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SYMPOSIUM

LEGAL SERVICES TO THE POOR IN DEVELOPING COUNTRIES

Ours is a prostitute society. The system of justice, and most especially the legal profession, is a whorehouse serving those best able to afford the luxuries of justice offered to preferred customers. The lawyer, in these terms, is analogous to a prostitute. The difference between the two is simple. The prostitute is honest—the buck is her aim. The lawyer is dishonest—he claims that justice, service to mankind, is his primary purpose. The lawyer's deception of the people springs from his actual money-making role; he represents the client who puts the highest fee on the table.

F. Kennedy, *The Whorehouse Theory of Law*,
in *LAW AGAINST THE PEOPLE: ESSAYS TO
DEMISTIFY LAW, ORDER AND THE COURTS* 81-82
(R. Lefcourt ed. 1971)

When policy measures have been instituted specifically aimed at ameliorating conditions for the lower strata, they have either not been implemented and enforced or have been distorted so as to favor the not-so-poor and to discriminate against the masses.

G. MYRDAL, *THE CHALLENGE OF WORLD POVERTY*
220 (1970)

Disorder is sometimes the syndrome of Law versus Poverty. Slow-motion justice, long-distance litigation, high-priced court service, ill-communicated legislation and the mystique of "legalese," alienate the ordinary folk from the legal process and then Legal Aid comes into

play in its social role.

Address by V.R. Krishna Iyer, Judge of the Supreme Court of the Republic of India, Asian Workshop on Legal Services to the Poor, Berkeley, California, July 15, 1974

Programs of legal services to the poor can contribute to the creation of a more effective national legal system as a unifying force in national life, to the effective implementation of existing social welfare and regulatory legislation intended to benefit the poor, to greater public accountability of the government, and to greater public participation in governmental processes.

Address by R. Sargent Shriver, Asian Workshop on Legal Services to the Poor, Berkeley, California, July 15, 1974

INTRODUCTION

International interest in the provision of legal services to the poor has increased significantly in the past decade. A few Asian, African, and Latin American countries have had legal aid programs for more than a decade. Following the lead of the several developed nations whose legal aid programs have expanded rapidly, many developing countries are now in various stages of fashioning their own programs.

Despite the growth in the numbers of legal services programs in the developing world, little attention has been given to their problems and accomplishments. Moreover, most of the programs suffer from lack of communication with and knowledge of movements in other similar nations.

Concerned with the inadequacy of international channels for the exchange of information, as well as the obstacles blocking the poor and minorities from access to legal processes, the New York-based International Legal Center (ILC) acted in 1972 to create an international Committee on Legal Services to the Poor in the Developing Countries. The primary purpose of the committee, whose membership includes leaders of the legal aid movement in the United States, Europe, Australia, Asia, Africa, and Latin America, is to stimulate dialogue between legal services planners, administrators, and scholars in both developed and developing countries. The committee's efforts have been premised on the belief that the lessons learned from experiences in varied national settings can be beneficial to all.

A result of the committee's first meeting in 1972 was the organization of a series of ILC coordinated activities known as the International

Legal Services Assistance Program (ILSAP). Components of ILSAP include the following: direct financial and advisory assistance to aid the establishment and expansion of legal aid programs; training seminars and workshops for staff participants in the various countries; research on legal and technical problems; publications; communication and coordination to foster the interchange and dissemination of information. The Asian Workshop on Legal Services to the Poor is an example of ILSAP programming cosponsored by ILC and the Asian Foundation. The workshop was held for six weeks at the University of California School of Law at Berkeley in the summer of 1974.

The papers upon which the Symposium is based were initially presented to the Committee on Legal Services at its second meeting in New York in November 1973. The papers have been revised and expanded, and, taken together, they analyze a representative range of legal services issues.

The Symposium begins with an article by Professor Arthur L. Berney and Harry A. Pierce. The authors discuss national development mechanisms and the functions of lawyers and legal services. The relationship of national development and legal services models is considered, and an evaluative typology is developed. Eleven legal services models are evaluated in terms of funding and policy, delivery mechanisms, and operations.

James L. Magavern, Myra Stuart, and Professor John M. Thomas shift the focus from the theoretical to the more specific. Their article is based upon Mr. Magavern's research on urban planning in the Philippines, Singapore, and Korea. The authors discuss the roles of legal services and government in an environment in which urbanization is rapid and urban development inadequate.

The article by Boyce P. Wanda continues the focus on specifics by providing the reader with a detailed account of the organization and operation of legal services in Malawi, a developing country. Mr. Wanda discusses not only the legal services program, but also the social and legal context within which it operates.

Clarence J. Dias concludes the Symposium by suggesting a framework for further research and action on legal services and poverty in developing countries. The author suggests that development planning and legal services are inextricably intertwined, and that the improvement of quality and efficiency in both is a crucial goal.

