

Advancing legal education for all – the role of a journal

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Promoting legal literacy is nothing new. There have been many initiatives, stretching back to the mid 1970s at least, to improve the public's understanding of their rights (and responsibilities).¹

If I can generalise it is with few, if any, exceptions now universally accepted that access to justice is a basic human right². To achieve this it is not only necessary for a person to be able to obtain legal advice and be heard by an independent set of courts and tribunals when required, but an awareness of law as it affects people in their day to day lives is also needed. Recognising when one has a legal problem and then appreciating what can be done about it are fundamental tenets of access to justice.

There have been a number of attempts in recent years to focus attention on the need for and value of public legal education (PLE) encompassing both governmental and other stakeholder investigations and projects.³ This development has centred on an

¹ For example the (then) pioneering and (still) highly influential work of the Georgetown Law School, Washington DC, Street Law team under the direction of Richard Roe and of Street Law Inc, which evolved from this earlier initiative. For an account of this and other street Law programmes see: R. Grimes, E. O'Brien, D. McQuoid-Mason and J. Zimmer *Street Law and Social Justice Education*, in *The Global Clinical Movement: Educating Lawyers for Social Justice*, F. Bloch (ed.), OUP, 2010.

² This has many iterations, national and international. See for example Articles 6 – 11 of the *Universal Declaration of Human Rights*, United Nations, 1948, which contain a set of rights all of which affect aspects of access to justice from equality before the law to the right to a fair trial. For a detailed discussion of access to justice more generally see: D. Rhodes D., *Access to justice*, New York, OUP, 2004.

³ See for example: L. Cader, *Evaluation of Public Legal Education and Information*, Research and Statistics Division, Department of Justice, Canada, 2002

access to justice agenda but has also seen the importance of PLE in terms of self-help and constructive forms of dispute resolution. Even if one is slow to be persuaded of the importance of these principles the cost of having a legally-ignorant public is, in itself, problematic particularly so far as the cost to the individual and the public purse of unresolved legal disputes.⁴

If legal literacy is so important how can this concept be defined and then programmes designed, delivered and evaluated? When termed together law and education immediately suggest the involvement of educators. The potential of involving legal education providers (schools, colleges and universities) has long been identified as one way in which to deliver PLE. As will be seen in this inaugural issue of the IJPLE there are many impressive, impactful and sustainable examples of PLE involving law schools and the wider community.

There are, of course, many ways in which legal awareness can be promoted and supported. This might consist of education classes (one-off to deal with particular issues or a short course perhaps leading to a qualification), promotional posters, reference materials, and, of course, in this day and age electronically generated resources (including interactive chat-lines and blogs).

PLEAS Task Force, *Developing capable citizens: the role of public legal education*, Russell Press, 2007.

⁴ For an analysis of the cost of unresolved legal disputes (presumably based, at least in part, on ignorance of rights and responsibilities, see P. Pleasance et al, *Causes of Action: Civil Law and Social Justice*, Second Edition, LSRC Research Paper No. 14, The Stationary Office, 2006; and for an impression of what public attitudes are of using the law see: H. Genn, *Paths to Justice: What people do and think about going to law*. Hart Publishing, 1999.

What however has been missing up until now has been a conduit through which accessible but robust discussion around PLE can take place. As an editorial board we maintain that whilst there have been many articles appearing in a range of academic journals on PLE issues, up until now none of these have focused explicitly on PLE and that there was a consequential gap in the market.

The IJPLE therefore is an attempt to provide an outlet for serious debate on the need for, value of and 'best practice' surrounding PLE.

If we are serious as lawyers, academics, activists and members of the wider public, in improving access to justice we need to focus, at least in part, on the need to improve levels of legal literacy. We expect our children and future adult citizens to be able to read, write and add up (even subtract, divide and multiply!) and why not be able to know when a legal problem is present and what to do if it is?

Schools, in different parts of the world, often incorporate legal awareness in the curriculum in the form of 'civics' classes or, in the case of the UK, a citizenship component. In our view this is to be encouraged but, where it does exist, does it maximise the learning opportunity and is it enough? Experience suggests that legal awareness is most effectively raised when there is an operational context – when the need for an understanding of rights and responsibilities has relevance and meaning through everyday experience. Research is much needed in this context and on the effectiveness more generally of different approaches to PLE.

This journal will focus on giving a voice for PLE – to allow for an exchange of ideas, experiences and research findings.

Each issue will focus on identified themes. We intend to invite guest editors, with expertise in these specific subject areas, to contribute to each issue giving direction and meaning to content. In this first issue May O'Brien provides important background on the need for PLE and places, in context the pioneering work of her late husband Ed who contributed so much in his work on Street Law – one of the most significant forms of PLE established to date.

We very much hope that as well as meeting the required standard of any credible academic journal that the contributions appearing in it stimulate debate in both a theoretical and practical way. We are acutely conscious of the need for empirical research to test the hypothesis that PLE is a 'good thing' and that resources expended on PLE are indeed well spent. We particularly encourage academics and practitioners in the relatively early stages of their careers to submit material for possible publication. The future relies on their input. We also urge colleagues from across the globe to contribute. Whilst there may be many differences between us in terms of custom, culture, politics and religion access to justice is a global consideration albeit affected by context.

We strongly believe that a more legally literate population is a potentially fairer one and that a greater appreciation of what we might expect from and owe to the wider

world impacts on the nature of the society we live in. Goodness knows we could all do with improvements on that score.