

ΣΟΦΙΑ—SOPHIA

Reflection Article

The teaching function as humanization of inhuman time in legal training

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Abstract

Advancements in technology and globalization have led to acceleration of human life in general. The production of knowledge has been linked to the same dynamic, which has led to the fact that events in education - especially the production of bibliographic material - go faster than any human brain can go; hence, according to Peter Sloterdijk, we talk about inhuman time. This situation can cause restlessness in human beings undergoing training, because the process may require more than what he/she can physiologically give. This article focuses on the role that teachers play in avoiding the restlessness that the above described situation produces or can produce. Teachers operate as a filter of time, which allows sufficient preparation for human beings during their training process to face a world that will always precede them.

Key words: Higher education, legal training, Peter Sloterdijk, time, inhuman time.

Introduction

Technology has led to the appearance of inhuman times. By this, it is meant that the rate at which events occur is extremely fast; so much so that a normal human being cannot apprehend them in their entirety, so that when he fully understands a fact, or when he launches his analysis or interpretation, another thousand have already entered the scene modifying his sensory panorama. Globalization has been a vehicle for time to become an inhuman variable: information, products and money literally flow to the speed of light through fiber optic cables scattered throughout the world.

Academy has not been alien to globalization or the un-humanization of time: scientific, technological and conceptual advances occur at such a fast pace that one can hardly know about them. [Stiglitz](#) (2002) states that academic globalization is one of the healthiest aspects of globalization. It is perplexing that this is only partially true, because perhaps high-level researchers will do very well; but for those in their training process and to students, this situation of an infinitely wide and infinitely swift flow of information and advances may rather cause them disorientation, restlessness.

This problem can only be addressed by teachers. In their selection functions - both of content and methodologies - and specialization, another function of greater weight is envisaged: that of humanizing the time that has become inhuman by technology and globalization, in order to create a space of tranquility in which human beings who are just beginning their training can apprehend tools that, later, will allow them to confront and insert themselves successfully in the inevitable un-humanized time.

In the legal field, the situation is especially complex. Only for the Colombian case, the volume of information is practically intractable. Between 1992 and 2015, 1771 laws were issued in Colombia, that is, 77 laws per year on average, one law every 4 days. In the same period, the Constitutional Court issued 23442 sentences, that is, 1019 sentences per year on average, almost three sentences per day. The Constitutional Court is only one of the 4 highest courts in the country. There is still no talk of the executive branch of public power, which only in 2015 issued approximately 2500 presidential decrees, that is, more than 6 decrees per day, one every 4 hours. Circulars, concepts, resolutions, directives, orders, and other legal instruments that contain current law are not yet included here, and are therefore part of the study of law. There have not yet appeared here doctrinal bibliographical production, commentaries to jurisprudence, and scientific articles that are equally or even more relevant than all of the aforementioned.

This shows that in the legal field, teaching function is especially relevant as a filter of humanization for inhuman times, that is, times that cannot be captured, apprehended in their totality by a normal human brain. The specialization, experience and capacity of selection - thematic and methodological - of teachers are tools of this filter that favor the creation of a space of calmness that allows students to acquire basic tools to later be inserted in the understanding of the inhuman time that prevails in the present.

Inhuman time in Laws

Technology and humans

The way in which the role of technology in a society is valued is a very important issue. For example, the “evil technology” hypothesis considers that practically no

progress in this field is positive, and that the effects of new technologies are always unpredictable, dangerous and “evil” (Mattei & Russi, 2012: 327-361). There are even more radical ways of looking at the matter, to the point that any progress is virtually demonized, and that only points out to the permanent “vulnerability of the hyper technological civilization” (Riechmann, 2006: 450).

The technical development of the twentieth century and what goes of the XXI not only has made possible the massive destruction of millions of human lives but also has brought with it many positive effects; in fact, the balance of history is inclined in favor of science, technology and technology. While it is true that technical developments gave rise to the possibility of making various atomic bombs, they also led to the appearance of surgical rooms, antibiotics and other benefits that have extended the duration and quality of human life (Russell, 1961).

Sustaining these negative visions about technological advances is complicated in the framework of the possibilities that technologies themselves offer. Internet access has been one of the most important milestones in the history of mankind, and we are still expecting more significant advances. Sloterdijk (2014) affirms that humanity already is about to reach the frontiers of advancement of information technologies, because it only lacks the direct transmission of thoughts. Castells (2001) considers that computer networks have helped from multiple fronts and in different geographic points to the consolidation of democracy and freedom. It is enough, in any case, to think about the cognitive possibilities that can be offered by three or four billion brains, which in brief - it is estimated that by 2020 - will be able to access the contents of the world wide web (Diamandis, 2012). The possibilities are really vast.

Human Speeds and Technological Speed

Information technology has led to a great acceleration of production at all levels. From the financial sector, in which millions of transactions of great complexity and risk are carried out in just a few seconds - sometimes defrauding third parties (Lewis, 2014, Camacho, 2013), to the world of knowledge, where thousands of academic and scientific documents are produced, and where the frontier of knowledge expands minute by minute. Information technology, through the vehicle of globalization empowered by itself, has succeeded in making that the processes of human creation and communication be performed on an inhuman scale,

i.e., that it is not possible to get the big picture of the knowledge that human beings produce every day, which can lead to perplexity in educational processes at all levels.

Globalization, fueled by information flowing through the world through technology, means the need to “(...) build and rebuild the society of knowledge and culture” (Beck, 2008: 255). Globalization implies that knowledge becomes central to human dynamics, redefining the idea of work. Hence that the processes of generation, transmission and socialization of knowledge have been accelerated, as in the case of industry and financial services. This acceleration of knowledge, although it can be seen as the most positive effect of globalization (Stiglitz, 2002), can otherwise be a source of perplexities in the university education field.

This acceleration could be considered as iconic as the one that occurred with the origin of the written culture itself. Sloterdijk (2010, 2012) describes the process through which humanity split in two: on the one hand, there are those who remain in the river of habit; and on the other hand, those who leave the river towards discovery and the consequent disturbance of the habit. From there, it emerges an old community, habituated and passive and, in addition, an elite emerges dedicated to learn and to exercise itself. This author calls it “axial age”, stating:

The effect of “axial age” would therefore consist, not so much of an interest which appears suddenly on a planetary level by a high spiritualization, but that would have arisen from the enormous disturbance of the habit which followed the discovery, possible from the riverside of inertias embodied in the human being. It would have been responsible for this - in its most important part - the internal acceleration triggered by early written cultures, which in turn would be responsible for the writers’ brains to leave behind the habit of those who did not write (in a similar way to how the body of ascetics, athletes and acrobats exceed the capacities of the bodies of ordinary people). (Sloterdijk, 2012: 251).

Information technology and above all, the globalization of knowledge, have created such an acceleration that it has facilitated a new division: on the one hand, there are those who have high training levels, belong to specialized academic networks and have preferential access to publications - on paper or in virtual form - of important centers of knowledge production, always go one step further; and on the other hand, there are others

who simply do not have that kind of access. Much of the academic community at international level belong to the second group. What is worrying is that even in the center -following the ideas of center-periphery- ([Wallerstein, 2006](#)), perplexity may arise in those in training process.

In fact, “(...) we have entered an era of inhuman speeds; and it goes through all our vital stories. We participate in an excessive acceleration and only have a confused feeling of what really happens to us “([Sloterdijk, 2014: 140, 141](#)). In the same vein, Pedro Salinas affirms that ... it is a fact that the increasing copiousness of printed material [not to speak of the virtual one propitiated by the modern technologies of the information] that daily solicits our attention and that screams at us - the Colorings of gaudy covers - from the windows, places the modern cultured man in a hurry: how to deal with that multiplicity? ([Salinas, 1995: 109](#)).

The acceleration of knowledge in general is not alien, of course, to legal knowledge. It could even be said that the situation for legal training is especially sensitive because of the immense variability of information, the constant coming and going in different senses by state authorities that, in the formulation of state policies and norms, permanently alter the object of study of a jurist in training.

Inhuman legal speed in Colombia

With the concept of inhuman speed we want to point out here the existence of such a rapid pace of knowledge and information that cannot be apprehended by a normal human brain. It is sometimes not even feasible to assess the speed of such an advance. A decent degree of updating, a minimum level of training, currently involves superhuman efforts that can become – and often do - impossible, pathological, degrading or at the very least, unsettling.

A law student in Colombia at any level of training faces a very broad panorama in terms of knowledge generation. As indicated in the introduction, the figures are disturbing. As shown in figure 1, only the Constitutional Court has issued, from the year of its creation in 1991 until 2015, 23426 sentences, including sentences of constitutionality, *tutela* (legal guardianship) and unification.

It should be noted that the judgments are not the only relevant documents issued by the Constitutional Court; there remains to be mentioned, for example, the follow-up warrants to the enforcement of sentences,

documents that ensure that certain rulings of national significance - such as the ruling that ordered to protect people in situations of displacement - be effectively reflected in reality.

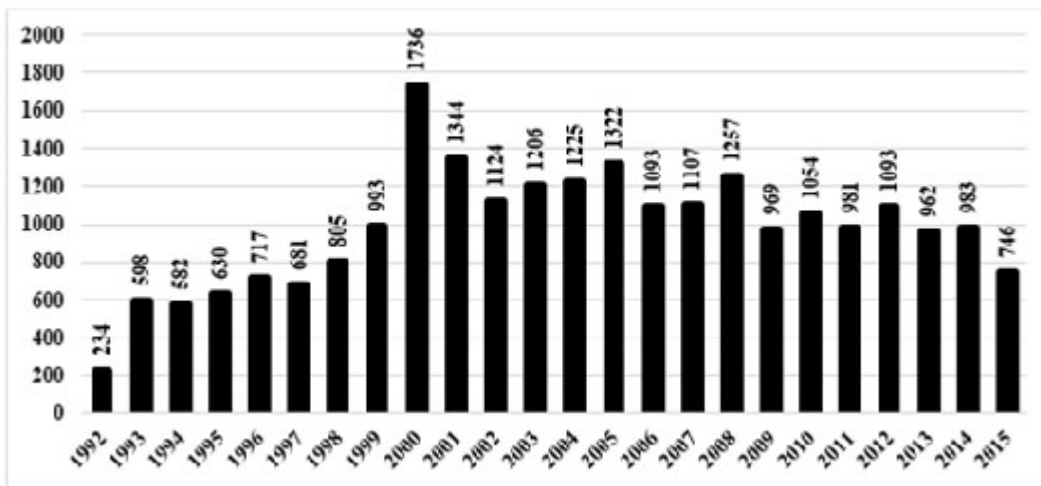
The legal warrants issued by the Constitutional Court, as shown in figure 2, are documents that are rapidly increasing in number, since their importance is increasingly significant. For example, the Court’s intervention on forced displacement, which was carried out through a judgment and dozens of follow-up warrants, has generated at least six positive effects for solving the problem: the creative effect, the effect of institutional unblocking, the coordinating effect, the deliberative effect, the state policy effect and the social effect ([Rodríguez & Rodríguez, 2010](#)).

With the above figures, it is intended to show that with the single production of the Constitutional Court, it is enough for discouragement: to fully understand the role of this institution does not just take a few years of training; it can take the entire life.

Of course, for a law student at any level (undergraduate or graduate), it is not enough to have a decent understanding of the role of the Constitutional Court in Colombia. It is required to know the Political Constitution of Colombia, a broad and imprecise document, subject to several interpretations because of its highly valued formulation; the legal production of the other three supreme courts (Supreme Court of Justice, Council of State and Superior Council of the Judiciary); the laws issued by the Congress of the Republic before and after 1991 (between 1992 and 2015, there were 1771) with their respective validity (legal periods) and derogations; the regulatory decrees issued by the President of the Republic and his ministers (which regulate the application of laws); resolutions, circulars and judgments issued by *superintendencias* (supervisory bodies on activities of all kinds, such as businesses or state services); national and foreign doctrine (scholarly comments on law and jurisprudence); and related scientific production (scientific articles and books resulting from research, among others).

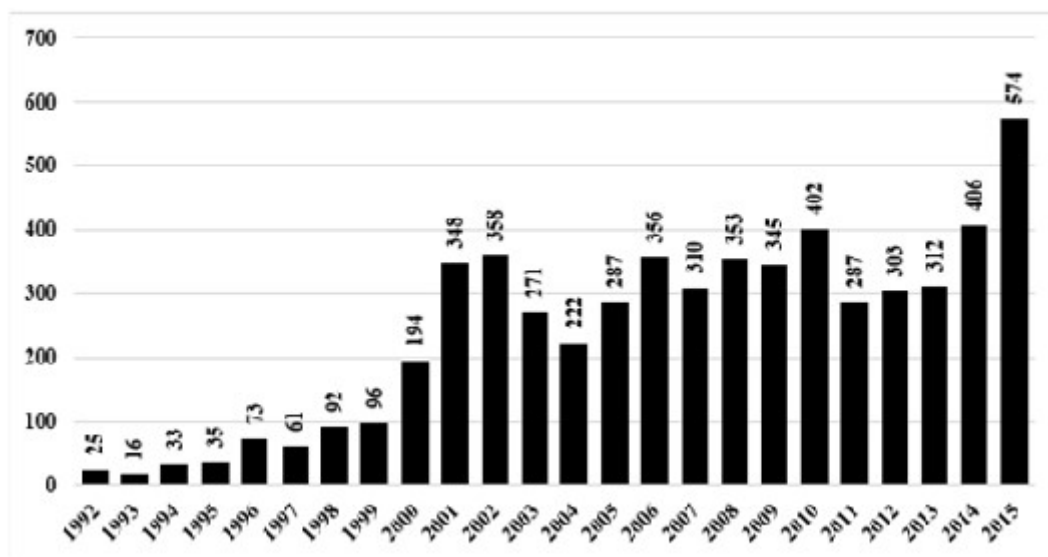
The situation could be described in more detail, showing the reader an infinity of figures that are intended to illustrate that legal training is pure unrest. It is not possible to accurately assess the extent of this divergence between what a human being in formation is capable of learning and all the stuff to be learned. It is harder still to have an idea of the rate of growth of this divergence, of this gap, of this immense cliff, to which

Graph 1. Sentences (judgments) issued by the Constitutional Court (Number of sentences/Year)



Source: Constitutional Court of Colombia (2016)

Graph 2. Legal warrants issued by the Constitutional Court



Source: Constitutional Court of Colombia (2016)

not everybody assigns the same value that Socrates once gave to the sense of emptiness and ignorance, as a veneration of fervor for knowledge and self-knowledge (Cornford, 2011).

The teaching function as a filter of inhuman time

The blind student

In *The Poem of Gifts*, Jorge Luis Borges describes the paradox of having at his disposal about 800,000 volumes and being blind (Borges, 1998). With all that information, with those immense shelves full of offering covers within reach, Borges, already blind, could not do anything. Maybe any given student is in the same situation. Perhaps Borges, when he was still able to see more than shadows, recognized that time would be too short to read what he had to read -or to reread all that he wanted to reread (Borges, s.f.).

Perhaps law students can have all the tools at their fingertips, cherish a privileged intelligence, display the most refined critical attitude and be the most autonomous thinkers (Wong, Peña & Falla, 2016), and still be blind, like in front of a wall, the shelves of a library, or a computer screen. This blindness comes from the vast ocean of information and knowledge that makes one to lose focus. Certain features of university teaching activity, such as selection and specialization, allow the filtering of inhuman time, in a sort of freedom management.

A square full of fountains

At this point, imagine a very large city square with an unknown number of fountains from which sprout liquids of different types. It is only possible to obtain knowledge of these substances by drinking them. If you drink without order, from here and there, you end up intoxicated. Suppose, at the same time, that this place has a guide, who does not know the properties of all the liquid substances that flow from the sources and does not even know how many sources there exist. But his experience and expertise allow him to take certain precautions to avoid poisoning.

When the guide –a university teacher- selects several drinks from the sources that he knows to give to his visitors, what exactly does he do? Under the above so far, he only does one thing: avoid poisoning. To give calmness to the process, a certain order. Intoxication cannot always be avoided, since not all visitors - students - are the same. But here the teacher operates in the manner of a filter which, instead of showing the

whole square to its visitors, supplies them little by little and with care, protecting them from intoxication and measuring the absorption capacity of each one of them.

So the teacher brings to his students what he believes will not intoxicate them, but under this interpretation, this ‘approach’ is not a final phase, but only an intermediate one. The guide never hides the existence of thousands or millions of sources, simply warns that care must be taken to prevent intoxication. After these first approaches, visitors can begin to test by themselves the substances that flow from the sources, because they have already developed some resilience, some healthy restlessness.

In addition, if the process of reading is “(...) to find, among what is near, what will be later used to weigh and reflect” (Bloom, 2000: 24), then it is necessary that someone or something place near what will then be used to weigh or reflect. This action of putting close and only possible thanks to the specialization and selection made by teachers, is the only way through which students in general, and law students in particular, can be saved from being crushed or, literally, losing their heads, because of the enormous volumes of knowledge production in the globalized and highly-skilled world.

Putting it near: humanizing the inhuman time

In Greek mythology, Prometheus brings fire to men. If instead we had been given a finished tool, everything would revolve around the hammer or bow, and human becoming would have been different. Fire allowed them to learn to live by themselves, gave them freedom, allowed them to explore and then, to make more tools. Would hammer have done it?

The supposed choice proposed here for Prometheus is the choice teachers make on a daily basis. No selection is neutral, even if training claims are transparent. The act of putting close prevents students from getting indigested in the process of approaching the world of knowledge. The same act of putting it near is eminently methodological, as it does not pretend to transmit content, but teach how to not get intoxicated, to go step by step, to have patience, to wait enough.

This closing-up is, it is reiterated, a filter that specialization and the exercise of selection by the teacher makes of the time, which because of technology and globalization has become unreachable for normal human beings. A filter that allows students to have a quiet space that allows them to start and fine-tune their training process. Using Carroll’s metaphor (2009),

reading is like eating. The teaching function as a filter of inhuman time is also to teach to nourish the brain properly, rather than to nourish it directly.

Conclusions

The technical possibilities developed during the twentieth century and enhanced so far during the 21st century have increased the speed of production on all fronts. Knowledge is no exception. The volume of information that is produced of books, articles and other documents is so high, that for people in training it can represent a dangerous source of concern, which can lead to frustration of their educational process. In the field of legal formation, this situation is especially delicate if one takes into account that the political and institutional evolution constantly changes the object of study of legal science.

What Sloterdijk describes as inhuman times refers to processes of excessive acceleration in the production of knowledge and information that causes that no human with a normal brain can be abreast, moderately informed, even partly updated. For this reason, every formation attempt involves efforts that every time are less and less possible to perform, if not impossible. This makes the role of students, both at undergraduate and graduate level - young researchers - complicated to a high degree; and often disappointing, frustrating.

This situation of possible dissatisfaction - or of frank uneasiness - has the teachers in the role of channelers. A reinterpretation of the teaching role in light of the recognition of the fact of unreachable speed leads to see teachers as subjects that get information close; who select through their specialization and experience that hyper fast world; who prevent human beings in formation from being indigested with the immense volume of knowledge; who build step by step the freedom of students to use in their reflections what has been put close beforehand.

Footer

One must remember here the words of Gabriel Zaid (2014, p.15): "Books are published at such a speed that they make us more and more uneducated. If someone reads a daily book, he/she stops reading the other 6,000 ones published the very same day. His/her unread books increase 6,000 times more than his/her books read. His/her inculturation, 6,000 times more than his culture."

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