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Citation: Rutherford, Helen (2022) Subversive legal history: a manifesto for the future of legal education: by Russell Sandberg, Routledge, 2021, 242 pp., £120 (hardback), £33.29 (ebook), Abingdon (hardback), ISBN 9780367191290 (ebook), ISBN 9780429200618. The Law Teacher, 56 (4). pp. 552-554. ISSN 0306-9400

Published by: Taylor & Francis

URL: <https://doi.org/10.1080/03069400.2022.2075110>
<<https://doi.org/10.1080/03069400.2022.2075110>>

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Subversive Legal History. A Manifesto for the Future of Legal Education

Russell Sandberg, (Routledge, 2021, p 242 £120 (hardback) £33.29 (e book))

Legal academics, and legal education are not noted for their punk aesthetic. In

Subversive Legal History. A Manifesto for the Future of Legal Education

Professor Russell Sandberg urges law schools to be brave and asserts that future legal education would be well served by calling legal history in aid and placing it in the centre of curriculum planning. He makes the case for legal history to come out of the shadows and take its rightful place as the disruptor of the standard law school approach to legal education, in short, to subvert the norm and form the foundation for all legal education.

Here, I want to put my cards on the table: Sandberg is preaching to the converted. I am a legal historian, and former practising solicitor, teaching an assortment of core and optional modules. I sneak history, and historical method, into my teaching whenever possible. I co-developed a module, Lives, Trials and the Law to encourage Foundation students to look behind the cases and the statutes and into the legal actors and underlying drivers for the law. When I learned of this book, I put the publication date in my diary to request a copy. Does the book fulfil its promise? Is it a manifesto to enliven and enrich legal education?

Sandberg sets out the aim of his manifesto as ‘a historical approach to law [which] should be at the beating heart of the Law School curriculum ... a legal method that should not be the preserve only of specialist legal historians but rather should be part of the toolkit of all law students, teachers and researchers’. He does not define subversive and therefore the dictionary definition is implied: ‘Subversive: seeking or intended to subvert an established system or institution’. This is an exciting premise.

Subversive Legal History is divided into eight chapters. In chapters 1 and 2 he sets out his view of the problems with the current approach to learning and teaching (and research) taken by law schools and the image problem of legal history. Sandberg describes law schools as both strange and dangerous. As a professor of law at Cardiff, the scene-setting analysis perhaps suffers from a bias which overlooks the less traditional approach taken by some law schools. However, he clearly sets out

the uneasy balance between the vocational and the academic requirements. He suggests that the stories of the law are told in a doctrinal straitjacket. Although he explains there is change afoot as socio-legal approaches and methods borrowed from other disciplines are adopted.

He presents an historical approach as the antidote to the doctrinal- a method to reveal new authors, approaches and stories. However, as he explains, traditional legal history is also part of the problem. Sandberg suggests much legal history is as moribund as the traditional law degree. He makes a persuasive case for a new legal history- one that does not present a linear narrative, but which disrupts by using alternative lenses- a 'subversive critique'. He suggests the approach is subversive rather than merely critical because it replaces the accepted narratives with new approaches 'shaking the legal world as if it were a snow globe.'

In chapter 4 he uses feminist legal history as a case study to demonstrate his ideas. He sets out an approach which causes disruption to the accepted textbook by making use of a wider selection of sources to reveal missing strands and lost stories. Chapter 5 considers the problems caused by the desire to break time into convenient periods for study. Chapter 6 concentrates on sources and counterfactual history. Chapter 7 uses legal geography to show how a new approach enlivens and enriches legal study. And chapter 8 pulls the threads together to suggest a manifesto for those enthused and called to arms by the preceding chapters.

There is no need to be a legal historian to sign up to a subversive legal history approach. This book is for the curious, the bored, those seeking a thought-provoking springboard for learning and teaching conversations in law schools. There is much that will already be happening, perhaps in small ways, in law schools- it is at Northumbria- but Sandberg gives it a name- 'subversive legal history'. There are many ways to teach law, many lenses to use but this involves moving out of comfort zones to try something new. The attraction of a subversive approach is to disrupt the staid and the dull and breathe life into the law degree. Sadly the faceless committees of curriculum change mean that this is not an easy nor a quick process.

Subversive Legal History is the first in a series of volumes under the umbrella of 'Transforming Legal Histories'. If this is an indication of what is in the pipeline, then readers are in for a treat. It is refreshing to have something that doesn't tread a well-

worn pedagogical path. Sandberg may be a wrong in assuming that legal historical approaches are overlooked in law schools, however, his exhortation to use more of this approach is attractive.

Although the book promises a manifesto- and includes many ideas- a concrete check list would have been helpful. Nevertheless, the book is an ideal talking point and a strong foundation for conversations around curriculum design and the aim of a law degree, especially in the light of the changes, and opportunities, forced by the introduction of the Solicitors Qualifying Exam. Perhaps with the removal of the prescription of the contents of a QLD, new approaches can thrive, and subversive legal history can show the way.

Conversations have already started. As an excellent addition to the book, Sandberg is conducting one-to one discussions with legal historians as part of a series on YouTube: 'Subversive Symposium'. These conversations extend the premise of the book, offer an accessible way for staff and students to learn more, and offer a catalyst for alternative futures to excite and enthuse the next generation of law students. Even if you are not a legal historian, in fact especially if you are not, there is much to recommend this book as a provocation for change.

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