

What are the Goals and Objectives of Law Schools in their Primary Role of Educating Students? What are we Educating our Students For?

Dr Anthony J. Connolly
Law School, Australian National University
Australia

In addressing this question in light of the Australian experience, it is useful to note as a preliminary matter that not all students pursue a law degree with the same expectations and aims. Admittedly, there is reason to think that most enrol in law school with the intention of practicing law in some or other capacity at the completion of their degree (and even here there are a range of kinds of legal practice students might aspire to). However, not all law students aspire to practice law. Some enrol out of an intellectual interest in the law and its role in society. They want to better understand and more effectively engage with this powerful institution, independently of any career aims they might hold. Others enrol because they think a law degree will give them a knowledge and skills set which will be of assistance to them in some career or way of life other than legal practice – in business, social work, or academia (and not necessarily, legal academia), for example. And, of course, some students enrol in law with no intention other than to gain the admiration and personal validation that comes with admission to a prestigious type of degree or to gain the approval of their family.

Law schools have a responsibility to each of these classes of student (even the last, I would argue – they are, after all, generally young and not yet clear about their future direction in life). This is to say that what we are educating our students for may be a range of things, depending on the student. How law schools should go about fulfilling their responsibilities here is a challenging question. The most feasible approach to dealing with difference in the student body would seem to be to provide a degree involving a variety of streaming options for students, catering for different interests and aims, rather than to formulate a ‘one-size fits all’ degree. In any event, it seems to me that for all these classes of student, notwithstanding their differing ends, certain common core institutional goals and objectives may be justified. Put simply, these goals are to provide their students with the opportunity to learn or otherwise acquire:

- a multifaceted and globally applicable body of knowledge;
- a distinctive yet versatile set of skills and habits; and
- an appropriate ethical and political sensibility.

Knowledge

It should be the goal of a law school to provide all their students with the opportunity to acquire knowledge of the nature, content and structural workings of law within their own local jurisdiction, within other relevant jurisdictions, at the international level, and as a general theoretical matter. Such knowledge may be gained to some degree by means of courses devoted to the study of key substantive fields of law (contracts, criminal law,

constitutional law, and so on), but these courses must be supplemented by theoretical, historical and comparative courses or course components if a comprehensive and accurate picture of things is to be gained. Courses reflecting on the relationship of law to other phenomena (politics, morality - literature even) would also be of use here in providing students with a well rounded understanding of law.

Though specific and local rules of law will inevitably be dealt with in substantively legal courses (there is some advantage in this for students intending to practice in or otherwise with an interest in the law of the local jurisdiction), I would argue that the needs of an increasingly globalised legal environment, as well as the increasingly international career options of law graduates call for a primary orientation towards and a firm grounding in the basic principles, modes of reasoning and practices and procedures underlying the range of modern legal systems in the world today. Modern legal systems and their bodies of law across the world, despite their important differences, share certain features (or, at least, sets of features) in common. Both the local and the global lawyer must have a strong grasp of these things. Local rules and processes can usefully serve as a representative and illuminating case study or focal point for acquiring this more general and universal mode of legal knowledge. Their role is subordinate, though, in this sense. A detailed local expertise can be built up later, when in practice, on the basis of this relatively non-local body of knowledge, together with an effective skill set.

Skills and Habits

It should also be the goal of a law school to provide all its students with the opportunity to acquire a range of skills – some academic and suited to the successful completion of their degree, some suited to legal practice or other related career options, and some even more generic and oriented to their roles as citizens within a modern nation state and international community or to their lives at large. The potential list of these skills is substantial. They include communication skills (verbal and written, as well as cross-cultural skills); critical thinking skills (including comprehension, analysis/synthesis, reasoning, and arguing skills); problem solving skills; personal management skills (skills to do with time management, goal setting and following through on commitments); and interpersonal skills (including skills in negotiating, as well as in effectively collaborating on projects with others). Such skills may be provided by specific skills courses (for example, courses in courtroom advocacy or mediation), as by-products of other more general courses (for example, statutory interpretation or case analysis skills as part of a criminal law course); or by clinical modes of education (for example, legal drafting and client interviewing skills in a clinical practice course). Collectively, they enable law graduates to put into practice the knowledge they have gained, to use that knowledge to actually make a difference in the world.

Associated with the development of skills, ideally, law schools should also be encouraging and facilitating, both formally through their courses and informally through extra-curricular activities, the development of certain personal traits or habits - self-confidence, sociality, intellectual curiosity, and creativity, to name a few - which might be of value to the various classes of students. To use a rather old fashioned term in this respect, the *edificatory* potential of a university education in fostering intelligent, effective and responsible agents in the world should not be ignored or undervalued.

Ethical and political sensibility

Next, it should be a goal of law schools to provide students with the opportunity to develop an ethical awareness and commitment in relation to the practice of law or whatever other career or activity they pursue following the completion of their degree. By ethical awareness I mean a sensibility to matters of personal integrity, honesty, and respect for others, as well as one's legal and professional obligations to others. Such a sensibility not only serves ends internal to the legitimacy and effectiveness of legal practice at large, but also ends more public and political than that. Law graduates as a group tend to wield great power in our society. The legitimacy of that power depends on them not misusing it for corrupt ends. Law schools should enable their students to recognise the nature of their potential role in society and the great responsibilities that go with that role (by means of the kinds of knowledge referred to earlier) and should encourage their students to fulfil the demands of those responsibilities.

This raises the associated point of the need to instil in law students a broader sensibility to issues of social justice and the public good implicated by their practice, legal or otherwise. With knowledge about the social role and professional responsibilities of lawyers and related professions in hand, some sense of the need to enact that role with an eye to the broader welfare of the society itself should be engendered. And, of course, a sound knowledge of the law of its potential and its limitations is a prerequisite to any such good intentions being effective.

Finally on this point, in addition to serving as lawyers or other professionals, law graduates must also be recognised as citizens – and potentially influential ones - of their nation state and of the world at large. To the extent that a law school has a responsibility to foster civically aware and responsible lawyering (or related practice), it might also be argued to have a responsibility to contribute to the development of a civically aware and responsible public sphere, at large. A law degree can be a highly influential training ground in relation to good (effective) citizenship. We are not only training lawyers or public servants or social workers but citizens too – citizens who might, at some point in the future, take a lead in the reform and improvement of the quality of the public sphere independently of any specifically career practice they might engage in.

Concluding remarks

One last point to conclude. Law schools should pay attention to the *means* by which they seek to realise the ends mentioned here. More particularly, law schools should ensure that the education they provide is informed by the best of contemporary, empirically sound education theory and practice. Those who teach should be suitably qualified to teach – whether formally or informally. One of the most important goals and objectives of law schools in their primary role of educating students, then, should be to ensure that their teachers are as informed about and effective in educating students as they can be. These days, effective education is best conceived of in terms of student *learning* and not lecturer teaching. Hence, my construing the issues above in terms of providing opportunities for students to acquire by learning the knowledge, skills and sensibilities mentioned, rather than construing them in terms of a teacher actively instilling or inculcating those things into students, conceived of as passive receptors.