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# RESOLVING HIERARCHY PROBLEMS IN LEGAL EDUCATION

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***Abstract:*** **Resolving the problem of hierarchy in legal education is concerned with establishing the validity of the legal institution in its attempt to produce lawyers, judges and other legal officials whose role it is to ensure the protection of the rights of all citizens in their society, as recognition of such rights is believed to be central to the achievement of freedom, justice and peace among men. But controversies abound in virtually all societies of the modern world that legal education has failed to liberate legal professionals from the political bondage that has nibbed in the bud the possibility of achieving these perceived goals. Central to our discourse in this paper is the attempt to resolve perceived contradictions associated with hierarchy in legal education within liberal societies. Findings show that legal education can serve as an important instrument for protection and security of the citizens of a country: the fundamental idea usually being to develop human beings intellectually, morally, emotionally and materially through inculcating norms and values of society. There is a belief that legal education is training for hierarchy, based on the fact that legal education engenders class, race and gender inequalities. There is another belief that legal education is training for exploitation of the poor masses of society, by perpetuating inequality and injustice in society. Legal education as it is done today contradicts the sole legal purpose of achieving justice, whereas in actuality legal education ought to be progressive.**

***Keywords:*** **hierarchy, law, legal education.**

## 1. INTRODUCTION

Legal education as we do it today in Europe, America or Africa is orthodox and also lacks any feasible development plan. This allegation relies upon the controversies generated by the polemic of Duncan Kennedy that legal education merely serves as a means for reproducing hierarchy. The belief is that law is politics and therefore legal education cannot be divorced from class ideology. Marxists and Crits are critical about the rational legal order of liberal capitalism. Liberal societies all over the world are wrestling with the problem of injustice. In conjunction with Kennedy's polemic this study is set out to show that legal education in liberal democracies has failed to produce men and women professionals who by their role of dispensing justice would justify the aspiration of the law; more so, legal education should be organised with a view to transforming legal professionals and the experiences of society to adapt itself to challenges of justice and the protection of rights of its members to break free from political bondage. The significance of this study is to promote legal education of relevance in all cultures of the world and it is justified as a masterpiece for practical puposes. The method adopted for this study is analysis.

## 2. MEANING AND HISTORY OF HIERARCHY IN LEGAL EDUCATION

We use the term "hierarchy" in various ways to describe different "ordering" to things or "shades" of phenomena. It might be used in metaphysics as an alternative to categories of existent, by which is meant ways of describing things there are. Such is the case with the way Ajbafor Igwe describes levels of reality as hierarchy of Beings, maintaining that African's order reality in a hierarchical manner, beginning with God as the apex, followed by angels, other spirit beings, man, animals and things.[1] In fact, the court in Nigeria exist in a hierarchical order, with the supreme court at the apex, followed by the court of appeal, high court and customary court. The term "hierarchy" is therefore generally used in theories of classification of entities into definite groupings with the aim of stressing their significance. Robert Audi defines hierarchy as "a division of mathematical objects into sub-classes in accordance with an ordering that reflects their complexity".[2]

This definition of hierarchy is associated with the analysis of descriptive set theory of real numbers which defined and studied two systems of classification for sets of Reals, the Borel (due to Emil Borel) and the G-hierarchies. The important thing about this approach is that the ordering is natural and well founded. It is in line with the theory of classification that describes hierarchy as "a system for organising people according to their society, organisation, or other group … the group of people who control an organisation … a series of things arranged according to their importance".[3] On the first description, we may argue that it is possible to find a management, church, or social hierarchy; on the second, it is arguable that candidates in politics are chosen by party hierarchy; and the third sense may be exemplified by the belief that man has a hierarchy of needs.[4] By describing hierarchy in these ways, we seem to be concerned with the functional significance of levels of realities. It is therefore argued that "a hierarchical society or organisation is one in which differences in status are considered to be very important".[5] It is necessary at this point to clarify the vague notion of "hierarchy" used in describing the process of becoming barristers and solicitors in liberal societies. When the foregoing analysis is brought to bear on the study of jurisprudence, it is capable of drawing quite a lot of implications for institutions of legal education. The object of legal education is to fill existing vacancies at various levels and branches of the legal profession, based on the recognition afforded them by status. The implication is that the legal profession is marked by hierarchical roles for lawyers and judges. Constitutional law may often be considered second order rule making or rules about making rules to exercise power: it governs the relationships between the judiciary, the legislature and the executive with the bodies under its authority. One of the key tasks of the constitutions within this context is to indicate hierarchies and relationships of power. For example, the constitution of a unitary state vested ultimate authority in one central administration - legislature and judiciary - though there is often a delegation of power or authority to local or municipal authorities. When a constitution establishes a federal state, it will identify the several levels of government coexisting with exclusive or shared areas of jurisdiction over law-making, application and enforcement.

History of legal education has its subject matter in jurisprudence. Michael D. Freeman describes jurisprudence "as the study of general theoretical questions about the nature of laws and legal systems, about the relationship of the law to justice and morality and about the social nature of law".[6] Freeman thus sees the proper discussion of these sorts of question as one involving understanding and use of philosophical and sociological theories and findings in their application to law. He believes that the study of jurisprudence should encourage the student to question assumptions and develop a wider understanding of the nature and working of law. Broadly speaking, jurisprudence can be considered both through the type of questions that scholars seek to answer and also through the schools of thought regarding answers to the questions. It concerns itself with both the inherent problem of law in the strict or abstract sense and law in the sense of social fact or institution. It also deals with its relation to the society which it serves. It is from this that we have various theories of jurisprudence. However, it should be understood that the curriculum and methods of instruction are two important aspects of the study of jurisprudence in legal education.

Legal education incorporates materials of ancient, medieval, modern and contemporary times. Western philosophy tends to place the Greeks in the forefront of all rational enquiries in the ancient world. The Greeks used philosophy as a handmaid of all other disciplines including science, religion and law. In Plato's Academy, his followers studied law like every other subject to acquire general knowledge for application in public life, not as seeking to become lawyers and judges the way we know them today.[7] The reason seemed to have been that Greek democracy entailed pure egalitarianism and this was central to the roles of the state in legislation, adjudication and administration of justice: which is to say that every adult citizen was entitled to take part in decision making at all levels of socio-political life of the state. But it would seem that Greek educational experience cannot be fully discussed without reference to its origin in Africa.[8]

Ancient Egyptian educational system provided the model for Greek and western educational systems. According to Innocent Chiaka Onyewuenyi:

> The most important legacy bequeathed to the world by the Egyptians is its system of education. This is at the base of all the other disciplines which the Egyptians originated … it is by following a well-planned educational program that one excels as a philosopher, medical doctor, astronomer or as a mathematician. [9]

The fact expressed here by Onyewuenyi is unassailable. Plato admits this fact of the Egyptian legacy of western model of education in his *Laws*.[10] Egypt is undeniably the cradle of world civilisations and the Egyptian Mystery system is believed to have been the first University in the world. Education in the Egyptian mystery system was structured and therefore the concept of "hierarchy" was not alien to it. The system had three grades of students, namely the morals, the intelligentsia,

and the creators. The morals were students under probation and who therefore did not gain any experience. The intelligentsias were those who had gained experience but did not achieve the inner (spiritual) vision. The creators were those who had both gained experience and achieved inner vision: hence they were described as Sons of Light because they had become God-like. Law was one of the many subjects which the Egyptians taught the Greeks in addition to philosophy as the core discipline. But teaching and learning the subject took a somewhat mystical approach. However, the Greeks refined and thereby gave it a rather rational framework.

Some schools of rhetoric in ancient Rome provided training deemed to be "useful to someone who intended to be a legal professional, though it was not systematic".[11] In other words, the curriculum content at that time was not properly formulated as it is done today, nor was there an organised schedule of tests for the study. But the subsequent years that followed saw the development of a body of legal literature and some non-priestly legal consultant's student could serve as an 'attache' to the 'teacher' and would be attending consultation with the 'master' with scholars establishing themselves as regular law teachers – having a few law books at their disposal. Scholars are of the view that intellectual development in legal education regarding preparation for legal practice "was done in the universities since the medieval time".[12] But the 18th and 19th centuries witnessed the influx of university based legal education at breath taking pace. This was in order to meet the aims and challenges of teaching law as an academic discipline and the preparation of legal professionals. George Long maintains that professional development in legal education "covers the days of Tiberius Coruncanius who first professed to have what it takes to teach law in the contemporary times where it is taught in schools".[13] It involved various changes and general schools of thoughts. Although Coruncanius may be compared to Socrates in not leaving any works behind, he nevertheless did much philosophising on law and legal education. After Coruncanius, instruction gradually became more formal with the introduction of law books, beyond them where scanty official Roman legal text.

We owe greatly to English law when we consider the development of legal education in medieval Europe. English law has an evolving history dating from the local customs of the Anglo Saxons, traces of which survived until 1929. Referring to the growth of English law during the period, Kenneth Smith and Denis J. Keenan write:

> Our present legal system began for all practical purposes in the reign of Henry II (1154-1189). When he came to the throne justice was for the most part administered in local courts… by local lords to their tenants in the feudal courts and by the court sheriffs, often sitting with the Earl and the Bishop in the courts of the shires and hundreds.[14]

This view shows that prior to the time of Henry II English Lords decided cases on the basis of local customs, but it was in the 12th century that real professional practices developed within the framework of legal education. Legal education in the United Kingdom is divided between the common law system of England and Wales, that of Northern Ireland and Scotland. It uses a hybrid of common law and civil law. Dundee and Strathtlyde in Scotland are two universities in the UK that offer a qualifying degree. All prospective lawyers must first possess a qualifying law degree, or have completed a conventional course. On graduation, the paths towards solicitor and barrister diverge. Prospective solicitors enroll with the law society of England and Wales as a student member and take a one-year course called Legal Practice Course (L. P. C.) usually followed by two years of apprenticeship known as a training contract. Prospective barristers have to apply to one of the four Inns of Court and complete a one-year Bar Professional Training Course (B. P. T. C.) followed by a year training in a set of barrister's chambers known as pupilage. Inns of Court are professional associations of barristers charged with the functions of discipline and supervision of members. It is the process of becoming a Barrister in the United Kingdom that we refer to as "hierarchy" – a concept identified in the United Kingdom with status.

English law has spread with its hierarchical structure to many countries of the world including former English colonies such as New Zealand, Canada and the United State of America; as well as countries in Africa, Asia and Australia. Up to at least 50 years or so after the American revolution, there was a lot of experimentation in the United States. New institutions were developing that were unknown to England aimed at removing the demerits of their English counterparts. The first legal institution established in 1784 in Connecticut, served as the foundation for a university-based legal education in the Harvard, in 1817. Legal education in America started with training at the Inns of Courts. Control of the Inns soon passed from the hands of the true employers, the student, to those of the teachers, the master. A "hierarchy" developed, which was bound to happen as England was and still is a society which is class and status conscious. The masters came to be known as benchers while the students were classified into experienced students, outer barristers and inner barristers. Experienced students known as readers acquired the status of modern day law school teaching assistant.

The outer barrister's class was perhaps the equivalent of today's second year law school class and their studies were dominated by participation in the moots. Inner barristers, as new students, were taught mainly by means of lecture and observation. The method of legal education available and prevalent at the Inns at any given time depended on whether or not the court was in session. When the courts were not hearing cases, the readers would give lectures covering a variety of topics. But they would conduct special moots called "bolt" when the courts were in session, and the Inns were crowded with judges and lawyers as well as the students. In the evenings, the Inns served in two ways. Those who dwelled there took part in an educational exercise – the moot court. Practice courts were held in which cases on curious questions of law were presented and argued by admitted and skilled litigators. After each court session, discussions were held with litigators through the help of the students. This joint and instructional drawing together of the judges, lawyers and students was of great importance at that time, because law report and legal literature were in an extremely early stage of development. An important result of the development of the Inns of Court was that the profession of law became a somewhat closed society. The legal talent of England thus rested in the great central court culturally, professionally and geographically; and this gave a unique priesthood aspect to the English bar which along with its benefits for England was treated with suspicion by Americans. Admission to their bar was fully in the hand of the benchers and the readers. A certain number of meals were formally required to ascertain necessary exposure to the moots as experience by prospective barristers and this complemented the student's intellectual performance at the Inns. In modern Africa, law schools were established in the period of decolonisation; an example is the one established in Nigeria in 1962. These schools today with the curriculum as their guide are producing scores of legal professionals than before. The law school systems throughout Africa appear to be the same in following the colonial hierarchical heritage. Legal education in all liberal societies is the same. Legal education in Africa is even more rigid in following Western type of procedure, principles, standards, and concepts. It is conservative everywhere and bound up with hierarchy and status. There appears not yet to be in any one country in Africa a peculiarly authentic legal system in a modern sense. This implies that African lawyers and judges are products of both formal and institutional education fashioned after British and American systems. It can be seen from this, that law being an important tool fashioned by man for his society cannot be on its own but has to develop with man.

## 3. THE CHARGE AGAINST HIERARCHY

The unique problem of this study is encapsulated in the thesis of Duncan Kennedy, the American Philosopher, which says that legal education is a reproduction of hierarchy. Kennedy presents a sociological treatment of several aspects of law together with the attempt to integrate the sociological element with psychological approaches of Sigmund Freud and John Paul Sartre respectively. Freud's psychoanalytic theory holds that "the superego is the component of personality composed of our internalised ideals that we have acquired from our parents and from society".[15] This clinical approach to psycho analysis is an attempt to study human behaviour through heredity and environment. The existential and psychoanalytic theory of Sartre takes as its principle the fact that "man is a totality and not a collection, consequently Sartre expresses himself as a whole even in his most insignificant and his most superficial behaviour".[16] The goal of Sartre's psychoanalysis is to decipher the empirical behaviour pattern of man. In his *Legal Education and the Reproduction of Hierarchy*, Kennedy argues that legal education reinforces class, race and gender inequality in society.[17] Based on this, he proposes a radical egalitarian alternative vision of what legal education should become and a strategy for achieving it, starting from the anarchist idea of workplace organising for struggle in that direction. Kennedy's idea of legal education as reproduction of hierarchy covers everything about law school from the first day of one's entry into the system, to moot court, to job replacement and to life after law school. In the *Legal Education as Training for Hierarchy*, Kennedy roughly distinguishes between two aspects of legal education, consisting of formal and institutional practices. As he writes:

> A lot of what happens is the inculcation through a formal curriculum and the classroom experience of a set of political attitudes toward the economy and society in general, toward law, and toward the possibilities of life in the profession. These have a general ideological significance, and they have an impact on the lives even of law students who never practice law. Then there is a complicated set of institutional practices that orient student to willing participation in the specialised hierarchical role of lawyers. Students begin to absorb the more general ideological message before they have much in the way of a conception of life after law school.[18]

On the one hand, the formal aspect of the educational process concerns content realities of the curriculum for abstract legal thinking. Kennedy tries here to show that what law students learn at school involves the skills and techniques in

legal arguments. Although the process involves flip-flop between formalism and mere equitable intuition, it nevertheless represents a real intellectual advance. They are actually used in practice by lawyers; and it would seem that a proper and conscious mastery of these elements will constitute a help in thinking about politics, public policy and ethical discourse in general, since they show indeterminacy and manipulability of ideas and institutions that are central to liberalism. On the other hand, the institutional aspect deals with ways in which law school practices bear on the realities of formal legal education. Law schools teach the rather rudimentary but essentially instrumental skills in a way that mystifies them for almost all law students. First, students are made to believe that law emerges from a rigorous analytical procedure called legal reasoning. Second, the teaching of skills in the mystified content of legal reasoning about utterly unconnected legal problems implies that skills are taught badly. Third, skills are taught in isolation from actual lawyering experience.

Kennedy says in the *Training for Hierarchy*, that the intellectual core of the ideology is the distinction between law and policy. For him, students are made to believe that legal reasoning exists different from policy analysis, by bullying them into accepting as valid in particular cases legal arguments that are circular, question-begging, incoherent, or vague, seeing legal beliefs about them as meaningless. As he writes:

> Sometimes these are arguments from authority, with the validity of the authoritative premise put outside discussion by professional fiat. Sometimes they are policy arguments (e.g. security of transaction, business certainty) that are treated in a particular situation as though they were rules that everyone accepts but that will be ignored in the next case when they will suggest that the decision was wrong. Sometimes they are exercise in formal logic that wouldn't stand up for a minute in a discussion between equals.[19]

Kennedy argues here that circular reasoning and arguments from authority are usually not regarded as valid, logically speaking. While examining the ways in which law teachers treat cases Kennedy maintains that sub-field cases are treated as cases that present and justify the basic ideas and basic rules of the field, which thus are treated as cursory exercise in legal logic; there exist anomalous, outdated or wrongly decided cases which do not follow the inner logic of the area; there are peripheral or cutting-edge cases, which the teacher considers as raising policy issues about growth or change in the law. Anomalous and cutting-edge cases may not be so many but their importance lies in the fact that the technique of legal reasoning is at least minimally independent of the result reached by particular judges, for which reason Kennedy maintains that they can be criticising or legitimate. More often than not the teacher behaves in an authoritarian way because he claims objective knowledge of the technique of legal reasoning. Since they are now dealing with value judgements which have political undertones, it follows that the discussion turns out to be more free-willing, while the teacher shows himself to be a liberal or a conservative rather than merely a legal technician.

It also seems to Kennedy that the curriculum for formal legal education has a similar structure with that of the law school. In his *Ideological Content of Legal Education*, Kennedy maintains that "it is not really a random assortment of tubs on their own bottoms, a forest of tubs".[20] The first of these are contracts, torts, property, criminal law and civil procedure. These courses are based on the ground rules of late nineteenth century laissez faire capitalism. Teachers of this courses teach them as though they had an inner logic, as an exercise in legal reasoning, with policy (e.g. commercial certainty in the contracts course) playing a relatively minor role. There are second and third-year courses that expound the moderate reformist program of the New Deal and the administrative structure of the modern regulatory state. These second and third year courses are more policy-oriented than the first year courses and also more ad hoc. Students are hereby taught that limited interference with the market makes sense and are authoritatively grounded in statues as the ground rules of *laissez faire* founded in natural law. Yet the correct thing to say about the circumstance is that the problem is discrete and enormously complicated, for which reason it can be understood in a way that guarantees the practical importance of the reform program. Kennedy notes that courses like legal philosophy, legal history, the legal process, and clinical legal education are treated as peripheral subjects. These courses are usually presented as though they are not really relevant to hard, objective, serious, rigorous and analytical core of law. Instead they serve as a kind of playground of finishing school for learning the social act of self-presentation as a lawyer. Kennedy maintains that the whole body of implicit message associated with this aspect of the program is nonsense. According to him, teachers teach nonsense when they persuade students that legal reasoning is distinct, as a method for reaching correct result, from ethical and political discourse in general. It seems also to Kennedy that it is difficult to understand law the way law teachers present it. It is difficult to properly understand law solely from the capitalist perspective. It must be clearly stated that there is no logic to monopoly

capitalism, for which reason law cannot be usefully understood by dealing with it in all its complexity as a super-structure. More so, we will agree that both legal rules which the state enforces and legal concepts that permeate all facets of social discourse together constitute capitalism as well as respond to the interests that operate within it.

Marxists speak of class consciousness that leads to the struggle for power. The reality of legal education is thus linked with the notion of class struggle in the gradual evolution of society, leading us to communism in which law will wither away so that legal education becomes a matter of socialist consciousness. It seems to the Marxists that law is an instrument of exploitation of the poor masses of society by the rich ruling class. Legal education is therefore seen as training for such exploitation. Of great significance is the attempt by Marxists to point out contradictions in liberal democracies that negate the ideals of justice. We may describe liberalism as a belief system that tolerate differing opinions and thereby sympathetic to other people. Mark Kelman sees liberalism as "a system of thought that is simultaneously beset by internal contradictions … and by systematic repression of the presence of these contradictions".[21] Central to these contradictions is a five-fold reality, namely the conflict between a commitment to mechanically applicable rules as the appropriate form for resolving disputes; a commitment to situation-sensitive *ad hoc* standards; the conflict between a commitment to the traditional liberal notion that values or desire are arbitrary, subjective, individual and individuating while facts or reason are objective and universal; a commitment to the ideal that we can know social and ethical truths objectively or to the hope that one can transcend the usual distinction between subjective and objectively seeking moral truths; the conflict between a commitment to a discourse about intentionality in which all human action is seen as the product of a self-determining individual will and discourse about determinism in which the activity of nominal subject merit in either respect or condemnation because of being deemed the expected outcome of existing structure. The contradiction regarding rules and standards is fully considered by Kennedy as having concern with the degree of formal realisability that legal norms should have. The second contradiction concerning fact-value distinction is associated with liberalism's positivist method failing to meet its normative needs, the difficulties it confronts when applying empirical methodology to human desire. The contradiction invoking the longstanding conflict between freewill and determinism culminates in the belief that modern jurists are faced with pulls of contradiction. These suggestions point to the implication that legal practice is not predicated upon equality and reason. Michael Nkuzi Nnam maintains that legal education has failed, because "it does not give sufficient emphasis to the development of an awareness of justice and equity".[22] This failure stems from its departure from the sole legal purpose of justice and fairness. Nnam argues that many judges are often tempted to administer justice from their pockets. It seems to him that since these judges have power over everyone else in their position of authority they can bring their private ideologies to bear on decision making.

## 4. RESOLUTION OF HIERARCHY PROBLEMS

When we speak of hierarchy in legal education or class struggle in Marxism, we invariably speak of bureaucracy as institutionalized framework of governmental actions in Max Weber. Bureaucracy is the essay where Max Weber develops his ideas about *rationalisation* to the greatest extent, building on his earlier writings about social stratification and discipline. He describes a world that becomes mechanistic—both in the private and public sector. Weber's point is that the purely technical advantages of the bureaucratic machine take on a life beyond its creator, whether the creator was the charismatic Napoleon Bonaparte or Otto von Bismarck. The slow accretion of power reflects the "dilettantism" of generations of gentry, nobles, and other types of faceless *Honoratioren*. "Bureaucracy" as a meditation about the nature and origins of modern institutions tends to fit well into both public administration and business administration. Weber describes the English legal system by creating a legal history of the rationalization, bureaucratization, and powers underpinning English and German legal systems.[23] He illustrates this history by showing how mastery of the technical details of a legal system becomes the center for power in the modern state: this happens because bureaucracy is "technically the most advanced means for wielding power in the hands of those who possess it. We may have to say here that policy management is a key element for bureaucratic success in everything concerning law, legal institutions and legal education. But whether bureaucratic success is advantageous or disadvantageous to society or the institutions of law and legal education is a different enquiry. The bureaucratic rationale theory sees legal leadership as an organisational necessity and as one which arises from the need for coherence, unity and direction within a complex organisation. Some commentators have noted the necessity of bureaucracies in modern society. Research shows that Americans rarely have anything good to say about bureaucracies, and their complaints may hold some truth. Bureaucratic regulations and rules are not very helpful when unexpected situations arise. Bureaucratic authority is notoriously undemocratic, and its blind adherence to rules may inhibit those actions necessary to achieve organizational goals. The fact is that one of

bureaucracy's least-appreciated features is its proneness to creating "paper trails" and piles of rules. Governmental bureaucracies are especially known for this. Critics of bureaucracy argue that mountains of paper and rules only slow an organisation's capacity to achieve stated goals. They also note that governmental red tape costs taxpayers both time and money. We may have to argue that although the vices of bureaucracy are evident, nevertheless this form of organisation is not totally bad, as some benefits to the proverbial "red tape" associated with it do exist. An instance is to say that bureaucratic regulations and rules help ensure that the Food and Drug Administration (FDA) in America takes appropriate precautions to safeguard the health of the citizens when it is in the process of approving a new medication; more so, the red tape documents the process so that, if problems arise, data exists for analysis and correction. In the same vein, the impersonality of bureaucracies can have benefits. An applicant for example must submit a great deal of paperwork to obtain a government student loan. But it would seem that this lengthy and often frustrating process promotes equal treatment of all applicants, thereby giving everyone a fair chance to gain access to funding. In addition, some scholars argue that bureaucracy discourages favoritism, meaning that in a well-run organization, friendships and political clout should have no effect on access to funding. Bureaucracies may have positive effects on employees. Whereas the stereotype of bureaucracies is one of suppressed creativity and extinguished imagination, this is not the case. Many employees intellectually thrive in bureaucratic environments. According to this study, bureaucrats have higher levels of education, intellectual activity, personal responsibility, self-direction, and open-mindedness, when compared to non-bureaucrats. There is also a case of job security in bureaucracy. Weber argues on the one hand that bureaucracy constitutes the most efficient and rational way in which human activity can be organised. For him hierarchies are necessary to maintain order, maximise efficiency and eliminate favoritism.[24] On the other hand, Weber also sees unfettered bureaucracy as the threat to individual freedom, with the potential of trapping individuals in an impersonal "iron cage" of rule based rational control. His two positions are not after all contradictory; it helps to show that we can make the best use of bureaucracy when we curb its excesses by addressing the highlighted problems. Public service structures such as health, transport and education account for a substantial share of a country's economic activity. Effective public service delivery is therefore very important for economic growth. In Nigeria, public spending comprises over a quarter (26%) of the country's GDP. Yet, corrupt practices in the public sector organisation are common place including nepotism and bad government. A progressive legal education derives its impetus from the experiences that people have about themselves and the dynamic character of their environment. It shares the concern that legal education should proceed in a democratic fashion between teachers and learners, which thus will reflect in the relationship between professionalism and the capacity for protection of rights. Legal education must therefore be a process centered activity; it should be of relevance to its people; it should be education for equality under law and practice and more so should aim at attaining global standard.

## 5. CONCLUSION

Training in legal education is rooted in history. What we see today as modern legal education has come to us through age-old conventions, as well as customs and traditions of the historical past. The development of modern legal education system is linked with colonialism in America, Africa and many other places in the world. Colonialism brought with it the age-old British tradition of Inns of Court coupled with the development of hierarchy. Although these practices have come to stay in the contemporary world, it nevertheless would seem that legal education has come to be stratified more rigidly into formal, institutional and applied systems. In liberal societies, legal education system is plagued with grave difficulties in the kinds of training and development programmes they offer to teachers and students who thus have failed to live up to the expectations of their societies. In the contemporary era, legal education it has failed to achieve its primary goal of justice. Generally, its aim is to make lawyers and judges' custodians of justice, peace and order in the society. When it is organised so as to achieve these objectives it would be free from the politics of hierarchy and class struggle.

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