Portia lost in the groves of academe wondering what to do about legal education

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Introduction: A university legal education

The university teaching of law is fraught with difficulties because it is needed to satisfy society's insatiable demand for legal education, which is neither a critical, independent scholarship. In contradistinction, law has become riddled with self-doubt as to the primary role of law. The university teaching of law is fraught with difficulties because it is inextricably linked to the academic and the public. Law is a practical means to an end, and as such, it is fundamentally about law; it is a practical means to an end. Law is a practical means to an end, and as such, it is fundamentally about law; it is a practical means to an end. Law is a practical means to an end, and as such, it is fundamentally about law; it is a practical means to an end. Law is a practical means to an end, and as such, it is fundamentally about law; it is a practical means to an end.

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The idea that progressive law reform must be grounded in social science is not new. Indeed, legal reform has always been a central concern of legal scholars and has been the subject of an extensive body of research. This research has shown that legal change is not driven by abstract notions of justice or morality, but rather by the practical needs of society. The goal of law reform is to promote social welfare and to address the needs of the community. This is achieved through the development of legal policies and procedures that are designed to achieve specific objectives.

The role of law reform in society is to provide a framework for the resolution of conflicts and to ensure that justice is served. It is through the process of law reform that new laws are created, existing laws are revised, and the application of laws is changed to reflect the changing needs of society.

In conclusion, the idea that progressive law reform must be grounded in social science is a fundamental principle of the study of law. It is through this approach that the legal system can be made more effective, just, and equitable.
that graduates acquire "a panoramic view of the law as an entire discipline rather than the branches of discrete and unrelated pigeonholes" (Monen 1991). This is the practical concern for skills, technical excellence, advocacy, drafting, court procedures, nego- tiation, and on many other matters of practical, instrumental, and theoretical dimension. It is the omission of this dimension from Australian legal education of which the Pearce Committee was most critical (Pearce at 1978, An Inadequate and Inappropriate Curriculum, 1988, Sampford 1989).

The parallels between law and theology has been noted before (for example, Kuba-Ficzek, 1966). That is, it is assumed that the over-powering rigidity of the basic legal preconceptions cannot be effectively overthrown, even more so that the existence of God within the Medieval Christian uni- verse. It would seem that, without some essential to academic life, is absent in legal education for it is assumed to be devalued from the point of view of a profession which seeks to reproduce the professional image.

The poverty of legal education is a phenomenon of the Western legal world both in common law and in civil law countries (see, for example, Abel and Lewis 1985; Schlegel 1985). The same characteristics of conservatism and formalism are found everywhere so that lawyers are reproducing in the traditional mould. In Germany, the first oral examinations have been described as a "confirmation test" to see whether the candidate's thought proce- sses are suited to the requirements of professional legal thinking and judging" (Blankenpelt & Schultz 1988:131). Duncan Kennedy, a Harvard Catholic Legal Scholar, shows how the process of acculte- ration in developed through every aspect of legal education in order to confine to an over-all homogeneous self-image of what it is to be a lawyer within a hierarchical structure (Kennedy 1982; compare Abel 1895:212).

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The striking degree of uniformity characteristic of legal education education is of a challenge to the public. This absence of reference towards the professional mainstream, it would be naive to think that either the substance or style of pedagogy could be instantaneously revolutionised. That is not just a normative principle. By association, it has become an implicit quality of law, if it is to be adaptable and change with the times, the only ad- apt and marginal. As Eleanor Fox puts it when discussing the experiment at Queen's College in the City University of New York: "Law is the one of the few human activities that can inspire innovation" (Fox 1989). Thus, a law school which developed a flexible curriculum was subject to violent attacks because the graduates were not identified with the mainstream, and the ex- emptors expected to them to know much more.

However, as some have noted, learning the law as a science is a waste of time (Llewellyn 1969:93), an occupation for fools (Kahn Freund 1966:133) which can produce only sterile pedagogy. The question of the legal profession is a Locating law within the dynamic landscape of the Western intellectual tradition is the first step in understanding the forces and philosophic trends which have influenced it. Legal studies have benefited from the insights of more recent disciplines, especially historical, intellectual and economic in being brought to bear on law to enhance our understand- ing and to imagine what a vision might look like, an ideal society in which justice, fairness and the non-discrimination principle were normative. The study of law in an intellectual vacuum stunts the ideal of the "law school as a school of sciences". While joint degree programmes are now the norm within Australian Law Schools, the law degree is generally not integrated into the Bachelor degree undertaking in Arts, Economics or Science, even if undertaken concurrently rather than sequentially. Any benefits accruing from the integrated interdisciplinary pro- grammes have not been as evident. The bifurcation analyses the societally important nature of "non-law" knowledge and en- hances the legal education in its own discipline. If historical, philosophical and political values have been studied elsewhere, i.e., the arts, legal academics do not need to trouble their heads about the insights of these diverse disciplines. In the same token, however, it is possible that today's second, in the La Trobe, it has attempted to do this since its inception in 1972. That is, it has generally respected the methodology of legal disciplines in favour of a more expansive and creative critique of the legal framework on the parts of its students. It has taken part in the new Baker of Laws programmatic line which is not distanced by disciplines of the law academic study and the social sciences, the historical experiences of failure are likely to be repeated. Effort therefore needs to be expended on developing coherently and a clear sense of direction within law curricula.

Hieros, but random efforts to integrate "law and the other social sciences" fail through lack of clarity about what is being integrated, and how, and for what purposes (Lawress & McDougal 1943:204). The law school must seek to provide an environment in which law students are exposed systematically to the "law and the other social sciences".

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The second important development at La Trobe is that it is anticipated that the programme of students will receive joint degree programmes between the Bachelor of Arts and the Bachelor of Laws. Students who are studying in economics, and the social sciences, even if undertaken concurrently rather than sequentially. Any benefits accruing from the integrated interdisciplinary pro- grammes have not been as evident. The bifurcation analyses the societally important nature of "non-law" knowledge and en- hances the legal education in its own discipline. If historical, philosophical and political values have been studied elsewhere, i.e., the arts, legal academics do not need to trouble their heads about the insights of these diverse disciplines. In the same token, however, it is possible that today's second, in the La Trobe, it has attempted to do this since its inception in 1972. That is, it has generally respected the methodology of legal disciplines in favour of a more expansive and creative critique of the legal framework on the parts of its students.

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Academic freedom is a matter of great controversy in South African universities. There is a number of very different views of academic freedom and they correspond to competing conceptions of democracy, liberalism, and justice. The following three renditions of these conceptions are necessarily crude and somewhat artificial, but they capture the essence of the ongoing debate. It is necessary to be aware of what in fact follows: I am concerned only with universities that are state funded - all South African universities are.

Firstly, in a very general way, academic freedom is the service of the disinterested pursuit of knowledge, and a right to be defended against interference from the state and other movements or organizations outside the university. This view often goes with, what is sometimes called, the Ivory Tower model of the university. On this model the pursuit of knowledge is an intrinsically valuable activity which ought to be undertaken for its own sake and quite independently of the day to day concerns of the outside world. This model is to be often found among spin-offs from this activity which do in fact benefit the outside society.

On a second view academic freedom is only a privilege extended in order that knowledge be acquired for the good of the community, and a privilege which only educated institutions have in fact in South Africa bid their fundamental activity of serving the political and economic interests of the white elite. This view often goes hand in hand with, what might be called, the People's University conception. On this account universities must be accountable to the broader "public" or "people." This view may be seen to be a threat to control of the university from the forces of white supremacy, African nationalism, and academicians and place the hands of the progressive forces (mainly students and workers) so as to make a university education available to the broad masses of the people, and to ensure that research programmes are pursued which benefit this broad mass.

Yet a third position views academic freedom as a sometimes problematic but useful asset. This viewpoint goes against what is held to be its main business, namely the conversion of society. This view may be seen to be a threat to control of the university from the forces of white supremacy, African nationalism, and academicians and place the hands of the progressive forces (mainly students and workers) so as to make a university education available to the broad masses of the people, and to ensure that research programmes are pursued which benefit this broad mass.

The People's University conception justifiably draws attention to the role that universities in South Africa have in fact had in serving the interests of white power and privilege, and currently redfines that role as one of serving the community as a whole, and more specifically, in South Africa this view holds that universities should be accountable to the broader "people." This view is a reaction against what is seen to be a threat to control of the university from the forces of white supremacy, African nationalism, and academicians and place the hands of the progressive forces (mainly students and workers) so as to make a university education available to the broad masses of the people, and to ensure that research programmes are pursued which benefit this broad mass.

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