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# **The Law School Degree Show: law, materiality, decolonisation and authentic assessment**

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## *Abstract*

*For the final year Degree Show at Westminster Law School, all final year students are required to produce a material artefact that reflects on their understanding of law, justice, and their political and social responsibility as law students. In order to illustrate the process and use of this interdisciplinary assessment approach, we describe how we came about this way of thinking about assessment, what the practical challenges are, and how it all fits into a broader effort to bring about authentic real-life assessments. We offer some indication of the marking criteria and learning outcomes, and conclude by arguing that this material, interdisciplinary, decolonial and creative way of expressing the law is of pivotal importance to how we should be thinking of teaching the law, following what is widely understood as ‘a correlation between exposure to authentic assessments techniques and improved general academic performance.’<sup>1</sup>*

## *Keywords*

*Art and law, materiality, authentic assessment, interdisciplinarity, decolonising the curriculum*

## **1. Introduction**

Paint the law. Sculpt justice. Perform it in a song. Unleash your legal fury through spoken word. Set up an installation. Squeeze law into pills. Wear the law, knit the law, collage the law. Dance the law. Snap it, rap it, tweet it, edit it, post it on law’s insta. Bake a just desert. Brew just the right cuppa. Become the law.

*What does all this have to do with a law course?*

OK, we shan’t attempt any self-modesty here: at the time of writing, we are the only Law School in the world that has a final year module where all final year students present their ruminations on law, justice, the students’ sense of responsibility towards society and the planet as law students, the connections between their course and their future, and their tribulations and delights of studying the law.<sup>2</sup> What sets this apart from similar kinds of reflection exercises is that this one takes the form of material objects, constructed artefacts, embodied performances, videos, artistic gestures, conceptual moments of intense materiality. The choice is entirely of the individual student, as long as the textuality of the law is kept to a minimum or at least is accompanied by modes of expression traditionally alien to the law. What is more, all artefacts were exhibited / installed / screened / performed at our final year Law Degree Show in a professional gallery space.

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<sup>1</sup> Charles Wild and Daniel Berger “Get real: using authentic assessment techniques to improve law degree academic performance” (2<sup>nd</sup> Teaching and Education Conference Florence September 2015) available from: [https://uhra.herts.ac.uk/bitstream/handle/2299/16953/Get\\_Real\\_Berger\\_and\\_Wild\\_16\\_09\\_15.pdf?sequence=2](https://uhra.herts.ac.uk/bitstream/handle/2299/16953/Get_Real_Berger_and_Wild_16_09_15.pdf?sequence=2) > accessed 24 March 2022.

<sup>2</sup> Although of course not the first to try and approach law from a visual/arts/craft perspective. See for example Stephen Edward Colbran and Anthony Gilding, “An authentic constructionist approach to students visualisation of the law” [2019] 53:1 The Law Teacher 1.

The result? An evening of intense delight in presenting one's work in an exhibition space, an exchange of ideas and processes amongst the students, an experimentation and an endorsement of extra-curricular skills, a real celebration of the end of the (course) tunnel.

But there are at least three more levels to this phantasmagoria. First, this is part of our institutional effort to rethink traditional assessments and bring in elements of personal, contextual, emplaced and embodied legal thinking and praxis. This is how we understand the challenge of what has been broadly called *authentic assessment*. It is also a response to the difficulty students face in applying legal knowledge and enhancing their employability skills. Authentic assessment has been recognised as a response to this criticism.<sup>3</sup> The University's Education Strategy 2020-2023 commits to adopting varied, authentic and inclusive means of assessment that contributes to an inclusive curriculum.<sup>4</sup> Second, the Degree Show is the final time when tutors see their students' finished work, have the opportunity to have a chat with their students and understand the deeper motivation behind the choice of concept, format and execution, and indeed consider a fair mark – for the Degree Show is assessed and marked, with the marks counting towards a student's final degree classification. And finally, the Degree Show is the culmination of three years of intense efforts to teach the law contextually. And by this, we mean socially and materially embedded. We mean a law that rushes out of courtrooms and statute books and floods our streets and abodes, our taste buds and dreams, our colonising and colonised pasts, our challenging political personal futures. We mean a law that is real, tangible, material, that smells and shakes, that takes on colours and shapes, that attracts and repels, that sits next to us and whispers kind words at night or throws us against a wall in the morning.

In what follows, we describe how we came about this way of thinking about assessment, what the practical challenges are, and how it all fits into a broader effort to bring about authentic real-life assessments. We offer some indication of the marking criteria and learning outcomes, and conclude by arguing that this way of expressing the law is of pivotal importance to how we should be thinking of teaching the law, following what is widely understood as 'a correlation between exposure to authentic assessments techniques, and improved general academic performance.'<sup>5</sup>

## 2. The Making of

A few years ago, a final year module/assessment called My Graduate Journey landed on our lap. It had been designed and set up by a colleague of ours, largely revolving around writing a reflective log, but they were unable to lead it. We agreed to take it on, provided that we would change it in a way that the written aspect of the assessment would be minimised, the personal element in connection to legal narratives maximised, and the students would have absolute freedom on the format of their project.

Unsurprisingly, the challenges were enormous. Studies highlight that academics in various disciplines, although having the intention of implementing different types of authentic

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<sup>3</sup> Verónica Villarroel and others, "Authentic assessment: creating a blueprint for course design" [2017] 43:5 *Assessment & Evaluation in Higher Education* 840.

<sup>4</sup> For a further discussion in terms of defining an inclusive curriculum, see Stephen Bunbury "Disability in higher education – do reasonable adjustments contribute to an inclusive curriculum?" [2020] 24:9 *International Journal of Inclusive Education* 964.

<sup>5</sup> Wild and Berger (n 1).

assessment, are often ill-equipped to do so.<sup>6</sup> In our case, one of us is also a practicing artist.<sup>7</sup> This equipped us slightly with a certain knowledge of less clearly defined assessment modes, a familiarity with what it means to document a project rather than simply providing a written account of it, and the need for a certain vagueness of assessment format in order to encourage creativity.<sup>8</sup> Still, this is a very different thing to try and bring a never-before done authentic assessment for all final year students into a law school. We were initially too afraid ‘...to veer too far from the long-established model of legal education for fear of being regarded as the different.’<sup>9</sup> Yet we were determined. We understood that in order for students to benefit from the reflective nature of the module, we needed to move away from traditional forms of assessment that predominantly focus on assessing portions of atomised knowledge skills to a nuanced more complex and comprehensive assessment of knowledge.<sup>10</sup> This decision was crucial as other forms of traditional assessment, such as written assessments, are restricted in terms of expectations and especially the colonial language adopted in the assessment brief.<sup>11</sup>

We saw My Graduate Journey as a way of easing in a practice of authentic assessment that would be adventurous (we did feel at the beginning that we were embarking towards the unknown!), theoretically solid (based on conceptualisations of law as material, embodied and emplaced), and research-led. We used existing university structures gently to push our students towards volunteering for local community causes and encouraged them to draw inspiration from their experiences for their graduate journey work. But we still did not know how the broader institutional structures would receive it. We were lucky to have in place a sympathetic school management team, but we knew that and indeed counted on it. What we expected less was the enthusiastic reception the whole endeavour had on a university level, with personal endorsements by the Vice-Chancellor<sup>12</sup> and several initiatives across the faculties that took our project as inspiration and basis for their take on non-linguistic assessments. Something that encouraged us even further, helping us understand that our work has had considerable impact within and beyond our institution, is the receipt of the 2022 Westminster Learning and Teaching Excellence Award (with a prize of £3,000) for the module and the Degree Show in particular.

We started gingerly. The first year was largely reconnoitring, measuring reactions of both students and staff, trying to figure out the best way to present this new mode of assessment, allowing staff time to adjust to the marking criteria, encouraging students not to freak out with the demands of the module, and assessing how often and in what way we should be meeting with the students. It was quickly decided that we would only have a few meetings with the whole year cohort rather than a full-on taught module. The meetings would often link up to important moments of the final year, such as the first week of return to campus, the last week

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<sup>6</sup> James Fox and others, “‘Keeping it real’ A review of the benefits, challenges and steps towards implementing authentic assessment” [2017] 9:3 All Ireland Journal of Higher Education 2.

<sup>7</sup> See [andreaspm.com](https://andreaspm.com) for Andreas’s art practice that regularly works with law and legal theory, especially in terms of performance art.

<sup>8</sup> Meryl Goldberg, *Arts Integration: Teaching Subject Matter through the Arts in Multicultural Settings* (6<sup>th</sup> edition London: Routledge 2021).

<sup>9</sup> Wild and Berger (n 1).

<sup>10</sup> Verónica Villarroel and others, “Using principles of authentic assessment to redesign written examinations and tests” [2020] 57:1 Innovations in Education and Teaching International 38.

<sup>11</sup> Which in most cases discourages imagination or emancipation. Beatrix Acevedo (2020) “Ideas for decolonising the curriculum in teaching and learning: A personal reflection.” (Anglia Learning and Teaching, 10 July 2020) <<https://aru.ac.uk/blogs/decolonising-the-curriculum>> accessed 23 March 2022.

<sup>12</sup> See a 2022 public indication of support by the University’s Vice Chancellor at <[https://twitter.com/peter\\_bonfield/status/1499675687233413120?s=20&t=bL8rqMP4VxCKtzSfPLP3dg](https://twitter.com/peter_bonfield/status/1499675687233413120?s=20&t=bL8rqMP4VxCKtzSfPLP3dg)> accessed 15 April 2022.

of the calendar year, and one last time in the following calendar year but early enough so that we could make sure that everyone knew what to expect of the culmination of My Graduate Journey: a Degree Show, namely the part of the module where all students were expected to showcase their work.

In truth, we ourselves did not know what to expect. We were fumbling in the dark, taking inspiration from art and architecture degrees, thinking of how best to showcase the work without forcing students into revealing personal issues they might prefer not to publicise. So, right from the beginning, we gave students options. First, they could just write a 1000-word log, trying to address the learning outcomes. Second, they had the chance to produce a material artefact but at the same time decide not to participate in the show. Third, they could participate in the show anonymously, provided that their submission for assessment purposes would be known to their assessor.

It was eventually agreed to adopt a hybrid approach whereby students could choose the format of their submission that reflected their own culture experiences of the law degree. We were hoping that this in turn would have ‘...a positive impact on student learning, autonomy, motivation, self-regulation and metacognition’ all of which, according to the authors are ‘highly related to employability...’<sup>13</sup> Indeed, in our minds, there is little doubt that My Graduate Journey can provide the above qualities and through them facilitate a connection to employability. However, this is emphatically not our main objective. We believe that, while employability is of high importance, it cannot exclusively or even majorly determine the content of degrees. We aim to provide students with skills that can help them find employment (considering also the fact that only a relatively small percentage of our students become solicitors/barristers/judges) but we also reserve an important space for creativity, unorthodox reasoning, lateral thinking, community engagement, volunteering, and other ways in which a student can enrich their experience and obtain inspiration for their artefact. There is little doubt that employers find such qualities attractive and indeed occasionally more intriguing than the standard law degree skills. Mentioning of skills acquired during My Graduate Journey might catch an employer’s attention and tickle their curiosity in terms of the particular student’s multifaceted abilities. Even in view of such possibilities, however, the focus on employment remains an incidental aspect of the module. To put it bluntly, part of the module’s rationale is a reaction to the increasing neoliberalisation of the university: we hope that we offer a space of resistance for our students to inhabit and explore and through which to discover more about themselves in ways that are not directly and explicitly connected to issues of legal work production. We think of ourselves as facilitators of lateral thinking and making, which, in combination with the legal way of reasoning that our students receive, might enable them to discover aspects of themselves that will bring about different, more imaginary future opportunities.

While the initial idea was that we as module leaders were going to mark everything, we realised that the personal aspect of the projects needed a much more focused approach. We decided, therefore, to use the personal tutoring system already in place. Each academic personal tutor has three (as a recommended minimum) meetings with each student (or sometimes in tutee groups), in order to encourage them to think about their ideas and especially the format they choose to express these ideas. Each tutor marks their tutees’ work, and we then moderate all marks. Although adopting this type of assessment for a large cohort is challenging, the challenge is mitigated through careful planning, preparation and student consultation at all

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<sup>13</sup> Verónica Villarroel and others (n 3).

stages.<sup>14</sup> With the help of our Senior Tutor, a great deal of planning takes place at the beginning of each academic year, subsequently factored into staff workloads.

In this way, we ended our first year of trying out this module with a rather modest Degree Show in one of the largest rooms in the Law School. We presented the work of those students that had decided to participate with an artefact, and had to exclude the text submissions unless of course the students had decided to use some visual or other format, such as letter writing or diary writing or even poster submissions. But it was during that first rather low-key show that we realised the overflowing creativity of our students and the various formats it was taking. Humbled by it, we decided that our responsibility had just grown exponentially: the following year we would be encouraging more students to leave textual expression behind and brave the nerves that might come from showing one's work in public and especially to one's peers. For this, we needed a bigger and more flexible space to host it. We also needed to be confident that our students would indeed come up with personal, deeply felt and sometimes indeed heart-breaking narratives, and for this reason we needed to offer them much more support, guidance and encouragement than we had anticipated thus far.

### 3. Law as Matter

A very important aspect of this assessment is to allow students to *feel* closer to the law and their study of law. This is meant quite literally: students (and the appreciators of their artefacts, such as staff, stakeholders, parents, relatives and friends invited on the night of the Degree Show) are to employ their sensorial and emotional faculties in order to generate the kind of legal approaches encouraged by the module assessment criteria (see below for these). Except for the visual, which is unsurprisingly the main sensorial input of the submissions (paintings, artefacts, maps, collage), many projects utilise the aural (through music and spoken word, such as music and dance videos, poetry performances, and soundscapes), the olfactory and gustatory (through projects that link taste with experiences, such as baked goods heavy with glazing and symbolism; and as often as not the students' colonial histories in relation to current issues of law, such as tea-making, or non-European recipes transposed into the UK), and the tangible (through works that are meant to be opened up, touched and felt, such as books, boardgames, items of clothing).

Above all, the most important achievement of My Graduate Journey is the departure from law's exclusive focus on textuality. The average law school, in its teaching and learning methods, its choice of modules, its assessments, indeed its whole structure, is textual through and through.<sup>15</sup> As Wild and Berger state, for better or worse, 'the undergraduate law degree differs from many other degrees, in that it requires arguments to be constructed, at even the most academic level.'<sup>16</sup> This is not a surprise as law is traditionally considered through texts. This does not refer only to the study of law. It originates in the way law is delivered. Statutes, treaties, caselaw, are all texts. Consequently, our very conception of law is textual, for indeed if one were to heed legal positivism, what else is there? And how else is one to teach law, if not through texts? This is a vast topic with which we are constantly confronted when presenting

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<sup>14</sup> Fox and others (n 6).

<sup>15</sup> Admirable exceptions include Amanda Perry-Kessaris, "The pop-up museum of legal objects project: an experiment in 'sociological design'" [2017] 68:3 Northern Ireland Legal Quarterly 225 and Zenon Bankowski, Maksymilian Del Mar, Paul Maharg (eds), *The Arts and the Legal Academy Beyond Text in Legal Education* (London: Routledge 2013).

<sup>16</sup> Wild and Berger (n 1).

our work on My Graduate Journey or indeed even when talking to students about it. Is law more than just statutes and court cases? Where is the materiality of law, and how does that reach our students?<sup>17</sup>

Recently, however, law's textuality started being shaken up by various 'turns'.<sup>18</sup> Perhaps most counterintuitively yet also most decisively, the linguistic turn, namely the realisation that everything is text but also that text has a distinct materiality, gave law its first destabilising strike. The linguistic turn, largely initiated by Jacques Derrida and his deconstructive method,<sup>19</sup> means that language is not what we think it is. We only have access to a linguistic surface that cracks all too easily when one looks into the way power carries on producing the supposedly neutral language we use. Tools like *differance*, *sous rature* ("under erasure"), the ghost of the undecidable, even the famous "deconstruction is justice",<sup>20</sup> while all strictly speaking tools of analysing linguistic structures, they opened up the way to doubt the textual façade of the law.

This destabilisation of the rather positivist understanding of law as text carried on with the corporeal turn brought about by Michel Foucault<sup>21</sup> and established by feminist thinkers who started thinking of law as thoroughly embodied and political.<sup>22</sup> This means that law controls bodies in ways that have not been explicit in legal theory so far. This biopolitical form of control found its natural counterpart in the spatial turn, partly initiated by legal geography who understood law as embedded in specific spatial conditions.<sup>23</sup> This was another serious blow to law's textuality. Because while law keeps on being thought of, delivered and exercised as text, the combination of the corporeal and spatial turns means that law does not only take place in courts or prisons. It means that law is *literally* "all over"<sup>24</sup> – and this includes our own bodies, over which we assumed we had control, at least the ones of us who took to heart the

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<sup>17</sup> On the tension between textuality and materiality in law, see Andreas Philippopoulos-Mihalopoulos "Mapping the Lawscape: Spatial Law and the Body" in Zenon Bankowski, Maksymilian Del Mar and Paul Maharg (eds), *The Arts and the Legal Academy: Beyond Text in Legal Education* (Aldershot: Ashgate 2012) and Andreas Philippopoulos-Mihalopoulos "To Have to Do With the Law: An Essay", in Andreas Philippopoulos-Mihalopoulos (ed), *The Routledge Research Handbook on Law & Theory* (London: Routledge 2018).

<sup>18</sup> Amongst others, the feminist turn (e.g., Gillian Rose, *Feminism and Geography* (Minneapolis: University of Minnesota Press 1993), the visual turn Peter Goodrich and Valérie Hayert (eds) *Genealogies of Legal Vision* (London: Routledge 2015), the queer turn (e.g., Les Moran, "The Queen's Peace: Reflections on the Spatial Politics of Sexuality in Law", in Jane Holder and Carolyn Harrison (eds) *Law and Geography: Current Legal Issues Volume 5* (Oxford: Oxford University Press 2002); the aesthetic turn (e.g., Andreas Philippopoulos-Mihalopoulos, "Law is a stage: from legal aesthetics to affective aestheses" in Emiliios Christodoulidis, Ruth Dukes and Marco Goldoni (eds) *Research Handbook on Critical Legal Theory* (Cheltenham: Edward Elgar, 2019), the posthuman turn (Anna Grear, "The vulnerable living order: human rights and the environment in a critical and philosophical perspective" [2011] 2 (1) *Journal of Human Rights and the Environment* 23 and so on.

<sup>19</sup> See Jacques Derrida, *Of Grammatology*, trans Gayatri Spivak, (Baltimore: The Johns Hopkins University Press, 1976).

<sup>20</sup> Jacques Derrida "Force of Law: The 'Mystical Foundation of Authority'", trans. M. Quaintance, in Drucilla Cornell, Michel Rosenfeld and David Gray Carlson (eds.), *Deconstruction and the Possibility of Justice* (New York: Routledge 1992).

<sup>21</sup> See Michel Foucault, "Society must be Defended: Lectures at the College de France, 1975-1976" in Mauro Bertani and Alessandro Fontana (eds), trans. David Macey (New York: Picador 2003).

<sup>22</sup> E.g. Davina, Cooper, *Governing out of Order: Space, Law and the Politics of Belonging* (London: Rivers Oram Press 1998).

<sup>23</sup> See Irus Braverman, Nicholas Blomley, David Delaney, and Alexandre (Sandy) Kedar, 'The Expanding Spaces of Law: A Timely Legal Geography' Paper No. 2013 – 2032 *BUFFALO Legal Studies Research Paper Series* 2013.

<sup>24</sup> Austin Sarat, "'...The Law is All Over': Power, Resistance and the Legal Consciousness of the Welfare Poor" [1990] 2:2 *Yale Journal of Law and Humanities* 343.

anthropocentric dogmas of enlightenment, where man (indeed) is a rational being in control of his actions.

The above advancements towards a less textual and more embodied and spatialised conceptualisation of law were espoused and further developed by queer legal theory, as well as gender and sexuality studies more broadly, postcolonial theory with its emphasis on non-western and alternative sources of knowledge,<sup>25</sup> law and visual aesthetics,<sup>26</sup> law and art,<sup>27</sup> and law and the senses<sup>28</sup> amongst other theoretical branches of legal thinking. Should one choose to embrace these perspectives, trying to involve students in thinking these for their work, one might inevitably end up with something like My Graduate Journey and indeed a Degree Show at the end. After all, undertaking a law degree is not just about the ‘acquisition of knowledge tested via traditional modes of assessment.’<sup>29</sup> Rather, it is about allowing students to think of their legal and political responsibility in relation to the world; to give them an opportunity to focus on their histories and their privilege or lack of; and to enable them to think of ways in which they can contribute to a better, fairer society.

#### 4. Challenges and Risk-taking

The explorative setting up of My Graduate Journey module coincided with the institutional endeavour towards decolonisation of the legal curriculum, broadly understood as the institutional attempt to redress disadvantages related to race and ethnicity through action incorporated in current curricula.<sup>30</sup> It might even be an accepted speculation to say that My Graduate Journey, at least to some extent, actually spearheaded the process by encouraging students to engage with personal narratives and non-standard sources of knowledge, often harking back to their ethnic origins, their religious and community affiliations, or their gender and sexual orientation. Although this is not the traditional avenue of curriculum decolonisation, we found in it tremendous value because of the bottom-up approach that further encouraged us to seek and suggest readings, as well as practice teaching and learning methodologies that challenged existing Western paradigms. This occurred not only by the rather rudimentary by now process of adding black and non-western scholars to reading lists (often misunderstood in terms of decolonisation amongst academics) but involving ‘...challenging and remaking of current pedagogy, which was rooted in imperial and colonial ideas about knowledge and learning, at an institutional level.’<sup>31</sup> In some ways, My Graduate Journey threw into relief the way social and individual discriminations and disadvantages always appear intersectionally,

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<sup>25</sup> Nasser Hussain, *The Jurisprudence of Emergency: Colonialism and the Rule of Law*, (Ann Arbor: University of Michigan Press 2013).

<sup>26</sup> Leslie Moran, Christie Sandon and Elena Loizidou (eds) *Law's Moving Image* (Cavendish 2004).

<sup>27</sup> Oren Ben Dor (ed.), *Law and Art: Justice, Ethics and Aesthetics* (Routledge 2011).

<sup>28</sup> See the series *Law and the Senses*, edited by Andrea Pavoni and others (London: University of Westminster Press, 2016-present).

<sup>29</sup> Wild and Berger (n 1) and Judith Gulikes, Theo Bastiaens & Paul Kirschner ‘A five dimensional framework for authentic assessment’ [2004] 52:3 Educational Technology Research & Development 67.

<sup>30</sup> See the very useful Decolonising SOAS Working Group, “Decolonising SOAS: Learning and Teaching Toolkit for Programme and Module Convenors” (May 2018) <<https://blogs.soas.ac.uk/decolonisingsoas/files/2018/10/Decolonising-SOAS-Learning-and-Teaching-Toolkit-AB.pdf>> accessed 1 February 2022.

<sup>31</sup> David Batty “Only a fifth of UK universities say they are 'decolonising' curriculum”. *The Guardian* (London, 11 June 2020) <<https://www.theguardian.com/us-news/2020/jun/11/only-fifth-of-uk-universities-have-said-they-will-decolonise-curriculum>> accessed 22 March 2020.



namely not in one isolated aspect of one's life (gender, race, class, sexuality, geography) but across all of them, with a consistently aggravating effect.<sup>32</sup>

At Westminster Law School we are privileged to have a truly diverse cohort of students. Our use of authentic assessment allowed us to respond to the needs of our diverse student body. The majority is of second or third generation Asian and Black<sup>33</sup> ethnic origin, from inner city London families, often the first ones in their family to attend university; and we also have a minority of white working and middle-class students. Religious beliefs and community connections are often in the core of in-class discussions. If a member of staff is confident enough to open up the classroom space of teaching and learning so that students feel empowered to bring in their personal connections to the legal issues discussed, everyone feels rewarded with a rich tapestry of differing positions and strongly-argued ideologies. Indeed, this conceptually simple (albeit demanding in practice) teaching method had already started effectively decolonising our teaching material in the School even before *My Graduate Journey*, since more and more members of staff took the risk of open discussion in terms of their own journey.

In *My Graduate Journey*, the process of decolonisation rides that wave of student involvement and personal/collective association with legal issues, at the same time explicitly encouraging our students to 'dig deep' into their personal histories and battles. This however presented some real difficulties with both students and staff. In terms of students' reactions, we often hear things like, 'I'm not creative' or 'I have no idea what to focus on'. This is an understandable reaction of students who have been safely guided and indeed prescribed in terms of assessments during all their years of study and therefore are hesitant.<sup>34</sup> Authentic assessment, as we see below, require a certain uncertainty of direction, a non-prescriptive openness that can initially appear scary or even paralysing. This is why meetings with personal tutors and us as module leaders are extremely important. It is as much an opportunity to help students relax and enjoy the creative process as well as the right place to explore what students understand by creativity and how to channel it to their projects. Typically, after the desperate cry 'I am not creative', a question of the type 'tell me a bit more about how you spend your time outside school duties' follows by the tutor. The aim is to understand some things about the student's lifestyle, hobbies, interests, worries, and personal circumstances. As the chat carries on, the student can usually be gently guided towards exploring their interests and forming them into a project. One of the most interesting moments was when one of our students who professed she had practically no life outside school, started talking about how every other weekend she and a friend would go to a random postcode to walk around and discover the area since neither of them was from London and felt they still did not know the city. This apparently random activity turned out to be most fascinating mapping project exploring law in movement, combined with moments of personal realisation, past reminiscence and future planning.

The other set of challenges has come from our colleagues. One of the biggest hurdles was a certain resistance to move away from textual assessments. As a result of pressure, in the first years, we had to agree to an extended text accompanying the artefacts. In the last couple of years, however, we have limited that to a 100-300-words contextualising text. It is of course perfectly understandable why law lecturers without any prior formation to arts and crafts might feel intimidated by this process. There is little doubt that it can be daunting, and marking might feel arbitrary. We have tried to train the staff as much as possible by emphasising the marking

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<sup>32</sup> Kimberlé Crenshaw, *On Intersectionality: Essential Writings* (The New Press 2017).

<sup>33</sup> Although Black students constitute a small minority in the Law School.

<sup>34</sup> Fox and others (n 6).

criteria of enthusiasm, time devoted, attention to detail, personal engagement, clarity of reflection and other such notions over any possible notion about the artistic value of the projects. We keep on emphasising that this is not a fine arts degree show. *It is a law degree show in an educational universe where law grapples with its materiality.* Projects will be raw or safe, crafts-like or more artistic and experimental. We are not judging those aspects. We are assessing how deep the students engaged with the object in hand.

Another challenge was that some staff and students found it easier to stick to a year-by-year narrative for the artefact, a sort of annual diary where emotions and events were visually or otherwise represented. This harked back to a classic reflective log approach. We are trying hard to move away from this linear and potentially more descriptive approach and towards a unitary focus on an idea/event/notion/moment that has changed the way the student saw themselves in relation to law. This is proving quite hard to achieve with students and staff, but we have had very encouraging developments in the last year or two.

## 5. The Degree Show

The big night is upon us! Days of frantic preparation lead up to the long-anticipated (and even dreaded) Degree Show where students finally get to showcase their work. We keep speeches to a minimum and we give space to the artefacts. Students usually linger around their work (when they are not walking around seeing the work of their peers) and are ready to answer questions and explain the process. Parents, guardians, friends, industry, university representatives and staff make for a proper party atmosphere, often with light touch DJing, drinks and canapes.

The space we have been using for the past three years (bar 2021 where Covid pushed us online) is Ambika P3, a vast underground industrial exhibition space in Marylebone. We divide the space into three areas: exhibition space with tables, stands and wall hangings; a video projection with chairs where videos play in loop; and a performance space where students perform live on the day.

The assessment takes place informally, with staff circulating and chatting to their tutees, admiring the work and assigning marks. At the same time, a separate process of choosing the best artistic projects takes place, with a few candidates and two to three finalists every year announced during the Degree Show. This process has little to do with the actual marking process and the prize (usually online vouchers) is unrelated to the kind of mark the projects would get. However, it has never happened that a prize-winning project would not also be awarded a first-class mark. This year (2022) is the first time that we will be joined by the Westminster Law & Theory Lab's (an experimental research centre in the Law School co-led by one of the authors along with Julia Chryssostalis) Artist-in-Residence who will contribute to the judging process but also stage an art show of their work which will be related to the Degree Show.<sup>35</sup> This works in combination with a longer-standing practice to also employ the

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<sup>35</sup> This year's artist in residence is [Dr Helene Kazan](http://www.helenekazan.co.uk/) (<http://www.helenekazan.co.uk/>) a video artist working with international law, gender violence, spatiality and temporality in the Middle East. For details see the [Lab's](https://www.lawandtheory.com/) page <<https://www.lawandtheory.com/>>

Law School's Poet-in-Residence,<sup>36</sup> who regularly organises workshops for the students interested in exploring poetic expression and spoken word performances for their projects.

We employ a video maker every year who interviews the students with the most striking or original projects, films the whole gallery space and then edits a short video that the University uploads on its site.<sup>37</sup> These videos are invaluable resources for next year's lectures, where students get a sense of the enthusiasm, fun and personal relevance that characterises these projects. They help us in our effort to assuage any textual longing the students might have when thinking of the project, and show them how they can use their extracurricular skills for professional and academic purposes.

## 6. Feedback from students and staff

Student feedback is overwhelmingly positive, highlighting freedom of expression, community building, creativity and interesting challenges. Still, while it has generally been well received and welcomed by students, staff and external examiners, some things were found to be wanting, which means that we are constantly revisiting and adjusting the module requirements according to feedback. Perhaps the most difficult aspect of the module for the students is the project's vagueness of format and content. This is often felt as a cause of anxiety, since this is the first time that students are required to do anything non-textual. One student writes: 'This abstract nature of this module was initially challenging to understand. By the time submission came round, I had a better understanding of what to do and what was expected of me. This mainly came through discussions with my PAT.' We deal with this issue by continually feeding information and ideas to both Personal Academic Tutors (PAT) and students, and making everyone feel that this should be a fun and personal project that allows them to think about the law differently. At the same time, we are aware of how deeply conditioned final year students are to think of the law in specific ways. While in many ways we try with this module to help them see at law again, anew, afresh, as object, body, space, movement, colour, scent, in short fully materialised, the resistance can often be very strong. And while we try to include everyone, and make sure that all students find their way into it, producing a personal and rigorous project, we also realise that we have not managed to win everyone over:

*The stress it caused me. This would be something interesting if it was started in first year as a forward thinking where do I expect to be in third year/my current ideas on my law degree v. my final year thoughts on my degree. I felt like I had no time for it during my other three exams and copious amounts of essays. I think this would be a good option module or extra credit module but not mandatory. I know they stated that just because I study law does not mean I'm not creative I agree however, my creativity comes in the forms of my essays and arguments surrounding the law. if I wanted to do art I would have chosen a different degree.*

It is difficult to read such feedback because one can feel the anxiety that this student experienced and this could not be further from what we aim with this module. But we are also faced with a serious dilemma: do we allow this positivist illusion of the law as only text to perpetuate or do we push on, redoubling our efforts to include everyone in our vision? It is

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<sup>36</sup> [Mike Garry](https://www.mikegarry.co.uk/) (<<https://www.mikegarry.co.uk/>>) is our Poet-in-Residence, appointed in 2014 by the Centre for Law, Society and Popular Culture. See <<https://www.westminster.ac.uk/research/groups-and-centres/centre-for-law-society-and-popular-culture/projects/disrupting-the-everyday/poetry-matters>>

<sup>37</sup> See for example the 2020 video at <<https://www.youtube.com/watch?v=45QEUyOynjo&feature=youtu.be>>

incredibly difficult and for this reason we have kept the 1000-word text option for the ones who are indeed so very unhappy with the other formats of expression, or indeed for the ones whose work-life balance does not permit them to dedicate longer than the few hours needed to write a short reflective text. But what we appreciate about this piece of feedback is the fact that despite the obvious stress and discomfort, the student managed to offer a constructive idea of how to embed the module and the kind of assessment into the curriculum in a way that would be amenable to them.

Self-reflection is a major part of the module. As this is not a regular reflective log and does not refer to study techniques, students often treat the process almost as therapy. One 2020 student, (a difficult year because everything had to be moved online) wrote: “The skill of self-reflection and critique are important and this module has allowed me to consider what is going on with myself below the surface. It is unique in that sense.” The submission allows the development of an emotional intelligence that complements issues of personal responsibility, especially when this comes into contact with traumatic experiences, whether personal or of the immediate community. One of the 2022 submissions for example, was a video where the student performed a dance in the park pavilion where she was sexually abused only a few months ago. The voiceover set the context, explained the incident and went into a meditation on the use and limits of law (and the question on whether she should report the incident to the police or not), the connection to her body, her gender and the space around her, and of course issues of personal safety and sense of self.

Finally, the relevance of the module for the students’ future life has been brought up positively at various instances, but remains challenging. This, we think, is partly as we have mentioned because law schools associate law with a narrow juridical construction and have not succeeded in making the law in its polymorphy relevant to the pedagogical experience and expectations of the students. In an open understanding of law, where law finds expression in various formats, disciplines, knowledges and behaviours, the connection would have been easier to make. We do emphasise the fact that employers also want to see the students’ ‘other side’, the one that cannot easily be discerned in their transcript – and My Graduate Journey gives them precisely that opportunity. Still, as one student put it,

*as amazing as it sounds to just explain, as you can appreciate, some employers may go as far as asking for some sort of proof (that I have really enjoyed it, but most importantly, have successfully made it to one of the chosen MGJ submissions). Therefore, I would like to ask whether it is possible to have some sort of certificate for recognition? MGJ is a very unique experience, that not many university’s offer a similar module. Thus, I believe that those like me, who really put their heart and soul into it, should have some sort of certificate to showcase their amazing journey which is recognised officially by the university.”<sup>38</sup>*

We welcomed this idea and are working on it in order to supply students with an adequate certificate mentioning their work and acquired skills. As we have already mentioned, we feel very encouraged institutionally. The broad areas of positive institutional feedback highlighted creativity, culture experiences and a sense of belonging as key strengths. For example, our external examiner and senior leadership team have highlighted many strengths in terms of our commitment to teaching and learning in terms of understanding the law differently:

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<sup>38</sup> Student email correspondence to module leaders.

*...It is beautiful to see how the dynamic between lecturer/supervisor and student plays out in the Graduate Journey... I have no doubt that as time goes by the experiences and reflections that you encourage here will only deepen and positively impact their futures.....your LLB programme teaches not only future legal professionals or ‘people with an UG/ LLB’, but shows that there is a place for reflective, creative, critical thought and that their experiences, interests, and perspectives are not only valid, but important and part of something bigger, as in shared experiences and ‘community’<sup>39</sup>.*

*Others have said what I would have done about creativity, innovation and reflection, so I won’t repeat that, but I would like to add that I was really impressed by the quality of the artwork in a cohort who are not following a creative programme (at least, not creative in the physical sense of production). The standard of work and attention to detail was great.<sup>40</sup>*

These moving comments have encouraged us to pursue our commitment to ‘...deep approaches to learning, more meaningful and engaging experience for students, and better preparation for the demands of work and life.’<sup>41</sup> As noted by our external examiner, diversity of the student experience in projects submitted continues to be a strength, along with feedback practices and the criteria used for marking.

## **7. Are we authentic enough?**

From a socio-cultural perspective, authentic assessment allows students to engage with their peers and the wider community.<sup>42</sup> In addition, authenticity in assessment design contributes to the quality and depth of the learning process and higher cognitive skills as demonstrated in the My Graduate Journey assessment.<sup>43</sup> It promotes student collaboration with peers and the wider community, which in turn develops graduate attributes.<sup>44</sup> In addition, it allows students ‘...to perform real-world tasks that demonstrate meaningful application of essential knowledge and skills.’<sup>45</sup> This understanding is well established,<sup>46</sup> but has limitations because it does not take into account that authenticity can occur in various contexts.<sup>47</sup> My Graduate Journey assessment attempts to challenge this well-established assumption and enables students to reflect in a manner on what has been learned and resonates with their personal experiences.<sup>48</sup> The assessment has enabled our students to develop a deeper level of self-reflection, as we can see from the personal investment on their projects.

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<sup>39</sup> Email from our external examiner 2021.

<sup>40</sup> Deputy Vice Chancellor (Education) Sal Jarvis 2019/20.

<sup>41</sup> Villarroel and others (n 10).

<sup>42</sup> Fox and others (n 6).

<sup>43</sup> Villarroel and others (n 3).

<sup>44</sup> Fox and others (n 6).

<sup>45</sup> Fox and others (n 6).

<sup>46</sup> Grant Wiggins, *Assessing student performance* (San Francisco: Jossey-Bass Publishers 1993).

<sup>47</sup> Joy Cumming & Graham Maxwell ‘Contextualising Authentic Assessment’ [1999] 6:2 *Assessment in Education: Principles, Policy & Practice* 177.

<sup>48</sup> Beatrix Acevedo (2020) “Ideas for decolonising the curriculum in teaching and learning: A personal reflection.” (Anglia Learning and Teaching, 10 July 2020) <<https://aru.ac.uk/blogs/decolonising-the-curriculum>> accessed 23 March 2022.

Archbald and Newman appear to be the first to use the term ‘authentic’ in learning and assessment.<sup>49</sup> Initially their focus was on authentic achievement.<sup>50</sup> However, over the years they have redefined authenticity to suggest that ‘the quality and utility of assessment rest upon the extent to which the outcomes measured represent appropriate, meaningful, significant, and worthwhile forms of human accomplishment.’<sup>51</sup> Although Newmann and Archbald’s ideas have not been sustained in practice, the concept of authenticity in ‘authentic achievement’ and ‘authentic assessment’<sup>52</sup> has been developed, leading ‘...to increased attention to validity in assessment and imaginative innovation in assessment practice.’<sup>53</sup> Biggs and Tang have interestingly highlighted that effective learning takes place when students construct meaning from the task they have been set.<sup>54</sup> And as a result, ‘...authentic tasks serve as vehicles for such learning.’<sup>55</sup> We are encouraged to think that My Graduate Journey manages indeed to serve as a vehicle for this approach to learning.<sup>56</sup>

According to Ashford-Rowe *et al.*, in order for engagement with real-world tasks to be successful (in other words in order for the assessment to be authentic) assessments tasks must meet several conditions, the most important of which, at least for us, are: the tasks must be *ill-defined*, requiring students themselves to define the tasks needed to complete an activity rather than being spoon-fed and closely guided through every stage; the assessments must have *real-life relevance*, in that they connect with the world around us in more than just imaginary ways; they need to be integrated and applied *across different disciplines and social spheres*, thus escaping the narrow confines of a specific disciplinary epistemic approach; and they must yield *polished products* valuable in their own right.<sup>57</sup> It is evident that My Graduate Journey fulfils the above criteria, but adds to it what we consider a very important aspect: a political positioning dimension with regards to issues of belonging, identity, personal history in view of family immigration, ethnicity, religion and community, as well issues of gender, sexuality, class and so on.

The use of a marking rubric, and the effort to ensure it aligns with the intended learning outcomes, is key to guaranteeing consistency and effectiveness.<sup>58</sup> Devoting time explaining the rubric to students have enabled students to ask us questions, compare notes amongst themselves, practice their ideas with their personal tutors and their peers, testing them with our Artist-in-Residence and Poet-in-Residence, and in short make sure they get maximum exposure of their ideas before showing them in the show.<sup>59</sup> Students are required to identify the development of existing and new skills throughout their degree. We can happily report that we do not have issues with consistency of marking, only the odd marker that may be new to the process, and this is addressed through ongoing coaching and staff development. Interestingly, we have observed that markers are more inclined to use the full range of marks in this type of

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<sup>49</sup> Cumming & Graham (n 47).

<sup>50</sup> Cumming & Graham (n 47).

<sup>51</sup> Doug Archbald & Fred Newmann (1988) *Assessing Authentic Academic Achievement in the Secondary School* (Reston, VA, National Association of Secondary School Principals 1988).

<sup>52</sup> Cumming & Graham (n 47).

<sup>53</sup> Cumming & Graham (n 47).

<sup>54</sup> John Biggs & Catherine Tang, *Teaching for quality learning at university*, 3rd edition (Society for Research into Higher Education 2007).

<sup>55</sup> Wild and Berger (n 1).

<sup>56</sup> Wild and Berger (n 1).

<sup>57</sup> Kevin Ashford-Rowe, Janice Herrington and Christine Brown, “Establishing the Critical Elements that Determine Authentic Assessment” [2014] 39:2 *Assessment & Evaluation in Higher Education* 205.

<sup>58</sup> James Fox and others (n 6).

<sup>59</sup> James Fox and others (n 6).

assessment, whereas in the past this has not always been the case for traditional assessments set by the course team.

## **8. Conclusion**

Is it worth the trouble, work, copious amounts of paperwork, buttering up on administration, convincing staff about the relevance, encouraging students to explore their creative side, running heedlessly on the days leading up to the Degree Show with an inordinate amount of details that can and often do go wrong, from AV to cleaners' bookings, to tube strikes (the 2022 show happened on a tube strike day) to catering disasters, to occasionally disheartening feedback?

The answer is a resounding yes. Because, apart from allowing law students the space to think and connect differently, there is a great satisfaction in chipping away even a tiny quantity of the law's grand textual ivory tower, and showing how law, as much as court cases and statutes, it is also our bodies, our spaces and our objects.