Tutorials under threat

It seems that given the amount of money which the Faculty is being expected to save over the next couple of years, there will be a reduction in the amount of money available for tutorials. The precise amount of money which will be available for tutorials in the session 1982/83 is as yet unknown.

At present a considerable sum is paid annually by the Faculty to outside tutors. Although some courses are taught exclusively by members of staff, a great many — particularly in the Department of Scots Law (e.g. Mercantile, Criminal, Taxation, Evidence) involve tutors from outside the Faculty. There will be less money available for the payment of outside tutors and so it would seem that at least in some of those subjects which at present employ outside tutors there will be no tutorials from October 1982.

It is somewhat paradoxical that students are obliged to attend tutorials but not lectures and yet tutorials are under threat while lectures seem secure. However, it would be difficult to save money by cutting lectures, but it remains that given the fact that tutorials are obligatory (and therefore must be seen as essential) the hope of students is that as few as possible of these tutorials will be cut and as many as possible will be taken on by the staff.

Another effect of the cuts is that the Department of Scots Law can no longer afford to replace its ageing set of Parliament House books and students will be expected to purchase their own copies of relevant statutes for use in examinations. This will place an additional financial burden on students who will have to buy these statutes in order to pass the course in which they are being used.

In addition the library is facing severe financial cutbacks and there will be far less money available for the purchase of textbooks.

Winner of Old College Times Competition

The winner of the competition was Fiona Kerr.

FACULTY MEETING

The following were among the items on the Agenda at the recent Faculty meeting.

Jurisprudence: It was proposed that this course be split into two half courses — one to be taken in the first year and the other in second year. This proposal was rejected.

Planning Law: The L.S.C. asked for the degree exam in this course to be changed from June to March but this was defeated by 11 votes to 10.

Working Party on Admission to Law: It was recommended by the Working Party that-

(i) A programme of visits to selected Education Authority schools in the immediate area should be made by members of the Faculty.

(ii) Faculty should consider developing existing ad hoc arrangements by adopting a policy for an experimental period of informing headmasters that the Faculty's entrance requirements can be relaxed in certain circumstances. Headmasters would be told that where they have a pupil of proven ability whom it is felt may be disadvantaged by his or her social background and who is not expected to achieve the normal Faculty entrance standard they can approach the Associate Dean. If he considered that the circumstances warranted it, the Associate Dean would indicate to the school the lesser grades which he would be prepared to accept from the candidate if he or she were to submit a UCCA application. It was envisaged that this procedure could only be applied to a stated maximum number of students.

These recommendations were approved on principle.

KIRKPATRICK LIBRARY
COFFEE SERVICE

It is hoped that the Kirkpatrick Library coffee service will be operational again soon. It was one of the first casualties in the cutbacks. However, an urn has been purchased and the service should be in operation soon. Volunteers are still needed. It is hoped to get about twenty names and work on a rota system.
HOW EDUCATIONAL IS LEGAL EDUCATION?

Legal education in a university context has at least two functions. One is to produce competent lawyers. The other is to provide an education. It seems to me that a disproportionate amount of the criticism one hears in the Edinburgh Law Faculty relates to the first function. But surely the second function is entitled to equal, if not greater, consideration. It is, therefore, to that second function that I have directed my attention, by asking “how educational is legal education?”

In attempting to answer that question the first thing to do is explain what I understand by education. There is a sense in which all life is education. And in that sense legal education is definitely educational. However, in criticising legal education at Edinburgh we are concerned with education in a different sense: that is, education in the context of a university. And considered in that context, the idea of education has a much narrower meaning.

I suggest that when we talk of education in a university context we are concerned with striving towards three ideals. One is to expose the student to a wide variety of human experience and achievement. Another is to provide the student with an opportunity to exercise and develop his mental abilities, both analytic and creative. The third is to stimulate the student into considering his relationship with his fellow men, and the relationship of his species (the human race) with the rest of the world. If one accepts these ideals as the goal of a university education, the question posed in this essay becomes “how far does legal education move us towards these ideals?” My own answer to that question is: not very far.

Let us consider those ideals one by one. Does legal education expose the student to a wide variety of human experience and achievement? Hardly. In fact, it is concerned with one very narrow range of experience and achievement. The natural sciences are totally lacking. The social sciences are touched on occasionally, but only occasionally. Likewise with the liberal arts. Yet, man does not live by law alone.

Does legal education provide an opportunity to exercise and develop analytic and creative mental abilities? Yes, perhaps. Certainly the study of law provides ample use for analytic abilities. But the opportunities for creative abilities are few and far between.

Finally, does legal education stimulate the student into considering his relationship with his fellow men and with the rest of the world? I don’t think so. Rather, it takes that relationship as given. You are a lawyer; out there are potential clients, potential adversaries, and potential problems. That is one possible relationship. But, it is patently obvious that there are a wide variety of other possible relationships.

In sum, I don’t think a legal education is very much of an education. What then? In an ideal world law would be relegated to a second degree, as it is in the United States. Students would come to university for an education and then do law. Unfortunately, we don’t live in an ideal world, and at least in the present economic climate the idea of law as a second degree is wholly unrealistic. But that needn’t mean that we give up any hope of making legal education more educational. It certainly doesn’t mean that we should deny that there is any problem at all. There is a problem and something should be done about it.

Three ideas in particular might be worth considering. First, change the curriculum so that students are not only encouraged but positively required to go outside of the law faculty for a certain number of Honours classes. Second, increase the variety of course available to ordinary students, especially by introducing courses that move away from strict black letter law. Third, do something to reduce the size of the Honours classes. Either curtail the number of students admitted into Honours; or else increase the variety of courses offered. The Honours programme offers an opportunity to compensate in part for the limited educational value of studying nothing but law. However, if Honours classes become too large, that opportunity is not seized.

These are merely suggestions. Perhaps they are unworkable, perhaps they are undesirable. In either event, let others offer their suggestions. Legal education should not be allowed to remain in its present form, for it does not achieve what should be achieved by a university education.

Michael J. Machan

BEFORE THE TECHNO-CRATS ENTIRELY TAKE OVER

Professor Black argues in his recent article that any attempt at broadening the scope of a law degree is misconceived and will lead to lawyers who are less able to do their job properly. This is so, he contends, because it will lead to skimming of essential “core” courses, leaving lawyers unprepared for real legal problems and also unconversant in the necessary legal jargon and modes of expression which turn a legally educated person into a ‘proper lawyer’. He implies that a knowledge of politics, economics of (worst of all) sociology is if not actively undesirable, at least unnecessary in his ideal lawyer.

Firstly, if a law degree were structured as Professor Black suggests, then it is extremely doubtful that such a course should be offered at a University, which is an institution theoretically geared to intellectual endeavour rather than note learning of facts in pursuance of a particular career. Would Professor Black be prepared to move to Napier College for his new ‘relevant’ tuition?

Clearly there are some legal concepts (e.g. trusts) which are not easily or automatically understood and which anyone hoping to practise would require a grasp of. Nevertheless, many of the ‘core’ courses contain much that is irrelevant and repetitive. How essential is it to learn of a method of transmission of title which was abolished in 1874? Or the various statutes relating to presumption of death which became obsolete on the comprehensive Presumption of Death Act? Or the methods of intimation of action to a debtor in the 19th century? Furthermore, in four years of legal education I personally have been instructed twice about the law of leases, three times about floating charges and more times than I care to count about the presumptions of the Sale of Goods Act. (I have also found it possible to obtain all the subjects required to become a solicitor and still study at least four non-substantive courses.)

Even if one accepts that lawyers should be taught a considerable amount of law in their initial training one may still doubt the priorities of the standard course compared with the general legal needs of the community. It is compulsory that a qualified lawyer has been instructed in the transmission of salmon fishing rights or the procedures which may be adopted to enforce payment of feu duties but there does not appear to be any compulsion at the moment to know the law regarding council house sales.

The argument about lawyers learning to act like lawyers is curious when one considers that the graduate now has three further years to learn to ‘be a lawyer’. It is doubtful how much of this socialisation could be accomplished in an academic setting, in any case, for the concept seems to relate to knowing how to apply the law in an office setting.

In any case, isn’t the idea that law is a subject too intimidating to be approached by ordinary intelligent humans not really founded more in the lawyer’s desire to retain professional status over such matters as marital affairs or house sales (where there seems little reason to suppose that the lawyers are either more morally upright or efficient than other agencies)
than in any inevitable complexity or exclusiveness in the law? It might well be assumed that the rise of upcoming generations of lawyers were less able to cont the public by professional mythologising.

Professor Black seems to want to make the law degree ‘relevant’ to the creation of lawyers but does not seem to consider that being a lawyer might be relevant to anything else in society. It is not my desire to foist social awareness on those seeking a quiet career in and around Queen Street, since a study of the finer points of rugby and golf would undoubtedly be more ‘relevant’. But lawyers become judges and legislators too. Surely it is important that such people have some insight into the purposes behind legislation, the means of effecting these purposes and the general place of law in the scheme of things. If Professor Black represents a generally held view even after the introduction of the Diploma, those who are leaving the ranks of the undergraduates may be congratulated on escaping before the technocrats entirely take over.

Colin I. McKay

BUDDING LAWYERS AND ATROPHY

Law is not a game, nor is it a play or mere ceremony enacted for the benefit of legal practitioners. It is a formal idea with a real substantive content. Most people believe the idea and lawyers participate in maintaining the substance enabling acts to be enforced. ‘criminals’ to be punished, the word to be made real.

But since lawyers are responsible for the practical function of the legal system lawyers have a special role — it is their world that essentially forms the apex of the institution of law, their world that is visible, their world which forms the interface with the non-lawyer community.

In the courts, the civilian, be she/ he witness or defendant, is confronted with lawyers on the lawyers own home ground — outside the court, the citizen has little choice but to turn to the lawyer for legal information.

The lawyer is privileged with a monopoly on legal information and knowledge. But this knowledge is no abstraction, it is of vital importance to the people who form the majority of the population, those unskilled in legal matters, those on whom the law is applied. For non-lawyers, the application and use of the law by legal practitioners, can, and will, greatly affect their lives at some point. The quality and quantity of legal skills disposal by the legal trade as a whole can substantially alter the effect of the law on the whole.

Therefore, the skills acquired by the budding lawyer after 6 or 7 years of training are not merely tools to be used for the greatest benefit of the practitioner, the lawyer should not merely sell him/herself to the highest bidder and reap comfortable rewards in turn.

The lawyer must have a responsibility, not only to the client, but also to the community on whose behalf she/he operates the law. The lawyer must be fully aware of the effects and operation of the law on the people on whom it is imposed. Lawyers have a monopoly power in Scotland’s most prestigious closed shop.

Budding lawyers at University should consider the vast scope and effect of the law. University is for education firstly — and a training secondly. Courses in the degree which do not lead to a professional exam, are not merely ‘soft options’ or petty aca
demic exercises; they are, and always should be, an integral part of an education in law. Their content shows that there is more to law than selling houses, drafting wills or finding drunkers. The budding lawyer, typically ultra highly qualified from school is for once in these courses, encouraged to think, make his/her own mind up, explore new territory and new ways of perceiving the legal institution. Hopefully, he/she will consider more deeply his/her future role in life.

And just because the budding lawyer must then undertake the Diploma doesn’t mean that ideas and thoughts must ‘atrophy merely because the course is “professional”. Questioning and challenging is not the exclusive realm of academia; neither are cynicism and idealism the rightful domain of undergraduates. The reverse. Now the budding lawyer is so close to the ‘real’ world of the law trade, it is even more important for him/her to question, debate, and challenge legal ideas, for in a short while, he/she will be operating the machinery, mechanising, and giving people living in a real world, will be dependent on him/her, not through choice, but through necessity.

If then the new lawyer treats his/her clients and the community as vehicles for self gain, and the law as merely a neutral framework in which to advance their own fortunes, the new lawyer has sold out his/her heart, soul and mind. He/she will deserve nothing but bitter contempt from those in dire need of his/her skills; from those he/she has neglected, unconsidered and betrayed.

The essence of law has always purported to be Justice — for all. The budding young lawyer, if he/she is not to atrophy, must consider if Justice is being done — and if it is not, what can he/she do about it.

Derek O’Carroll

BARGAIN BASEMENT MOTORING - CROSS THE CHANNEL!!

A great deal has been written in the press recently regarding the disparity in the prices of motor vehicles between Britain and Europe. This phenomenon is not a new one, but has come to the attention of the public through the actions of one George Weisner whose operations were publicised widely in the Sunday Times earlier this year.

Basically, George Weisner had been operating a scheme widely known to members of the motor trade since Britain’s entry into the EEC, which took advantage of Article 3(a) of the Treaty of Rome. Article 3(a) provides for, “the elimination as between Member States, of customs duties and of quantitative restrictions on the import and export of goods, and of all other measures having equivalent effect.”

By buying cars in, for example, Germany, traders found they could save as much as 30% or 40% on the UK price of the equivalent car. Naturally, the implications of this were far reaching. Unscrupulous traders realised that, under S.30 of the Capital Gains Tax Act 1979, a large tax free capital gain could be made on the importation of ostensibly private cars, provided that the Inland Revenue did not raise an assessment on the basis that these were “adventurous in the nature of trade”.

In order to block the import of such cars by traders, and at the instigation of manufacturers and bona fide dealers, the Government introduced a number of regulations culminating in the Motor Vehicles (Type Approval) (Great Britain) Regulations 1979 (S1 1979 No.1092). The essence of this regulation was that in order to register and licence a vehicle under the Vehicle (Excise) Act 1971, a vehicle had to be Type Approved. A vehicle’s Type Approved when it has undergone certain safety tests including, the crash test were vehicles are subjected to collision at various speeds and from various directions. Having satisfactorily completed the tests, the manufacturer or official importer is issued with a Type Approval Certificate in respect of that vehicle. The

(Continued on page 5)
THE L.S.C. AT WORK

An appraisal of the effectiveness of the Law Students’ Council at any time must have regard to the Council’s primary functions as set out in the Constitution; that is, to represent law students at Edinburgh and to act as a channel of communication between students and the Faculty, and more widely, the profession outside the University.

The best overall impression of the representative function may be obtained from the range of committees to which the Council sends its members: The Faculty Liaison, Teaching Methods and Methods of Assessment, Library, Accommodation, the Boards of Studies and the Diploma in Legal Practice Committee. The L.S.C. also sends four members to Faculty itself and it is there, as well as at the Committees, that we are able to put forward the student viewpoint on important issues. Such as paying for handouts, the straightened circumstances in which the library finds itself and the possibility of tutorials being reduced and in some cases cut completely. An example of the detailed work of the Council is provided by the lodging at the recent Teaching Methods and Methods of Assessment Committee of a memorandum expressing the concern felt among the student body about the conveyancing section of the Property, Conveyancing and Succession course last year.

It won’t have escaped your notice that we have lost our coffee service in the Kirkpatrick Library. As the environment in which we work is important, the Council made a representation to the Catering Office and permission has been obtained for a student-run service to be operated. This loss, produced by the adverse economic climate, although not the most wide-ranging or important is indicative of the present situation. At this time the role of law student representatives, like the representatives of students in general, is to work out a flexible response to the immediate constraints and compromises required by financial pressure and perhaps to be involved in any more fundamental rethink of policies which may be necessary.

The Council’s function of producing a channel of communication is best exemplified in the very successful Mummies and Daddies evening in the Chaplaincy Centre. The gathering allowed students to meet their fellows from different years and also the members of staff whose presence added so much to the evening. The In-Digest On series of lunchtime talks fulfills a very valuable double purpose in providing students with the chance to meet members of staff, as in the introductory talk on Exams, Essays and Exemptions and also members of the profession; in the discussions on the Legal Diploma and Ethics in the Profession. A further point of communication between students and the staff, and hopefully the profession, is the new series of debates which the L.S.C. is planning. We also hope to provide students with a Traineeship Register for 1983 — vital information for the transformation from law student to lawyer!

Discussion is underway on an amendment to the Constitution to remedy the lack on non-graduate representation on the Council. Clearly, if the Council is to fulfill its primary functions then it is desirable that it should draw from all sections of law students.

Last, but by no means least, the Council has produced the Old College Times itself — perhaps one of the most effective ways of carrying on the two-way dialogue between students and staff or Faculty. The strength of the L.S.C. lies in its being informed of student views so help us by utilising the L.S.C. box in the library, attending the General Meetings and relaying any matters of student interest to an L.S.C. member.

Alison Lindsay

REVOLTING STUDENTS

Nowadays, Old College imparts a calm and peaceful atmosphere and its students are about as anarchic as a conveyancing lecture. This however, was not always the case.

In the 1830’s and 40’s the infamous Snowball Riots proved much excitement, the highlight being in January 1938 when the Lord Provost sent a detachment of soldiers to disperse the mob fighting inside and outside the quad. 35 students were arrested and 5 were indicted on a charge of “mobbing, rioting and assault”. The Defen sence related how the police, ably assisted by the town blackguards, made raids with their batons upon the students in the quad. The Sheriff-Substitute gave an inspired verdict of Not Guilty!

Persistent bullying, discharging pistols in the Anatomy classroom, demolishing classrooms and even the occasional duel were not applauded by the authorities — veteran soldiers were employed as servants, a Total Abstinence Society was formed, and the playing of shinty in the quad was hald ed.

A. Logan Turner relates in her book, “The Old Quadrangle 1900-1905”, how at a rectorial election address a prominent judge just missed being hit by a dead cat and how a turnip nearly annihilated a distinguished Cabinet Minister. The “Battle of the Standard” on election day was just an all-in fight, the statue that used to be in the centre of the quad having to be protected by temporary scaffolding!

After a few hiccups in the 1960’s Old College has relapsed into a state of lehargy.

Anyone got a dead cat?

Richard Cornwallis

‘INTEGRATE IN ‘81’

wandered up to the lecture, late again. It could have been Bankowski or Grant McLeod orating. I reckon it was the former because this individual, “Superman”, was in full flow walking around the floor with a chair held above his head. As I braced myself to move for the nearest vacant seat, there never seem to be any when you’re late, I stared blankly ahead to avoid any devious embarrassment. There before me were a sea of faces. Row upon row of black and white faces. Not interspersed but rows of white and then one or two rows of black. Not mingling but segregated by what seems to be nothing more than a crude sort of choice reinforced by tradition. Reinforced by a tradition that seems from both groups. But not consciously — it just seems to happen this way. Naturally, feet are guided to a familiar face, if you don’t know the others it would be strange to mix. Why is it we don’t get to know people who spend a couple of years studying along side us in the library, tutorials and lectures?

A few years ago the slogan for the introductory week at University was “feel a little fresher every day” and there were more than a few who pursued this with vigour and enthusiasm! This year’s slogan seems all the more pertinent — why don’t we make more of an effort to “integrate in ’81’.

HOPEFUL AND THRUSTFULL

While the names of Rough, Stewart, McGrain etc. trip readily enough from the tongue, spare a thought for the ad hoc five-a-side team, all from the Law Faculty, at present involved in the lunch-time leagues down in the Pleasance. Choosing from a pool of “Promising”, “Past-It”, “Determined”, “Hopeful”, “Fading” and “Thrustful” this unfortunate lot leave a lot to be desired.

From the outset the team has suffered at the hands of goalkeeper Promising — who promises much but “keeps” very little. However, to be fair to the boy, he is now looking promising.

“Fading” and “Past-It” have both shown flashes, which attracts a growing and eager audience, salivating in anticipation of future displays of this
nature. (These two stalwarts are easily confused but "Past-it" is the good-looking guy with slightly more hair! - Ed.)

Determined sweats a lot and — eh — runs (but does both rather well!). Without him the team wouldn’t run at all!

Hopeful and Thrustful are younger members but with some encouragement from the rest of the team (and in the case of Thrustful the aid of another haircut) their delinquency problem will soon be overcome.

For the record freaks the results are impressive: Played 8; lost 7; won 1 (was this a draw?). Top scorer to date is Thrustful (5) with Determined and Past-it close behind on 4 a-piece.

IN DEFENCE OF DUNDEE

It was during my first year, I think that it struck me, during a criminal law lecture — Chris Gain (for the benefit of those readers still young enough not to have been found in those days — and there must be quite a few of you now — Mr. Gain was the trendy young academic of ‘78-’79 — at least some of us thought so!) was talking about robbery. He mentioned a case about a robber named Robert More who was charged in the early 1950’s. Nothing particularly interesting about that I hear you say, but this man, who was a Dundonian, just happened to go on to have a son who is a multiple murderer — an escapee from Carstairs and himself to have murdered two women. It is a very sad tale and one that would only have stuck in my mind because of its particular poignance if it wasn’t for the fact that I noticed people around me saying, “Oh, of course he’s from Dundee” and similar statements.

These innocuous planted seeds of doubt in my naive, Dundonian mind, but would no doubt have been disregarded had it not been for Constitutional Law. It was in that class that I realised that the old home town was not just unfortunate with its less well respected citizens. Of course, I knew all about the corrupt Dundee council, and I suppose I expected everyone to have quite a good idea about it too, considering that 3 of the councillors were at that very moment on trial in the High Court in Edinburgh, but little did I know what they had done to “Bonnie Dundee’s” reputation. I was prepared for a mention of the situation to cause me slight embarrassment and perhaps — little mirth for the rest of the class — I did not, however, quite expect the peals of unreserved laughter which resounded round the theatre at the mention of Dun...

The situation has unfortunately only gone from bad to worse. In Criminal mention of White Collar Crime led the whole department to snigger and make sly comments about how they don’t like to talk about Dundee because it only rubs salt into the wounds of one of their members, who had the misfortune to be born there!

Worst of all my association with the city has at times led to a severe handicap of my scintillating charm and social grace. Coming from Dundee has been regarded as such a social handicap that I know of not a few people who have, when asked where they come from, resorted to saying, “Oh, Broughty Ferry” (a small village which has been within Dundee for Years!) or “Do you know Invergowrie, well I live quite near there”, or “Tayside!”. There is also nothing more off-putting than when one is chatting up a gorgeous man to slip in the, “Have you every been to Dundee” line and to get a reply either of “I think I passed through it once…,” yes we took a detour to cross the bridge in 1966 I believe”, or “Yes — there aren’t very many good pubs round Tannadice are there?”

Speaking of Tannadice I have come to the conclusion after three years away from home that, if it were not for football teams or crime no-one who didn’t have to pass through on their way to the northern wastes (oops, Aberdeen I mean) would ever have heard of Dundee.

Well, I feel it’s time to change the situation and I propose now to list Dundee’s many attractions… well, eh… next time you’re on your way to Aberdeen, do stop off to see the Wellgate Centre, after all, if that hadn’t been built think of the hours of mirth you would have missed at our expense — I suppose our councillors did do some good!

Kim Hutchison
The Way Ahead

Now that the communications to Universities from the U.C.G., apprehended with so much foreboding, have been received and studied, it is possible to look ahead and consider what developments in the study and teaching of law can be possible over the remainder of this decade. For a few years we shall certainly have to live with more stringent limitations on resources and with non-replacement of staff who relinquish their posts. There may even be some redundancies, though only at law. And it is the case that the actual reduction in staff in law faculties could be met by running down the numbers of part-time tutors, with consequent reduction of the number of tutorials offered, rather than by sacking full-time staff. Whether there is any justification for actual reduction in the student-staff ratio in Law Faculties as compared with other Faculties and partly on the fact that Law Faculties provide a necessary public service in being almost the only supply of persons qualified to embark on professional training as lawyers, and one sees no possibility of the need for lawyers disappearing or even diminishing.

Assuming, however, that no material improvements in the structure of legal study and training can be made within the next three years, it remains possible, and desirable, to consider and plan what improvements can and should be made when the present squeeze is eased and improvements can again be introduced.

Enormous improvements have been made since the War and it is only those who were brought up under the Ancien Régime (pre-1961 entries) who can appreciate how great these have been. There has been the introduction in 1961 of full-time study followed by professional training in place of concurrent study and articulation, the introduction in 1961 of Honours degrees, the extension of provision and the greater encouragement for postgraduate studies, and the introduction in 1980 of the Diploma in Legal Practice. The replies to the questionnaires sent out by the Royal Commission on Legal Services in Scotland show that there are some, nearly all among the most senior members of the profession, who regret the almost complete disappearance since 1961 of the double degree, the M.A. plus LL.B., and the abandonment of concurrent study and professional training. The present writer cannot sympathise with these views on either point. The value of the prior M.A. was greatly overstated; it never was and never could be enforced on all students, thereby compelling the existence of the inferior B.L., and insistence on it forced the LL.B. to be part-time and therefore of inadequate depth and with inadequate opportunities for study; the value of concurrent study and office training was overrated. Given that six or seven years is as much as can be expected to be devoted to basic studies and professional training, the best use of it is a period of full-time study followed by a period of full-time professional training. A prior Arts of other degree is a luxury.

Concurrently with these changes there has been a great improvement in the quantity, variety and quality of the books available for study. This is important, because the reading of books matters far more than lectures or tutorials. Unfortunately in some fields books from the pre-1960 days, designed for and suitable, if at all, for the kind and depth of studies of those days, are still in use, though totally inadequate for modern purposes, even though sometimes updated in new editions. Also there are still far too many students who think that all that they need to know is given in lectures, and that learning up notes is a substitute for reading books and cases. This attitude betrays indolence, lack of interest and stupidity.

In considering developments and improvements it is important to bear in mind the different functions of the first degree and the Diploma. The degree should be primarily educational, an examination of what legal controls do and can, and cannot do, and what they are, in each field. It is not solely the inculcation and assimilation of knowledge necessary for legal practice. An important function is to introduce students to all the major fields of legal study and to inadequate to study only the public and private law of Scotland, though that suffices for qualification as solicitor. The degree must not be directed solely or mainly to professional qualification, nor its scope limited thereby. The degree should be a good education for a range of careers, not only in law. Even within law the degree has to be the basic education of future judges, sheriffs, M.P.'s and leaders of the profession, not just next year's conveyancing clerks and P.F. deputies. Anyone who wishes merely to learn what is necessary to professional qualification should not come into a University but should seek a non-graduate traineeship.

The Diploma on the other hand is designedly vocational, professional and practical. It is an element in professional training, necessary and suitable only for intending practitioners. Indeed part of the advantage of the creation of the Diploma is that it highlights the distinction between the degree stage, which is primarily educational, and the training stage, which is entirely vocational. For far too long the LL.B. was saddled with the connotation that it was a professional training, for lawyers only.

The first development which has to be considered is implementation of the recommendation of the Royal Commission that the Ordinary as well as the Honour's degree shall extend over four years. It is plain that in the degree curricula with their present length, given that a degree must include the academic fundamentals for an adequate understanding of law, and is desired by most students to include also the subjects required for exemption from professional examinations and as preliminary to the Diploma, there is not enough time to include also many subjects of interest, important and practical utility. Introductions to legal history, to legal philosophy, to European Communities law, to public international law, to comparative law are all nowadays essential, as well as substantial study of the law of Scotland and public and private. These cannot all be fitted in to the present length of curriculum without serious overcrowding. Moreover the bulk and complexity of every branch of the public and private law of Scotland is constantly growing; even to cover the major topics is requiring more time and attention. It is true that prior to 1961 the whole of the common law was covered in a single three-term course, but it was covered totally inadequately, very sketchily and without looking below the surface. That kind of study would just not suffice in 1981. Even a series of first courses in the major branches of private law requires, to allow adequate time for reading and assimilation, to be spread over three years, and over four if conveyancing and evidence be included.

The Royal Commission's recommendation that this decision be made in the legal curriculum for the study of social science subjects and foreign languages has had a mixed reception. The writer's personal view is that in a law degree the study of branches of law alone is inadequate and they must be complemented by study of the related branches of private law required, to allow adequate time for reading and assimilation, to be spread over three years, and over four if conveyancing and evidence be included. Of these other standpoints the studies of economics, politics and moral philosophy are the most valuable and the studies of social anthropology, sociology and individual and social psychology much less valuable. For the student mainly interested in private law, a basic understanding of economics is very desirable and important; for the public lawyer politics may be better; for the jurisprudential moral philosophy.

In the writer's view much argument on this matter is vitiated by the atti-
tude that law and the social sciences are different, in academically distinct compartments. The fact is that law is one of the social sciences, indeed one of the oldest ones, because it is a study of human relations and interactions from one standpoint, that of controlling interests, upholding claims, and the resolution of disputes about them.

For historical and practical reasons, law has traditionally been taught in a different faculty from the other social sciences but, viewed logically, it is an examination of human relations from one standpoint, just as economics, politics and the others are examinations from other standpoints. Law is one of the social sciences and the study of each social science is complementary to each other; they overlap and interact with legal philosophy; on the historical side legal history is inseparable from political, constitutional, economic and social history; at the practical level the law and politics and economics are necessarily connected, the law of employment, of land, of domestic relations. The study, the obtaining of an accurate knowledge of the rules of law currently applicable regulating any of the relationships in our society is very important and necessary, but a full understanding of the relationships involved, and of the reasons for or deficiencies of the relevant legal rules requires knowledge from other standpoints also, and a legal education should communicate general understanding as well as merely accurate knowledge of the current legal rules. Legal rules do not exist in a vacuum. Moreover, the study of other social science subjects should not necessarily be put in the first year, as something preliminary to be got rid of. It could be very enlightening to study mercantile law and economics concurrently. And again, the teaching of other social science courses opens up some interesting possibilities for mixed degrees, particularly mixed Honours degrees, in such as Philosophy and Jurisprudence, History and International Law, Economics and Private Law, Politics and Public Law.

The case for the study of modern languages is rather different. Increasingly lawyers are dealing, and going to have to deal, with international transactions, international conventions, foreign law, foreign cases, foreign clients. Advanced study in many fields depends on being able to make sense of materials in foreign languages. Some linguistic competence is necessary for work in law today.

The difficulty of studying foreign languages is that school and University courses on foreign languages are mainly concerned with literature, not with the language as a means of communication of information. Foreign language departments will have to be pressed to develop courses for people, including lawyers, who want to be able to make sense of materials in the language, and use it, but not necessarily to read its literature.

There is also the question whether such social science and foreign language courses should merely be made available in a law course, or whether something from these groups of subjects should be required. The writer’s view is that in a future Law degree two such courses (first course in two subjects or a two course in one) from the social science and/or modern language groups should be required. If they are merely made available hardly anyone will choose even one such course. There is nothing very revolutionary in such a requirement. The University College at Buckingham requires all its law students to acquire competence in French and German and to spend periods in those countries. We already require students to study legal philosophy, whether it is a requirement for professional training or not. An educational experience will frequently, indeed should, require study of subjects which may not have obvious utility and which the student might not choose to take. In my own university experience the courses which opened most intellectual windows were moral philosophy and economics. A degree course should be a mind-broadening and stretching experience, not just an injection and assimilation of what may appear to be relevant or useful.

It is not desirable to use all the extra time which would be made available by a fourth year in taking more and more branches of law. In the first place, it is a fact that law has done its work in the first three years a student should be competent and able to ferret out for himself knowledge of special topics, such as trade marks or immigration. Secondly, students should not expect to have provided for them instruction in every topic, interesting or not, which may come up in law practice. Universities frequently get criticism for not teaching this or that, or demands from pressure groups that they teach the law about immigration or rent rebates or battered wives or homosexuals or nuclear accidents. They should not, try not to teach everything and some of the subjects which have been introduced in recent years have little to commend them beyond their utility in certain kinds of practice. They are the railway timetable; the knowledge is useful, but an intelligent being can find it itself rewarding for having had a course. There are textbooks as well as the original sources. The first degree can, and should, deal with the major topics and a selection of the others, but by no means all.

If these changes were made what would be the nature of the difference between Ordinary and Honours degrees, if both occupied the same time? The difference would probably be that the Ordinary degree would cover a wide range of topics and courses, but little or nothing would be studied to a much more advanced level than the basic course, whereas the Honours degree would cover a rather narrower range of topics and courses but would carry the study of some related topics forward to a much more advanced level. Without being narrowly specialised, and not nearly as specialised as many Honours degrees in Arts or Science, it would involve a measure of specialisation.

The second improvement to be considered is the Diploma. As experience is gained over the next few years it will become apparent whether any of the existing courses should be lengthened or curtailed, or dropped and replaced by others, or other courses be introduced. There are many topics about which prospective lawyers could very usefully learn during the Diploma year. The Royal Commission suggested Legal Ethics, Office Management and Oral Advocacy; but there could be others.

A question of considerable importance is whether the Diploma should continue to be a one-year full-time course, or should be made a two-year part-time course concurrent with the earlier part of the legal courses. In this debate a fundamental issue is that, at least at present, payment of fees and maintenance grants is made for students only if it is a course of full-time training, so that a change could not be made without being satisfied on the financial implications. The other material point is that, while Diploma studies concurrent with experience in application of the knowledge has an attraction, care would have to be taken that studies were truly concurrent with experience. There is not much virtue in studying Practice of Conveyancing concurrently with being in the Process department of an office. This was a common failing of the old concurrent apprenticeship system; the writer worked in the conveyancing department of an office while studying Constitutional and Public Law, and in the process department while studying Conveyancing; that was the office system, but it neglected much of the value of the office experience. The Diploma will be kept very much under review over the next few years and if improvements are seen to be necessary and are feasible they will be made. But if the Diploma having been introduced there will be no going back on it. It is a great step forward.

The way ahead for the next few years is accordingly not easy or free from hazards. But the major objectives of development are plain for all to see.

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THE LIFE AND TIMES OF OLD COLLEGE

THE BIRTH OF THE UNIVERSITY

With the fourth centenary of the University’s founding in 1583 a mere two year’s away, it is perhaps a good time to shift our gaze back from the sandstone maze rising inexorably in Bristo Square to the origins of our own historic building, to which this publication owes its name.

Initially, however, some mention must be made of the formative years of the University itself since the establishment of the institution predates the construction of Old College by two hundred years! The Royal Charter of April 1583 authorising the setting up of a Town College was largely a result of theabouts of Robert Bell’s desire to enhance civil pride by the creation of an academic rival to the 15th century Universities of St. Andrews, Glasgow and Aberdeen. To this end, the young King James VI granted the site of Kirk o’ Field to the town (already famous since it had seen the violent demise of James’ father, Lord Darnley, at the hands of assassins). James received in return a not inconsiderable sum to relieve his ailing finances and later (in 1617) was to have the University named after him — King James’ College. It was at Kirk o’ Field in the house of the exiled Duke of Hamilton that the teaching of the Arts and Divinity was carried on for two centuries.

Despite a bequest by Bishop Reid in 1558 towards the study of Civil and Common Law, legal studies did not find a permanent place in the syllabus until the dawn of the 18th century. The Chair of Public Law was established in the same year as the Act of Union. Civil Law three years later, Civil History (or Constitutional Law) in 1719 and Scots Law in 1722. The socio-historical approach to jurisprudence adopted was a product of strong continental influences.

ADAM COMMISSIONED TO BUILD A NEW COLLEGE

Inevitably, as the University grew in the range of courses that could be followed, the problem of inadequate facilities and overcrowding grew more intense. In addition to this, late 18th century Edinburgh was acclaimed as the ‘intellectual capital’ of Europe and the University could boast such names as Adam Ferguson, the father of Social Science, William Robertson, the esteemed historian and Dugald Stewart, the moral philosopher as tenants of its Chairs. Thus with the impetus for a new building came an insistence that it should be a fitting shrine for excellence.

The appointment of Robert Adam as architect came in a period of economic buoyancy when a massive public works programme was underway. (In fact, the profits from the erection of the South Bridge itself were applied to a new fund for the construction of a New College, the ten Bridge Commissioners becoming Commissioners for the latter project.) In 1790 a subscription list was published, its total of £13,366 being attributable to large sums from the Lord Provost on behalf of the City, the Writers to the Signet, Faculty of Advocates, various aristocrats and merchants.

The sense of jubilation at the ceremonial laying of the foundation stone in the November of 1789 was shortlived, however. Tragically Adam died in 1792 with only the East Block overlooking South Bridge virtually complete. This alone had been an immense engineering feat — the sixty-two-foot-high Doric columns supporting the portico had been hewn out of Craigleith stone and transporting them across the North Bridge had been a hazardous operation. Adam had, however, left detailed plans for both the North and West Blocks, the corner of which was to contain the new Anatomy Theatre (now Lecture Hall 271) and a Graduation Hall where the New Senate Room is situated at present.

DISRUPTION THROUGH WAR

Work ground to a halt in 1793. Money had run out and, increasingly, men and materials were needed for the wars on the Continent. A succession of bad harvests further depressed the economic situation. A petition was sent by the Town Council to Henry Dundas, the Secretary of State, urging the need for funds but to no avail.

It was only after 1815, after the cessation of the Napoleonic Wars that a further plea to the Lords of the Treasury in London could be heeded. The war had taken its toll on Government expenditure and had necessitated a tax on the University’s former patrons, the Scottish nobility. A Committee of the House was set up to examine the situation. Its final decision to grant a sum of £80,000 spread over eight years for rebuilding was based on three chief factors. Firstly, student population had doubled between 1768 and 1815. Allied to this was the shocking state of the buildings for these numbers; the East and North fronts were not properly roofed, timbers and rafters being at the mercy of the winds. Thirdly, theOriginally founded in 1864, the University of Edinburgh was in the process of expansion, and the need for additional space was evident. The study of medicine was booming, and the Medical Faculty buildings, in particular, were facing overcrowding.

The old Medical School, situated on Canongate, was proving inadequate, and the decision was made to move to a new site. The choice of site fell on the Old College site, which was purchased from the University's endowment funds.

The building was designed by Sir John Hope, who had previously served as the University's principal architect and had designed the Old College. The building was completed in 1867, and it has remained the home of the School of Medicine ever since.

The new building featured state-of-the-art facilities, including large lecture halls, laboratories, and a central library. The Medical School had been long overdue for an upgrade, and the new building provided a much-needed boost to its capacity and facilities.

The move to the Old College site also allowed for the creation of new departments and programs, further enhancing the School of Medicine's reputation for excellence. The new building became a symbol of the School's commitment to providing the highest quality education and research, and it continues to be a source of pride for the University of Edinburgh.

In conclusion, the move to the Old College site marked a significant milestone in the history of the School of Medicine at the University of Edinburgh. It not only provided much-needed space and facilities but also served as a testament to the importance of the School and its role in the University's mission of advancing knowledge and education.
A CONCESSION TO 
LAW STUDENTS

THE SCOTS LAW TIMES 1982

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Motoring - Cross the Channel!!
(Continued from page 3)

manuacturer or importer then uses this number for registration of vehicles in the UK as demanded on form VSS/S. The point of this narrative, however, is that the National Type Approval number is not available to anyone other than the manufacturer or importer. Thus importation of vehicles by individuals is hindered by the need to have this number to register the vehicle on British number plates.

However, to place such restrictions on individuals was seen to be contrary to EEC Law and so an exemption was created in terms of paragraphs 3(2)(a) to (e) of the regulation. This had the effect of allowing "personal" imports of vehicles to be exempt from National Type Approval. In order to qualify for this exemption, the vehicle must have been purchased and used outside Great Britain for the personal use of the individual importing it or of his dependents, the vehicle must be intended solely for such personal use in Great Britain and the individual importing it must intend to remain in Great Britain for not less than 12 months from the date of importation. Where vehicles are exempt from National Type Approval, they can be registered and licenced without a Type Approval certificate. The intention of the regulation was to allow "personal" importation and to "outlaw" the traders, but one look at the Sunday Times classified ads will confirm the suspicion that traders are now importing and retailing vehicles quite illegally as personal imports.

The ramifications and details of the foregoing are immense and space does not allow any further examination of the legal and practical aspects of "bargain basement motoring". By way of speculation, a word or two could be said about the future of personal importation of cars. Moves are afoot to tighten up the regulations in order to make personal importation more difficult. However, although, the department of Trade has been pontificating on this point, it would be difficult to see how the regulations could be tightened up while Britain remains a member of the EEC. At present the European Commission are investigating the whole question of the disparity in the prices of vehicles within Europe and a report together with recommendations is expected within one year. However, perhaps one of the most important influences on the pricing system as it exists in Britain is the continued unprofitability of British Leyland. One feels that were British Leyland to fold, prices would be reduced by foreign importers to European levels.

Finally, anyone contemplating the purchase of a new vehicle should consider importing one from Europe. Not only will this save a great deal of money and demonstrate the disgust of the British motorist with the present pricing system, but it's good fun as well!!

Andrew Sobolewski
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