

IALS 2013 Annual Meeting

Plenary Session: Human Rights Themes in the Life of the Law School

Faisal Bhabha, Osgoode Hall Law School/York University, Canada
Nora Demleitner, Washington and Lee University School of Law, United States
Santiago Legarre, Pontifica Universidad Catolica Argentina, Argentina
Dr. S. Krishnamurthy, Indian Police Service

Carolyn Penfold (*presenting David Dixon's Paper*), University of New South Wales, Australia



Nora Demleitner

Human rights are designed to protect FR's, wellbeing and dignity of individuals and to some extent groups. In the United States human rights norms are also considered as part of "international law" in contrast to civil rights which is deemed to be an integral part of domestic law. In US law schools HR is being taught generally as an upper-level elective course similar to any other area of law, with a focus on substantive rights as well as procedure.

Access to legal education and the financial model:

1. Scholarships, loans and Access- Most scholarship money is based on merit which is short for the combination of grade point average and the score on the law school admission test. Awarding the scholarship based on such merit data is a function of the annual law school ranking by the US news which assesses student quality based on these two data points.
2. Influence of licensing bodies on access- As law is a regulated profession individual state licensing authorities make decisions about the bar admission in the unites states. A major component of these admission decisions, in most states, is examinations designed to test substantive knowledge and some skills. Another major component of bar admission is "character and fitness", in the light of their perception of how the committee operates though that varies by state.
3. Special students and access: These are for the non-US citizens. While state bars now admit non-US citizens and permanent residents the admission on those of non-permanent visas and especially those without documented status remains disputed.

Role of office of student affairs: Student affairs offices tend to see students from a very different vantage point than faculty members. They are often a place of last resort to which students turn when faced with personal and academic challenges. Therefore the mission of these offices has to be focused on serving the needs of individual students, though they also play the role of institutions which includes meeting budgetary goals and helping assure strong bar passage. These also have the functions of (a) freedom of religion (b) disability accommodation.

Curriculum development and coverage:

One of the main questions is how to teach HR?

In addition to classroom courses almost all law schools in US now offer clinical courses in which law students represent live clients under the supervision of a law faculty member / practitioner. Clinics are highly desirable learning opportunities but they are viewed as expensive, as the generally recommended student faculty ratio is substantially smaller than what is deemed appropriate for the lecture courses. Only a few law schools which are highly ranked and better endowed run the HR clinics.

In general US students would benefit from greater exposure to HR norms especially as they may inform greater exposure to HR norms especially as they may vary from interpretation of domestic law and allow for additional procedural tools.

Notes by: Satyabrata Mishra

Santiago Legarre



The students are required to draw every major topics of the HR curriculum. The drawings are then displayed once a month so that a friendly public contest takes place among students. The professor acts as a juror and renders a verdict regarding the drawings. The award goes to the student who best achieved to reflect a given human right concept through visual devices and tools.

Notes by: Satyabrata Mishra

Faisal Bhabha

Legal education is undergoing significant change from the last century. But the reason for this change is not novel. Institutional and pedagogical reforms have been very slow but steady a project for decade accelerated in recent years by a multitude of pressure including from within the legal profession market forces the digital age the new perspectives on ethical norms, human rights and rapidly changing demography's. A common theme which underlines all of these changes is the reality of social diversity in contemporary western societies.

There is an affirmative action with result of positive discrimination. Diversity in legal field is necessary. Freedom of the individuals in law schools is very important. The problem is that there is very less integration of principles in regular curriculum in law schools. In law school the teacher should think like a lawyer while teaching and not as a teacher. But the law schools choose priority in skills. By getting the clinical education in the main stream is where the solution will lie.

Notes by: Satyabrata Mishra

Carolyn Penfold

A law school should have and communicate to its students a keen concern for those on who law may bear on harshly, either because they cannot afford its services or because it does not sufficiently recognize their needs or because they are in some way alienated from the rest of the society.

Teaching Method: small groups and interactive discussion style teaching encouraged students to think for themselves, to formulate ideas and to develop skills in argument.

Taught law not that as something that is but asked: why is it so? what is it? Is it as it should be? How else it could be? How it could move from how it is to what it should be? What would be the pros and cons of various answers given?

Major curriculum review of 2012-13: how to retain the best of what we had while also taking account of changing world?

Researching legal education includes: renewed interest in pedagogy, commitment to research involving students and contemporary issues, increasing relevance of international issues and international responsibilities, increasing significance of non-curial dispute resolution.

Key themes of new curriculum: indigenous legal issues, human rights justice and rule of law, environment, class, gender, race and disability issues, experiential learning and personal and professional development.

Embedding Human Rights: HR in core curriculum, HR in elective courses, HR in experimental courses, HR teachers in core programmers, HR events and activities in the law school.

Challenges: HR in core curriculum additional work and good interaction needed between staff and members, HR in elective courses- easiest and commonest but without the others HR's can be (a) seen as optional (b) seen only as an add on to the real law, (c) beginners / survey level only (d) preaching to the converted, HR in experimental courses expensive, risky, need trusted relationships with outside bodies, HR in law schools need real commitments and established offices.

Notes by: Satyabrata Mishra

S. Krishnamurthy

Notions of HR are increasingly seen as expanding concentric circles and all rights are complementary to each other. HR are universal but are part of every civilization.

Purpose of HR: to help every human being to be given his due, to ensure all are treated and provided for alike, to fight all or any kind of HR abuse, united we stand and divided we fall, world peace is threatened by various things like crime, exploitation, abuse of nature and so on, and each one of them can be addressed by a collective effort.

HR's : Are not individual oriented but are a combination of individual and societal ideas and rights, spreading the message of HR is most important, its equally important to convey the need to understand the significance and inevitability of society in the context of the future.

Notes by: Satyabrata Mishra



Small Group Discussion

Topic of Discussion: Human Rights Themes in the Life of the Law School

- Human Rights are the most elementary rights and the basis of all laws,
- They are given to any individual from the very birth, and no one can take them back as well.
- Question: Do we all agree that Human Rights shall be included in Law School's Curriculum?
 - Mixed Views, 6 out of 10 believed that Human Rights law shall be included.
- The main reason, for Human Rights Law be included in the Curriculum is that, it is first of all a matter of concern for the world as a whole.
- Secondly, it is the only law through which we can understand the history of other laws as well
- Moreover, any act, legislation, law is passed keeping in mind the principles of Human Rights.
- Question: If it is the basis of all laws, then why should it be treated as a different subject in the syllabus?
 - The reason for this was, since all other disciplines barely focus on the evolution and the history of such law, on the other side Human Rights Law largely deals with the history and evolution of laws.
 - Moreover, since it is a basis for all laws, therefore providing such kind of education at this point of time to law students is very essential.