

A13. Liberty, equality and fraternity: Integrating sustainability into law teaching

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Being involved in the introduction, implementation and development of a new undergraduate law degree in a business school-based law department is providing a rare opportunity to integrate sustainable development concepts generally into law teaching, and in a more focused way into relevant subject areas. This case study concentrates on two Level 3 (final undergraduate year) 15 CATS points modules, *World Human Rights* and *Environmental Law*. This (2006/07) is the first year of delivery of both modules, but is the continuation of an evolutionary process from the author's previous work incorporating many years of teaching and course design experience, with local government and private law practice. For the students themselves, there is also continuity through previous study in public (constitutional) and European law that has prepared the way for these modules.

Rationale

For core law teaching to satisfy the solicitors' and barristers' professional bodies' requirement to obtain a 'qualifying law degree' that allows students to progress to professional study, training and practice, an undergraduate programme comprising a standard combination of traditional lectures and seminars is followed. The use of detailed module guides, containing substantial lecture notes and reference material, combined with fortnightly 'small group sessions' or seminars in which students discuss practical scenarios and are encouraged to react in a Socratic way, ensures that the 'core knowledge' required by any law graduate is thoroughly ingested. All aspects of this engage with contemporary technology.

For optional modules the teaching structure is less prescribed and more flexible, and in both of these examples class contact comprises 12 two-hour workshops, with the assessment consisting of a 3,000 word piece of coursework. More flexibility is desirable because law option modules vary

from intensely practical skills such as drafting or mooting, through traditional 'black letter law' subjects such as medical negligence or employment law (i.e. the practical rules and regulations, literally the dense black letters of statutes and case law, or in other words, lawyers' small print), to jurisprudential studies such as comparative legal systems and human rights.

The rationale that prompted the linking of both modules to the sustainable development concept is Karel Vasek's three generational Theory of Human Rights, promulgated in 1979, which provides a metaphorical explanation of how modern rights came to be formulated, and suggests how that development might continue. Post Second World War rights, especially the UN Declaration in 1948 and European Convention of 1950, broadly reflect the French revolutionary slogan 'liberty, equality and fraternity'.

Briefly, first generation liberty rights are political and personal, based on Western states' ideas of individual freedom(s) such as thought, conscience, religion, expression, assembly and so on. Equality rights came to the fore later in the 20th Century, championed by the then socialist 'Second World', emphasising collectivist economic and social people's rights (such as state guaranteed employment, health provision, pensions) as being more important than individual freedom.

More recently in the post-colonial era it was recognised, as the Developing World increasingly began to make itself heard, that the fraternity equivalent was also of importance, representing as it does global rights that affect everyone, albeit of a less concrete nature – rights to absolute basics such as water, food, education, and a fit environment in which to live. It is this latter aspect that directly involves considerations of sustainability: effective human rights in a sustainable environment have to be supported by active steps to increase knowledge and understanding of the need for effective global human rights, which include in this sense those traits of human behaviour that put the planet and its poorer inhabitants at risk.

This briefest of summaries does not do justice to the ramifications of the metaphor, but when expanded it can provide convincing links and progression between the late 18th century roots of freedom, 20th century growth of global rights, and 21st century concerns about global warming, climate change, migration, potential mass destruction by weather or ourselves, and the sustainability of life on the planet.

The delivery rationale is that students learn better by active participation, and when they can be convinced of the relevance of the subject matter, so the aim is to deliver as little as possible *ex cathedra* but rather to encourage a variety of modes of involvement and contribution that vary with the nature of the material. The extent, to which this has to be made explicit, or left to students to research and ascertain for themselves, is dependent on a variety of factors that are explored in the next section.

Aims and implementation

Essentially, therefore, the implementation pattern here is based on a variety of student-oriented activities that enthuse and encourage involvement, but which are nevertheless sufficiently challenging for Level 3 undergraduate study. In their first and second Level studies students have become accustomed to a basic approach to how their workshops are structured, without prejudice to the actual conduct of each session in the 'at the workshop' section as indicated in Appendix 1, so that template has been continued in these two modules for the first year of delivery, to see how well this approach works at a more advanced level.

Activities common to both modules include firstly requiring pre-reading or research, the approach to which is different for the two modules. The reason for this is simple: the *Environmental Law* module lends itself to the use of one excellent and up-to-date textbook – Bell and McGillivray's *Environmental Law* (2006) – whilst *World Human Rights* is so wide-ranging that there is no one or even two or three textbooks that would serve to cover the twelve workshops. The advantage of this is that a variety of source material is suggested for student reading and research, some but not all web-based, and the intention is to provide a Module Reader similar to one used in the author's Level 1 first year module *World Legal Orders* which addresses comparative legal systems and which incorporates materials as diverse as websites, reading lists, journal articles, encyclopaedia extracts and much more.

The workshop activities include:

- Students individually reporting back to the group on complementary aspects of the same subject matter, so that they learn from each other; an example from *World Human Rights* was to persuade students to research and talk about rights regimes of which they possessed knowledge, which drew exciting

performances from several students with overseas connections and incidentally resulted in a couple of students achieving first class marks for the first time in their university studies

- Group presentations, or debates, depending on group numbers
- Quizzes, which usually engage some interest, particularly if conducted in a competitive spirit between small teams
- Exercises involving missing words, ideas, or even paragraphs, which prompt students to think more carefully about what they are reading in order to supply missing information
- Watching video material accompanied by a questionnaire, so that focus is maintained and discussion can follow; in the *World Human Rights* module genocide was studied, bringing home to a number of students the realisation that there is more to human rights than being able to speak one's mind without adverse consequences.

More specific subject-oriented activities are suggested in the active learning section below. An important element is to persuade students themselves to locate and introduce into the workshops useful materials, thus building up a bank of information that can be adapted and developed for future iterations of the modules. A practical and useful tool available to the lecturer is simply being able to email each group of students collectively, and the author uses this to provide *ad hoc* and up-to-date advance information, copies of slides to be used, and hyperlinks.

Sustainability focus

It is hoped that the relevance of both human rights and environmental law to sustainable development is apparent to the students, but the degree of success achieved will depend to a large extent on how well students respond to the issues, and in a vaguer sense, how much foresight they can bring to bear on their own futures and those of their children and grandchildren. Theories of sustainable development are integral to some of the environmental law subject matter in any event, which assists in keeping its values and aspirations in view. Even if the causes of global warming are still disputed by some scientists, the effects of climate change are with us whatever the specific causation, manifested by our own changing climate. By studying environmental law the links between the science and the various levels of legal framework – local, national, regional and global – are referred to constantly. Both as people and as potential practising lawyers students are being made aware of how important these issues are to

everyone, rather than simply comprising another block of legal learning to be assimilated.

Active learning

Human rights are widely discussed these days, and from the legal study point of view are pervasive in that the professional bodies insist on rights teaching to be applied in all core subject areas (contract, tort, crime and the like) as integral to the subjects themselves, rather than being taught as a 'bolt-on extra.' Although this does not mean that everyone either accepts them, agrees their essential cultural nature, or even that this is necessarily the right approach, it does seem to mean in practice that it is not difficult to enthuse most students, if they are given the opportunity to relate their study to matters that concern them, whether by theme, geography, or from elements of their own experience.

In future years it is planned to organise a field trip, for example, to the European Court of Human Rights in Strasbourg, or to a concentration camp, war grave, or rights-oriented museum. There are also many films that link to module content, e.g. *Dead Man Walking*, *Schindler's List* or *Life is Beautiful*, to which students easily relate. The study of a genocide video, linked to a questionnaire, proved to be a particularly thought-provoking experience for the class.

For environmental law there are also parallels, for example, field trips to a nuclear power station, recycling facility, or regulatory authority. Both modules lend themselves to extensive use of web sources, and part of the background preparation for the environment workshops requires students to access and acquire information from one or more websites relevant to each week's subject matter, as indicated in Table 1.

Bell and McGillivray (2006) is the recommended textbook, with Wolf and Stanley (2003) as an alternative. There are several reasons for encouraging this kind of preparation, two of which are to take advantage of students' preference for and facility in web-based research, and to reinforce the links between the abstract idea of sustainable development, the legal content of the modules being studied, and the real world outside where environmental monitoring and enforcement is put into practice *via* the Department of Environment, Food and Rural Affairs (DEFRA), the Environment Agency and other bodies.

Table 1 - Website resources used in the modules

Week	Bell chapter	Wolf chapter	Web sites
1			UKELA – UK Environmental Law Association < http://www.ukela.org/index.shtml >
2	1, 2, 3 & 4	1	Environmental Law Foundation < http://www.elflaw.org/ >
3	5 & 8	2	Environment Agency < http://www.environment-agency.gov.uk/ >
4	6 & 7	3	Foundation for International Law & Development (FIELD) < http://www.field.org.uk/ >
5	20 (+9, 10 & 11 outline)	6	DEFRA – Integrated Pollution Control < http://www.defra.gov.uk/environment/ppc/ipc.htm >
6	12 & 13	9, 11 & 12	Town & Country Planning < http://www.tcpa.org.uk/publications.htm >
7	14	~~~~ ~	Strategic Environmental Assessment (SEA) < http://www.sea-info.net/ >
8	15 & 19	5	The Chartered Institution of Wastes Management < http://www.ciwm.co.uk/ >
9	16	8	UK Air Quality Archive < http://www.airquality.co.uk/archive/index.php >

10	17	7	Environment Agency Land Contamination < http://www.environment-agency.gov.uk/subjects/landquality/113813/?version=1&lang=_e >
11	18	4	UK Rivers Network: Student Research Resources < http://www.ukrivers.net/pollution.html >
12	21 & 22	~~~~ ~	European Centre for Nature Conservation < http://www.ecnc.nl/doc/lynx/lynxhome.html >

Feedback

Feedback from the *Environmental Law* module is limited to date, but that from *World Human Rights* has been more fully evaluated and is very positive. Judging from the books available on human rights in the UK, most concentration and interest is in European human rights, for the obvious reason that the European Convention has been brought into domestic UK law by the Human Rights Act 1998, implemented in October 2000. This enables rights and remedies to be accessed and enforced in UK courts, with the European Court of Human Rights at Strasbourg being the ultimate arbiter, superseding the House of Lords.

There is some academic interest in a wider perspective, it is true, but it would seem that most prospective lawyers themselves prefer to learn the 'black letter law' previously referred to that they will need to apply in legal practice. The Law Society stipulate that for professional training human rights law is 'pervasive', which means that it has to be applied to all law teaching as part and parcel of the core teaching, so students are in any event constantly being made aware of the importance of human rights.

Some of the main strengths of the module, according to student feedback, were that the content and subject matter are interesting, 'diverse' and particular mention was made of how preparing for and presenting orally to

the group developed and brought out previously concealed interests and talents, and very importantly, developed student confidence.

Strengths and weaknesses

The main strength of this type of approach and delivery is that it is much less tedious from the student's point of view than being lectured at in a didactic way. It has worked well in the context of the wide-ranging subject matter of the *World Human Rights* module, which addresses issues as diverse as history, theory, global, regional and local rights, before going on to examine people, places and then individual themes, some chosen by students – right to life, genocide, death penalty, terrorism, female genital mutilation, impunity, humanitarian intervention, truth commissions, slavery and indigenous peoples. Sustainability is hence a further development to consider in human rights, and to link with Vasek's third generation vision.

The theme of sustainable development is embedded in the environmental law module, because it also has similar ambitions as to its scope and is not confined either to domestic, UK or even European regional law. It endeavours to cover values and principles as well as the sectoral law and practice on a very diverse scale – local authority responsibilities, town and country planning, waste management, contaminated land and landfill, air and water pollution, nature conservation and landscape management. In fact, in a really interesting development, recent UK human rights case law dealing with environmental night flying noise pollution at Heathrow Airport seems to be giving rise to what a respected academic property lawyer has referred to as 'the emerging concept of civil rights to environmental welfare' (Gray 1994).

Programmes

These modules are each 15 CATS at Level 3 and are options on the LLB programme at the University. Students also explore the concept of sustainability at Level 1 in another workshop module *World Legal Orders*, which has wide ambitions to introduce students to comparative law and legal systems (common and civil, religious, socialist, chthonic and mixed). The module has some jurisprudential input that is not studied elsewhere on a degree that apart from the modules mentioned or discussed in this paper tends to concentrate for practical and career reasons on 'black letter law' and skills, as previously explained.

Embedding sustainability is believed to be appropriate because in any programme of study that involves global implications and scope, the well-being and survival of the planet has to be a prominent consideration. In a wider sense, also, the historical parochial attitude of many English-trained lawyers is no longer sufficient for the modern world, in the context of European integration, international travel and employment, migration and climate change. Such parochialism is both ironical and paradoxical in a sense, when one considers the huge influence of English law on other world common law jurisdictions, not limited to the obvious older dominions but still important in Africa, Asia and India.

In the wider law-teaching context, legal education for sustainable development is currently being discussed in various academic fora, such as the Learning in Law Annual Conference held in 2007 at which several relevant papers were delivered. *World Human Rights* and *Environmental Law* seek to be at the forefront of undergraduate teaching of how sustainable development is vital for the future of law learning and legal practice.

Key words: sustainable development; environmental law; human rights; active learning

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Appendix 1

Example Workshop Briefing Sheet Session

<p>Topic Basic themes of environmental law</p>	
<p>Aims To obtain an overview of the main elements of environmental law, its history, growth, challenges, values, principles and sources</p>	
<p>Before the workshop Read Bell Part I chapters 1-4 or Wolf chapter 1</p>	
<p>At the workshop Brief review of previous week by lecturer</p> <p>Working in pairs or small groups, complete the (seen) work plan on the introductory themes for which preparation has been based on information provided, followed by a short Question and Answer session to check student understanding and explain or elaborate key points</p> <p>Also working together, unseen questions based on this week's preliminary reading will be considered</p> <p>Introduction by lecturer to workshop 3</p>	
<p>After the workshop Complete notes to consolidate work done in this workshop, and prepare the work plan for week 3</p>	
<p>Materials to bring to the workshop</p>	<p>Work plan Textbook Reading and research notes Workshop file incorporating module guide</p>