

## The Critical Lawyers' Handbook 2

*edited by Paddy Ireland and Per Laleng; Pluto Press, 1997; 216 pp; \$39.95, hardcover.*

This important book represents the second instalment in a series of books intended to provide an introduction to the work of the Critical Legal Studies movement (CLS). The first volume in this series was a well-received and much-needed guide to the critical appraisal of legal theory, traditional legal education, and to the existence of radical law firms in Britain committed to critical legal practice. The first text defined the basic aims of the CLS movement. These are to expose the way in which legal doctrine, education and the operation of legal institutions serve to perpetuate a myth of political neutrality and egalitarianism. The CLS movement describes critical theory as a means of developing radical but realistic alternatives to outmoded legal reasoning, encouraging debate on the role of law in the creation of social, economic and political relations, and to further human emancipation. Importantly, an underlying objective of the CLS movement has been to become more than an academic movement, by suggesting ways of developing radical legal practice, effectively bridging the gap between theory and practice.

The first volume consisted of a series of essays to be used as critical supplements to the traditional subjects studied in the typical black letter law school curriculum. It comprised a critical appraisal of the areas of contract and tort, corporate and labour law, constitutional and criminal law. *The Critical Lawyers Handbook 2* expands upon this work and comprises a series of 16 essays arranged under four chapter headings. They cover an important range of topical subject areas, well deserving critical appraisal and analysis. This book deals with race, gender, environment and international law.

As with the first, the second volume represents contributions by contemporary British critical practitioners and university academics. Each contribution, though limited by brevity, provides a substantial insight into critical discourse, and an introduction to the more detailed works that are usefully referenced in the book's bibliography. Though the range of subject matter is diverse, it has to be remembered that this is a handbook designed to invite further and more detailed study of the

critical themes it introduces to the reader.

Of note, Sol Picciotto provides a stimulating insight into the hidden problems that emerge on a global scale as a result of the weak nature of the international political system. His critique examines the facade of international law; one where a smokescreen of idealised aspirations such as world peace, human rights and saving the planet, are things that never actually seem to happen. They are, in reality, used by the powerful who articulate and provide legitimacy to an international law that is inchoate and mostly serves to maintain the self-interests of the wealthy. His poignant writing seeks to expose the increasing obviousness of the inequity between the privileged and powerful over the majority of poor. His work points to the existence of an international regulation over the world economy, yet an absence of a minimum tolerable standard of housing, health and education for the masses.

Patricia Tuitt examines the definition of who constitutes a 'refugee' in Europe today, and discovers that it is racially constructed to the extent that European states are prepared to permit racial diversity rather than deal with issues of human persecution and suffering. Legal protection offered to refugees has, instead, been traditionally geared toward the conception of the 'European refugee', rather than people of colour who constitute a major presence and require a more equitable recognition. The underlying categorisation of who constitutes a refugee is fundamentally the product of a legal culture imbued with the characteristics of a dominant white society. Her work provokes the reader to think about underlying racist agendas that can exist within frameworks of legislation.

Sally Seldon's essay 'Women Law and Medical Power' is notable for her critique on British abortion law. Seldon argues that British abortion legislation is imbued with assumptions about the nature of women seeking termination of unwanted pregnancies. The resulting law does not represent a woman's right to have an abortion, but rather reflects the medical profession's monopoly of control over medical procedures that are governed by its own

ethical standards, standards that inhibit the legal rights of women. Women in reality are left reliant on medical practitioners to control the process, and as a result are typified as irresponsible, irrational, and incompetent of making important decisions themselves. Instead, the decision making is left in the hands of the professional, and the patient's personality is constructed as desperate, downtrodden and deviant.

In keeping with the topical nature of the handbook, Makbool Javaid, Chairman of the Society of Black Lawyers in Britain, writes on race and the criminal justice system. His writing depicts the present criminal justice system as being far from 'colour blind', a system where an immense disparity exists between the incarceration rates of black people and their proportion of the population. He tells of the total loss of faith that many black people have in the British criminal justice system, and of the evidence that exists to indicate the system accommodates and facilitates racial prejudice. For instance, if you are black you are more likely to be stopped and searched, remanded in custody, and receive custodial sentences. Javaid suggests a series of reforms to right this imbalance, in the form of a review of police behaviour specifically towards black people, yet resigns himself to the view that this is unlikely given the present level of racial prejudice in British society.

Together, these two paperback-sized volumes are highly important. They provide a very useful introduction to critical legal studies on a diverse range of topical areas. They represent a particularly useful resource for the law student as a guide on critical discourse, and provide examples of how the insights of the CLS movement and critical analysis can deepen understanding and provide a justification for challenging the traditional views of legal education and practice. Importantly, they encourage a more enlightened and meaningful debate on law and justice in all aspects of society.

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