

The Goals and Objectives of Law Schools in their Primary Role of Educating Students

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Introduction

The aim of this paper is to discuss the missions of law schools in their primary role of educating students, and the impact of change on these missions.

I take the view that there is no uniformity among law schools in respect of the purposes for which they educate students. The definition of a school's goals and objectives is influenced by factors peculiar to its own circumstances. Further, the mission of a school may change from time to time in response to national and international changes affecting the school in its own local setting. However, the changes surrounding legal education and the legal environment in which law graduates work seem to increasingly dictate the definition of similar goals and objectives for legal education across the world.

This paper is divided into three sections. Following this introduction, the paper presents a quotation stating the objectives of the author's own Faculty.¹ This statement is followed by a discussion of diverse factors that may influence the definition a law school's goals and objectives. The paper concludes with observations on the effect of change in narrowing the differences between the missions of law schools.

Goals and Objectives of Law Schools in their Primary Role of Educating Students

Goals and Objectives of a Law Faculty: An African Perspective

In this section I state the mission of the University of Cape Town Law Faculty. The aim is two-fold: Firstly, to answer some of the questions prepared for discussion at the conference under the chosen theme; Secondly, to share local experience on the objectives of a school in a developing world with members of the International Association of Law Schools.

The mission states:

The central purpose of the programme is...to deliver graduates who are able to contribute meaningfully to the development goals of the country. The outcome ...should be a versatile graduate with general analytical and communication skills, the dimensions of these skills that are specific to law, a basic conceptual knowledge of South African needs and international developments. In all these respects the faculty aims at excellence. To this end the faculty believes its programme should be aimed at producing broadly educated graduates who have the historical, comparative and jurisprudential background that is essential for a thorough and critical understanding of law and legal institutions, for only such graduates will be equipped to assume leadership and make full use of the opportunities for renewal provided by the new Constitution and the increasing globalising trends in law and business.²

¹ That is, the University of Cape Town

² See *Quality Assurance Report*, Faculty of Law, University of Cape Town (2003).

A careful reading of these objectives clearly and affirmatively reveals answers to the questions for discussion about whether the education of students: engages them in intellectual enquiry into the discipline of law, or trains them for professional practice; embeds a sense of ethical conduct and professional responsibility; promotes a sense of duty to stand up for the rule of law; inculcates an inspiration to work for the improvement of law and the operation of the legal system, and for the achievement of social justice; prepares them for leadership and civic responsibility; and educates them for internationalisation and globalisation.³

However, I do not assume that all law schools educate their students with these goals in mind. In the next section, I highlight some of the factors that may influence other schools' definition of their goals and outcomes.

Factors influencing the goals and objectives of law schools

Any question on the determination of the purpose for legal education invariably raises another major question about who determines the purpose for education. Is it the student (who consumes the educational product and ultimately emerges as "educated"), or those who pay his or her fees (parents, the government or employers), or potential employers or society at large, or academic staff?⁴ I submit that the answer to this major question has potential to influence a school's goals and objectives in a particular way.

The purpose for which law students are educated may depend on other factors, such as the political history of the country and on whether the law school is a public or private institution. In this respect, Amina Mama has observed that:

In previously colonised [African] contexts, public universities have always been highly regarded, as key vehicles for the pursuit of all the national and continental aspirations intrinsic to political, economic, and intellectual de-colonisation. In terms of the 'core business,' this meant the production of both knowledge and people equipped with the intellectual capacities needed to pursue national and regional advancement.⁵

From this statement alone, it can be seen that the purpose of legal education may depend on the colonial or non-colonial history of the country. This introduces other variables, such as the country's level of development (i.e. developed, developing or underdeveloped) and the related issues of resources.

The purpose of legal education may also depend on whether the school is a public or private institution. Presumably, private schools have more flexibility in determining the goals and objectives of their schools than public schools.

Amina Mama's statement suggests another context-specific factor - that African countries may have different expectations or different degrees of expectation

³ These questions were posed by the Conference Planning Committee of the Association 13.

⁴ L. Harvey and D. Green 'Defining quality,' *Assessment & Evaluation in Higher Education* (02602939, Apr93 Vol. 18, Issue 1 (mhtml: file//C: \Documents and Settings\Administrator\Local Settings\XPgrpwi...)) (Database Academic Search Premier) 9.

⁵ 'Restore, Reform but do not Transform: The Gender Politics of Higher Education in Africa' (manuscript published in the launch issue of the *Journal of Higher Education in Africa*, December 2003), 1.

about the role of higher education institutions. In this respect, she further observes that while 'Universities the world over have always been public or public-oriented institutions, this connection to the public is even more significant in Africa.'⁶

Thus African countries may view universities as 'key sites for the production of intellectual capacity that is both socially responsible and relevant to the regional development agendas.'⁷ These expectations may, in turn, influence the goals and objectives of the schools concerned.

Conclusion: the impact of change on law school goals and objectives

The forgoing discussion suggests that, theoretically, there is no uniformity in schools' goals and objectives. Special circumstances and settings in which each school operates inform the formulation of a school's goals and objectives.

In some situations, however, the effects of changing conditions in the legal and business world, such as the internationalisation of law through treaties and human rights, and the process of globalisation may play a significant role in the convergence of law schools' objectives and purposes for which they educate students. With regard to the effect of globalisation, Sanchez's observation is instructive:

In the light of globalization, failure to train students in laws, culture and legal language of other nations will lead to inadequately prepared lawyers in the expanding legal market place.... Law schools have a duty to prepare students to be effective, competitive, and ethical practitioners. By not preparing students to specialize in foreign law areas during this era of globalisation, law schools will be failing in the performance of this duty.⁸

Thus, while 'globalisation does not minimise the importance of the local,'⁹ this phenomenon, together with other changes affecting legal education, suggest that we have reached a point in legal education when all law schools must adjust their goals and objectives to meet common demands in educating their students. Schools can neither remain indifferent to global context of legal education nor insulate their goals and objectives from demands for the production of graduates who are equipped for "lawyering" in global contexts and for transnational and international legal practice. These demands may come from potential employers and, not least, from students who are forced to search for work in a local, yet, globalising world.

Against this backdrop, schools might see the need, as this conference anticipates, to debate fundamental issues, such as what core values need to inform legal education in the early 21st century. This is not to mention the need for schools to learn from each other about managing the impact of globalisation without neglecting the goals and objectives of legal education at the local level. For, as Twining affirms:

⁶ Ibid 8.

⁷ Ibid p 4.

⁸ G.M. Sanchez, 'A Paradigm shift in Legal Education: Preparing Law Students for the Twenty-First Century: Teaching Foreign Law, Culture, and Legal Language of the Major U.S. American Trading Partners' Hein Online – (1997) 34 *San Diego L. Rev.* 635-679 at 678-679.

⁹ See W Twining *Globalisation and Legal Theory* (2000), London, Butterworths 252.

Globalisation does not minimise the importance of the local, but it does mandate setting the study of local issues and phenomenon in broad geographical and historical contexts. For most legal scholars the maxim should be: 'Think global, focus local.'¹⁰

Clearly, the challenge to law schools will be to develop curricula and quality assurance systems that are receptive to the inevitable influence of globalisation, whilst at the same time ensuring that domestic needs are respected. It will be for law schools to strike the balance. My stance is that an approach that is either totally euro-centric or afro-centric should be resisted. Law schools would need to take the middle ground.

¹⁰ Ibid.