

some situations, paper versions of the material are more accurate and up to date.

While locating Web sites with addresses and using the links to find the relevant information is a step by step process, it is hardly suitable for complex research queries. By using this method, practitioners are able to locate certain information themselves, although the accuracy and reliability must then be queried. And while there are many practitioners who are confidently using the Internet in this way, they rarely stray beyond similar sites.

With multitudes of search engines to choose from to research the entire Internet, how can a practitioner decide which will be the most suitable? Due to the size of the Internet, searches have to be carefully constructed and refined time and again. Sites are added or deleted or changed, and the same search can provide a different result from one day to the next. It is these in-depth research skills that librarians have developed and fine tuned, and searching on the Internet requires all this and more. Having dealt with the prospect of manual and electronic searching, librarians are trained to deal with and search this volume and type of information.

Unlike the compact disc technology, the Internet is never in a constant state (and sometimes not even consistent). With new sites appearing, new search engines and directories being developed, sites changing and providing more or less information, it is imperative to be aware of what and how things are changing.

In the same way that practitioners are experts in their own particular field, they must acknowledge that librarians are experts too. While it is important for users to be trained and to understand how to use the Internet, it takes a librarian to find some elusive fragment of information that lies hidden deep within the confusion of the Web.

## PURPOSE

### Law and the possibility of justice

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*19 Western New England Law Review*, 1997, pp 183–191

The focus of the legal academy is on teaching the law and the rule of law. This is not, in and of itself, wrong. What is difficult to explain is how, when and why the issue of justice got separated out from the law. How is it that one may study three years in law school, read hundreds of cases and learn, articulate, and apply an equal number of rules of law, without ever considering or even hearing mention of justice? What we, as law professors, think about justice may not be as important as the obligation that we do think about it.

What is even more critical is that we get our students to think about it, at least as often as they are thinking about rules of law. The word 'justice' is not often heard (or at least not often enough) in law schools, except to refer to Supreme Court judges. Too often students are only taught the formalistic requirements of legal thought and analysis: brief the case; learn the facts; find the issue; find the holding; isolate the rationale for the decision; apply it to a hypothetical set of facts. How often do they get taught that each case they read is about real people and real lives? Do we remind them that beyond the issue and the rule in the case, there is a profound impact on one or more people every time a court rules? Discussion of the law and legal analysis ought to include a different kind of 'hide and seek' than the type usually encouraged in the academy. That is, let's also look for and try to find what is *not* there and see if it has had any influence on the outcome.

The mythology of the 'traditionalists' in the academy is that the 'legal realists' or 'critical legal theorists' are seeking, inappropriately, to further a political agenda, in a world where, instead,

the law is actually decided and taught in a neutral, value-free fashion. If one operates from the latter perspective, it is then quite easy to think about and teach the law without ever considering the meaning out of much that we read and teach. The idea of justice can, in the 'traditionalist' context, be seen to be absolutely irrelevant to the teaching of law.

It seems clear that there is no real consensus about what justice means. Some have argued that justice is an elusive, philosophical idea. Even if this is so, society can only benefit by continued debate and discussion about it. We are harmed, within the academy and without, by turning away from or benignly neglecting the topic. But ours is a society that seems to have moved further and further away from respecting ideas or the life of the mind.

When you have a society that has connected up the idea of freedom or liberty with ownership and the pursuit of 'things', then the right of the individual emerges as paramount to the right of the community. It becomes ever more difficult to try and persuade people of the intrinsic value of a just society when you may not be able to offer tangible proof of the benefits, especially for each individual person. This explains why we have seen such a distortion of the constitutional right to bear arms. This 'right', taken totally out of any historical or constitutional context, has ended up being translated into the idea that society has absolutely no right to try to limit the number or type of guns one can purchase each month, or assert that there might be a legitimate reason to ban certain types of weapons, such as assault rifles. We hear the refrain, chanted like a mantra that, 'It's my right as an American to ...' What is really meant is that it is my absolute right as an individual to be free from any restraint, irrespective of the impact of that idea on society as a whole.

It is quite easy, then, to see why law professors and law students can spend three years together, discussing hundreds of rules of law and cases, and never once utter the word ‘justice’ except as a reference to a judge. Or why one can spend an entire career practising law and litigating without ever trying to consciously achieve, attain or define justice. The author is not arguing that justice requires that the individual should always, and at all costs, be subverted by the community. The problems of fairness and equality, for example, cannot be resolved without at least an acknowledgment of the need for a meaningful ethos that tries to balance the needs of both the individual and the community in a way that benefits both and advances the cause of justice.

It is our obligation, as professors, lawyers and law students, to seek justice when and how we can. We must teach justice, talk about it, write about it and work for it, so that all of us may come to desire it, recognise the need for it and the benefit derived from it, and therefore possibly make it real, always.

#### **Doing justice: a challenge for Catholic law schools**

Sister G M. Walle

*28 St Mary's Law Journal*, 1997, pp 625–634

The numerous allegations of misconduct against high-ranking political figures and the attorneys associated with them is disheartening, but even more disconcerting is the general public's acquiescence in these ethical deviations. The common assumption that ‘all lawyers are crooks’ fails to outrage anyone. Unethical practices are so commonplace that even the media has become desensitised. The fact that most, if not all, of recent ethical violators attended law schools and began their political careers as lawyers prompts a questioning of the legal education process. Perhaps, in an attempt to educate

law students, the essence of law — justice — is overlooked. A true understanding of justice is crucial to its successful implementation. Understanding what justice encompasses may begin in books and the classroom but justice in legal practice requires far more.

The aspiration of lawyers doing justice is central to practising law and crucial to the secular and sectarian alike. Changing not only the general public's negative perception of lawyers but the way law is practised, requires an affirmative attempt by lawyers, law professors, and law schools to implement justice. It is the author's position that this implementation of justice begins with understanding justice, not as a utopian theory, but rather as an attainable goal.

Old Testament justice is frequently and erroneously portrayed as ‘an eye for an eye and a tooth for a tooth’. Taken out of context, this mere description of the limits of punishment has been interpreted to make these words appear as if Old Testament justice demanded punishment. From this misinterpretation, the common belief that Old Testament justice is synonymous with vengeance arises. While difficult to define, biblical justice may more accurately be described as ‘fidelity to the demands of a relationship’. The notion of community in this relationship constituted the social context which was integral to the practice of justice in the Old Testament. Implicit in this emphasis on community was concern for the marginalised groups of society. The essence of Old Testament justice, therefore, lies not in God's demand for vengeance, but rather a relationship instituted and directed by God which emphasises community and care.

The Old Testament background, which closely joined God's rule and justice, was inherited by Jesus. Jesus revealed that the kingdom of God is a kingdom of justice in which the oppressed are liberated and humankind lives in a loving relationship with God and others.

Today the word ‘justice’ has a variety of associations. Although most would agree that justice is that virtue which assigns to everyone his or her due, what is ‘due’ differs according to each theorist's definition. In Western cultures, justice is associated with impartiality, private property, and an individualistic definition of rights. However, biblical justice rejects this standard and, instead, is biased in favour of the poor, with ‘property’ and ‘rights’ defined in terms of social solidarity. This is not to suggest that in the biblical scheme the individual is discounted but rather that the individual is considered in the context of the community, not above it.

‘What is due’ is not a fractured isolation of individual rights and liberties above the common good. Individual rights and liberties are derived from justice and, in conjunction with community, equality and wisdom, comprise the necessary whole of one's due.

Catholic schools can nurture and influence students in their commitment to justice by preparing future lawyers to have a Christian attitude of service, both in the community and in the practice of law. While many students come to law school with a sensitivity to the needs of the poor and are willing to take time to engage in service projects, many have never been introduced to the idea of social commitment. An important dimension of a law school should be introducing and supporting clinical programs that are designed to make the law more responsive to the needs of the poor. Working with battered women in shelters, building homes for the poor, volunteering to work for legal aid groups or mentoring high school students are all ways to provide law students with a hands-on introduction to the biblical perspective of justice. Involvement with these activities allows students to incorporate a community version of biblical justice into their lives.