

Decolonising and Diversifying the Curriculum in LSE Law Department

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See this project presented by the researcher: https://youtu.be/0CXaZ7_UPqY
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My main focus was to assess how teaching methods and the content of reading lists affect racialised students and whether they overrepresent post-colonial, Eurocentric rhetoric. I concentrated specifically on law department as it requires a different approach to decolonising process than other social sciences. Curriculum has to rely on applicable law; hence the flexibility in prioritising some theories over others and modifying the materials is very limited. Bearing this in mind, my two main project questions are:

- I. Is there a need to decolonise and diversify the curriculum? Does LSE Law Department perpetuate a narrow, excessively West-oriented mindset?
- II. Would the potential change undermine the accuracy of teaching?

Preliminary Point: Decolonisation is a different process than diversifying. While the latter can be easily quantified, the former requires substantial and gradual change of approach. It entails reversing the assumption of universality of European thought and centralising the historically marginalised voices.

Potential problems to address

- I. Attainment gap: recent study finds that Pakistani, Bangladeshi and Black students are awarded on average 30% less of the first-class diploma (no data indicating whether such gap exists in the Law Department) (<https://thebeaverlse.co.uk/lse-attainment-gap/>).
- II. Student experience of racialised students
- III. Perpetuating the narrow, Eurocentric mindset

Methodology

Reviewing the reading lists: 7 compulsory subjects: Introduction to English Legal System, Property I, Obligations, Public Law, Criminal Law, Property II, Jurisprudence. In total, I analysed **533 positions** on reading lists, using **gender, institutional affiliation, and ethnicity** as the qualifiers. Publications were categorised as 'further' or 'key readings' in order to see to what extent authors from particular groups are centralised.

Limitations of this method:

- Content-free analysis (criteria of the research do not show the content of the readings, but the demographic profiles of their authors). Hence, the study focuses mainly on diversifying and only indirectly relates to decolonising process.

- Difficulties with assuming ethnicity (in some cases it is uncertain which ethnicity a given person self-identifies with).
- The character of reading lists in law: a lot of collective publications (judgements, Law Commission recommendations). Some of these bodies struggle with the lack of diversity (e.g., British judiciary), however this was beyond the scope of my research. Such publications are either marked as 'uncertain' or not included.

Findings:

White authors in key readings: 87,65%

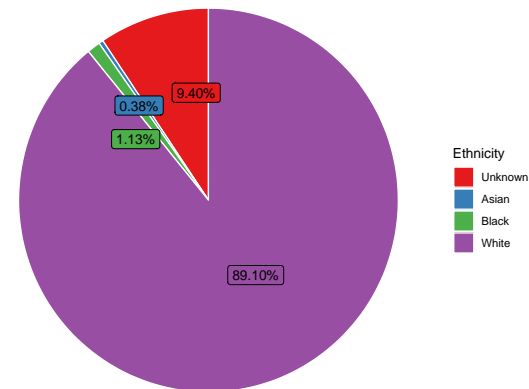
White authors in further readings: 93,14%

Female authors in key readings: 21,40%

Female authors in further readings: 28.88%

Authors from European or Northern American Universities in key readings: 86.42%

Authors from European or Northern American Universities in further readings: 93.14%



There are subjects in which lack of diversity is more visible than others. For example, in Public law there are no people of colour amongst the authors and 5% of women.

Prof. Conor Gearty associated this issue with internal and external constraints; what is considered the most important by the Department itself and what is required by the law degree requirements set externally. Other sources of the lack of diversity is the exclusive character of some disciplines. In academic fields like Public Law, there is a limited number of experts from underrepresented groups. The effort has to be made to find such voices, even though it requires going beyond the most accessible materials.

The representation of different groups on the reading lists is neither representative of the society, nor the student body. On the principled level, it can **'create outsiders and insiders, make some things visible and some things invisible, create a tradition and signal what has (and does not) have value; whose ideas are allowed'**¹. The insufficiently diverse reading lists can impact what Dr Vaughan calls the 'hidden curriculum', i.e., the set of attitudes, values and approaches that are considered allowed. Dr Sonya Onwu pointed to the importance of shifting the West-centered mindset, especially in context of educating international world leaders. One way to do it is to make the effort to include publications from non-American and non-European educational institutions.

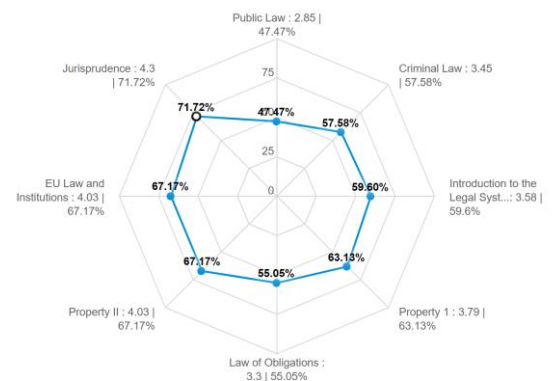
- I. Survey released to LLB students: 33 full responses:

¹ 'Some Reflections on Diversity and Diversifying the Law Curriculum' Oxford Law Faculty 'Diversifying the Curriculum' Event – 16 May 2019 Dr Steven Vaughan, University College London

Question 1. Indicate whether you agree or disagree with the statement: 'The module cultivates an excessively homogenous worldview'. E.g., the authors of the reading lists are not sufficiently diverse (overrepresent a particular social group e.g., white men) or the content is too Eurocentric.

52.94% of students agreed or strongly agreed with the statement in regard to jurisprudence and 48.48% regarding Public Law.

Much less students agreed with it in more 'technical' subjects, e.g., 27.27% in Obligations, 24.24% in Property I, 21.21% in Criminal Law, 18.18% in ILS and Property II.



Question 2. asked students to indicate for each module, whether 'the teachers and lecturers were able to encourage critical thinking, explain the historical and social context of the operation of law (or formulation of theories) and conduct classes and lectures in an inclusive way.'

As noticed by one of the participants, the question is quite widely construed, as there is a difference between inclusive education and critical thinking. Yet, it can be concluded that students view the way of teaching much more favorably than the content itself, as 60.6% agreed or strongly agreed with the statement (average from different responses to each subject).

Apart from the above, 14.29% of students say they have experienced a bias or disadvantage on the basis of their race and 11.43% on their gender. 33.30% do not feel fairly represented by LSE academic staff and 45.45% think that academic staff is not sufficiently diverse. 29.26% of students believe that the lack of diversity affects the sense of belonging of students from underrepresented backgrounds (with 40.74% selecting an option 'hard to say'). Finally, 56.25% of students welcome the idea of a separate module about race and law or more generally - decolonising law. Some see it as a potential alternative to LSE 100, while others think it should be optional. Some have suggested that the course might deal with other legal traditions/ systems.

There is a strong voice supporting decolonising jurisprudence, which is considered the most conservative. Generally, there is also a substantial concern about tokenism and taking measures just 'for the sake of doing it'.

II. Interviews with the academic staff

I have interviewed 5 members of staff: Prof. Peter Ramsay, Dr Abenaa Owusu-Bempah, Josiah Senu, Dr Sonya Onwu and Prof. Conor Gearty. Their insights were very complex and represented different views on how decolonising process should look like. The most of interviewees acknowledged the obstacles one meets when modifying the curriculum, but also argued that more effort should be done to 1) diversify the reading lists 2) explain the societal background in which the law operates. All academics I interviewed agreed that students from underrepresented groups often feel they do not belong (which results in e.g.,

the lack of confidence, high levels of impostor symptom), however views varied as to whether we can link this to the contents of the curriculum. There was also a general agreement that academic staff in LSE Law should be more diverse.

Recommendations

- I. Considering introducing the separate module on decolonising law / law and race, either compulsory or optional. Optional course might, however, not have sufficient impact, as there is a worry that students enrolling in it would be already interested the matter. Also, Dr Owusu-Bempah expressed the concern about such course might diminish the determination to involve such issues in 'core subjects'.
- II. Engaging in the open discussion how inclusive/decolonised/diverse readings lists should look like and providing departmental guidance on selecting the readings and inclusive teaching.
- III. Selecting materials beyond the 'top' ones (e.g., British law journals considered 'best'), including non-European scholarship. As pointed out by Dr Sonya Onwu, the 'top journals' are themselves conservative. What is more important, marginalised voices have historically not been included in such sources. Therefore to take a step towards decolonisation, teachers should aim at searching beyond.
- IV. Modifying the representation of key thinkers. In jurisprudence, each subject relates to one (typically white male) philosopher. Student voices strongly indicate that this is an outdated and narrow approach. Especially this module should be updated to represent the variety of legal philosophy around the world and across more demographic groups.
- V. Continuously emphasising how law has been used to pursue colonial aims, e.g. 'resource grabbing'. Using case studies like Chagos Islanders case to explain it. In contract law it would be beneficial to include the role of contract in slave trade.
- VI. In each subjects, there should be a mention about the social context of the operation of law. While the programme is tight, it is nevertheless crucial and makes it more interesting. E.g., in contract law, modern problems like zero-hours contracts and whom they affect should be mentioned. Similarly, criminal law should involve a discussion on how institutions like e.g. joint enterprise affect disproportionately certain groups (already planned to include in next years' programme), focus on white collar, rather than only on street crime, and learn about how law responds to e.g., women who kill after years of abuse or femicides.
- VII. In recruitment and promotion process, making effort to diversify the staff.
- VIII. Supporting students from ethnic minorities background – e.g. by working groups etc. Considering diversity of student body on the stage of recruitment.
- IX. At all stages, acknowledging the privilege certain groups possess and incorporating this acknowledgment into decision-making.

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