

Presentation title:

*“Peculiarities of legal discourse
and necessity of relatable inclusive
educational strategies.”*



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Day 2 Timetable: Saturday 27th April

- To join a Session, click the link to the room of the presentation you would like to watch.
- Please note, recording of sessions is not allowed

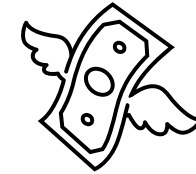
8:50 – 9:00 – Please join us in [Room 1](#) for a short introduction to Day 2 of the conference

	Link to Room 1	Link to Room 2	Link to Room 3	Link to Room 4	Link to Room 5
	Globalisation and international perspectives	Educational effectiveness and improvement	Race, equity and social justice	Inclusive education and SEND	Social theory and philosophy; Post-compulsory and lifelong learning
Saturday Session 4 9:00 - 9:20	Unveiling The Study Abroad Industry In China: Key Features And Stakeholders Evan Zheng	Does Shadow Education Boost Academic Attainment? Findings From TIMMS Study. Gaojie Cao	"To Be A Loser": The Frustrated Graduates In The Ambitious China Chengzhe Yao	Peculiarities Of Legal Discourse And Necessity Of Relatable Inclusive Educational Strategies Israel Chukwuka Okunwaye	Love As Epistemology: Pedagogic Practices In Workshop Spaces Linh S. Nguyen
9:20 - 9:40	Academic Equality And Exploitation - Research On Workforce In Chinese Higher Education System Keping Ruan	What Challenges Teachers In Developing Critical Thinking Among Students? The Algerian Higher Education Context Amira Chergui & Selma Sia	Navigating Inequalities: Understanding The Motivations, Mobilities, And Changing Identities Of International Students From Chinese Low-Tier Cities Danchen Yan	Reconceptualising Repetitive Behaviours As Flow Experience For Autistic Children In A Music Context Natalie Cairns-Ratter	Leveraging Community Identity To Enhance Online Education Retention Kaarika Das
9:40 - 10:00	Who Are We? Youth, Mobilized Education And Social Change In Modern China Cheng Lingzhou	An Evaluation Of Accelerated Reader As A Reading Intervention On Chinese Primary School Pupils: A Randomised Controlled Trial Fujia Yang	Navigating Distinctive Milieus: Experiences Of Working Class Students At An Elite School In India Sharmila Rathee	Educational Provision For Young Children With Special Needs In Mainstream Schools In The Greater Accra Region Of Ghana Vida Agyapong-Kodua	

ABSTRACT: *The need for incisive curriculum of law and developing a unique pedagogy in relation should be factored in, in the conversation on inclusion strategies; even though generally in analysing themes of equality and participation there is an overarching appeal to students in all categories of study. It leaves the question whether inclusive educational strategies should apply hook line and sinker to all disciplines alike. Waller, and Hobson (2014), have pointed out that in law both the level of content and the level of skills are relevant considerations for analysis in deciding if a legal problem has been properly raised or identified, applied to the context, and a plausible conclusion reached. A range of emergent areas have to be considered alongside equality agenda and wider participation goals, with the theoretical and practical aspects of the curriculum and creation of tools for optimally measuring outcomes. Questions also arise as to the influence of the legal field and stakeholder communities, and how students' learning and aspirations can be fulfilled, and tensions balanced. Also issues of access to effective law learning and use of expertise to realise expectations and meet the set goals. Glanville Williams (2002), has similarly canvassed for peering into effective learning strategies in law learning. The seminar presentation argues for a need to pay attention to creating access as well as conditions for optimal engagement in law learning.*

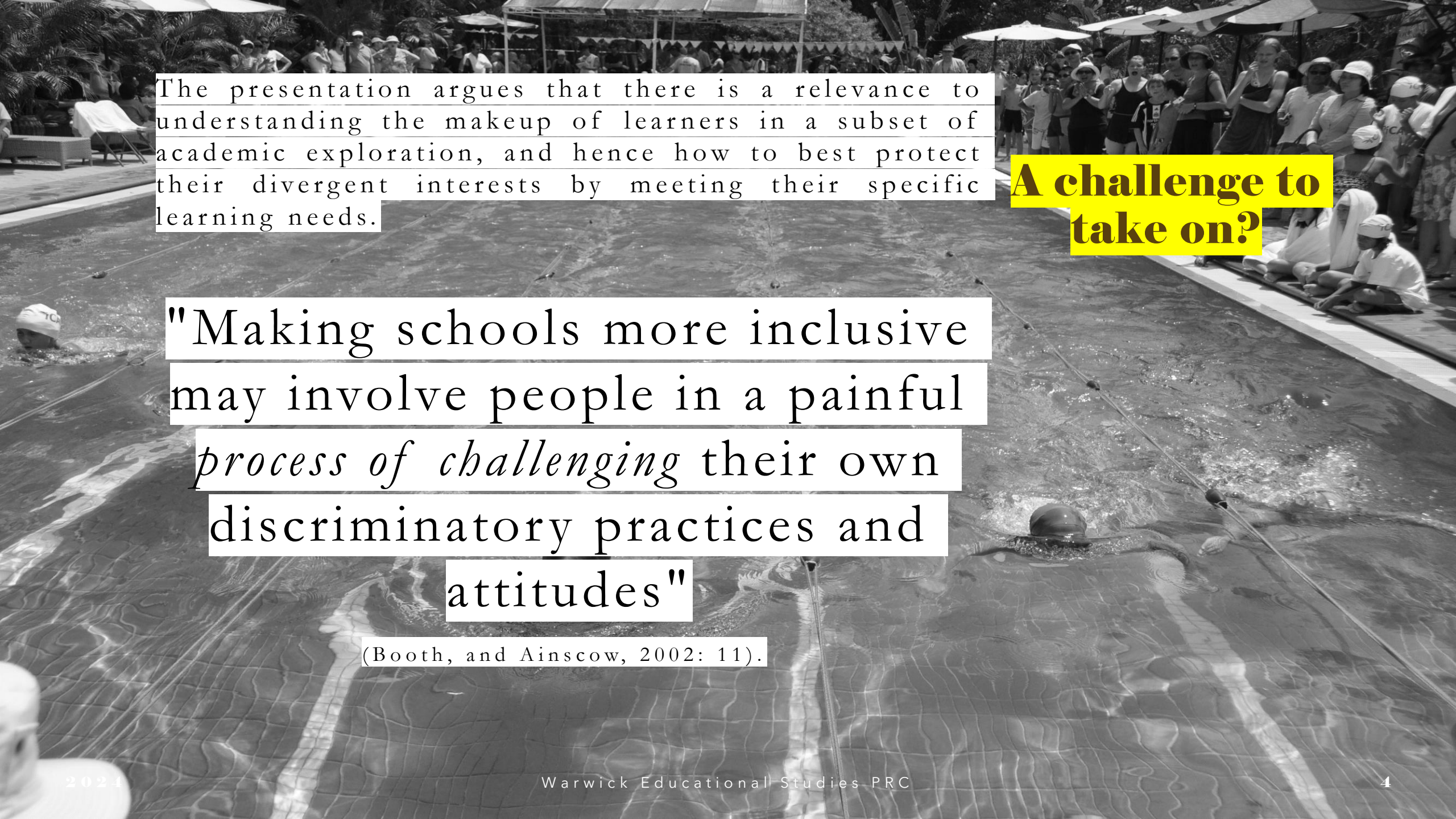
Barton and Armstrong, have however expressed the complexity in education as a pervasive issue even pre-learning and on progression, that the “struggle for inclusive education in England could never be simple, because of deep-rooted conceptions about education which are based on *measuring, sorting, selection and rejection*”

(Barton & Armstrong, 2008: 7).



Addressing complexity



A black and white photograph of a swimming pool. In the foreground, a swimmer is visible in the water, wearing a cap and goggles. The pool is divided into lanes by ropes. In the background, a large group of people, mostly women in swimwear and hats, are sitting on a raised platform or deck, watching the pool. There are umbrellas and other structures in the background, suggesting an outdoor pool setting.

The presentation argues that there is a relevance to understanding the makeup of learners in a subset of academic exploration, and hence how to best protect their divergent interests by meeting their specific learning needs.

A challenge to take on?

"Making schools more inclusive may involve people in a painful *process of challenging* their own discriminatory practices and attitudes"

(Booth, and Ainscow, 2002: 11).

Inclusion debates in Law school?

In relation to the law schools it has been pointed out criticisms of failure to meet this agenda of adequate teaching and student's needs, and that:

“diversity is not just reflected in the *curriculum*” (Varnava, and Burridge, 2002: 10-11).

Barton & Armstrong (2008: 11-12), have argued that it is valuable to “*recognise what communities themselves share and bring to the curriculum and the experience of learning,*” and also that a range of academic fields “*provide fresh insights into issues relating to education systems and the way they respond to difference and diversity,*” which can each be uniquely harnessed.

Inclusion debates in Law school?

The suggestion has been made that “*Law’s effectiveness, and learning’s process* needs to be *investigated and theorised*” (Varnava, and Burrige, 2002: 19).

There may also be need for specific curricular learning objectives (and *variations* or adaptations) to meet individual needs, skills, interests and abilities of students (Stainback, W & Stainback, S., 1996: 210, 213).

Also fulfilling the intellectual component and readiness for exams and practice is also vital, and that there is a range of other skills to be applied in learning the law to “*remedy*” *such deficiencies* most law students make (Williams, 2002: 32, 75-77).

WALLER AND HOBSON'S ARGUMENT towards effective curriculum and assessment of law studies:

“Developing a shared understanding is especially significant when an assessment is inducting students into disciplinary discourse. *In teaching law, a key theme is that alignment of curriculum and assessment is necessary, both at the level of content and at the level of skills in problem identification, application and conclusion.* Skill development always involves practice, and transfer of understanding at the tacit level always involves some form of socialisation. It takes time, conversation and engagement with the material, none of which occur in the individual act of reading a set of assessment instructions or a set of assessment marking criteria, to engage the tacit domain.” (Waller, and Hobson, 2014)

Effectively teaching law students (similarly as in related disciplines) it has to take into cognisance **the criticality element** (Nickolas James & ors, 2010: 287-288; Moonhead & ors, 2016: 247).

Waller and Hobson's argument towards effective curriculum and assessment of law studies: (2)

“The discussion over *how an interpretation was arrived at* became an intensely valuable learning moment for both staff and students. For the students, it was a *modelling of the processes* involved in arriving at expert interpretation, and for the academic staff, it was a *realisation of the degree of mismatch* between their assumptions of students' understanding of disciplinary terms and what the students actually thought. Part of the success of this *intervention* for these first-year law students was that it allowed the tacit level of the discourse to be addressed directly and verbally in the classroom. The discussion that ensued after the exercise was the valuable learning moment, both for the students and the teachers, as it made explicit both what needed to be translated from the academic discourse to the ordinary language of the students; as well as the *hidden assumptions* that were being made about students' understanding by teachers, and *students' misguided assumptions about disciplinary discourse* when they translated unaided by themselves to ordinary language.”

(Waller and Hobson:2014)

“

AWARENESS OF OTHER COMPETING DEMANDS

“Post-compulsory education thus raises a new set of problems for educational aims- in fact, it is not possible to settle on educational aims without having a view of *economic aims*” (Winch, and Gingell, 2004).

A nexus can be seen between economic and cultural capital, which is achieved through the requisite apportioned time, where for example an academic qualification becomes **objectified cultural capital** (Bourdieu, 1996).

ANALYSING THE ESSENCE OF BOURDIEU AND THE LAW FIELD (1):

“It is in fact impossible to account for the *structure and functioning of the social world* unless one reintroduces *capital* in all its forms and not solely in one form recognised by economic theory” (Bourdieu, 1996).

Also, he argues, that “the *reproduction of social capital* presupposes an unceasing effort of sociability, a continuous series of exchanges in which recognition is endlessly affirmed and reaffirmed” (Bourdieu, 1996).

ANALYSING THE ESSENCE OF BOURDIEU AND THE LAW FIELD (2):

The study of law has to operate under all of these frames, not law *simpliciter*.

The juridical “avant garde” contribute to the adaptation of the law and juridical field, and the “legitimation of the established order of such relations,” what Bourdieu goes further to point out as the “*structure of the game*, and not a simple effect of mechanical addition” (Bourdieu, 1987: 852-253).

The law learner has to be aware of the interconnecting factors, both in the process of learning the law and how these social factors can dictate outcomes or longevity in the profession.

A step is already starting to take place, for instance with the Higher Education and Research Act 2017, which creates the Office for Students, with the intent to put the students' needs at the heart of education, S.2(1)e stipulates that it is to promote “*equality of opportunity* in connection with *access* to and *participation* in higher education.”

Which is commendable but how it does it, and meet the full the aims practically remain a debate and what does the progress outlook says on whether the problem remains? For instance, where it attempts to address admissions related issues, but how about curriculum objectives? I intend with my research investigation to demonstrate that successful learning could assist and translate to good inclusive practice in legal education, and also understand if there are socially interconnected factors.

Tackling the complex demands as pointed out by Barton and Armstrong, at several aspects- including ab initio selection processes to the actual participatory opportunities.

CONCLUSION:

Why there is consensus from a range of scholars on the problems and creative space for continuous development, that exists in legal education; which is good and allows for progressive research. There is however clearly need for more comprehensive solutions to be proffered and implemented, adopting a consistent approach. Especially the implication and utility for framing an inclusive approach to education and noting in further much detail what recent policies and empirical evidence tells us.



Thanks for listening!

DISCUSSION SEGMENT:

ANY QUESTIONS AND COMMENTS?

Further feedback can be emailed to:
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