LAW IN CONTEXT

Enlarging A Discipline

WILLIAM TWINING

CLARENDON PRESS · OXFORD 1997 Oxford University Press, Great Clarendon Street, Oxford Ox2 6DP
Oxford New York
Athens Auckland Bangkok Bogota Bombay
Buenos Aires Calcutta Cape Town Dar es Salaam
Delhi Florence Hong Kong Istanbul Karachi
Kuala Lumpur Madras Madrid Melbourne
Mexico City Nairobi Paris Singapore
Taipei Tokyo Toronto
and associated companies in
Berlin Ibadan

Oxford is a trade mark of Oxford University Press

Published in the United States by Oxford University Press Inc., New York

© William Twining 1997

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, without the prior permission in writing of Oxford University Press. Within the UK, exceptions are allowed in respect of any fair dealing for the purpose of research or private study, or criticism or review, as permitted under the Copyright, Designs and Patents Act, 1988, or in the case of reprographic reproduction in accordance with the terms of the licences issued by the Copyright Licensing Agency. Enquiries concerning reproduction outside these terms and in other countries should be sent to the Rights Department, Oxford University Press, at the address above

British Library Cataloguing in Publication Data

Data available

Library of Congress Cataloging in Publication Data

ISBN 0-19-826483-6 1151365 1 3 5 7 9 10 8 6 4 2

Typeset by Graphicraft Typesetters Limited, Hong Kong Printed in Great Britain by Bookcraft Ltd. Midsomer Norton, Avon

STJ00107917

Contents

| Acknowledgements Abbreviations | | vi viii |
|-----------------------------------|--|------------|
| | | |
| 2. | The Camel in the Zoo | 26 |
| 3. | Reflections on 'Law in Context' | 36 |
| 4. | Pericles and the Plumber | 63 |
| 5. | Taking Facts Seriously | 89 |
| 6. | Evidence and Legal Theory | 110 |
| 7. | Theory in the Law Curriculum (with Neil MacCormick) | 131 |
| 8. | General and Particular Jurisprudence: Three Chapters in a Story | 149 |
| 9. | Legal Skills and Legal Education | 180 |
| 10. | Karl Llewellyn and the Modern Skills Movement | 192 |
| 11. | Reading Law | 198 |
| 12. | The Reading Law Cookbook | 222 |
| 13. | Access to Legal Education and the Legal Profession: A Commonwealth Perspective | 237 |
| 14. | Preparing Lawyers for the Twenty-first Century | 280 |
| | What are Law Schools for? | 292 |
| 16. | Pericles Regained? | 312 |
| | A Nobel Prize for Law? | 339 |
| Index | | 355 |