

as off-campus special interest groups. It was responsible for a number of activities, for example, conferences, publications of a diverse nature including numerous articles in the *Legal Service Bulletin* (a number of editors of this journal were involved in both Critique of Law and ALWG) and books.⁹

While Critique of Law and ALWG made special efforts to support both theoretical and practical work, and to maintain a sense of a collective project confronting law, in the 1980s progressive law workers moved into various social movements, legal aid, and law reform work. There is at this time no general organisation which seeks to carry on the radical work of those earlier groups.¹⁰ Progressive lawyers, while now playing a significant role in many community struggles are following a centripetal trajectory familiar on the political left,¹¹ nevertheless they may run the risk of failing to even try to understand the world while busily working to change it.

Perhaps readers will have some ideas on the role and organisation of intellectual law work in the contemporary world. If so, we intend to make a place in this Journal where those issues could be more widely discussed.

MEMORANDUM TO: Law School Staff

From: P.E. Nygh, *Professor of Law and Head of School*,
5 July 1977

I have given much thought to the stimulating discussions we have had lately about legal education in the School. As I have made clear, I have a profound mistrust of ideologies. Perhaps this was caused by experience in my youth when I saw in Europe how ideological fervour and the labelling of entire segments of the population as the source of all evil could lead to their being treated as obstructions and stripped of their humanity. Developments since 1945 tended to confirm my view that ideological zeal, however well intentioned, can only degenerate into tyranny and murder. Cambodia is the latest and most extreme example. For myself, I prefer a pragmatic approach to solving the problems which we face today.

In teaching our students I think we must remember what our task is. When I was appointed to start the School of Law, I was given a mandate by the University Council to create a course of professional training. That

9 See e.g. J. BASTEN *et al* (eds.) *THE CRIMINAL INJUSTICE SYSTEM* (Australian Legal Workers Group, *Legal Service Bulletin* 1982); G. ZDENKOWSKI *et al* (eds.) *THE CRIMINAL INJUSTICE SYSTEM*, vol. 2 (Pluto 1987).

10 In 1988 the *Lawyers' Reform Association* was established in Sydney, largely by lawyers working in mainstream sectors of the profession. It has yet to make a significant public impact, but it would appear that it will be engaged in fairly traditional "liberal law reform" activity. Some progressives have joined perhaps with a view to raising more fundamental issues.

11 See, e.g., E. WOOD, *THE RETREAT FROM CLASS* (Verso 1986).

mandate has been re-affirmed by the undertakings which I had to give on behalf of the School to the Supreme Court to secure recognition of the degree as a pre-condition to admission. I have defined professional training widely as including not only technical expertise, but also an awareness of the social problems which lawyers are called upon to solve. But it has always been on the assumption that our present legal system has within it the resources for change and adaptation. It is perfectly legitimate to make students aware of the existence of theories which maintain that the present legal system does not have that capacity, but I think we would fail in fulfilling our obligation to the University and the Supreme Court if we based courses on the fundamental assumption that the present legal system was inherently corrupt and incapable of reform from within.

Such a course would be self defeating for it would only produce one of the following effects:

1. Some students may be led to believe that law studies are useless and in a defeatist attitude withdraw from the course. Some demented individuals may even come to the conclusion that the only answer to the problems of our society is to throw bombs around.

2. A much larger segment of the student body will readily accept that the system is corrupt and derive from it the conclusion that they are entitled to abuse it for their own private gain. Such an attitude is already far too prevalent among the profession.

3. Finally, another segment of the student body will simply be alienated. They will reject the teaching as irrelevant and biased and in doing so belittle the genuine concern which motivates the teachers. It would not be the first time that left-wing zeal has helped black reaction.

As a result of the discussions I personally have come to the conclusion that we must try to be more positive in our attitude towards the law. I myself have been guilty at times of denigrating the present system because its faults are only too open to view. Perhaps we should try and instil in our students a sense of heroism, a sense that a dedicated individual can achieve worthwhile reform through the skilful use of the legal and constitutional machinery that is available to him today.

I will be very happy to hold a meeting to discuss these issues. Unfortunately, I will be tied up for the next three Fridays at lunchtime. Unless there are strong objections, may I suggest lunchtime on Thursday, 14th July. This seems a most appropriate date to discuss revolutionary theories.