
OPINION

A vision of law in the future

As we all move closer to the end of the millennium, questions of 'the future' merge into everyday reality. We are often too busy to think about these questions — let alone plan for them. Yes — the future will happen. What ideals and dreams do we have for how we want it to be? Where do we want to go tomorrow? What is our vision?

Yet, as someone once said, 'vision without action is hallucination'. What is our strategy to achieve these ideals in tomorrow's realities? Can or should we do anything about it?

In this issue, we aim to re-open and re-examine some of those questions of the future. We began by asking what will the law be like in the year 2525? Why will it be like this? Is the psychedelic whorl of the Age of Aquarius a possibility or a fantasy? 'In the year 2525, if man is still alive, if woman has survived ...'

In considering the system of law in the future, we looked at the broader context. What will the world and its environment be? What will be the results of increasing globalisation and differentiation? What will technology allow us to do? What will be the outcomes of current pressures for a society based on economics and business values? What will be the values and beliefs, cultures and ethics? What human factors may limit or extend these trends?

Then we brainstormed some ideas as to what the law might be like in the future. What will the law be? How will the law be defined? Who will — and who will be able to — define it? Who will be the law's consumers and customers? Who will deliver legal services? How will the economics and funding work? Who will have access to the law and how will it be allocated?

We went wild... Could we have two law systems — one for the haves and another for the have-nots? Will there be a powerful top down, rational, money-driven legal system for some and an underground, rebellious chaos for others? Could there be multiple layers and variations? What will be the role and structure of lawyers? What limits are there to futuristic fantasies of lawyers giving virtual advice or running cyber-suits for mere techno-millions of uni-cyber-dollars?

We continued... What will happen to the printed word of the law? What are the implications of technology? Can we see and learn from alternative communication media such as music and art? How does multimedia affect our interpretation and understanding?

What are the legal issues involved? How will our cultural systems deal with the internationalisation of information, globalisation of economics and mediation of values? What are the implications of the law's tendency to follow?

What is our vision of the law in the future?

Our contributors' visions of the future are bleak. Justice Michael Kirby warns that an unrestrained ascendancy of economics, competition and technology could snuff out

idealism and noble values of the legal profession — he calls for a revisiting of values and ethics. Kim Rubenstein's vision is more egalitarian and idealist — or is it tongue-in-cheek?

Peter Huxtable sees a reframing of legal aid services with the push for privatisation — co-operation being driven out by increasing competition for the poverty law budget. In examining new trends in family law, Renata Alexander sees women disadvantaged by the increased use of mediation. Richard Hil laments the attitude towards young people, their families and crime — where is their future? Ian Freckelton warns of a future with policing as para-militarisation.

Melissa de Zwart examines the reaction of an archaic law applied to new technology — where is the vision of new laws to deal with digital technologies? In the environment, David Heilpern sees the lone lawyer battling bulldozers in the forests.

In this issue, we also sought to move out of our comfort zones of the printed word — what can alternative media say to us? An artist, Julian Wong, sees darkness, corruption and a concentration of the ownership of information. A musician, Irene Vela, speaks of poisoned words and betrayal by our national institutions.

Why, in the year 1996, are these the themes and visions of the future — perhaps even the realities? As Kirby points out, 'change is inevitable'. Yet are these bleak visions inevitable? Maybe, maybe not. But without action, they could be. How can we ensure change is for the better?

It seems that long term, alternative visions of the law are missing. And if ideals and dreams are there and an optimistic vision exists, it seems there are few long term strategic plans for ensuring this is the future. Where are the long term goals and aims? Where are the new laws for new concepts and technologies? Where are the alternative frameworks with positive and beneficial goals? And how will these alternative visions be achieved? Who is responsible for implementing them? How will our dreams and ideals be achieved? Vision without action ...?

In this opinion, we are concerned that these questions of the future of the law have not been fully considered. We are concerned that without a vision, without long term strategic planning and without an action plan, the future may be bleak.

In the short term, these questions can be ignored — it is easier to put down your head and do some real work.

But this opinion is also a call for action. What do you want the future to be? Where do you want to be tomorrow? What can you do today?

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