complicated and too simple at the same time.

Second and third year law students are unable to discuss the nature of fundamental legal concepts such as a holding or define what a holding is. They have never considered that there might be a rational approach to statutory interpretation and whether there might be principles which can be applied, apart from judicial politics. They have not asked themselves what drives legal development and if asked will probably reply that it is driven by *society*. The weight of precedents from other jurisdictions, why such precedents are cited and which have weight also escape question by second-year students. The technique of distinguishing one case from another is lost, as they are taught subjects where the law is settled. The relationship between one branch of law and the next is obscure to them. The author goes on to explain the above in the context of the rule against perpetuities.

Whilst the failure to convey information is obviously a problem, so is misinformation. It is misleading to indicate to students, as many texts do, that the law is contained in a few cases when in truth it is distilled from many cases. Students cannot tell how far a quoted case reflects general propositions and principles of law. The role of authority is not clarified for them. Indeed the casebook method is an exercise in futility as students are expected to build up a picture of the law from a few disconnected scraps. Learning would be easier and more complete if concepts and rules as they have developed in hundreds of cases were set out briefly and followed by a discussion of illustrative cases, where the parameters of the rule could be explored and borderline situations discussed.

The absence of a theoretical underpinning also makes learning from casebooks a futile exercise. The cases in the casebooks are out of context. They fail to explain when judges rely on jurists, decisions from other jurisdictions, Roman Law and other theory based resources, such as customary law.

It is clear that students enter second-year of law school unaware of the fundamental elements and aspects of law and the broad sweeps of principle behind them, which are required for a full understanding of the law. Teaching law through the study of a few often abridged cases with no attempt to place them in the wider framework or theoretical structure presents a thoroughly misleading picture of the law and gives only a limited understanding even of these cases and their significance.

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ENROLMENT POLICIES

REVIEW ARTICLE

Access to legal education—1996
D Barker (with A Moloney)
Centre for Legal Education, 1996
46pp (foreword by Justice M Kirby)

This small monograph, written by an Australian law dean, explores the feasibility of developing access programs for educationally disadvantaged students in order to equip them with the skills needed to help them succeed at university. The author approaches this task with the benefit of having previously been the dean of an English law school where he took part in the development of one of the earliest access courses introduced in the UK. In a very pithy foreword Justice Michael Kirby of the High Court of Australia briefly reviews the factors at play in limiting law school access and laments that 'if ...lawyers were to remain a mere reflection of an elite section of society, that would not only be bad for the legal profession, it would not be very good for the laws devised, applied and elaborated by them for the rest of the community'.

Chapter 1 contains a review of the scant literature on the nature of the severe imbalance for entry to law school in Australia. Indeed, Barker concludes that the picture of an elitist based profession, as portrayed in prior research conducted 20 years ago, is substantially unchanged today, except with respect to gender, as women now constitute about half of the law school population. Admission to law school is still predominantly determined by academic performance at school, thereby favouring those coming from an unrepresentative and privileged socio-economic background. However, as envisaged by Barker, an access program for disadvantaged groups should not be an alternative for those who just miss out on law school by the traditional route of high academic results. Ideally an access program should aim to give proper weight to those aspects of a student's educational history which have operated as a disadvantage by systematically reducing the prospects of gaining a law school place and building these into the selection policy. One

criticism which might be ventured is the author's tendency to quote very large slabs from other writers (in one instance almost two pages), without following the usual practice of selectively using them in smaller doses to reinforce his own line of argument.

Chapter 2 identifies the original law access programs as springing from the desire to broaden the racial and class composition of the legal profession without the sacrifice of academic and professional standards. There is a description of the elements of the law access programs already in place at the Polytechnic of Central London (now Westminster University) and three Australian law schools. This is followed by the presentation of the findings from the author's interviews with a couple of law deans, covering criteria for entry to the program, the university's interest in participating in such a program and alternative methods of selection, such as interviews and tests for measuring legal abilities. Although the general view was that there was a need for access programs, there were a number of very real problems in design and implementation, including how to create a system which could adequately and validly rank disadvantage and embody the requirements and standards demanded by each participating university, while being 'pedagogically valuable, socially defensible and economically sound'.

The concluding chapter contains the author's blueprint for a model Law Access Program as an alternative gateway to legal studies for the educationally disadvantaged. He proposes a one-year preparatory program, integrating study and communication skills with an introduction to the study of law, the completion of which will operate as one factor in gaining acceptance into the full-time law undergraduate program. The outline of a syllabus is provided for the skills and law components, with prescriptions for appropriate assessment methods and for defining the target audience. Stress is laid upon the necessity for constant close contact with a counsellor to assist with personal, economic, cultural and social problems and upon the availability of personal tutors at all times.

Problems with inequality of access continue to bedevil legal education and flow on into the unrepresentative composition of the profession. Although this predicament is well recognised, only a handful of law schools have responded by constructing their own individual access programs, deterred by questions of cost, fairness and possible public criticism of selection criteria. This study is important because it is the first time that an attempt has been made to design and offer up a model program for the consideration of all law schools which will go some way toward redressing these inequities.

Nonetheless, it should be recognised this study has some limitations, especially in the research design adopted. It is difficult to see how the findings can be securely based in empirical research when it appears that, apart from the review of the literature, the only data collected come from three separate interviews with law deans and law teachers. Moreover, as so often happens there are other interesting questions to be answered which necessarily go beyond the scope of the initial research project. For example, in the foreword Justice Kirby calls for research to track the success of those given the benefit of access entry and wonders whether commercial and other pressures within the legal profession might ultimately divert them after graduation to replicate the professional experience of those who entered by the normal route.

Editor

EVALUATION

The quality of teaching quality assessment in English law schools
A Bradney
30 *Law Teacher* 2, 1996, pp 150–167

During 1993 and 1994, at the behest of the Higher Education Funding Councils for England and Wales (HEFCE), most academics in English law schools spent a great deal of time taking part in the quality teaching assessment exercise. Some have doubted whether the diversion of time from research and teaching to engage in TQA is justifiable. It has been argued that academic freedom and autonomy are abandoned in favour of accountability where TQA is concerned. If the HEFCE achieved anything it was that it excluded other governmental incursions into the autonomy of the university.

The English government in 1991 committed itself to the idea that there should be proper accountability for the quality of teaching in universities. Accountability for the government meant public scrutiny.

The HEFCE is a statutory body established under the Further and Higher Education Act 1992. Early in its life it stated that it recognised the diversity of institutional missions within higher education. However, the academic response to the idea of external assessment of