

THEY MAKE A DESERT AND CALL IT PEACE

FRANK CARRIGAN

ABSTRACT

The purpose of the article is to shine the light of disinfectant on the state of decay evident in Australian law schools. The article argues that law schools in Australia are controlled by structures of power that foster the rule of those at the commanding heights of a market society. At the pedagogical level the power relations that shape the agenda of Australian law schools are expressed in a form of jurisprudence that turns law into a trade school discipline. The article highlights the killing of a number of attempts in Australia to revamp law schools by developing a decentralized form of governance, and a teaching methodology that supported a critical legal education aimed at producing lawyers equipped to enhance a citizen-based democracy. The axing of the innovative law program at Macquarie University by the upper echelons of management and their academic acolytes is delineated in detail, for its tragic downfall encapsulates the triumph of the corporatist approach to higher education. Peace in the form of a conformist model based on creating lawyers attuned to commercial imperatives was forcibly achieved at Macquarie. But it was a pyrrhic victory. The cost was the installation of an instrumentalist form of legal education and the death of a governance and pedagogical model that offered the best of a humanist experience to neophyte lawyers. Instead of a legal education based on combining technical skill with a social science education capable of equipping lawyers with the ability to pursue a more just and egalitarian society an intellectual desert based on a false peace was erected. For the foreseeable future a dark age of orthodoxy prevails at Macquarie and elsewhere, but somewhere down the path contrarian academics and students will once more emerge to promote the eternal virtues of participatory democracy, truth and beauty. Thus a legal education based on critical thought that challenges managerial and corporatist values will once more spring to life.