

THE VIRTUAL MIRROR: REFLECTIONS AND REFRACTIONS OF MY PEDAGOGICAL IDENTITY

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As we move from the emergency nature of this pandemic into its longer term, I ask myself: What is learning? What are the conditions for learning? Do I really believe what I've told myself I believe in – or am I working on a decades-old script? Are the ideas and ideals I have had about education, citing Frye, citing my own great educators, lionizing them, quoting them repeatedly so that their own flashes of inspiration become slogans, emblems, calling cards – are they still mine? Where am I in all this?

Nothing like an emergency to test the mettle of my convictions. How much of my teaching has been implicit reliance on old patterns and habits? How much – to quote Matthew Arnold, via James Milner, am I really committed to “turning a fresh stream of thought upon stock notions and habits”? How much am I committed to re-imagining what I think about law, and what I think about learning? What does it mean to be a “partner” in education with one’s students?

The advertised need to parcel teaching into online segments drives us to think content first, critique second. Or does it? Does the parceling off free us to make educating, teaching, something I propositionally believe in? I wrote a dissertation and a book about the predilection for doctrinal based teaching among what are now my colleagues. It was, in a sense, critical. But what is critique if not looking honestly in the mirror or, in Richard Devlin’s words, critical affirmation? Do I affirm that teaching law is teaching content? Propositionally, no – but, honestly, what can I say?

Who am I to say: “Here is content”? Is that content mine? Or am I a vessel for some other accretion of certainty, certainty which no one really believes in, but we all believe needs to exist, if at least as a foil, or as a peg? How can I, who has only hypothesized about problem-solving in law, really teach it? Is it enough to quote the giants before me, who have articulated the virtues so well – to stand on their articulations of philosophical truth, and to teach from there? How much of teaching is

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aspirational? How much is the propulsion of ideals that we wish to be truths? How much is proclaiming a world we want, even if the world stares us in the face as different?

If educating is drawing out, the drawing out of what? If it is the drawing out of our students' inner selves, of their inner confidence and creativity, how does this relate to "content"? If it is the drawing out of what I believe in, then what of my students? What does it really mean to be in conversation with one's students? How does one listen and learn and speak and proclaim all at the same time?

Fear. Fear of failing. Fear that the magic of the classroom will not return. More than that: did it ever exist? Did the questions cause more anxiety and consternation than edification and self-learning? Was it all ego? Was it all a bath of uncertainty, trying to turn uncertainty into a virtue?

How can uncertainty be a virtue in the online environment? When students are stressed, paying high fees, clinging to some refuge of knowledge, certainty, truth, in a world and in lives that are now unstable? Can the online classroom be a refuge from all this instability? In normal times, the classroom is a place to revel in uncertainty: Laughter and doubt, as someone wise once told me. In normal times the classroom is a foil for the stability and fixity and taken-for-grantedness of the world. When the world is certain, however pathological, the classroom is a place to disrupt our stock notions and habits. What about when the world is unraveling? Private worlds, social worlds, collective worlds, even the idea of a world, of fixity. What then is the classroom? Foil to what?

Imagined communities. Constructed communities. Social network. Curated space. What is this online classroom? Vessel for content delivery? A homeroom? A chat board? A canvas? A conversation? Was it ever possible, that the law is a conversation, that learning is a conversation, that these two mysteries of human connection: law and education – reunite around this word?

In normal times, learning law, especially for first years, should be destabilizing: it should disrupt the idea that law is certain, definitive, determinative, predictive. Or, learning law should show the converse: that the world can be governed by principles that evolve organically, are internally consistent, that repel arbitrariness. The eternal

tension between rule-of-law formalism and the contingency of legal forms and knowledge surely is not affected by the pandemic. If anything, profound social changes test and stretch our understanding of law, deepening the claims on either side of this heuristic polarity (the polarity is a heuristic, a device for better understanding – the ideal types are not end points, pursuit of knowledge is not teleological). If anything, the tensions between certainty and contingency are even more acute now – the need for principle, the need for skepticism even stronger. So, what posture to take?

One directive so far has been to “do less.” How even to make sense of this? As a guidance for psychological health – yes. As a disciplining device for those who may be predisposed to overly complicate things – yes. But – how to maintain the mystery and the majesty of law’s profound puzzles, by doing less? By delivering the pre-packaged philosophical end point, like a cherry on top of the sundae? By abandoning the philosophical point, hoping it emerges as an “unplanned by-product” (to quote Fuller out of context, who once said knowledge of the *rules* should emerge as unplanned by-products of the focus on legal processes)? By abandoning the philosophical “message” altogether and retreating to content? Would that last option be, to quote Irwin Cotler (third hand, via Rod Macdonald), a capitulation to the “conspiracy of mediocrity”? Or would it be pragmatic survival? A compassionate sacrifice?

If law is a conversation, it is also a story of relationships – human relations, contractual relations, relationships with neighbours and strangers, between the individual and the state. Ideas in relation. The student-teacher relationship. The legal *community*. In a physical classroom, these relationships are self-evident, naturally occurring, and if anything the challenge is to see them, name them, and articulate their relevance to the material studied. Online, the relationships must be deliberately constructed – or, rather, the conditions must be deliberately constructed so that the relationships can grow.

Now there is a need for a prior exercise, and doing this work will force me to think deliberately about the conditions necessary for relationships. This can only force me to articulate what my real (as in, what I really believe in today, now, in the current context of real circumstances) beliefs are about the learning relationship. It can only help me hone how much of what I believe about law is fresh and true, and how much is lip-service to old

stock notions and habits (however iconoclastic their origins might have been).

A screen capture of my own talking head is not quite a mirror: it's flipped along an axis; I can minimize it, hide it, pin it if I like. It doesn't look at all like what I think I look like, and if I look too closely, I lose all confidence in myself. But then, I've never had a mirror in my classroom either. This perversion of my inner image of myself might be accurate: I do not know. But the sudden awareness of my external projection (I've never been one for mirrors) is on balance good for me. I'm just starting this career, but I think I know so much. I've immersed myself in the wisdom of those who have gone before me; I can cite their epithets chapter and verse; their eureka moments distilled and, now, jumbled in my mind. The accretion and synthesis of lives lived, of surprise self-discoveries. How lucky am I. But while the giants in my mind enrich me, they are not me. I don't know it all. I barely know anything. In every crisis an opportunity, and above all, for me, as someone who's always said he cares about teaching, for whom learning has always been a joy, and for whom the discovery of law was a revelation – an opportunity to get to know myself. Or, at very least, for a glimpse of honesty.