dents the basic legal-analytical reasoning skills and that many law school professors intuit on their own some effective and efficient teaching methodologies. Nevertheless, law school instruction, on the whole, is not particularly effective, efficient, or appealing. Persuasive evidence of the deficiencies in current law school instructional approaches already exists. In recent years, literature criticising law school teaching methodologies has become the norm. Law teachers frequently complain that they have coverage problems, either objecting to being forced to cover some aspect of the substantive law or being given inadequate time to cover the material the professors want to cover. Thus, law teaching is not efficient. Finally, commentators have criticised law school instruction for being frustrating, for fostering student feelings of inadequacy and for lacking clarity and coherence. This commentary indicates that law school instruction is not appealing.

Given that law teaching is neither effective, efficient, nor appealing, it can greatly benefit from change. Three factors explain why law school teaching has changed little in the past 130 years. First, in effect, the legal academy encourages law schools and law professors to conform to the Vicarious Learning/Self-Teaching Model and discourages attempts at instructional innovation. Second, law professors and law schools prefer a unitary model of law school instruction and are uncomfortable with the notion that law school instruction should be tailored to the needs and characteristics of the learners. Third, law professors are familiar and comfortable with the model, can easily justify it, and readily use it.

Instructional design is a reflective, systematic and comprehensive approach to creating instruction. In other words, the designer develops information regarding the parameters of the project, creates instruction tailored to the particular characteristics of the project and then assesses the instruction to determine whether it is succeeding. Throughout the process, the designer strives for congruence among the instructional goals, the test items, and the selected instructional strategies. The focus, therefore, is student centred. Instructional designers discard instruction that fails to produce learning and retain instruction that produces learning.

Thus, in the law school setting, an instructional designer would consider the goals of the law school with respect to a particular class, the extent to which those goals are being met and the cause(s) of any failures to achieve the stated goals. The goals of any law school include producing graduates who will become licensed to practise law and who will practise law competently, creatively, thoughtfully, sensitively and ethically. Law schools are failing to achieve these goals.

Careful consideration of the characteristics of the learners allows instructional designers to create instruction that is both effective for and appealing to the learners. Given the potential for variance among law students, it is striking that law school textbooks never purport to be designed for particular groups or classes of students. Moreover, with the exception of academic support scholarship, law review androgogy scholarship never purports to consider learner characteristics. While it is undoubtedly true that professors consider their students' strengths and weaknesses in planning their lectures, the consideration is neither systematic nor complete.

Three significant barriers exist to adopting an instructional design approach to teaching law. First, designing the necessary texts, software and assessment tools will require substantial resources, including human effort, time and economic resources. Second, law school accreditation teams as well as law schools and their faculty will have to rethink how they evaluate law schools and law instructors and, perhaps, even shift at least some of the priorities from scholarship to instruction. Finally, law teachers will have to rethink what they do in their classrooms.

An educational ambition for 'law and literature'

A Bradney

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Teaching, scholarship and research in the law school have moved beyond the traditional bounds of doctrine and embraced the work of the rest of the academy. Literature, however, and writing about literature, have not aroused the same degree of interest in the UK university law schools as has work in other areas of the humanities and social sciences. Few scholars of law use literature in their work and even fewer law schools include literature or the study of literature in their curricula. This is not because literature and the study of literature have no relevance to legal scholarship. In the USA a corpus of writing on law and literature has been growing for the last 25 years. Even the UK has seen a rise in interest in law and literature with the recent publication of a small number of books and articles. But, whereas research using social science material or data from other parts of the humanities has rapidly permeated the traditional law school curriculum, the study of law and literature has largely remained the province of a small band of enthusiasts whose work, whatever its intrinsic merit, is seen as having no wider relevance.

Law lecturers, for their part, have long espoused the value of a liberal education, rejecting the idea of the law degree as a primarily vocational qualification. Whilst law lecturers may be sincere in their support for the pursuit of liberal education in law schools, it is not clear how deeply thought out their position is. Many writers have noted the general failure of the legal academy to connect with either the literature on the nature of higher education or the literature on teaching and learning within higher education.

There are two significant impediments to a liberal education in a university law school. First, law students are, as individuals, culturally and socially impoverished. Second, a significant part of the present practice of legal education shrivels the imagination.

The precise nature of a liberal education is a matter of debate, different writers taking somewhat different stances. Amongst the disagreement there is, however, a considerable degree of unanimity. Education is a personal matter; and education is about how individuals will learn to direct their lives. It is not that utility has no merit but, rather, that matters of utility are subordinate to questions of value and worth. What we should do comes before the question of how we should do it. A liberal education is about 'sensibility', not the factual acquisition of data.

Law students in all law schools are at present, in relation to their fellow students in their own universities, high achievers in education. Equally, however, they are almost always culturally illiterate. They know very little about the world of cultures, value systems and social regimes that surrounds them. A liberal education, as has been seen above, is about making personal choices about behaviour; it is about the student selecting the pattern of behaviour that they believe to be appropriate on the basis of the evidence and argument before them. In making choices about which pattern of behaviour to select, law students have little to base their choice on except their exceptionally high educational achievement and the meagre resource of their own personal cultural backgrounds. A liberal education is about students better being able to make personal decisions as individuals about value choices.

Law students are not unique in being impoverished socially, culturally and educationally. What distinguished law students from most other students in the social sciences and the humanities is the kind of teaching they are subject to and the kind of material they are given in that teaching. The material which forms the stuff of most social science and humanities courses potentially opens students out to the experience of a world which is much wider than their individual cultural horizons. The cultural and social world revealed by law reports and statutes is, by contrast, very narrow. Moreover, approached in the way they are, cases and statutes do not encourage the students to develop their sensibility; instead, they further restrict what is already restricted. The way in which the law school reads cases and statutes, in its doctrinal mode, purports to take students away from questions of culture and sensibility. It certainly takes them away from questions of personal and individual culture and sensibility, in favour of the mystery of 'thinking like a lawyer'.

Literature is a complex form. It has many aspects and can be read, analysed and used in many ways. Reading literature offers law students the ability to read beyond themselves into other cultures and other possibilities. In part the advance to a liberal education that reading literature offers to a law student is in the description of a culture or way of life that is different to that of the individual law student who does the reading. Reading literature offers more than a knowledge of other cultures or other ways of being for the law student. Literature is, amongst other things, a way of thinking about life.

In arguing for the use of literature as a way of advancing a law student's liberal education, this article is not arguing that a university legal education should be concerned exclusively with a liberal education. Both things need to be done; the acquisition of a university degree in part involves a technical training. However, hitherto, within the law school, that education has been too much a technical training and too little a liberal education. Equally, in making a claim for the advantages of using literature in a liberal education, this article is not arguing that this is the exclusive use of literature in the law school. Furthering liberal education is one ambition for 'law and literature'; it is not the only ambition.

HISTORY

A brief history of critique in Australian legal education
N J James
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The first law school in Australia was established at the University of Sydney in 1855. The decision to install professional legal education as a discipline within the academy was a controversial one. Many scholars viewed law as a practical vocation rather than as an academic discipline. Nevertheless, the political power of the profession was sufficient to overcome any resistance, and ensured that its desire to see law taught in Australian universities was implemented. The approach of the first Australian law schools to teaching law was strictly formalist and doctrinal. The legal profession controlled both the content of the curriculum and its teaching.

After World War II the academic status of Australian legal education began to improve. The approaches and practices of the profession at that time were perceived by the Australian government as lagging behind those in directly comparable countries, and changes to university legal education were made as a means of 'modernising' the legal profession. Part-time teaching by practitioners in law schools was discouraged, and the number of full-time legal academics was increased significantly. This led to the emergence of the 'professional law teacher', and to a concerted endeavour to adopt a more scholarly approach to the teaching of law. The new full-time law teachers in Australia marginalised, and eventually excluded.

Australian law schools embraced legal scientism or the 'law as science' approach that had been developed in the United States nearly three quarters of a century earlier. This new approach to teaching law de-emphasised the connections with legal practice and, at the same time, maintained the separation of law from other disciplines in the university. In the United States legal scientism had been criticised, and significantly modified, by the Legal Realist movement. However, no comparable movement occurred in Australia, either contemporaneously or subsequently. Consequently, students were still being taught legal doctrine and little else. It was not until the influence of radicalism, feminism and the Critical Legal Studies (CLS) movement in the 1960s and 1970s that the dominance of legal doctrinalism and scientism in Australian legal education began to be subverted.