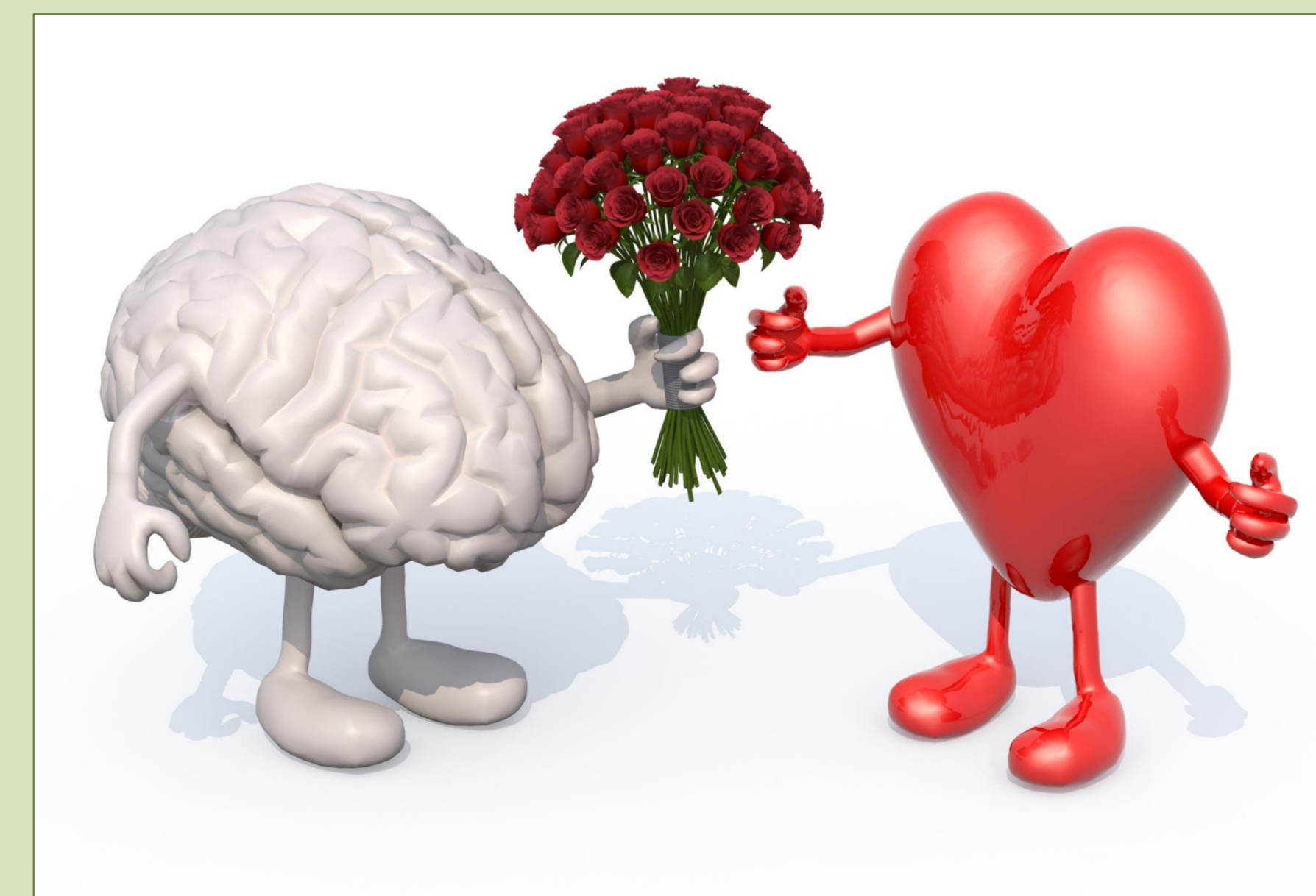
The effects

The suppression of emotion has three key effects. Firstly, law students are not able to learn as effectively as a whole because of the impact emotion has on cognitive and behavioural development, for example, quantity of involvement in learning tasks. Secondly, the emotional needs of law students are not met, leading to decreased student well-being and satisfaction. Thirdly, graduates are produced who do not have the necessary emotional skills to succeed in the legal profession

- (or elsewhere).

Why emotion is suppressed

The idea that emotion should be suppressed or ignored reflects the traditional scientific and philosophical view of emotions as irrational and dangerous. In contrast, reason is seen as rational and wise. This Cartesian dualism is clearly reflected within legal education. However, recently there has been scientific evidence to suggest that emotion will assist, rather than disrupt, reasoning and is indeed an indispensable part of cognitive processes.



The acknowledgment of emotion in legal education could improve both students’ learning and their well-being.

In conclusion...

It is important that the legal academy begins to explore ways in which emotion can be acknowledged, explored and utilised within legal education. Potential lines of enquiry include the use of multiple intelligences and emotional intelligence as learning theories and the incorporating of the principles of therapeutic jurisprudence. This could have a significant impact on the student experience and even create a new way to “think like a lawyer”.

References

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