

**More than merely work-ready: Appropriating vocationalism and promoting professionalism in the law school**

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# **More Than Merely Work-ready**

**Opposing Vocationalism and Appropriating Professionalism**

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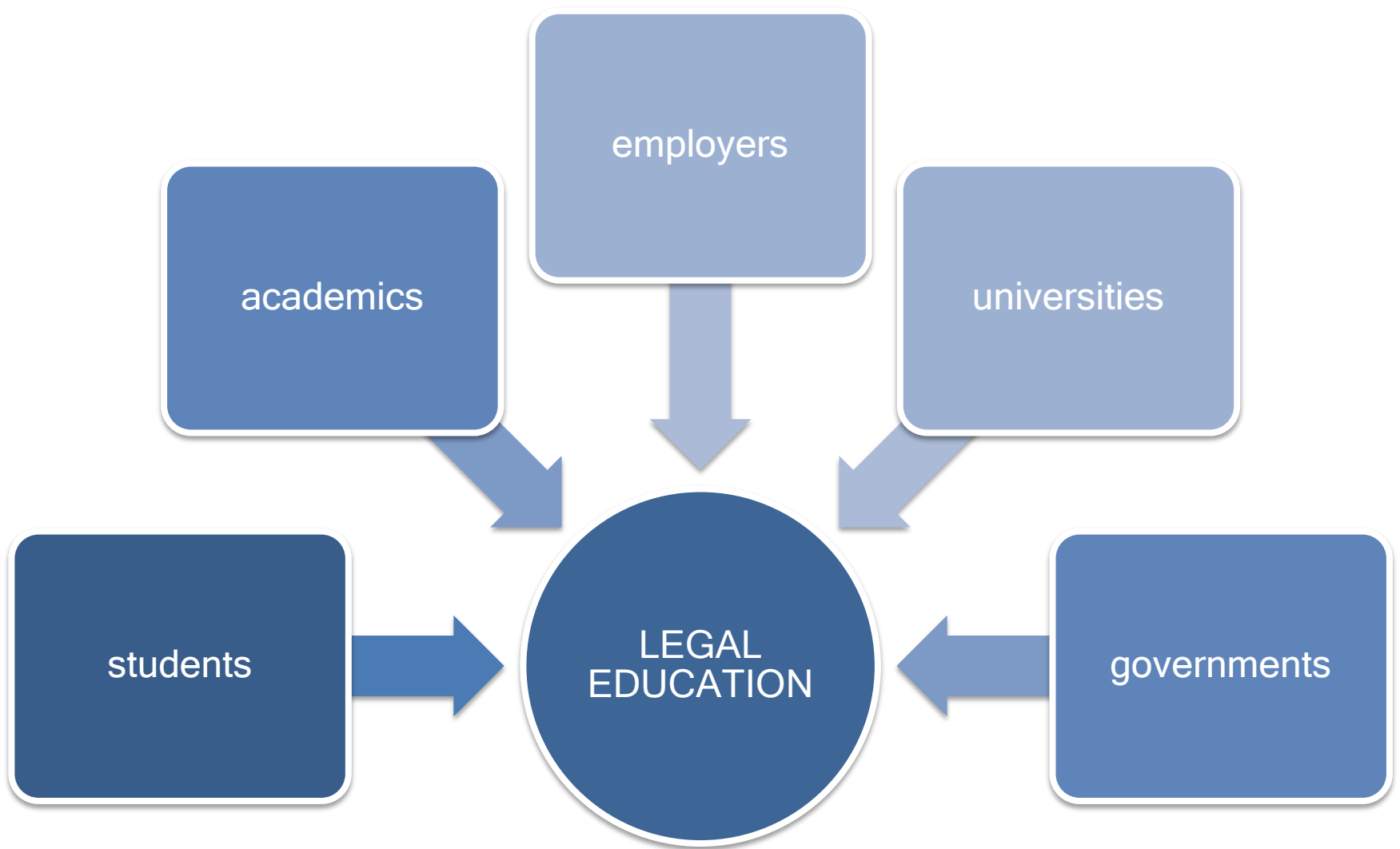
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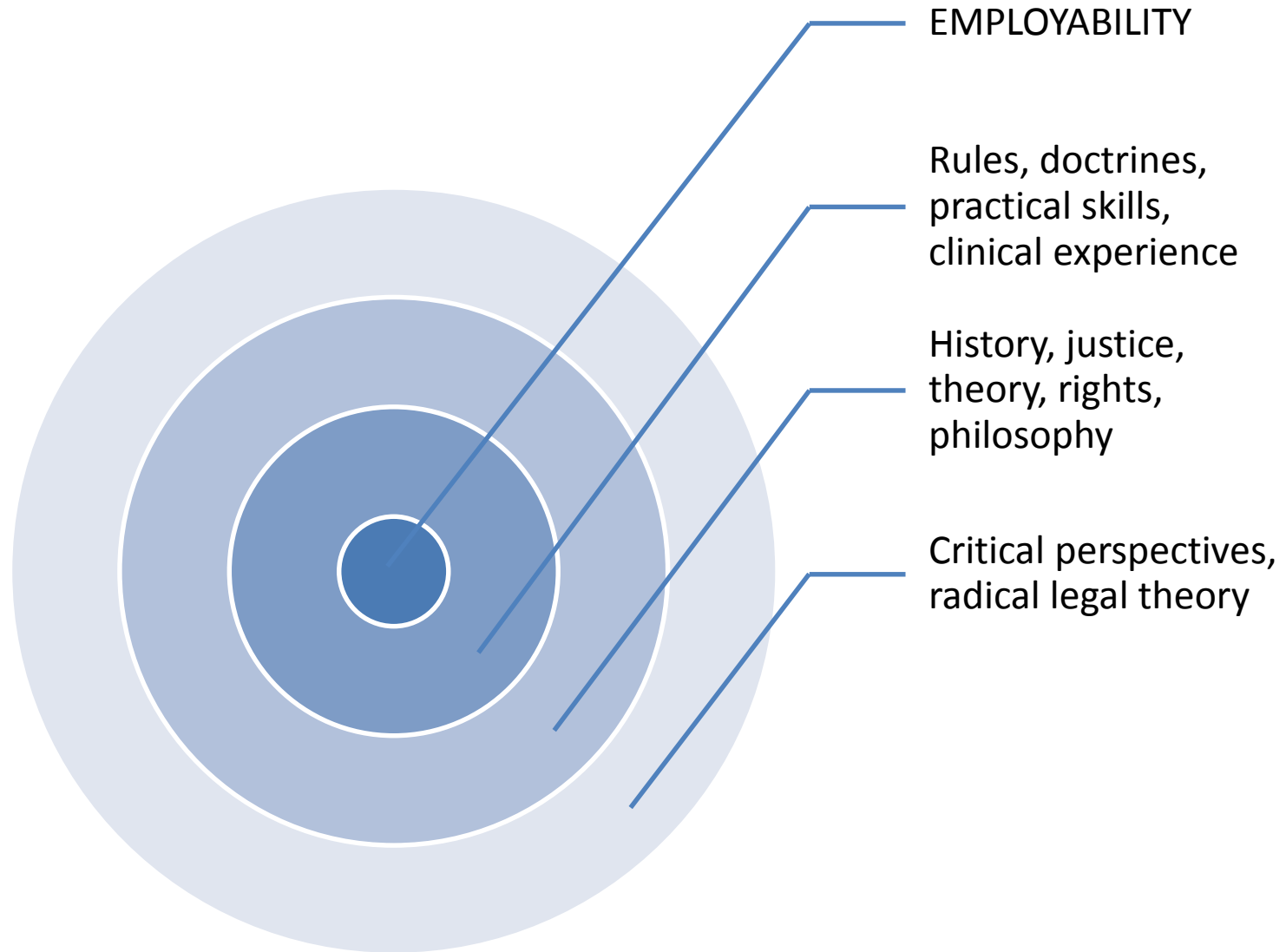
**vocationalism** (n.) - An educational philosophy or method of teaching that claims that the content of a curriculum must be governed by its occupational utility.











# Four critiques

1. Loss of doctrinal rigour
2. Loss of curricular breadth
3. Over-emphasis upon extrinsic motivation
4. Favouring the social and political status quo

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‘The academic study of law [is] a serious endeavour in itself, rather than merely a training ground for future lawyers.’

Anthony O'Donnell and Richard Johnstone, *Developing a Cross-Cultural Law Curriculum* (Cavendish Publishing, 1997) 2

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‘A university should aim to equip its law graduates with a broad and liberal education rather than concentrate on a narrow technical competence.’

Anthony Mason, ‘Universities and the Role of Law in Society’ in John Goldring, Charles Sampford, and Ralph Simmonds (eds), *New Foundations in Legal Education* (Routledge-Cavendish, 1998) ix

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‘[T]hose who enjoy and identify with their studies, and who pursue them with intrinsic values in mind, thereby acquire the motivational resources to achieve superior performance.’

Kennon M Sheldon and Lawrence S Krieger, ‘Does Legal Education have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values, and Well-Being’ (2004) 22 *Behavioural Science and Law* 261

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‘Legal education structures the pool of prospective lawyers so that their hierarchical organisation seems inevitable and trains them in detail to look and think and act just like all the other lawyers in the system.’

Duncan Kennedy, ‘Legal Education and the Reproduction of Hierarchy’ (1982) 32 *Journal of Legal Education* 591





**appropriation** (n.) – The borrowing or adoption of words or ideas and their use in a manner inconsistent with their original meaning or purpose.

# **‘PROFESSIONALISM’**

**professionalism** (n.) – The competency or skill expected of a professional.

## TLO 2: Ethics and professional responsibility

Graduates of the Bachelor of Laws will demonstrate:

- a. an understanding of approaches to ethical decision-making
- b. an ability to recognise and reflect upon, and a developing ability to respond to, ethical issues likely to arise in professional contexts
- c. an ability to recognise and reflect upon the professional responsibilities of lawyers in promoting justice and service to the community
- d. a developing ability to exercise professional judgement

‘Legal education ... needs to combine the elements of professionalism – conceptual knowledge, skill and moral discernment – into the capacity for judgement guided by a sense of professional responsibility.’

William M Sullivan et al, *Educating Lawyers: Preparation for the Profession of Law* (Jossey-Bass, 2007) 8

‘The term [professionalism] refers to a group pursuing a learned art as a common calling in the spirit of public service - no less a public service because it may incidentally be a means of livelihood. Pursuit of the learned art in the spirit of a public service is the primary purpose.’

Roscoe Pound, *The Lawyer from Antiquity to Modern Times* (West Publishing Co, 1953)

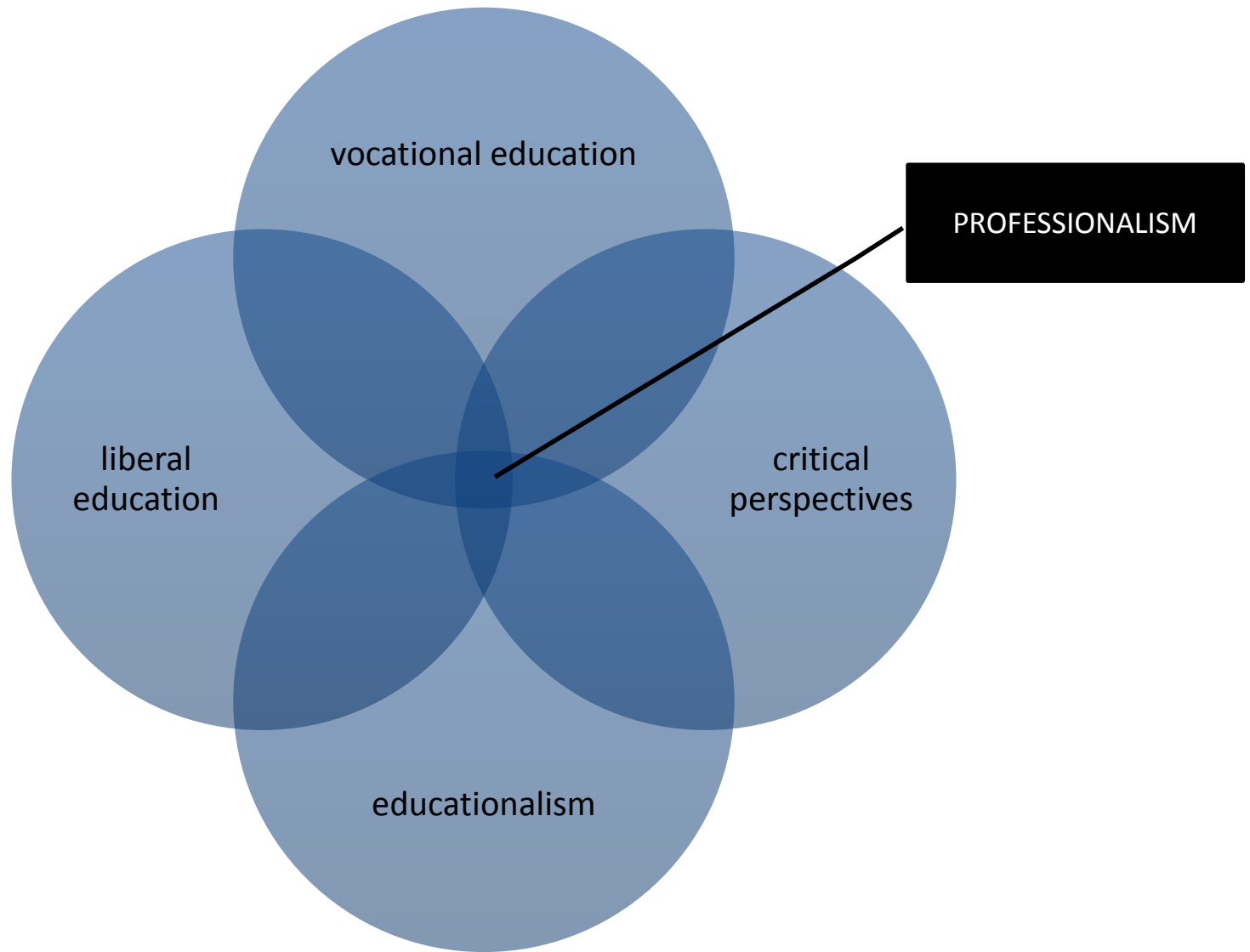
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Professionalism incorporates (1) a commitment to justice; (2) respect for the rule of law; (3) honour, integrity, fair play, truthfulness and candour; (4) sensitivity and effectiveness with diverse clients and colleagues; (5) nurturing quality of life.

Roy Stuckey et al, *Best Practices for Legal Education* (CLEA, 2007) 79-91

## PROFESIONALISM

- An understanding of not only legal rules, principles and doctrines but also law's theoretical and ideological foundations as well as its historical, cultural, social and political contexts
- An ability to engage in both legal and ethical reasoning, and to think critically about the law's role in society and its practical impact upon various communities and individuals
- A commitment to ethical legal practice, social justice, and the public good







Thank you