



Cspace

*Presentation Title:* **A DISCIPLINE-APPROACH TO INCLUSIVE EDUCATION ARGUMENT: A PLACE FOR LAW LEARNING?**



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There is growing consensus of the relevance of inclusive education, but also an argument to grasp the implication across a field of study. How do we ensure learning is consistently effective, and that the nature of feedback and pedagogical method deployed best supports the learner's need? The argument can be put forward that the Law school as a substratum of the wider educational institutional framework is bound by legislative imperative, to efficiently take measures to facilitate structures to promote education for all. Further to the nature of disciplines developing their strategy for inclusion, Stainback, and Stainback, as well as Barton and Armstrong appear to agree for the need for curriculum modifications, tailored to effectively enhance learning. For law students honing the right strategy for learning, and feeling socially accepted to be in that space for learning with the right innovative tools will be equally crucial, I argue.

# Abstract

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<b>12.30 – 13.15 LUNCH, POSTERS &amp; ART AND DESIGN PEDAGOGY EXHIBITION (SEACOLE RECEPTION AREA)</b>				
	<b>Room 1 SCT024 Chair: Rob Smith</b>	<b>ROOM 2 SCT139 Chair: Mandy French</b>	<b>ROOM 3 SCT209 Chair: Stephen Griffin</b>	<b>ROOM 4 SCT240 Chair: Fadia Dakka</b>
<b>13.15 – 13.55</b>	<b>BELONGING</b>		<b>METHODOLOGIES</b>	
<b>Parallel sessions</b>	<b>1. Hazel Richards &amp; Victoria Lundie</b> Exploring the experience of stakeholders in Birmingham	<b>ROUND TABLE</b> <b>Ezra Beck &amp; Beverley Cole</b>	<b>1. Israel Okunwaye</b> A discipline-oriented approach to inclusive education argument: a place for law learning? (TP)	<b>WORKSHOP</b> <b>Stacy Johnston</b>

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<b>Programme strand 3</b>	City University's Speech and Language Therapy (SLT) degree apprenticeship	New Draft Guidelines for Gender Questioning Children: 'A Cautious Approach' or 'License for Transgender to English Schools'	<b>2. Lisa Jesson</b> Using Stimulated Recall Techniques	Sometimes you just have to play the game? - the stories we tell.
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# Programme

1.15 pm, SCT209 (Room 3)



The suggestion is “if our societies and communities are going to be ethically, morally, legally just, inclusion is a must” (Karagiannis, Stainback, & Stainback, 1996:11; Bhaba, 2014).

The emphasis is on “bringing down barriers to participation and learning” (Nind, M., Simmons, K., Sheehy, K. and Rix, J. 2003: 2).

Struggles over the meaning and application of inclusive practice remains (Barton & Armstrong, 2008).

# Introduction



Law school as a substratum of the wider educational institutional framework is bound by legislative imperative under the Equality Act 2010, and in compliance several universities have published organisational policies in response, of which the main thrust is to ensure all students enjoy non-discriminatory learning experience and feel included.

To take this further, the question is whether curriculum design caters for this as well?



Legal study operates in a social world, with competing interests on curriculum activity. On the North American experiences, Bhaba highlights "legal education is inextricably tied to issues of professional regulation and access to justice;" in essence the "Law schools are influenced by the values of the professional world of lawyers, especially as directed by the self-governing bodies of the profession as well as by diversity promotion commitments within the academy and in university policy" (Bhaba, 2014: 61).

The diversity agenda has not necessarily been recognised in the context of equality, but more broadly the need of trained lawyers able to connect with an increasing clientele that expects that, a political imperative that expects a democratically diverse and rule-based order, and the role of ethics regulation for best practices (Bhaba, 2014: 68-69).



What is obtainable at the UK law school, HE level is effectively described and evidenced here: "English law schools deal with the teaching of skills at undergraduate level in a variety of ways. Some include specific skills modules, usually in the first semester of the programme, others incorporate skills teaching into an English legal systems or similar modules and others still focus intensively on skills during induction and then integrate skills development into the curriculum. Even where there is no obvious skills content evident from the module names, *the learning objectives of first-year modules often suggest at least some skills-focused content and anecdotal evidence from teaching on such courses and discussing them with colleagues suggest that this is true*" (Guth, 2020: 164).



The argument has been put forward of the 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).

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*Developing a strategy  
for inclusion in a  
discipline (Law):*



The question a teacher/group facilitator should be asking is what kind of learners do I have, beyond only their individual related factors, but also on what field of learners, and exploring tools that makes learning that subject effective.

In the Law school, what would inclusive practice portend?

It's about recognising the nature of the study of law, the law institution, but also its societal context and developing the curriculum accordingly.



*Developing a strategy  
for inclusion in a  
discipline (Law):*

## Barton and Armstrong's argument-

There is value in recognising what communities share and their contributions to the curriculum, and their peculiar experiences in the learning process- "these fields provide fresh insights into issues relating to education systems and the way they respond to difference and diversity" Barton & Armstrong (2008: 11-12).

In addition, the suggestion has been made to look into the institutional structures and alignment of the curriculum, to tackle the law school's goal, and resolve fledging inequalities, all of which require what they term "*constructive alignment*," beyond mere tinkering on the surface (Hall, and Rasiah, 2022: 20).



*Developing a strategy  
for inclusion in a  
discipline (Law):*

**Drawing reflections with Arendt's work: [Arendt, H. (1961) *Between Past and Future: Six Exercises in Political Thought* (Viking Press, New York) ]**

Given the BCU Cspace conference's theme and inference to Arendt, I attempt to add to the debate but in context of constructive implications for the Law school and its curriculum.

In joining in the wider debate, and in context of the implications for legal education. I think Arendt's postulation is relevant for the HE Law school context, more where it relates to the essence of education and its relationship with society. And with young learners arguably still in that process of 'becoming' and still dependent on some form of tutoring. But with attention to the specific nature required. The need for tutors with expertise and some academic pedagogic authority, and say in curriculum development carries some considerable weight and requires further deliberation. We also have to answer the question who education is for, and how can these needs be best met in time? The key consideration is the young learner has to be supported to achieve their mark in society with the right support.

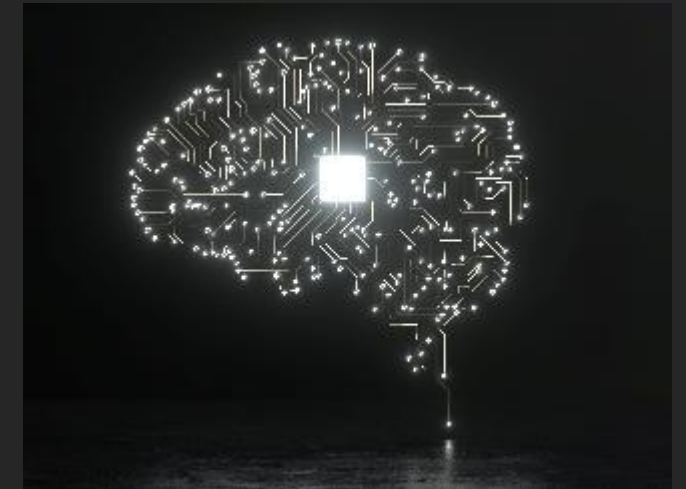


The consensus is the challenge in global education requires effective strategy in place, even in modern times, and local responsibility is vital. Perhaps helpful is considering how each discipline can ensure its continual societal relevance and curricula effectiveness.

"The disappearance of 'common sense' in the present day is the surest sign of the present-day crisis. " And in fact, asks the questions about the essence of education, and the persistence of the errors- "what are the true reasons that for decades things could be said and done in such glaring contradiction to common sense?" (Arendt, 1961).

*Linking H. Arendt*

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Arendt highlights assumptions that have often led to neglect in teacher training in their own subjects in a college context- "...A teacher, so it was thought, is a man who can simply teach anything; his training is in teaching, not in the mastery of any particular subject " (Arendt, 1961: 182).

The suggestion for reform is helpful and restorative in a sense, such as need for developing curriculum as essential for learning and restoring teacher's confidence in pedagogical delivery- debunking inherent unhelpful assumptions.

"A crisis in education would at any time give rise to serious concern even if it did not reflect, as in the present instance it does, a *more general crisis and instability in modern society*. For *education* belongs among the most elementary and necessary activities of human society, which *never remains as it is but continuously renews itself through birth*, through the arrival of new human beings. These newcomers, moreover, are not finished but in a state of becoming" (Arendt, 1961: 185).



Linking H. Arendt

In examining the role of teachers as educator, Toscano and Quay reinforce Arendt's need for adults assuming responsibility for assisting the learner gain competence in their field, hence they point out- "Arendt's vision of education advocates for adults to take responsibility for caring for the world in a way that does not jeopardise the renewing task undertaken by the young who will inherit the world." (Toscano, and Quay, 2023: 1140)\*

"Human beings in process of becoming but not yet complete—are thereby forced to expose themselves to the light of a public existence " (Arendt, 1961).

Important for young law learners to also understand society's changing nature and being able to adapt to it; - "Arendt claims that teachers' duty is to display the world as it is to our children: to maintain novelty is to educate in such a manner that children achieve a comprehension of themselves in connection to the world without considering either it or their emplacement in it as inflexible, firm, and unalterable. The capacity to judge from the views of others and the demand to get involved with the latter are requirements for being able to make solid assessments." (Mihaila, Popescu, and Nica, 2016: 923)\*

*Linking H. Arendt*

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"The *teacher's qualification* consists in knowing the world and being able to instruct others about it, but his authority rests on his assumption of responsibility for that world. Vis-a-vis the *child* it is as though he were a representative of all adult inhabitants, pointing out the details and saying to the child: This is our world" (Arendt, 1961).

The notion of "this is our world" is the educator taking responsibility for the negative and positive aspects, and the role for its continuation despite the oppositions, and the students' share in the social, cultural and political enterprise of which it's a "testament to education as transitional exercise" (Toscano, and Quay, 2023: 1144)\*

In the legal field, understanding the presence of the competing factors which may have pros or cons, should spur tutors into being aware and take responsibility, especially for equipping pupils to being prepared for shifting structures and routines, and taking accountability through owning the right skills.



Linking H. Arendt

The main point appears to be the need for deep and honest reflection of social nature of educational responsibility- "reflecting on the role that education plays in every civilization, that is on the obligation that the existence of children entails for every human society" (Arendt, 1961).

It's important to recognise apart from the educator's authority there are other sources, in order to effectively judge if misuse or not (Toscano, and Quay, 2023: 1145).



*Linking H. Arendt*

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At a higher level of education, the goal is no longer introducing the student to the wider world as it were, but their specialised world, in the law school it should be the nitty gritty of the legal field or arena;

consider Arendt's postulation-

*"But education, as distinguished from learning, must have a predictable end. In our civilization this end probably coincides with graduation from college rather than with graduation from high school, for the professional training in universities or technical schools, though it always has something to do with education, is nevertheless in itself a kind of specialization. It no longer aims to introduce the young person to the world as a whole, but rather to a particular, limited segment of it. One cannot educate without at the same time teaching; an education without learning is empty and therefore degenerates with great ease into moral-emotional rhetoric. But one can quite easily teach without educating, and one can go on learning to the end of one's days without for that reason becoming educated. All these are particulars, however, that must really be left to the experts and the pedagogues."* (Arendt, 1961 :195-196)

The expert law teacher's goal should be to harness the treasure, that is the worth in education, and passing it on to the next generation of continual professional learners and practitioners, heeding Arendt's call.

Linking H. Arendt



# Highlighting key inferences from scholars on the legal field:



The inherent tensions as pointed out by researchers strengthen calls for a law curriculum that acknowledges its context, and in response develop a curriculum structure that addresses issues of equity, social divides and class inhibition, and other barriers.

"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" (Waller and Hobson, 2014).

Questions have been raised on social practice arrangements that allows connections with law students and city lawyers whether unfactored sensitivity is created, with level of complexities and mixed identities (Manderson, and Turner, 2006).



# Highlighting key inferences from scholars on the legal field:

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The dynamics of the legal field has been pointed out as one of 'have 'and 'have-nots', and also having 'extra-legal factors' (Cotterrell, 1992).

Similarly, Bourdieu's juridical field is not one completely free from competing interests, therefore one's understanding of the legal field should be in relation to the social world, as it imparts on reproduction in the field- “The relative power of the different kinds of juridical capital within the different traditions is related to the general position of the juridical field within the broader field of power” (Bourdieu, 1987).

Legal study can widen to more readily adopt socio-legal approaches in deciphering the law, as they allow for deeper analysis (Brooman, 2017), than the more traditional pathway of pure law (black-letter law or doctrinal).





# Conclusion

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Recommendations, include honing the right strategy for learning, and feeling socially accepted to be in that space for learning with the right innovative tools will be equally crucial. Being aware of the role of placements and visits, could enhance participation in law learning for instance.



# Conclusion

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Seriously, if we are concerned with how emerging professionals in the legal field are progressing and the readiness to harness the 'treasure' or any form of capital, however transient, their sense of entitlement has to be protected, with high levels of satisfaction in the learning process and experience, and equipping the relevant stakeholders to sacrificially contribute to the success of the learners; and a curriculum that supports these levels of engagements I reckon will be instructive for indelible impact..



# Conclusion

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There is need for systemic change, and an inclusive approach to give students their sense of entitlement (HEA, Inclusive Curriculum design in HE: Law). A sense of belonging, and of gaining mastery in their law specialism rather than feeling like a misfit. As some experts have already alluded to inclusion is a must for learners.

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Thanks for  
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Questions, reflections/  
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