



Willmore, C. (2016). Editorial: Legal Education and Environmental Sustainability. *Law Teacher*, 50(3), 273-275.
<https://doi.org/10.1080/03069400.2016.1240951>

Peer reviewed version

Link to published version (if available):
[10.1080/03069400.2016.1240951](https://doi.org/10.1080/03069400.2016.1240951)

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Editorial

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An exploration of the relationship between Education for Sustainable Development (ESD) and the Law School is particularly timely. The HEA/QAA have for the first time provided a subject guide to ESD in higher education.¹ UNESCO adopted its Global Action Plan for Education for Sustainability in Higher Education in November 2015, following its Decade of Action and that focuses on particular challenges, one of which is embedding sustainability in the curriculum for all students.

Universities across the world are adopting strategies for Education for Sustainable Development - whether for reasons of principle, or as offering market distinctiveness. The annual survey of student perceptions of the importance of sustainability² consistently shows almost 80% of students want more sustainability skills and over two-thirds want that embedded in their curriculum rather than as additional units or courses. Students in the same survey say they believe employers want these skills. The government is also concerned to ensure people entering work have sustainability skills.³ Both in Scotland and in Wales there are important government initiatives to develop sustainability skills in the curriculum. Yet in law the concept is making little progress.

In many disciplines, the impetus for change has come from professional bodies (for example the inclusion of sustainability skills in the European Framework for Management Development (EQUIS accreditation) has had a profound effect upon the penetration of sustainable development skills into Business Schools). In law, whilst practitioners say understanding of sustainability is crucial for professionals, the professional qualification frameworks for law have not yet included it. Colin Reid reflects upon the reasons for this.

To many law teachers Education for Sustainable Development is synonymous with legal regulation of natural resources, including climate change issues – delivered through environmental law. As such it is seen as an optional unit.

Sustainable development, however is much broader, and is based upon three pillars – of economic, social and environmental sustainability. Many models have been used to articulate the relationship of these. Raworth's doughnut is a useful model, explaining that the space for continuing successful human life is bounded by the carrying capacity of the planet and by the pressures and needs of humans.⁴ Crucially for law teaching and learning, the social pillar considers issues including equality, participation, human rights, peace

building, the need for a home, for health and social justice: all approaches which are absolutely central to the study of law. Hitherto, however, rather than embracing a central role for law students in sustainable development discourse, the perception of sustainability as about physical resource management has continued to dominate. The result can be law graduates who have explored the social pillar of sustainability, without being aware of its relationship to the other pillars.

The UK Centre for Legal Education had started work on the question of education for sustainability in law, but the work was aborted when the HEA ceased to support subject centres.⁵ The CLE's work illustrated how easy it is to include sustainability language explicitly in legal education by explaining how equality, social justice and similar key legal concepts relate to the bigger sustainability picture. The CLE identified examples of how aspects in just about every core law unit could be used to raise sustainability issues – from contract and tort through to international law. This would not require curriculum change, just the selection of different examples. More recently I and others have given papers at conferences raising the opportunities, and the importance of using language which resonates with lawyers, but equips law students to contribute to the bigger picture of building a sustainable future. In the summer of 2016 Bonnie Halligan at Sussex held a seminar devoted to land law and sustainability, bringing together academics who are striving to ensure that the role of land law in creating or obstructing sustainability is reflected in the curriculum.

In this issue David Ong explores some of the conceptual issues associated with sustainability in the curriculum, but the other papers give examples of how integration can lead to rich contextual legal learning. A key feature of most of the papers is the adoption of problem-based learning (PBL) to enable students to understand how law and other pressures relate to real-world problems. However a key feature of PBL in sustainability pedagogy is that of future thinking. PBL can often focus upon solving existing problems, whereas sustainability aims to focus upon future thinking – envisaging the world we want and working out how to get there, as opposed to fixing current problems. That conceptual difference is significant, as Lim and Allen explain in their paper.

Law has always been a rich source of extra-curricular opportunities such as Innocence Projects, Law Clinics and Street law. All of these provide opportunities for students to encounter the interaction of the three pillars of sustainability in real contexts. So the authors are not arguing for something extra to be added to the already crowded legal curriculum. Rather they aim to show how we can include sustainability thinking within our existing curriculum as core to the skills lawyers of the future need.

It is hoped this issue will encourage law teachers to explore opportunities for students to explore sustainability in its full social, environmental and economic context and consider:

- the extent to which the social pillar of sustainability is core to the study of law and the advantages of seeing it in those terms;
- opportunities in the curriculum to articulate how this fits into sustainable development as a whole;
- opportunities to include other pillars, notably the natural resource pillar within the law curriculum;
- opportunities to engage students in delivering practical sustainable development action – through such things as Law Clinics;
- ways in which problem-based learning – itself a key feature of legal study can be adapted from solving existing problems to the development of “future-thinking” skills in law students (including an exploration of how this differs from problem-solving).

Disclosure statement

No potential conflict of interest was reported by the author.

Notes

¹ “Education for Sustainable Development: Guidance for UK Higher Education Providers” (Bristol, QAA and HEA, 2014), <http://www.qaa.ac.uk/en/Publications/Documents/Education-sustainable-development-Guidance-June-14.pdf>

² R. Drayson, *Student Attitudes Towards, and Skills for, Sustainable Development* (NUS and HEA, 2015), <https://www.heacademy.ac.uk/resource/student-attitudes-towards-and-skills-sustainable-development-2015>

³ “Skills for a Green Economy” (HM Government, BIS, 2012), https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/32373/11-1315-skills-for-a-green-economy.pdf

⁴ K. Raworth, “A Safe and Just Space for Humanity: Can We Live within the Doughnut”

(Oxford, Oxfam, 2012), see <http://www.kateraworth.com/doughnut/>

⁵ See ials.sas.ac.uk/library/archives/ukcle/78.158.56.101/archive/law/index.html