

Human Rights and Globalization: The Need for Political Lawyering for Social Change

Dr. Mizanur Rahman*

1. Introduction

In legal education there is almost universal realization that in a world that is changing as rapidly as the one in which we now live, the training of a lawyer must be kept under constant review. There is also an increasing tendency for law teaching to have regard to the transnational nature of law and this is well exemplified in teaching of new subjects like community law in Europe, Latin America and lately in Asia and Africa. Many faculties of law in the subcontinent as elsewhere in the world include the Law of Human Rights in their courses, thus reflecting the almost universal interest in fundamental human rights and the importance to the profession of judicial review, which has become a feature of most new constitutions since World War II.

Legal education and training today must also take into account the reality of globalization Thomas Friedman defined globalization "as the integration of finance, markets, nations states and technologies to a degree never witnessed before- in a way that is enabling individuals, corporations and nation states to reach around the world further, faster, deeper and cheaper than ever before, and in a way that is producing a powerful backlash from those brutalized or left behind."¹

Why should globalization impact the profession in a country like Bangladesh, for example? The reasons are not difficult to identify:

Traditionally the practice of law has been a highly localized activity, centered on the particular courts before which the lawyer practices. Since the Second World War, however, lawyers, particularly from the rich north, have developed a much wider range of legal services to their own business and financial communities than in the poor south.

* Professor of Law, Dhaka University, Bangladesh and Director, Human Rights Summer School.

¹ Thomas Friedman, It's Small World, Sunday Times (London), March 28, 1999 (News Review) at 1.

More recently the business and financial communities themselves have been affected by a growing trend towards internationalization and indeed globalization of markets. These trends have been the result of a number of factors, including greater speed of travel and advances in information technology and all forms of communication. The trends have been reinforced by the dismantling of trade barriers both within particular blocks such as the European Community and also by liberalization under GATT and its successor the General Agreement of Trade in Services.² These trends influence the position of individual clients or vulnerable communities in becoming increasingly marginalized. Efficacy of law as a tool for change of the society in the sense of empowerment of the common people is being put to strong doubts and questions. What should be the role of the lawyers and the legal profession in this changed scenario? These are some of the issues confronting the lawyers in an age of globalization. In this article an attempt is made to review the role of a lawyers as a social engineer who views it as his moral obligation to stand for the rights of the disfranchised.

2. Lawyers and the Profession

Lawyers have inevitably had to develop their own services on an international and global level in order to meet the needs of their business clients. For a highly traditional court based profession such as the law, it has been a major challenge to develop its services in a way which meets the rapidly changing needs of its business clients while preserving the essential features of a service which ultimately depends on its relationship to the court process. The essence of the challenge is how to provide a range of legal services covering the major systems of law affecting the clients' business, and the physical manpower and means of communication to underpin it. It is asserted that the big law firms of the rich South in additions to a few rich law firms of the poor south have been among the most successful in meeting this challenge.³ But here finishes the similarities between the lawyers/law firms from the North and their counterparts from the South. Human rights considerations affect the profession in the South much more deeply than anywhere in the North. The reasons are quite obvious. To quote an author:

"Most of them (young lawyers-M.R) are comparatively young people who will enter the profession when the spirit of concern for the disadvantage and

² Mark Sheldon, Multinational Law Practices: Implications for Law Societies. In: Conference Papers. 10th Commonwealth Law Conference, Nicosia, Cyprus, 1993 at 101

³ Ibid

the right to challenge the validity of acts of government and other infringements of civil liberties are matters of topical interest in the democratic world. While other members of the profession have been taught that professional services must be carried out with detachment and objectivity, i.e. the lawyer must never make the client's cause his own; the young new professionals are likely to bring to bear on the profession an involvement born of a concern for the clients' welfare and circumstances. If this involvement is not carried to extremes, is otherwise within bounds of professional ethics and is accompanied by honesty and sincerity, it could well be that the other members of the profession will come to discern in this new departure a form of practice that will do no great harm to the community but which can bring the profession closer to the client it is intended to serve".⁴

Indeed, the practice of law is a learned profession.⁵ It requires specialized training and the "lawyer must gain an understanding of the shared values of the profession."⁶ A lawyer must be independent. The "lawyer must zealously represent the client"⁷; strict confidentiality must be maintained; and conflicts of interest must be "avoided absolutely"⁸. The "practice of law must be governed by ethical principles."⁹ Their competence and ethical conduct must be ensured by proper regulation. Regulation "promotes the concept that a lawyer serves the public interest in addition to the Client."¹⁰ A "lawyer has an obligation to the public in addition to obligations to a particular client, and a lawyer has responsibility to respect the concept of the rule of law."¹¹ The "legal profession, operating within the rule of law and a transparent system of justice, strengthens the disparate institutions of the world's governments and reinforces the fabric of society."¹²

It is generally true then in a society founded on respect for the rule of law the lawyer fulfils a special role. His duties do not begin and end with the faithful performance of what he is instructed to do so far as the law permit. A lawyer must serve the interest of justice as well as those whose rights and liberties he is trusted to assert and defend and it has the duty not only to plead his client's cause but to be his adviser.

⁴ Sir Fred Philips, Multinational Law Practice- Trends for the Commonwealth: A View from the Caribbean, In: 10th Commonwealth Law Conference, op.cit.at 99.

⁵ Philip S. Anderson, Remarks, 18 Dick.J.Int'l.L. (1999) at 44

⁶ Id.

⁷ Id.

⁸ Id.

⁹ Id.

¹⁰ Id.

¹¹ Id. at 44

¹² Id. at 45

3. Lawyering for Social Change

A lawyer's function, therefore, lays on him a variety of legal and moral obligations (sometimes appearing to be in conflict with each other) towards:

- The client
- The courts and other authorities before whom the lawyer pleads his client's cause or acts on his behalf;
- The legal profession in general and each fellow member of it in particular;
- The public for whom the existence of a free and independent profession, bound together by respect for rules made by the profession itself, is an essential means of safeguarding human rights in the face of the power of the state and other interests in society. This is based on a broader conception "of what a lawyers should be—a professional with a wide range of particular skills but also a human being who exercise judgment, cares for her fellow human beings, both clients and the larger society and who has a vision of what professional work should be that goes beyond litigation."¹³ When the process of globalization puts an individual client or a disadvantaged community client at the mercy of the global economic forces or coercive forces of the state, a human right lawyer must possess the 'art of lawyering', the 'prudence of judgment' and be 'a caring human being who uses professional work to make the world a better, not worse, place when she leaves it than when she found it'.¹⁴ What it means is that the lawyer must always engage himself in 'changing' the prevailing conditions. "Change" includes not only specific, discrete alterations, but also processes of renovation and continuing challenge of the status quo.¹⁵ This is what we popularly call 'lawyering for social change'. Lawyering for social change is indeed a form of political lawyering. One definition of political lawyering construes the world "politics" is the classical sense of Plato and Aristotle, viewing it "as they are concerned with what it means to be human being' what is the best life for a human being; and ... the ways in

¹³ Christopher J. Whelan, Ethics Beyond the Horizon: Why Regulate the Global Practice of Law?- 34 Vand. J. Transnat'l L. (October, 2001) at 934

¹⁴ Carrie Menkel-Meadow, Symposium on the 21 Century Lawyer: Narrowing the Gap by Narrowing the Field: What's Missing from the Missing from the Macerate Report-Of skills, Legal Science and Being a Human Being -69 Wash.L. Rev. (July, 1994) at 596.

¹⁵ Id. At 596.

which we can order our living together so that good human lives will emerge."¹⁶

Another definition focuses on the lawyer's ability to fight the status quo and to provide redress and representation to the voiceless.¹⁷ Lawyering for social change is "a form of advocacy that consciously strives to alter structural and societal impediments to equity and decency"¹⁸ as the lawyer works to provide "legal representation to individuals, groups, or interests that historically have been unrepresented in our legal system, or who are fighting the established power or the established distribution of wealth."¹⁹ Social change lawyering refers to those "lawyers whose work is directed at altering some aspect of the social, economic and/or political status quo" and who believe that current societal conditions obstruct the full participation of and sufficient benefits to subordinated people.²⁰ An author also suggests that political lawyering "involves deliberate efforts to use law to change society or to alter allocations of power."²¹

One can easily pose the question why should the lawyers be the craftsmen for social change? The answer probably lies in the unique role that lawyers play in our legal system. It is an obvious fact that all of our legal institutions are designed to be into operation by lawyers and not by laypersons. Laws are written in such a way that only lawyers can interpret them; judicial decisions are crafted so as to be fully intelligible only to the legally trained. Court regulations, court schedules, even courthouse architecture are designed around the needs of the legal profession.

Lawyers thus retain a monopoly on legal services. This legal structure obligates lawyers to work for those in need, not merely because of the demand for public services, but because of the implicit right to "Equal Protection of the Law". The notion that all people should be afforded equal justice is one of the fundamental legitimizing principles of our legal system. This principle implies equal political rights, such as participation in governance of the republic, as well as equality of legal rights, meaning that every person has a right to legal redress of injuries through the court system. To gain this access, however, requires the help of lawyers. In order to

¹⁶ Martha Minow, *Law and Social Change*, 62U.Mo.Kan.City L. Rev. (1996) at 182

¹⁷ Peter M. Cichino, *To be a Political Lawyer*, 31 Harv. C.R.-C.L.L.Rev. (1996) at 311

¹⁸ See Preface to Symposium, *Political Lawyering Conversations on Progressive Social Change*, 31 Harv. C.R.-C.L.L.Rev. (1991) at 285.

¹⁹ Id. At 285

²⁰ Debra S. Katz & Lynne Bernabei, *Practicing Public Interest Law in a Private Public Interest Law Firm: The Ideal Setting to Challenge the Power*, 96 W.Va.L.Rev. (1993-94) at 293, 294-95.

²¹ Louise G.Trubek, *Embedded Practices: Lawyers, Clients and Social Change*, 31 Harv.C.R. - C.L.L.Rev (1996) at 415.

sustain the legitimacy of the legal system, lawyers must guarantee that legal services are available to all that need them. But this regnant lawyering, which many authors define as 'governing class model', is evidently incapable to orchestrate social change. The reasons, again, are inherent in the incompleteness of lawyers produced by regnant legal education.

4. Regnant Lawyering Model

As Lopez²² sees it, the regnant lawyer is characterized as:

- formally representing clients, primarily through litigation, whether in 'service' or 'impact' cases;
- having a rather negative understanding of community education and organizing;
- considering lawyers as the pre-eminent problem solvers and therefore, connecting only loosely to other institutions and groups;
- badly understanding the interaction between the community and outside structures, institutions and events and having a negative opinion about subordinated clients being able to help themselves; and
- seeing law and lawyers as the means to fighting subordination and not knowing and not trying to learn to what extent, if any, formal legal changes penetrate the lives of subordinated clients.

Moreover, the regnant lawyering model (Governing Class model) promotes a hierarchical, unrealistic ideal that "going to law school and practicing the law grants lawyers a measure of honed insight above and beyond that of the average citizen."²³ Further, it posits that this advanced ability in decision-making elevates lawyers in society and therefore creates a duty for lawyers to serve the general public. Those notions do not truly reflect today's cadre of lawyers. Law school therefore creates a duty for lawyers to serve the general public. Those notions do not truly reflect today's cadre of lawyers. Law school certainly equips lawyers with some of the keys to open the doors of the legal system, but this knowledge is entirely unrelated to a higher ability to make judgments. It simply teaches students what legal mechanisms must be used to fight certain legal battles.

²² Martha Minow, *Political Lawyering: An Introduction*, 31 Harv.C.R.-C.L.L.Rev. (1996) at 287, 289.

²³ Gerald P. Lopez, *rebellious Lawyering: One Chicano's Vision of Progressive Lawyering*, 1992 at 24.

In addition, most lawyers do not necessarily associate a duty to perform pro bono work with being a member of the privileged legal profession. The participation of lawyers in pro bono services to the poor is extremely low.

Further, none of the definitions of political lawyering mentioned above fit within the governing regnant lawyering. They all involve moral determinations as a starting point, such as what the best life is for humans, whether there is value in fighting the status quo and in representing the voiceless, and whether value exists in equality. These definitions involve moral motives rather than dutiful ones. These notions do not require special judgement, but they encourage using legal tools to work for moral causes. Therefore, legal education and training must be directed not only to enhance the knowledge and skills of the lawyers to commensurate with the demands of the global world but also to being in these moral issues as forming the essence of their training.

5. Lawyering in the Age of Globalization

Globalization presupposes a broader engagement of the lawyer as full human being who needs to be educated on a variety of different levels.

A. Cognitive knowledge

There is an essence in the phrase "thinking like a lawyer", and this skill of parsing cases, 'spotting' issues, separating the holding from the dictum, the relevant from the irrelevant fact, and the law from the policy must be learned by anyone who calls himself a lawyer. In this age of globalization lawyers will have to solve problems, synthetically and creatively, as well as analytically, they will have to read and write and enforce statutes. Thus, they will need a variety of new and more complex skills and new ways of understanding legal problems. In learning to think creatively and solve problems, they might draw from such disciplines as engineering, architecture, and artificial intelligence. In order to understand word craft, lawyers might be as informed by literary criticism as case reading. Legal education and training must balance private law courses with public law courses and must make arrangements to study processes more inclusively (e.g. inclusion of ADR in justice administration). Most importantly, at the intellectual level, the well-educated lawyer will need to understand basic economic concepts, statistics, and enough social science to be able to analyze empirical effects of lawmaking and law-enforcing. And if we are serious about lawyering for social change and making lawyers more sensitive to their public calling, then we will need to focus more on moral and political philosophy as well. In short, the intellectual or cognitive aspects of

learning to be a lawyer will continue to include the best from the existing curriculum but will have to expand to make room for the "liberal arts" of lawyering as well. As one author puts it: "The modern law school will, of necessity, have to be 'law and...school'".²⁴

B. Behavioral/Experiential/Skills Training

The lawyer of the global world needs to be educated about "doing like a lawyer" while a student, as well as in continuing education programmes. Skills must first be introduced in the law school setting, where theories about skills can be developed and tested, where students can "experiment" with their behavioral repertoires without hurting real people (in simulation settings), and where feedback is connected to educational goals and not to client and economic incentives. This will obviously require a reordering of some priorities-behavior and action will have to be treated as seriously as minds and ideas.

In an ideal educational system, foundational skills will be learned first, as foundational concepts are taught first in the cognitive programme. Student-lawyers will learn the constituent aspects of lawyering first-the logic of question-framing- when an open question, when a closed; opinion writing, then persuasive writing, and then active listening and interactive skills with other people, such as collaboration. Then these foundational skills can be broadened to particular lawyering tasks-argument in trial, discussion in negotiation, argument at appeal, counseling individual clients, counseling organizations and entities, negotiating disputes, negotiating transactions, negotiating with coalitions, negotiating with clients and adversaries, and negotiating with legislatures, government agencies, and foreign governments. In short, skills training would be organized functionally and contextually with building blocks going from the specific and individual to the more complex and diverse.

Thus, cognitive and skills learning would be unified in courses that "combine learning about doctrine and theory while watching the "law in action" and the "gap" between the law on the books and the law as it happens."²⁵

C. Affective Human Learning

Good lawyer must develop an "imagination" for considering the worldview and values and choices of the person whom one is trying to help (the client).

²⁴ Karen L. Lowey, *Lawyering for Social Change*. Fordham Urban Law Journal, August 2000 at 1898.

²⁵ *Supra* note 14 at 618

Thus, lawyers must learn how to "feel with" others. This process, which is sometimes referred to, as "empathy training" is an essential part of the client-lawyer relationship and can be learned and taught.

Lawyers need to learn to experience "the other" from the values that the other holds, not those of the lawyers - this is the challenge of most lawyer-client relations and lawyer-opposing side relations. Lawyers must have a willingness to truly apprehend the reality of the other (be it client or administrative bureaucrat or opposing counsel); not just to understand instrumentally how to move, persuade or affect that person, but to understand what meaning the interaction has for that person in a caring and existential sense. The lawyers who hopes to effectuate a successful transaction or settle a lawsuit or amend an administrative regulation needs to understand what the goals and feelings of the other are, if only to effectuate the needs and goals of the client (the "instrumental" justification for affective learning). A good lawyer needs to understand, from a human point of view, what the other wants to happen in the world (the "humanist" justification for affective learning).

D. Normative Learning

The lawyer of the globalized world needs to consider the ethical and moral implications of his work. Whether he begins from the starting point of the formal rules or from the tenets of Kant's categorical imperative, the lawyer must learn to consider the consequences of what he does- how does lawyering work and decision-making affect the client, those near the client, and the larger society. In short, the lawyer must learn to consider what are the effects of his work - is he doing more good than harm?

These are not easy questions to answer in concrete situations, and neither legal education nor continuing education will provide all the answers, but law schools can instill in the budding lawyer an ethical methodology or series of questions that the lawyer can learn to ask himself and think about posing to clients who may need to consult equivalent concerns about how their actions impact on the "public good"

6. Contextual Lawyering as a Methodology for Social Change

Legal education and training that incorporates the above-mentioned components will undoubtedly lead to more skilled, adept and to a certain degree, client-sensitive lawyering. But it is extremely doubtful, whether this is sufficient to bring out of the lawyers "social engineers". For social change to occur, contextual lawyering is inevitable. The Social Engineering/Moral

Activist Model (SEMA Model) may be recommended as prototype for contextual lawyering.

The SEMA model most accurately addresses the issues involved with lawyering for social change. This model has its roots in moral activism and incorporates a broad range of theoretical and methodological approaches to the work of lawyering for social change. Because this model is based in moral activism, it provides both a personal motivation for the lawyer and an ethical imperative to be true to the mission of the legal endeavor. Because the SEMA model incorporates elements of multiple approaches, it enables the lawyer to be responsive to both the needs of the client and the legal undertaking.

Any kind of political lawyering points to the importance of working for a substantively better society. In the SEMA Model, the lawyer works to alter the social order to reflect the values to which he is morally committed. SEMA Model suggests that the use of legal tools to work for the moral good is the ultimate goal of lawyering.

This Model also provides an additional way to address concerns regarding lawyer domination of clients. The issue of elevating the lawyer's political goals over the client's individual goals loses relevance when the lawyer and client engage in a relationship of full disclosure and honesty.

The causes and ideals embraced by lawyers for social change are extremely diverse; so too are the details, political issues, community concerns and underlying them associated with them. None of these aspects is extricable from another. As a result, the best strategy for achieving social change can change from moment to moment. The SEMA Model suggests that a lawyer engaged in a political struggle must keep all available options at his disposal and consider a multitude of different ideologies. This strategy is the best way to ensure change and social progress.

Achieving successful social change requires long-term, dedicated, incremental work, utilizing every available tool to address the demands of the situation. The conditions of the political climate are not easy to read, and therefore such determinations must be made carefully. The political lawyer must monitor social and political sentiment closely to determine which method will be most effective at a given point of time. As Hunter notes, "structural factors determine whether legislation or litigation dominates an equality movement at any given moment: the roles of the state

and the market as allies or foes; the nature of the rights being sought; and the broader political climate in each arena."²⁶

7. Forms of political Lawyering and Social Change

Researches have identified several forms of active lawyering for social change. Professor White, for example, writes about three "ideal types" of active lawyering, though maintaining that in "any instance of actual lawyering features of all three types merge in a complex pattern."²⁷

The first type of lawyering corresponds to the first dimension of power. In this image, the role of the lawyer is straightforward and familiar. He is changed with designing and winning lawsuits that will further the substantive interests of client groups. The lawyer 'translates' client grievances into legal claims. He crafts the lawsuit so that the judicial remedy, if granted, will directly remove, or at least ameliorate, those grievances.

In the second type of lawyering, the lawyer acknowledges that litigation can sometimes work directly to change the allocation of social power. However, the lawyer sees these effects as secondary to laws deeper function in stimulating progressive change. In addition to generating remedies that can coerce change, litigation is also public action with political significance. The law and its practice has cultural meaning, it constitutes a discourse about social justice. Under this approach, the lawyer is indifferent to victory in court. If a claim prevails, so much the better. But the measure of the case's success is not who wins. Rather, success is measured by such factors as whether the case widens the public imagination about right and wrong, mobilizes political action behind new social arrangements, or pressurizes those in power to make concessions. To accomplish these goals, the lawyer must design the cases with the audience-the subordinated group and the wider public - in mind.

The third type of lawyering encompasses lawyering on the level of consciousness of the subordinated and together with them toward change. It has been shown elsewhere that critical consciousness can re-emerge among oppressed groups as they reflect together about concrete injustices in their immediate world and act to challenge them.²⁸ Through a process of reflection and action, subordinated communities can, Freire contends, gradually liberate their consciousness from the internalized oppression.

²⁶ Id. At 619

²⁷ See, Nan D. Hunter, *Lawyering for Social Change*, 72 N.Y.U.L. Rev (1997) at 1013

²⁸ Lucie E. White, *To Learn and Teach: Lessons From Driefontein on Lawyering and Power*, Wisc.L.Rev. (1988) at 754.

Fatalism and passivity can be transformed into a common recognition of the skills that people already possess and into a shared willingness to change. The lawyer must learn how to engage with the clients in a conversational process of naming and critiquing their immediate reality. This process, as laborious as it may seem to the result-oriented lawyer, must be the centre of the third dimensional (type) of lawyering.

Challenging the status quo for purposes of social change entails educational work in the broadest sense, working with people to engender changes in how all participants view themselves and the world. Political lawyering, thus also includes strategic work. The lawyer must help the client-group devise concrete actions that challenge the pattern of domination that they identify. Thus, this type of anti-generic political lawyering involves helping a group learn how to interpret moments of domination as opportunities for resistance. A lawyer for social change must never overlook the fact that "poverty will not be stopped by people who are not poor. If poverty is stopped, poor people will stop it. And poor people can stop poverty only if they work at it together. The lawyer who wants to serve poor people must put his skills to the task of helping poor people organize themselves."²⁹ Therefore what is necessary is political (empowerment) lawyering to enable people to gain control of the forces, which affect their lives. This is all the more necessary because "event if we were to provide more funds for social programmes, enact better laws, and provide many more dedicated lawyers to help them, powerless people will need to work on the imbalance of power in our society or they will, by definition, remain powerless and trapped. Granting codes of legal rights and protection to the powerless, without more, is fruitless. People need power to use the legal system."³⁰

Political lawyering, therefore, in order to bring about social change must assume the character of empowerment lawyering as opposed to regnant lawyering and should take into account, inter alia, the following considerations:

- a. The primary goal of political lawyering for social change is building up the poor/subordinated/disempowered as a community/class.
- b. Lawyers can disempower groups by creating dependency.

Even the best instances of public interest litigation under the governing model individualize or compartmentalize the problems of the poor and powerless by not addressing their collective difficulties and lack of

²⁹ See Paulo Freire, *The Pedagogy of the Oppressed*, 1970.

³⁰ Joel Handler, *Community Care for the Frail Elderly: A Theory of Empowerment*, 50 Ohio St.L.J. (1989) at 557.

power. If social change meaning empowerment is the end, creating dependence on a lawyer is not the means. As one author states:

"...The lawyer for poor individuals is likely, whether he wins the case or not, to leave his clients precisely where he found them, except that they will have developed a dependency on his skills to smooth out the roughest spots in their lives."

- c. Litigation is only one of many means to the end.

With regard to litigation one has always to bear in mind that one of the weaknesses of litigation is the inherent limitation of the judicial system, which called upon to produce social change. One authority sees three constraints, which frustrate any attempt to seek social change through the courts: the need for legal precedent; the dependence of the judiciary on popular political support; and the lack of implementation power by the courts.³¹

- d. Negative impact of an incomplete legal education and training.

The gap between what poor people want to say and what the law wants to hear often seems enormous. Existing legal education does not prepare lawyers for this daunting task, and the profession does not encourage or reward such efforts. Our lawyers have not learned to listen and talk to the poor people. Therefore, in practice, lawyers often subordinate their clients' perceptions of need to the lawyer's own agendas for reform.

- e. The poor/community must be involved in everything the lawyer does.
- f. Be willing to confront the lawyer's own comfort with an unjust legal system.

Ultimately, every group of people who seeks power must face those with the power. Seeking a rightful share of power means demanding the return of that power from the powerful. This is confrontation. It is certainly one of the options that those without power must consider. The lawyer for social change can assist the disempowered in this inevitable confrontation by either of two approaches: shut up and get out of the way and/or help the group discuss the best options to provoke or defend the resulting confrontation.

The lawyer has a delicate and paradoxical role to play in social change. The primary role is to help the community take, develop, and share their rightful

³¹ Supra note 30 at 1053.

power. In this globalized world, the lawyer holds a position of power partly because the law has drawn away from common people and become a system unto itself, inaccessible to a non-lawyer, with its own language, and its own liturgies of practice. In this sense, the ignorance of the client enriches the lawyer's power position. Thus, the lawyer, even the well-intentioned public interest lawyer, has a share of power that is only the result of others not having access to it. The lawyer pursuing the goals of political lawyering is called to a higher form of advocacy than "doing for" client. Rather, the lawyer is called to assist his client to escape the need of being anyone's client find learning to advocate for himself. This demands that the lawyer undo the secret wrappings of the legal system and share the essence of political lawyering.

8. The SEMA Lawyer

The SEMA lawyer has to take a greater role in community development and empowerment leading to expected social change. The SEMA lawyer not only interacts with the client on a non-hierarchical basis, but also participates with the client in the planning and implementation of strategies that are designed to build power for the client and allow the client to be a repeat player at the political bargaining table. The SEMA lawyer views the client's world in broader terms than merely its legal implications. He not only considers the political, economic and social factors of the client's problems, but also assists the client in developing and implementing enduring solutions, legal and non-legal, to these problems and to similar problems that may arise in the future.

The foundation of the SEMA lawyering model consists of being prepared to take on roles that more closely fit the multifaceted needs of the community. These roles can only be defined by the particular contexts in which the lawyer functions. Certainly the lawyer must bring to the table has "legal" skills. These skills may be why the client approached the lawyer in the first place. However, the chronic problems in poor societies like Bangladesh are not strictly, even primarily, legal.

The need is to create community leaders and institutions capable of marshalling and utilizing power. Thus, the SEMA lawyer must be prepared to participate, albeit in varying degrees, in community organization, project planning, development and implementation. He must be aware of and participate in the social, political, and economic aspects of community action. When groups address common problems, the SEMA lawyer should be able to consider and, when appropriate, advise non-legal solutions. The

law must be viewed as one of the weapons for social change. The lawyer must be equipped to use it as well as other weapons to achieve real victories.

Consequently therefore, a SEMA lawyer cannot dispense with his full gamut of responsibilities unless he is a good community organizer. Loosely organized groups or communities often need organizational support to enable them to undertake programmatic missions. The lawyer needs to provide this kind of support to new, nascent or loosely organized, poor and vulnerable groups.³²

As an organizer, a SEMA lawyer's first job is to assist individuals to come together as a group. The lawyer-organizer then assists the group in developing its structure and decision-making capacity. However, a SEMA lawyer's ultimate objective in the age of globalization should be to identify and train community organizers and leaders from within the community.

9. Conclusion

In a country like Bangladesh there is no alternative to political lawyering for social change. The work of a lawyer for social justice is some of the noblest work that can be done. It provides underrepresented people and ideas with voice in the legal arena. Political lawyering works to ensure that the legal system protects the rights of all.

Rules of law are deficient if they are not just, understandable, and responsive to the needs of people and society. If a lawyer believes that the existence or absence of a rule of law, substantive or procedural, causes or contributes to an unjust result, he should endeavor by all means to obtain appropriate changes in the law. He should encourage the simplification of laws and the repeal or amendment of laws that are outmoded.

Political lawyers must also be morally engaged. Their moral conviction is the test of their accountability. Morality-based social engineering results in vibrant, creative enterprises, as lawyers work to further the goals they have deemed morally worthy.

The lawyer for social change resorts to any and all of the means available at his disposal: litigation, public education seminars, rallies, lobbying or writhing for scholarly journals etc. However, the most significant of what a SEMA lawyer needs to do is community mobilizing and organizing. The weak and the helpless client (in our case group-client/s) must be organized,

motivated, trained and taught to resist the omnipotent state and the discriminatory legal system in order to bring about expected social change leading to empowerment of the common people. The work of a lawyer for social justice is never done. But it is always crucial.



³² Dr. Mizanur Rahman, *Developmental Lawyering: A Wake-up Call*, In: De. Mizanur Rahman (ed) *Human Rights and Development*. EICOP, 2002 at 177-188