UNIVERSITY OF SOUTHAMPTON

Legal Education: Experiencing the Dynamics of Law Teaching

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ABSTRACT

FACULTY OF SOCIAL SCIENCES

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LEGAL EDUCATION: EXPERIENCING THE DYNAMICS OF
LAW TEACHING

by Elizabeth Mytton

This biographical study of the lived experiences of six law teachers offers a new dimension to understanding the dynamics of law teaching. The overall purpose of the study is to reveal how these law teachers make sense of the world of legal education in terms of their identity, educative values and also whether they necessarily regard themselves as academics. The significance of this study is the contribution it seeks to make in further understanding individual law teachers and how they experience the dynamics of a rapidly changing teaching environment.

The study reveals how different experiences emerge through a complex interplay of spheres of influence and theoretical frames of reference. A model is developed to show the ways in which competing spheres of influence surround the academic. The model identifies key agencies which inform the context of legal education. A theoretical perspective considers possible explanations for apparent epistemological shifts in the academy. The lived experiences of law teachers are set against this background which provides tools of analysis for understanding the dynamics of law teaching.

Dedication

For Mick, Sarah and Lucie.

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Chapter 1: Introduction

Auto/biographical note and rationale

This research began in September 1996. Having worked as a law teacher in higher education (HE) for ten years, I had become particularly aware of changes in the working environment of law teaching and apparent shifts in the prevailing value system. The experience of teaching in HE was changing fast. The underlying change seemed to be the commercialisation of the university as it shifted from an academic domain to one that was becoming more responsive to industry. A new discourse was emerging. This presented new challenges in terms of how law teachers came to terms with a rapidly changing environment seemingly more and more influenced by external forces. Bassnett (1999: 3) captures the sense of urgency:

> University life gets more like Wonderland by the week, making me feel increasingly like a cross between Alice – dazed by the constantly changing weirdness of it all - and the White Rabbit, forever rushing from meeting to meeting in a perpetual state of lateness.

For my own part, I entered law teaching in the mid 1980s as a subject specialist and recall the majority of my time being spent reading, reflecting and teaching. Lectures and seminars provided a sense of intimacy in the shared pursuit of learning. Since then, changes in funding arrangements have impacted on this experience which is now much more commercially driven. The learning experience is articulated through course aims, objectives and outcomes linked to performance indicators and critical success factors. To this end, a significant administrative machinery is gaining momentum as HE shifts from a tutor-led to a student-centred environment.

Since the emphasis seems to be upon the quality of the student learning experience, it seems appropriate to ask what the impact on the teaching experience might be. I had become aware of the literature on the changing environment of higher education prescribing the way in which the student learning experience was to be managed. The literature revealed an expectation that students are made ready for the world of work, prepared for a journey of life-long learning and equipped

with a range of transferable skills. I was unable to discover any literature in equal measure to reflect what impact these expectations might have on the lived experience of the law teacher.

As a law teacher with responsibility for the standards and quality of legal education within a university law department, it would have been possible to conduct a study based on statistical data. Such a quantitative approach might have taken a critical view of aims, objectives and outcomes, performance indicators, league tables, business plans and measurable outputs. Certainly, these elements reflect the day-to-day business of managing a law department. My concern was that this methodological approach would not generate experiential factors for explaining the data. It is for this reason that a hermeneutic/interpretive approach was preferred for the purpose of this study.

During the period 1996-2000, in which this research was undertaken, the impact of the Dearing Report (National Committee for Inquiry into Higher Education, 1997) and the newly established Quality Assurance Agency (QAA) were seen as having the potential to fundamentally change the ways in which learning and teaching was taking place, suggesting an epistemological shift in the academy. At the start of this period, I was the course leader of an undergraduate law programme. At the time of writing, my role has changed and, as Head of Law, I see the experiences of law teachers from a different perspective. On a day-to-day basis I have been closely involved with law teaching, working alongside law colleagues, each of us having many different roles to perform. This study explores the lived experience of law teachers and sets out to show how they respond to a dynamic and rapidly changing working environment.

Structure and outline of the thesis

This research relates to how it is possible to understand the law teacher in circumstances where the academic nature of the role is being repositioned in terms of function and status, given that the roles of law teachers have become multifunctional. It might be possible to suggest a shift in terms of those values previously espoused by the academic in the traditional sense. The purpose of this

research is to gain an insight into law teachers' experiences, with particular emphasis on identity, being an academic and educative values.

Chapter 2 is concerned with arriving at the research question and the methodological approach to the study. Firstly, the initial triggers and the route to arriving at the research question are explained. A preliminary investigation through a focus group interview was undertaken to gain an insight into the meaning of quality which was appearing to constitute a significant sphere of influence in terms of an apparent epistemological shift in the academy. Extracts from the focus group interview are cited to reveal key observations made by some of the participants which helped generate opportunities for further enquiry through this research. Theoretical ideas also began to emerge, particularly from scrutinising the works of West (1996), Evans (1999), Scott (1999) and Barnett (2000), which are particularly concerned with educative values and shifts in the academic experience. My own day-to-day work and engagement with government documents relating to shifts in policy in HE with particular reference to the QAA and the Department for Education and Employment (DfEE), caused me to become more reflective about my own lived experience as a law teacher. I became increasingly critical of my own role as a law teacher in terms of what I was expected to deliver in terms of the measured outcomes of the student learning experience.

At this point I was becoming more able to articulate my initial hunches: the research strategy was becoming clearer. I became aware of the different approaches colleagues have to the experience of working in HE and I was developing further insight into some of the theoretical perspectives offered to explain these experiences. In order to establish a strategy for gaining further insight into the lived experience of law teachers, the biographical method offered an appropriate opportunity for the type of research I wished to undertake.

According to Denzin (1989: 69) the value of the biographical method 'lies in its user's ability to capture, probe and render understandable problematic experience'. Within the context of this thesis, 'the problematic experience' is associated with the lived experience of law teaching. This raises the epistemological question of how law teachers 'know' the world in which they

work. It is not assumed that there is one single academic community of law teachers but that perhaps it is more accurate to speak of 'continually proliferating sub-communities' (Barnett, 1990: 201), and to ask whether:

> ...we have to accept that the academic community is just a collection of contrasting language games, each going its own way, with its own views as to what counts as truth, with its own relation to the wider society, and with its own sense as to what is important in the development of the individual.

My reasons for selecting the biographical method as part of the research strategy are identified in Chapter 2 where the stages in the research process are set out. There, I draw attention to key aspects of the biographical research method as outlined by Erben (1996, 1998). He points out that the guiding feature of this type of research is the attempt to suit the method to the purpose of the study. He identifies both a *general* and a *specific* purpose. The general purpose is to provide greater insight into the nature and meaning of individual lives or groups of lives; the specific purpose relates to the analysis of a particular life or lives for some designated reason. He suggests that since individuals are part of a wider cultural network, information acquired through the research process needs to be understood within that context and the collection of data through interview is especially useful.

In the process of constructing a research strategy, which incorporates interviews, particular factors were taken into account. If it is accepted that the research process is concerned with the exploration of knowledge claims, it is necessary to consider the conceptual framework from which such knowledge claims emerge. This is established through being reflexive, understanding the potential for bias and by taking account of ethical and political considerations. A feature of biographical research is to acknowledge issues related to giving voice and what authorises people to speak for others. For the purpose of this thesis the 'right' to speak about others is taken to be legitimate in the following sense:

> ...philosophers and social theorists are authorized by their academic position to express and encompass the ideas, needs, and goals of others. (Alcoff, 1991: 7)

I found that the experiences of interviewing drawn from a range of feminist literature (Richardson, 1990; Colker, 1991; Alcoff, 1991; Howe, 1991; Dewar, 1991; Clarke, 1996) to be particularly insightful. Locating the legitimacy and presence of the author's voice appeared to be significant factors and helped raise my own consciousness about the relationship between the researcher and the researched. Alcoff (1991) suggests that it is simply not possible to transcend one's location and nor may it be possible to speak for others without reinforcing oppression. Alcoff (1991: 6) raises particular concerns about speaking for others. She notes:

> There is a strong, albeit contested, current within feminism which holds that speaking for others is arrogant, vain, unethical and politically illegitimate.

Richardson (1990) also asks how the credibility of the writers' claims to knowledge can be decided and whether researchers have a right to speak for others. Although she considers there to be 'no philosophical resolutions', she suggests it is possible to suggest 'one can never be another' and 'there is no final authority on authority'. Colker (1991) provides an example of her own difficulties in speaking for others.

The second part of the chapter continues to draw on feminist research and is particularly concerned with the ethical and political considerations of utilising interviews as a research method. The work of Simons (1981), Oakley (1981), and Finch (1993) was particularly helpful in terms of alerting me to the possible challenges involved in arranging and conducting interviews.

Chapter 3 offers a framework for considering the theoretical background to the study from two perspectives. Firstly, a model is established to show how different spheres of influence surround the academic and, secondly, theoretical perspectives are considered which suggest epistemological shifts in the academy. The spheres of influence model identifies the potential for contested and competing agendas to arise, some of which are revealed through the interviews. The two frameworks provide a means of explaining how the academic law teacher's working life might be understood in relation to performativity (Lyotard, 1984), supercomplexity (Barnett, 2000), structuralism and subjectivity (Watson, 1995; Lucas, 1996;

Barnett, 1990, 2000), and educative values (Lucas, 1996; Erben, 1999; Evans, 1999; Scott, 1999; Barnett, 2000).

The decision to refer to the work of Lyotard (1984) was taken in an attempt to capture the underlying epistemological shift in the academy. The shift needs to be articulated and demonstrated for insight to be gained and understanding to be shared. He suggests that decision-makers manage according to input/output matrices associated with performance and efficiency. The notion of maximum performance is criticised by Lyotard (1984) who asserts it 'entails a certain level of terror'. Lyotard's postmodern condition is taken up by Barnett (2000) who suggests 'the performativity thesis holds traps for the unwary'. He provides two theses in respect of the performativity thesis. Furthermore, he asserts that the university has lost its way and suggests a new vocabulary and sense of purpose in order to clarify the university's new role in the world.

The final part of the chapter considers a sociological approach to explain influences on the life of the individual connected with work. Watson (1995) identifies these as structural and individual preferences: structural in terms of being linked to class-family-education, and individual when based upon those values the individual holds. In a study of student choice of occupations (Banks *et al.*, 1992) it can be shown that there is an interplay between two aspects of individual identity. The first is a self concept related to self-efficiency, self-esteem and self-confidence, as opposed to depression, poor motivation and estrangement. The second relates to social identity which includes various attitudes, values, beliefs, and commitments in relation to society and social institutions. This interplay provides a framework relevant to this thesis in terms of identity and values together with those factors which affect attitudes and experience. Whilst I acknowledge that the study is concerned with students there seems scope for considering the application of this theory to law teachers.

Chapters 4 and 5 comprises the empirical research. For ease of presentation and analysis, the chapters separate law teachers who have formerly practised from those who have not practised law. These chapters focus on the data provided by the stories of James, Ruby, Ann, Joan, Duncan and Rupert. The aim is to develop stories about self through the interview narrative, recognising, as Erben (1998)

suggests, that the human subject can only interpret itself by interpreting the lives found in the surrounding world. The interviews were designed and undertaken to encourage 'talk' and develop narrative (Riessman, 1993), since according to Erben (1998) human existence takes place through narrative. This approach is utilised to assess whether external expectations and determinant factors have caused some detriment to the self and, if so, the impact this may have. For the purpose of this study 'self' is taken to mean 'a process that unifies the stream of thoughts and experiences the person has about herself around a single pole or point of reference' (Denzin, 1989: 31). The single point of reference here is legal education. My question relates to how law teachers understand the academic self in a rapidly changing environment given the institutional context and their lived experiences. Usher (1998) suggests that 'experience' is a key concept in educational theorizing, practice and research:

> ...the experiences of the self are a source of knowledge and a valuable pedagogic resource which can be harnessed to learning, personal development and the liberatory giving of 'voice' (Usher, 1998: 18)

The liberatory giving of voice is a key element of biographical research and sight is never lost of the sensitive relationship between the researcher and the researched.

Chapter 6 forms a link between the stories revealed in Chapters 4 and 5, and the evaluation stage of the thesis provided in Chapter 7. Chapter 6 identifies the key themes which emerge from the stories; identity, role and function, career paths in teaching law, being an academic, and perspectives on educative values (see discussion below) as well as professional values. The purpose of this chapter is to produce an analysis of the interview data prior to undertaking a theoretical evaluation in the chapter that follows.

Chapter 7 provides a theoretical evaluation of the key themes identified in Chapter 6. It draws upon the framework set out in Chapter 3 with reference to the wider socio-political context drawing upon Lyotard's (1984) performativity and Barnett's (2000) supercomplexity. There is also reference to understanding the law teachers at work and an explanation of their lived experience from a sociological perspective. This is perhaps the most complex chapter, in that it links

empirically generated themes with theoretical perspectives. This is made more complex since what might have been anticipated sometimes produced surprising results. Finally, the chapter takes into account different approaches to academic and educative values.

Chapter 8 concludes the thesis and provides an overview of the study identifying key elements of the research and what has been learnt from it. The findings of the study suggest explanations and ways forward in terms of how law teachers experience the dynamics of a rapidly changing environment.

The research findings are relevant to establishing a coherent staff base and identifying staff development needs. Tensions arise between competing agendas and these need to be fully understood in order to establish a productive academic community in which people work together in an environment which is conducive to scholarship and learning.

Chapter 2: Methodology: arriving at the research question

Introduction

My preliminary research began in 1996 at the start of a doctoral programme. The Dearing Report, *Higher Education for the 21st Century* (National Committee of Inquiry into Higher Education, 1997), and its likely impact was being anticipated. Now, in a post-Dearing era, there is a shift in learning and teaching approaches to enable students to be less tutor-dependent and more self-managed whilst the university strives to maintain quality. The first two years of the research provided an opportunity to explore spheres of influence which triggered the decision to undertake a study about the lived experience of law teachers and their working lives. In an environment increasingly determined by process and measurement it was emancipating to take a different perspective and consider auto/biographical experience as a reflexive practitioner.

Arriving at the research question with the emerging spheres of influence on the dynamics of a rapidly changing environment revealed the quality agenda as an underlying factor affecting change. The word 'quality' is commonplace in the everyday language of law teachers and the literature on the subject of HE is replete with references to quality. A preliminary research exercise was undertaken to discover what 'quality' actually meant to teachers in HE. A focus group interview was set up as an initial part of this study to discover responses to the quality agenda.

The group comprised six participants, men and women, all currently working in a vocational university. They each had different areas of responsibility in higher education but were all associated with working in an educational sphere of law and professional studies. The findings of this study have been documented and published elsewhere (Mytton, 1998). Aspects of that study triggered some initial understandings about the quality agenda and its impact on experiencing change in HE. In order to inform the methodological development of the larger study, extracts of the focus group interview are recorded here to indicate some of the

observations which informed my thinking about the extent of differing attitudes to the meaning and impact of quality, which in turn suggest an epistemological shift in the academy.

In summary, this chapter seeks to explain the initial triggers for the research as prompted by the responses to the focus group interview and then to explain the methodological considerations in undertaking this study. An introduction to the biographical method is provided, together with an overview of some of the particular issues concerned with undertaking this type of research. These include ethical and political issues, the design of the interview process and issues related to location and giving voice.

The focus group interview: reflections on the meaning of quality

From the focus group interview the following passages provide an indication that university staff have differing perspectives on the extent to which quality and changes in the academy impact on their lives.

Derrick observes:

> I would just like to register a sentiment at the start that my response to quality...I think my response is an intuitive feeling...and I think, in fact, actually we diminish the concept by going into the process that we are obliged to and I think that as we go down through the process of qualification and definition, we need to have at the back of our minds the thoughts that we might actually be diminishing something with setting artificially narrow parameters for something which is actually capable of much wider interpretation.

This raises the question of the extent to which it is at all meaningful to seek a definition of quality. Traditionally, professional academics are taken to be capable of forming a view accepted within an academic peer group of what constitutes quality in academic work. The implication from Derrick's observations is perhaps that to some extent the QAA agenda may be diminishing that which already holds as worthwhile. Thomas in response to Derrick suggests:

> I agree, but I think one of the problems there is that I think you go back to objectives, I mean I look back on my undergraduate experience and perhaps it was a more traditional approach, 'here's the reading list - off

you go'. Quality was defined as how well I could do a three-hour exam at the end of the year, discussing, analysing, writing essays, whereas today perhaps coming off the accounting degree we are looking to prepare students for a professional life in accounting which may well include...a more holistic approach whereby we say 'OK, here's a body of technical knowledge', an amount of knowledge that the student needs to know but it's just as important that the student when they emerge after three years with us has a self-confidence and a self-belief and other kinds of interpersonal skills to be employable and to fit into various employment roles. Now if that's the objective of the ... degree within the vocational university, a more traditional approach of quality may well not fit into that and I think, you know, there can be tensions here.

Thomas's comments reveal a degree of emphasis on employability and preparing students for employment. He recognises there are different expectations today in terms of preparing graduates for employment and gearing the learning experience to employability. This might be described as a pragmatic approach that captures the essence of prevailing government policy and funding arrangements. Thomas implicitly identifies spheres of influence on the educative which require further critical analysis and are explored later in the thesis. Whilst Thomas adopts a pragmatic perspective, Russell offers a different sentiment in his observation:

I guess it's more of an intellectual voyage as opposed to a dedicated training for a particular vocation.

Here, Russell provides a different perspective and his reference to the intellectual voyage encapsulates what might be understood to be a position more closely aligned with the traditional academic view in terms of the educative being concerned more with discovery than skills and employability. Derrick in reply suggested that:

It may be simply that the degree we happen to be offering is losing something of its richness and diversity of its experience so the profile of the student which comes out at the end is a rather cramped and inhibited one...

Another of the focus group participants, Paula, a member of the administrative staff, offered the following perspective:

I think an issue here is the fact that they [students] are very often spending a vast amount of money to actually be here and that is something that is going to be happening with the undergraduates and it raises the question of...students becoming consumers and then that begs the question of how

the students perceive quality and the process of the degree is becoming more of a product.

This perspective introduces the commercialisation of HE and suggests perhaps another shift in the academy from an academic institution to one which is consumer-focused offering quality products.

From the above, it is possible to identify the emergence of three different perspectives; two from the academic and one from the administrative. The two academic perspectives comprise a traditional view that quality is a recognisable concept within the academic community and as such requires no definition, and secondly the notion of an intellectual voyage. These two perspectives are in contrast to that of the administrator who takes a commercial view. A further, rather despairing, observation about students' perceptions is made by Julie, who has overall responsibility for leading an undergraduate programme:

> Oh yes, and they certainly don't appreciate the things we have been talking about already, the added value bits to the course and they don't appreciate the idea of an overall experience or an intellectual experience, anything like that, that's not what they want.

This is perhaps a rather alarming statement to make by someone so closely involved with managing an undergraduate programme. It suggests a certain degree of alienation and despair, perhaps a departure from the authentic self. It also raises questions about the essence of the university and its purpose. There is a fundamental issue here about the educative and whether traditional understanding is now being displaced by an ends-oriented expectation.

Derrick appeared to be the most willing to offer a reflective account. He slowed the fast pace of the debate by deliberation and reflection. He was prepared to ask whether the university could adopt a more confident role as a determining factor as opposed to its apparent readiness to respond to the perceived wishes of external influences.

In summary, although only extracts of the focus group interview have been reproduced here, the overall findings suggest that participants acknowledge the significance of professional accreditation and the extent to which courses are required to meet the expectations of professional and accrediting bodies. It was

interesting to note how the participants compared their own past experiences with what they are currently experiencing. This was particularly notable in the narratives of Derrick and Thomas, both of whom commented that there were aspects of quality which may not apply in the same way today. The reasons they offered suggest there were fewer graduates a generation ago who were regarded as an elite and sought-after, whereas today with the massification i.e. increased numbers of students in HE, graduates need to demonstrate something additional to simply being a graduate. The focus group participants clearly recognised a need to prepare students for employment. However, it was also acknowledged that some of the intellectual richness and diversity of the university might be lost in preparing for such an endeavour. The discussion about the perceptions of students suggested they perceive the course as a process, a means of entering employment. They are seen as consumers of a product. Derrick, however, also refers to 'an intellectual voyage'. This might have opened up discussion about intellectual freedom, independent thinking, research, pioneering work or the aesthetic experience of being immersed in a library, but the participants did not take that path, although they did remember fondly the concept of reading for a degree. They recognise many influences on the design and delivery of accredited undergraduate courses which have to meet the requirements of professional bodies, university and course regulations, lifelong learning, not to mention transferable skills and suggest that given these requirements the richness of the intellectual experience might be at risk.

The question arises whether students acquire the attributes of meaningful scholarship. It may be that the obvious point to be made is that students choose the course most suited to them; it is simply a matter of responding to market forces. The market requires graduate employees who have ability in a wide range of areas, namely intelligence, appropriate qualifications, the ability to work with minimum supervision, as well as interpersonal and effective communication skills which can be demonstrated verbally, in writing, and electronically. This is a far cry from the experience of Thomas who recalls from his undergraduate experience 'Here's the reading list - off you go'. Teachers involved in higher education are aware of the complexities of competing expectations both from internal and external sources. In summary, the focus group interview generates a number of

areas for further analysis in terms of identifying and understanding the impact of competing influences on the educative experience. The participants acknowledge that there have been changes in terms of their own learning experience and that of current students. The overarching theme to emerge is the commercialisation of the student experience as the university moves towards preparing students with employable skills.

Accommodating the industrial system

Having gained an insight into different perspectives on quality, there is a suggestion of an epistemological shift in the academy in terms of being required to meet the expectations of the commercial world. Further study of the theoretical approaches to the current demands made upon HE was undertaken with particular reference to the work of Barnett (1990; Barnett & Griffin, 1997; Barnett, 2000) a key author on the rapidly changing environment of HE. Specifically, in his analysis Barnett (1990: 6) refers to the university in an age of supercomplexity.

Meeting the expectations of the commercial world presents a key question in terms of the educative . The shift in the student learning experience may be understood at a number of levels, perhaps most visibly at the level of the tutor/student relationship. Although the student experience as such is outside the central focus of this study, it is worth noting that current patterns indicate that the experience is problematic for students and giving cause for concern to the student counselling services. This is supported by the recent report from the Heads of University Counselling Services, *Degrees of Disturbance: The New Agenda* (1999) which identifies the seriousness of the current position. The report notes that with the massification of higher education there is an implicit assumption that students have the strength to withstand the rigours of more distant learning, i.e. less contact with tutors. The reality is that the tutor/student relationship is vital, not least for those students who may not have the sophisticated personal skills to survive the expectation that they can operate in an independent way.

Biographical research: the background

Erben (1996, 1998) suggests the object of the biographical method is to provide insight into the nature and meaning of individual lives, and he points out that:

> The purpose of biographical method as a research tool is to explore, through the analysis of individual lives, the relationship between social forces and personal character. (Erben, 1996: 159)

The relationship between social forces and individual character are central to the overall aims of this study. The social forces in terms of the wider context are developed in the following chapter whilst the individual character of participants' lives is described in later chapters.

Erben (1996) describes a life as a temporal journey which is unpredictable since there may be some societally derived routes for the journey; selves are not free agents since the world is already made and language is already in existence. A key aspect of Erben's stance is that it is never possible to replicate a life exactly just as there can never be a full-size map. He suggests:

> The biographical method attempts to reconcile the positivistic and the interpretive, and the structural and the phenomenological, further, biographical method regards the individual as a complex social entity - a highly singular and complex articulation of the cultural. (Erben, 1996: 172)

As far as the validity of the biographical research method is concerned Erben (1998) suggests that what is at issue is not the scale of the research but the purpose for which it is required. Therefore, the research will be valid according to the extent to which it is deemed relevant to the community of law teachers. In terms of its validation, Erben (1998: 4) suggests that biographical research receives its validation 'by an experienced group of peers who see the study as significant, worthwhile and in concert with its aims'.

Erben points out that there is no concrete set of research methods for biographical research. In terms of the techniques involved with this type of study, biographical research allows the researcher to explore peoples' lives; the complexities, key moments and 'epiphanies' (Denzin, 1989), aspects of which are shown in the interviews which are undertaken, described and analysed in later chapters.

However, the emphasis here is upon understanding rather than being unduly preoccupied with techniques. Erben (1998) supports the view that over-emphasis on research techniques may undermine the purpose of the investigation and the methods used.

In terms of this research there are observations to make about the techniques I have used. Firstly, there is no one chapter in which the literature is reviewed. This is undertaken throughout the study as appropriate to the particular aspect of the work under consideration. Secondly, the interview sample size was deliberately small so as to facilitate an in-depth interpretive biographic analysis (Denzin, 1989), designed to elicit insight and understanding about the identity of the law teachers, how they perceive themselves as academics and their understandings of educative values.

Within the wider context of external and internal expectations of course aims, objectives, input, output, quality, standards and performance indicators, it would seem that the academic and educative are submerged within a process-driven maelstrom. The purpose of this study was to capture the lived experience of law teachers and to seek further understanding about what impacts upon their lives. Neither the law nor law teaching operates within a vacuum devoid of political, social and philosophical concerns. According to Denzin (1989: 29):

> Every life is a moral, political, medical, technical and economic production…Autobiographies and biographies are studies in morality, as well as personal and political power, fate, and social control.

Here Denzin demonstrates the complexity of the lived experience. This provides an opportunity to consider the experiential aspects of working in higher education. Given that the university operates within an administrative infrastructure, the university school or department is significantly dependent upon statistical data capable of measurement and performance indicators. Spreadsheets contain the measurement by which survival is maintained and the financial lifeline to the Higher Education Funding Council for England (HEFCE) funding held secure. An appropriate methodology which provides a conceptual framework within which to explore the experiential is offered by a hermeneutic epistemology as developed by Gadamer (1975) and referred to by Usher (1996: 18):

> Hermeneutic/interpretive epistemology … assumes that all human action is meaningful and hence has to be interpreted and understood within the context of social practices. There is a questioning of the wholesale application of methods appropriate to the natural sciences since such methods, it is argued, cannot elucidate the meanings of human actions.

In part, 'human action' forms the basis of this study. But it is not confined to action, it is also about a sense of values and self. Evidently, there is a need to explore the position and influence of the author in giving voice and the extent to which the location of the author and the process by which the text is determined effects the end product. Usher (1996) suggests that there is a personal element in doing research moved by a desire to explain one's self. He cites Foucault who asserts that the will to truth is also a will to power. Usher argues that even when our research is moved by an emancipatory desire we are still 'writing for self'- and not in a purely autobiographical sense either but more significantly fulfilling a desire for mastery, self-affirmation and maintaining self-sameness. If biography is taken to be the process of finding out about a person the end product will be determined by the author's view of the world and perhaps it is true that 'we as researchers construct that which we claim to find' (Steier, 1991, quoted in Scott & Usher 1996: 33). This raises the question of what it is that is actually being produced and whether it is a truthful representation of reality. The extent to which reality can be attributed to a person is problematic. Derrida (1972) claims:

> There is no clear window into the inner life of a person, for any window is always filtered through the glaze of language, signs, and the process of signification. (Denzin, 1989: 14)

Denzin (1989) asserts that when a biographer purports to be giving the 'real' objective details of a real person's life, he or she is, in fact, only creating that subject in the text that is written and that there is no 'real' person behind the text except within another system of discourse. This generates complex issues related to real and the metaphysical. The chronology of factual information such as dates of birth, marriage or death can be taken as facts, but these facts are situated within a societal context which will have different meanings to those who are around at the time.

The educational setting provides a complex environment in which the educative, the academic and the operational strive for position. University law teaching

carries a certain assumption about academic autonomy as well as an awareness that this operates within a highly regulated system in which the state is the primary source of funding. Furthermore the law itself operates within a highly regulated system. These factors characterise what may be a problematic experience for the law teacher. The participants within this study include myself as the researcher and the six law teachers who were interviewed. In order to understand what meanings there may be, the hermeneutic/interpretive approach was utilised to provide a framework for analysis. Scott (1996: 52) suggests:

> ...educational settings cannot be examined properly without referring to the meanings participants give to their activities. Whereas those educational researchers who would place themselves within the positivist camp pay little attention to political, ethical and reflexive concerns, those who would locate themselves within the hermeneutic/interpretive camp argue that the research enterprise is empty without explicit reference being made to these issues.

It is anticipated that this study will reveal the meanings participants give to their lives and the factors which might influence their lived experiences. The purpose is to explore these different experiences and the various ways in which law teachers approach their working lives. The interviews enable the participants to describe their own experiences and how they see their world in terms of being an academic and the values they hold. The methodological framework is provided by Erben (1998) and is represented in the diagram on page 21.

Stages in the research: the application of Erben's model

Erben (1998) suggests that Specific Events are those which provide the researcher with the 'initial purchase' on the research aims. The initial purchase in terms of this research occurred from my experience of law teaching. Having worked in legal education since 1986, I had become aware of a growing body of knowledge that impacts upon the working life of the law teacher. I was curious to discover the ways in which others responded to the dynamics of the changing environment in which we work. At its simplest level, a law teacher focuses upon a particular area of specialism and imparts knowledge and understanding to students. However, increasing external influences upon the university seemed to be impacting more on this basic position. There were key life experiences occurring through my own

experience and I wondered how others were able to accommodate their own epiphanies (Denzin, 1989) within their working lives.

The 'local context and the societal context of specific events' (Erben, 1998) are evidenced by the interviews. The local context includes events such as personal life experiences and choices, the latter wider social and political events. The societal context is represented through the spheres of influence model developed in Chapter 3 and is further informed by the accounts the law teachers give through their interviews. They each have their own perspective on the societal context in which they work.

'Rehearsals', according to Erben's model (1998), refer to the researcher's experience in undertaking the study, the 'reconsideration and refining' of data. As a participant in the world of legal education there are factors influencing my own thinking and working life which in turn affect the ways in which the research is undertaken. Working in a university which is very largely dependent on HEFCE funding means that there is a constant awareness of government policy and change. The fundamental influence is the quality agenda since it is that which ultimately must be satisfied. In order to rehearse how other law teachers might think about this quality agenda, the focus group study was undertaken.

Figure 1. Stages in biographical research (Erben 1998: 7).

1 Specific Events

(events identified for the research purpose.....

what was it?....what are they?)

↑   ↓

2 Local Context of Specific Events

(relates to for example - family and other

significant persons, place, community, education,

hobbies, interests, home, loss, romance, birth,

death, occupation, friendship, childhood,

marriage, health, recollections, economic

circumstances, happiness, sorrow, anxiety,

surprise, retirement, achievement, disruption,

hopes, nostalgia, contentment, etc.)

↑   ↓

3 Societal Context

(relates to for example - social, geographical,

political and economic characteristics of the

wider society: social stratification, political

system, economic system, war, famine, etc.)

↑   ↓

4 Documentary (Personal and Public) Sources

(for example - transcribed interviews, private

diaries, etc. publicly held records (vital statistics,

probate information, etc.); biographical

encyclopaedias and dictionaries, etc.)

(Vertical columns: CULTURAL SYSTEM — CHRONOLOGY — REHEARSALS)

The 'Cultural System' refers to concepts of selfhood. The interviews reveal how lives are culturally influenced . The different participants each have their own

individual stories to tell about how they are influenced in terms of specific events which might have a local context or societal context. 'Chronology' refers to the sequence of key dates reminding us that cultural changes are affected by events which have particular dates and time. Both these elements are cumulative in shaping peoples' lives and understandings of selfhood and are reflected through the interviews with the six participants each of whom have different stories about their lives as law teachers.

Key themes emerged from the focus group related to experiencing change. It became apparent that law teachers were affected by changes to the educative working environment. It seemed appropriate to undertake a larger study with a greater emphasis on the experience of law teachers themselves.

At this stage I decided to design a biographical research strategy to reflect the lived experience of law teachers which would enable them to say more about the experiential aspects of law teaching. As Erben (1998) points out interviews are an effective way of gathering relevant data in auto/biographical research. In the design of the interview I set out to provide opportunities for the participants to speak freely without being unduly affected by my intrusion.

Ethical and political issues surrounding interviewing as a research method

In undertaking biographical research, I acknowledge that the study is centred around a qualitative paradigm. There are differences between those working within a quantitative paradigm and a qualitative paradigm (Patton, 1980, 1990; Hammersley, 1993). The quantitative researcher seeks objectivity, neutrality and generalisablity (Sapsford & Jupp, 1996). In essence, the qualitative researcher would not necessarily regard him/herself as constrained by the rules which govern the quantitative researcher and would be prepared to consider reflexivity, 'situatedness', and the concept of multiple truths (Scott & Usher, 1996). However, there are of course important similarities. All researchers seek to ensure the quality of their data and to make a contribution to knowledge. I do not propose to consider the differences between quantitative and qualitative research *per se* for the purpose of this study, merely to reflect upon the theoretical and political

implications that affect the research and the researched, noting the significance of the paradigm in which the researcher chooses to work.

Throughout the research I was cognisant of the factors which might affect my interpretation of what is being presented in terms of the quality of the data and the status and utility of the findings. It was therefore necessary to be entirely up-front about my own 'situatedness', as well as any internal and external factors which might influence the validity of the data. Qualitative research seems to offer more opportunity to come clean; to admit to weakness, to be reflexive and yet to apply rigour at all times. There was also the political dimension to consider in terms of influences which affect the researcher and the researched as well as the status and utility of the findings. Quantitative researchers adopt a positivist approach which at first sight assumes objectivity, universal truth, generalisability and validity within a value-free paradigm. Sapsford and Jupp (1996: 317) ask how we can overcome our 'cultural blinkers' in considering the relationship between researcher and researched they argue there is a question to be asked in terms of whether there is harm to the subjects of research. They suggest:

> Ultimately all research stands or falls by the way the researcher
> conceptualises the field of study. (Sapsford & Jupp, 1996: 318)

Sapsford and Jupp take the view that a first principle of research relates to the ethical position of ensuring that the researched are not harmed by the research. They provide the example of Godzeiher's study in 1969 based upon the side-effects of the contraceptive pill. The study included a control group being given a placebo without their knowledge, resulting in seven unwanted pregnancies. They argue that the question is whether the significance of the conclusions justifies the pain caused by the research and whether there comes a point when these issues may give way for some aspect of 'the public good'.

In many ways the biographical researcher is able to avoid some of the difficulties experienced elsewhere since it is not assumed that any one approach is superior to another. The biographical researcher embraces the diversity of techniques offered by a wide range of procedures and approaches whilst it is acknowledged that by its very nature biographical research will be 'more textually replete' (Erben 1998: 4). Erben (1998) also suggests that common themes can be found between

apparently diverse approaches such as existential research and grounded theory, verstehen hermeneutics and grounded theory. He further draws upon links between the early Chicago School with particular reference to Cooley, European phenomenology expounded by Husserl , and Dilthey's influence on biographical hermeneutics.

It is therefore apparent that at a time during the 19th and early 20th Century, when some would argue that there was a dominant positivist current (Kolakowski, 1993) key developments were emerging which have come to influence biographical research. Whilst the biographical researcher seeks to embrace a range of techniques and themes it is acknowledged that some would be more critical of traditionally held assumptions regarding the claims of other approaches.

Punch (1996: 88) supports the proposition that the assumptions previously held to be true in science have been displaced:

> The view that science is intrinsically neutral and essentially beneficial disappeared with the revelations at the Nuremberg Trials (recounting the Nazis' medical experiments on concentration camp inmates) and with the role of leading scientists in the Manhattan Project, which led to the dropping of atomic bombs on Japan in 1945.

It therefore seems that although researchers in the social sciences have hitherto been engaged with the rigour of testing their findings within the rules defined by natural science, these rules no longer necessarily need be applied. There is an emancipatory process but there continue to be fundamental dilemmas. Punch refers to these dilemmas, citing the protection of the research subjects on the one hand, as against the freedom to conduct research and to publish research findings on the other. In taking this into account there are also other important considerations: the possibility of harm to the researched, the issue of consent, the possibility of deception, the matter of anonymity and confidentiality.

Feminist research

In designing the research strategy I became aware of the methodological challenges I might encounter in the interview process. It seems that there has been a risk of 'hit and run' research whereby the researcher takes from the researched,

sometimes with terrible consequences (Punch, 1996; Sapsford & Jupp, 1996). It is important that researchers are sensitive to issues of manipulation and exploitation. There may be a tension between the benefit of the research and the potential for harm to the researched. Certainly, Jayaratne (1993: 110) conveys an awareness of these issues and the pressures which may have led researchers to the situation where:

> Findings which are often products of poor methodology and sexist bias are interpreted by the public as fact.

Jayaratne observes that for many feminists traditional research in the social sciences is seen as a tool for promoting sexist ideology, and further that it ignores issues of concern to women and feminists. Jayaratne (1993: 107) advocates the use of qualitative data in conjunction with quantitative data to develop, support and explicate theory. She reveals that:

> My approach to this issue is political. That is I believe the appropriate use of both quantitative and qualitative methods in the social sciences can help the feminist community in achieving its goals more effectively than the use of either quantitative or qualitative methods alone.

Although there is reference to a political stance, it is recognised in a way which appears to avoid the power conflict which might otherwise be encountered in a discussion of competing paradigms, methodologies, perspectives and methods. In any event it seems that in recent years researchers have given ourselves permission to be more open about what we are actually doing. Feminist research, however, is not the only perspective which encourages this openness. The post-modern approaches also allow researchers the freedom if not emancipation in terms of coming clean about their situatedness.

Finch (1993) identifies some of the political dimensions of her work from her perspective as a feminist sociologist interviewing women, and the ethical and political factors involved therein. She reflects upon two of her studies where she interviewed clergymen's wives and playgroup workers. Through these studies she refers to a combination of methodological, personal, political and moral issues and how she was influenced by the work of Oakley (1981) whose research also involved interviewing women. Oakley (1981) argues that traditional methods of interviewing run the risk of 'objectifying' women in that there are often

assumptions relating to hierarchy. The work of both Oakley (1981) and Finch (1993) reveals the significance of the element of trust in the interviewing process. Their work alerted me to the potential for exploitation. They provide examples of how much there is to be gained from research where women interview women, and in so doing they reveal that traditional approaches to establishing rapport have less significance where women interview women. They claim that in such circumstances rapport comes easier, hospitality is provided and women are made welcome. Finch (1993) observes that some variant on the comment 'I've really enjoyed having someone to talk to' was made at the end of many interviews. She makes the following key observations.

Firstly, women are more used to accepting intrusion. Where they have experienced motherhood, for example, they are likely to be less anxious about answering personal questions. Secondly, the interviewee's home as a setting for the interview is consistent with a situation where women conduct intimate conversations. Thirdly, the structural position of women makes it easier for them to be prepared to speak with a sympathetic listener. Establishing trust and recognising the potential for exploitation are identified by her as part of the dilemmas she faced in that Finch could be 'trading on her identity' as a clergyman's wife herself (at that time) and emerging from interviews with the feeling that her interviewees needed to be protected from 'people like me'. Further, she reveals the ethics of research in terms of the effect on powerless groups. She asserts that powerful institutions may be regarded as fair game but research involving women would not be. She sees this as raising a political question. As a female sociologist she regards her own position as relatively powerless in terms of institutional representation, position and status. Finch (1993) supports Oakley's argument (1981) for 'a sociology for women that is a sociology which articulates women's experiences of their lives rather than merely creating data for oneself as a researcher'.

Having identified some of the observations made through interviewing women from a feminist perspective, further methodological considerations of interviewing are now considered. Simons (1981: 31) points out:

Open-ended interviewing challenges conventional expectations of the research process. Relying as it does on the personal skills and judgement of the interviewer it is also open to manipulation and distortion.

Simons suggests that principles of procedure need to be established which seek to protect the interviewer and the interviewee from misuse of the data. She also suggests there is the question of how much of the self one gives. In addition, Simon observes there is a need to be clear about the purpose of the interview and to be mindful of ethical boundaries and procedures and to recognise that there may be some lack of understanding about what is on and off the record. It may also be possible to follow the style adopted by Finch in finding rapport through a shared situatedness, engage for part of the interview and then draw back. The relationship between the researcher and the researched needs to be taken into account:

> The interview is a complex social process in which much more than information is being sought or communicated ... Both the interviewer and the interviewee bring preconceptions to the interview which will affect what they say, hear and report, and which may be confirmed or changed during the course of the interview. (Simons, 1981: 33)

According to Simons (1981) there are two main errors in open-ended interviewing. Firstly, and the most common, is that there may simply be too many questions being asked or too many interruptions from the researcher in asking those questions which can go to confirm one's own hypothesis. Secondly, a related error is the risk that the interviewer seeks closure too soon by accepting an initial response too readily, summarising erroneously, or by asking questions which give the interviewee a plausible response. I took heed of these suggestions in undertaking the interviews with law teachers. Certainly, the interview design sought to eliminate as much intrusion as possible. Additionally, like Simons (1981), I recognise that it is not only what is said and heard which affects the interview since there are many unintended messages which are capable of being sent and being received.

The location of the interview was an important aspect of Finch's (1993) study in interviewing women in their own homes and this too affected my decision as to the location of my research. In conducting interviews at the places of work of the participants I did not perceive there to be any difficulty. I am known to be an

active researcher in legal education and it was not at all unusual for me to be conducting research in university law departments. I did not conduct any interviews in my own office which might have affected the integrity of the research. Where research is conducted in schools there may be certain sub-cultures in which certain conduct is believed to have implications, for example in terms of who is seen entering and leaving the Head's office. Given these facts it appears that the researcher needs to be sensitive and undertake careful management of the research process so as to know what locations to avoid. Further, an awareness of the political and ethical aspects of the research facilitates a clearer understanding of the process and the status and utility of the findings.

Designing the interview

The methodological approaches of Oakley (1981) and Finch (1983), in terms of adopting an informal semi-structured approach which invites comment through allowing the interviewees to give of themselves and reveal their own stories, appeared most suitable for adoption in my research endeavours. The design of the interviews was also informed by the guidelines suggested by Patton (1990). He identifies three basic approaches to collecting data; through open-ended interviews: informal conversational, general interview guide, and standardised open-ended.

An interview guide was compiled with a list of topics to be explored (see Appendix). There were four principal areas with prompts within each. These were designed to ensure that similar areas were covered and the purpose of the research achieved. The participants were also free to explore areas that they felt were more significant to them and their own experiences. In turn, this approach allowed me the freedom to explore, probe and ask questions during the interviews that might further inform the development of the research. The sequence was not designed to follow any particular order. A format that Patton (1990) describes is a basic checklist allowing the interviewer to adapt to specific respondents during the interviews.

This method of qualitative interviewing is designed to minimise the imposition of predetermined responses and this was a factor explained to the participants in the introductory letter outlining the purpose of the study and the interview (see Appendix). Throughout the interview design and implementation I tried at all times to appear neutral and non-judgemental. The introductory letter also explained how the data would be used. I explained that I would find it very helpful to tape-record the interviews so that I could pay full attention to their replies. I also gave an undertaking that the interviews would be anonymous.

In preparing for the interviews I acknowledged the significance of the likely impact of my voice and interpretation particularly regarding speaking about the people I studied.

Selecting the participants

The six participants were selected on the basis of representing a balanced gender, age and ethnic mix. Erben (1998) suggests that there are 'empirical particularities' related to biographical research, pointing out that the size of the research sample depends upon the purpose for which the research is being carried out, and that the sample itself must correspond with the overall aims of the study. He refers to the biographical analysis of the occupational identity of teachers, suggesting that those informants who are selected need to have considerable experience and be willing to assist in the research process, and that the researcher needs to ascertain who will be the most appropriate. Specifically, this research seeks to understand how law teachers respond to a rapidly changing environment, especially in terms of values and self. The sample was chosen to achieve these aims. The six participants came from a range of backgrounds and institutions and provided the opportunity for a comparative analysis to be made in terms of the individual self and how the person relates to the role of the academic.

In the first interview, with a former practitioner, the participant's understanding of public/private spheres was interpreted in terms of professional/academic domains. In the second interview, with a non-practitioner, the public/private spheres were understood in terms of work/domestic/private life. These initial interviews helped

to establish a sense of the experiences of practitioners and non-practitioners at a new university, and to ascertain the extent to which they might differ from colleagues elsewhere in two other institutions. One was a statutory institution, i.e. post-1992, and one was chartered. These two interviews involved law teachers who had not formerly practised. The final two interviews were with former practitioners from a post-1992 university.

Speaking about the people we study

In the context of this study I acknowledge that I am using my authority and privilege as an academic to research into the lived experiences of other law teachers. One of the principal challenges is to consider the extent to which I can represent the lives of others. Consideration is therefore given to whether in writing about others it is possible to recreate a life or simply to construct a text and no more. Richardson (1990: 12) comments:

> When we write social science, we are using our authority and privileges to tell about people we study…as we speak *about* the people we study, we also speak *for* them. As we inscribe their lives, we bestow meaning and promulgate values.

This position carries with it responsibilities for the participants involved in the research. It is clear from Clarke's study (1996) that it is possible for such factors to be managed with scrupulous care. Both Finch (1993) and Oakley (1981) discuss the complex methodological, personal, political and moral issues which emerge through their studies. Pedagogic studies have also illustrated the sensitive issues involved when writing for others (Clarke, 1996; Dewar 1991). Further examples include lesbian studies (Clarke, 1996; Colker 1991) which explore the problematics of identity, different 'others' and raise awareness of the author's impact on writing for others, women and legal discourse (Bottomley, 1996; Duncan, 1996), and ethical issues related to interviewing women (Oakley, 1981; Finch, 1993). Finch and Oakley support the proposition for a sociology which articulates women's experience of their lives rather than simply creating data for oneself as a researcher.

These approaches enable the researcher to draw upon a range of material beyond the constraints of confining oneself to the role of 'pure reasoner'. A positivist epistemology assumes the universal application of rules and testable theories based on observation and measurement. It is apparent that seeing the world as a social entity is problematic within such a paradigm. If social research can be understood as a social practice it allows subjective positions to be taken into account. Usher (1996a: 35) suggests that it is not possible to be value-free and that researchers need to consider reflexivity because 'it helps us to recognise that we are ourselves are a part of rather than apart from the world constructed through research'.

Usher (1996b) argues that awareness of reflexivity and textuality enables the researcher to understand and interrogate what is written. He identifies four elements of this process; con-text, pre-text, sub-text and inter-text. Con-text relates to the production and consumption of authoritative knowledge claims, i.e. what is 'with' the text in terms of the situated biography of the researcher as well as the reader. Pre-text concerns the use of language as the repository of meanings and how they are created. The sub-text addresses power/knowledge discourses and the potential power relations between the researcher and the researched. Inter-text assumes that texts have a referability and are capable of being cited without the 'presence' of the author.

Location

Alcoff (1991) identifies two problems regarding location. Firstly, she claims the position from which a person speaks affects the meaning and truth of what is said, therefore it is not possible 'to transcend one's location'. By location she refers to social location which can authorize or disauthorize the author's speech. Secondly, there are situations where the privileged speak for the less privileged and, in so doing they may increase or reinforce the oppression of the group being spoken for. Authorization is a key dimension to the legitimacy of speaking for others. Alcoff also asks whether it is ever valid to speak for others who are unlike me or less privileged than me. She refers to the 'crisis of representation' in determining

whether one is speaking 'for' or 'about' others. In any event she asserts the neutrality of the theorizer can no longer be sustained.

In writing for or about others the effect on the subject's position may be made better or worse. Denzin (1989) takes the view that if we foster the illusion that we understand when we do not, or that we have found meaningful, coherent lives where none exist, then we engage in a cultural practice that is just as repressive as the most repressive of political regimes. He argues that when a biographer purports to be giving the 'real' objective details of a 'real' person's life, he or she is, in fact, only creating that subject in the text that is written. Richardson (1990) asks how the credibility of the writer's claims to knowledge can be decided and whether researchers have the right to speak for others. Throughout the research I have endeavoured to report the findings in such a way as to closely reflect the narratives provided through the interviews. To support this, key parts of the interviews are later presented to enable the reader to ascertain how the analysis is arrived at. The interviews were analysed through close reading and rereading of the transcripts. This allowed themes to emerge and explanations to be offered based upon the theoretical framework.

Giving voice to others

Dewar (1991) through her research into women's experience of teaching physical education, raises concerns about 'voice' and 'authority' regarding women, people of colour, lesbians, and the working classes, whom she suggests should have a safe space to speak in her classes. She suggests the issue is not so much concerned with voice *per se*, but more to do with how one defines one's strategy against oppression in 'giving' voice. This generates questions about power and privilege. She realised that she had assumed that women were denied 'voice' because of their oppression as women, thereby denying the diversity which exists among women, and the different ways in which women are oppressed as a result of a complex matrix of social relations e.g. class, race, sexual identity, physical ability, body size and age. She asserts:

> The problem as I see it is not how to give voice but to learn about different voices, hear what they have to say, and work to become allies and friends in our struggles to take on oppressive formations. (Dewar, 1991: 75)

In her work she refers to the influences of Frye (1983) and hooks (1989). Frye's arguments illustrate for Dewar how hearing and giving 'voice' are embedded in relations of power and domination. Furthermore, she realised that as a teacher she was in a position of power and authority and needed to develop an insight into the implications of her position. She acknowledges the responsibilities that go along with this, recognising the answers are part of an ongoing process. She claims that teaching as a feminist is not about creating a utopia within the patriarchy, but more to do with being reflective and having an involvement with the formation of friendships and allies. I see this as particularly insightful in preparing my own research strategy. The research is concerned with articulating what other law teachers say and giving meaning to their experiences. I feel it is important to ensure that the study is not regarded as a power issue nor a quest for a dominant position. Thus, like Alcoff (1991: 29) I was aware that:

> ...the practice of speaking for others is often born of a desire for mastery, to privilege oneself as the one who more correctly understands the truth about another's situation or as one who can champion a just cause and thus achieve glory and praise. And the effect of the practice of speaking for others is often, though not always, erasure and a reinscription of sexual, national, and other kinds of hierarchies.

Richardson (1990: 38) takes the view that there are 'no philosophical resolutions' to issues of voice. I would support her in making the following points. One can never 'be' another, who the author 'is' is in constant flux and change, and there is no 'final authority' on authority. Richardson claims that resources are a factor in determining who has a voice which is capable of being heard. She argues that some people have greater access to skills, knowledge, resources, and publishing houses than others. Her view is that it is this which accords authority and privileged access.

Locating the author

Riessman (1993) suggests that the construction of any work bears the mark of the person who created it. In her work on narrative analysis Riessman begins by

locating herself in relation to the contexts that shaped her work and authorize its point of view. She situates narrative in terms of the story metaphor and states:

> Story-telling …is what we do with our research materials and what informants do with us. (Riessman, 1993: 1)

Usher (1996b) suggests that all the researcher is able to achieve is a reconstruction, in that it is simply not possible to provide a perfect replica of a person's life nor indeed to replicate the interviews to perfection. He suggests there is a contemporary decline of absolutes and a questioning of the belief that following 'the correct method' guarantees results. This thesis makes no claim to absolute truth. Critical attention is given to epistemological approaches which recognise different ways of knowing and understanding lived experiences. Attention is given to spheres of influence and whether in writing about others it is possible to recreate a life or simply to construct a text and no more. What is important is that this research raises issues for further debate and is seen as valuable within the academic community of law teachers.

Analysing the data: my own epiphany

The interviews were transcribed and the content decoded through very close reading and rereading of the transcripts. I searched extensively for a method of narrative analysis which might provide a guide to analysing the data. I knew how important it was to enable the stories of the law teachers to come through yet it was also necessary to interpret their stories and make sense of the data. The challenge was to avoid the temptation to revert to a positivist model. Yet at the same time I was striving to establish a meaningful resolution. From my experience of working through this dilemma I found a measure of comfort from Riessman (1993) who acknowledges the high level of complexity involved in undertaking this type of research.

As I read and reread the transcripts, listened and re-listened to the tapes, two levels of themes started to emerge. I was beginning to recognise general themes and individual themes which were coded. Dealing with original data, theoretical concepts and different spheres of influence created an overwhelming sense of

anguish. At one point I felt unable to make sense of the combination of material I had gathered. I am therefore particularly grateful to a fellow law teacher who introduced me to the work of Linden West. In so doing, I realised that there was a way forward and the experience I had encountered was not unique. Accordingly, I draw considerably on the style adopted by West in terms of analysing and presenting my findings. He recalls:

> Processing and analysing the interview material caused great anguish. Analysis was, from the beginning, entwined with data-collection in ways which contradict conventional delineations between field-work, interpretation and theorizing. It became impossible and undesirable to separate out these processes...Grounded theory offered one potential solution which I explored and rejected. Data, according to Strauss and Corbin (1990), should be broken into discrete parts, and compared for similarities and differences...I tried this method but felt confused and overwhelmed in the attempt by the sheer scale of the exercise, as well as the sense of its the futility and irrelevance. Like a number of other qualitative researchers, I began to ask why I was doing this and whether it was part, after all, of pretending to be a good positivist (Holloway, 1989 3). (West, 1996: 31)

These sentiments and decisions are close reflections of my own experiences. I sensed the anguish and became frustrated with attempts at fitting my data into a grounded theory model. The reading and rereading of the transcripts was hugely time-consuming, yet when the themes began to emerge and the voices began to come through there was an enormous sense of purpose and direction towards the development of the study. The next dilemma was in terms of presenting the data. Again, I rely heavily on the style of West and have tried to create a meaningful balance between the stories related by the interviewees and my interpretation of them. The study is interpretive and the sense I make of the stories is not claimed to be objective. Rather, my purpose is to know more about the lived experiences of law teachers in a rapidly changing environment so that I may understand more about the apparent shifts in the academy. The methodological approach I have undertaken enabled me to gain that understanding.

Concluding remarks

This chapter sets out some of the methodological considerations in undertaking this research. It traces the process of arriving at the research question, starting

with the Dearing report. This triggered an investigation into the impact of the quality agenda and responses to it through the views of a focus group. The responses helped inform the research question insofar as identifying different experiences and responses to the quality agenda. Further, it was acknowledged that today a university education is no longer the province of the few. Concern was expressed through the focus group interview about the usefulness of defining quality in that in the very process of doing so there may be a diminution of what already exists as an undefined concept.

From the findings of the focus group interview, Russell's perspective provided a different dimension from the other participants by suggesting that the aim of the academic enterprise is more concerned with an intellectual voyage than a simple measurement of output. It was interesting to note that the departmental administrator was preoccupied with spending, cost implications and the product. It was surprising that Julie, the undergraduate course leader, felt that students did not appreciate the overall intellectual experience. I gained the impression that her own frustration was being expressed in terms of the student and that there might be underlying reasons for her response.

One of the key influences on the research is the extent to which the higher educational agenda is driven by economic forces centrally driven by a government which seeks to support the industrial system. This has an important significance for what it means to be an academic in a university. Political considerations also impact in a different sense on the research process itself.

Political and ethical considerations were taken into account and it was beneficial to read of others' experiences before embarking on my own research. Some of the theoretical and political implications which might affect the research and the researched and the status and utility of the findings were considered. A critique has been offered of positivist assumptions regarding objectivity, value-neutrality and generalisability from which it has emerged that the qualitative researcher adopts a different epistemology influenced by reflexivity and the notion of multiple truths. This is not to suggest a lack of rigour: in many ways it raises consciousness about the integrity of the research and its validity within the methodological paradigm of undertaking a biographical study.

It is clear that theoretical and political factors need to be addressed but the impact they have on the research will be determined by the extent to which the ability to adhere to a carefully designed research strategy is maintained. The studies reviewed about interviewing women have shown that empathy and insight are factors which can enhance the quality of the data. At the same time, I remain aware of the responsibility of the researcher to operate within professional and ethical guidelines so as to maintain an appropriate distance. These considerations should ensure that personal and procedural reflexivity in terms of theoretical and political implications are accounted for in assessing the quality of the research and the status and utility of the findings.

The feminist literature from the interview-based studies have informed the research strategy. It has been apparent from the feminist literature that there has been a tendency traditionally for positivist studies to make claims to truth, universality and verifiability, none of which can be attributed to this study. I would expect that if the same participants were interviewed by another person the outcome would be different. Even in terms of the interviews I held, the interpretation of the data is situated within my own understanding. Although I have not undertaken a feminist research study *per se*, I have drawn on the experiences of feminist researchers to alert me to the important aspects of qualitative research and particularly interviews as a research method.

This chapter identifies the key characteristics of biographical research and its empirical particularities. There are considerations which are particularly important to the biographical researcher in terms of selecting the research sample and speaking for others. One of the main conclusions that can be drawn from this discussion is that, in writing for others, the author cannot claim final authority. Perceptions of reality, identity, representation and interpretation involve complex ways of knowing about the lives of others and how they are written and represented. The right to write for others is a privilege which carries with it responsibilities to the researched as expressed by Richardson (1990: 65)

> If we wish to understand the deepest and most universal of human experiences, if we wish our work to be faithful to the lived experiences of people, if we wish for a union between poetics and science, if we wish to reach a variety of readers, or if we wish to use our privileges and skills to

empower the people we study, then we need to foreground, not suppress, the narrative within the human sciences. How and for whom we write lives matters.

This study seeks to participate openly and reflexively in the process of writing for others in being conscious of oneself and the potential influence that may have on the research. Richardson (1990) makes it clear that it is difficult to identify the actual right one has to write for others but attention needs to be given to reflexive resolutions. This enables the researcher to come clean about one's own view of the world and to explore the experience of others beyond one's own understanding. In writing for others, it is not only the chosen vocabulary but also the tone conveyed in the text which reveals the writer's voice, insofar as this contributes to the reader's impression in determining whether the writer has the credibility to make knowledge claims about others.

The underlying task is to remain close to the research strategy and in the process of writing for others to retain a critical awareness of whether the research is harmful or beneficial. Perhaps as Denzin (1989: 83) states, 'our primary obligation is always to the people we study, not to our project or to a larger discipline'. Even so, there is a paradox in giving voice to the extent that this may itself constitute a privileging which reproduces a system of domination, power, authority and therefore control. Ultimately, it seems I can do no more than construct a text recognising that there are problematic issues surrounding location. Erben (1996) asserts it is not possible to relive a life as lived, but if we are to write for others, we must endeavour to come as close to the lived experience as possible, recognising in the process our own capacity to influence the research. Awareness of the potential risks should limit what Punch (1996: 94) refers to as 'impression management, manipulation, concealment, economy with the truth, and even deception'.

Chapter 3: Competing frames of reference

Introduction

The purpose of this chapter is to identify competing frames of reference. In order to achieve this, external spheres of influence are identified and theoretical perspectives developed to establish an overall framework in which to make sense of the lived experiences of the law teachers who are the subject of this study. Teaching law is arguably a microcosm of the wider socio-political environment in which competing epistemological claims abound. The central question is the extent to which external spheres of influence determine the epistemological essence of the university and furthermore whether it is legitimate that they should do so. If the purpose of the university today is to produce resourceful people equipped to enter and participate in the commercial world it creates a new discourse about what is valued. This has a degree of resonance with Lyotard (1984) for whom 'performativity' captures that which might be described as an underlying epistemological shift within the academy. Lyotard (1984) deconstructs different knowledges recognising that what is of use or what can be measured is what is valued. There is a fundamental chasm forming between contested value systems within the academy. This is at its deepest when academic freedom is challenged. Academic freedom as 'freedom to think in peace, without the distractions of worldly commitments' (Evans 1999: 14) may become obsolete if the academic role in the process is to facilitate learning rather than to embark with the students on an intellectual journey.

The chapter is set out in two parts. It begins with a model for showing external spheres of influence around the academic/law teacher. This model represents the key sources which affect the law teacher on a day-to-day basis. Consideration is then given to theoretical propositions from four perspectives; an analysis of performativity (Lyotard, 1984), supercomplexity (Barnett, 2000) together with what might be taken to be educative values (Erben, 1999; Barnett, 2000) and academic freedom (Lucas, 1996; Evans, 1999). Finally, the chapter includes a theoretical framework in which it might be possible to suggest tools of analysis to

understand the working environment of the law teacher. In seeking to achieve this there are epistemological dimensions to consider. Ways of knowing what the essence of the university might be and what value systems subsist are fundamental to an understanding of where the law teacher fits within the scheme of things. These aspects are captured by Evans (1999: 63):

> A university is a complex human community with structures which are naturally both hierarchical and collegial...it handles vast sums of public money...we must now try to take the machine apart to see how it works.

Fundamental questions can be asked regarding the essence of the university and that of the academic. A sensible start might be to argue that universities are of value to the community. The complex organisation of the university suggests that some parts of the university might be more vital to the community than others. As Barnett (2000: 35) points out 'the university is swamped with rival claimants for worth-while knowing'. Rival claimants in terms of external spheres of influence upon law teaching are represented in Figure 2 on page 41.

Spheres of influence

Figure 2 represents what might be taken to be a model showing the spheres of influence on the academic/law teacher (A). These are located here through a range of sources emanating from the government, professional bodies and the universities themselves. Legal education is influenced by the *Joint Statement* of the Law Society and the General Council of the Bar, the Lord Chancellor's Advisory Committee on Legal Education and Conduct, the Committee of Heads of University Law Schools (CHULS), the Society of Public Teachers of Law (SPTL), the Association of Law Teachers (ALT), the Socio-Legal Studies Association (SLSA), and the National Centre for Legal Education (NCLE). In the wider context, government policy is also a sphere of influence, perhaps most notably the DfEE's *Report on General Transferable Skills in the Law Curriculum* (Bell & Johnstone, 1998). The post-Dearing expectation is that students are prepared for future careers, and universities are expected to facilitate this expectation. Performance indicators and associated funding arrangements ensure

that this is so. Courses are tightly defined in terms of credits, pathways and outcomes.

It might be that the process is a means to an end rather than the educative experience providing an end in itself. As Barnett (2000: 35) observes, 'multiple knowledges nowadays knock on the door of the universities, asking to be let in'.

Figure 2. External spheres of influence (Department for Education and Employment [DfEE], Quality Assurance Agency [QAA], Higher Education Funding Council for England [HEFCE], Research Assessment Exercise [RAE], Academic [A]).
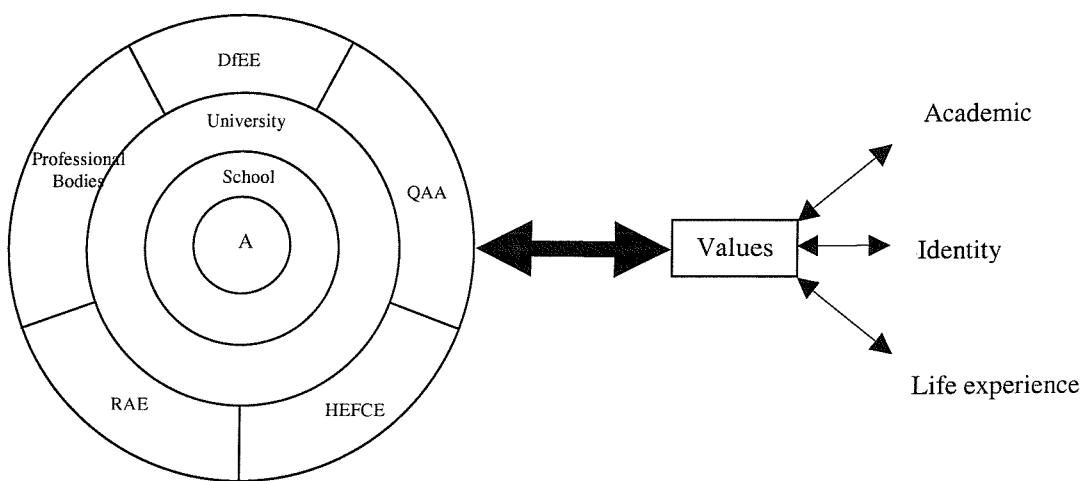
Government policy

Government funding through the Higher Education Funding Council for England (HEFCE) supports undergraduate programmes, related to which rigorous quality provision is established through the Quality Assurance Agency (QAA). This in turn has to be resourced by the university which is required to establish and evidence audit trails. The infrastructure for related data collection relies upon process-driven systems. My concern is that the adjustment to this changing environment, given the vocational nature of post-1992 statutory universities, is such that educative boundaries have been repositioned. In order to accommodate a process-driven administration the location of the academic has become

problematic. A significant milestone in this regard has been the publication of the Dearing Report, *Higher Education for the 21st Century* (National Committee of Inquiry into Higher Education, 1997). The report establishes a comprehensive new agenda for higher education in terms of the learning environment. Essentially, the report seeks to ensure that UK universities and colleges are more rigorous in protecting the standards and quality of their programmes. To this end, the Quality Assurance Agency for Higher Education (QAA) was established. There is clearly the potential for competing interests to arise, an observation consistent with pedagogic theory as espoused by Barnett (1990), who takes a critical view of the prevailing influences on higher education. He argues that the debate is 'hopelessly skewed' on the basis that the various parties defend their own interests and the autonomy of higher education in terms of standing for intrinsically worthwhile ends is lost.

Higher education is expanding and roles are changing to accommodate the expansion. The Department for Education and Employment (DfEE) has issued documents, *Higher Education Funding for 1999-00 and Beyond* (1998) and *Higher Education Funding for 2001-01 and 2001-02* (1999), in which the Secretary of State for the DfEE, David Blunkett, sets out the priorities for Higher Education.[1] The expectation is that universities and colleges will deliver improved quality and standards and address the need for widening participation and lifelong learning. It is expected that 'there will be scope for participation by young people to reach 35% by 2002'. With the admission of over 30% of school leavers gaining access to HE, realistic objectives need to be established in meeting the needs of a widely diverse group of students.

Randall, the Chief Executive of the Quality Assurance Agency, sets out for consultation the QAA's agenda for quality based on the Dearing proposals (National Committee of Inquiry into Higher Education, 1997; Randall, 1998), which includes a comprehensive range of points for consultation on developing the quality assurance and standards framework for UK higher education. He states:

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[1] A communication from Rt Hon David Blunkett MP to Sir Michael Checkland, 23rd November 1999

> The Agency will work with institutions and other stakeholders to provide
> public assurance of the quality and standards of higher education. (Randall
> 1998: 1)

The QAA agenda was received with various responses. Bassnett (1998: 2), Pro

Vice-Chancellor at Warwick, states:

> The buzz-word of the Nineties in higher education is 'quality'. We have
> quality research, quality teaching, quality audits, quality students in quality
> institutions: and we ensure it is maintained by quality assurance mechanisms
> that are monitored by quality control groups. We even have a quality
> assurance agency, to help us sleep more easily in our beds, untroubled by
> nightmares about unimproved quality.

Clearly, Bassnett is critical of the quality control agenda and throughout the article

expresses her reservations. Specifically, she argues that:

> What is happening is a dumbing down of the system under the pretext of
> improving quality for all. (Bassnett, 1998: 2)

Such assumptions produce questions about the extent to which the QAA agenda

could or should establish the best mechanism for providing public assurances of

quality.

Barnett (1990: 66) points out that a key matter for HE is the growing demand for

graduates.

> Since medieval times, higher education has supplied 'cadres' for the
> professions notably, medicine, the law and the church, and that since the
> Second World War more professions have sought to recruit graduates.

Barnett (2000) further observes, in drawing on the work of Galbraith, that the

upshot of this is that higher education has 'extensively accommodated to the

industrial system'. This sets the scene for competing and contested agendas to

emerge. It seems from this perspective that students may become processed

through an industry-driven culture guided by academics whose raison d'etre

seems to have shifted from the erudite to the artisan. As Barnett (1990: x) points

out:

> In the UK, under the influence of governmental and industrial agencies,
> the curriculum is being shifted even more towards developing enterprise,
> competence and industry-related skills in the student body.

Developing enterprise, competence and industry-related skills are all reinforced by the agendas of the QAA and the DfEE. The former body informs the quality process, the latter the inclusion of key skills and an agenda for lifelong learning. Meanwhile, law teachers working within law schools strive to ensure that they provide quality courses for quality students provided by quality staff.

The Law School

Different law schools have different ideological approaches to the teaching of law. Kent Law School, for example, offers law within a critical context at an early stage of the course (Mansell et al, 1995; Bottomley, 1996). Bournemouth University offers vocationally relevant courses. The content of law courses is determined by a range of factors including the requirements of both external and internal policy-making bodies. Differences occur in terms of the emphasis on 'black letter' law teaching, which constitutes a rules-based approach, and law teaching as theory associated with socio-political concepts. There are further differences in the identity of law schools. Some regard themselves as traditional academic institutions whereas others have a more vocational emphasis.

Legal education itself is multidimensional ranging from the liberal law degree to specifically focused professional courses. For example a liberal education perspective gains support from the following sources. Barnett (1990) argues for a liberal education where the educational experience of the student as an independent and critical learner takes priority, reflecting the role of higher education as a liberating process. The notion of a liberal education is also referred to in the reports of the Lord Chancellor's Advisory Committee on Legal Education and Conduct (ACLEC 1996). Professor Bob Hepple[2], in his inaugural lecture 'The Renewal of the Liberal Law Degree[3], examines the underlying philosophy and some of the practical implications for university law schools of ACLEC's *First Report on Legal Education and Training* (April 1996). He suggests that for most of the 20th century, legal education in this country has been

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[2] Professor Hepple was himself a member of the committee which produced the report
[3] An inaugural lecture delivered in the Faculty of Law, University of Cambridge, May 14th 1996

influenced by the 'liberal' and the 'professional' approaches[4] which have been compounded by discussions around the 'academic' and 'vocational' stages of legal education. The former is typically the undergraduate stage, the latter the professional stage. The ACLEC report recognises that although there is a tension between 'education' and 'training' it supports their integration. Given that a minority of law graduates eventually practice there are wider issues to consider in terms of the future prospects of law students. It is clear that the DfEE agenda supports lifelong learning and a transferable skills for life approach to undergraduate capability.

In any event, if a student is to obtain a qualifying law degree, namely recognition from the professional bodies in England and Wales[5] certain criteria, including knowledge of the foundation subjects, must be met [6]. The interpretation of the criteria is at the discretion of law schools. Within the content of a law degree programme, it is also expected that students will develop legal research skills. Bournemouth University is a vocational university which addresses the requirements of the professions and the business community. Many of its undergraduate courses, including its qualifying law degrees, have a placement year. Other institutions offer modular degrees which enable the student to acquire convenient entry and exit routes, and semesterisation enabling students to be taught in manageable blocks and to be regularly assessed. The chartered universities maintain traditional approaches to the academic study of law and are able to retain small tutorials, opportunities for reading and reflection and critical evaluation.

Law teaching across UK law schools provides a diverse student learning experience. This is influenced by external considerations, especially for the statutory universities who depend mainly on government funding. Currently the main influences are the DfEE and the QAA. The former reflects the recommendations of the latter in terms of 'key skills'. The assumption is that students are equipped for a path of life-long learning through the acquisition of competence in communication and IT, literacy, numeracy, and working in teams..

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[4] supra Report of the Ormrod Committee (1972)
[5] The Law Society for intending solicitors and the General Council of the Bar for barristers.
[6] The *Joint Statement on Legal Education*

Quality and standards within the QAA documentation is concerned with the process of course delivery. The language is that of aims, objectives and outcomes each of which must be measured so that the institution can be recognised as deserving public funding.

Implicit in the diagram of spheres of influence (page 44) are the practical aspects of operating an efficient law programme. The spheres of influence, not least from the QAA, require courses to be presented so that measurable performance can be articulated. In addition internal arrangements within universities inform course definition documents which outline the course content, delivery, assessment and regulations. If the course outline is taken as an example this in itself has the potential to become highly politicised. The extent to which a law teacher is free to inform the content or to depart from it in the name of academic freedom becomes a political activity. The Dearing Report (National Committee of Inquiry into Higher Education, 1997) supported by the DfEE, requires students to be introduced to skills capability; the professional bodies require foundation subjects to be included; the QAA requires a quality student learning experience. The subject specialist might expect a degree of academic freedom to pursue scholarly enquiry with students. These factors alone illustrate the potential for politicisation and the contestability of competing agendas.

In the name of academic freedom academics need room to move and to pursue independent enquiry, but this research shows that multiple forces operate to limit the extent to which it is actually possible to exercise that freedom. This raises questions about the experiences of law teachers themselves and how they respond to these influences.

Questions are also generated about the extent of academic autonomy in terms of changing epistemological structures. As universities shift from autonomous centres of learning inhabited by free-thinking academics to commercially driven organisations, the ways in which individuals relate to each other is affected. It is interesting to enquire about the extent to which academic/law teachers are prepared to operate as team players or whether they see the individual self as autonomous. These assertions are explored through the interviews with law teachers to identify their experiences.

In the wider context, the acquisition of skills is a highly visible aspect of the teaching agenda. These are defined as 'general transferable skills' or 'key skills' by the DfEE. In terms of law students, it is expected, through these agendas, that students are equipped not only to learn the law but also to apply their skills in a transferable way. This includes the expectation that students work well as individuals and as team members, are linguistically competent in writing, speaking and in the utilisation of electronic capability. It is therefore clear to see the highly visible spheres of influence which inform the process, advise on the content and determine output.

How visible is the academic: how big should the A be?

The letter A in the centre of Figure 2 signifies the academic. How big that A should be will depend upon who is asked. It also depends upon how the 'academic' is defined. Bone (1999) for example, suggests that many of those who enter legal education see themselves primarily as academics and not necessarily as teachers, on the basis that there are important differences between 'academic' and 'teacher'. She refers to the Shorter Oxford English Dictionary (SOED) which describes academic as 'a member of a college or university' pointing out that within this definition, non-teaching staff would be regarded as academics. The SOED describes a teacher as someone who 'imparts or conveys knowledge'. Bone cites Elton's view that excellent academics are not only highly skilled as teachers, but they treat teaching in the same way as they treat research…as a problematic activity where one can learn from one's own research and that of others and where one learns from one's own reflexive practice.

This lies at the root of this study in terms of the dynamics of change currently being experienced by law teachers. There is a clear tension between the autonomous university and to whom it is accountable. This must affect the experience of those who are part of the academic community.

Consideration needs to be given to the purpose of the university in terms of its role, whether that is as a training ground 'or' for the development of intellect. The culture of a vocational university is driven by processes designed to measure

output. Operationally, quantitative data, strategic plans, business plans, spreadsheets and statistical performance indicators, interpreted by managers and administrators, are commonplace. The overarching agenda is provided by the Higher Education Funding Council (HEFCE) and the Quality Assurance Agency (QAA) who set out what is required for funding to be secured and the criteria upon which quality is measured. This reflects the socio-political environment linked to the expectations of employers, creating a significant agenda to which the university must respond or lose its lifeline.

Law and the Research Assessment Exercise (RAE)

The RAE causes law schools to focus on their identity and epistemological stance. It raises questions about where limited resources might best be invested in the hope of better things to come. It highlights another sphere of interest and political activity. Law schools have to decide whether to enter the RAE. Academic law journals reflect the deluge as well as the caution articulated by Bradney (1999: 3).

> Yet, even now there are those academics in law school schools who protest that we concentrate too much on research. For them, teaching and students are important instead. Some are sincere in this belief. Some are sincere only in their desire to reduce their workload.

As this study unfolds law teachers' experiences of living with these competing demands are explored. The RAE represents a market for knowledge. This leads to tensions between academics, Deans and Heads of Department about what constitutes meaningful research. As Bradney (1999: 3) asserts:

> The RAE matters because it measures research. Research, however, does not matter because it is measured by the RAE. The RAE is about something that is important but it does not give research that importance.

Barnett reminds us that Popper's (1975) description of objective knowledge as forming a World War Three was precisely 'knowing without a human subject'. Barnett takes the view that 'knowledge does not have to be publicly proclaimed and fought over to count as knowledge' (2000: 43). I am not entirely sure that this is so, given the reality that statutory universities are largely dependent on what

external bodies count as knowledge and will determine funding arrangements accordingly.

Performativity

Having outlined some of the key structural and individual factors which might affect the individual at work, an epistemological stance is now taken to locate the essence of the university itself. My ultimate aim here is to determine the extent to which it is possible to locate the academic law teacher within the context of the cultural setting of the university in epistemological terms. Lyotard (1984: 48) encapsulates epistemological changes in the academy in terms of 'performativity'. He claims that:

> If the performativity of the supposed social system is taken as the criterion of relevance (that is, when the perspective of systems theory is adopted), higher education becomes a subsystem of the social system, and the same performativity criterion is applied... the desired goal becomes the optimal contribution of higher education to the best performativity of the social system.

For Barnett (2000: 38) this means that 'knowledge is now judged not on its power to describe the world but through its use value'. These statements have startling consequences for an epistemological explanation of the university. The most stark message is that, as a subsystem of the social system, the university has to provide the knowledge the system requires, with an increase in experts with knowledge. In terms of legal education, presumably, this will mean that which the practitioners and the profession require. Lyotard (1984) suggests that higher education produces two categories of students: the 'professional intelligentsia' and the 'technical intelligentsia', alongside whom the remainder comprise the unemployed. He recognises that universities are contributing to improving the system's performance, 'that of job retraining and continuing education'.

Educative values and scholarly habits

The brief commentary on performativity raises questions about the university value system. Barnett (2000: 1) recognises that the university may have its place

within an accepted value background, e.g. 'the pursuit of knowledge is a good thing' or 'social justice is worth striving for'. Further, he observes that in an era that has difficulty with large ideas there is also some difficulty in sustaining such a value position. Barnett (op cit: 3), in exploring the underlying challenges, draws upon architectural metaphor by suggesting that 'the building will shake but it will not fall down'. The essential difficulty for him seems to be that 'the university in the contemporary era is unsure of its value basis; and that is to put the matter charitably' (op cit: 26).

My own contention would be that external spheres of influence are diminishing traditional academic and educative values. In terms of understanding what might be meant by the educative, Erben (1999) traces the use of the word educative back to when the Oxford English Dictionary first cited it in 1844. He refers to two main definitions, a synonym for educational and a word associated with ethics and values where educative experience and educative knowledge carry a wider compass that that characterised by the term educational. Erben (1999: 78) refers to the Aristotelian idea that 'in both formal and informal environments the educative relates to a conception of personal identity originating in moral choices…from infancy to feel joy and to feel grief at the right things: true education is precisely this'. He refers to the Aristotelian proposition that moral good is identifiable with social good. Contemporary education may be far removed from the Aristotelian Greek state but it is still relevant to ask whether law teaching today has any meaning in terms of true education. Evans (1999: 9), referring to the shifts in the academy triggered by the Dearing Report, contends that none of that agenda 'necessarily assists the development of scholarly habits'. In my own experience it is sometimes difficult to protect academic endeavour when there are so many calls on the time of law teachers to fulfil multifunctional roles.

In terms of being an academic and the pursuit of schorlarly habits, I acknowledge the perceptions that sometimes exist outside the academic community. Lucas (1996: 23) points out:

> One popular impression of professorial life is that it offers those privileged to work within an institution of higher learning almost unlimited opportunities for leisured contemplation and study. Insulated from the cut-throat pressures of the commercial world, it is said, professors are free to

enjoy the life of mind, of ideas valued for their own sake, of scholarly exchange, and open-ended discussion. According to this view, the groves of academe are isolated havens, protected enclaves where disinterested inquiry and learning proceed unhindered by external interference.

From my own perspective, I recognise the complexity of seeking to understand where the academic might be located in a rapidly changing environment. There seems to be a shift in terms of what might have been held as a value system in the traditional sense for example those characteristics referred to by Lucas (1996) and Evans (1999) which suggest there is the opportunity for independent enquiry.

One of the significant and most meaningful aspects of my professional life continues to be the educative value of being part of a learning community with the opportunity to share the pursuit of knowledge and understanding. Erben (1998) suggests that learning is not restricted to formal contexts, since the pursuit of knowledge and understanding in both formal and informal environments are part of the educative. This raises the question about how perspectives on the educative can be understood within the current environment. It is my contention that the significance of the educative needs to be retained within a post-Dearing era.

Education and the pursuit of good

While seeking to gain an insight into my own understanding of values I was offered an unpublished working paper[7] which asks whether the current changes in university provision simply mean the establishment of training grounds or whether there is the opportunity to produce contemplative rational individuals needed by healthy democracies. Howell asks whether in the endeavour to broaden its horizons it is possible for the university to contribute to the making of the rational citizen and the good society. He refers to Plato's *Republic* in which the importance of education, understanding and thought are emphasised as the means of attaining the good state. These thoughts are reiterated in the work of Aristotle who contends that the good state and the good individual are accomplished through education and rational thought.

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[7] Howell, K. (1998) *Education and the Pursuit of the Good.* (A private communication)

Currently, Barnett (2000) asserts that society needs universities more than ever. The question is whether universities are supporting the educative and the good in the traditional sense or fulfilling a different function. In agreement with Howell, my belief is that the educative is about the enrichment of the good individual and the good society. Other aspects of the university's endeavours may be taken to be equally worthwhile but, in the traditional meaning of the word, do not contribute to the educative in the true sense. One of the mostly jealously protected characteristics of the academy hitherto has been the claim to academic freedom, yet this too seems to have shifted in terms of its position in the value system.

Academic freedom

Academic freedom is preserved as a right under the Education Reform Act (1988). The extent to which such freedom can survive is arguably dependent upon the wider socio-political context and increasing calls for accountability. This is reflected in the recommendations of the Dearing Report (National Committee of Inquiry into Higher Education, 1997) which requires universities to work closely with the QAA to ensure that quality and standards are maintained. The contested area is in terms of who informs or should inform that quality or those standards. Some of these concerns were expressed by the participants of the focus group interview at the beginning of this research enquiry. In particular they were concerned about the difficulties in external definition of concepts such as quality, which have acknowledged yet undefined properties within the academic community.

Within the debate around academic quality and academic standards there is the matter of individual freedom to pursue academic enquiry. Traditionally, it appears that unless scholarly activity is freely undertaken within the context of independent enquiry it loses its value in making new discoveries and contributions to knowledge. Whilst the freedom is not expressly rejected I argue that it has been effectively curtailed in real terms. My hunch is that since the knowledge industry is so ephemeral and university life so commercial, what counts is that which attracts a performance value – a measurable output.

Supercomplexity

A central question related to the culture of the university is to ask what it stands for:

> but only when institutions are clear as to what they are about can they frame any meaningful responses about their performance. (Lucas, 1996: xv)

Given the competing spheres of influence operating externally and internally it is difficult for the university in an age of rapid change to be able to say with certainty what it is about. The socio-political environment is in a constant state of flux. Barnett (2000: 166) refers to 'supercomplexity' which he contends is:

> a shorthand for the state of affairs in which we find ourselves…characterised by uncertainty, unpredictability, challengeability and contestability.

He argues that within the context of supercomplexity, the university has lost its way. It is recognised that society needs the university but the needs are different today. He argues that it is therefore necessary for the university to find a new vocabulary and sense of purpose.

Barnett (2000) contends that it is not the continuous change facing the university which is the underlying difficulty since that is unavoidable but what lies at the root of 'supercomplexity' is the 'readiness to comprehend and to address such instability'. He suggests the boundaries are changing and universities are becoming the sites of multiple and contending perspectives. Through this study, I seek to identify the impact these changes are having on law teachers and how they respond to the dynamics of change. Having identified the theoretical positions of Barnett (2000) and Lyotard (1984) I am also aware there are sociological explanations for how people experience their working lives, but these were felt to be less applicable to this research.

As this study draws upon a range of theoretical perspectives in terms of its interdisciplinary nature, I recognise that the theoretical references are perhaps more indicative than analytical: nevertheless they provide important tools for analysis of the interview data. I acknowledge the limitations of my expertise in

this area but seek to find a means of understanding the working lives of the law teachers and an explanation of how they experience the dynamics of change.

Work orientation: influences upon the individual inside and outside work

Watson (1995) observes that the subjective experience of work is affected by individual characteristics as well as the work structures themselves. He refers to work orientation in terms of intrinsic and extrinsic satisfactions. He suggests that, in the former category, work is an enriching experience, providing challenges to the individual, self development and self worth. These aspects are linked to ego and the extent to which the person's self worth and self esteem are affected through the work environment. Extrinsic satisfactions, he suggests, mean that work yields no value in itself, it becomes a means to an end and human satisfaction is sought outside work. Although these assumptions are drawn from the orientation of manual workers it is useful in recognising different orientations to work. For example, Watson (1995: 139) considers the 'implicit contract' to be:

> The tacit agreement between an employer and the employee about what the employee will 'put in' to the job and the rewards and benefits for which this will be exchanged.

Watson describes the implicit contract as similar to Schein's (1978) 'psychological contract' in terms of 'various kinds of symbolic and actual events'. Here there is some sort of arrangement whereby the employee gives effort and contribution in the expectation that there will be a future organisational benefit in the form of a promise or perceived chance of enhancement. Implicit contracts are not fixed and will vary according to the position of the individual. Watson cites Fox (1974) in terms of explaining the 'diffuse implicit contract', whereby individuals in the highest positions are in a high trust relationship with supervisors. Those in lower professional positions, employed in more routine, less skilled work, have a lower level of rewards and are in what Fox (1974) describes as low-trust relationships with superiors. As this thesis unfolds it is interesting to see how these models apply to the lived experiences of law teachers at work.

Watson suggests that orientation to work might be described in four ways : 'instrumental', 'bureaucratic', 'solidaristic' and 'professional'. He describes 'instrumental' whereby the primary meaning of work is a means to an end, involvement is calculative, ego-involvement is weak and work and non-work relationships are sharply dichotomised.

'Bureaucratic' is described as service to an organisation in return for career progress. Here the involvement with the organisation has regard for 'moral' elements - some sense of obligation. The ego is linked with position and prospects which are sources of identity. Work and non-work relationships are not sharply dichotomised. 'Solidaristic' orientation suggests that the primary meaning of work is economic with limits in terms of relationships with workmates or the firm. This leads to the moral involvement being apparent where it is with the firm but 'alienative' where it is more associated with workmates. In terms of ego there are strong social relationships and work and non-work is intimately related.

Concluding remarks

Lyotard (1984) recognises in his articulation of 'performativity' the post-modern condition, where the status of knowledge is altered as societies enter the post-industrial age and at the same time cultures enter the post-modern age. Barnett (2000) recognises the rival claimants for worthwhile knowing. The environment is complex. Universities are part of the knowledge industry and this raises questions about a possible epistemological shift in the academy. Traditionally universities have been the domain of scholars and academics. Today they have a wider 'client base'. It might be possible to ask whether universities could subsist without academics in the traditional sense.

The changing nature of the university seems to emanate from within as well as from outside. The internal structures are changing as independent scholars are joined by full-time teachers who may not wish to engage with traditional scholarly activity. The product of the university is required to meet commercial expectations. Performativity and supercomplexity are alive and kicking.

These changes must surely impact upon the lived experiences of law teachers who may or may not regard themselves as academics in the traditional, scholarly sense. A question arises in terms of the value placed on these individuals. Whereas value as an academic is drawn from one's own academic peers, a new value system is emerging in terms of the internal commercialisation of the university. Academics may never have needed to be managed, but as corporate identity assumes control over the university corporate management structures follow. This in turn provides new opportunities as well as new challenges for academics. There is the potential for tensions to arise as academics compete for promoted posts on other than traditional academic grounds. The law teacher needs to acquire a different sense of organisational values in order to make career moves. Where expectations are not met there is frustration and disaffection. A theoretical framework as described here offers a way in which to understand experiences at work.

A decade ago, the character of the university more closely resembled an institution for the provision of professional courses, liberal education and research. In recent years, government policy has altered the essence of the university as an autonomous academic body. External political intrusion is evidenced by the chief executive of the QAA who signals that it will work to provide public assurance of the quality and standards of higher education. Not surprisingly, responses from those such as Bassnett voice alarm at such intrusion and the academic literature is replete with references to 'the quality police'.

The epistemological position of the university has been shifted. The university has been redefined and its raison d'etre challenged. This has implications for academics within universities who cannot ignore these spheres of influence, or if they dare, do so at their peril. The result is a build-up of competing agendas within. Reliance on government funding creates an uneasy dependency. If academics are to survive they need to establish independent sources of income to maintain their autonomy. One such opportunity arises from the RAE but research is time-consuming and does not provide instant results. Within a department the non-researchers must be patient whilst the researchers pursue their endeavours in enabling the principle of academic autonomy to survive.

My impression is that there is a shift in the traditional values of the academic. Today it is possible for research scholars to engage with an internationally recognised subject specialist community but for many academics the epistemological basis of the academic within the university is in a state of flux. This may present new challenges for those who enjoy a dynamic environment but may also present some difficulty for those who do not. There is the potential for certain academics to be regarded as more sought after and more highly valued than others, leading to disharmony and tension in everyday working relationships. I suspect there may be tensions around those who spend their time fully occupied with teaching and those who engage in research. These hunches are explored through the interviews with law teachers, which forms the empirical stage of this research.

Chapter 4: Practitioners' stories

Introduction

This chapter focuses on data from the interviews with three law teachers who have previously worked in practice; James and Joan as solicitors and Ann as a tax specialist. Chapter 5 following contains a further three stories from law teachers who have not practised law. My own experiences as a law teacher had led me to question individuals' perspectives on the meanings of identity; being an academic and the epistemological shift in educative values. These experiences and hunches constituted the basis of the interviews, although opportunities for open-ended questions to be explored were also afforded.

This chapter sets out three narrative accounts of James, Joan and Ann as they, as former practitioners, reflected upon the differences between professional practice and law teaching. Since each have different stories to tell, it is not always possible to make direct comparisons. However, the chapter is presented in such a way that major themes and individual perspectives are revealed. The central themes reflect the interview strategy which was to explore and interpret lived experiences in terms of professional identity, being an academic and spheres of influence. It was anticipated that these stories would reveal further insights about the extent to which there is an epistemological shift in the academy in terms of what had been traditionally associated with academic life as a law teacher. The chapter begins with James's story and then proceeds to those of Joan and Ann.

James's story

James entered law teaching after a career in professional practice as a solicitor. He explains that he had always harboured a wish to become a teacher even though his parents, both of whom were teachers, had dissuaded him from that career path. James commented:

> ...I have been a frustrated teacher for years... I spent 25, 27 years in private practice finishing up as one of two senior partners in a firm. I

reached a magic age which happened to be the one with a 5 at the front and decided two things, one is that I was not enjoying private practice as much as I had previously. I used to enjoy it a great deal, I did not enjoy going to work any more and the atmosphere at work was not as congenial as it had been, I wasn't sure the firm was going in the direction I wanted it to go and so I left not knowing quite what the future held and I looked around thinking gosh what sort of jobs could a 50 year old solicitor do and by chance, at about the same time that year, the Legal Practice Course started and advertisements were appearing in the press for solicitors with recent practical experience ... who would be interested in teaching on this new revamped legal practice course for training and having been a frustrated teacher for years, never really put off by my parents who were both teachers who said no, my boy, you're never going to get into teaching, I thought I could make up my own mind now, and I thought [teaching law] would appeal as combining the law which I had loved with teaching which I had always had an interest in. So I applied and finished up here.

James's account suggests that his decision to enter law teaching was based more on a hankering to fulfil a lifelong desire, rather than to enter a new cultural setting. His reference to his parents where he points out 'I thought I could make up my own mind now' suggests that his decision was influenced by personal reasons and it is noteworthy that his stated reasons appear to emanate from a sense of unfinished business rather than an academic commitment *per se* to becoming a law teacher. This suggestion is further supported by his references to the qualities he anticipates would prepare him for becoming a law teacher:

> ...So if you can sell yourself as somebody who enjoys the subject as well as somebody who understands the subject, and you have a style of delivery which goes down well, I think selling yourself as well as a certain amount of 'am dram' [amateur dramatics] background goes a long way to helping that.

James comes across as a somewhat shy person who gains confidence from his background in amateur dramatics and his own style of delivery in selling yourself as somebody who enjoys the subject.

James as an academic

When asked if he saw himself as an academic he stated:

> That has been the hardest thing. I saw myself when I came here essentially as a practitioner...I've not really considered myself as somebody who's able to contribute serious academic debate but at least I can, now after three years on this course, consider and distil the academic argument

which other people put forward. I think to have one's own original ideas
and to put them forward would require much more understanding and skill
and experience in the academic field, I feel, I feel ... maybe I do myself no
justice, I don't know, but that's how I feel anyway.

For James, the academic is a contributor to serious academic debate having the
ability to generate original ideas. He makes no reference to entering an academic
community as an academic himself, as might be understood in a traditional sense
(Lucas, 1996; Evans, 1999) but focuses upon the transition from legal practice to
legal practice teaching. In seeking to pursue James's understanding of the
academic environment he was invited to comment on his understanding of being
an academic and academic freedom.

(Mis)understanding the academic community and academic freedom

James reveals a certain curiosity about the notion of academic freedom. His
approach is guarded and at times there is a degree of suspicion about claims that
are made in the name of academic freedom:

> I accept there is a right in that sense and there is, I will, I would endorse
> the right to academic freedom in the sense that you should have the right
> to, I believe you...[have] the right to express one's own views and to
> influence. I'd be very cagey about... because I think that with any right
> there is a responsibility and that responsibility is not to impose or, impose
> your views as opposed to inflict them, but to put it forward as a view
> which may or may not be worth as much as anybody else...

It is clear that for James the rights associated with academic freedom are
associated with responsibility. As the interview unfolds, it appears that his
emphasis is upon academic activity which contributes to the good of the School or
the university as opposed to being at the expense of others. In the next part of the
interview, he acknowledges that the body corporate can support the odd eccentric
but he suggests that at the end of the day it's got to have far more people who can
pull together.

Research: papers which contribute nothing to the ultimate good of the human race

The Research Assessment Exercise (RAE) is identified in Figure 2 (page 41). It is

not made clear by James whether the RAE itself is at issue or whether it is research endeavour generally, but research is recognised as one of the factors affecting law teachers. James reveals his own thoughts on this:

> I think the area of research is probably one of the biggest bones of contention and there is a feeling, certainly among the pragmatists, I'd include myself among them, that the research which is done or required to be done or which might be done is done simply for the sake of being seen to do research rather than because it has an end goal. To some extent I think I'm echoing a view which I read, no – I'm not echoing it – it is something I felt before which is really enforced by...*the Times* about four weeks ago, about the amount of paper, papers which are simply, I can't say not worth the paper they're written on, but contribute nothing to the ultimate good of the human race. They're produced because people have to produce paper and I think there is a risk of going down this path and encouraging a culture where as long you're producing something, it is necessarily good thing. I would like to see it much more focused...in the sense of that there is something useful, utilitarian which comes out at the end of it. Whether that's utilitarian from the practitioner's point of view, the teacher or the lawyer who is in practice's point of view or utilitarian in the sense that it has developed in a tangible form, the person who has carried out research because stretching, research is a form of mind stretching. That I can see as personal benefit, provided the stretch is in the right way...
>
> ...[cost] does come to mind. Both the contribution made by the person who's doing the research and the contribution made by one researcher to another. I expressed the view some time ago that I thought all research should be concentrated in its role for the benefit of the School...because the School is not large enough to support too diverse a research programme....if it's research in a vacuum then I'm not sure I would support it.

James's acknowledges the basis upon which he would be prepared to accept time spent by colleagues on research but clearly he also identifies his reservations. He situates his argument within the context of team playing. He accepts research for the greater good but this raises the question of the wider academic environment of the university. This suggests a contested area in terms of the contribution research makes. In a relatively small Law School with an emphasis on professional courses the implication is that the tensions are likely to be more sharply felt. James takes the view that research may have a place but:

> it must be seen to be meaningful to the rest of the team. It is acceptable if the research is applied in some way such that others can benefit, but there

is a danger that the research is only meaningful to the researcher and may have no apparent relevance to the rest of the team.

This comment raises questions about the perceived value of academic endeavour and why research being of value to the researcher should necessarily constitute a danger. A wider discussion of the educative then took place which enabled James to reflect upon his perceptions of teaching.

The student who's here to be educated: a Utopian idea

James suggests that the structures of current teaching methods act as an inhibitor to the pursuit of a wider educative experience. However, the tone of his responses suggests an element of personal frustration rather than an indication of what might be taken to be a wider issue:

> I would like to get away from the traditional lecture theatre...the idea of standing and talking about a subject in a way which the student could learn from a book just as easily... in my ideal world the lecture, the student would come to a lecture having read and, for the most part understood a particular topic, and the purpose of the lecture would be hopefully an interactive forum to discuss the difficult areas of that topic and to extend their thinking into other areas which they'd not had time to think about yet, and comparative areas, and philosophical areas, rather than just understanding the subject.

Perhaps the constraints of a professional course of study to some extent limit the opportunities for alternative methods of learning. It appears from his interview that James regrets the lack of opportunities for wider enquiry. His comments on his view of the student learning experience is a clear reflection of an ends-orientated system:

> Students are here to get a degree which is a step to getting a job. I think the idea of a student who's here to be educated in its rawest sense is Utopian, idealistic and totally impractical...because although they want to learn, it's learning which is directed at getting a job. I think learning simply for the sake of learning at the student level is pie in the sky...it's something which would be delightful to experience, the thought that students were here simply for the learning...it's being able to talk and run with anything...but it always takes one back to the academic freedom which I criticised to some extent at the beginning in the sense that it's an abuse. With the academic freedom to be able to say. OK well let's not worry too much about this particular topic which we are scheduled to talk about today. Let's explore something else because it happens to be relevant to life, even if it has nothing to do with the law and nothing to do with the course...the

difficulty of course then is you're not going to find enough students who are going to find it an interesting subject. It may be interesting to you and that I suppose brings you back to the discipline and the structure within which one has to operate in order to make some cohesive sense of the teaching and learning process.

These comments seem to register an element of confusion about the nature of academic freedom. I am not sure the concept is about being free to choose what is taught but more to do with the ideas that emerge from the academic's own understanding. At the heart of James's responses is a frustration that there are limitations on what he is able to do. His comments also raise questions about the educative and the purpose for which students attend university. The arguments are explored further within the theoretical framework later in the thesis.

James acknowledges that the professional body has encouraged Legal Practice Courses to be at the leading edge of learning and teaching. To this end, the influence of professional bodies is acknowledged by James:

> ...I think the Law Society, the Legal Practice Course as being at the front edge of teaching or learning and has been a prime mover in changing the experience for the student, looking at it from the students' point of view. I may be wrong, it may be that it's happened previously within the university but that the university has, because of the fairly conservative nature of the lecturers, has been very slow to respond.

This suggests a perceived frustration in terms of the dynamics of the organisation where the external influence from the professional body offers an opportunity to which the institution cannot immediately respond. At this point I was interested in exploring James's views about the wider academic experience in terms of research.

It is perhaps not surprising that as a former practitioner, employed to teach on a vocational course, James feels a certain level of frustration in terms of his research colleagues. Researchers work in ways which are not immediately visible and the product of research sometimes takes considerable time to materialise. It is clear that he expects research to contribute to the overall good of the School. Such a position needs to be understood perhaps in a wider context.

Throughout James's interview, as pointed out earlier, there are frequent references to working as a team player. His comments fit with the underlying shift in terms

of the commercialisation of the university and its survival as an efficient organisation which Barnett (2000) acknowledges in terms of supercomplexity. James indicates that those who are used to working in business or the professions are more used to working in teams. He is concerned about his role as a course manager and suggests that there is 'responsibility without authority' which presents some difficulty. When asked how he felt about this he responded:

> Impotent is the answer. I can encourage a colleague to go down a particular path but if he or she says 'no I don't want to go down that path, I don't think it's right either for me or the course or the students', then I can't do anything about it. And that's the joy I suppose of academic freedom. If somebody says, 'no. I think my opinion is better than your opinion, my judgement is better than yours', then I am stymied...I think you have to, I think they should submit.

James's reference to feeling impotent illustrates the changing expectations which now prevail. It is becoming apparent that there is a need for academics to be willing to work in teams and contribute to the greater good. Through the interview, James articulates his understanding of professional values in terms of 'team players' and 'the greater good' which, by implication, suggests that the 'eccentrics' to whom he refers in the following part of the interview may not be contributing in that endeavour. In terms of his working in an academic environment, James reflects at some length about the importance of being a team player and how that links with his experience. He identifies the 'traditional academic' as a person who is 'a bit of a loner even to the point of eccentricity which is acceptable in moderation'. He takes the view that 'there is too much work to be done to accommodate too many eccentrics and loners'. The impact of these statements reveals tensions between the individual and the team which generates questions about which values prevail. The traditional view is that the academic is entitled to an autonomous existence (Evans, 1999) as an independent thinker, for it is never known what the outcome of free independent thinking might contribute to the world.

This sentiment and the extent to which academic autonomy can exist are notions subject to challenge in the current performance-related climate. James' narrative illustrates competing agendas within a law school and the extent to which it is possible to accommodate different types of law teachers in a comfortable

environment where individual contributions are valued. As universities become more akin to commercial enterprises the internal organisation takes on a new epistemological stance (Barnett, 2000). There is a growing awareness of the need to deliver according to measurable outputs (Lyotard, 1984). For this to occur, as James observes, teams need to be able to meet and work together.

He suggests there are difficulties where individuals do not recognise the team effort. James draws on his experience of having worked as a partner and suggests that in the same way that there are tensions around understanding the academic culture; for him 'non-academic' roles are not always clearly understood. This raises a question about the impact this might have on the dynamics of law teaching. The implication here is the potential for misunderstandings to arise in working relationships. This raises the question of whether the need to work in teams might be regarded as a worldly commitment (Evans, 1999) to which independent thinking academics have hitherto not found themselves constrained. It also suggests a tension between those who emanate from different backgrounds.

Respect for colleagues

In striving to make sense of the value system in which James's law teaching operates, he reflects on his understanding of values and refers to respect for colleagues.

> Respect for colleagues I would certainly expect to be there. It's sometimes is stretched because of the, not the eccentricity that I can respect, but the unwillingness to contribute to the general good…yes, I would hope certainly that I could respect what anybody was doing. The more it assists me in doing my job, I suppose the easier it is to respect. One sometimes wonders at the worthwhileness of some of the jobs within the university, that whether they're achieving as much as they should be achieving or could be achieving. I, I will plead that I don't know as much about it as I should but immediately here, but if you compare the number of academic staff with the number of non-academic, I don't just mean admin I mean other support staff, and I wonder whether those others are doing enough or showing that they're doing enough to generate the respect which as any individual they should be entitled to, because we're talking here not just respect of somebody as a human being, presumably talking about the word respect as a sort of working colleague.…I don't think, with a few exceptions it's you know a job because it's a job which pays the mortgage… I think among individuals…there is still this desire to do the

best for the student learning experience. That's essentially what we're here to achieve – a good experience...

For James, people need to pull together, to work in teams for the greater good. This suggests a value statement in terms of the good. James indicates an element of dislocation and disharmony in his reference to the eccentrics but acknowledges what we're here to achieve is a good experience.

James's approach signals a shift in the epistemological basis of the academy. A sense of efficiency-driven behaviour and expectations are emerging which indicate a dialogue devoid of academic or intellectual enquiry in the educative sense (Erben, 1999; Scott, 1999). James's observations about the efficiency of academic endeavour extends to his observation about research, which reflect an underlying disquiet in the academy about research activity.

James's observations about research reflect an underlying disquiet in the academy about research activity. Barnett (2000, 148) adopts the view that the concept of research seems somewhat 'elastic' in that the definition is a political matter. He argues that research is required to fit into the formal definitions of the research and funding councils. He further suggests that professionals face a struggle in establishing research that counts. Indeed, Bradney (1999) recognises that law has not had a good record over the decades. The opportunities to gain financially from funded research are seductive, not least in terms of the Research Assessment Exercise. It would appear that James's sentiments would be recognised by other law colleagues who expect researchers to make a meaningful contribution to the academic community. Perhaps not all research attracts such recognition but at least some might contribute, in James's words, 'to the ultimate good of the human race'.

At this point, I could not help but reflect on the extent of the contribution my own research might offer the academic community. I satisfied myself with the somewhat paradoxical thought that if this research enables the working lives of law teachers to be better understood, and for managers such as myself to be better informed in terms of gaining further insight into peoples' experiences, then perhaps this research will have a useful contribution to make.

James's sense of values

James sees his values in terms of his background as a practising solicitor and acknowledges that even for the eccentrics there is an essential professionalism.

> My values are, I suppose, professional first I think, and professionalism I wouldn't criticise I think, even amongst the eccentrics there is an essential professionalism and that's that professionalism is, if you want to define, it's over and above just doing the basic job. That's one value. I suppose coming in from a better paid job to a less well paid job from my practice to here, another value must be the job satisfaction because I don't think I necessarily would go down in income if there weren't some compensation and the, the enjoyment which I do I, I'm seeing the next generation of lawyers coming on, it's great.

Again, there might have been an opportunity here for James to reflect upon traditional academic values (Lucas, 1996; Evans, 1999; Barnett, 2000) yet he locates his understanding in terms of 'being more than just doing the job'. His reduction in pay is compensated by his enjoyment and seeing the next generation of lawyers coming on. He regards his work as a teacher as a matter of efficiency and utility yet still to be enjoyed. In terms of research James expects there to be a focus and usefulness whilst acknowledging a personal benefit in terms of the researcher:

> I would like to see [research] much more focussed...in the sense that there is something useful, utilitarian which comes out at the end of it. Whether that's utilitarian from the, the practitioner's point of view, the teacher or the lawyer who is in practice's point of view or utilitarian in the sense that it has developed in a tangible form, the person who has carried out research because stretching, research is a form of mind stretching. That I can see as personal benefit, provided the stretch is in the right way. We're getting into very unsure ground here because having not done anything myself ...

The elements which emerge from this story may be situated within Barnett's (2000) reference to supercomplexity in terms of the complexity of working with knowledge and making sense of the external influences upon the university. There is an epistemological repositioning. As Barnett (2000) suggests, the stories by which we make sense of the world as well as how we understand our relationships with each other, are proliferating and, as he points out, the university is implicated in all of this. For James entering the university from practice, this supercomplex university environment presents unfamiliar territory. He finds it difficult to make

sense of the working practices around him:

> ...there isn't the room for that individuality, you can't come in for, I won't say how many weeks a year, do your thing and go off again without contributing to the overall good of the school of the university. There's scarcely room for that any longer.

These observations are somewhat distant from the traditional idyllic picture painted by Lucas (1996: 23) where 'the groves of academe are isolated havens, protected enclaves where disinterested inquiry and learning proceed unhindered by external interference'.

Joan's story

Joan reveals how she came into law teaching and how she has retained a strong allegiance to her professional background. She reflects in some detail upon her past career, which explains perhaps why she experiences a certain amount of discomfort with working in an academic environment.

> ...there is just, in my experience, this huge difference between an organisation such as this institution and a big corporation...many, many years ago I worked for a merchant bank in the City. When you started there you had a proper induction programme. You had training, there were clear lines of management, there were clear lines of support and you were aware that there were resources and know-how, what was known then as personnel but is now sort of human resources, to support members of staff. But I have also worked for a variety of institutions which have got nothing like that whatsoever. Mainly...this type of institution has been a small voluntary organisation and they just don't have the resources for that type of thing so people come along and can learn by experience. You learn from others but there's no structured programme. Ideally, the university should be more like the former than the latter, but I really do feel they haven't quite got their act together yet. I mean there is a token induction, well I had one induction day I think.

Joan's account portrays the different experiences she has witnessed through her career changes; she believes the university should be more like the commercial sector than the voluntary sector in terms of training and support for staff.

Resonance with supercomplexity

Joan's comments provide a challenge for the university which has traditionally accommodated independent academics, rather than managed organised structures. Universities now faces the age of supercomplexity (Barnett, 2000). Joan identifies the challenges:

> As far as the institution is concerned, you are an academic and there is very little awareness of the management role you might do or the support services you might be providing and that manifests itself in a variety of ways. The fact that there is absolutely no training in that area, at all, so that academics are expected somehow to be able to manage, to be able to support students, to be able to administer or work alongside administrators. So there's no training and, there is I think, fairly limited appreciation of the amount of, of time and effort and commitment that people give in those roles.

Here, Joan identifies the impact of introducing multifunctional roles to be performed by people who are not trained to perform them. Her contention could be explained by her belief that the activities she describes have a low value in terms of worth to the organisation and so do not attract the recognition she would like. A low value activity suggests low self esteem for the person carrying out the role. She reveals how sometimes she feels exploited.

> I think there is no doubt that I feel tremendously underpaid for the job I do, but then I suspect most academics would say the same. I think that the institution is, is not alone in this, this is sort of widespread, it seems to me in English society and in industry even. There's this sort of feeling that because you can do one job or you're perceived as being able to do one job, then you can manage other people doing that job without being given any training or support. I mean in some ways, I think I am much better off than some of my colleagues in this area because I actually come from a, a very varied background and have had experience of management and coordination and the organisational structures, so that in that respect, you know, I think I am perhaps as I say, slightly better off. But, yes, it does make me feel exploited and it does make me feel angry at times that there is such a lack of appreciation of good staff. Obviously I'm talking about the role of course leader. It's one of those where, it's a multi-faceted job, it takes up a lot of time and a lot of effort and the recognition is negligible, certainly financially. I think obviously, I'm perhaps being a bit hard on many colleagues who appreciate the work that goes into it and what's done but the institution as a whole and all the structure, the payment structure, the career structure, doesn't recognise it at all.

Given her apparent dissatisfaction, Joan was invited to comment on why she

chose to become a course leader. She replied that she didn't really appreciate what she was taking on and in addition it no longer provides an obvious career path. At the start she had expected the role of course leader to provide a stepping stone to something else but the goalposts in terms of management opportunities had changed and now she feels that it's a matter of waiting for 'dead mens' shoes'. Having explained the difficulties associated with her multifaceted role as course leader Joan was invited to reveal more about being an academic.

Not being a valued academic

I was interested in pursuing with Joan her perceptions about her identity within the university. I became aware very quickly that she did not regard herself as an academic, preferring to identify with her professional position as a solicitor:

> I would never say I was an academic...not to an oustider, no, I don't, and I think coming back to the beginning, I don't really see myself particularly as an academic, say because I came in as a professional, from a profession to do a professional job, and am now still doing a semi-professional job in managing. I would not see myself as an academic.

I was then interested in discovering the characteristics Joan might attribute to being academic and asked whether she might see other people in her School as academics, to which she responded:

> Oh, yes, some undoubtedly are. I would say that people who, who are interested are in their subject for the subject's sake and are therefore, possibly involved in research in that area, are looking to get their knowledge recognised by others in the field by way of publications or whatever, that I would, and there are certainly you know, members of staff around who are doing that, they would be, in my eyes, more, I would describe them more readily as academics then myself....

For Joan academics are those interested in their subject for the subjects' sake and who possibly engage in research. She revealed that here was potential for recognition but she was not convinced that it was necessarily so. Joan makes it clear that she would not regard herself as academic:

> ...I don't know that I even consider myself to be an academic because I came into this job by accident and I came in as a professional person, ie, solicitor, to do a very specific role which was to teach on a professional postgraduate course. It was by accident because I came in, I think probably only a day a week to start with to cover somebody's maternity leave and

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that then led on to other things when the person didn't come back and eventually I became full-time but primarily still as a professional, teaching a professional course. So things have moved on quite a bit since then and I would only begin to think myself as an academic, perhaps now beginning to be. I still don't see myself particularly in the same sort of category, by any means as academics in older universities or even as some as my colleagues who've been in this business an awful lot longer than I have. I still think really that I am using my professional knowledge, imparting that to others and probably in the last couple of years, been using very much skills which are not academic, in other words management skills, facilitation or facilitator skills, I'm not quite sure what the phrase should be there, communications skills and I'm not sure that that would, those equate with a sort of pure academic as such.

Here are similarities with James's position. He too entered law teaching from a practitioner background and continues to identify with his professional status as a solicitor. For James and Joan becoming law teachers was not triggered by any apparent engagement with the academy in the traditional sense. Joan entered by accident and James saw an opportunity.

In search of the essence of the university

Joan conveys a certain level of suspicion about the professed values of her institution and where it sees itself. Her speculation is reflected by Lucas (1996: xv) who points out, 'But only when institutions are clear as to what they are about can they frame any meaningful responses about their performance.' Joan articulates her view that there is a degree of uncertainty:

> I just feel they really have got to think very carefully about what they say, where they want to position themselves in the world as a vocational university...I think it used to be quite clearly that was what the mission statement was all about and that was what we were here for but we've started to sort of say , Oh! well we've got to do other things, like we've got to be a centre for research excellence in certain areas...I suppose it depends on what your idea of a university is...somewhere where people can come and acquire higher education, and I would say that, you know, the idea that to be a proper university you've got to be involved in research and funding research is a waste of time, that's my personal view. As long as you're providing education for students that they want and appreciate and that they can use in the future, then you are entitled to call yourself a university it seems to me.

This provides fertile ground for debate. It is surely astounding to regard the research effort as a waste of time when research has traditionally been regarded as

at the root of academic enquiry. But if the view is held that certain activities do not contribute to the overall business of the university again this raises fundamental questions about the underlying fabric of the academy.

Joan's reflections set against the point made by Lucas create a dilemma for the university in terms of its epistemological position. The spheres of influence which surround the university establish competing agendas and require frames of reference capable of responding to rapid change in the socio-political context. The funding sources provide opportunities for the university to set its own agendas but fashions change and expectations about the universities' capacities to deliver are surrounded by uncertainty.

Values: using the right words

Joan takes a rather cautious approach to the suggestion that the university has a statement on values. Her main emphasis regarding values is located in terms of the students:

> I think the university is very good at using the right words and I'm not saying that particularly critically. I think this is the way the world is these days. Every institution, every organisation does exactly the same thing. Whether they have made any effort to move any further than just say the words, I'm not aware of it...I think the values [of the institution] are still broadly speaking to provide education and to provide vocational education and I think that still seems to come over as one of the main tenets. I am not convinced that the institution has really thought through ...or is really clear on how it does that...and I certainly don't believe that they've really thought through how they value their staff or anything like that...my basic reason for doing it and the values I have are student-centred...I like the students. I like teaching them. I like dealing with them and it gives me a great deal of satisfaction to see them gain something from their time here...

> In relation to particularly valuing staff I think it's got to look at the career structure again. That would be one very fundamental thing.

In terms of career structure, Joan's underlying feeling is that she has been disappointed. She had undertaken the role as course leader with a view to greater things but her expectations had not been met nor does she feel appropriately rewarded. What is clearer is her commitment to the educational role of the university and the part she plays in teaching the students.

Having explored with Joan how she perceived her identity as a law teacher and the values she holds, the interview moved to a discussion about academic freedom since I was keen to determine whether this might provide further insight into Joan's understanding of the academic environment.

Academic freedom

Joan revealed a certain curiosity about the notion of academic freedom. Her approach is guarded and at times there is a degree of suspicion about claims that are made in the name of academic freedom. Joan contends that academic freedom is a matter of balance in terms of working with other colleagues. As tensions emerge the course definition document sets the boundaries:

> ...the big downside to academic freedom is that it can have negative impacts on colleagues and so all freedoms, and this is true of society, all freedoms have to be counterbalanced by responsibilities or restraints. So you can use, as a course leader, you can use the course definition document as a tool, say, look there's absolutely, you know, I, do what you like on this respect, and you know this is your area, you know most about it, but if you take that route then that could have a knock-on effect on your colleagues who are doing this, that or the other.

It seems from this observation that the course definition document is fulfilling a supplementary role in acting as a limit on academic freedom. I found Joan's response surprising. It caused me to recall the Chinese incident in Tiananmen Square in 1989. I could hardly reconcile Joan's approach to academic freedom being reduced to the course definition handbook as I remembered the tragedy of the Chinese students acting in the name of academic freedom.

Ann's story

Ann is in her thirties and became the course leader of a qualifying law degree relatively recently, having previously worked in practice as a tax specialist. She revealed that regarding her career as a professional, the academic stage of her training had not prepared her for work in professional practice.

> It was just learn as you go along, learn what you need for the job, learn all the latest tricks, make sure you know what London office were up to, what new schemes they've got to offer clients. Whereas as an academic you're looking at, you're looking much more at the wider picture and thinking

> about why things are happening as they are and why the legislation is at is, what it's, what the legislation is trying to achieve rather than just what it means in terms of pound notes for your clients, whether or not you can build up the savings of those pounds…mean, I know so much more now then when I was in the profession. I do different things with the knowledge I have got rather than just apply it to tax expertise…certainly as an academic you think about things, you weigh things up, you consider them and you think what is the best way of going about things, could they have done that, why did that happen. You have reached, so I suppose you could call it intellectual development.

Of the three practitioners, Ann is the first to refer to intellectual development in terms of being an academic. At this early stage of the interview she identified how she has experienced the move from practice to academic work. Whereas James and Joan seemed to distance themselves from the suggestion that they might be academics, Ann is prepared to embrace that identity. She contends that the position of academic is different from her understanding of the professional. In accordance with James and Joan, she too perceived the word academic from two perspectives; firstly, whether she would regard herself as an academic and secondly, in terms of acknowledging the significance of the different stages in academic and professional courses.

Academic freedom

In terms of her perception of academic freedom, Ann expressed different concerns from the other two practitioners. Her approach to the notion of academic freedom was seen in terms of the constraints placed by professionally accredited courses. She also recognised the responsibility that comes with academic freedom.

> I never found anybody who wanted to interfere. It's never been a problem. No, it's just never come up. I feel quite happy being quoted outside my class by students and quite flattered if they, if I was quoted outside my class and I don't feel that I'm going to be held to ransom by any student in later years who might come back and say well you told us this but it was that and because of that I was in the wrong and I went and made a fool of myself…well, I'd certainly feel free to put my views over to the students but I think I would also want to say that I would also want to put over to them the views of the professionals we could say that 'here is what the professionals say', 'I don't necessarily agree with that because', 'perhaps we can have a seminar on it, perhaps we can discuss what you think'…I think one of the prices you pay for your own academic freedom is respecting the academic freedom of others. So if you've got a colleague who you know will go and deliver a subject with only one way…no matter

what, then there really isn't very much you can do about that. You can try to persuade, but you can't change, it's very difficult to change that person's lateral mode of delivery. But that's part of, that's one of the things that goes with the job.

Ann takes two different perspectives on academic freedom. One is to consider it in terms of the student experience and the other is in terms of working with colleagues. Ann's comments resonate in a certain way with the observations made earlier by James and Joan in that it is difficult to influence an academic colleague who insists on pursuing an individual style which might create tensions for other members of the teaching team. This led to a dialogue about her approach to values in which she reiterates her position about relationships with students and with her colleagues.

Values: I'm sure it came round on an email

Ann described values in terms of student behaviour and the importance of not rubbishing students, preserving their dignity and confidence.

> ...well, I think certainly you, I would always try to avoid rubbishing the student. If the student contributes in a seminar, I'm always grateful for the contribution even if it's hopelessly wrong and uninformed or misunderstood. I would always try and use what they've said and steer them around to something a little bit more useful. So certainly I think you must always, you must never rubbish the student, you must always preserve the student's dignity and confidence and you must always respect the students.

She was then invited to comment upon whether it's necessary for the university to make explicit its position on values.

> No, I don't think it should. It can do if it wants, but I don't think it makes any practical difference to anyone. A lecturer either commands respect or they don't with students. No management pronouncement is going to change that. I mean how many students have heard of it...I don't think I've heard of it. I'm sure it came round on an email. ...I think if there were a member of staff who didn't respect the students, who rubbished them continually, who made fun of them during seminars, then I don't think a university value statement is going to rewind the movements of that person. I think it's a personal thing. It's a respect between lecturer and student.

> I think because in our subject area we are all mainly people who've been active in the profession, I think we have certain attitudes towards our

colleagues anyway in the sense that you don't…that we're protective towards each other to a certain extent anyway. You know, even if somebody's doing an awful job we will always try and excuse them in some way, or find reasons why…I think we certainly agree as to the general way in which courses are delivered but I think part of the problem that you have is that you can't impose the way a course is delivered. If once a lecturer goes into a classroom, shuts the door and starts delivering the class, there's nothing anybody else could do to change the way he's going to deliver that class.

These comments raise questions about the extent to which it is desirable to encroach upon the teacher in terms of an externally defined set of values. Ann implies that professional practitioners are aware of each other's weaknesses and to some extent tolerate those 'who do an awful job'. The contention that there's nothing anyone can do in that event, I would argue, could no longer be justified in an audit society. The QAA's subject review criteria alone would detect poor performance and I suggest that universities themselves are becoming more responsive to the student voice in terms of their expectations and the performance of academic staff. At a more local level, student questionnaires, course reports and course meetings are likely to reveal areas of dissatisfaction. In a competitive market reputations are important and league tables are publicly available.

The next part of the interview focused upon spheres of influence. Having suggested that the professional bodies act as a constraint on academic freedom I was interested in discovering whether Ann felt that there were further spheres influencing the academic environment.

Spheres of influence

Ann begins with a reference to being at the end of a very long rope as far as the QAA is concerned and continues:

> I think if I was teaching, say an international tax course, where I was putting forward unsubstantiated personal opinion as fact, where I was getting things wrong. If I was concentrating on tiny areas of the potential syllabus to the exclusion of others, then I think yes I could be pulled up but I think so long as I am covering what would be considered by most academics and professionals alike to be the main areas in the sphere of international taxation and so long as I'm covering them in a rounded, balanced and referenced way, if you like, then I don't really see that there is a problem.

Ann suggests that for her professional values are those recognised by the academic and professional community and if there is no departure from what is acceptable to them she would not expect there to be intrusion. However, she acknowledges that there are spheres of influence in terms of courses which carry exemption from the professional bodies.

> ...Well, I think there's a great freedom unless you're teaching a course which carries an exemption from a professional examination, then you have a great deal of freedom. Subject to you being able to back up your views, subject to there being sufficient reading matter for the student to go with, then you can really explore any avenue you want to. You can look at all kinds of, you can look at all kinds of areas that you couldn't in the professional sphere and you certainly can't look at, I'm not saying this very well but, say I have a third year tax option on international tax, then I could really do what I want in that option so long as it's within the course definition document, but if I'm teaching a second year tax option on the accounting degree, then the content of what I teach must conform to the requirements of the Association of Certified Chartered Accountants otherwise the students taking that course won't get the exemption from one of their examinations which they are expecting...so you have academic freedom where you are free from the constraints of professional requirements, you can write the course yourself, as we did, so you write what goes into the course definition document, it's written fairly loosely so you can firm up the course as the years go on. So you have academic freedom where you are free from the constraints of professional requirements. You can write the course yourself, as we did, so you write what goes into the course definition document...

Ann recognises that first year students in particular appreciate a structured approach to their courses:

> I think certainly when students first come to university, workbooks are a great help because they need that kind of, I think they need far more structuring to their studies just to get them used to coping with the reduced amount of contact with their tutors...so I think it's definitely a help for the first year because it shows them what's expected of them. It shows them this is the minimum you must do each week, the minimum reading you must do. Here it is, it is reproduced for you, it's in your textbook, so there's no excuse for not doing it...but even for the first year I always recommend further reading as well for those who are interested and there's always a list of further sources they can go and read as well. I think when you get on to the third year which is where you expect students to do the most thinking, the workbook shouldn't be constraining to the same degree that maybe they are in the first year but students do like direction, there's no two ways about it, particularly when they don't see us for very long. They do like to know what they're expected to read and they don't undertake work which isn't going to be relevant to their assessment. I

think that's what's really vital to be undertaken in getting students who are so interested in the subject that they'll do work over and above that which is absolutely necessary to get a good mark on the course and we do have students like that and the students that do work over and above that which is expected in the course are the ones that come up and argue with you saying 'I don't agree with your reasoning of this, I think it might be this' which is OK in its place.

Ann acknowledges the different levels of experience students have as well as different abilities. The different views expressed by James and Ann indicate that for James there is regret in terms of not feeling able to adopt a more liberal approach. Ann reveals a more pragmatic view recognising the nuances of teaching at different levels.

Concluding remarks

The practitioners' stance is informed by their backgrounds. They have made the transition from a professional practice culture where working life operates differently from the university environment. Each has come to law teaching from practice having no apparent feel for university culture. The key aspects of their stories relate to the comparisons drawn from different working environments. A number of contested areas emerge, for example the competing interests of colleagues in terms of teaching and research, understanding academic freedom and the academic experience. It becomes apparent that practitioners are unprepared for the diversity the university culture provides in terms of the different roles people undertake. Their comments raise questions about the extent to which it is reasonable to expect university law colleagues to demonstrate the same team ethos that practitioners become used to in practice. Clearly, there are differences in the working practices of law colleagues as researchers and those who manage a course and choose not to engage in research. James's observations about 'learning for the sake of learning is simply pie in the sky' registers a sad comment on the educative and the pursuit of intellectual enquiry. In reality, since much of his experience in law teaching emanates from professional courses, it might be unrealistic to expect the vocational stage of training for practice to provide an independent, thinking, intellectual experience.

The strongest themes to emerge from these accounts are the expectations in terms of how professionals who are former practitioners relate to each other. In

particular, they have been used to people working together in teams, yet they now observe that academics do not always demonstrate a willingness to do so. Further, they demonstrate a degree of impatience in striving to understand the notion of academic freedom and the different attitudes former practitioners and non-practitioners demonstrate in that regard. James and Joan, both course leaders, reveal a frustration about having responsibility without authority. James describes this as a feeling of impotence whilst for Joan there is a sense of exploitation. Their concerns about managing academics are revealed through their interviews. Ann acknowledges that tensions can arise where there is a degree of acquiescence towards colleagues 'who are doing an awful job'.

One of the themes which emerges particularly in respect of Joan is the disappointment of not being able to progress in her career as she would have liked. She had identified course leadership as being a step towards a more senior position but the reorganisation of the management structure had left her frustrated. She compares her experience outside the university in other organisations and recognises that the university is structured differently. For Joan, managing academics was not part of her job, but she could not see how she could run the course without having authority over other contributors to the course. This raises contested areas concerned with academic freedom and autonomy on the one hand and the need for universities to manage staff on the other. There are clear resonances here with Barnett's (2000) supercomplexity as the university strives to 'clarify its new role...and a new sense of purpose'.

In summary, in terms of the extent to which these law teachers regard themselves as academics, a number of perspectives are identified. Firstly, understandings about academic meanings emerge in the following ways - academic courses as compared with professional courses, academics are compared with non-academics, academics are regarded as those who engage in subject-related work as researchers. Not wishing to be identified as an academic, there is a preferred allegiance to professional identity as a practitioner rather than as an academic.

Perhaps there needs to be more reflection upon the diversity of a university in that members have different contributions to make, some of which might be less visible. The traditional emphasis on academics as leaders in a university

community does not recognise non-administrative staff who support and contribute to academic work, ie demonstrators, editors etc. The outcomes of an intensive vocational course are likely to be more visible than the product of a more prolonged research project. At the end of the day it is a matter of communication and those who work in a less visible way might share their work with others to avoid potential or actual tensions.

Chapter 5: Non-practitioners' stories

Introduction

This chapter includes the stories of three law teachers, Ruby, Duncan and Rupert, each of whom are law teachers who have not practised law. They have differing backgrounds and routes through their careers. The previous chapter traced the lived experiences of former practitioners which generated understanding about the ways in which their teaching experience was influenced by their professional backgrounds. In this chapter law teachers reflect upon how they perceive the experience of the academic environment and what that means for each of them. There are variations in terms of their emphases. Ruby reflects at some length on her life as a religious leader's wife and the challenges this has created in affecting her career path. Duncan began his career as a police officer and then moved into legal education, reaching a number of senior positions. Rupert is in his twenties and the youngest of the law teachers interviewed. He has been teaching law for five years and is currently teaching whilst a doctoral student at an older, more traditional, university.

Ruby's story

Ruby is in her fifties, the wife of a religious leader which, as she reveals, is a significant aspect of her life. She has not qualified as a law practitioner, having entered law teaching following the achievement of a law degree as a mature student. She conveys her understanding of what it means to her be an academic and how that understanding has changed through time. Ruby recognises a shift in terms of her academic life.

Becoming an academic and struggles with personal identity

Ruby begins to trace her career path and offers a personal account of making the first moves into law teaching recognising that being an academic now makes her:

...very conscious of change and a change that's affected me personally...starting in part-time work, because I couldn't go on to do the professional training, because of family considerations, to go into law doing the FETC (Further Education Training Certificate), starting in part-time work and the teaching developing and I was able to have a perfect, what I thought was a perfectly respectable career progression as an academic without being involved in research. And I think the major sort of change that has hit me in the last year or so, has been to realise that the research element is very significant and having got, I think, as far as I will probably get as an academic as I ...had always perceived it. I think if I'm to get any further challenge in work, it will not be as an academic as I've always perceived it but by going down a route that I haven't yet really gone down.

The above comments denote a change in Ruby's perceptions about being an academic, recognising the research element as being now very significant and as providing an opportunity for her to embark on a new route through her career. She was invited to comment further on being an academic:

> I think it meant being well-prepared, that your classes were a positive experience for the students and yourself...I've always had /got a buzz from management ...try to make things happen efficiently and as pleasantly and not kind of needing to look much further than that...I've always felt that, you know, in the subjects I teach, I should be as well prepared as possible and as well read as possible. I've endeavoured in that area and then I've always achieved it...I never really saw it as essential that I was actually contributing to the wealth of material that I might sort of be putting into it...I never saw that as really the significant thing of being an academic. It was more sort of efficiency and delivery.

Ruby had, at the beginning of her career, regarded being an academic in operational terms in the sense of being prepared, efficiency and delivery rather than actually contributing to the wealth of academic material. It became clear to her as she progressed that research was becoming a more vital part of being an academic.

I'd sussed that money went with management

Here Ruby reveals what is for her the undeniable emphasis currently attributed to research but also how earlier in her career she had not been able to identify any meaningful reason to engage in research.

> The PhD – I would always say, what's in it for me? I couldn't rationalise a PhD because I couldn't, I think whilst I'd sussed that money went with

management, it didn't go with research and that might be changing now but it certainly wasn't all the time in my career. I couldn't really see what was the point in putting that extra burden on myself, whereas there was much more to be gained by being a good manager... I think now I'm possibly in a state of confusion but I can see a path for myself, I think the emphasis on research is just undeniable and I think you've got to kind of take it on board or get, not sort of left behind, but just, you know, I think I would feel for myself that I had plateaued. I can now ask that question what's in it for me, and I can answer it positively. I know what's in it for me. It'll give me credibility to match the other skills, developments, achievements, what have you... that I've got and I can, you know, make a living out of and trade on but there's a credibility level missing and it may be me - because I went for many years having the same feelings about never having qualified as a lawyer. That was unfinished business and it was a few years ago and it was to do with the LPC team coming...that's when I became Head of Department. It was after [a former colleague] left...and the number of enquiries from solicitors looking for part-time work and I suddenly thought, this is ridiculous really - that's what I'm hankering after and here I am quite well set up. So that stopped being unfinished business. It may be that that's part of me that I have to be looking for something, some other challenge...

Throughout the interview Ruby expresses a 'what's in it for me?' approach to her career path. Although this is not articulated in her comments on her understanding of vales, an implicit message emerges, in that having earlier expressed her concern about her own credibility she came to realise that in fact she had acquired a position which meant that her concern was no longer an issue. The interview then moved towards an exploration of what spheres of influence had affected her.

Spheres of influence

For Ruby spheres of influence are particularly determined by significant people in her life. She also acknowledges that she felt a need to change her appearance and behaviour in order to adapt to new positions she was taking on in her professional life.

I think the role model to a certain extent was [she refers to previous line manager] there were aspects about the way he ran things that I admired and I found the challenge of progressing under [him] quite sort of an interesting experience...I felt I had to modify behaviours. For example, when I wanted to break through to Director of Studies I can remember a conscious decision of having to be less high-profile with the union.

I can remember also having, going out and buying different clothes. I can remember and I still regret to being more casually dressed and I often say

why can't I be more you know smartly dressed more of the time but I can remember you know feeling that if I want to go for this I have got to present myself and it was part of being sort of maturing within a person.

I've had to sort of work it out for myself that I was not letting myself down…I was really conscious of looking, of trying to identify inhibitors and looking for accelerators and I think that was in the context of, you know, of the presence that [he] was.

These comments reflects Ruby's changing understanding about her identity and how she sees herself. She was clearly influenced by the presence of her previous line manager and it is interesting that although requests to change were not expressly made she nevertheless perceived a need to do so.

It was very kind of ruthless

Ruby was invited to comment on whether she had had experienced a sense of personal conflict through this time.

No, no, no. It was very kind of ruthless, quite hard. I was quite able to cope with it and it's to do with the domestic set-up…because in [my husband's] job the possibilities of promotion and increased salary are very limited. The only opportunity for increased salary was through mine and I saw it as a responsibility…I can identify it as being quite callous…

From Ruby's account it appears that there were times when she had to be determined to proceed in circumstances which made her progression difficult. Although she reveals that her approach worked for her, here she tells of the attitude of a former male colleague.

…I think it worked for me because once I started getting the promotions…I felt this was where I ought to be…When I was first going through applying to be an established lecturer, I had about three goes at it and [a male colleague] saying 'I don't know why you're bothering, look they've got you where they want you, you know, you're a good teacher, you're a housewife, you have twelve hours [teaching] a week, you know, why are you driving yourself mad?' and I've never forgotten that…it's probably to do with my relationship with him, because I've worked very closely with him, I taught alongside him and I think we got on, we got on well and probably people wouldn't be so up-front today – but I was not…I was in no way cowed by it, I was totally sort of fired up by it – you know sort of 'sod you'.

…so it's been you know I've had a fairly kind of, well, not so much calculating but I've sort of seen the way that my career has gone. I don't think I can go any higher. I think I'm unlikely to be Head of School and I

don't think I'm likely to move to that sort of level somewhere else so it, I think it's the point of realising that on the path I have chosen, I've probably reached the highest, the furtherest I'm going to go.

I think it must change yourself even though you don't think it. It must do...I should use the word maturing. I mean, I, if I look at my...I think clothes is quite interesting. I've got one friend who I, has been a tremendous influence, I don't think she'd realise it, on how I dress...even though I don't look like her or never had that same figure or so on, those are the kind of images I want to present. It sort of changes oneself.

Public, public, private

Ruby reveals considerably more than the other five law teachers in terms of the public/private domains of her life. She has clearly been influenced by significant others who have had various degrees of impact on her life. For her, the significance of others has influenced her both inside and outside work:

> I'm in a different situation probably from most people in that part of my work that isn't, part of my life that isn't work at the university is also not really private in that I'm the [religious leader's] wife so I'm actually, I'm very rarely out of a role, and you know, and it's something that I find very, you know, a heavy burden at times...I mean where, you know, paying the mortgage rests on one, so in my role as the wife, you know, I've done lots of things which, would not have been thought to be acceptable, you know, the whole thing of studying and working and so on...to the community my husband works for. I've had a lot of problems with that when I was studying and now when you're looking at sort of feedback and, you know...they take a great delight in where I am, you know, who I am, where I am, they take a delight in the fact you know, I dress better. That I am a title, you know, I am a person, I'm active at the university, whereas it was never like that in the beginning, it was extremely painful. So when you're asking about sort of private, public and private conflict, it's kind of public, public, private.

I don't think I would go to the wall over values: you learn to bite your lip

Ruby explains here that for her it is a matter of the university being prepared to mirror her values than for her to necessarily reflect theirs. She has her own sense of values and is uncomfortable with the university's environment in terms of how it is located.

> There are things which are integral to me. You know, respect for diversity, respect for individuals and individuality, dignity, allowing people dignity and the more the university identifies and can cherish in a way those

qualities, you know, the more the university will come to be mirroring my values. I have found, and I think probably through time in the union, I think there are things about the university and the way the university is managed that I don't approve of – I don't feel confident about. But one of the things about growing up is that, you know, you learn to bite your lip, you don't get aerated about the things you can't do anything about. So, I mean.. I've been involved in Equal Ops from before it was fashionable and it's good to see that it's becoming more of an integrated element of the university.

I have a problem with being in [this town], you know, the fact that [this town] is a place of middle-class, white, boring, but then pleasant and comfortable to live. You know, nice place to have brought up children. I think the university reflects that and can't really help that. If anything's changing in me I sort of hanker to be back, have always hankered to be back in London and yet, if it came to the crunch, you know, would I really, actually, make the journey back and would I survive, I don't know. I'm sure I would never have done as much if I'd been, if I'd lived in London. I don't think I would go to the wall over values.

Academic freedom – being professional

Here, Ruby reiterates some of her earlier observations about her approach to being an academic. Whereas for some of the other law teachers it is about academic involvement and engagement with the chosen specialist subject, for her, at least at the outset, her perception of being an academic was functional. It is interesting to note that whereas the practitioners relate to the meaning of professional in terms of their status as lawyers, Ruby describes being professional in terms of law teaching.

My perception of being an academic was, I suppose very functional, you know the academic existed…to provide learning opportunities, to as great an extent as possible, those opportunities should be rewarding, fulfilling and pleasurable for both the teachers and the students – so this thing about academic freedom has never really touched me, because I suppose, because I've not, perhaps because I don't see my freedom, I've never had my freedom curtailed, or my freedom challenged, I haven't had to, I haven't really thought about it…

Her approach to being an academic again emerges in terms of her function and conduct. Perhaps it is surprising in terms of educative values that she doesn't really think about academic freedom:

…I'm much more likely to be thinking about professionalism in the context of how I conduct myself, in the way I discharge my duties as an

employee of the university and as an academic within the university so I feel absolutely mortified if I make a mistake. But the thing of academic freedom, I don't really think about it because I've also had the good fortune which I, you know, I really still don't know really how it all happened to have found an area in which I can be free, can develop, get excellent feedback and that's given me the opportunity to pit myself against, or present myself in a context, other that just the university. So...I don't feel my freedom is curtailed...I mean the whole thing about confidentiality about what goes on in a classroom and that again, I think that professionalism demands that the classroom is a public place and it may be that when I have been observed teaching, you know, I've never had the misfortune of having been seen doing something, you know a class that wasn't a good class, so I've never really had the feeling, Oh God! I don't want that known about me.

So I think that ...this concept of freedom is to do with an aspect of an academic which I never really rated until probably recently but I think if it is allowed to dominate...there are academics for whom it is dominating, they might accentuate it at the expense of the things that I've always valued which is, you know, doing your best to make sure your classes are good, your contact with the students are as good as you can make them.

Ruby has revealed that for her the values associated with academic freedom are concerned with doing your best as well as acknowledging that the classroom is not a private place. Her notion of values in this sense means that she has a different perspective on what might otherwise be regarded as academic values. For example Evans (1999) points out it is about the freedom to think independently and the need for leisure, enquiry and writing up results.

Academic institution and educational institution at loggerheads

Ruby was invited to comment further on her perceptions of what a university is:

I think a university is both an academic institution and an educational institution, and sometimes those two you know are at loggerheads and they shouldn't be.

I think academic is...you're contributing to the pool of knowledge. It doesn't have an object. Whereas educator is from the self to a person who is a recipient of education. There isn't necessarily a recipient of academic work

Sally [her daughter] did an undergraduate degree...in anthropology and ancient history and I think she got a lot out of it but the way that her relationship with her tutor was that the tutor was available to teach the subject that happened to be his research and so what? The contact with the students seemed always to be secondary to the tutor's main area which was

their research and their research outputs, so that dictated what the content of the course was and whether the tutor was around to teach or whether he was off researching. Now I can't stand back and say she didn't get an education because she did and she learnt a lot from it.

I think here [at this university] we've probably erred too far on the side of education, that we've really only defined ourselves in terms of being here to pass on or deliver and probably the best way forward for a university and for an individual working in it is somewhere in the middle...I feel very much that I am a facilitator, conduit.

Ruby recognises that there are different approaches to the academic and the educational. She refers to the university experience of her daughter who was at a very different university from Ruby. In her daughter's case the educative was about the value the tutor's research brought to the students. For Ruby she had never felt it necessary to work as an academic researcher in order to perform the role as she perceived an academic to be. Now Ruby perceives that research has a currency and recognition: she can see the benefit, but in her own terms of what's in it for her. She comments on how she has been introduced to the idea of undertaking research.

I think if [the present Head of School] hadn't sort of pushed the research, I probably would never have thought about it. I can recall the introduction of the emphasis on research being at times irritating, and unnerving and devaluing. I felt sort of, those kind of feelings, you become bitter and you don't get anywhere, you've actually got to sort of stop and look at those feelings and say what am I going to do with them, are they going to be, you know, a source of growth.

...I was determined to get on and you know sort of, 'sod them'...

...I'm very conscious of wanting something for me that people couldn't take away and even if they didn't understand it then that's their problem.

From these observations it becomes clear that Ruby has had to be resilient in terms of the influences upon her. She has had to withstand the alarming comments of her former male colleague, the expectations of significant others in her life and meet the demands of changing spheres of influence. Starting out on a teaching course and then securing her first post marked the beginning of her progress of coming to terms with, as her career progressed, competing spheres of influence. Her comments on being an academic have changed and, seeing that it is unlikely

that she will move further on in the management route, she recognises the currency of research and so her lived experience sets her on the research route.

Duncan's story

Duncan is in his fifties and teaches law at a number of institutions. He has held a series of senior level posts in legal education having begun his career as a police officer and then read law. Having then read for the Bar he decided to pursue a career in legal education. In terms of being a law teacher he remarks:

> I always thought I had the ability to be a good teacher...in terms of enthusiasm, communication, a love of the subject...the things that have fired me and I went to work as a law lecturer...and then I find myself almost twenty-five years on doing much the same sort of thing, but locally where I live, and also at the odd revered university.
>
> ...having gone quite high in powers of management in relation to legal education, even when doing that, to be involved with the teaching, because that, the communication you have with the individual students...and I think law is no exception, is the thing that fires most people.

At the outset the tone of Duncan's responses is energetic and enthusiastic. He refers to 'the thing that fires most people' is communication and that certainly comes through his interview. He is clearly very keen to ensure that he gets his message across.

Lecturers, teachers and academics

I asked Duncan where he sees the academic in terms of his references to teachers and lecturers.

> I think if one is a lecturer, what you're seeking there is fairly didactically to present your subject to a large audience, ensuring that they actually understand what you're saying. Whereas I think a teacher's more, I think, it's more generic, you're more intimately involved with your students from the point of view of the general sort of welfare and their understanding and their comprehension of what is going on and their enjoyment. There's more of an intimate relationship, I think, as between teacher and student as opposed to ... lecturer to me has always had a very sort of general connotation. If one talks about the academic...an understanding of the, if

> you like, intellectual rigour or discipline that a subject has...relevance to life, people, and society values...that's its job...an academic would be a person who is intensively and extensively involved with the understanding of their subject or discipline from the point of view of scholarship and awareness and conveying that to people he or she is seeking to educate...but if you're talking about research, then one is seeking to push the frontiers and the horizons outwards, you know, to extend knowledge...then pursuing it along the lines of understanding the practical dimensions of the subject.

In the light of these comments, Duncan was asked whether he regards law lecturers as academics to which he replied 'yes'. Mindful of the Evans (1999) notion of the academic and Duncan's comments on what might characterise the academic, I was interested in his thoughts about the working environment of the law teacher and the pursuit of academic work.

> I think that depends on a number of things. First of all on the context or environment...and I think it depends on the impetus and the originality they actually have. You could be a law lecturer... where you're a visiting lecturer, you go in and you, you give your lecture...and I would still regard myself as being academic and also being a teacher and also being a lecturer, so academic, in the ideal sense, or the best sense, is someone who not only is able to impart knowledge, but also is able to extend the understanding of knowledge or research.

This is the first of the interviews in which the interviewee is prepared to acknowledge they have the characteristics of being a teacher, lecturer and an academic. Ruby had made reference to being an academic but was more reticent about referring to it in terms of the recent currency afforded by research.

I am in legal education

In response to how he would describe himself outside work he refers to his past law posts and senior responsibilities. He reveals how he has identified himself at different times throughout his career. He has identified himself in different ways throughout his career. As a senior post-holder, he would identify himself according to his status:

> ...if I was asked then I would say sub-Dean...but now, probably if someone asked me, I would say I am in legal education...the Barrister side of things is really a qualification that I have used to make myself, I think, a better teacher, because I've got a practical and vocational dimension. So it's secondary, I think is the way to put it. I don't regard myself primarily

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> as a Barrister, I regard myself primarily as a law teacher...when I'm
> talking to people about what I have done in my career and what I do now it
> simplifies things, because I've had a very varied, interesting, complex
> career which if you start going into detail you lose people...

It is interesting to compare Duncan's reference 'I don't regard myself primarily as

a Barrister', with the former practitioners who show an allegiance to their

practitioner status. Although Duncan has not practiced law, he is entitled to call

himself Barrister, and yet prefers to say he is in legal education.

Implicit values: for me, people matter

Duncan makes it clear that for him people matter and that he is acutely aware of

his relationships with students in terms of his influence upon them and their

future.

> For me people matter and I care about people, I think that comes through
> in the way I deal with students, the way in which I teach. That's what fires
> me anyway and it's nice when people say later on, you know, 'you did a
> great deal for me, you started me off on my career'... I've had a lot of
> that...what matters to me is the thrill I get out of teaching people and
> seeing them develop...I imagine I am a person of integrity and that's
> always been a hallmark.

Academic law teachers and studying law

Here Duncan alludes to how teachers of law have changed over time. He

compares academic law teachers to those who do law teaching.

> I think that as time went on I think there were different ways in which you
> could study law and I suppose that law teachers, particularly if they were
> specifically academic law teachers as opposed to people who were coming
> in to do a certain amount of law teaching, were regarded as people who
> were quite dedicated and quite revered in what they did in university law
> schools...the people who were per se academic lawyers were particularly
> dedicated to actually conveying you know the understanding, the subject,
> the research. I'm not saying that's not the case now but I think, I think it's
> become far more catholic. The point is there are far more law schools and
> there are far more people in law teaching than ever there were because
> there is a dimension to this in that many people perhaps do not go into
> practice because they think being a law teacher might be a better career
> option, having gone into practice and find that it's not for them.

These observations reflect the changes in legal education in terms of how it is now

perceived. Perhaps it suggests that traditionally it was possible to recognise

academics as dedicated or revered but now there are far more law schools and there are far more people teaching law.

> ...studying law is not about getting to the profession...it's very much about liberal education. People should study law, I think, for any number of reasons but not necessarily because they're going to go into the legal profession...now it depends on what you mean by the legal profession because if you think of legal executives, paralegals, people doing law related work, how would you define legal profession and what people widely are going through legal education.

The love of your subject

Duncan implies a sense of educative values in terms of the love of the subject somewhat resonant with the Aristotelian notion referred to by Erben (1999). Perhaps paradoxically, Duncan also refers to a cave, and I now wonder whether he might have had Plato's allegory in mind.

> I think essentially you're teaching, you are conveying, I think not in any sort of expressed way but implicitly you're conveying, I think, your integrity as a person from the point of view of the love of your subject, the way in which you convey it, your enthusiasm and making sure the students are aware of it and you have to have a good learning environment...I haven't actually come out of my cave yet with regard to information technology and being computerised...I know how to use it but I tend not to but I think you can have all the technology in the world. If you do not connect with the students a meaning and a thrill of the subject then the information technology is meaningless...I care about legal education...it's really a kind of life's work I suppose.

Themes such as commitment to students and caring about the learning experience emerge through Duncan's interview. These sentiments are also present throughout Ruby's interview but neither Duncan nor Ruby developed what might be described as scholarly academic careers preferring to pursue the management route. They find their educative fulfilment in the knowledge that they give of their best to students. This compares with Ruby's observations of her daughter's undergraduate education in that it acknowledges the tutor's research as highly valued in terms of enhancing the educative experience.

Values: the hallmark of quality and care

In terms of values Duncan adopts a perspective beyond the university and the educative. Duncan comes across as a person very committed to the teaching of law and links this with having respect for people.

> I think it's, I think to indicate values of any organisation, particularly an educational organisation is the hallmark, if you like, of civilisation and it's also a hallmark of quality and a hallmark of care and I think whilst we live in a multi-cultural society, many of us would have been brought up within a sort of, if you like being Judeo-Christian culture, I certainly was and I think, the abiding thing is that if you can't care and use some of your values here out of respect for people then this is, you know, outside the university, I think it's true of any educational establishment, you might as well never have started in the first place...I think respect is a very important aspect personally.

Research

Although the research agenda has affected Ruby's career path it is has not impacted particularly on Duncan. He refers to research as another aspect of what law teacher might do.

> The research thing...is still sort of nagging me in the background, and so I'm still wanting to do the odd article...I think most of us if we're actually doing what we should do as university teachers we're both university lecturers, both teachers and researchers as well as administration. There's always been the threefold thing...you taught, you were a teacher, administrator, and you were a researcher and you try to do all three or you do more of one than the other.

These comments reveal the competing claims on law teachers' time and there is the threefold situation of balancing teaching, research and administration. This in itself raises a question about epistemological shift and what is the essence of the university. The competing spheres of influence upon the university require outputs from all three of these areas. In an age of supercomplexity the university has to respond to competing demands whilst maintaining its purpose. The difficulty is in defining that purpose in the light of so much of the university's business being up for grabs.

Rupert's story

Rupert taught law at south coast statutory universities before moving to a traditional university as a PhD student with teaching responsibilities. He is in his twenties and identifies himself as an academic in the traditional sense. The perspectives he brings to the study generate further dimensions to understanding the academic community. Although the interview was relatively short, his story suggests a greater level of autonomy and capacity for independent thinking. Rupert's approach to the interview reveals quite a departure from the others. At times during the interviews with the five other law teachers there was a sense of conformity and compliance. Rupert, however, reveals an independent approach in his thinking and is curious about some of the spheres of influence upon the academic world. His lived experience differs from the others insofar as he is currently engaged in doctoral research whereas none of the other interviewees have read for higher degrees nor are they members of the research community. He recognises that:

> ...teaching is geared towards an end product – the exam, yet in some institutions there is more emphasis on the learning process and teaching isn't specifically directed towards the final product.

It is interesting that he differentiates ends and means in terms of learning. This is the only indication throughout the empirical stage of this research that there is a law teacher who recognises that learning is not necessarily about arriving at an end product. This might be explained in terms of him not yet having held an administrative or managerial role where perhaps he might be more concerned with the need to establish measurable outputs. Nevertheless, it was refreshing to encounter a law teacher whose ideas seemed focused on the educative rather than the outcome.

Academic: I think the academic shouldn't be afraid to think the unthinkable

Perhaps the most notable statement made by Rupert which illustrates the essence of academic autonomy is where he says:

> The outside pressure, I think it has to be well, I would take it into account in my teaching because obviously it does have influence on the manner in which a particular academic subject develops...I think the academic

shouldn't be afraid to think the unthinkable...shouldn't have to worry about what the outside world in the sense of outside the academic community, thinks about the work or value of a particular subject certainly. The academic should be free to pursue any particular line of enquiry, I think free from the constraint of external pressure which might be exerted for a particular purpose...yes there's a degree of accountability, quite how that balance is struck, I'm not sure.

These comments are comparable with the traditional view of the academic expressed by Evans (1999). During Rupert's interview the pace was slower than in the other interviews, the ideas carefully articulated as if each remark should be carefully considered prior to being uttered. This in itself illustrates the traditional environment in which there is time for discovery, enquiry and reflection. In acknowledging the reference to accountability he refers to a question of balance. It is even refreshing to note his comment that the academic should be free. He continues to consider the meaning which might be attributed to the academic:

It's difficult isn't it because the environment in which the word [academic] is used is essentially subjective, isn't it? What I might perceive as academic...someone else's ideal notion of academic [might] not equate with mine...I don't think really you can draw boundaries...it all depends upon the individual...in certain institutions you can see an academic community. If you go perhaps to other institutions and see someone who believes them to be a member of that particular community...it comes back to the notion of values an individual holds

...one can envisage a number of people on a teaching team, for example, having very different ideas about these sorts of pressures and I use the word pressure...a person who has a title [of] lecturer and sees themselves as a facilitator, a person who collects various information from various sources and then presents that to students. But then another person might regard themselves more as an academic lecturer and feel that they have to do something other than present second-hand material.

His comments offer a perceptive observation about those who might claim academic status through the practice of recirculation of second-hand material. His reference to individual perceptions of what amounts to an academic implies that there might be those who claim the identity without the credibility.

Core values

In terms of understanding the values which might be associated with academics, Rupert suggests that it is a matter of those which are held within a particular community and acceptable to them:

> I think perhaps it's inevitable that differences are going to emerge given the extent to which the individual adheres to his or her secure notions of the values of the communities which they see themselves as a member...ultimately there should be a set of core values that if everyone does share them, what I call secure value or code of behaviour of the community that should guide any conflict...ideally it shouldn't need to be made explicit if the individual does successfully socialise, if that's the right word, into the community, academic community.

I was then interested in pursuing with Rupert his understanding of the academic endeavour. He had referred to means and ends and his understanding of core values which suggested rather more freedom than perhaps it might be possible to sustain.

> ...I guess because we have an ends-orientated system, I guess it's inevitable that we're going to have to assess the process in some way. The question becomes, well the manner in which we assess that process...although I use the word process I'm not terribly happy with it...it seems to be slightly negative.
>
> ...in respect of legal education...frequently in the first year we perhaps adopt a more technical or simplistic approach which may itself send the wrong signals...it may vary from lecturer to lecturer...because two lecturers perhaps don't share the same view of the academic or educative journey.

Although he recognises a certain level of process he registers a concern that in the early stages of undergraduate study, there may be competing views about what contributes to the educative.

Spheres of influence

The discussion then turned more specifically to spheres of influence which might impact upon the academic community. Again, Rupert was not prepared to accept that outside spheres such as the QAA necessarily make a meaningful contribution to the academic journey.

> There's an expression, I think along the lines of what you measure is what you get and that's the danger with how I see the QAA...if you set out to, if you determine that you're going to assess quality with reference to a particular criterion, then it's very tempting for a particular institution to seek to meet that particular criteria [sic] even though it may not reflect the values, or what I regard as the academic community or it may in fact detract from the academic journey.

Rupert makes an interesting observation here in terms of raising the fundamental issue of what the QAA can actually achieve in the academic sense. The implication is that if institutions respond to the criteria set by the QAA there is the risk that it will limit the overall possibilities of academic achievement.

Student-centred learning: isn't that what university life is about anyway?

At this stage of the interview Rupert notes the paradoxical situation which has arisen where the current emphasis is on student-centred learning. This approach has been adopted in the post-Dearing era where it is anticipated that students become independent learners. As Rupert points out this was traditionally expected of students:

> ...whenever I use the words student-centred learning , it always makes me, I'm always slightly surprised because, it's always, although its been recently popularised, is what I've always thought university education was about anyway...part of the academic's role would be structuring a meaningful course of study but structuring it in such a way that there is flexibility...I think there is a danger of doing too much and that's being too descriptive.

I acknowledge the point which is being made here. It prompts me to reflect upon the Dearing agenda and my own observations in terms of the changes taking place in the academy. Academic staff are being joined (replaced?) by non-administrative staff who support academic work, who are drafted into support student learning. The university is then able to demonstrate the extent to which it has achieved the expectation that it fully supports its students. Perhaps I might make the observation that if students were fully engaged with academic endeavour in the pursuit of enquiry in the traditional sense of learning they might be less reliant on quasi-academics. Whilst staff produce coursebooks and students are processed through an increasingly administrative system something has to give if the resources are decreasing. The paradox appears to be that in an age of quality

audit the very thing which is in decline is the opportunity for independent intellectual enquiry.

The ends-oriented process has further implications in terms of measurable outputs and what is actually and truly being measured. As Rupert points out:

> ...if the student sets out to go to university to get a 2:1 and he gets a 2:1 then he's probably going to be happy. It depends how you view the university experience. You know, someone may attend the university and get a 2:2 but may have taken part in other activities, may have broadened their horizons, may have perhaps explored other subjects, and may be a more rounded individual.

Rupert acknowledges that there has to be an element of course design and presenting a subject within a framework since he suggests it is unrealistic to expect students to construct their own course of study.

The next part of the interview explored the characteristics Rupert might associate with the law teacher. He suggests:

> I think the word academic and the word lecturer are not synonymous...I think of the word teacher and I think, I tend to associate the word teacher with perhaps primary education, how that was structured and how teachers perhaps made us engage with doing. It's that approach. It seems quite different when I think of lecturer because lecturer to me has more sort of passive connotations in the sense of merely regurgitating information...I guess the conduit.

In making the distinction between a teacher and a lecturer Rupert generates a question about the underlying expectations of the function of the law teacher or lecturer. It is of interest that he regards teaching as part of an active pursuit whereas he suggests lecturers suggest more passive connotations. It raises the concern that it is necessary to be careful with terminology and that using words in a particular context may signal different messages. For example, if teaching is about doing it will be music to the ears of current proponents of innovative learning and teaching methods. If lecturer implies no more that a conduit, there is a suggestion that this does not bear the hallmark of the traditional academic.

Concluding remarks

There are clear differences between these three stories and also differences with the previous stories told by the former practitioners. Ruby and Duncan were prepared to reveal something of their personal selves whereas the other four did not offer those aspects of their lived experiences. Ruby and Duncan made frequent references to the significance of ensuring the students' learning was enjoyable whereas for Rupert the notion of being an autonomous academic was more significant. Duncan and Ruby talk about teaching more than Rupert who sees the academic experience as a voyage. Duncan and Ruby appear concerned about their status. Duncan reveals that when he held senior management positions he would identify himself as a sub-Dean whereas now he says he is in legal education. It is clear from Ruby's account that she has experienced constant struggle throughout her career path in terms of others' influences upon her.

Rupert raises an interesting paradox in terms of student-centred learning by recognising that is at the heart of the educative experience. Today, universities, through the QAA agenda, are required to demonstrate learning outcomes which confirm that course aims and objectives have been achieved. Rupert is prepared to recognise the need for a balance in terms of external influences whereas it does not appear that Ruby or Duncan are unduly concerned about this. Ruby observes that academic freedom has never been an issue for her and Duncan is silent on the matter. There are differences between Duncan and Rupert in terms of their perceptions of the lecturer and the academic. Duncan regards himself as both an academic and a lecturer whereas Rupert regards a lecturer as a conduit. Rupert is younger that the others interviewed, and in the early stages of his career, which may be indicative of his rather different views.

Chapter 6: The law teacher: dislocated or relocated

Introduction

This chapter draws together the key themes from the interviews, namely personal identity, being an academic and perspectives on values. Although at the outset I had in mind the term values being explored in terms of those associated with the educative, throughout the interviews a wider approach emerged. The interviews revealed general themes as well as the specific experiences of the teachers themselves. The responses are varied in terms of what was disclosed and the extent to which each of the law teachers were prepared to disclose their experiences. Some were comfortable revealing personal lived experiences whilst others remained focused upon their professional experiences rather than personal ones. Ruby and Duncan in particular were comfortable talking at length about their lives and changes in their careers. James, Joan and Ann made a good deal of references to their experience of professional values and expectations coming as they did from a practitioner background. Ann remained focused on her working experience and did not reveal personal life experiences. Rupert reflected on his experience after five years in law teaching whilst continuing with his own scholarship. Like Ann, he focused on his working life and did not volunteer any comment on wider life experiences.

The interviews were designed to draw on peoples' stories, to avoid my own bias and to provide an opportunity for the individuals to reflect upon their own identity, what it means to be an academic and their sense of values. The individuals were free to make choices in terms of which aspect of their lives as law teachers they wished to reflect upon. Ann and Joan each have responsibility for leading law programmes and their stories remained largely focused in terms of the students' experience.

Being an academic

The notion of being an academic produced some surprising responses. It might have been anticipated that law teachers would all regard themselves as academics but in fact the responses did not bear this out. At its simplest academics might be described as people who work within a university. However, this approach fails to recognise the complex working structures which now exist. The overwhelming response from the practitioners, in particular, was their regard for academics as those who contribute to new areas within their specialist fields of study. Whilst Joan and James, in particular, as former practitioners, held this view, Ann, also a former practitioner, was comfortable with considering herself as an academic in terms of her own intellectual development since becoming involved with law teaching. A common theme which emerged is illustrated by Duncan:

> ...if one talks about the academic, an understanding of the...intellectual rigour or discipline that a subject has...relevance to life, people, and society's values...that's its job...an academic would be a person who is intensively and extensively involved with the understanding of their subject or discipline from the point of view of awareness and conveying that to people he or she is seeking to educate...

Duncan and Rupert both recognised themselves as academics. For Duncan, being an academic was accepted as part of his work teaching law, although he suggests that the nature of the law academic has changed over time. He recalls the period when university law teaching was more selective and there were fewer people entering university. He recognises that more recently, as increased numbers enter universities, the picture is changing and he describes the situation as more catholic. He makes the distinction between academic law teachers and those teachers who do a certain amount of law teaching. This observation suggests that there is a change in the academy in terms of its academic positioning.

In contrast, Ruby's reflections on being an academic are linked to her career progression. She identifies more closely with being an academic in the more recent stages of her career whereas previously she considered that being an academic was linked to activities other than research such as course management, teaching and administrative responsibilities. As a former head of a law

department, she saw herself then as a manager and a facilitator and only very recently identifies with being an academic in terms of research.

Identity: distinguishing the academic from the practitioner

James, Ann and Joan separate the identity of the academic from the professional practitioner. Given their practice backgrounds, perhaps this is not surprising. Joan now sees her identity in terms of her role as a course leader but does not see herself as an academic. She attributes the term academic to people who are interested in their subject for the subject's sake, linked to publication and academic peer recognition.

Ann, the tax specialist, and the professionally qualified lawyers Joan and James, identity themselves first and foremost in terms of their professional backgrounds and do not regard titles such as 'university lecturer' or 'academic' as having professional parity with their former professional status. They take the term academic to apply to a person who is engaged with research and able to make a new contribution to knowledge.

The non-practitioners were more prepared to identify themselves as academics but in differing ways. At the outset of her career Ruby would have described herself in terms of the dictionary definition of the academic as 'a member of a university'. Now, she identifies with being an academic in different terms more closely associated with research. She saw, initially, her academic role in terms of course management and only more recently in terms of research.

Ruby saw research as a career opportunity, a further way to obtain recognition. Until recently she had been unable to identify 'what's in it for me' but could now see that this is where the credit and recognition is to be found.

In considering the terms teacher, lecturer and academic, Duncan felt that the term lecturer is about 'presenting your subject to a large audience, ensuring that they understand what you're saying'. He takes the view that 'teacher' is more generic, 'you're more intimately involved with your students from the point of view of their general sort of welfare and their understanding and comprehension of what is

going on, and their enjoyment'. He takes 'academic' to be associated with intellectual rigour and discipline of one's subject. For Duncan, an academic would be 'a person who is intensively and extensively involved with the understanding of their subject or discipline from the point of view of scholarship and awareness, and conveying that to people he or she is seeking to educate'. He regards himself as being a teacher, a lecturer and academic.

Values: professionals and practitioners

There was a distinct similarity between the former practitioners' understanding of values developed through working in practice and experience of professional conduct. As law teachers they found themselves working alongside 'academics' with different value systems. One of the most striking aspects of this is the reluctance of some 'academics' to appreciate the importance of working as a team. There was frustration on the part of the course leaders that the only mechanism at their disposal for trying to bring recalcitrant academics into line was the course definition handbook. Associated with this was a perception that there was a lack of training and development for staff. This was clearly identified by Joan who felt that she sometimes faced an impossible task in building a team in which some individuals were reluctant to participate fully. Ann also registered a despairing note, taking the view that there seems to be an absence of a set of shared values. She contends that a lecturer either commands respect or they don't and that no management pronouncement is going to change that.

Exploring values took on a different perspective through the interview with Ruby. She clearly felt uneasy working within a predominantly, white middle-class environment. Although her institution had produced a statement on values she did not identify with it in terms of her own values. Perhaps the most revealing indicators of her sense of values are located in terms of her approach to establishing her career. Her interviews revealed some difficult challenges in her personal life where she was required to behave according to the expectations of those who identified her as the religious leader's wife. In addition, at work she found it necessary to respond in particular ways to expectations about how she

presented herself in more senior roles. As she reveals, she adopted a 'sod you' attitude and followed her own path.

When invited to comment on whether a university value statement could establish a set of values, Rupert saw this as perhaps a failure in that the academic community itself naturally recognises a value system; incorporating a value statement into a university's strategic plan denotes something of a failure in relation to academics own sense of values. This has a resonance with the view expressed by Derrick in the early focus group interview who suggests that something is lost in seeking definition.

Being valued

Joan and James, in particular, seemed ill at ease with the extent to which they felt valued at work. Joan was particularly troubled by her efforts as a course leader not being valued by her university. She was not convinced that the words used by her university to articulate its values were translated into visible actions.

In contrast, Duncan clearly saw himself as valued and expressed a commitment to his vocation as a teacher. Throughout his interview the tone was emotive as though his very being was inexorably linked to being a good teacher. In fact, all the teachers referred to a sense of satisfaction in seeing students progress.

In terms of being valued an underlying theme emerged which suggests there are differences in acknowledging who is valued. From Joan's interview it emerged that course leaders are not highly valued. She comments that there is an absence of training and difficulty in managing academic staff. This experience is shared by James who describes his feeling of impotence in terms of his frustration at trying to get academic colleagues to participate with the course team. Both James and Joan suggest that researchers seem to have a charmed existence but especially for James, in particular, sometimes research does nothing for the ultimate good of the human race.

Role definition: training and career progression

Joan is clearly frustrated at not having the opportunities she had expected when taking on the role as course leader. There had been a restructuring of the management in her organisation which meant she was now waiting for 'dead mens' shoes'. She also felt that, compared with her experience in industry and practice, the university needed to improve its training for staff and not simply assume that roles could be expertly filled without proper induction or training. Ann takes a different view, enjoying her role, perhaps with a note of regret that she has no time at the present for engaging with more academic writing but is happy for the time being.

Ruby's career progression makes most interesting reading in the way she describes significant others and her own 'callous' decisions. She was not fazed by the male colleague who might have dented her ambition. She refers to 'change yourself' and had clearly responded to the opportunities which have emerged through her career, making adjustments along the way in terms of her dress, union profile, 'growing up' and 'biting her lip'. The personal challenges as the wife of a religious leader presented a personal test and now the community acknowledged her success. From what she describes as a painful beginning, she was now able to enjoy the recognition that 'she is someone'.

Duncan had achieved a number of senior positions through his career but noted that today different expectations are present. He refers to the fact that as far as IT is concerned he has not yet come out of his cave and that research papers are something he had always had at the back of his mind, but to date he had not engaged with that aspect of academic work. He acknowledges that in earlier times academics were somewhat revered whereas today they work alongside those who come in to do some teaching. He makes the point that it is not his intention to be critical but he believes that there is a more catholic approach to law teaching these days. Although his career path had not revealed any particular challenges for him, there seems to be an implication that he would have to respond differently were he to seek further career progression today.

Academic freedom: the domain of the classroom

I had expected that academic freedom would be taken as a significant factor in terms of academic identity and this was perhaps the most surprising aspect of the study. Apart from Rupert, none of the teachers were particularly concerned with retaining this as an important aspect of their sense of values. On the contrary, particularly in respect of the former practitioners, there was more concern about the potential for abuse by those claiming academic freedom as a way of excusing their lack of willingness to work alongside their colleagues in a coherent way. One dimension which appeared through the interviews was the extent to which the classroom is taken to be the private domain of the tutor. Ann in particular registered a degree of frustration as a course leader in feeling unable to influence those who might be doing a 'rotten job'. It was surprising that none, apart from Rupert, offered a defence of what might be regarded as a highly valued right.

Ann refers to academic freedom in terms of recognising the responsibility of working within the parameters accepted by the academic community which she regards is all that is necessary and would therefore not require further intrusion. Rupert's response most closely resembles the traditional approach to academic freedom when he refers to academics not being afraid to think the unthinkable as long as what is said is acceptable to the academic community. He suggests the academic 'shouldn't have to worry about what the world outside the academic community thinks about the work or value of a particular subject'. He also asserts that the academic should be free to pursue any particular line of enquiry and be free from the constraint of external pressure which might be exerted for a particular purpose. This point raises an objection to the interference of external pressures. What emerges from the comments of Ann and Rupert is the sense that if one's work is accepted by the academic community that is the overriding mark of acceptability and recognition despite other influences.

Academic freedom: with the right comes the responsibility

James endorses the right to academic freedom, acknowledging that it comes with responsibility, and that responsibility is neither to impose nor to inflict one's own

views on others. He imagines having the academic freedom to sometimes depart from the constraints of the taught course of study and at times would like to pursue aspects of enquiry for the sake of learning about life rather than simply the law. However, his approach is reflective rather than ideological.

Ruby and Ann observe that for them academic freedom has never been an issue. Although Ruby regards the classroom as being in the public domain, she also refers to her daughter's experience of being at a university where the academic content was determined by the current research interests of the staff rather than by the definition within a course handbook.

Educative/vocational

One of the underlying purposes of this research was to locate the educative in terms of the dynamics of a changing environment. Although this was not expressly raised during the interviews, I was interested in discovering how educative values might emerge. Mindful of Barnett's (2000) analysis I was seeking to identify whether the interviews would reveal fundamental changes in terms of whether there is an underlying difficulty for the university in sustaining any value position.

The interviews revealed a common theme regarding the commercial function of the university to equip students with the qualifications to enter working life. Duncan felt that the study of law was catholic insofar as there should not be an assumption that all law students necessarily read law in order to practice. Although there were occasional references to the frustrations of, for example, being constrained by the set course, it was acknowledged that the students were here for a particular purpose. James rather surprisingly commented that 'learning for learning's sake is simply pie in the sky'. There were a number of observations that students are in pursuit of a qualification rather than 'learning for learning's' sake although each of the teachers recognised that this should in any event constitute some sort of meaningful experience.

Concluding remarks

From this analysis it is possible to identify themes anticipated through the research design, but new themes have also emerged. It has become clear that there is the potential for conflict in terms of the collision of different cultural experiences. Practitioners coming into the university to teach share a similar set of expectations and experiences in terms of training, management and working in teams. The interviews reveal that, having entered the academic environment, course management responsibilities led to frustration and exploitation. It seems to have been more arduous for the practitioners to establish a sense of what is valued and how academics relate to one another. The practitioners regard academics as those who are subject-driven with a view to specialisation, contribution to knowledge and publication. They retain their identity as professionals according to their practitioner backgrounds rather than as academics. This has important significance in terms of the epistemological shift in the academy, for if some working within it to do not associate with the traditional value system the shift may culminate in erosion.

The non-practitioners, Ruby, Duncan and Rupert, did not experience cultural difficulties in the same sense as the practitioners, although Ruby experienced her own challenges. Ruby reveals a struggle and adopts strong terms to describe her route through her career. She sees her identity as an academic in flux, defining it differently at different times in her career. Duncan's identity seemed to be defined by him in terms of his position of seniority at various times through his career. His values are based on his understanding of integrity and doing the best for your students, a sentiment acknowledged by all the law teachers.

In summary, it seems the ways in which these law teachers experience the dynamics of law teaching are affected by their backgrounds, career expectations and teaching experience. There is also the contextual environment as the university incorporates more dimensions of career and management structures. There is an underlying theme in terms of what the university stands for in terms of the tensions between, research, teaching, administration and efficiency. Chapter 7 seeks to situate these factors within the framework developed in Chapter 3.

The prevailing view is that academics are those who undertake research and are able to make an original contribution to knowledge. Clearly, the reality is that not all law teachers are necessarily committed to that path. James pointed out that this would not necessarily cause any difficulty. The advantages of having an able yet eccentric academic as part of the team can be welcome but if the eccentric goes too far, or there are too many eccentrics, it can place too much pressure on other team members.

Apart from Rupert, none identified academic freedom as being an issue in terms of their own identity as teachers, lawyers or academics. Ann's perspective suggests that academic freedom is concerned with the underlying respect between tutors and students. An explanation which might be offered is that as law teachers become more involved with facilitating learning, the emphasis on academic endeavour may be more situated within the research community for whom issues around academic freedom may be more acute. Certainly, concerns about freedom of speech were not identified as having impacted upon those individuals who took part in this research.

Chapter 7: The law teacher located within competing frames of reference

Introduction

This chapter seeks to capture the emerging themes and evaluate them in terms of the competing frames of reference identified in Chapter 3. The aim is to evaluate the law teachers' stories of being an academic, identity and values in terms of the frames of reference concerning spheres of influence and theoretical perspectives, with particular reference to individuals' work orientation (Blauner, 1964; Fox, 1974; Schein, 1978; Watson, 1995) and the wider socio-political context in relation to performativity (Lyotard, 1984) and supercomplexity (Barnett, 2000). An analysis is then offered in terms of educative values (Lucas, 1996; Erben, 1999; Evans, 1999; Barnett, 2000).

Work orientation

The purpose of this part of the study is to seek some explanation of law teachers experiences at work. Joan identified her position in terms of an expectation that service to the organisation would provide career progression although this had not materialised in the way she had hoped. Joan's story conveys her feeling that her efforts are not recognised. This might be explained in terms of Schein's (1978) 'psychological contract' or Watson's (1995) 'implied contract'. This is supported by Joan's disclosure of her expectation that becoming a course leader would provide the opportunity for further career development, but following management restructure she realised this would be less likely and that she would be 'waiting for dead men's shoes'. Her story may also be interpreted in terms of what Blauner (1964) describes as powerlessness, meaninglessness, isolation, self – estrangement. Her situation might already have generated 'low-trust' relationships (Fox, 1974) with her superiors.

In none of the cases could the orientation be described as instrumental in that work would simply be a means to an end of earning income. As James pointed

out, 'it's more than just a job'. Each of the participants referred to the importance of the students' experience and doing your best for them.

In terms of ego-involvement it was clear from Ruby that work constitutes a strong factor in terms of her social identity and it is significant for her that 'she is someone'. Joan continues to describe herself as a solicitor and does not regard her role at the university as providing any ego-orientation. However, it is implicit in her responses that she would very much prefer to be more valued and progress more speedily with her career. Duncan describes himself as 'being in legal education' although in the past he would have described himself as 'sub-Dean'. Rupert finds his ego-orientation in terms of the academic community and is reluctant to accept external interference. James refers to 'being a performer' and refers to his involvement with amateur dramatics in terms of equipping him to perform.

Overall, there was little evidence of strong links between the public and private spheres, although Ruby was exceptional in this regard. There were also examples provided by Duncan in terms of his underlying dedication to being involved with legal education. During his interview, he demonstrated that his life-time's work in legal education was clearly of great importance to him, showing a deep sense of personal commitment to his teaching.

Performativity

This part of the analysis seeks to establish the extent to which it is possible to make connections between Lyotard's (1984) assertions about performativity and the experiences of law teachers. It has been shown in Chapter 3 that external spheres of influence surround the academic.

Aspects of performativity (Lyotard, 1984) were revealed from the interviews in a number of ways. James's reference to research clearly indicated his strong contention that research should not operate in a vacuum. He emphasised how significant it was for him that research should make a contribution to the greater good and not be confined to a solely personal exercise. He acknowledges that the ways in which universities are currently funded and managed creates an

environment in which the eccentrics and loners (certain academics), are no longer able to operate as perhaps they have in the past. This provides an example of Lyotard's (1984) deconstruction of knowledge in terms of what is of use or what can be measured is what is valued. It also illustrates Barnett's (2000) reference to 'worthwhile knowing'. A further connection can be made in terms of Lyotard's assertion about 'professional intelligentsia' and 'technical intelligentsia'. It is clear from the interviews that the law teachers are aware of the expectation that students are prepared for the world of work.

It is also possible to apply this theoretical perspective to external spheres of influence upon law teachers' experiences. Such would include professional bodies, the RAE, the DfEE and the QAA. It was clearly recognised by the teachers that the professional bodies form a significant part of law teaching although Duncan refers to learning the law in a catholic sense.

Research activities were identified as a factor in how law teachers experience the dynamics of change. Although none referred to the RAE specifically, the inference might be drawn that it brings the research requirement into sharper focus. Again, this links with the performativity model in terms of the best contribution to the social system: the university is producing the knowledge the system requires.

Government policy statements suggest that students should be equipped with transferable skills in preparation for the world of work. Law teachers are required to contribute to courses which meet the quality and standards expected by the QAA. Ann makes reference in her interview to student workbooks which she suggests are particularly helpful to first-year undergraduates. The utilitarian characteristic of this mechanism for learning contributes further to the performativity model in providing the knowledge the system requires. It is perhaps then not surprising that James registers a note of frustration in his experience of being required to limit his teaching to the requirements of the taught professional course. This can be compared with Ruby's daughter, where her course of study is largely influenced by the current research interests of the academic staff.

These theoretical aspects are challenged by the reality of the law teachers' stories in terms of how the academic identity is perceived through teaching. A key theme is that the students are at university because they want a job. James describes students learning for learning's sake as 'pie in the sky', although Rupert is more circumspect, making reference to 'the wider academic community'.

If as Lyotard (1984) suggests 'the desired goal becomes the optimal contribution of higher education to the social system' there is a complex issue in terms of the fundamental purpose of the academic endeavour. This research shows that there are two dimensions in which the work of Lyotard and Barnett might operate. Firstly, it is possible to show that, for law teachers, there are matters of performativity externally connected with their work. They are required to respond to the expectations of external professional bodies as well as the law school. The other dimension is in terms of the impact upon the individual's desired goal. Ruby clearly demonstrates that she was focused on the developments within her own career and within the context of a changing environment. She made the necessary adjustments. Therefore, if higher education is contributing to a social system those teaching in higher education are mirroring the process. Ruby's story reveals her struggle to pursue a career as a law academic when there were so many challenging influences around her at home and at work.

Supercomplexity

In terms of Barnett's (2000) suggestion that it is time for universities to consider a new vocabulary, it might be timely for the vocabulary of the past to be redefined. To speak of 'lecturer' is to understand something different from 'teacher'. The current expectation is that the lecturer is there to facilitate the student learning experience and to engender skills for life-long learning. The student is empowered. She/he has a voice, she/he can negotiate learning contracts and participate in the system. As long as the course aims and objectives produce the expected learning outcomes the student will be processed, ready for the finished product to enter the commercial world, ready skilled and able to hit the ground running. According to Barnett and Griffin (1997: 35) teachers and students are

conjoined in a university experience in which the roles of learners and teachers are being redefined:

> ..the uncertainties of the world, of the student career, have brought a narrowing of the student horizons. Now, less collective and more solitary, with less intimate and more instrumental pedagogical relationships, and less internally driven and more susceptible to the external educational messages (of competence, enterprise and transferable skills). The idea, and the social identity of the student is being remade.

This can be applied to the comments made by the former practitioners, in particular those suggested in their interviews that the student experience is today clearly centred on the vocational and preparation for the world of work.

As Barnett (2000) suggests, the university in the contemporary era is unsure of its value basis. From this research it is possible to apply this contention to include law teaching. Although Duncan was prepared to reflect at some length on the integrity involved with teaching law, values did not seem to be a matter of particular concern for those teachers interviewed. Overall, it appeared from the interviews that there was an emphasis on being a team player, working well with others and doing the best for the students.

Pedagogical relationships between students and tutors appear to be reduced to that of a utility. The tutor is a facilitator. Knowledge is quickly replaced by new knowledge. Electronic communication and IT provide alternatives to reflective critical thinking and writing. The Internet provides easy access to information. It is easier to download information than to extrapolate it from a reading list. Every aspect of university life has been reduced to a process, reduced to input data being managed by information systems. You can input the data, analyse the information and produce spreadsheets that tell you whether or not the system satisfies the funding council and the quality industry. An alternative is to pause for thought on the Aristotelian concept of education and the pursuit of good and to reflect upon the educative.

Being an academic and educative values

One of the surprising aspects of the study has been the realisation that not all law teachers regard themselves as academics. Clearly, this leads to an epistemological shift in the academy since it must follow that it cannot be assumed there is a cohesive academic community or even a combination of academic communities. There are individuals working alongside each other with different values and identities. On the one hand there are traditional academics, dedicated to the pursuit of knowledge and extending the boundaries of understanding in their specialist areas. Alongside these academics are law teachers who retain their professional practice identity and do not relate easily to academic working practice. In turn, professional courses require careful course development to ensure they meet the requirements of the professional bodies.

Ideologically, this situation has the potential to imperil the prevailing values. It raises questions about the political position of what has hitherto been described as the academic community and, further, there are implications in terms of claims to academic freedom (Evans, 1999). The idyllic setting described by Lucas (1996) appears to be in decline. The autonomous academic enjoying the freedom to pursue independent enquiry is disesteemed in terms of developing attitudes within the academy. Erben's (1999) references to the Aristotelian notion of the educative and the good appear now to be fading fast as the learning environment becomes reduced to workbooks and measurable learning outputs.

Concluding remarks

In placing key themes from the interviews within a theoretical perspective some explanations can be provided in terms of how law teachers experience the dynamics of change. This has been achieved by considering their experiences from different theoretical perspectives. In the current climate it has become clear that some of the concerns expressed refer to experience at work in terms of career progression. Traditionally, it might be expected that academic careers stand or fall on academic achievement. It can be seen from the interviews that career progression is now more complex. In order to make progress it is necessary to

read the signs accurately, a skill which has to be 'mastered' in terms of entering a psychological contract and emerging with the anticipated outcome.

From the application of the performativity and supercomplexity models it is possible to recognise how the university is subject to competing frames of reference. There are at least two perspectives from which to identify the epistemological position of the university. In one sense it might simply be a locus for the training of people for the world of work. In another sense it might actually provide a place of intellectual development and enquiry. The study suggests that there is evidence that where the university seeks to meet both requirements there are tensions. If as Barnett (2000) suggests there are competing frames of reference regarding what constitutes knowledge, it is not surprising that the university is striving for the best position.

Chapter 8: Conclusion

Introduction

This concluding chapter summarises the thesis and examines the extent to which the research aims have been established and the contribution to further understanding about how law teachers experience the dynamics of change. The final part of the chapter reviews the research strategy, with a postscript considering some remarks by Lord Dearing.

The findings from the research data reveal contested areas and new challenges for the university in terms of accommodating increasingly diverse people. A fuller appreciation of competing frames of reference has been achieved, thereby enabling a greater understanding of how law teachers see their identity, as well as revealing their perceptions about being an academic and educative values. The findings also draw on my own experiences and understanding of working in a law department for fourteen years, as well as the literature, and empirical data from the interviews conducted with six law teachers. I have not conclusively defined terms such as 'university' or 'academic' since these lay at the very root of this study in terms of exploring different approaches to their meanings. I have no particular university in mind, nor any particular academic. It has become clear to me that both terms are in a state of flux and each have different meanings according to the context in which they are used, thus reflecting the epistemological shift in the university. If understanding about such everyday words is shifting, it would seem that this impacts in terms of the educative values attached to those terms.

The university can no longer be taken to be solely an academic institution in which academics work autonomously and without external interference. Indeed, not all members of the teaching staff interviewed regarded themselves as academics. Different individuals have different identities and differing sets of values, which produce a dynamic working environment. The university is

increasingly a commercial enterprise both in terms of its business and its structures.

Different identities and increasing diversity

Clearly, the epistemological position of the university has shifted as it responds increasingly to external spheres of influence. This has had an impact upon those working within the university as well as in terms of the ways in which courses are managed and studied. The different ways in which law teachers experience the dynamics of a rapidly changing environment demonstrate the extent of its diversity, values and identity. It would have been unthinkable at one time that a law teacher would not regard him/herself as an academic, for that lies at the very root of the educative.

In exploring the lived experiences of law teachers, it has emerged that there is an increasing need to recognise and value professional diversity. Those entering law teaching from practice need the opportunity to appreciate how the university operates, both in terms of the people who work there and in terms of its business, whether academic or commercial. This will enable former practitioners to make the transition from practice to teaching whilst avoiding later feelings of alienation.

Impact of commercialisation

As the university shifts its epistemological position, there are new considerations. This research shows that this can be seen from two perspectives. Firstly, as the university is increasingly required to respond to market forces it develops a new vocabulary in terms of audit, efficiency and measurable outputs. Its business has shifted from the primary domain of intellectual enquiry to a more diverse area in training students for tomorrow's labour market. No doubt it is possible for the university to fulfil a combination of roles but there are implications in terms of its structures. These include managing people, managing courses and recognising the impact of multifunctional roles. In the past it was perhaps fairly straightforward to distinguish academics from other university staff but it is no longer so. As the

staff base becomes more diverse so a fundamental value system becomes more difficult to locate.

The way forward

The key aspects of the study which contribute to the way forward are situated within the context of the epistemological shift in the academy which has emerged through the research. Firstly, there is an opportunity for understanding the different roles people have in the university. I would suggest that the university is not solely a commercial enterprise and cannot be taken to mirror the culture and organisation of a commercial institution. Traditionally, academics have not been used to being managed or to being managers. There has been a shift in terms of traditional patterns of working in which the academic has been autonomous to more recent increasing levels of accountability. Clearly, some academics will guard their autonomous position but the reality is that if academics are publicly funded there is external intrusion and expectations.

In order to accommodate the diversification of the university there has to be at least some understanding of its position. The study has shown that members of the university are not all academics and those who might be described as such would not necessarily regard themselves in that way. There are contested areas and diverse frames of reference. In looking back, those interviewed speak in terms of doing one's best for the students and ensuring that they have a worthwhile experience. However, there are changes in that experience for the tutor and the student. Courses are carefully structured to ensure a visible audit trail. Course managers have difficulty in managing their colleagues who, sometimes on the basis of academic freedom, seem reluctant to co-operate.

In terms of academic freedom there is the potential for misunderstanding to arise which is very quickly identified by those entering law teaching from commercial environments. However, there is a responsibility to protect the right to academic freedom and those who abuse it might be invited to reflect on the potential for the harm this causes to the reputation of the academy.

The study has shown that some university staff do not feel valued; the words impotent and exploited were used to describe the frustration of trying to manage courses. Academics have traditionally been at the very heart of university life but the picture is changing. The shift is evident as more diversity occurs. Administrative functions are expected of academics who seem unwilling or ill-equipped to take on such tasks. In an academic environment, traditionally, being valued has been a creation of being an academic. This comes from the recognition of academic peers. Today the position of the academic has changed. There are multiple roles to perform and the university seems not to have managed to achieve an environment where those with changed academic roles can achieve a feeling of being valued other than through traditional frames of reference.

The working population of the university is becoming more diverse as quasi-academics and administrators, academics and academic managers strive to fulfil the purpose of the university. But such a purpose is elusive.

In summary, locating the law teacher within competing frames of reference can be seen from two perspectives. Firstly, the dynamics of a rapidly changing work environment can trigger disappointment and frustration; the implied contract fails to deliver to the unwary. In order to understand the academic community it is necessary to be acrobatic in responding to changes which impact upon the university from a multiplicity of angles. Those who read the signs can take advantage of what is offered in terms of advancement but the converse is also true. Secondly, external influences alter what the university is and it may no longer be possible to determine precisely what it stands for. Certainly, it is not possible to provide a definition which could identify the university in all its different forms. These two perspectives demonstrate the extent to which there has been an epistemological shift in the academy and the challenges facing the law teacher in experiencing the dynamics of change.

Reflections on the research strategy

This research into the lived experiences of law teachers has produced a clearer insight into how they respond to the dynamics of a rapidly changing environment.

At the outset my hunch was that the changes in government policy and the external influences on the university had produced an increasingly complex working environment. Although I was aware of the extensive literature related to the student learning experience and the post-Dearing trend towards a student-centred approach to learning and teaching, I was concerned that there was little, if any, available to explain how law teachers were experiencing what appeared to be fundamental changes. I had heard expressions of curiosity in terms of academic freedom as new teachers joined the university from practice. At the same time I began to experience distinct changes in my own work as a law teacher. My academic training had been in law and although I wished to undertake research into the lived experiences of law teachers my law background had not equipped me for such an endeavour. It was therefore necessary to take an interdisciplinary approach and draw on sources hitherto unexplored through my career to date. The research has provided the opportunity for me to explore new fields of study not least in terms of biographical research and narrative analysis.

Given that my subject area is law, this research constitutes an entirely new interdisciplinary area of study for me, combining legal education with biographical research. This transfer was not without difficulty. I was used to dealing with legal problems, researching legal sources, applying the law and producing a legal analysis. Now I had to discover the aspects of researching peoples' lives associated with phenomenology. Interpretation of lives became a very different exercise from the interpretation of legal problems. It was this experience which caused me to realise that there is a gap in legal education in terms of understanding significant human dimensions to the teaching and learning of law.

In terms of the research design, I knew at the outset that I wanted to explore the experiences of other law teachers. In the quest to discover their individual responses the interviews were carefully designed to capture as much of the individual and as little of my own influence as possible. This is where guidance came from feminist research on interviews as a research method, in terms of avoiding some of the pitfalls of such a method, specifically the dangers of

objectifying the researched and imposing too much of myself as the researcher upon their freedom to relate their own stories.

If I were to undertake this research again I would be less inclined to provide respondents with a transcript of the interview. One respondent expected a 'cleaned-up' version of the data telling his life story, in spite of a letter sent with the transcript explaining its purpose. The other respondents have made no reply and when contacted indicated they would prefer simply to retain a copy for interest.

In the course of the interviews some of the participants indicated they would have preferred a list of questions so that they could prepare answers in advance. Perhaps this might be a reflection of how process-driven we have become in that we are no longer confident of the opportunity to speak freely about our lives and experiences.

I was also aware that my own position might prove an obstacle to the participants' free expression, and they might perceive a need to provide the 'right' answers. In anticipation of this I explained in the covering letter and interview outline that I did not wish to formulate their words or thoughts. In the event I felt the interviews were as candid and honest as possible.

A number of surprising events occurred during the preliminary stages. Early in the first interview with James, I became aware that he did not feel comfortable with disclosing too much of his private self although I gained some rich data from the interview and some interesting areas of enquiry. This was similar to the interviews with the two other former practitioners.

One of the interviews with a non-practitioner began with a rather disarming statement that consent would be given for the data to be used for academic purposes, but if there was to be any financial gain from subsequent publication of the data there would be a claim to the copyright. Despite experiencing a certain degree of disorientation at this point, I continued with the interview, wondering whether I would be in a position to actually use the data.

I was surprised at the extent of the diversity and differences between those teachers I interviewed and the similarities between the former practitioners and the non-practitioners. When interviewing Ruby, the religious leader's wife, I had anticipated direct engagement with a discussion about values yet they emerged more subtly and indirectly. As her interview progressed, I realised there were strong underlying values which affected her experience as a law teacher as well as in respect of her seeking to establish a university career.

A further surprise was the extent to which for two of the participants, James and Duncan, parental influence was identified, yet both respondents were in their 50s.

Rupert was alone in his comments about the autonomous characteristics of the academic, which led me to reflect upon whether there is more to be discovered about the extent to which some universities might be more able than others to maintain greater autonomy.

The interview with Rupert was particularly different from the others. Working as a law teacher and a doctoral student in a traditional university he gave very careful and considered responses to my questions. In contrast, Joan answered the questions very quickly. She was clearly most involved with her immediate responsibilities and was less inclined to reflect more widely on educative values. Ann provided perhaps the most surprising response in the remark that she was aware her university had a value statement: 'it came round on an email one day'.

In selecting the participants it was interesting to hear the stories of those who were from very different backgrounds and to compare practitioners with non-practitioners. During the interviews, despite my written explanation that I did not wish to formulate their responses, I was aware that the participants were looking for approval in providing 'the right answers'. They wanted the research to go well and to contribute effectively. In conducting the interviews particular attention was given to encouraging the law teachers to speak freely with a minimum of interruption. This produced a diverse range of responses which in certain respects rendered analysis of the data rather complex.

One of the results of the research which I had not expected is the greater extent to which I am able to relate to my colleagues. Understanding the lived experiences of

a small number of law teachers has helped me see the world differently and to appreciate what at first sight might appear to be insurmountable challenges.

Postscript

I had an opportunity to hear Lord Dearing speak at an open lecture at Bournemouth University in November 1999. During his address, he referred to an apparent loss of direction in terms of the ways young people develop a value system. He suggested that educational establishments have a role to play in this endeavour. As I reflected on what was being said it seemed ironic that, although I was able to share his concern, I was effectively unable to spend the time enabling students to reflect upon a value system. A member of the audience suggested that we would love to philosophise with students and dwell upon the development of a value system, but the demands of the process meant that we do not have the time. A paradox has emerged in terms of the post-Dearing environment and the effect of the requirement that more quality assurance mechanisms are put in place.

Legal Education: Experiencing the Dynamics of Undergraduate Law
Teaching

Interview Outline

This research provides an auto/biographical account of different professional
experiences of undergraduate law teachers with particular reference to how each
of us responds to spheres of influence in a dynamic law teaching environment.

The interview discussion explores ways of seeing one's own self and how that
might relate to professional experiences.

The focus is likely to be around the following themes:

IDENTITY

How you see your self

Public/private

Spheres of influence

ACADEMIC

How you see your self

Autonomy

Spheres of influence

JUDGEMENT

How you see your self

In which key areas do you apply professional judgement

Spheres of influence

The above guidelines are suggested areas for focused discussion. I would be very
interested to receive your further comments or suggestions you might like to make
regarding the research topic.

Thank you for taking the time to contribute to this study

Liz Mytton

21st June 1999

Dear

Thank you for taking the time to participate in this research which contributes to establishing deeper understanding of undergraduate law teachers' working lives and experiences. Your willingness to participate in this interview discussion is appreciated.

The interviews will be anonymous. The research relates to my doctoral thesis on undergraduate legal education. Subsequently, the findings may be submitted for publication. In any event, personal names will not be used. If you agree, it would be helpful to tape-record the discussion. I will then have it transcribed and will send you a copy of the transcript as a record which you are invited to correct should you identify any errors of fact.

I enclose a copy of the key areas that might focus the interview discussion. I am very conscious that I do not wish to be prescriptive or to influence the study in a particular direction. It is your experience I seek to understand without presuming to define it in any sense. Please feel free to contribute in a way in which you feel would take understanding further.

I look forward to hearing from you to arrange a convenient place and time for the interview discussion to take place.

Kind regards

Liz Mytton

21st June 1999

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Thank you for taking the time to participate in this research which contributes to establishing deeper understanding of undergraduate law teachers' working lives and experiences. Your willingness to participate in this interview discussion is appreciated.

The interviews will be anonymous. The research relates to my doctoral thesis on undergraduate legal education. Subsequently, the findings may be submitted for publication. In any event, personal names will not be used. If you agree, it would be helpful to tape-record the discussion. I will then have it transcribed and will send you a copy of the transcript as a record which you are invited to correct should you identify any errors of fact.

I enclose a copy of the key areas that might focus the interview discussion. I am very conscious that I do not wish to be prescriptive or to influence the study in a particular direction. It is your experience I seek to understand without presuming to define it in any sense. Please feel free to contribute in a way in which you feel would take understanding further.

I look forward to hearing from you to arrange a convenient place and time for the interview discussion to take place.

Kind regards

Liz Mytton

21st June 1999

Ref: EM/JDLP

18 October 1999

Dear

Thank-you so much for participating in the Ed D research project. I apologise for the delay in replying with a draft transcript. As you will appreciate transcripts can be extremely complex documents.

In order to avoid further delay, I am sending you the very initial draft. It is not intended to be a perfect script but an indication of the main themes to emerge from our discussion. I am sure you will be very used to this type of research and appreciate the characteristics of raw data. The transcript is a research tool to enable themes to emerge.

I found our discussion very worthwhile and I would like to thank you once more for your invaluable help.

Yours sincerely,

Elizabeth Mytton

Head of Law

School of Finance & Law

Enc.

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