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.

The communal aspect of justice also extends into law practice through the lawyer's interaction with clients and opponents. Although a commitment to rights is the hallmark of an adversary system of justice, lawyers need to consider their commitments in a web of other relationships. With the client's rights viewed as a component of justice, rights are balanced with a concern for preserving relationships and minimising harm. Lawyers should be taught concern, not only for their own clients, but also for moral outcomes for everyone involved in a particular case. Moral outcomes are what true justice is all about.

If we focus on biblical justice as the goal of Catholic legal education, we can realise that justice is not about giving each person his or her due, but rather the restoration of right relationships. This restoration of right relationships means the transformation of legal or violent domination of individual groups over another. Such restoration results from relationships which are honest, forgiving, compassionate and inclusive. The basic premise in such relationships is the respect and dignity of all — not as we think they should be or how they fit into our plans, but as they are.

REVIEW ARTICLE

What are law schools for?
P B H Birks (ed)
Oxford University Press, 1996
118pp.

This collection of essays on the role of the law schools and the future shape of UK legal education on the verge of the 21st century was published in 1996 in the looming shadow of the first report of the Lord Chancellor's Advisory Committee on Legal Education and Conduct. There are ten contributions in all, if one recognises that Peter Birks' preface is less an editorial introduction to what follows and more a distillation of his own personal thoughts on the research and publication and the teaching functions, as well as a swipe at the role the professions assume for themselves with respect to law schools. Indeed, because the themes are so diverse, with several essays, for comparative purposes, being concerned with the problems confronting legal education in other countries, it is not proposed to review the book, merely to be content to provide a brief resumé of the contents.

In chapter one John Langbein suggests that English and American legal education have exchanged roles over the past generation: that is, that the latter has become more scholarly and the former has striven to become stronger as training centres for the profession. Gareth Jones presents his own personal view on traditional legal scholarship in chapter two. In the longest chapter in the book (28 pages) Eugene Clark and Martin Tsamenyi survey what they identify as some of the most significant challenges facing Australian legal education as it approaches the 21st century.

Nigel Savage and Gary Watt pursue Twining's notion of the idealised role of the law school as the practising profession's House of Intellect, which they subdivide into several rooms: basic education and training; specialist training and continuing education; research; high level consultancy and information service; and clinical experience. In chapter 5 Peter Goodrich uses Twining's *Blackstone's Tower* as the occasion for critically re-examining the relation of scholarship to legal education and of education to practice. In a chapter entitled 'The emperor's new skills: the academy. the profession and the idea of legal education', Stuart Toddington sets out to reorientate the debate about the discipline of law in general by rethinking some of our ideas about legal skills.

Nicholas Grief discusses the pervasive influence of European Community law in the UK and the challenges this poses for law schools in tracking its domestic influence, seeking to anticipate developments and suggesting reforms. In the final chapter Basil Markesinis makes a plea for his concept of a broader legal education.

Editor

RESEARCH

Sex, race and credentials: the truth about affirmative action in law faculty hiring
D J Merritt & B F Reskin
97 *Columbia L Rev* 2, 1997, pp 199–300

Affirmative action in law faculty hiring continues to provoke controversy. Some professors argue that discrimination continues to shackle women of colour, white women and men of colour, preventing them from securing tenure-track positions at top law schools. An equally vociferous group of professors complains that law faculty hiring is biased unfairly in favour of women and minorities. This mirrors a broader social debate over affirmative action, discrimination and the current role of sex and race in the job market.

The current study focuses primarily on the relationship of race and sex to the hiring outcomes of each faculty member. The research population included all professors who began their first tenure-track position at an accredited United States law school between the fall of 1986 and the spring of 1991. During these five years, the legal academy professed a strong commitment to implementing affirmative action programs.

Almost 1,100 professors began tenure-track jobs at accredited law schools between 1986 and 1991. About one-third of these professors were women, another nine percent were men of colour and about eight percent were women of colour. The remaining 53 percent were white men. These numbers alone