

be at least one 'foundation' course which is capable of setting out in general terms some major ethical assumptions underlying the due process model and the provision of legal services and possibly also introducing the core principles of professional legal ethics. Lastly, we need to reconsider the role of the 'legal humanities'; in the hands of law teachers these have often been both subverted to and diminished by the Anglo-American positivist tradition, leading to marginalisation in the average curriculum.

A much more informed debate needs to take place about the institutional values of the profession, the nature and role of codified professional ethics, the need for continuing professional education in ethics, and about the nature of the workplace and the kinds of training and mentoring necessary to sustain ethical development in practice.

PURPOSE

Thinking about law schools: Rutland reviewed

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25 *JL & Soc* 1, 1988, pp 1-13

The steady bureaucratisation of universities is bringing to the surface disjunctures in such concepts as 'law students' and 'law teachers'. This is symptomatic of wider uncertainties about the actual and potential nature and functions of law schools in rapidly changing situations. The time is ripe for a *rethinking* of law schools.

This represents a significant step away from the tradition of talking about legal education mainly in terms of process rather than institutions. A process perspective, however liberal, almost inevitably focuses discussion of legal education onto the early stages of professional formation. Institutional analysis of law schools is no cure-all.

First, an institution can be analysed from a variety of standpoints. Secondly, no institution is an island, although it is often tempting to present it as a 'total institution'. Thirdly, the relationship of individual students and academics to particular institutions is changing. However, individual law schools are significant units in respect of finance, prestige, culture, student choice and forward planning.

Rethinking law schools as institutions requires some tools of analysis. The goals and priorities of a law school need to be set in the context of its overall mission, the national system of legal education, and specific conditions and trends at local, regional, and international levels.

The United States is almost unique in the world in not subscribing to the idea that law is inherently a cheap discipline; in England law is officially treated along with politics as having the lowest unit costs. American discourse about legal education seems to be particularly susceptible to the football league model: the primary school image; the private practitioner image; and the professional snob syndrome.

English law schools are in the process of moving away from the primary school model, although practice still outruns discourse, for example in respect of who count as 'students'. The proclaimed ideology of nearly all undergraduate law degrees is that they are providing a general, even a liberal, education at the academic stage, which is a good preparation for many different kinds of career. This suggests a distancing from the private practitioner image. However, student culture has tended to be more vocationally oriented than either the official line or the job market warrants.

'Failed sociologists' in the market place: law schools in Australia

C Parker & A Goldsmith

25 *JL & Soc* 1, 1988, pp 33-50

In the late 1990s Australian law schools occupy a precarious position between profession, state, and market. Law schools, already in an ideological and professional bind over their allegiances between academy and profession, seem fixed in reactive mode, rather than engaged in trying to renegotiate the terms on which legal education is offered. Australian law schools must explore a different model of legal education, based upon a transformative notion of legal knowledge and legal practice, if they are to overcome their current malaise.

From their beginnings Australian law schools readily submitted to professional control and influence. They competed with apprenticeship to become the major mode of entry to the profession and were viewed as adjuncts to the legal profession, rather than truly academic institutions dedicated to liberal educational aims. The recent history of Australian law schools can be partially understood as a story of separation from the practising profession, escape from the trade school mentality, and concomitant entanglement with the state, the market, and the university.

The opportunity for academic lawyers to differentiate themselves from the practising profession was provided by the state's expansive higher education policies of the 1960s and, even more so, the 1980s. The burgeoning growth of legal education from the 1960s onwards created the critical mass necessary for law school lawyers to differentiate themselves from the profession and begin to develop their own agenda. University legal education has become at least partially independent of the profession and captive to the higher demands of an