

PREFACE TO THE SECOND EDITION

I taught the contents of the first edition of this book while it was in course of publication and the student essays – most of them enthusiastically in favor of my position – helped greatly with the preparation of this second edition.

Also in the first edition I ranged to illustrate aspects of law much ignored in typical American law schools. Not to my surprise such topics were largely ignored in the student examination essays. To those who have long been deprived, a new rich diet is unpalatable. I have kept the original balance.

Naturally and inevitably, I draw largely on my own experience with legal education in the U.S.A. Some readers will attempt to identify law scholars and schools that I do not name. Sometimes they may be right, sometimes wrong. My experience has been extensive. Before I immigrated to the U.S.A. in 1979, I had been a visiting professor at Tulane University, University of Virginia (twice), University of Michigan; and since then I have given individual lectures or short courses at many American law schools and also abroad.

I also wish to mention that I could not have written as I have done were I not aware that on each individual issue my views are rather widely shared, though there is hesitation to express this agreement in print. I should also express that when I mention unfavorably an unnamed person or law school who or which might be correctly identified I have deliberately refrained from setting out the worst that could be said. My interest is not in pillorying the worst but in indicating what often goes wrong and is accepted by others. My goal would not be reached without some specificity.

About the Author: Alan Watson was born in Scotland in 1933 and educated at the University of Glasgow. In 1957 at the oral exam in Advanced Civil Law the opening question put to him by the external examiner, David Daube, was “Would you like a job in Oxford?” He became a law lecturer at Wadham College, moving two years later, with tenure, to a Fellowship at Oriel. In 1965, he returned to the University of Glasgow as Douglas Professor of Civil Law, and moved three years later to the chair of Civil Law at the University of Edinburgh. In 1979, he emigrated to the University of Pennsylvania where he eventually became a University Professor with his duties in his sole discretion. Partly for family reasons he moved to the University of Georgia in 1989 where he is Ernest P. Rogers Professor of Law and Distinguished Research Professor.

Alan Watson has published many books and articles on Roman law, comparative law, Scottish, English and U.S. legal history, slave law in ancient Rome and the Americas, and law in the Gospels.

He has been described in print as “the greatest man with texts since Irenaeus in the 11th century”, “probably the greatest living scholar of Roman legal history,” and “the foremost scholar of comparative legal history in North America.” His scholarly books have been translated into Italian, Serbian and Chinese. A translation into Japanese of another book is in progress.

His prime scholarly interest now is the creation of private law for the European Union. He has several honorary doctorates from Universities in Europe and South Africa most recently from the University of Stockholm (September, 2005).

Epilogue to the First Edition

With a title like this and with its subject, the Shame of American Legal Education, I could not find a publisher in the U.S.A. After eighteen months I gave up looking. University Presses where there was a law school were not interested though I have a record of academic publishing. Commercial publishers either claimed they could not market the book properly because they had not the expertise or they failed to respond. I mean what the title says. American legal education is shamefully bad. But my purpose is not negative. I hope to achieve reform. The present failings do not lie with the intellectual weaknesses or idleness of the students, but with the whole system of education. I state openly and without exaggeration my considered opinion that first-year law students at the University of Belgrade, where law is an undergraduate degree, have more sophisticated understanding of the relationship of law to society, the historical underpinnings of the law, the impact of foreign law, and the operation of law in society, than have American law school graduates. And that entails more sophistication than American attorneys, law professors and judges have. We proudly claim not to be trade schools, but that is what we are. The denial makes it inevitable that we fail to be efficient trade schools.