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Clarence J. Dias

James C.N. Paul

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EDUCATING FOR ALTERNATIVE DEVELOPMENT: SHARING KNOWLEDGE ABOUT LAW*

Clarence J. Dias**
James C.N. Paul***

In this paper we offer a preliminary critique of legal education as it exists in Asia today and tentatively begin the search for alternatives. We focus on legal education for three reasons:

- (i) we think that the problems and pathologies relating to legal education are typical of several other disciplines of development education;
- (ii) we feel that law has been used, all too often, as an instrument of repression to thwart efforts of the poor at participatory, self-reliant development; and
- (iii) we also feel that law is an important (even if at present largely under-utilized) means of empowerment for people in their struggles against oppression and exploitation.

I. The Crisis of Development: A Crisis of Values

It is now widely conceded that conventional approaches to development (premised on "modernization," "growth," "trickle down") have failed. But it is not quite so widely appreciated that such failure was a product of the bankruptcy of values which underlay those approaches to development. The search for "development alternatives" has really been a search for an alternative set of values emphasizing the humanistic rather than economic aspects of development: values of self-reliance and participation. These core values are reflected in the vision of society that social-action groups in Asia are striving for. There is growing awareness that we cannot hope to change our societies without changing ourselves and the values we believe.

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**Director, International Center for Law in Development, New York.

***Professor of Law, Rutgers University.

Alternative life-style groups have tried to bring about this change of social values by leadership and example. But their impact on the larger society has been small. Inevitably, the task of transforming a society's values will have to be performed by its educational system and, for most Third World countries, therein lies the problem. In most countries in Asia, our institutions of education are not geared to fostering the values of development alternatives. Indeed they often tend (sometimes consciously, sometimes less so) to reinforce and perpetuate quite opposite values. Our universities, schools and colleges are, most often than not, run in an authoritarian, top-down, hierarchical, anti-participatory manner. The very nature of current student-teacher relationships tends to negate self-reliance. Our systems of grading and examination tend to reward the aggressive pursuit of self-interest. The teaching methods we employ tend either to reduce the student to the role of passive recipient or adopt a didactic method which favors aggression and competition, often in an adversarial setting. As a result, our most "successful" students have highly developed skills in the pursuit of self-interests but are sadly lacking in the skills needed to, for example, bring about a creative consensus among conflicting interests. Our intellectuals are often still very much in the throes of colonial bondage. The teaching materials they employ are often devoid of national, historical and cultural moorings. All this has happened despite the fact that, for most of our countries, our traditional (pre-modernized) systems of education suffered from none of the above pathologies. In most of our countries, we need much more than reform of development education. We need to go beyond a pedagogy of the oppressed to a pedagogy for liberation.

II. "Knowledge is Power" But for Whom? A Critical Look at Existing Legal Education and Legal Professions

That "knowledge is power" is both an aphorism and a truism. Nevertheless, most discussions of reform of systems of education tend to shy away from this power dimension. Existing systems of education impart knowledge, and therefore power, to specific segments of society. This is especially true of legal education.

Most poor people share an understandable belief that both law and the people who enforce it are part of impoverishing power structures. In most Third World countries the systems of law and government administration were developed and shaped in colonial times and gradually imposed on peoples. The imposition of foreign laws (often written and administered in a foreign language) and foreign institutions has created significant gaps between those who administer law and those governed by

it. The creation of professions in law and administration have contributed to the continuing estrangement.

Thus, professionalization of law and administration has led to:

1. *Monopolization of information and knowledge of law.* "Professionalization" inevitably tends to create conditions which remove knowledge of law from ordinary people. The professional (understandably) regards law as a science requiring higher learning: professionals develop special concepts and terminology and systems of thought; the complexity of "modern" life they claim, seems to demand such action. Laws are written in forms and in language (often "foreign" languages) that specialists may understand but laymen find difficult. The laws themselves—and texts to explain them, where they exist—are set out in books and pamphlets which (usually) are neither widely published nor easy to comprehend. There is, moreover, a natural tendency among professionals to retain control of this knowledge: it is the basis of their earning power.

2. *Monopolization of representational and intermediary roles.* "Professionalization" also produces complexity in the processes followed by courts and other agencies which resolve disputes over legal rights when administering law. Procedural complexity, coupled with language and knowledge barriers, make it difficult in many ways for ordinary people to voice their grievances in government tribunals. Lacking this knowledge, the poor are dependent on lawyers or other specialists to gain access to the courts and other forums. But these professionals sell their skills, and the costs of their services are severe, if affordable at all. Moreover, the legal profession is oriented by virtue of its training and its more lucrative activities towards clienteles and employment which are far removed from the poor and often antagonistic to their interests. The elite of the profession—those who are potentially most influential in directing its outlook—are usually urban-based, and often quite ignorant of the needs of the rural poor. Most rural lawyers probably depend on larger commercial farmers, landlords and local businessmen for their practice. Other rural lawyers may represent the poor people individually, when they are caught up in litigation; but such lawyers rarely work with organizations of the poor, helping them to develop collective strategies to challenge impoverishing relations.

3. *Lack of power to influence the making, interpretation, and administration of law.* Lacking knowledge of law and access to bodies which administer law, the rural poor obviously lack power to shape the development of law—lack the power to affect the policies and rules governing development programs. The harmful consequences of this lack of power

are aggravated when (as is so often the case) the social biases of those who do shape the law are hostile to the interests of the poor.

The trends described above are reinforced by prevailing systems of legal education. The legal profession exerts considerable control and influence, both over the content of legal education and over “entry” into the legal profession. Law schools too often operate as tools of the organized bar. In terms of student recruitment, curriculum and teaching methods, the predominant factor appears to be fostering the value of professionalization. Occasional sounds of discontent may be heard from law teachers and law students. But ultimately, the law school remains an institution through which the legal profession can maintain its monopoly over knowledge of law and access to law, and this knowledge is inevitably used in the service of the rich and powerful and only rarely in the service of the poor and exploited.

Efforts to change the way that law schools presently operate and to increase their social responsibility and social accountability are indeed commendable. But in large measure, the search for alternative approaches to community legal education must lead away from the law school.

III. Empowering the Poor: The Importance of Knowledge of Law

Given the dismal picture sketched above regarding legal education and the legal profession today, we may well ask, why bother at all with law? Why not adopt an attitude of legal nihilism and operate on the basis of the principle that the less one has to deal with law the better? Such an approach of legal nihilism is unfortunately a luxury that the poor cannot afford because law, even if not always visibly so, is frequently the force that underlies power relations. If we try to examine the role of law in power relations, we find two contradictory phenomena about law. On the one hand, it is used—consciously or unconsciously—by those who enjoy power in human relations to support the status quo. On the other hand, law can also be used to challenge unjust social relations and practices and liberate people from oppression and exploitation.

Law and repression. Law (or, often, simply the pretext of law) may be used (consciously or otherwise) to maintain unjust relations of land tenure or employment. Police may use the pretext of law to abuse people and render them impotent politically. Bureaucrats may interpret and use legislation, rule books and long-established customs to procrastinate, to abuse, to deny access to resources. Men in rural communities may follow anachronistic customs to exclude women from organizations, to deprive them of access to land or other kinds of property. Women may relegate

themselves to subservient, dependency roles because they believe the “law”—some kind of law—imposes that status, because they are ignorant of their rights, or because they believe any effort to enforce rights will fail and perhaps worsen their situation.

Law and liberation. Particularly in Third World countries, we must understand that “law” comes from many sources and in many forms. Traditional, community-developed customs may regulate many relationships (particularly in rural areas): the family, the power of elders and local officials, and other kinds of community behavior. State law is a source of power for officials, but it is also a source of limitations on power and, often, a source of entitlements for citizens. The constitution may be a similar source of both power and rights. International law—notably covenants which proclaim the existence of universal human rights, including rights to necessities, are another source of law, increasingly important to oppressed people.

All of these kinds of law can be used by people as sources for their empowerment rather than their repression. Customary law is based on consensus; it can be changed by agreement, and it can be used—and has been used—most creatively by people working together. They can renounce old, unjust customs and create new rules—such as rules governing new participatory organizations—which reflect principles of power sharing, equality, self-reliance and individual dignity. They can discover their rights under state law, including their rights to enforce limitations on the power of officials. They can use international, universal human rights law as another source of rights, such as those to form organizations of their own choice to pursue shared interests.

In collaboration with other Third World groups, the International Center for Law in Development (ICLD) has been studying ways in which grassroots and social-action groups have used law in their struggles to change impoverishing conditions. These studies indicated that law can be used (and is being used) to aid many different kinds of group activities:

- to mobilize a group consensus to seek redress of long-standing grievances;
- to legitimize such direct-action measures as boycotts and demonstrations;
- to justify claims for goods or services;
- to secure the accountability of lawless power-wielders;
- to organize group-economic activity;
- to resolve, amicably, intra-community disputes, without wasting scarce community resources on advocates’ fees and court costs;

- to change attitudes towards anachronistic customs which exclude and oppress women, youth or specific caste groups; and
- to conceptualize and resolve other shared problems.

Education about law for empowerment. Education can help the rural poor (and those working with them) develop strategies to change social conditions which produce or maintain impoverishment: unjust systems of land tenure or unworkable programs for land reform; unfair terms of trade for farmers; exploitative systems of money-lending; lack of access to credit and basic services; indifferent or corrupt and oppressive administration of laws and programs designed (in theory) to provide benefits to the rural poor (e.g., extension services, regulations against money-lenders or protection of tenants or agrarian workers); and the practice of lawless law enforcement and even violence.

These conditions are grounded in unequal power relations, and countless studies show that they cannot be changed, even where there is the political will to do so by measures imposed from above. Progressive regimes may initiate reforms calling for such actions as redistribution of land, or access to credit, goods and services, but experience teaches that reforms will fail where power relations remain unchanged. If the poor are to be beneficiaries of social reforms, they must participate in the processes of reform.

The alternative development approach emphasizes use of processes which enable the poor, through organization, to change conditions which lead to their impoverishment. The targets for change may vary depending on social and physical environment for poverty and on progress gained in forming organizations and using them to achieve specific, immediate goals.

Experience suggests that processes of alternative development must usually begin within communities and center on particular targets, on goals which can be achieved by local, grassroots groups. If these initial efforts at "micro development" succeed, broader issues may be addressed—such as the need for changes in legislation or pervasive administrative practices which cannot be changed at local levels. The tasks of developing groups which can become effective instruments to exercise powers at regional and national levels are indeed formidable. They usually require the formation of effective regional and national support groups and the formation of networks of alliances and a careful selection of issues, targets and strategies. This is a new and obviously difficult field of activity. Organizations seeking change are often confronted with problems which require, for their successful resolution, a basic and functional knowledge about certain aspects of law. In the section that follows, we

identify some of these areas where knowledge of law can contribute to empowerment and the inculcation of new values into law.

IV. Generating and Sharing Knowledge of Law to Aid People's Struggle for Development

If, indeed, law *can* be used by the poor to challenge unjust practices and pursue self-reliant, group-managed activities, then development of knowledge of law for people in struggle must be seen as an important activity. The process of generating knowledge of law can be a dynamic one. Of course, knowledge of law can be gained, in part, by learning about "rules" found in statutes, regulations, court-made doctrines, constitutions and other sources. But this is only one aspect of knowledge of law. Perhaps more important is knowledge of the flexibilities that are made available through the process of interpreting law. Law can be used (and is often being used) by those who enjoy superior status, power and access to legitimate their own perception of developments, their concept of order and necessity, and ultimately their own self-interests. Knowing how to manipulate law-making processes towards one's own values and objectives is a most important aspect of knowledge of law. Legal rules can be shaped to pursue desired goals.

The legal rules set out in state law—unlike the commands of God—are man-made prescriptions. These rules can very often be interpreted and used to achieve perceived requirements of justice; and when they cannot be so interpreted, they *can* often be changed by understanding officials supported by pressure from below. Indeed, if a country is to live under a just rule of law, then statutes and administrative practices must be made to conform to the basic rights and principles declared in its constitutions and in recognized international human rights conventions. Indeed, those basic rights in turn can be interpreted to express and demand recognition of the fundamental values which must give meaning and direction to the idea of "development."

Generating knowledge of law as a dynamic process is crucial: knowledge that the making and administration of law is a process in which people must participate, often through struggle, if law is to serve the values they share deeply. Accordingly, knowledge of law must be geared to the particular struggles of particular groups to make particular laws and administrative and judicial decisions to serve these basic ends.

To encourage these struggles various kinds of knowledge of law, generated through various kinds of learning experiences and formats must be developed. For example, efforts must be developed to:

1. help the rural poor use law to form self-reliant, participatory

- organizations and use them for many different activities;
2. help social-action groups to respond to the needs of grassroots groups for legal information; help them train community-based paralegals and help them effectively advocate the interests of the poor in the courts and in other forums;
 3. help social-action groups assist local grassroots groups in forming alliances or networks with other organizations to develop legal strategies addressing national issues in national forums;
 4. help decision makers (e.g., planners, ministers, administrators, judges) to appreciate the interdependent ends and means of people-centered development, and the roles of law in fostering self-reliance, participation, and equality. Also, other "influentials" (lawyers, journalists and others who have special capacities to influence and mediate) must be helped to understand (and respond supportively to) the nature of the struggles of oppressed peoples; and
 5. help researchers, writers and community workers to generate the new kinds of legal knowledge and learning materials necessary to aid these different kinds of educational processes.

Education in law which is geared to people-centered development can take place in a variety of settings: the media, the classrooms, discussion groups, and grassroots meetings. But if education in law is to promote the values of alternative development, it must incorporate these values into the practice of "educating." The processes of learning and generating knowledge must enhance the capacities of the rural poor (and their supporters) to use law in their struggles, and also enhance their power to influence others to understand their struggles and respond to them sympathetically and supportively.

1. Developing knowledge of law at grassroots levels.

Here we are talking about processes which help people to:

- a) articulate and reflect upon their *shared* grievances and needs;
- b) discover their needs for legal knowledge as part of the process of developing collective efforts to redress grievances and meet needs;
- c) find ways to acquire and use that knowledge.

Initial experiences focusing on some specific grievance may, as we have seen, lead to recognition of many other needs for legal knowledge—and hence recognition of the needs for training legal specialists as resources controlled by a community to help it generate and use legal knowledge.

The processes of discovering and appreciating needs for legal knowledge can often be helped by community workers who help to stimulate group discussions and who help people to understand how particular laws and principles might be invoked and interpreted to legitimate demands, and how these demands might be pursued—perhaps in the courts, perhaps in other offices.

In collaboration with rural groups and people working with them, ICLD has been trying to learn more about these experiences. The knowledge we have gained leads us to believe that important steps towards empowerment can be helped by informal, sympathetic legal specialists working within legal communities to stimulate these processes.

For example: the peoples of Kagawasan in the Philippines were told by government officials that they were “squatters” on government lands (though they had lived there for years); they were told that the government intended to lease the lands to various businesses for industrial development purposes. They were told to leave. But these people learned from a sympathetic lawyer that the officials had the legal discretion *not* to lease their homelands, that these officials also had the power (*if* they chose to exercise it) to lease the lands to any other group. The people of Kagawasan—who depended on these lands for their development—then formulated and pressed their *superior* legal claims to possession of the lands, and by collective action forced government officials to recognize the compelling justice of those claims. After this victory, the Kagawasan people went on to demand government aid in developing health care and other facilities for their communities. They now have a new sense of power. The experiences of the Kagawasan peoples’ struggles and their encounters with the law have now been narrated in a comic book in local languages. In this manner, others in struggles similar to those of Kagawasan can share and learn from the Kagawasan experience. (See also the Sarilakas experience, described in the Appendix to Dias and Paul, *Developing Legal Resources*, in this issue).

These are simple illustrations. Many more could be recited, and many other activities of this kind could take place if similar, modest efforts were undertaken by concerned outsiders to help the poor by *sharing* knowledge of law and by generating it.

2. Developing knowledge which helps social-action groups use law to aid people-centered development.

Social-action groups—organizations of concerned people—can mobilize many kinds of resources to help grassroots struggles for development.

In particular, they can gather and share (and help to generate) knowledge of those bodies of law which help grassroots groups formulate and press particular claims.

The Sarilakas Project is one illustration: there the young legal specialists were recruited and “backed up” by a progressive, sympathetic government agency. But in most situations it may be unrealistic if not unwise to rely on government to sponsor these activities. The need is for nongovernmental groups to educate and equip themselves to provide legal resources to the rural poor. There are a number of different kinds of activities which can be attempted.

For example, CEPES, a Peruvian organization (see Diego Garcia’s article in this volume), holds regular working meetings in the rural communities it serves: poor farmers are encouraged to articulate their *shared* problems and their needs for legal information. CEPES tries to respond by gathering and disseminating the relevant information through radio broadcasts, workshops, and manuals written in terms which people can understand.

PIDIT (a nongovernmental institution in India concerned with “education” for development) helps to train persons selected from within and by rural communities to serve various roles. It intends to train community paralegals in the future. Other social-action organizations in Asia have mobilized lawyers to work with rural groups and serve as advocates for them in the courts and in other forums. Various organizations in India and the Philippines are developing ways to help these lawyers learn about the problems of rural groups and learn how to “represent” them without preempting the right of the group to articulate its claims.

Thus, social-action groups and lawyers must work *with* grassroots groups (not just for them). Processes of participation must shape the strategies developed, for participation is essential not only for empowerment purposes but to *educate* those who supply the backup help—to make their efforts *responsive* to the needs of those served. An example of this is a “bonded labor” project to be developed in India. A small group of social-action lawyers will meet with representatives from a group of victims of bonded labor practices. The laws of India already provide for many protections and rights to prevent bonded labor, but the practice continues and money lenders are still able to devise ingenious methods to circumvent—or frustrate enforcement of—the statutes; debtors are still forced to work off their indebtedness under terms equivalent to slavery. The task for the lawyers is to learn what these practices are and how and why the poor are still victimized—and then, *in concert with* the victims, pursue legal strategies to punish the wrongdoers and stop the exploitation.

3. Helping local groups form alliances to develop national legal strategies.

Social-action groups can also help local groups form alliances or networks with other grassroots organizations, and then help these alliances develop legal strategies to address national issues in national forums. For example, in India, it is notorious that the combined maladministration of forest conservation laws and timber concession agreements (with large-scale commercial interests) are rapidly consuming many areas of the nation's remaining forest lands. About 20 million indigenous people—who have lived for thousands of years in these regions, in part as small-scale producers of wood products but in harmony with their environment—are threatened with destruction of their environment. Thousands have already been forced to abandon their traditional, self-sustaining modes of life to become wage laborers dependent on the commercial firms which have been given possession (by dint of governmental “concessions”) of the forest peoples' forests.

Local organizations of forest people have sought the help of ICLD and other groups in their efforts to dramatize their grievances and develop their own legal resources to press their case, *themselves*, in both national and international forums. The policy and legal issues implicated in these impending conflicts are complex and far reaching. They reflect in dramatic ways the impact which commercial, capital-intensive “development” of natural resources inevitably has on the rural poor.

We hope, by working with these groups of forest peoples, to develop various kinds of documentation which portray these issues, and which set forth the legal positions of these groups—as *they* come to articulate them. In this effort we have been in contact with some concerned, professional film producers, encouraging them to make, not their own “documentary films,” but rather films developed by the affected groups themselves so that they can *speak for themselves* to an outside world largely ignorant of their plight. We view the films as a catalyst for a concerted attempt to develop legal resources for forest tribals in India, and ultimately in other Third World countries.

The films are meant to be more than just a film documentary. They will be made in close collaboration with 19 grassroots organizations of forest tribals. The films will thus serve as a vehicle through which these self-reliant organizations will be able to reach out to the general public and to sympathetic administrators, in an effort to enlist more support for their struggles. The process of collaboration with such organizations during the making of the films will provide a better understanding of the needs

for legal resources of each of these organizations—an essential first step in attempting to meet such needs.

Background research for the films will seek to help identify the specific types of exploitative relationships being forged and the significant actors (be they multinationals or the state) involved. The relevance of law, both as a vehicle through which such exploitation is achieved, as well as a source of rights and remedies, will be carefully studied *from the perspectives of the tribals' organizations*.

The film-making activities will be varied. In addition to a film aimed at the general public, footage will also be shot for a film to be taken back to the tribal organizations as a graphic depiction of their rights and some strategies for their struggles. Additionally, a multi-language slides-cassette set of educational materials will also be prepared.

Upon completion, the movie will be screened as part of a series of seminars to be convened at which key influentials will be invited. Also, the film and the slide/cassette show will be taken back and shown as part of a series of dialogues to be convened with each of the collaborating tribal organizations, and such legal-action strategies as emerge from these dialogues will be implemented as the final phase of the project.

4. Influencing decision makers.

Legal knowledge generated by the interaction of grassroots and social-action groups can be used to influence key decision makers, not only in resolving particular conflicts and claims, but in providing them with a new, broader understanding of the legal needs of the poor, of the values underlying self-reliant participation and of the need for more general reforms in laws and legal doctrines. These efforts, in turn, may facilitate recognition of law as a dynamic body of rules and processes.

One example of a technique to achieve this end is a workshop recently organized in India. Representatives of social-action groups concerned with ethnic minorities met with Supreme Court judges of India and several other countries. Discussions focused not only on the "repressive" aspects of law and the plight of the poor when it comes to recourse to the courts to vindicate their rights, but more importantly on reforms in law and administration which will enable judges to become more active expounders and protectors of human rights and the values of self-reliance and participation. The report unanimously adopted by the workshop identifies a number of measures which the judiciary should initiate itself, or encourage in other quarters. For example, the report endorsed procedural reforms which would help make it possible for any "social-action group acting *bona fide*" to "initiate cases in the courts in order to protect the rights

of poor people” who lack the power and resources to appeal to the courts themselves. Another recommendation called for a “new communications style” which would not only make relevant judicial decisions clear to the poor (by writing them in understandable terms) but which would provide for the widespread distribution of those decisions in communities affected. There was felt to be a special need for a new judicial sensitivity with regard to women’s rights, “the need to rethink important issues” of concern to women such as rights of access to land and family property.

This “report” is striking for its rhetoric and the reforms it advocates, as a document reflecting the results of a special learning experience, *and* as an educational document in itself. The project is an interesting illustration of education for alternative development in action.

Similar efforts were recently undertaken to “educate” officials in international, technical assistance agencies. Representatives of social-action groups presented the views and concerns of peoples’ organizations to cadres of experts drawn from UN and governmental agencies. The workshops were designed to explore ways by which people in these agencies could become more sensitized to the needs and human rights of the poor to participate in the planning and administration of development projects. Similar workshops have been held for development officials from Italy and from the Netherlands.

Finally, since our focus here is on generating and sharing *legal* knowledge, it may be important to consider strategies designed to educate lawyers—and particularly law students—about the concerns of alternative development. Again it is important to stress the role of victim groups themselves in this process, the need to enable the poor to play a more influential role in the processes of educating and reeducating legal specialists. This is a complex subject, but steps clearly can be taken—if there is a will—to encourage, perhaps insist, that law students engage in “clinical” (applied) legal work which will take them out of the classroom and put them in communities of the poor to help members of the communities address *shared* problems. The Sarilakas experiment serves as one model. Another model, recently proposed in Sri Lanka, calls for the establishment of clinics which would initiate workshops within communities to develop needed legal knowledge. In these projects the object is to educate law students so that they in turn may learn, with humility, how to help communities.

5. Action research to generate laws and rights.

The more people come to understand legal development as a dynamic process which can be shaped by participation, the more important it

becomes for some legal specialists—working with victim groups—to initiate processes which will lead to the discovery and articulation of new principles of law which will guide reforms.

One very important area of law which needs to be developed by these interactive processes is human rights law. While there has been a great deal of discussion within the elite legal circles of the importance of human rights in development, there have been very few efforts to enlist the active participation of those groups which are the most frequent victims of serious human rights violations—for example, rural women, bonded laborers, landless workers, depressed castes. But if human rights law is to be a means of empowering these groups to protect themselves and to seek redress (including sometimes, compensation) for wholesale violations, then the very processes of developing new effective human rights law must involve their active participation.

The Asian Coalition of Human Rights Organizations is planning to undertake a social-action research project towards this end. The approach to be adopted in this project is one of involving the victim groups (who are in need of “new” human rights law) in the process of formulation of problems and identification of priorities for action. Among the victim groups suffering human rights violations are to be included the following: rural women, small fishermen, indigenous people, ethnic minorities, leaders and members of self-help organizations of the poor being victimized through the application of repressive laws such as those sanctioning preventive detention, migrant rural labor, and victims of slavery-like practices. For each victim-group category the initial Work Program will be drawn up by an NGO specialized in working with that group: e.g., PAFID in the Philippines *re* indigenous people, AWARE in India *re* slavery-like practices, PROCES in the Philippines *re* migrant rural labor, CAP in Malaysia *re* small fishermen. With each victim-group category the project envisages:

- a) participatory action research at local and national levels;
- b) research into applicable regional and international human rights law; and
- c) action strategies (including but not limited to rights-awareness promotion campaigns) at local, national, regional, and international levels.

In this section we have presented a number of illustrative projects that are adding to knowledge of law for empowerment of the poor. It is our hope that these illustrative projects will help indicate the diversity of approaches possible. Most of the projects described are ongoing ones, and those involved in them would welcome sharing their experiences in

further detail and collaborating together with others who share their values and concerns.

V. **Generating and Sharing Knowledge About Law: Liberating Ourselves From Ourselves**

Law-trained persons working with grassroots groups to assist them in their struggles will inevitably find themselves initially involved in a struggle of their own: the struggle to set themselves free from the shackles of professionalism. The professional acculturation process is such that even with the best of intentions, sympathetic lawyers find it very hard to stop thinking, speaking, advising and acting as a "lawyer" (using the word "lawyer" in this context, in a pejorative sense).

Efforts to generate and share knowledge about law with impoverished groups and communities must start from a rejection of most of the legal professions' approaches and values. Right at the outset it must be recognized that lawyering for alternative development requires "alternative lawyers" and, paradoxical thought it may seem at first blush, an "alternative lawyer" need not be a lawyer at all. The most important human resource in the process is the impoverished group and lawyers wishing to work with such groups must come to this realization with a profound sense of professional humility and a healthy perception of professional inadequacy. The lawyer, if he is to make any positive contribution to the struggles of groups of the grassroots poor, must first make a serious effort to learn from such groups and must ensure that values of participation and self-reliance be taken seriously in the very process of generating and sharing knowledge of law with the poor for their empowerment. Like other activities designed to generate people-centered development, education must entail the self-reliant participation of the rural poor so that *they*, in turn, can educate those with power and influence, as well as themselves.

1. Self-Reliance

Self-reliance calls attention to the need for a wide variety of knowledge and skills which help people to *undertake new activities* (e.g., new modes of farming or new income-generating work), or to *form and manage new organizations* (e.g., organizations of peasants, landless workers, rural women) and use them to *challenge and change impoverishing social relations* (e.g., abuses by bureaucrats who are supposed to dispense services, or of employers, money lenders) or to *resist repression* (e.g., lawless police activity) or to *initiate new group-managed economic activ-*

ities (e.g., marketing associations or health care centers). Thus, in part, education for *self-reliance must be geared towards discovering particular needs of particular rural groups—and towards enhancing the capacity of the groups to address those needs.*

Effective education for self-reliance must also seek to reduce people's dependency on others (e.g., extension agents, doctors, lawyers) who control essential knowledge and services. It may do this by developing community-based technicians (e.g., paralegal or paramedical people) accountable to peoples' organizations, by developing more essential knowledge within communities or within resource bases (peoples' institutes for development or support groups) which are both accessible and accountable to communities.

Education for self-reliance also recognizes that there exists, within communities, an existing store of knowledge which even if discredited in official and "elite" circles, is a vital resource. In the first place, the most important, pressing "needs" of a community or group within it are best known by members of the group: countless experiences teach that it is dangerous—as well as wrong—for outside "experts" to diagnose the problems of the rural poor and prescribe solutions without their participation. In the second place, there often exists within communities bodies of knowledge (e.g., about agricultural practices or health care or justice) which can be developed and used to advantage. Similarly, there exist untrained but innovative people (notably women and younger people) whose latent talents may make them valuable human resources if educational means are found to encourage everyone to contribute on equal terms to the solution of shared problems.

Thus, education for self-reliance seeks to generate *functional* knowledge and skills within rural groups geared to shared needs which are identified by the group collectively. But the objective goes beyond enhancing a collective capacity to address material needs. Education for self-reliance must also equip people to know and assert their rights, to articulate (and "legitimate") grievances and demand reforms—to secure power through those kinds of collective action. Education for self-reliance enables participation.

2. Participation

Participation in educational processes is as important as participation in political processes: indeed, education can often be seen as a politicising process, and access to and control of education is often necessary to secure access to, and power over, other essential resources—which is what politics is all about.

At grassroots levels it is obviously important to use participation in the processes of education directed at identifying shared needs and strategies to address them. Participation motivates people to learn, and it directs the learning process towards the needs of the participants. Further, participatory processes help people to agree more willingly on lines of collective action, and to share risks and incur sacrifices to achieve their purposes. Further, the continuing process of shared deliberation enables people to "internalize" lessons learned from experience, to develop a "praxis," and to develop more sophisticated understanding of the logic, possibilities, tactics and limits of collective action.

However, participation is not a principle which ends when we move from education at the grassroots to education for alternative development in other settings. The poor must also participate in the education of those who seek to support them through provision of backup services and advocacy in national forums. Social-action groups concerned about rural poverty cannot speak for the poor unless instructed by the poor; conversely, they can help to secure the participation of the poor in development programs when they are informed and instructed by the poor.

For similar reasons the poor must also participate in efforts to inform decision makers and other influential sectors of society. Again, there are both practical and ethical reasons to support this proposition. All too often decision makers operate on false assumptions about conditions and needs in communities immediately affected by the decisions made. Education directed at decision makers which is shaped by the participation of the poor is an important way to encourage participation in development processes—and to close great gaps in communication between the rural poor and other elements in society.

VI. The Longest Journey: The First Step

There *are* obviously formidable obstacles—political, economic, social and cultural—to developing effective education for alternative development. Generating and sharing knowledge through a process that does more than pay lip-service to the values of participation and self-reliance calls for challenging new roles for those presently involved in education. What is called for is an "unlearning," the development of a genuine sense of professional humility, and an acceptance of the notion that the best form of expertise is one derived *from* the experiences of people rather than *for* them. The journey towards liberation of self and others will not be an easy one, and the struggle will inevitably be protracted and debilitating. Nevertheless, what mind can conceive, man can achieve.

Appendix I

In the Appendix we describe briefly two interesting sets of activities currently underway in the Philippines. We feel these two "projects" illustrate some of the themes and problems outlined in our paper. Moreover, both these projects are aimed at an audience larger than a specific impoverished community. In working with the social-action groups which have initiated these projects, we have come to appreciate the vital need for collaborative networking to pool collective strengths in approaching a very complex set of problems. We would urge those interested in the concerns underlying these two projects to communicate directly with the organizations initiating them.

I. Consumer Education for Alternative Life-Styles

This project is being undertaken under the leadership of Teresita Quintos (Ging) Deles at Social Development Index, 12 Pasaje de la Paz, Project 4, Quezon City, Metro Manila, Republic of the Philippines (telephone: 775341). *INDEX*, as it is more familiarly called, is a group of university graduates seriously considering a full-time career in grassroots and related work. *INDEX* envisions its task to be "the orientation, strengthening, and consolidation of the contribution of the professional sector (or college-level alumni) to the national task of social change and development."

This project proceeds from the following emphases:

Movement away from vindication of rights and protection of interests of the individual.

Movement towards increasing consumer awareness of responsibilities.

Movement towards securing greater consumer acceptance of roles needed to be played in pursuit of alternative life-styles/ alternative development.

Attempting to locate consumer issues within the larger issues of a society in transition towards alternative life-styles.

The project will develop educational materials which will be directed in the first place at development workers and in the second place at family-oriented groups (e.g., Parenting for Peace and Justice), consumer action groups, environmental groups and women's rights groups. The educational materials will be used for mobilizing and coalition building among specific action issues with a view to developing specific action strategies and campaigns. The educational materials will be developed by drawing heavily upon the experiences of earlier campaigns and of specific

victim groups. Some themes around which the educational materials will be organized are listed below:

1. The non-consumer, the subsistence consumer and consumer movements.
2. Product and life-style.
3. Harmful products.
4. Product and ecological and environmental concerns, e.g., non-renewable resources consumed in producing the product.
5. Product and Producer: social accountability of corporations.
6. Product and Production process: labor relationships, participation.
7. Product Advertising: with special emphasis on women-related issues.
8. Product as vehicle for fostering dominance of transnational and national elites.
9. Societal priorities in consumer movement strategies.

II. Re-orienting Filipino Youth

This is not so much a single project as a series of interrelated activities being initiated by two organizations: *INDEX* and Assumption School, Davao. Contact person for the Davao-based set of activities is Irene Santiago, Kahayag, The Foundation for Developing Support Communication, Inc., P.O. Box 208, Davao City 9501, Philippines; telephone: 79558.

The objective of these activities is to promote the values of an alternative life-style among the youth from as early an age as possible. The following activities are envisaged:

- a) Introduction of a law, justice, values, vision of society component into the curriculum at *every* grade level at the Assumption School, Davao. The approach here is to seek to achieve this by selecting one teacher for each grade level (irrespective of the subject being taught) who shares and has a deep commitment to the values being promoted and to attempt to re-orient the curriculum of the subject being taught by that teacher. The classroom component will be complemented by community outreach and community-based action projects. This project aims at all levels: from grade one to graduation.
- b) Values formation program for grades two and three at St. Scholastica College, Manila. This project seeks to provide learning opportunities where students can understand and internalize values of social awareness and social concerns. The value framework emphasizes concepts such as stewardship, material sim-

plicity, personal growth, selflessness, other directedness, and sense of community. Components comprising one-and-one-half hours per week over a period of six weeks each are being developed around the following themes and topics: self-awareness; ecological awareness; Christmas celebrations; Community: local and global; Food and Hunger.

- c) Career orientation seminars and a career placement program to provide concrete information on various career areas as to specific development options and career roles and opportunities therein.
- d) Preparation of a series of short (seven to ten page) monographs on Alternative Careers. The objective here is to select professions which have important developmental implications (e.g., medicine, engineering, business, law) and to devote a monograph to each such profession. Each monograph would review and critique conventional career options within the professional discipline and identify "alternative" career options.
- e) A program for support of development workers who have chosen and are presently engaged in alternative development careers.

The cluster of activities described above thus seeks to move from values formation with the youth at an earliest opportunity, through creation of alternative career options, to reinforcement, solidarity and support for those who have chosen to devote their professional careers in the quest for a better and more just future for Philippine society.

Appendix II

A Note on the Human Right to Education and the Empowerment of the Poor

The UN Convention on Social and Economic Rights and many other legal instruments declare that education is a basic, universal “human right”—a right of people; and in numerous other declarations, national and international, most Third World governments have solemnly subscribed to this proposition. Yet, interestingly, there have been few attempts to analyze the content of this “right”—and to discover its legal implications.

Education is a *human* right because (like other basic human rights) it is a means to achieve other essential objectives related to the development of *people*. It is a means to enable people to satisfy essential needs: knowledge enables one to work more productively, to practice rudimentary health care, to secure other necessities. Education is also essential if one is to become self-reliant in a civic and political sense, and self-reliance is essential to enable meaningful participation and the exercise of other rights—consider the importance of education in women’s struggles for equality. Thus education helps—perhaps indispensably—to empower people. It helps them to articulate and determine—through discussion, debate, conflict and consensus—the basic values and principles which will govern the communities in which they live.

Recognition of these kinds of benefits and purposes of education helps us to understand why it is a basic right *of people* (not governments); and this understanding helps us to identify some of the *many particular entitlements* which *make up the right* to education. Indeed, all basic human rights—such as the right to speak, or the right to due process of law—are, in fact, bundles of more particular rights; and the task of giving content to these basic rights is a task of giving content to many component rights.

Moreover, this process of identifying component rights must be a gradual one: human rights only gain concrete meaning and significance as people, themselves, begin to exercise them in different ways, and the way in which people may begin to claim and exercise specific rights grounded in their right to education will vary depending, for example, on their perceptions of needs for education and their efforts to participate in its development.

However, some of the basic components of the right to education ought to be clear in view of the purposes of the basic right. Thus, the

right to education includes a *right to participate* in the processes of designing and developing education, and a *right to develop education geared to the shared needs* of a group: thus, women have a right to educate themselves about women's concerns and strategies of empowerment; peasants have a right to educate themselves in regard to their concerns. Further, since a function of education is to empower people, those most disadvantaged by lack of education (and hence those less powerful) must enjoy rights to develop means of educating elites in order to influence their decisions and conduct. Indeed, the right of different groups to strive to educate each other is a much neglected but critical component right—especially in societies which are sharply stratified, as well as segmented by ethnic, linguistic and religious differences.

Education is often classified as a "social-economic" right, and too often it is said (particularly by lawyers) that rights in this category are "uninforceable" by people—only governments, in their discretion, can provide for their enjoyment. But in fact education is a *human* right, a right of people which is *not* dependent on the whim of rulers. While we may indeed be dependent on governments to provide resources for much education, we should never be dependent on governments to exercise *our* rights to generate and share knowledge we need. Even if education is labeled as a "social" right, the enjoyment of this right (like the enjoyment of other "social" or "economic" rights, such as a "right to health care" or the "right to economic security") is dependent on the exercise of civil and political rights. Indeed, education and the exercise of rights of "free speech" and "political participation" are so closely interlinked that it is hard to see how they can ever be separated. There is, in fact, a symbiotic relationship between all basic human rights—whether they be labeled "social," "economic," "political" or "civil." That is because rights have to do with power.

Thinking about education as a human right may be very important, especially for the poor and those who share their concerns and seek to help fight the battles. It is now widely recognized that, particularly in Third World settings, power over education is monopolized by professionals and elites, and that power is used, primarily, to satisfy the needs of ruling coalitions and dominant groups. But education of the poor, by the poor and for the poor—education to meet their needs and to develop their power—can be created through new kinds of efforts, new struggles.

The existence of a human right to education provides a fundamental legitimacy to these struggles, and, conversely, it can be used to develop a set of evaluative criteria which people can strive to use to impose more accountability on the officials and professionals who allocate public re-

sources for educational purposes. Thus the human right to education can be used as an important legal resource in peoples' struggles for liberation and development.

