

## Book Review

### “What Is Legal Education For? Re-Assessing the Purposes of Early Twenty-First Century Learning and Law Schools”

Rachel Ann Dunn, Paul Maharg and Victoria Roper (eds), Routledge, 2022

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This book brings back our attention to the need to critically reconsider what legal education represents in the 21<sup>st</sup> century. The book reintroduces the strong academic rhetorical question that captures the mind and thought of readers at first glance of what legal education should be all about in the 21<sup>st</sup> century. To make the most of the answer correctly requires assessing the roles academics play either as leaders, tutors, instructors, consultant or as a researcher in legal education.

Although the book does not clarify in simple terms what legal education is all about, it brings a new perspective in nine different chapters to what students think about their experience in law school, the way and manner in which law academics with an interest in legal education frame the field, and identify any besetting problems. It does not matter whether the law schools are different because it creates room for academic creativity and variety offered to students beneath surface similarity.

However, despite the level of curricular diversity, Elaine Hall and Samantha Rasiah opine that the law school, on one hand, serves to erase inequalities within the academy and the profession<sup>1</sup> and on the other hand, it presents a uniform platform to harness knowledge of the law from law students from different higher institutions. Elaine Hall and Samantha Rasiah, in the first chapter begins with a historical antecedence of the unitary idea of how the law school was defined in the previous century and how it should be defined in legal education of the 21<sup>st</sup> century. Legal scholars alike see the law school as a conservative institution that conserves and pass on legal academic culture committed to critiquing the way we think about law and justice, whilst striving to achieve change especially with the digitalization of teaching in Higher Education during post covid-19 era which presented a crossroad for academics to reflect upon their responsibility to find ways to recover their identities and values.<sup>2</sup>

In the second chapter, Maribel Canto Lopez contemplates whether the voices of law teachers can be more loudly heard through the Teaching Excellence Framework TEF especially within the Higher Education sector in England. Whether the TEF is the right instrument to audit excellence in teaching in Higher Education Institutions, Maribel Canto Lopez is not too sure

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<sup>1</sup> Tina Mckee and others, ‘The Fairness Project: The Role of Legal Educators as Catalysts for Change. Engaging in Difficult Dialogues on the Impact of Diversity Barriers to Entry and Progression in the Legal Profession’ (2020) 55 *The Law Teacher* 283.

<sup>2</sup> ‘Getting through Covid-19 Means Rethinking Resilience’ (*Wonkhe*) accessed 30 March 2025.

as the author expands that the TEF is only but an increased burden of overload on Higher Education Institutions through bureaucracy and market principles that see students as consumers<sup>3</sup> as a result of government control over law teachers' activities related to teaching and learning practices and their quality assurance. Arguably, the absence of academic and law teachers' voices from governmental and HEIs' policies will always create a gap in the HE sectors.

Whilst the credibility of the undergraduate law degree must meet the standard of education for global citizenship, Chloe Wallace, in chapter three, highlights the failures of the discipline to respond effectively to internationalise the law degree only at the master's degree level.<sup>4</sup> In such circumstances, legal education can begin to drive in the direction of intercultural models to accommodate questions of race and decolonialization of the legal curriculum. Foluke Ifejola Adebisi and Katie Bales, in the fourth chapter speaks more on the linkage between race relations and decolonial scholarship that is still absent in higher education, with its negative impacts felt more heavily amongst racial minoritised groups from historical times until the present. It might be that the role of law is limited, thereby causing such harms on both national and global scales in producing and maintaining global inequalities, extreme poverty and exploitation of labour, environmental degradation, torture, oppression, physical destruction of lives and livelihoods, immediate or gradual death, as Foluke Adebisi puts it, the law has not always been innocent.<sup>5</sup>

Foluke Adebisi and Katie Bales debunk the need for legal education to address the issues of the appropriateness of law and law schools in given circumstances, especially when it has to do with race, racism and inequalities. The chapter fails to capture how to decolonise the law curriculum. However, in situations where student participation is encouraged through teaching and research, colonial traits can be destroyed.<sup>6</sup> Jessica Guth and Doug Morrison posit that decolonising might simply mean adding a few 'alternative' sources to the reading lists, changing lectures to specifically consider indigenous rights, or maybe having a seminar on slavery during black history month, advancing beyond these may require an inculcation into the legal curriculum.

The discussions from chapter five were not far away from the central theme of this book, where, in trying to know who the law schools are meant for, issues of class and gender must be given a definite description. Jessica Guth and Doug Morrison further contends that the law schools have always been quite similar, staffed by the best legal minds focused on a narrowly defined discipline and to accentuate that before this time less consideration were given to women from a gender bias further buttresses some of the cogent issues raised in the previous chapter where diversification of law schools to include majority of working class and ethnic minority is not encouraged because in perspective it creates further problem to legal practice.

Hence, the law school should be precise only for those who want to be lawyers, solicitors and barristers, law students and staff alike, with social and financial capital to access and understand different complexities. Emma Jones, in chapter six, drawing from the writings of Toddington's conceptualisation of legal enterprise model, expands that what constitutes an authentic, legal skills in the 21<sup>st</sup> century must be one where institutions must be able to inhibit and resolve

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<sup>3</sup> Louise Bunce, Baird, Amy and Siân E and Jones, 'The Student-as-Consumer Approach in Higher Education and Its Effects on Academic Performance' (2017) 42 *Studies in Higher Education* 1958.

<sup>4</sup> Ana Speed, 'Academic Perspectives on Teaching International Family Law in Higher Education Institutions in England and Wales' (2020) 54 *The Law Teacher* 69.

<sup>5</sup> Foluke Ifejola Adebisi, 'Decolonising the Law School: Presences, Absences, Silences... and Hope' (Social Science Research Network, 1 December 2020) <<https://papers.ssrn.com/abstract=3762558>> accessed 31 March 2025.

<sup>6</sup> *ibid.*

disputes, coordinate policy, foster participation, and inhibit conflict.<sup>7</sup> Furthermore, legal skills should incorporate a combination of digital skills and soft skills, building on emotional literacy and emotional intelligence, thereby creating a platform for legal education to remain largely committed to legal skills created by the legal profession, with good citizenship.

Paul Maharg described how in the eleventh century, the newly discovered Justinianic Codes and texts, voluminous, exotic, and arcane, were collated, understood and put into practice along complex codes of canon laws. The author explains that what makes legal education uneasy spans from having to apparent place in the foundational methods and knowledge structure of the legal academy. In the penultimate chapter of this book, while in search of phenomenology of learning and technology, ranging from intersecting issues that are essential to technology and legal education within the context of digital legal educational intervention.

Three authors, Lydia Bleasdale, Paul Maharg and Craig Newbery-Jones discussed the implications for a phenomenological approach to learning and technology. They explore the effect of digital education on community identity, especially within a post pandemic dispensation where the space and time of learning changed. In the concluding chapter, the Australian legal scholar Margaret Thornton tries to elucidate what law school is for in a post-pandemic world. Higher education in Australia is facing a financial crisis arising from the loss of international students because of border closures.<sup>8</sup> The author recognised that preparing students for practice and job readiness is one of the reasons for what the law school is for, and as long as students maintain a high-flying status in their pursuits, they contribute to human capital development of any community.

It is not without saying that the various sessions of this book, in concrete rather than in nascent terms, have attempted to debunk Birks' collection in not only what the twenty-first century law school learning and education is for but have also reassessed the purposeful relevance evidenced within the context of present-day legal education reality. Where traditional legal education focused on doctrinal mastery and preparation for courtroom practice is not enough for the legal profession to withstand new patterns of globalisation, technology in solving the problem of social injustice. Going forward will require a redefinition of purpose in line with pedagogical innovation that can guarantee open access and diversity to accommodate new technology in future legal practice with a more nuanced approach to strengthen and preserve the already existing doctrinal foundations in the 21<sup>st</sup> century.

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<sup>7</sup> Stuart Toddington, 'The Emperor's New Skills: The Academy, The Profession And The Idea of Legal Education' in PBH Birks (ed), *What are Law Schools For? Pressing Problems in the Law, Volume 2* (Oxford University Press 1996) <<https://doi.org/10.1093/oso/9780198522553.003.0006>> accessed 4 April 2025.

<sup>8</sup> Kanishka Jayasuriya, 'COVID-19, Markets and the Crisis of the Higher Education Regulatory State: The Case of Australia' (2021) 18 *Globalizations* 584.