Specifically, there are two faces, or rather two layers, concerning the same issue. The first concerns the fact that the ability of some black women to stand their grounds and assert their voices may jeopardise their interests in the very circumstances that a similar behaviour would enhance the interests of elite white men. The second layer derives from the plight of black males whose law school experiences contradict mainstream feminist analyses that assume gender to be a dispositive factor. Apparently, the 'maleness' of these students is supposed to imbue them with the appropriate credentials to thrive and pull ahead of their female counterparts in legal education. However, black males do not have a particularly easy transition in law school; the norms and strategies of the dominant pedagogy militate against their opportunity to establish and realise their expectations of success. Like women and students from other minority groups, many black male students participate and interact in legal education as the 'other' whose traits and presence are no less reduced to a difference. This convergence of the experiences of minority males with female law students points to the complexity of the issue as well as the dangers of overdetermining gender, race, and the like as discrete, independent variables.

INDIVIDUAL SUBJECTS/ AREAS OF LAW

The last ten years: what your students know that you should know
46 *J Legal Educ* 4, 1996, pp. 467–626

Editor's Note: This issue (Dec, 1996) is almost entirely given over to the publication of a series of papers presented at a workshop conducted under the above title by the Association of American Law Schools. The underlying premise of the workshop was that, although law teachers and scholars are presumed to keep up to date on developments within their own fields, they are often out of touch with pertinent developments in adjacent fields. At the workshop specialists in 13 areas of substantive law described what had happened in their fields over the past decade, with special attention being devoted to developments that impinge on other subjects and to the needs of those not teaching in those areas.

LEGAL EDUCATION GENERALLY

Thinking 'culture' in legal education
A O'Donnell
7 *Legal Educ Rev* 2, 1996, pp. 135–153

It has become a commonplace to say that we live in a 'multicultural society'. However, contemporary Australia could more properly be characterised as a society with a multicultural population, regulated and governed by a monocultural power structure. One aspect of that power structure is the legal system and the gap between a monocultural legal system and a diverse population has been the subject of commentary for over 30 years. This commentary has highlighted issues of access and equity. It has been recognised that law schools and the traditional law curriculum must bear part of the blame for the ongoing failure of the legal system to respond to issues of cultural diversity.

The full value of cross-cultural perspectives on the law may be realised when they contribute to a broader pedagogy in which relations of power and racial identity become paramount as part of a language of critique and possibility. Despite renewed attention to the law school curriculum, the field of legal scholarship remains relatively impervious to trends elsewhere in the academy. A United States commentator has observed that 'law schools are behind the times in confronting the issues posed by the debate over the canon. Our basic core curriculum stands astonishingly unchanged and unexamined compared to that of the rest of the academy.' An Australian academic has echoed these concerns: 'Scholars in law have remained disturbingly content with regimes of truth, designed within agencies of the state, which often naturalise or elide questions of oppression and inequality.'

Secondly, cross-cultural perspectives must be integrated throughout the curriculum to avoid a perceived marginalisation of cross-cultural issues as disassociated from the remainder of students' studies. In particular, the challenge is to examine precisely those most 'opaque' areas of the curriculum, where we confront the accumulated, taken-for-granted and common sense assumptions the law uses to understand the complex social world.

The actual content of 'cultural awareness' education is usually described only in the vaguest of terms. In the context of legal education, such training has been incorporated through practical training or through the introduction of discrete, optional, specialist courses to the undergraduate curriculum, such as 'Aborigines and the Law' or 'Law and Cultural Diversity'. Those seeking models for integrating cross-cultural content into the core undergraduate curriculum have relatively few models on which to draw.

Certain assumptions underpinning 'mainstream' multiculturalism present particular hazards for cross-cul-

tural legal education: that ethnicity or culture is primarily a matter of 'lifestyle'; that culture is what other, non-Anglo-Saxon people have; and that culture is static, homogenous and hence can be 'known'. Racism is not prejudice but rather a relationship of dominance and subordination. Cultural awareness training, to the extent that it operates within a framework of totalised and antithetical cultural difference, is largely incapable of describing such institutional racism. A more fruitful approach is to investigate how the dominant, Australian socio-cultural and economic system impacts on the life chances, not on the lifestyles, of non-English speaking background, Aboriginal and Islander Australians.

Some strategies for legal education include rethinking the entire syllabus from a critical perspective. This is a necessary first step, as just looking for the 'multicultural' issues in an established, doctrinal, positivist syllabus will probably yield little in the way of opportunities for the incorporation of new material. Another strategy would be to draw case studies, examples, readings, analyses, problems and questions from a variety of social contexts. These illustrations can not only reveal the disparate impact of much legal regulation but will also challenge students' tendency to generalise and will prepare them for the possibility of practice in a diverse community. It is important to avoid tokenism. It is tempting to give visibility to forms of difference through a simplistic parade of different 'voices': the migrant voice, the lesbian spokesperson, the disabled voice, the female perspective, the 'poor' voice and so on. Guest speakers should be organised to enable students to meet and share experiences with people and clients from a diversity of backgrounds. Learning experiences could be structured to address cross-cultural communication; for example, the presence of interpreters in simulated clinical or advocacy settings would be helpful.

The integration of cross-cultural materials into the curriculum is not without problems which teachers will have to negotiate within the context of their own institutions. Few academics are operating in an ideal world where entire syllabuses can be rethought from the ground up. The impetus for attempts to integrate cross-cultural perspectives into the law curriculum can come not only from the realisation that those students who go into legal practice will find themselves working with a diverse clientele but also from the fact that teachers are encountering a much more diverse student body in their classrooms. Thinking of education as not just a product to be delivered or exported but as a social process, it is not possible to separate the question of the distribution of education from the question of content.

The crises of legal education: a wake-up call for faculty
D J Weidner
47 *J Legal Educ* 1, 1997, pp. 93–104

Law teachers as a group should recognise and respond to the fact that law schools are being buffeted by cross-currents of crises in confidence. Colleges and universities today face what is an unprecedented crisis in public confidence. Universities are being pressured to devote more of their resources to undergraduates rather than to graduate and professional students. As law teachers, we also are part of the legal profession, which continues to flounder in significant public unpopularity. Within the legal profession, particularly within the organised bar, many believe that the law schools are not doing their best to prepare students for the practice of law.

There are legitimate and important questions about the preparedness of many of our graduates. There are too many law teachers who have given the impression to too many students, practitioners and judges that they have nothing but disdain for the practice of law. We are reaping the disdain we have been sowing. Moreover, the crises affecting higher education are at least as significant for law schools as are the narrower issues that are peculiar to legal education.

Concern about today's undergraduate student population - particularly about their progress through the system, the training they receive and the indebtedness they occur - has led many policy makers to relegate legal education and much of graduate education to a burner far back on a very large and overcrowded stove. What has happened to the undergraduate student population has had an obvious impact on law school applications which have declined by almost 30 percent in the last five years. Our ability to provide access to the legal profession for students who are not affluent is a grave concern. In particular, our ability to continue to diversify our student bodies and hence the legal profession is in question. Almost all of us need to recognise that today's unprepared college students will be tomorrow's unprepared law students. The changing student population means that rigorous, university-based academic education is more important for us to deliver than ever.

The rest of the world (i.e., everyone except college or university faculty) sees higher education as having failed to reform itself the way business has. Business leaders and legislators see colleges and universities as institutions that have steadfastly refused to