

The state, the universities and liberal legal education: Students' views from England, South Africa and Mauritius

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Many English universities have overseas campuses and are also exchanging students and staff internationally. An understanding by educators of national divergence of views on the values underpinning higher education legal studies will benefit student learning and staff efficacy. The survey conducted in 2012 served as a pilot for proposed research that will explore student (and staff) perceptions of the underlying purpose(s) of higher education within a comparative framework. It examined reactions to official policy statements on university education in law departments in England, South Africa and Mauritius through structured and open ended questions. The survey was conducted amongst law students in universities of similar standing in the three jurisdictions. A

South Africa was selected as an initial country for comparative study since it has a mature university system which is the subject of public debate about its direction in a transitional society. Mauritius, hosting students from Africa and offering an English higher education validated by the UK JASB, forms an interesting example of the globalisation of higher education. The research will contribute to an appreciation of historical, constitutional, and cultural dimensions in according purpose to the study of law in a globalised higher education system.

Ideal of a liberal education

Public/private good(s)

'Higher education institutions are more or less public and private according to the policy and funding configuration chosen for them. In turn that configuration always rests on one or another philosophical position.' (Marginson (2011) 'Higher education and public good'. HEQ 411)

- Public good
 - Democratic forms
 - Openness
 - Social criticism
- Liberal higher education
 - Euro- focused?
 - Training for a certain kind of citizenship-individualist, rationalistic, belief in progress

Vs.

Neo-liberal 'functionalism'

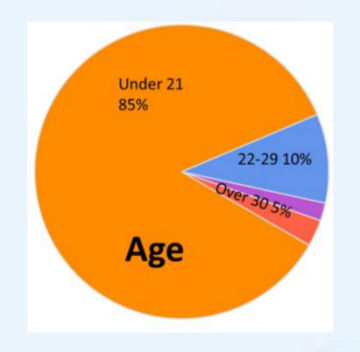
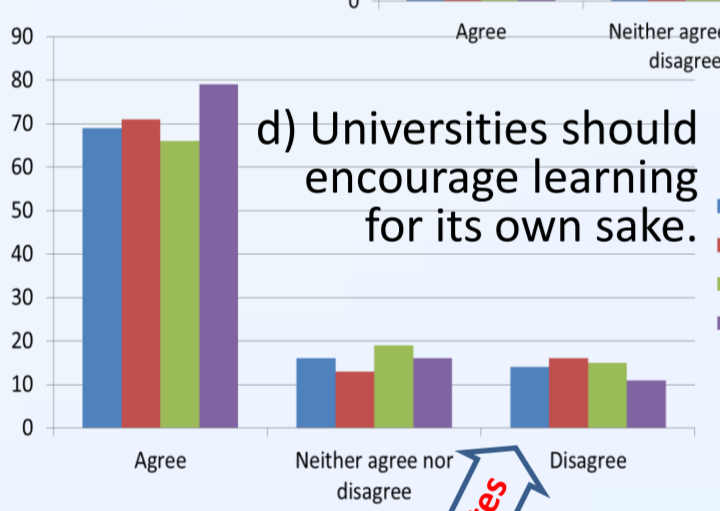
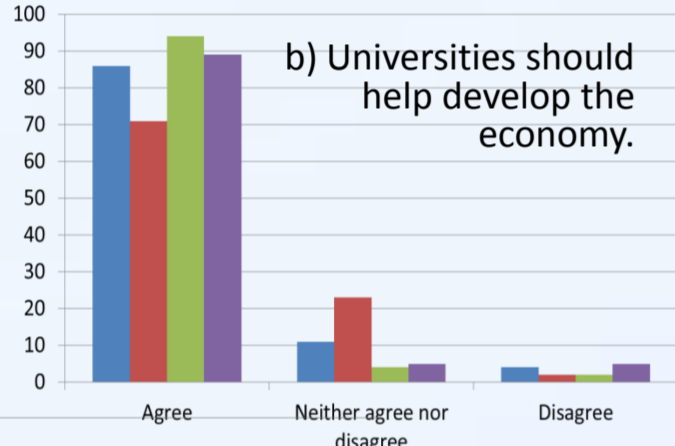
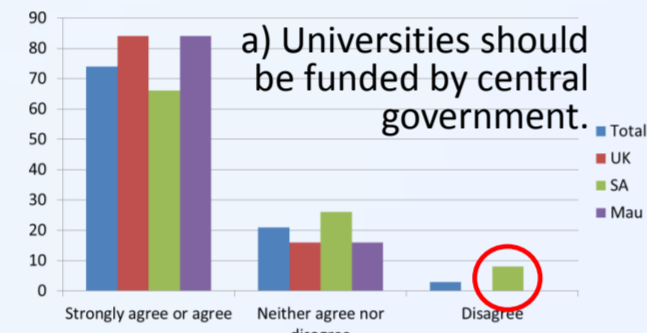
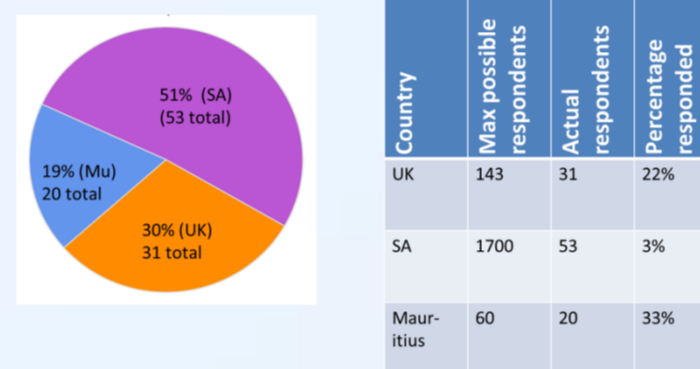
Department for Business, Innovation and Skills

'The Department for Business, Innovation and Skills is building a dynamic and competitive UK economy....to achieve this it will foster world class universities and promote an open global economy'.

South African Constitution, 1996: Bill of Rights.

- Section 29. Education
- Everyone has the right
 - to a basic education, including adult basic education; and
 - to further education, which the state, through reasonable measures, must make progressively available and accessible.
 - ...
 - Everyone has the right to establish and maintain, at their own expense, independent educational institutions that
 - do not discriminate on the basis of race;
 - are registered with the state; and
 - maintain standards that are not inferior to standards at comparable public educational institutions.
 - Subsection (3) does not preclude state subsidies for independent educational institutions

104 Respondents

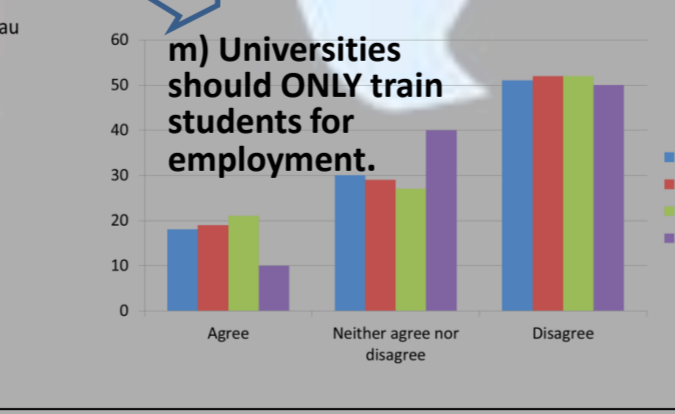
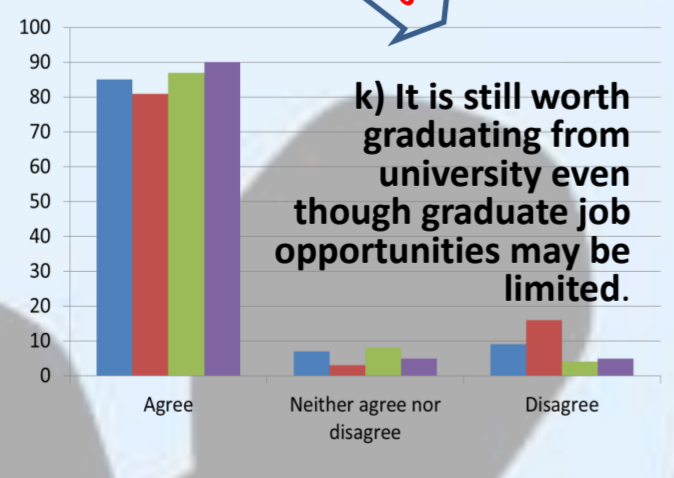
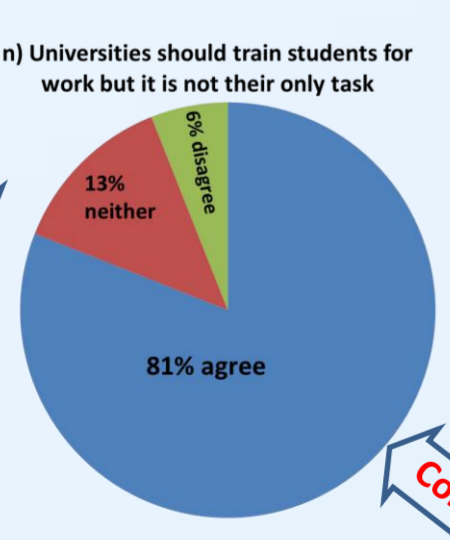
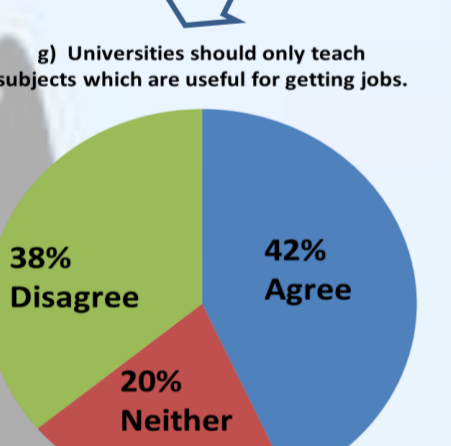
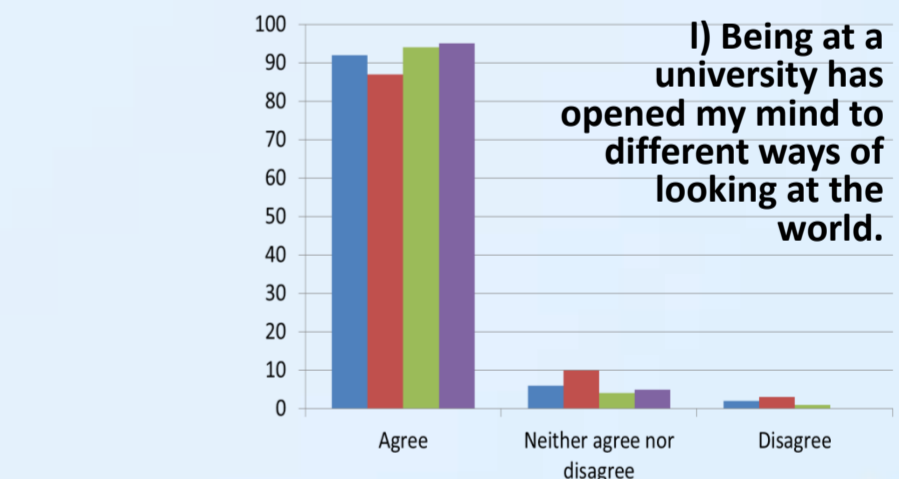
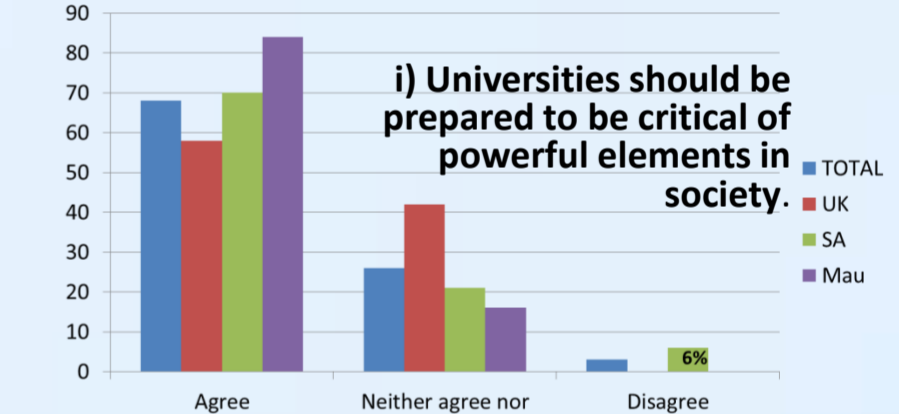


Q6: Any further comment(s) on how you perceive the role and function of a university.

- link between society and economy (UK)
- ...provides society with a source of educated and learned individuals capable filling up leadership roles ... (UK)
- Opens opportunities to people who might not have them without universities. (UK)
- help me get out of poverty through getting a qualification (SA)
- To ...shape those who will 'shape' tomorrow (Mu)

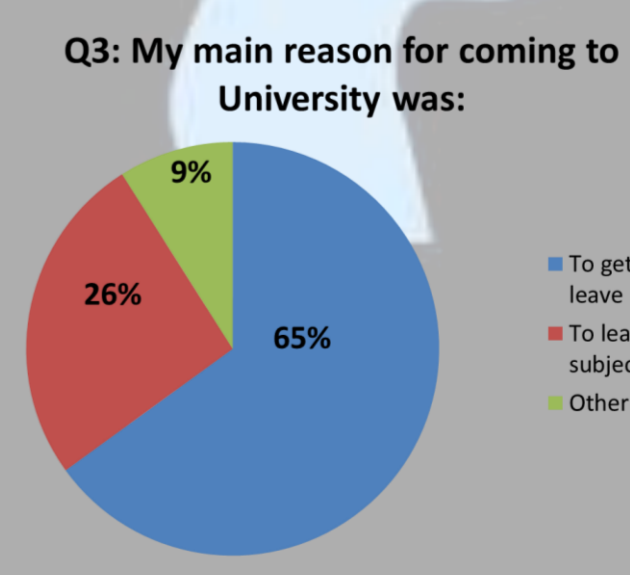
The Survey

	(1) Strongly agree; (2) Agree; (3) Neither agree nor disagree; (4) Disagree; (5) Strongly disagree	1	2	3	4	5
a	Universities should be funded by central government.					
b	Universities should help develop the economy.					
c	Universities should offer a range of disciplines for undergraduate programmes, both vocational and non-vocational.					
d	Universities should encourage learning for its own sake.					
e	Universities should have concern for the public good as well as advancing the career ambitions of students.					
f	It is important to me that university staff should conduct research into their disciplines as well as teach students.					
g	Universities should only teach subjects which are useful for getting jobs.					
h	Universities should include a study of ethics (or human values) in all modules.					
i	Universities should be prepared to be critical of powerful elements in society.					
j	Universities should encourage in students a sense of global rather than just national citizenship.					
k	It is still worth graduating from university even though graduate job opportunities may be limited.					
l	Being at a university has opened my mind to different ways of looking at the world.					
m	Universities should ONLY train students for employment.					
n	Universities should train students for work but it is not their only task.					
o	Universities should play a major role in fostering a democratic, inclusive society.					
p	Universities should encourage lifelong learning.					
2)	My MAIN reason for coming to university was:					
(a)	to get a good job when I leave					
(b)	to learn more about the subject of my degree					
(c)	other (please specify below)					
3)	In what way do you think universities differ from school and/or college (if at all)?					
4)	Please complete the following sentence: In my opinion a university is a place where					
5)	Please add any comment(s) on how you perceive the role and function of a university.					



Some 'other' main reasons for coming to Uni:

- ...now I know what it is that I want to be and that is to be an advocate not the chartered accountant that all career guidance counsellors thought would be fitting for me (SA)
- I do not want to ever be faced with limitations or the 'you can not do this' phrase (SA)
- to educate one self and pass knowledge to others (UK)



Q5: Please complete the following sentence: "In my opinion a university is a place where..."

- one gains independent learning skills (UK)
- you develop yourself as a person (UK)
- leaders learn (SA)
- people of different backgrounds come together to learn and teach each other new things (SA)
- people grow (Mu)
- ...start building the adult we want to be. (Mu)

Conceptual Framework

Globally, those values which highlight how universities express national culture, the public good and citizenship responsibilities face challenges from those prioritising contributions to individual career advancement. The conceptual framework of the study was drawn from research in both higher education and legal studies. Sources include Barnett's assertion of the importance the ethical task of universities 'in promoting human and global wellbeing' (see Barnett R *Imagining the University*, 2013). The legal scholar Maharg has argued that, although the liberal ideal of the university stage of legal education might appear to predominate (see Bradney A, *Conversations, choices and chances: the liberal law school in the twenty-first century*) its meaning and content are contested (Maharg P, *Transforming Legal Education* 2007). Some scholars advocate a 'post-liberal legal education' which they claim would break down the barriers between a cognitive grasp of the discipline and an appreciation of law's practical efficacy as a social influence' (Burrige R and Webb J. 'On liberal neutrality, the value of experience and the loneliness of the long distance academic', *The Law Teacher* 2007). Similar discussions are raised in South Africa (Cornell D, *uBuntu, Pluralism and the responsibility of legal academics to the new South Africa. Law Critique* 2009).

Tentative conclusion:

- Strong support for liberal ideal of a university is evident across the sample, with little deviation across campuses/countries
- This is despite indications of neo-liberal 'commodification' of higher education globally, and despite all three sampled universities' stated goals of prioritising 'employability'
- Although the survey does not pretend to be scientific and was intended as a pilot, issues tested in negative and positive formulation gave consistent answers (e.g. questions d, g, k, m and n)
- Further research is necessary to draw more valid conclusions – it is hoped that the research could be continued in order to widen the sample and to compare staff / student perceptions