

EDITORIAL

As regards their students, university law schools have a dual role to fulfil: they must be both training institutions for capable and ethical lawyers, and places of learning that encourage their students to think about all aspects of the law and its relationship with society. These two goals are not, of course, independent of one another. The successful practitioner cannot help but think about the law; and to successfully think about the law one cannot ignore how it is practised. Nevertheless, the duality of the training function and the academic one exists.

The current economic and political climate, with its characterisation of education as a personal investment, from which the student can expect to reap personal financial reward, creates the risk that law schools will emphasise their training role. As Gareth Jones has written, “[c]ash strapped institutions, aware of the ambitions of their consumers, are not rich soil for academic innovation and experiment.”

The Auckland University Law Review sees one of its objectives as countering this risk, thereby keeping academic interest and innovation alive and well within the student body. The Review is unique in being the only wholly student edited review in New Zealand, and the only review dedicated to publishing student work. For over thirty years it has offered readers a fresh perspective on current legal issues, and commentary on recent decisions, legislation, and texts. The Review motivates students to think about the law and express those thoughts, and it fosters legal writing in authors and editors alike. The common law is created not only by judges, but also by jurists, whose work both influences and monitors the pronouncements of the courts. The Auckland University Law Review believes that students have something to offer this juristic contribution to the formation of the law.

This year we offer discussion on a broad range of topics, with ten articles examining the law’s application to areas as diverse as political broadcasting, restitution, fisheries, and employment. We have also expanded the Ko Ngaa Take Ture Maori section, building upon last year’s promotion of Maori scholarship.

This editorial would be incomplete without mention of the retirement of Sir Robin Cooke as President of the New Zealand Court of Appeal and his elevation to the House of Lords as Lord Cooke of Thorndon. Lord Cooke has been a source of inspiration for a generation of New Zealand law students and his presence on the Court of Appeal bench will be sorely missed. The respect with which he is regarded was demonstrated by the large student participation at a conference held in his honour in April of this year. The New Zealand Law Foundation is to be commended for its generous funding of forty places for law students from around the country.

Our personal thanks go to the staff of the Auckland University School of Law, our contributors, and particularly to the Review staff who have given freely of their time in bringing together this year’s edition.

Stephen Hunter
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