to value a 'full' legal education. The conclusion must be that law graduates with lower seconds and/or from unfavoured universities are seen as less eligible for those reasons.

CONTEXT, CRITICISM & THEORY

Theory in legal education
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7 *Int'l J Legal Prof*, 3, 2000, pp 165-177

Legal education both reflects, and is being reconstituted by, the forces of standardisation, diversification and fragmentation. Regulatory and quality monitoring structures appear to push towards the standardisation of the legal education process in different higher education providers, whilst internal pressures and staff difference have provided an opposite impetus. The contradictory position of law schools, with respect to the legal profession and the tradition of liberal university education, has been accentuated as the political economy of legal education has been reconfigured by the 'hollowing out' of the state, the new economy, the reconstitution of the relationship between professions, the state and civil society, Europeanisation, and (inevitably) globalisation. Longstanding conflicts over values, interests, and resources co-exist alongside battles over access to higher education, class, race and gender. The relatively unitary subdisciplines of the legal field – contract law, torts, and criminal law, etc – are increasingly characterised by a plethora of different systems of regulation which have developed largely independently of each other and yet are closely articulated both with each other and with other power structures.

In fact, the existence of these different legalities, or 'co-regulation' is longstanding. However, it has tended to be repressed in legal scholarship and education as the intellectual boundaries and character of the law created in the late nineteenth and early twentieth centuries (the classical period) sought to accommodate them within a singular conception of insular subject areas (contract law, torts, and criminal law, etc) which, in turn, was premised upon a unitary, state-centred conception of 'law' within liberal political thought. Since the 1960s it has become increasingly difficult to contain this complex set of legal fields within monolithic concepts of 'law'. Because these different centres of law are to some extent based upon different values and roles, their co-existence may result in contradictory applications of the law and, therefore, anomalies. From this perspective, the legal field has become a less well bounded and a less unified whole. Its centre has been displaced by a plurality of centres. Insofar as fields, such as contract law, tort and criminal law, hold together at all, it is not because they are unified but because their differing elements can be, in certain circumstances, articulated together, albeit always partially. Thus, they are constantly being 'decentred' by forces outside themselves, which opens up the possibility of new articulations and the forging of new centres of identity.

This pluralisation, diversification, and fragmentation of the legal subject discipline is also evidenced in legal education and legal theory. The enlargement and fragmentation of law, legal education, and legal theory within and beyond the legal academy raise important questions about the distinctiveness of law, legal theory and legal education and the extent to which there is still a 'core' or canon within and between the substantive subject areas of law, legal theory, and legal education. Trends in legal education and legal theory suggest that non-legal insights and methodologies have become of increasing interest and value to legal scholars and lawyers alike. For example, there has been an increasing concern of late with legal ethics and the extent to which an 'ethical' dimension could and should be incorporated within legal education. While legal theory has strengthened its contacts with social theory, feminism and philosophy, legal education has also become more interdisciplinary, as it has begun to engage with economics, philosophy, psychology, management, skills training, clinical education, and ethics. Traditional legal educational methods and assumptions have been critiqued by those involved in legal ethics, socio-legal studies, critical legal studies, and skills education. The choice of methods of learning and assessment has been considerably extended and, in part, inspired by new theories of education and the new opportunities afforded by the revolution of information and communications technology. Yet the gulf between theory, the specific field of law and legal education is still large.

Theory takes many forms and operates at diverse levels. Legal theory and legal theorisation can be viewed through sets of different lenses. While the diversity is welcome, the role of theory within the human sciences continues to be a matter of controversy. There is a well-founded concern that theorisation can obscure or overly simplify more than it illuminates. While some have perceived a return to a grand theory within human sciences, there has also been a reaction against the totalising and reductive tendencies of grand theory.

What, then, of the proper role of theory? One way of understanding the importance and ubiquitousness of theory is to treat it as an indispensable tool (or a tool kit) for questioning, clarifying and understanding. Such an approach recognises the complex interplay between the particular and the general, the importance of theory at a more general level of analysis, and the utility of a variety of perspectives. While there is a legitimate concern about the overly abstract character of some theorisation, it is also the case that any generalisation inevitably involves conceptualisation and hence a degree of abstraction. In short, the critique of theory is often largely directed at the use of abstraction in the service of the obfuscation, elitism, and over-arching system building, rather than an antipathy to theory as such. And the test of 'good' theory will be the extent to which it aids understanding of the particular topic under consideration.