

# LAW AS LITERATURE: FROM A LEARNER'S PERSPECTIVE

(Short Notes)

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## ABSTRACT

This article reflects on the current problems in relation to legal education and provides solution to the mentioned problems. It is believed that a multi-disciplinary exposure is essential to an effective legal education and should be widely adopted.

## INTRODUCTION

In the course of legal studies, equity is a compulsory course in almost all common law jurisdictions that students find it challenging. With the abstract, and sometimes arbitrary, nature of equity, there is no hard-and-fast rule for all legal issues, and that often leaves students in a state of absolute as they walk out of the lecture. Why does equity bother students so much? More than a decade after the first publication of *Equity Stirring: The Story of Justice Beyond Law* by Professor Gary Watt<sup>1</sup>, I have the privilege to read this fantastic book. Instead of providing a review on this book, this article aims to reflect on the viewpoints regarding legal education advanced in the book.

## THE ART OF EQUITY

Equity, as Professor Watt proffered, is a legal subject that shows the traits of disciplines of humanities, such as literature, philosophy and history. In his book, he compared equity to famous plays composed by William Shakespeare, to pinpoint that one should interpret equity as a piece of literature. The word plays and metaphors, surprisingly, form a large part in the law of equity. In one particular chapter, the author, who teaches equity in the United Kingdom, recommends adding elements of literature in legal education.

## THE DIFFICULTIES

As Professor Watt pointed out, legal education is inevitably eccentric. Although it is important to acquire skills of cross-disciplinary analysis, it is difficult to implement in reality. To most students, practical knowledge of the law is more important than theoretical debates, as it is more relevant to their future practice. On the other side of the coin, the schools would cope with students' needs and prepare them for their future careers as legal practitioners. For that, unfortunately, throughout the intensive legal education, 'breadth' of legal knowledge is easily achieved in the compromise of its 'depth'.

For instance, in Hong Kong, universities offer JD Programme, which is a 2-year postgraduate degree in law. In a crash course, it is unfair to expect graduates to possess a detailed and thorough understanding of law. Besides, most JD students are aspiring individuals who are looking for a career change and begin a new chapter in the legal field. In that sense, what concerns them most is what they think they ought to know – seemingly true that they crave for the legal qualification and the associated practical skills.

The fundamental goal of universities is to provide quality education. However, one shall not ignore the influence of the market, by basic economic principle of supply and demand. The unfortunate outcome is that legal education gradually changes into legal training.

## **THE POSSIBLE SOLUTION**

Undoubtedly, it is crucial to encourage students to proactively engage in cross-disciplinary learning. As Professor Watt remarks, lawyers without the knowledge of humanities are engineers but not architects. To facilitate an all-round personal development, schools may offer combined programmes which expose students to knowledge from various disciplines. In Hong Kong, students may enroll in five-year double-degree programmes, like BBA & Laws, Government & Laws and BA & Laws. These programmes are beneficial to students, as they broaden their horizon, provide new perspectives outside law, and harness their interests in law. It thus appears to be an attractive option for schools to offer.

## **CONCLUSION**

It is unavoidable that law schools need to confer practical knowledge to students. However, the modern legal education is imbalanced and require a quick fix. It is believed that a combined programme in law would benefit students and change the landscape in the legal field.

## ENDNOTE

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<sup>i</sup> Watt, G. (2009). *Equity stirring: The story of justice beyond law*. Oxford: Hart

