

EMBEDDING COMPASSION INTO LAW CURRICULA: THE ROLE OF COMPASSION PEDAGOGY

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INTRODUCTION

The design and delivery of undergraduate and graduate programmes has long been a hotly contested issue. The Covid-19 pandemic and its aftermath have left many in higher education reconsidering how best to design and deliver their law programmes. In recent years, compassion pedagogy has gained significance in academic circles where greater notice is taken of distress and disadvantage experienced by students during their studies. The pandemic demonstrated the continual need for tutors to reinvent their teaching and assessments as well as how we offer student support. The challenges arising from the cost-of-living crisis and other emerging issues, such as ensuring the cultivation of sustainability in education, are further reminders of the continued need to re-evaluate our law curricula as well as our student support systems.

This paper evaluates how we might integrate compassion as a core component of the design, delivery and assessment of law programmes to support law students as we continue to evolve out of the Covid-19 pandemic. We view compassion pedagogy as being an approach to teaching and learning which emphasises the importance of consideration and empathy in education. The goal of compassion pedagogy is to create a learning environment that is supportive, inclusive, and respectful, where students and teachers are valued, and where their emotional well-being is taken into consideration. In this paper, we demonstrate how compassion pedagogy can be embedded in legal education in two principal ways: first, by introducing its tenets within the core of the principles animating the teaching of law as well as the design and delivery of student support systems for law students; and second, by encouraging students to exercise compassion either through or as part of their learning of the law and their personal development as students.

We draw upon a range of literature dealing with compassion pedagogy to demonstrate its potential. We refer to Noddings¹ care theory as well as the pedagogy of compassion developed by Vandeyar and Swart² to frame our understanding of it. Noddings, as one of the first to develop a care theory, presents an understanding of care premised on relationships viewing care as existing between 'care giver' and 'care receiver'. Although the labels of care giver and care receiver may not be helpful in the context of higher education, given the nature

and scope of our roles as tutors, we use this understanding of care and its provision to appreciate the broad nature of our role as academics. Often, our roles encompass a teaching and a pastoral element, and in recent years the pastoral element has been growing significantly. We also draw upon Vandeyar and Swart to present that compassion pedagogy involves at least three aspects; 'dismantling polarised thinking and questioning one's ingrained belief system', 'changing mindsets' and 'instilling hope and sustainable peace'.³ At first blush, it might seem that this approach is a step beyond the traditional role as lecturer or tutor. The role of the lecturer or tutor will likely align closely with our individual view on the purpose of education. We adopt a broad view on the purpose of education as being multidimensional (discussed further below), aimed at allowing students to gain their chosen qualification, to become part of a community of lifelong learning, and to facilitate their personal development so that they can become good citizens in taking their place in the world.⁴ Our role as tutors in the design and delivery has a significant potential to use compassion to support students achieve their potential.

We first begin with an examination of the prevailing terrain in legal education and the legal profession to consider the impact of Covid-19 as well as some key changes in higher education over recent years and those looming on the horizon. A prelude of this sort helps us to frame the unique opportunities arising from the existence of permacrisis to redevelop and redesign law curricula. This is followed by an examination of care theory and compassion pedagogy to demonstrate how exercising compassion in our teaching and provision of student support can help students to become compassionate thinkers, and this can potentially enhance student experience during their law degree. The final section argues in favour of designing and delivering a law curriculum informed by compassion pedagogy, accompanied by a framework that may assist with embedding it within a law curriculum.

THE CURRENT LEGAL TERRAIN

The higher education landscape is going through a continuum of change that impacts the design and delivery of law programmes. There are some changes - such as the funding of universities through the introduction of student fees - presenting challenges where students are now likened to being consumers of education.⁵ Sometimes, this can create a priority for investment on upgrading university facilities without the same level of investment in teaching and learning to support our students.⁶ This also has arguably contributed to creating expectations about their learning as student-consumers which do not always align with quality, potentially leading to mixed results in the learning outcomes attained or student satisfaction premised on their

treatment by higher education institutions.⁷ Other changes have taken the form of the increasing metricisation of education resulting in universities competing for a top-ranking position in a burgeoning range of metrics.⁸ In the first instance, universities seek top positions in the Research Excellence Framework (REF), the Teaching Excellence Framework (TEF), the Knowledge Exchange Framework (KEF). Additionally, there is a growing range of rankings for student experience, employability, international status, sustainability alongside many others. The underlying rationale for metrics (such as REF, TEF and KEF) is to standardise education to improve consistency in research, teaching and engagement.⁹ The relationship between the aims and objectives of these metrics to support student learning and development is not always clearly articulated.¹⁰ It is legitimate to question the relationship between these metrics and your teaching practice, and whether metricisation creates a narrow focus in the design, delivery and assessment of law programmes. The need to pander to these metrics dogmatically can impact innovation in our teaching due to concerns that any change in the design and delivery of programmes could have a negative impact on these metrics, which in turn can impact student recruitment.

The routes to entry into the legal profession have also undergone a seismic shift in recent years, with the introduction of the Solicitors' Qualifying Exam (SQE) in 2021,¹¹ and the consequent phasing out of the Legal Practice Course¹² (LPC), subjecting law schools to consider their educational offerings. Since 2019, the Bar Standards Board (BRB) have also introduced changes to the vocational component of training for those intending to qualify as a barrister.¹³ We recognise that not all students have ambitions to enter professional practice and it has long been the case that students with law degrees enter a variety of professions. The changes to the world of work during the pandemic have been profound given the initial move to working from home and the continued retention of more flexible working practices in many professions. Our focus in designing and delivering law programmes needs to maintain the skills and expertise that make law graduates attractive to a broad range of non-legal professions.

At the same time, the impact of the Covid-19 pandemic upon educational settings has been acute, compelling higher education institutions to drastically shift from a face-to-face learning model to a temporary online learning model from March 2020.¹⁴ HE institutions have now for the most part returned to their face-to-face default model, but the impact of the pandemic upon both student learning and student welfare continues to be felt acutely.¹⁵ The first UK lockdown, announced on 23 March 2020, in addition to the subsequent lockdowns

which followed, had immediate consequences for the entire HE sector. Universities were suddenly compelled to pivot from a face-to-face learning model deeply entrenched over centuries of practice towards a new and previously underexplored online learning model, which had thus far largely been restricted in remit to specific institutions, such as the Open University. The first lockdown impacted the tail end of the 2019/20 academic year, meaning many students suddenly had to adapt to leaving behind their familiar campus learning environment and returning home to an environment with – at least initially – only impaired access to the necessary learning resources.¹⁶

The continued nature of the pandemic required multiple subsequent lockdowns, and this resulted in much of our teaching either remaining entirely online or partially online for an extended period during the 2020/21 academic year. This created many challenges for existing as well as new first year entrants into higher education. The new entrants in 2020/21 came from a challenging learning environment in school/college where most of their final stages of learning was online. In addition, previous year groupings also had lost significant learning that will continue to impact our student intakes for years to come. The cancellation of traditional assessments such as A-Levels in favour of teacher predicated grades resulted in grade inflation that questioned the integrity of these assessments to determine entry to university courses. In studies such as Finn *et al*, there was evidence of grade inflation arising from these teacher predicted grades.¹⁷ For example, Finn *et al* found that in 2021 44.8% of students taking A-Levels were awarded an A* which compares with 25.2% in 2019 and 26.2% in 2018.¹⁸ The impact of grade inflation is difficult to discern but at least one consequence could have been students uprating their course selections by going for more demanding subjects such as law. It is possible that a small proportion of students in the pandemic years have taken courses without fully thinking through their complexity, in combination with a very different student experience being predominately online and in isolation.

The impact of the Covid-19 pandemic and the lockdowns had a detrimental impact upon student wellbeing as students nationwide and on an unprecedented scale struggled with a wide range of wellbeing issues, including social isolation/loneliness,¹⁹ poor mental health with impaired access to treatment due to the strains the pandemic placed upon the National Health Service,²⁰ family illness and bereavement, and difficulties adjusting to a home learning environment.²¹ Law Schools, as well as HE establishments more broadly, were confronted with catering for heightened student support needs in a volume never seen before. At the

same time, they were also compelled to find new ways to cater for such support needs given the face-to-face restrictions imposed as a result of the pandemic.

Student learning has for the most part returned to a default face-to-face model of delivery from 2021/22, but several of the impacts of the pandemic continue to resound and resonate with students. For example, Priestly *et al* conducted six co-creation panels with students on mental health provisions at university which identified that the demand for student wellbeing services has long been an issue, but the pandemic and its aftermath intensified that demand.²² The intensification of the current cost-of-living crisis society amplifies further the severity of these issues, and introduces additional pressures to students' wellbeing and their ability to attain the learning outcomes of their preferred course of study due to increased financial difficulties.

As we continue to transition out of the pandemic, we find ourselves with new and emerging considerations for legal education. This includes the prospect of updating legal curricula to align with the much-hoped-for provision of education for sustainable development, creating newly founded complications for law curriculum design, posing fresh issues that require consideration. As noted above, all these changes are suggestive of a continuous need for legal education to keep pace with prevailing circumstances, while remaining true to what it means to teach and learn about the law in a higher education setting. Many of these changes require rapid and effective changes in law curricula, and the increased consumerisation of legal education may prove fallacious in terms of introducing law curricula that actually and meaningfully attain their ultimate purpose. We are of the opinion that the literature is cognisant of the challenges these changes bring to legal education and the design of law curricula. While time is of the essence for responses, we should admit that these changes are posing challenges, as much as they provide opportunities for cogently thinking about the role of legal education. It is with this mindset we consider the role that compassion pedagogy can play in the design of law curricula as a starting point to deal with the persistent challenges highlighted.

THE ROLE OF CARE AND COMPASSION PEDAGOGY

At its core, compassion is a human emotional response to another's circumstances. We suggest that exploring these emotional responses becomes a way to begin understanding the nature of compassion. Compassion is defined in the dictionary as being 'moved by the suffering or distress of another, and by the desire to relieve it.'²³ This positions compassion as being linked to other emotions such as empathy and sympathy. Empathy is about sharing in the

feelings of another by putting, or at least imagining ourselves in another's circumstances. This is where we acknowledge another's suffering because the other is important to us. For example, if your student experiences grief, then you will feel troubled because your student is important to you. There are at least two limitations here with this approach to understanding compassion.

First, it suggests that compassion is at least partially a passive response. We know as tutors that whilst we facilitate our student learning by guiding them through their studies, we often take positive steps to help students navigate difficult circumstances. For example, if your student misses an assessment deadline, the professional services team in your law school will likely write to you as their academic or pastoral advisor, to ask you to check in with the student to see what has happened. This highlights that compassion is not always passive but may have active dynamics.

Second, it also suggests that we can place ourselves in the circumstances of another. The difficulty with trying to place, or even imagining, ourselves in the circumstances of another is that often individual circumstances are unique. For example, a White male tutor cannot put themselves, or even imagine themselves, in the circumstances of a Black female student. We advocate that compassion should be viewed as being more than empathy, as it goes beyond our own feelings to recognise another's feelings implying that we give respect to another's circumstances. We suggest that when considering the relationship between compassion and empathy, it is best understood as appreciating another's circumstances with a desire to help students navigate this difficult terrain.

Compassion is also connected with sympathy, which can traditionally be perceived as an expression of feelings of sorrow or pity for another's circumstances. The challenge with this perception of sympathy is that it implies a position of superiority, where we as tutors are above the student looking down on their circumstances to express sorrow or pity for those circumstances. This could lead to a circumstance where the student might respond by saying 'I don't want your pity'. We contend that a stronger view capable of capturing compassion beyond sympathy, pity or sorrow is that we identify with another's circumstances with a desire to help.²⁴ We are not suggesting, therefore, putting ourselves in the position of another, but rather to appreciate and acknowledge another's circumstances.

There are many views on what counts as compassion in the literature, and these are helpful to flesh out compassion in the context of our role as academics in higher education. A common theme in the literature is the construction of compassion as a relationship existing

between spectators and sufferers. For instance, Berlant explains that 'there is nothing clear about compassion except that it implies a social relation between spectators and sufferers'.²⁵ Nussbaum also explains that compassion places an emphasis the amelioration of suffering.²⁶ Further, Gibbs advises that this social relation between spectator and sufferer requires more than offering sympathy or empathy by actively trying to reduce suffering.²⁷ The difficulty with this literature is that it tends to view compassion through a narrow lens that positions tutors as mere spectators in our students suffering.

We advocate that a stronger way of capturing the potential of compassion pedagogy in our academic roles is to focus on our willingness to appreciate the circumstances our students and have a heightened awareness of these circumstances to help students navigate their personal learning accordingly and in view of them. To support this view, we adopt Bein's definition of compassion: 'attentiveness to, and an agency, or willingness to alleviate the suffering of others to increase their chosen contentment can be considered compassion'.²⁸ This approach helps to present a working definition of compassion as a fluid concept coupled with the need for action to help ameliorate student challenges. This relates closely to Nodding's care theory explained in the introduction, where pastoral advisors take on some active dynamics in helping to support students through their difficult circumstances.²⁹

This view exposes two questions related to understanding the potential of compassion in our law programmes: what is the purpose of education at higher level, and what is the role of the lecturer in our classrooms? Biesta contends that the purpose' of education is a 'multidimensional question' that has three interconnected 'domains' comprising 'qualification, socialisation and subjectivisation'. Qualification is concerned with knowledge transmission and attainment; socialisation is concerned with students becoming part of social, cultural, religious and political traditions and practices in helping to establish their identity. Subjectivisation concerns the impact of education on the individual which can be labelled the human dimension. These domains help further our understanding on the interconnected nature of education with an individual's personal development. It aligns with a rights-based model of education that positions the value of the individual and their right to personal development above positioning the purpose of education as being predominately about a route to employment.³⁰ This view places care and compassion at the core of education so that it is 'not just about filling people with information but leading them out of the cave of ignorance, so that students can experience enlightenment, [and] orientation towards' their personal

development as individuals to allow our students take their place in the world as engaged and concerned citizens.³¹

We understand that this view on the purpose of education is not universally accepted within mainstream university education. The business model that has emerged in education over the last two decades has focused on perceiving students as consumers who are effectively buying education services to ultimately increase their chances of obtaining employment.³² This has created an expectation that university programmes will lead students to employment, and this emphasises the human capitalist model of education.³³ Davies suggests that the difficulty with this model is that it stresses 'fostering consumerism, over-reliance on technological solutions, competition and individualism' rather than equipping students to deal with current and future global challenges.³⁴ This position of compassion within education, and arguably within society, is generally lacking high regard given compassion is viewed as just a subjective emotion. Our view of the role of compassion helps to embrace Vandeyar and Swart's contention that it helps in 'dismantling polarised thinking and questioning one's ingrained belief system', 'changing mindsets' and 'instilling hope and sustainable peace'.³⁵

These perspectives help to clarify that when referring to compassion, we actually refer to emotions beyond empathy and sympathy that are focused on exercising that heightened awareness of a student's circumstances and a willingness to help students take steps to ameliorate their challenges. We contend that compassion is exercising that heightened awareness by going beyond the ecosystem of student support already existing in your department that ranges from academic support to wellbeing to process capable of mitigating assessments for students experiencing difficulties.

RETHINKING LAW CURRICULA

Compassion pedagogy can play a significant role in law programmes. Nussbaum identifies that compassion has tended to exist at university in at least two ways.³⁶ First, compassion is sometimes presented as a professional trait necessary for professional practice.³⁷ For example, Self *et al* examine ethics and compassion in the medical profession to demonstrate that the demands of practising medicine require doctors to have compassion in how they treat their patients.³⁸ Second, compassion exists as the means to encourage good citizenship by instilling empathy in the relationship between students and their interaction with the world around them.³⁹ Maxwell, however, argues that there is a further role that can be played by embedding compassion as an aim of higher education generally.⁴⁰ This would encourage

compassion to be embedded within curricula.⁴¹ In this section, we consider the ways in which compassion can be embedded within law curricula.

It is our view that compassion pedagogy holds a benefit for all in education, even those wedded to the human capitalist model of education.⁴² This view is premised on the basis of a multilevel view of education from lecturer/student to programme/department level to university level as institutions need to maintain financially sustainable programmes. From a lecturer/student perspective, compassion affords lecturers the ability to support their students as individuals by allowing them to understand their needs, their strengths and their background to help their personal learning. From a programme/university level, embedding compassion within the law curriculum can help students not only settle into their studies by supporting them throughout their education, but it also can help to maintain individual programmes as being sustainable by helping to increase student retention. We can use compassion to help students settle into their studies in a number of ways and we use WESS to demonstrate a starting point to think about how to incorporate compassion.

Welcome Week	Having a range of department run activities during welcome week to help students settle into their new learning community.
Extended Introduction	Having a programme of induction that extends throughout the whole course of a student's degree.
Study Skills	Having a defined programme of study skills to help student gain the confidence in the study of law.
Self-Care	Having space for students to reflect on their self-care throughout the whole of their degree programme.

Figure 1 – WESS demonstration of compassion pedagogy

Recent developments affecting law curriculum design in UK Law Schools provide at least two key opportunities. The first is the promotion of research and innovation in teaching delivery tasked with preparing law students to become effective learners where they have the space to gain, develop and practice the skills and expertise that their future career will likely require them to possess.⁴³ The second is the simultaneous development of initiatives

combatting issues affecting student wellbeing arising from the study of law as well as those arising from events like the Covid-19 pandemic. We have made a case for the potential role compassion pedagogy has in the design of law curricula to harness these opportunities.⁴⁴ The analysis made so far leads towards supporting the introduction of compassion pedagogy in law schools to pursue a two-dimensional objective: the cultivation of the grounds for upholding and transmitting the development of pro-social behaviour and skills in the teaching and learning of law, and; the development of pedagogical discourses fundamentally inherent in delivering education capable of satisfying the provision of learning as a private good.

However, we should also be mindful of *how* compassion pedagogy is integrated into law curricula so that it is positioned to deliver its role in student support. We contend that each attempt to integrate compassion should have clearly defined objectives similar to any curriculum change as well as a means to monitor its contribution to the delivery of the curriculum. This will help to have a clear focus as well as creating specific monitoring points to reflect on the changes resulting from the incorporation of compassion into law curricula. Essentially, we are suggesting that compassion is an iterative process where its incorporation requires careful planning as well as monitoring to continuously improve its incorporation. There have been some studies conducted outside of the legal education discourse which analysed the integration of compassion pedagogy in various disciplines.⁴⁵ These studies have demonstrated mixed results about its effectiveness in delivering the outcomes intended even when the incorporation of compassion was made in the same/similar manner.⁴⁶ For example, psychological analysis on compassion pedagogy programmes have identified potential biases that may surface in programmes when adopting compassion pedagogical imperatives. This can in turn result in showcasing inabilities to reverse poor perceptions about compassion or an unwillingness to exercise compassion, let alone introduce care in educational curricula or the instillation of compassion onto students' learning psyche as part of what students need to 'learn' and 'exercise while learning'.⁴⁷

In light of the above, there must be a careful and systematic approach to integrating compassion pedagogy, if it is intended to play a meaningful role in shaping and designing law curricula and the support it provides to students. We have argued previously that designing any system of student support requires a systematic approach by ensuring law programmes and student support are holistic to student need.⁴⁸ In our previous research, we developed a taxonomy charting a range of parameters (outlined below) that can be taken into account to assist creating a holistic approach in the delivery of student support, one of the first of its kind

in the context of legal education.⁴⁹ A key feature of this taxonomy was the essentiality of treating student support holistically by avoiding the traditional division between academic and pastoral support roles.⁵⁰ In doing so, our taxonomy proposed approaching developing systems of student support based on five key dimensions determining its operability:

1.	The likely factors leading a law student or a provider of support to initiate the provision of support (either being academic support or pastoral care), triggered by factors ranging from students' academic performance to students' life experiences.
2.	The nature of the support needed.
3.	The level at which support will be accessed (either internally within the department, or externally, through procedures institutions have in place for assisting students on an institutional level).
4.	The provider of student support, and
5.	The timing of the support being provided.

Figure 1.2 Student Support Taxonomy⁵¹

This framework recognises the importance of professional services staff as holding a key role in administrating any system of student support departmentally and institutionally. Additionally, this framework also recognises that academic tutors, with a pastoral role, as having a significant position in the delivery of student support. The nature of academic and pastoral roles accounts for the respective and multifaceted roles academic members of staff hold in a law department: the role of the tutor, the academic advisor, the pastoral or academic disciplinary officer and many more.⁵² If compassion pedagogy is intended to form part of the design of law programmes, it is submitted that any attempt to integrate compassion pedagogy requires due regard to these multifaceted roles.

We view compassion pedagogy, as embodied in the taxonomy above, as having the potential to be an informative medium to engender the delivery of holistic support in conjunction with the design, development and delivery of a law curriculum. If we exercise compassion and train academic and professional members of staff premised on the core principles in compassion pedagogy, we can have a positive effect on the efficacy of support provided by colleagues relative to their role in a student support system. For example, professional services staff can monitor student attendance, general enquiries and assessment submission in their front facing role in law departments. Academic members of staff in their

teaching and role in providing student support also have a front facing role in each student's learning at university. If professional services and academic colleagues work closely together, there is a potential dividend for student wellbeing by being able to intervene earlier in student issues before they have a longer term damaging effect on student progression. This positive effect can stretch beyond the standard approaches of determining when student support is required, such as being alert to the different student stress points in the academic year or the record of deadlines for completing assessments, or student attendance at scheduled learning events.⁵³ Compassion pedagogy can initiate a more fruitful provision of support through harnessing the use of formal and informally scheduled meetings (such as academic advisor meetings between tutor and student) throughout the year. This can provide the means to check in on students' progress, but also their welfare prior to the various stress points throughout the academic year with the aim of signposting students to the professional help that might be required by individual student.

However, at the same time, it is possible for compassion pedagogy to be used as a tool for providing support, whether in or outside of class. In previous literature on student support, we have developed a best practice guide (CADSIF) on how to approach the provision of student support.⁵⁴ Adjusted to compassion pedagogy imperatives, law curricula and systems of student support can be informed by the guide as follows:

1.	<p>Contact: Depending on the role of the academic member of staff, the first step will usually involve establishing contact with their students. This can occur in many different circumstances, but often occurs as part of teaching, academic advisee/mentorship meetings, when students are identified as not submitting an assessment or prolonged absences in scheduled learning events. These trigger points will be informed by your department/institution's protocols for contacting students. This becomes the starting point for the colleagues to foster positive communication with the student and at this point compassion is about having an awareness of your role to help students find a solution to their challenge by being able to identify the source of the student's issue.</p>
2.	<p>Assurance: compassion pedagogy entails providing the grounds for exercising understanding towards the student and their circumstances. This is not about putting yourself in the student's circumstances but appreciating these circumstances so that you can offer assurance.</p>

3.	<p>Dialogue: the value of compassion pedagogy is its ability to encourage colleagues to listen, have awareness and exercise empathy towards their student's circumstances. At this point, we view compassion as having that heightened awareness by the tutor so that they listen patiently and sympathetically to student concerns and exchanging communication similarly. In certain contexts, students may find it difficult to open up, especially when personal traits or characteristics play a role in determining the progression of discussion. Compassion pedagogy's integration calls for fostering open and honest dialogue.</p>
4.	<p>Signposting: after listening to the student and engaging in a dialogue to explore the student's challenges, at this point it may be appropriate to signpost the student to appropriate professional support. This could involve signposting students to professional services such as mental health and wellbeing support, helping students to navigate the different terrain of assessment extension protocols as well as helping students to navigate exceptional or special circumstance protocols that may exist in your department.</p>
5.	<p>Information: this can involve giving students information on specific processes that you are recommending the student follow. This can include how to access wellbeing professional services, various forms and templates that will provide student extensions and more general information available that be specific to the individual challenges experienced by the student.</p>
6.	<p>Follow-up: we view this as an extra step that could involve checking in with the student some time after you have met with the student. This could involve the need for further information on other issues identified by the student accessing professional services. For example, if a student is signposted to wellbeing services who identify the student may need more time on an assessment, your role here could be providing extra support on assessment extension protocols.</p>

Figure 1.3 CADSIF Student Support Framework

CONCLUSION

In this paper, we have identified an opportunity for reconsidering law curricula in light of the changes arising from the routes to professional qualification, as well as the student wellbeing challenges continuing to resonate as a result of the Covid-19 pandemic. This renders the case for the integration of compassion pedagogy into law curricula stronger than ever before as a potential means to enhance student support and student experience.

We presented the case that compassion in the context of our roles as academics and tutors in higher education, can be about having a heightened awareness of a student's circumstances coupled with a willingness to help student alleviate their challenges. This is going beyond commonly conflated emotions such as empathy and sympathy. It is also going beyond existing student support systems aimed at recognising and helping students manage distress in their learning such as extensions for deadlines or mitigation processes. Compassion is that piece of jigsaw that is embodied in the human dimension in departments (academic tutors and professional services colleagues) who are there to help students navigate the difficult terrain of their studies.

We have also demonstrated the need for care in *how* compassion can be utilised in the process of designing law curricula and student support systems. We have identified some of the ways compassion can help students settle into their learning community as well as their personal learning through WESS and how student support systems can be designed in a holistic way through our student support taxonomy. Our taxonomy has a basis to identify a range of different factors that impact student learning as well as providing a means to create and monitor a student support system. We also provided our CADSIF framework to help give structure to student support. These are all tools that we view as having the means to implement compassion in our interactions with our students to help students attain their potential and improve their student experience.

We recognise the need for further research in this area, but in this paper, we have highlighted the potential for compassion as a tool in law curricula. The continuum of change in higher education alongside the persistence of permacrisis is a unique opportunity we can use to reflect on our roles as academics/tutors as well as how we teach and support students through difficult terrains.

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- ¹¹ Cf. Solicitors Regulation Authority 'News Release, Green Light for New Solicitor Exam' <<https://www.sra.org.uk/sra/news/press/2020-press-release-archive/sqe-approved-1sb/>> accessed 17/11/2022.
- ¹² Cf. Solicitors Regulation Authority 'Transitional Arrangements' <<https://www.sra.org.uk/become-solicitor/legal-practice-course-route/transitional-arrangements/>> accessed 15/11/2022.
- ¹³ Cf. Bar Standards Board, *Becoming a Barrister: An Overview* available at <<https://www.barstandardsboard.org.uk/training-qualification/becoming-a-barrister.html>> accessed 01/04/2023.
- ¹⁴ See for example some approaches to learning in the Covid-19 Pandemic in M. Smith, S. Thackray & M. Nolan, 'Transitioning residential schools online in a pandemic: social distancing and technology-based law teaching' (2022) 56(2) *The Law Teacher* 146.
- ¹⁵ On addressing wellbeing issues in legal education in emerging contexts see, in general, G Ferris, 'Law-students wellbeing and vulnerability' (2022) 56(1) *The Law Teacher* 5.
- ¹⁶ Cf. JISC 'Student Digital Experience Insights Survey 2020/2021, UK Higher Education (HE) Survey Findings, September 2021', p. 12, <<https://repository.jisc.ac.uk/8487/1/Student%20DEI%20HE%20report%202021%20Final.pdf>> accessed 05/12/2022.
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- ¹⁸ *ibid.*, 6.
- ¹⁹ Cf. W Leal Filho and Others, 'Impacts of COVID-19 and social isolation on academic staff and students at universities: a cross-sectional study' (2021) 21:1213 *BMC Public Health*.
- ²⁰ Though, reportedly, low levels of wellbeing were already notable for law students. See Ferris (n 15). See also, in general, S B Shanfield and G A H Benjamin, 'Psychiatric Distress in Law Students' (1985) 35 *Journal of Legal Education* 65; and E G Lewis and J M Cardwell, 'A comparative study of mental health and wellbeing among UK students on professional degree programmes' (2019) 43 *Journal of Further and Higher Education* 1226. Low wellbeing was on a general level signified for students across several disciplines in UK institutions prior to the pandemic as well. See for example, Royal College of Psychiatrists, *Mental health of students in higher education* (2011) College Report CRI166.
- ²¹ See Leal Filho and others (n 19) 9 f; JISC 'Student Digital Experience Insights Survey 2020/2021, UK Higher Education (HE) Survey Findings, September 2021', 8 f, <<https://repository.jisc.ac.uk/8487/1/Student%20DEI%20HE%20report%202021%20Final.pdf>> accessed 05/04/2023.
- ²² M Priestley, E Broglia, G Hughes and L Spanner, 'Student Perspectives on improving mental health support Services at university' (2021) 22(1) *Counselling and Psychotherapy Research* 1. See also: NHS England, News, 'NHS helps record numbers of young people with their mental health as students return to universities', 7 October 2022, <<https://www.england.nhs.uk/2022/10/nhs-helps-record-numbers-of-young-people-with-their-mental-health-as-students-return-to-universities/>> accessed 05/12/2022.
- ²³ Oxford English Dictionary, 'Compassion, n' available at <<https://www.oed.com/viewdictionaryentry/Entry/37475>> accessed 20th April 2023.
- ²⁴ R White, 'Compassion in Philosophy and Education' in P. Gibbs (Ed.), *The pedagogy of compassion at the heart of higher education* (Springer, 2017) 20.

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- ²⁵ L Berlant, *Compassion: The culture and politics of an emotion* (Routledge 2004) 1.
- ²⁶ C Nussbaum, 'Compassion: The basic social emotion' (1996) 13 *Social Philosophy and Policy* 27, 30.
- ²⁷ P Gibbs, 'Higher Education: A Compassion Business or Edifying Experience' in P. Gibbs (ed), *The Pedagogy of Compassion at the Heat of Higher Education* (Springer 2017).
- ²⁸ S Bein, *Compassion and moral guidance* (University of Hawaii Press 2013)
- ²⁹ Cf. JISC (n 16).
- ³⁰ I Robeyns, 'Three models of education: Rights capabilities and human capital' (2006) 4(1) *Theory and Research in Education* 69, 70-71.
- ³¹ R White, 'Compassion in Philosophy and Education' in P. Gibbs (ed), *The Pedagogy of Compassion at the Heat of Higher Education* (Springer 2017) 19.
- ³² Cf. R. Brooks 'Students as consumers? The perspectives of students' union leaders across Europe' (2021) 76(3) *Higher Education Quarterly* 626-637.
- ³³ C Hanley-Maxwell and L Collet-Klingenberg, *Education* (Sage 2011) 21-22.
- ³⁴ K Davies, 'A Learning Society' in A Stibbe (ed), *The Handbook of Sustainability Literacy: skills for a changing world* (Green Books Ltd 2009) 215.
- ³⁵ Vandeyar and Swart (n2).
- ³⁶ B Maxwell and E Racine, 'Should empathic development be a priority in biomedical ethics teaching' (2010) 19(4) *Cambridge Quarterly of Medical Ethics* 433, 438.
- ³⁷ *ibid.*
- ³⁸ D Self, G Gopalakrishna, W Kiser and M Olivarez, 'The relationship of empathy to moral reasoning in first year medical students' (1995) 2 *Cambridge Quarterly of Healthcare Ethics* 448, 451.
- ³⁹ D Doukas, 'Where is the virtue in professionalism?' (2003) 12(1) *Cambridge Quarterly of Healthcare Ethics* 147, 150.
- ⁴⁰ B Maxwell, 'Pursuing the Aim of Compassionate Empathy in Higher Education' in P Gibbs (ed), *The Pedagogy of Compassion at the Heat of Higher Education* (Springer 2017) 34.
- ⁴¹ M Nussbaum, *Upheavals of thought* (Cambridge University Press 2001) 24.
- ⁴² For a critique of the model see H McDougall, 'The Rebellious Law Professor: Combining Cause and Reflective Lawyering' (2015) 65(2) *Journal of Legal Education* 326; and D Morrison & J Guth, 'Rethinking the neoliberal university: embracing vulnerability in English law schools?' (2021) 55(1) *The Law Teacher* 42.
- ⁴³ Key work undertaken in the authors' institution on legal academic writing skills and advice which has been embarked on prior to the developments referred to above provide a key example. See C Griffiths, 'The law schools' "easy win"? Improving law students' experience through embedded and non-embedded writing support (2021) 55(3) *The Law Teacher* 377.
- ⁴⁴ Although careful thought is required. Legal Design could be used as a means of understanding the way this could be incorporated. See M Doherty and T McKee, 'Service design comes to Blackstone's tower: Applying design thinking to curriculum development in legal education' in E Allbon & A Perry-Kessarlis (eds) *Design in Legal Education* (Routledge 2022). See also generally: M Doherty, M Corrales Compagnucci, H Haapio, and M Hagan, 'A new attitude to law's empire: the potentialities of legal design' in M Corrales Compagnucci, H Haapio, M Hagan and M Doherty (eds) *Legal Design* (EE 2021).
- ⁴⁵ Maxwell (n40)
- ⁴⁶ *ibid*
- ⁴⁷ *ibid*, 41, citing *inter alia*, C D Batson, *Altruism in humans* (OUP 2011).
- ⁴⁸ L. Hughes-Gerber, N. McGuirk, R. Savva 'Sculpting the Provision of Student Support for Law Students: the Blurred Line Between Academic and Pastoral Support' in J. Guth and J. McCloy (eds) *Supporting Law Students* (Routledge Forthcoming 2025).
- ⁴⁹ *ibid.*
- ⁵⁰ *ibid*, citing J Buckley, 'The Case of Learning: Some Implications for School Organisation' in R Best, C Jarvis and P Ribbins (eds) *Perspectives on pastoral care* (Heinemann Educational 1980) 183; and E Jones, 'Transforming legal education through emotions' (2018) 38 *Legal Studies* 450; and K Galloway, R Bradshaw, 'Responding to Changed

Parameters of the Law Student: A Reflection on Pastoral Care in the Law School' (2010) 3(1&2) *Journal of the Australasian Law Teachers Association* 101.

⁵¹ *ibid.*

⁵² *ibid.*

⁵³ Cf Maxwell (n 40).

⁵⁴ L. Hughes-Gerber, N. McGuirk, and R. Savva, 'Looking Back to Look Forward: Mapping the Student Support Pathway for Law Students through the eyes of a Legal Academic' in L. Bleasdale (ed) *How to Offer Effective Wellbeing Support to Law Students* (forthcoming, Edward Elgar, 2023).