

there any basis for viewing our disparate attempts to carve out limited areas of practice, or keep a grasp of our limited theoretical understanding, as in some way subject to a uniform demand upon us all? This question may be related to some of the points noted above. The indeterminacy of our meaning, practice or theory is potentially countered by the contingency of common experience. Our ability to explore the possibility of having a common experience is dependent on our current recognition of ignorance. The usefulness of theory is ultimately a matter of what we are prepared to experience, or indeed are capable of experiencing, in common.

Postmodernism: legal theory, legal education and the future

T Murphy

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The future of legal theory will depend on the future of legal education. The future of legal education will depend on the future of law. The future of law will depend on the future of legal practice. The future of legal practice will depend on?

We do not know the answers to any of these questions. Nor are such neat strings of dependencies themselves without their problems. For example, the future of legal theory must depend on the future of legal education. Obviously. But the future of legal education will depend as much on the funding of teaching and research in the future as on anything else. This in turn is linked to academic salaries and terms and conditions of employment of academic staff, and therefore to the kind of personnel universities old or new will be able to recruit in the future and, in the field of law, over the next two decades. The future of legal education in terms of its scale and scope as well as content will also depend on the students it is able to recruit: on whether the present high volumes of applications are sustained; on the composition of entrants in terms of class, gender, ethnicity and national origins; and on the level of opportunities in the future for law graduates to enter the legal profession in some capacity or other.

Students are going to need to know more about the world and less about the law in the traditional sense of the minute contents of cases. And this may mean not just more policy, or even more of an injection of socio-legal studies, but also more theory. At the same time, legal education will need to adapt to what students already know and what they do not. Teachers cannot remain oblivious to the cultural horizons of their students.

As for what kind of legal theory, it is already too late for legal theory to return to the old enclave it used to inhabit. The genie is out of the bottle. There is an unparalleled range of reference points for legal theory, which is itself the product of a range of factors. Legal theory has almost always been derivative, or parasitic upon other disciplines, usually philosophy. But what is happening now is a genuine collision of discourses within legal theory itself, which may or may not prove to have impact on legal education.

With institutional contexts in mind, there are two trends set to continue that flow from those developments which have already taken place. First, the critical evaluation of legal scholarship, with its implications for the personnel of the academic legal profession in the future, seems likely to become more problematic or even arbitrary. Secondly, one would expect legal theory or jurisprudence courses to continue to diversify as to their content in legal education.

Postmodernism is probably best seen as a shorthand for a complex network of critical strategies and possibilities drawn from heterogeneous sources, not as a coherent movement. More a collection of often warring tribes than a unified nation, there is perhaps an identifiable core theme or sensibility which is shared by 'post-modern' authors, namely a reaction against certainty or 'central control' mechanisms, whether these are sought for or postulated as operating in the human subject, in human society, in texts, in history, in truth or in meaning.

A crucial variable for the dissemination of post-modern theory into legal education is clearly the development of accessible secondary works serving as commen-

taries on authors or on themes. So far, Foucault, like Habermas, has been quite well served here. Popular postmodernism is as necessary as popular science, and for purists carries the same risks and dangers, as well as a tendency in some commentators for little of the main cultural impetus of the work to survive its translation into a different cultural space.

Post-modern theory is not a way of smuggling into legal education a range of proposals or projects about how the law or the legal profession should develop or behave in the future. It is not in the business of ethical certification, although other forms of legal theory are. For legal education, the principal strength of post-modern currents is a certain distance from the present, which is opened up through the plurality of the critical resources post-modern writers make available to us.

That antithesis or conflict between post-modern theories and much more practical issues of the 'future of law' – and especially the 'future of the legal profession' – is artificial and unnecessary. Traditional legal-theoretical strategies are largely bankrupt as handles on the analytical questions which arise in seeking to pose alternatives for the future. There is one challenge in/ for the future which both mainstream liberal theory and its critical cousin postmodernism may face: the implications for theory of the recognition of multiculturalism.

CURRICULUM

Building the world community: challenges for legal education

C Grossman

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We are witnessing a dramatic transformation in the world today, caused by a combination of forces, such as global trade, foreign investment, the advent of the Internet and other communications technologies, the breakdown of authoritarian political structures, the emergence of new nations, and expanded roles for individuals, multinational corporations and non-governmental organisations in international activities. In this new, essentially bor-

derless world, crucial problems that challenge humankind cannot be solved solely by individual states. Instead, the growing trend towards internationalisation requires an ever-greater degree of international co-operation. These developments highlight the emergence of a new world reality - and a new legal reality. What will be the effect of these changes on legal education? What challenges do we as legal educators face as we try to prepare our students and our institutions to confront this changing world?

The academic reliance on the Socratic method was consistent with the 'scientific approach' to legal education where professors could direct students to analyse actual decisions in terms of doctrinal logic. This also meant that a whole array of other intangible issues relevant to practising law in an international, multicultural environment - such as the interplay of culture and nationality in legal decision making - were conspicuously absent from the academic agenda. Lawyers interacting with individuals in and from other nations must understand the interplay of culture and nationality with legal decision-making. Implicit in this is also the necessity for an understanding of the relationship between gender and the law, since concepts of gender are intricately linked to culture.

This is not to advocate a position of cultural relativism, which allows societies to make their own rules, based on culture, with respect to the rights afforded to individuals. The human dignity of men and women must be respected in every culture, but culture must be respected and understood in order to allow lawyers to communicate effectively with clients and with each other.

US law schools have long focused on a concept of diversity that is domestic in nature - ensuring that there is a more balanced representation of various minority groups found in the US population. But now there is a need for a more multinational concept of diversity. Law schools must anticipate in their own composition the composition of the world that their graduates will interact with - a world that is multinational and pluralistic.

Globalisation has created new social problems - such as increased international crime and environmental degradation from increased economic activity related to trade. It has also brought the effects of problems that were once 'far away' closer to home. For example, increased interaction among nations means that a domestic financial crisis in one country can now more easily spread to another country.

How do we address these challenges? How do we move away from a self-centred approach to legal education? How do we promote a new, international concept of diversity in our law schools? And how do we instil in our students both the ethical convictions and the means to address the social problems of our globalised world? There are differing schools of thought on these questions but none are sufficient to produce the type of fundamental changes that are necessary. Below are outlined briefly some of the strategies that may lead to such a fundamental change in legal education. These strategies are being proposed and implemented at the Washington College of Law (WCL) and other schools around the country.

The first involves creating linkages between the study of domestic and international law. We need to create such linkages because in our new global reality even 'domestic' lawyers will at some point in their careers have to address issues of international law. At WCL we have made revisions to the first year curriculum to incorporate international law issues into traditional first year 'domestic' law courses. Teaching methodologies, such as moot court competitions, which have been traditionally used to develop advocacy skills in the domestic sphere, are now being used to expose students to the interplay between domestic and international law and to promote advocacy skills in international fora. The creative use of simulations involving a combination of domestic and international law issues is also important. Providing opportunities for experiential learning - clinics and externships - in settings that provide hands-on experience in cases that involve both domestic and international issues is also essential to preparing students for the reality of an interconnected world.

Law schools must offer courses in comparative law and international conflicts of laws in order to give students an understanding of types of legal traditions other than common law - civil law, religious law, customary law, and mixed systems. We must also recognise the limitations of the case method in teaching other legal traditions and use a variety of teaching methods, including simulations and experiential learning. We need to allow our students the opportunity to study abroad in countries with different legal systems.

Including cultural and gender issues in the academic agenda can be done by adding courses to the curriculum that address these issues. Another component of promoting cultural understanding is providing students opportunities to develop their foreign language skills as lawyers. Including the perspectives of other academic disciplines in the study of the law is also important. The primary way to do this is through joint degree programs. This can also be achieved through faculty exchanges.

Social change and international awareness can also be promoted through purpose-oriented programs outside the curriculum. Law schools can be vehicles for meaningful social change in the international sphere, while at the same time providing valuable experience for their students.

We, as lawyers, have the opportunity to shape the legal institutions that will govern the future. As legal educators, we have the responsibility of preparing students to continue this process. We do not yet know the end result. We simply know that participating in this process is essential to solving the global problems facing today's world. What is needed is a profoundly different approach: one that advocates a qualitative rather than a quantitative change in legal education.

Emerging worldwide strategies in internationalising legal education

L F Del Duca

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There are a number of fundamental trends that cause or encourage internationalising