1992

The Responsibility of Lawyers to Challenge Injustice

Geoff Budlender
Legal Resources Centre, Johannesburg, South Africa.

THE RESPONSIBILITY OF LAWYERS TO CHALLENGE INJUSTICE

GEOFF BUDLENDER[1]

JOTHAM ZWANE AND HIS LAWYER

Jotham Zwane is a respected community leader in Amsterdam, a small country town in South Africa. During 1978, Mr. Zwane led a peaceful community protest against the fact that the local government board required householders to pay it a lodger's fee for each child who lived in the family home. He then had a series of problems.

First he was prosecuted on a charge of incitement. He was acquitted. Then he was brought to court on a charge that he was an idle person. The law then provided that an "idle" person—i.e. a black person who did not work—could be detained in a farm colony, and banished from the area. When Mr. Zwane demonstrated that he was self-employed—he ran a small transport business—the charge against him was dropped.

He was then detained for several days, without charge, by the security police. Then a second "idleness" charge was brought against him. Again he was discharged, again on the grounds that he had his own transport business. And again he was detained for several days by the security police.

After his release from this second detention, and during the middle of the night, his three trucks were destroyed by an act of arson. He was then brought to court on a third charge of being "idle." This time, he was found to be idle—his business had ceased as a result of the arson. The court gave him a suspended sentence of two years in a farm colony, and ordered him and his family to leave the area.

A local white lawyer had represented Mr. Zwane. After these proceedings, his house too was destroyed by an act of arson. The identity of the arsonist was never proved. However, the lawyer had no doubt about the reason for the arson. He packed his bags and went to live in a distant city. His last advice to Mr. Zwane was this: "get yourself a lawyer in Johannesburg."

I could talk for a long time about the truly remarkable Jotham Zwane and his experiences. But in the present context, what is particularly striking about this part of his story is what it tells us about lawyers and their responsibilities. In the first place, the story reminds us of the classic role of the lawyer: to stand between the individual and the state. That is where it all started. As Professor Otto Kahn-Freund pointed out, law is a technique for the regulation of social power. The essence of law is that it determines when and how power may be

---

[1] Attorney and Deputy National Director, Legal Resources Centre, Johannesburg, South Africa.

exercised, and when it may not. Those who have power do not need law—they have the power to do what they wish. The purpose of law is to define when and how they may exercise that power: in other words, to place limits on the exercise of power. This also has the function, of course, of legitimatizing the exercise of power—but that is another story. A critical role of lawyers is to ensure that the holders of power are kept to those limits.

In the modern state, it is not just the government which is a holder of major power. Major corporations, too, exercise vast power over the lives of individuals. They hire and fire, they structure commercial transactions which bind all of us, and they determine the shape and nature of our physical environment. The lawyer's central role must remain the same: to ensure that this power, too, is kept within its proper limits, and to act against the abuse of power.

It is a paradox that the lawyers for the powerful and the wealthy are seen as the mainstream of the profession, and that those who represent the powerless are seen as being on the fringes of the profession—certainly in my country, and from what I know of it, in yours. But that is an inversion of the fundamental role and responsibility of lawyers.

This is not to say that the wealthy and powerful, and the government, are not entitled to the services of lawyers. Of course they are. But it is a strange inversion—indeed, one might say perversion—of the reason why a society needs lawyers to say that the people who serve the powerful should be the core of the profession. Rather, it is they who should be the marginal phenomenon. One of the reasons why our profession is so widely mistrusted is that lawyers are seen as those who serve the powerful, and make them more powerful.

The second lesson which emerges from the story of Jotham Zwane and his country lawyer is a question about the role of lawyers in an unjust system. Sometimes, simply to behave like a decent human being, to protect the rights and dignity of the powerless, can be quite heroic.

I am sure Mr. Zwane's lawyer did not think of himself as heroic. Certainly, he did not do anything inherently heroic: he did not storm the ramparts of racism, lie down in front of a bulldozer, or walk into the firing-line of a police unit. What he did was cross-examine a number of officials, on behalf of his client. He did so knowing that his client was public enemy number one to many of the white residents of Amsterdam. But he simply did his duty, quietly and professionally (and, as it happened, unsuccessfully). He may have found it uncomfortable, but he did his professional duty.

The story of Mr. Zwane's lawyer is deeply reminiscent of the words of the poet Yevgeny Yevtushenko. He wrote, in a very different context, that future generations would find it hard to understand a time when simple decency could be regarded as heroism.[2]

It is also the story of the many ordinary people who made the most important contribution to the transformation which is taking place in South Africa.

---

[2] Yevgeny Yevtushenko, *Talk, in* SELECTED POEMS 81 (1962).

Twenty years ago, Albie Sachs drew attention to the power of what he called the legal-administrative machinery of the state.[3] For black South Africans, life was subject to a myriad of unchallenged administrative decisions. They affected where you could live, whether you could live with your family, where you could work, and whether you could work at all. This militated against political risk-taking in any form; it was a powerful inducement to conformity and quiescence. Yet people took those risks. They resisted forced removals, they ignored the pass laws, they joined trade unions, they mounted massive rent boycotts to destroy the apartheid city. Often they did these things simply because they had to—very often not out of a heroic decision to confront the apartheid monster, but because that was what they had to do to maintain their integrity as decent human beings. Very often the price was high.

A third lesson from the Zwane story is a reminder of another reason why lawyers have a special duty to promote justice; and that is the vast potential they have to cause harm. There were several lawyers in this case. There were also those who prosecuted and judged. Some of those lawyers were no doubt committed to what they were doing, and I suppose some of them thought that they were "just doing their job."

"I was just doing my job" has become a weak and despised defence in the post-World War II era. We now know that it is not an adequate defence where the result is that the lives of human beings are destroyed, whether literally or figuratively. In my country, I am afraid that this defence is still generally considered to be available to lawyers. However, during the 1980s there was a vigorous debate over whether conscientious judges should resign. The debate reached its peak during the state of emergency, which ran for several years. The government had mounted what in reality was a sustained attack on the notion of legality, and received a fair amount of assistance from what came to be known as the security bench of the Appellate Division, headed by the Acting Chief Justice. One of the judges resigned and left the country, and a number of our best public lawyers in the universities did the same.

The Zwane story illustrates an alternative route. Shortly after the last Zwane "idleness" charge, a case on the same statutory provision came on automatic review before one of our most creative and rights-minded judges. The case troubled him, and he asked the Durban office of the Legal Resources Centre to present argument on the proper interpretation of the statute. The result was a decision which gutted the section of most of its impact. A few years later the statute was repealed, largely for other reasons, but in the interim, a judge and a lawyer who had worried about this section, and who had tried to do something about it, had effectively nullified its effect by the use of creative and conscientious lawyering.

---

[3] Albie Sachs, *The Legal-Administrative Apparatus of Apartheid, in* CHANGE IN CONTEMPORARY SOUTH AFRICA (Leonard M. Thompson & Jeffrey Butler eds., 1975).

Of course, that is not a conclusive answer to the problem of participation in an unjust legal system. To my mind, the question is not *whether* judges and lawyers should refuse to participate any longer in an unjust system. The question is rather *when* they should do so. The question is sometimes put this way: "Do lawyers working within an unjust legal system not lend legitimacy to that system, by holding out that it is fair and can provide remedies, by leading people to believe that they do indeed have claims to make within the system, and by thereby encouraging them to restrict their claims to those made within the system?"

That is a question which has to be taken seriously. There are three sorts of answers to it. The most tempting answer is that so trenchantly put by E.P. Thompson, in a now famous passage which also seems curiously sexist in its language:

> [P]eople are not so stupid as some structuralist philosophers suppose them to be. They will not be mystified by the first man who puts on a wig . . . . Most men have a strong sense of justice, at least with regard to their own interests. If the law is evidently partial and unjust, then it will mask nothing, legitimize nothing, contribute nothing to any class's hegemony.[4]

The second answer is a practical one. In South Africa we have seen the courts order the reinstatement of striking mineworkers; declare invalid a parliamentary resolution which led to a number of forced removals of rural communities from their land; declare unlawful government policies which for years had prevented hundreds of thousands of Africans from living in the cities; order local councils to rebuild "squatter" homes which they had demolished; order the release of detainees; and acquit the accused in two major treason trials. Surely if there is a risk of legitimizing the system, it is a risk worth taking when such significant gains can be achieved.

The third answer is a fairly traditional one, with a slightly new slant. What lawyers do is represent clients who want their services. As long as there are clients wanting these services, it would be arrogant and untenable for the lawyers to refuse to participate, on the grounds that this might legitimize the system.

All of these answers have much to be said for them, although it must be said that none of them is completely satisfying. Some people *are* mystified by the appeal of legalism. The famous victories are outnumbered by the not-so-famous defeats, and by cases which could not be brought at all because there was no prospect of success. And lawyers are more than the passive agents suggested by the argument—or at least we are assuming this in our attempt to define the role of the lawyer who wishes to challenge injustice.

In South Africa, for many of us the moment of truth would have come if the major popular organizations—trade unions, civic organizations and political

---

[4] EDWARD P. THOMPSON, WHIGS AND HUNTERS 262-63 (1977).

movements—had refused to use the courts, and had said that the whole justice system should be boycotted. At one stage it came fairly close to this.[5] Fortunately for people like me, the moment did not arrive, and we were able to continue to practise in the knowledge that the major democratic organizations wished us to do so.

SIX MODELS FOR CHALLENGING INJUSTICE

Assuming that we accept that lawyers do have a duty to challenge injustice, and are going to participate in the legal system, how should or could they do so? Six different models suggest themselves. These are of course "ideal types:" some lawyers may combine some of them in one practice.

The "Cab-Rank" Model

The first model I would call the cab-rank model, based on the rule which applies to barristers in England and South Africa. The principle is that a lawyer is under an ethical duty to accept any case in a court in which he or she ordinarily practices, subject only to the payment of a reasonable fee and his or her availability. This is intended *inter alia* to guarantee that unpopular individuals will be able to obtain the services of a lawyer.

This model is open to a number of fairly obvious criticisms. In the first place, it is predicated on the ability of the client to pay. In the absence of a truly comprehensive legal aid system, the rule comes down to "I will work for whomever can pay me." That amounts to saying that you will not work for the poor.

Secondly, it is not an adequate response. It falls into the common trap of assuming that all that is needed for equality is to treat everyone in the same way. However, to treat those who have been systematically disadvantaged on exactly the same basis as those who are powerful, repeats and reinforces the inequality. We do not all start from the same place. I hardly need make this argument here, although in South Africa, the myth that all that is needed is the repeal of discriminatory statutes, ignoring the accumulated deficit of generations of dispossession and discrimination, still holds sway in many places. If the scales of justice are already heavily tilted, obviously one has to do more to balance them than to put an equal weight in each pan.

However, the cab-rank model can be a useful starting-point. After all, that is all Mr. Zwane's lawyer did. He acted for Mr Zwane because he had a case and he could raise the legal fees. I doubt that he thought he was doing anything more than acting for a client. However, the Zwane case also illustrates a weakness of this approach: if the law is unjust, no number of competent lawyers can produce justice simply by representing clients.

---

[5] The role of lawyers and the courts during the state of emergency, which led to the greatest doubts about participation in the legal system, is very thoughtfully examined in STEPHEN J. ELLMANN, IN A TIME OF TROUBLE: LAW AND LIBERTY IN SOUTH AFRICA'S STATE OF EMERGENCY (1992).

The cab-rank rule is rather like a figleaf: it pretends to conceal a reality which everyone knows is underneath. The reality is that some lawyers, despite the rule, will not act for causes which they find repugnant; and that some other lawyers will actually specialize in and even seek out politically committed and controversial work, all the time sheltering behind the figleaf of the cab-rank rule. This is an important positive result of this model. One of the curiosities of the South African legal system is the persistence for very many years of a tradition that it is quite proper for a lawyer to represent the unpopular accused. Those who have done the work have been able to shield themselves from attack, and secure the protection of the organized profession, by calling in aid the cab-rank rule. In repressive societies where this tradition does not exist, lawyers have been much more vulnerable when they have challenged injustice.

The Public Interest Model

A second model is the public interest model. This starts from the assumption that the powerless need special and specialized representation in order to give them any prospect of obtaining justice. The work I have done for the last thirteen years will tell you that I have a certain predisposition towards this model. Let me rehearse briefly the arguments for this model. As Wexler pointed out:

> Poor people are not just like rich people without money . . . . Poor people do not lead settled lives into which the law seldom intrudes; they are constantly involved with the law in its most intrusive forms . . . . Poverty creates an abrasive interface with society; poor people are always bumping into sharp legal things.[6]

Marc Galanter's illuminating analysis of the advantages "repeat players" have over "oneshotters" in the legal system demonstrates the need to build repeat-player institutions and lawyers in order to create any semblance of equality in the legal process. Certainly in South Africa, I am repeatedly reminded of the powerful practical implications of his analysis. A large measure of what the Legal Resources Centre has been able to do, was achieved precisely because we became a repeat-player on behalf of those subjected to apartheid. Our experience with the pass laws, pension laws and forced removals, and now on behalf of communities which are attempting to regain the land from which they were forcibly removed, is repeated testimony to the accuracy of his analysis.

Related to this is the fact that the major legal problems of poor people are generally group rather than individual problems. This should not be surprising. Poverty and powerlessness are not, generally, caused by random accidents which afflict individuals. They are caused by social and economic structures which affect whole groups or classes. It is those structures which give rise to the most pressing problems of poor people. Any attempt to use the

---

[6]Stephen Wexler, *Practicing Law for Poor People*, 19 YALE L.J. 1049 (1970).

legal system to promote social justice must recognize this, using group-based or class-based solutions as widely as possible.

Lawyer as Organizer Model

This brings me fairly directly to a third model: the lawyer as organizer. The work on behalf of rural communities threatened with forced removal from their land illustrates the opportunities and the problems involved. In its zeal to divide South Africa into a large white country and a number of small black countries, the government set out on a policy of removal of what were called "black spots", or more euphemistically "poorly situated areas." Black people living on rural land outside the "homelands" were to be removed, by force if necessary, to the barren and overcrowded "homelands." The law authorized the use of force to give effect to this policy. In many cases, no legal challenge was possible.

One such community was Driefontein, where the community had owned the land for 70 years. Lucie White has written about the story in more detail.[7] When I was approached to represent them, I was totally mystified and frustrated. There seemed to be nothing I could do as their lawyer. The law was entirely against us. However, I was fortunate that some time after I had become involved, they also secured the services of a rural fieldworker who understood these things much better than I did. Together, she and the community evolved a strategy for dealing with the monster of forced removal. The key to it was empowering the community to use its own resources to resist removal, calling in aid all of the outside political support which could be mustered.

One of the problems faced by the community was that the local magistrate refused them permission to hold any meetings at all. This undercut any attempts at organization. A successful legal challenge opened up the possibility of community organization, and facilitated mobilization. The government had another mechanism as well. Much of the rural economy is dependent on state old age pensions, which are a legal right. The government simply refused to pay pensions at Driefontein: if you wanted a pension, you had to move to the resettlement area. Litigation put an end to this ploy. Yet another ploy was to refuse to issue Driefontein residents with identity documents, which were essential for a variety of purposes: again, you could only obtain them in the resettlement area. This, too, could be successfully challenged by litigation. A regular monthly legal clinic was started at Driefontein, to assist people with their problems with the bureaucracy and local employers and commercial institutions.

This is only part of the story. Certainly, the legal work was only a small part of what was done, although it was critical. Through a slow and painstaking process of work with the community, the position was reached where the community was sufficiently cohesive and confident to express its refusal to

[7] Lucie E. White, *To Learn and Teach: Lessons from Driefontein on Lawyering and Power*, 1988 WIS. L.J. 699.

accept the removal. The government's first and preferred option, engineered "consent," had been removed.

Meanwhile, the political pressures on the government began to mount as a result of political campaigns run on the issue of forced removals. When a local policeman killed a much-respected community leader, the public outcry was such that the government was forced to enter into negotiations with the Driefontein community. Over a period of two years, the negotiation process drove the government into a position from which it could no longer publicly justify a forced removal.

Ultimately the Driefontein community saved itself from forced removal. The changing political environment was a key factor in this. But without the careful organizational work, the community would undoubtedly have been forcibly removed like so many others, before it could take advantage of the changed political context. The legal work was clearly of significance, even though a direct legal challenge to the removal was not possible. The community used its lawyers to enable it to organize.

There are many problems with this strategy. I mention only two. In the first place, most lawyers I know would be very poor community organizers. I include myself in this category. Skilled organization is needed on the ground. Secondly, there is a real imbalance of power between the community and the lawyer. There is a real risk that the lawyer will use that power to move the community in directions which ultimately turn out to be ill-advised. So there is a need for great restraint, which can lead to great frustration on both sides. Fundamentally, the lawyer has to learn a new method of practising law. That is very difficult unless you have very good teachers.

The "Breaking the Rules" Model

A fourth model is quite deliberately to break the rules where they lead to unjust conditions. Let me give you a practical example. A client is classified as a "coloured" South African. The result is that he commits a crime by living in his home, which is in an area reserved for people classified as "white." His lawyer approaches the Minister for a "reclassification" of her client as "white." The Minister does not want to have to face the client. He tells the lawyer that he will deal with the matter on the basis of a photograph of the client. The lawyer tells the client to give her an overexposed photograph of himself. She then sends this to the Minister. On the basis of the photograph, the Minister reclassifies the client as "white." His residence is no longer illegal. The lawyer has achieved her client's aim, to live where he chooses. She has defeated the operation of two morally repugnant laws.

The case is a deeply troubling one, besides the whole question of taking on race classification cases at all. One problem is purely practical: if your strategy is discovered, you may be disbarred, and that will be the end of what you can achieve for anyone. A second practical problem is that if your opponents come to know that you can not be trusted, that deeply undercuts your usefulness to other clients. A major practical problem arises at the next level: if it is legitimate to lie on behalf of your client, what possible objection can you raise if your opponent also manufactures evidence on behalf of *his* client, in order to achieve what *he* regards as a moral end? And ethically, can you simultaneously work within the system and refuse to obey the rules? But as against that: can you

have ethical rules at all within an unjust and illegitimate system? Of course, this is partly the whole means and ends dilemma.

This rule-breaking model has to be distinguished from what we ordinarily regard as civil disobedience. Civil disobedience generally involves openly breaking the law for moral reasons as a deliberate protest, and inviting the consequences. Breaking the rules covertly, in order to achieve a direct benefit, is rather different. The question often asked of those who propose civil disobedience is this: if you claim the right to contravene immoral laws, all you are really saying is that you will obey those laws which suit you. No society can function on that basis. Part of the answer to that criticism is that where people openly break laws, they will not do so frivolously, because they immediately invite the consequences. That safeguard is absent from this model: it leaves it up to the individual to decide which laws may ethically be ignored, what lies may ethically be told, and what evidence may be falsely manufactured—and there are no consequences unless you are caught. As I have said, this is a deeply troubling model.

The Moral Confrontation Model

A fifth model is a sort of moral confrontation. Cases are brought to court when they clearly have no prospect of success, because there is a public moral lesson involved. The participants hope that by publicly raising these moral issues in a forum which is supposed to dispense justice, they will confront the system with a dilemma. If the system is publicly seen to act immorally, that lends publicity to the moral cause and simultaneously questions the morality of the system. The strategy of the losing case is based on this model. Some of the work done by Israeli human rights lawyers, representing people in the occupied territories, falls into this category. This sort of confrontation has to be carefully and sensitively chosen. As Jack Greenberg has pointed out:

> We sometimes hear it said, "I don't care whether we win the case, it will educate the public." Unfortunately, sometimes all the public becomes educated to is that the case was lost.[8]

The Direct Confrontation Model

A sixth model is a more direct confrontation with the system. In the USA you have much better experience of this than we have, for example in the trial of the Chicago Seven. This model involves confronting the system, telling it that it is unjust, and attempting to disrupt it. In South Africa we have had cases where the accused have refused to acknowledge the legitimacy of the court. But generally this has taken the form of a polite—even respectful—statement of objection, followed by refusal to participate in the trial. It is interesting to speculate why the model of more direct confrontation has never taken root. A

[8] JACK GREENBERG, LITIGATION FOR SOCIAL CHANGE: METHODS, LIMITS AND ROLE IN DEMOCRACY 10 (1974).

possible reason is that in a highly repressive system, the stakes are so high that those who find themselves in the courts can not afford to use this strategy: in a serious political trial, a refusal to defend yourself, and a militant challenge to the court, may result in the death sentence. Whatever the reason may be, this model is fundamentally different from the others in two respects: first, it involves a direct and outspoken rejection of the system itself; and second, it often requires the lawyer to participate as a direct actor. The lawyer must herself confront the system, rather than assisting a client to do so.

Whatever model one considers desirable, it seems to me that there is a first and fundamental starting-point. Whatever the lawyer does to challenge injustice, the first rule must be not to create or perpetuate injustice. Even as I say this, it seems absurdly naive. Every day, legal injustices are done inside and outside courts. Every day, lawyers participate in this, routinely acting on behalf of their clients. What is the solution? This is of course a central question in David Luban's *Lawyers and Justice.* [9]

The South African experience teaches us that we have to make an explicit commitment to socially responsible legal practice, and to think much more deeply about what that means. Luban demonstrates that a major source of the problem lies in an unquestioning acceptance of what is assumed to be an inevitable corollary of the adversary system, namely what he calls the standard conception of the lawyer's role. Luban identifies two elements of this conception:

1. The principle of partisanship, which "identifies professionalism with extreme partisan zeal on behalf of the client;" and
2. The principle of nonaccountability, which "insists that the lawyer bears no moral responsibility for the client's goals or the means used to attain them."

I think most of us would have difficulty in accepting that the adversary system justified the participation of the prosecutor in the systematic persecution of Jotham Zwane. Of course it is an extreme case. But it is always the extreme cases which illustrate that there must be limits to what seem to be unchallengeable principles. Perhaps the Zwane story has a lesson even for those who work within what may be basically just legal systems, namely that there must surely always be a time when the conscientious lawyer will say no to his or her client.

But how does one instil this attitude into law students and lawyers? The widespread indifference, at least among South African lawyers, to fundamental issues of justice and ethics is at least partly the result of how we are trained as lawyers. At least in South Africa, the training is largely technicist. Wider social and ethical issues do not enter into the training. Lawyers see their job as being to apply and use the law, whatever its consequences may be.

---

[9] DAVID LUBAN, LAWYERS AND JUSTICE: AN ETHICAL STUDY (1988).

This approach is reminiscent of the attitude ascribed to Wernher von Braun in Tom Lehrer's deadly satire:

> "Once the rocket goes up
> Who cares where it comes down?
> That's not my department"
> Says Wernher von Braun.

Ethical conduct cannot be learned just from books. Ethical rules need to be acted out and internalized. We need to experience the problem of wrestling with often conflicting ethical rules, and the pain which is sometimes experienced through acting ethically—because ethical conduct consists in sometimes having to do what one does not want to do, or in acting contrary to perceived personal interest. If we all could just do whatever we felt like doing, there would be no need for ethical rules.

Ethical conduct is learned through the hard situations where you have to make *choices*, and face the consequences of those choices. Facing the consequences of our decisions is critical. A judge who had to decide a case about the constitutionality of corporal punishment where the constitution prohibited "cruel, inhuman or degrading treatment or punishment," told me that as a young man working in the magistrate's courts he had had to witness judicially imposed whippings. He said that this experience had never left him, and that he had been left in no doubt that it was indeed cruel, degrading and inhuman. I have no doubt that capital punishment in South Africa would have dropped dramatically if judges had had to witness the execution of people they sentence to death.

The most obvious means of achieving this result is through clinical legal education. I am aware that there is a real debate over whether one can teach moral behaviour; also that there is debate over whether clinical legal education provides an effective means of teaching socially responsible legal practice. All I can say is that, to put the argument at its weakest, clinical legal education seems to be the best tool which is available. Seminars and discussions have their place: but there is no substitute for having to deal with real-life situations, and make decisions which have real-life consequences.

A student having to represent the client with the race classification problem, for example, would learn more of value about legal ethics than from a year of reading books, and there must be a real prospect that the lessons from this experience would be carried forward into practice.

When I was invited to participate in this conference, I was genuinely puzzled as to what I could contribute. After all, our societies are very different. While we stand on the threshold of great changes in South Africa, we are in a very different position from you. However, perhaps the issues are not so different. Perhaps what we have learned in South Africa does have some wider application, because it is often situations of deep conflict that most clearly illustrate fundamental issues.

The struggle for freedom and justice is increasingly an international struggle, in which we have to learn from one another. The freedom struggle is not an event—it is a process. Albert Camus, writing at the time of the strife in Algeria, said the following:

> There is no ideal freedom that will someday be given us all at once, as a pension comes at the end of one's life. There are liberties to be won painfully, one by one, and those we still have are stages, most certainly inadequate, but stages nevertheless on the way to total liberation.[10]

It is my conviction, based on the South African experience, that lawyers have a critical role to play in that struggle. It will not be lawyers who win the struggle: it will be the efforts of ordinary people who are willing to pay the price of confronting injustice, often in undramatic ways. If lawyers are serious about their mission—if they take seriously the highminded statements they make about their profession—they have to be willing to make their contribution, however uncomfortable it may sometimes be.

[10] ALBERT CAMUS, RESISTANCE, REBELLION AND DEATH 69 (1964).