duce the subject-matter of our discipline to a single core or essence. (p.337)

The other essays extend over a wide range of topics, reflective of the span of the authors' concerns at different times during his career. There are two chapters on skills teaching, *Legal skills and legal education* and *Karl Llewellyn and the modern skills movement*; one on the vexed question of the access to legal education and the legal profession; and two more general essays on reading law. Reverting to the main theme of *Blackstone's Tower*, he reproduces a paper originally published in 1995, entitled *What are law schools for?* Finally, despite the facetious title, *A Nobel Prize for law?*, there is a serious and critical review of the progress of legal scholarship over the past 30 years.

Apart from a couple of chapters, most of this collection of essays have been published elsewhere, often in earlier less developed versions. Therefore, this book, as such, cannot be said to break significantly new ground in Twining's thinking about legal education. However, it does accomplish the twin objectives of exhibiting the scope of the author's major writings over his professional life as a legal educator by making them more accessible to the reader, as well as revealing the development of his thinking over that period.

Editor

Legal education, legal competence and Little Bo Peep

A Sherr

32 *Law Teacher* 1, 1998, pp 37–63

Legal education is not a spectator sport. Discussions of legal education tend towards the political, the practical and the methodological and not towards the theoretical or the analytical. As a subject of study, theory is often thought of as weak, not rigorous or, worse still, *sociological*. It somehow does not seem to have the power or the bite of substantive areas of law or of legal research. University legal education, at a time of enormous change in the legal profession and in legal education, itself may have lost its way.

Three different attempts were made in the decade leading up to 1995 to change the rules governing acceptance by the legal professions of 'qualifying law degrees'. In retrospect, these changes appear as a progressive liberalisation of the ingredients of a qualifying law degree, but at the time, from the perspectives of the university law schools, negotiations seemed to be much more about issues of power and importance in the relationship between the professions and the university. It was not so much that the universities had won any battle with the professions. It was largely a question of numbers: the professions must clearly be less able to exert their influence on the ingredients of a law degree when such a small proportion of law graduates now proceed into practice.

Legal education is progressively being 'released' from the hegemony of the professional bodies. They are much less prescriptive about both content and method of undergraduate legal education and what constitutes a qualifying law degree. Indeed, in some cases the professional bodies have recently appeared to be more liberal than some of the university law schools themselves in their approach to teaching and assessment.

How should the universities act now? Having always been able just to react to the professional bodies, universities now have to think for themselves. Undergraduate legal education is beginning to look somewhat purposeless, or at least unclear of purpose.

Should the educators of undergraduate lawyers be looking towards the rest of the academy for guidance, such as the discipline of education? Will they best be able to provide guidance for themselves from within? Or is the profession still an important model, lodestar, provider of meaning and generator of purpose?

What has law gained from the rest of the academy? What is there yet to gain? And is it here that the law should look for its main guidance? Law schools have never sat easily within the world of the rest of the academy. Experience of law within universities across the world shows an uneasy relationship based on a set of dichotomies. Law, for example, considers itself 'special'; other university faculties consider law as 'different'. University administrators consider law as a low cost subject whose popularity can make it a moneyspinner. Law teachers, on the other hand, feel their students need more exposure to them and therefore more money should be spent on staffing rather than less. The new movement towards skills teaching involves behavioural learning and assessment which cannot be done in large classes.

If there are advantages in interdisciplinary studies, it is then sad that so many law faculties still stick to themselves within the academy, have their own libraries, have their own buildings, refuse to be engaged in more general socio-legal institutional academic enterprise and in general declare their separation from the rest of the university.

What about the discipline of education specifically? Some law teachers have recently written that the main problems with legal education are that it is all about 'legal' and not very much about 'education'. It does not take into account the major changes that have occurred in the discipline of education,

in its theory and practice. There seem to be dangers as well as major advantages in looking for guidance from this area. It must be useful to be more analytical about what we teach, to be more purposeful, more clear and more objective in the manner in which we assess our students. But, none of this needs to lead to an obsessive reductionism or an uncritical approach to what we analyse or to a belief that all we can analyse today is all that is there. And it should not blind us to all the good things we can also learn from the discipline of education, including learning from experience, techniques in adult learning, student centred learning, the sociology of education and much more. A blind following of learning outcome measurement as a new holy grail is probably not among these.

Should law schools look inwardly to themselves for direction? This form of navel contemplation will not be useful, attractive or elegant for everyone. Experience of some very different law schools suggests that some may profitably look within for the range of knowledge, information, approaches, methods, subject areas and experience that is really necessary in order to consider future planning. But others would implode. Tearing each other to bits, arguing over a constantly decreasing cake has already become the pattern of the last five years. The changes which will affect the future of law, the future of the legal profession and the future of legal education are not, or not only, held within the law schools and its library.

So what can the law schools do by looking within? One thing they can do is to look within for examples of all that is best about legal education. Another thing is a policy which allows elements of good teaching to be accorded the same level of importance as other areas of research. There are other things which need to be done. Information systems within the law school need to be thought through carefully and information technology needs to be properly financed.

What about looking to the legal profession? Law schools could look at both the new systems of vocational training and continuing legal education. But is not the profession itself as a system of training and as a purpose for education exactly what law teachers have been reacting against for so many years? Looking to the profession is largely what undergraduate legal education has done up until this time. In fact, the legal profession has all but designed the core of undergraduate programs by defining the ingredients of a qualifying law degree, usually constituting over half of the syllabus.

Most students who come to study law at universities, even if only 42 percent will make it into practising profession nowadays, usually still do so with one major purpose in mind. They want to study law. That includes the work of law. Most of them actually do wish to become professional lawyers, even though in the current economic climate they may not succeed. The mismatch between the expectations of law teachers and law students is based on this difficulty. Law students want to learn what will be useful to them, including knowledge for its own sake, ethical approaches to law, the humanity of law, socio-legal studies and the work of law. Law teachers seem to feel that they need to react against this rather than using it as a driving force to motivate students. The challenge of legal education is to harness the forces of the profession, the work of law and student interest, rather than to fight these interests.

If an overarching theme is necessary to be found for the purpose of legal education, then legal competence might be such a theme. Competence has been treated as an organising principle for legal education at all levels in the United States and in Australia and there is now interest in this both in Europe and elsewhere. Competence is useful because it has the ability to link all the different elements of legal education from the 'nursery' stage of undergraduate legal education onwards through the vocational stage and the post qualification stages. It is useful, not only because it provides practical and intellectual coherence for an entire system, but also because it seems to transcend national and jurisdictional boundaries so as to allow easier transitions between, and harmonisations of, civil and common law approaches.

Undergraduate law schools need to take some lead from the profession in terms of organising the future of legal education. As subjects become more interdisciplinary and as academics seek to learn more about the context and more about the socio-legal study of the areas in which legal work is carried out and of the work which lawyers do, there is more need for contact between academics and practitioners at all levels for the purposes of both research and teaching. Being involved in training will provide that link and the research opportunities which the academic world needs and the training opportunities which the practitioner world needs.

Law as a parasitic discipline
A Bradney
25 *J L & Soc* 1, 1988, pp 71–84

The academic doctrinal project which has dominated United Kingdom university law schools for most of their history, the attempt to explain law solely through the internal evidence offered by judgments and statutes, is now entering its final death throes. The abandonment of the doctrinal project