today's law students who appear disinterested in and often ignorant of the critical idealism and wider social perspectives that once inspired and mobilised significant numbers of their predecessors in the direction of 'transformative politics and practice of law.' (p.26) He also identifies a trend for law schools, as part of the process of student socialisation to legal practice, to redirect idealistic students away from their initial interest in careers linked to public service in favour of entry into private and usually commercial practice. Suggestions are then offered as to how legal education can marshal ethical responses to these dimensions to Cynical Legal Studies.

De Groot-van Leeuwen explores the inherent tension between the responsibility of lawyers to society at large and the legal system itself, while serving the interests of the client. Stone examines the transformative effect of law school experience on student commitment to the public interest, with special emphasis on the experience of women.

The remaining ten essays are a series of case studies based upon the experiences of the authors who have devised dedicated programs to integrate social values into aspects of the law school curriculum. Tobol describes an attempt to use a legal research and writing class to teach students elements of social justice values. Blasi deals with the creation of a program in public interest law and policy at UCLA. Kotkin focuses on the role that the law school clinic can play as a training ground for public interest lawyers. Maresh takes up the first of the themes identified by the editors and reports on her empirical study into the impact of clinical legal education on the decisions of a group of law students to practise public interest law. Jones assesses the growing need for community legal education after an examination of the nature of the public's needs.

Highlighting the transnational focus of the collection and departing from what would otherwise be a US/UK dominance, there are also contributions from such diverse countries as Sri Lanka and Bangladesh, illustrating the problems in developing countries, Slovenia, demonstrating the consequences of the newfound empowerment of women in a post-Communist society in transition, and Australia. The Australian input is an article by Noone about how clinical legal education programs have been established by a linkage between a small number of universities and community legal centres, which are threatened by the economic imperative of market forces.

This collection of essays, while scarcely earth-shattering in its impact on social values teaching, does make a worthwhile contribution to our thinking about these issues. The case studies, in particular, are a useful illustration as to how the general principles espoused in the earlier essays might be applied to good effect in different and imaginative ways. It will undoubtedly benefit those law teachers who already see it as a significant part of their responsibility to their students to take active steps to retain and cultivate the idealism with which many of them entered law school with the aim of translating that vision into public service practice. Regrettably, it will have little impact on the many law teachers who are not so committed.

Editor

**Legal education: nemesis or ally or social movements?**

J E Mosher

35 *Osgoode Hall L J* 3, 1998, pp 613–635

There is much in legal education which contributes to lawyering practices that are fundamentally at odds with the formation of social movements. These practices include the individualisation of client problems, the reshaping of the realities of clients' lives into legal categories or boxes, the commitment to instrumentalism, and lawyer domination and control and the correlates of client silence and passivity. The genesis for these features of dominant lawyering practices can be traced, at least in part, to legal education. More specifically, legal education's emphasis upon doctrinal analysis, its tendency to trade upon an existing stock of legal categories or stories and the relative inattention paid to fundamental critiques of the status quo contribute to these lawyering practices.

Responsiveness to social movements ought to be measured by reference to the extent to which a law school systematically produces lawyers with the skill, knowledge and ability to work with members of subordinated communities, and with the movements of which they are a part, in ways that facilitate social transformation. The literature suggest that law schools transmit a vision of practice–a vision later manifested in the practice of their graduates–which is not only unresponsive to social movements, but which in fact undermines their very existence. This critique ought not, however, to lead one to give in to despair about the potential of law and lawyering to facilitate social transformation. On the contrary, the critique contains the outlines of a vision of an alternative mode of law-

yering and of practices which facilitate, rather than impede social movements.

In the main, lawyering is about the provision of legal services to individual clients on a case-by-case basis. Individualisation describes aptly not only the formal delivery of legal services, but also the conceptualisation of client problems. Problems facing any given client are assessed and understood within a context whose outermost boundaries are those drawn by the particular client's life. Broadening the context to question whether others share a problem or to include an assessment of social, economic, or political structures, is beyond the reach of most lawyering. Problems belong to clients; they are possessions, like the clothing on their backs. Problems which clients present to lawyers are quickly conceptualised and categorised as 'legal' problems. Avenues open for the resolution of any given problem thus, not surprisingly, appear to lie within the boundaries of the legal system.

Another feature of lawyering is its commitment to instrumentalism. Perhaps precisely because lawyers believe in the efficacy of legal remedies, their practices are dictated by efforts to obtain them. Within this outcome orientation, 'success' is understood to be the securement of a favourable legal result. An important offshoot of this belief in the efficacy of legal technique and legal remedies is that it privileges lawyer know-how and thus justifies lawyer dominance and its correlate of client silence.

In an individualised, case-by-case approach to lawyering, harms are largely understood to be individual and private; not shared and social. Because problems are understood as individual in nature – as aberrations in an otherwise just social and legal order – that order goes unchallenged. The active critical stance essential to social movements not only fails to materialise, but is actively suppressed, in the lawyering process. The lawyering process tends to be decidedly anti-critical.

To what extent can the blame be pegged on legal education? The core of legal education continues to be the appellate court decision and learning to analyse these decisions continues to be legal education's central preoccupation. A central message communicated through the study of appellate court decisions is that lawyering entails the rational application of law to facts in a world where facts are 'found', the law is given and applied, and concrete, legitimate results are produced.

Doctrinal analysis routinely obscures the reality that both facts and law are deeply ambiguous. A consequence of this reality is that relevant questions about the role of values, emotions, and political choice–in both legal process and substantive outcomes–are rarely posed. Legal education prepares students to work within the existing order, marginally, incrementally modifying it through litigation. A reasonable deduction which follows is that lawyers trained in this anti-critical educational environment are unlikely to see client problems as anything other than individual problems, to search for systemic patterns of oppression, to attempt to understand the structural roots of client problems, are even less likely to challenge those structures and thus, are unlikely to practise in ways that render them allies of social movements. In sum, anti-critical legal education is the forbearer of anti-critical lawyering practices.

The central message of lawyering taught through doctrinal analysis – that the primary skill of the lawyer is the ability to apply an existing stock of legal categories to a set of abstracted facts – combines with the socialisation process of law school, to teach students to distance themselves from their clients' lives.

Legal education has changed and is changing in ways which render it potentially more responsive to social movements. Most, if not all, law schools have introduced courses that seek to make explicit the role of law in reproducing the oppression of particular groups. In placing law as an object for critical reflection about questions of power, justice and oppression, such courses are consistent with the aspirations of social movements. Courses on gender or race issues are examples. While curriculum changes, admissions policies and support programs are important, they have not resulted in a major rethinking about the way in which law is taught. In the main, changes in the curriculum have been at the periphery, with little impact upon the core of legal education, particularly the formative first year curriculum. Law schools have taken some steps towards change but the core of legal education and, in particular the traditional vision of lawyering which it imparts, remains quite firmly in place.

## SKILLS

### Multi-modal delivery approaches in teaching postgraduate level research courses

T & F Martin

15 *J Prof L Educ* 2, 1997, pp 137–167

It is generally agreed that the ability to undertake legal research is an es-