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
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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

attempt the kind of progress that has been made in corporate America. Many faculty are immediately offended by the very suggestion of a corporate analogy. Some are hostile to the corporate world as they see it. Nevertheless, there are many of us within colleges and universities who believe that we in higher education are paying a heavy price for our failure to persuade leaders in business and in government that we are effectively managing our resources. We need to do a better job and we need to persuade people that we are doing a better job.

This is not to say that higher education has made no response to the crises in confidence or to the increased scarcity of resources. The first line of response has been an attempt to increase revenue. The second has been retrenchment, but retrenchment without the sort of restructuring that has taken place in American business. There is a widespread consensus among outsiders that the academy should employ some of the techniques that were used to reinvent corporations in the 1980s: defining missions, focusing on quality, flattening hierarchies and giving employees more authority, examining bureaucratic fat and contracting for noncritical services.

Law schools need to define their core mission and concentrate on what they do best; to examine their internal bureaucracy; to form alliances with other institutions; to involve faculty and other stakeholders in the process; to move fast and stay the course; to establish meaningful minimum expectations for faculty presence on campus; to establish performance standards for faculty to interact with the legal profession; and, finally to maintain a sense of gratitude for the position of law professor - surely one of the greatest jobs in the world but failing that, to maintain a sense of humour.

LEGAL ETHICS

Heroes or technicians? The moral capacities of tomorrow's lawyers
A Goldsmith
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Basic technical competence aside, we expect lawyers to behave ethically in their relationships with clients, the courts, fellow professionals, and the wider community. Society seeks not only capable but also responsible lawyers. A morally adequate conception of legal competence requires more than the acquisition of abstract principle or a purely technical proficiency at particular legal or generic skills.

How we conceptualise legal professional responsibility is a question vital to professional legal education and one going to the heart of the moral authority of lawyers. To defend this authority, a merely technical conception of skills and competence is not enough. The exercise of that responsibility requires recognition of a variety of constraints and possibilities within professional practice. Law students need to recognise that professional responsibility implies a sense of when to comform with current professional opinion and practice and when to exhibit professional courage to cross the grain.

In Australia, Canada, the United Kingdom and the USA, recent talk about skills, values and competence in legal education leaves unanswered the question of what conception of legal knowledge is being used. Despite growing unanimity about the need to improve the level of lawyers' performance, there is still surprisingly little developed sense of how to proceed in this direction. There has been an inadequate degree of theorising about types of legal knowledge and their relationship to legal practice. This reflects the continued resistance by many legal academics and practitioners to law students being taught critically and contextually, except in rather superficial ways. Law schools and professional training programs threaten to perpetuate a narrow, largely abstract and socially insensitive form of professional reproduction.

There are ways of conceptualising the professional responsibility of lawyers which are responsive to the broader social involvements and commitments and which address the professed professional goals of public service and justice. In contrast to a replicative model of professional formation, a transformative model is a way of developing the necessary scope of legal knowledge. There needs to be functional integration of deep critique with professional reproduction through the development of what constitutes legal knowledge.

The moral responsibilities of lawyers in the next century will depend even more than previously upon a solid, personal foundation of values and dispositions. Increasing heterogeneity among lawyers will generate an expanded range of explicit choices of professional values and commitments, which the individual lawyer will have to sort out. Responsible lawyering requires more than simply the capacity to act in a technically proficient or competent manner. The capacity to understand, as well as to analyse, situations and apply certain legal strategies is vital to the ethical character of legal practice. While promising new levels of mass competence, an excessive concentration on technical skills to the exclusion of issues of meaning and context threatens the loss of a broader appreciation of the nature of lawyers' work. A