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LAWYERS IN THE PEACE CORPS

The following report includes an in-depth essay relating the field of law to the Peace Corps challenge and an explanation of the assignments for which lawyers are needed during 1966.

OLD LIVES FOR NEW

BY CARL EHMANN*



Jerome Frank, writing about Morris Cohen's appreciation of "Law as a Science," suggested that oversimplification has always made the law an elusive science at best. So too, oversimplification makes philosophy -- the science of life, if you will permit the phrase -- a very difficult intellectual pursuit.

Today, the mass media oversimplify everything for us. Stereotypes, even caricatures, are what we are left with when "all" is presumably said and done. The pace of our society does not permit the time we need to explore with the great thinkers. Today the ever present theme is PRODUCE. The catchwords are IMPACT, SUCCESS, IMAGE -- and there seems to be a tendency to achieve these catchword distinctions as ends in themselves. An effect of this ethic has people writing books when they would do better to read books, creating for themselves press-agent "images," without a substantive base; and heralding "successes" that are, in fact, mediocrities. We have long understood and accommodated this kind of "reality" in the theatrical world, but we cannot suffer such glib formulations in the real world, particularly today, when the requirement of understanding the "science of life" upon which other peoples predicate their actions is so great.

How does the Peace Corps experience affect this symptom of modern life? It destroys the stereotype. It does not admit to oversimplification. It requires of the thoughtful person a stretching of the imagination to accommodate circumstances which previously were either taken

for granted or never known to exist.

No doubt this leads to confusion for many Volunteers, because being products of their culture, they desire readily comprehensible explanations, well-defined responsibilities and clear job descriptions. The difficulty here, of course, is that the only frame of reference Volunteers bring overseas is their own. And this is too limited -- too American, if you will -- to immediately accommodate what they discover.

What happens, is that the Volunteer's frame of reference begins to change -- it grows really, I think, out of proportion to the length of the experience -- for the kind of involvement required of Volunteers surpasses in intensity almost any other kind of relatively short overseas experience. Hence, the title -- Old Lives for New. Margaret Mead wrote a book called New Lives for Old, in which she described the impact of Twentieth Century Western culture on people she had known in the Admiralty Islands 25 years previous to her study. As you might imagine, the impact there -- the old lives traded for the new -- was considerable. What I'm suggesting, on the other hand, is that people in the United States, with relatively new lives, can, by becoming Peace Corps Volunteers, mature beyond their years -- at least with respect to a comprehension of the world in which they live...a world which has two thirds of its population in underdeveloped countries where per capita incomes average about \$100 a year, and widespread illiteracy and malnutrition prevail.

You could, of course, go abroad to study for two years and learn a great deal...but as a student you suffer the disadvantages of a student: the experience of others, the reading of books -- which can be done anywhere in this world -- these describe limitations on a student's first-hand appreciation of his chosen field.

John Henry Newman wrote: "You must imitate the student in French or German who is not content with his grammar, but goes to Paris or Dresden: you must take example from the young artist who aspires to visit the great masters in Florence and in Rome." If I may paraphrase Cardinal Newman's encouragement to scholars: "Those of you who look to shape tomorrow's policies must engage the world where it lives -- in its people at a level where their substance is not obscured by the products of culture, but rather illumined by the cultures itself." The Peace Corps offers this opportunity.

But one caution: just as it is the artist -- not the linguist -- who is encouraged to go to Florence, not everyone should go into the Peace Corps. You must not only be a student of the world (which I think we all feel we are); you must be someone committed to the proposition that to appreciate reality, you must get involved. There is no place for someone who sees himself as merely an observer, for here learning is accomplished by sharing identities -- that of American with Pakistani, or Chilean, or Tanzanian. John Locke, after disposing of the hypothesis of innate ideas, wrote: "Whence has it all the materials of reason and knowledge? To this I answer in one word, from experience." And the

Peace Corps experience, because of its intensity, empirically speaking, provides knowledge.

It is interesting to see Volunteers who have experienced this kind of "learning" search for its expression. I have visited Volunteers in several countries near the completion of their service. They invariably feel they have received more than they have given, but don't quite know how to express this acquisition. They have -- almost unanimously -- a greater appreciation (comprehension and pride) for the United States. They feel they know better what the aspirations of people -- humanity, if you like -- are. They have met the world in revolution and come away the wiser for it.

But all that I have said so far has no more relevance for the student of law than for the generalist. There is, of course, a distinction -- not as to the contribution to be made; for an American farmer can make just as great a contribution to El Salvador as an American lawyer -- but in appreciation and utilization: here, I think, the discipline of law makes a considerable difference.

Let me go back to my introductory remarks: if you think for a moment about the implications of law being studied and implemented as a science, certain problems become apparent. First, if as Huntington Cairns suggests, "legal theory may eventually be reduced to something approaching the status of geometry so that we will have a set of entities from which we can account for all the important propositions of legal order," then, and this is what concerned Judge Frank, the "fact finding" function from which the entities are created, must be a carefully controlled process.

The "facts" which go, if you will, into the calculation hopper, must be "authentic," unemotionally gathered and appropriate -- most of all, they must not be oversimplifications. We must, if we are to get close to solutions here, get closer to the sources of reality, which provide the "facts" which go into the hopper, from which come the "entities", upon which are based the "propositions of legal order".

I submit that the "facts of life" upon which international order is and will be premised, are as difficult to ascertain as any in the broad spectrum of considerations which might be termed "legal."

I suggest that those of you who may one day attempt to take your talents into the international arena, could do no better than to experience now that highly complicated, straining world beyond these relatively calm shores.

You will be asked to contribute an extraordinary amount of time and energy; you will learn a great deal, both in training and overseas; and you will be expected to put this knowledge to work when you return. This, by the way, is not my formulation. The Peace Corps Act, Title I, section 2, sets out these three criteria as the "Declaration of Purpose" for the enabling legislation.

Here is no case book tort situation or "spinning off" of a corporation. Here is required the broadest conceptualization of man striving within his environment to perceive of himself as a significant being, no longer responsive only to natural forces, but to man-made institutions of social ordering and government.

Here then is where you'll be asked to enter in, to confront a reality which, very likely, will make little sense to you at first.

There is no easy way to gain comprehension here. You must suffer the same "experience" as those with whom and for whom you are working. You must undertake not so much a burden as an appreciation. The days of "little brown brother" and the insulting implication of the "white man's burden" are gone forever. To suggest you cannot effectively enter into it and come away the better for it would be tragic.

Robert Frost in his poem "Mending Wall" presents two farmers. One, tradition bound, thinks,

"Good fences make good neighbors."

The other is not so sure and says,

"Something there is that doesn't love a wall..."

If you don't love walls, and if you are ready to answer what it is you can do for your country -- as well as your ART (I must finally admit I think law more an Art than a Science), then go seek the reality, which provides the "facts" which go into the hopper, from which come the "entities", upon which are based the "propositions of legal order."

*Carl Ehmann, a graduate of the Harvard Law School, served as a Peace Corps Volunteer in Sierra Leone from 1961-63. As a Volunteer he taught in a secondary school his first year and spent his second year teaching law at the University College of Sierra Leone. Ehmann is now a Peace Corps official serving on the Washington staff.

Lawyers Needed For Summer '66

Peace Corps Assignments

GRADUATE LAWYERS are needed to serve as Community Organizers in Latin America and a limited number are needed for legal aide assignments in Africa.

There is an urgent need for legal help in most developing nations, and it is this need -- the desperate, urgent need for justice -- that has prompted the Peace Corps to seek Volunteers with legal backgrounds for its community development projects throughout Latin America. The job lawyers will do as Volunteers -- that of Community Organizers -- is perhaps the most difficult assignment which the Peace Corps can offer. In a community development project, the work will be done entirely "out of court" because "clients" do not generally participate in the legal system of their country. Although these people represent a majority in numbers, they are in effect "outsiders" to the social, economic, and political life of their own country. The idea that they have "rights" as citizens has no particular meaning to them.

To help these people establish themselves as citizens is a basic goal of community development and the specific job of Community Organizers. Much is already being done toward this goal by Latin governments, through the Alliance for Progress, by the people themselves. But too much remains to be done on the level Volunteer lawyers will work -- the lowest level, with the outsiders.

This is both a good job and good training for lawyers. It will bring lawyers face-to-face with the fundamentals of justice and, through daily contact, give them an opportunity to examine human problems in a way that is rarely possible in the United States.

Although Volunteers will generally be working alone, in mushrooming urban slums, they will be a part of a "team" effort in a community development project. Supporting their work in community organization will be community action workers, generally semi-skilled Volunteers who will specialize in getting specific projects off the ground. Often the organization of a community will begin with a particular project such as the construction of a new school, an aqueduct, a vaccination campaign, a public shower. When needed, these projects may enlist the support of technical workers, Volunteers with strong backgrounds in such areas as construction, health, agriculture or vocational education. According to the needs of a particular situation, these Volunteers will often pitch in with the actual work gangs on a project.

Generally, the work of the community organizers will come first. They will spend the first few months in a community making a social survey. How many in the community have title to their land? What is the procedure for obtaining legal title? How does one bring claims, make loans? To whom do the people turn for legal aid? What is considered

"justice" in the community? How are petitions to the national government drawn up?

How do the people make their living? What kinds of organizations does the community have? Business clubs? Drinking groups? Church meetings? How much money has it received from the national government through welfare agencies and public works programs? What is the power structure of the community? How do lawyers fit into it? What is the range of income in the neighborhood? Are marketing or consumer cooperatives a possibility? What steps are necessary to form a co-operative? What are the legal requirements? How should by-laws be drawn? What is the structure of local government? How can it be improved:

This social investigation will be a continuous process. At times it may be feasible, especially in urban areas, to seek the assistance of interested local lawyers to form a type of legal aid society, or encourage law students from nearby universities to participate in some phase of work.

Volunteer lawyers have the challenging task of uncovering the human resources which will guide them in forming the legal and political institutions which are the community's hope for progress.

"I found it takes a conscious persistence to attend four and five hour night sessions once a week for months and months; to stay with my host country associates from morning to night (in the barriadas) attending ceremonies, socializing, and then to ask for more by meeting with them informally each day during the week....

He (the community organizer) must have the ability to be aware of the overall form and movement of influence among its constituent parts. He must be able to sense who is influential and who is not, which issues are influential and how they are influential, and which are not. Still more, he must see how to manipulate his position and those of others; that is, he must be able to shape his participation in that institution according to that awareness."

Legal Assignments in Africa

In several English-speaking African nations with common law systems, Peace Corps lawyers are serving in Judicial and other government ministries, in universities, and training institutions. They are helping to improve administration of justice in local magistrate courts where many judges have no legal training. They are doing work in tax administration and enforcement, corporation registration, administrative reform, legislative drafting, and labor relations. Many are teaching law and doing legal research in newly-organized law schools and institutes of public administration. One group is surveying customary law and working on the integration of tribal law and statutory law.

Law-Related Assignments

Many law-trained Volunteers are serving as teachers at both the secondary and university levels. Since these Volunteers have had six or seven years of university training -- usually in the social sciences or humanities on the undergraduate level -- they possess a broad range of formal knowledge and usually a good grasp of what to do and what not to do in teaching. As they teach such subjects as history, government, or economics, Volunteers lawyers find that their value to the host country as a teacher is equal to their value as a lawyer.

Questionnaires may be obtained from your college Liaison Officer, Post Offices, or by writing: Professional Desk, Office of Public Affairs, Peace Corps, Washington, D. C. 20525.