

# Movement Lawyers

*The path toward social change through law – on power,  
civil society and the need for a new breed of lawyers*

RAMI AL-KHAMISI

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## MOVEMENT LAWYERS

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civil society and the need for a new breed of lawyers

Arena idé

*Stockholm 2015*

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#### AUTHOR BIO

Rami Al-Khamisi grew up in the Stockholm suburb of Husby<sup>1</sup>. He is a student of law at the University of Stockholm, and one of the co-founders of the urban justice movement Megafonen<sup>2</sup>. Since 2008, Rami has played a prominent role in the social movements of the disadvantaged urban areas<sup>3</sup> of Sweden, working with grassroots organizing, development of democracy and social advocacy.

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1. A socio-economically disadvantaged suburban neighbourhood of twelve thousand inhabitants in the northern part of Stockholm, where a majority of residents are immigrants or native born people of color. The Swedish term *förort*, literally meaning "suburb", today almost exclusively refers to such suburban areas as Husby, areas that have gone from being 'mixed neighbourhoods' to low income areas where a majority of residents are of a non-white 'migrant background'.
  2. Megafonen (English: The Megaphone) is a community-based justice organisation in the Stockholm county suburbs/municipalities of Husby, Hjulsta-Tensta, and Botkyrka.
  3. From 1965 to 1974, in response to a national housing crisis, the Social Democratic Party of Sweden engaged in an ambitious project, *Miljonprogrammet* (The Million Project, or The One Million Dwellings Program), with the purpose of building a million new homes. Whole areas were transformed, new suburbs arose, and though these were built to modernize and raise the general standard of living, they very soon became seen as problem areas.
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## THE TRANSLATION

This report was first published in Swedish by Arena Idea in 2015. The present translation of it was completed a year later, in 2016, at a time when I was engaged in a student exchange program at Fundação Getulio Vargas, Rio de Janeiro, Brazil. The idea behind the exchange was to gain new legal knowledge, to learn from past and current experiences in Brazil and to expand existing international networks between urban social justice activists. I believe that the rich experience and long tradition of civil rights movements around the world should be shared and acknowledged. In today's globalized world disadvantaged urban communities face similar problems. It is important for the further development of ideas, methods and strategies of our work, that activists and lawyers are able to learn from and support each other. An expansion of the international networks of activists and engaged legal scholars will contribute to this aim and thus strengthen a up to this day marginal perspective within legal practice and research. That is the perception of law as a central tool in social change through systematically mobilizing the legal system in order to broaden the public debate on our disadvantaged urban communities and the often-precarious livelihoods and citizenship of their members and through this to contest social exclusion.

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# PREFACE

**THESE WORDS WERE WRITTEN** on a dark December night in 2015. I had put aside my legal studies, once more, to deal with a harsh reality. While writing this report a lot has happened in Sweden, events that in a few months changed our country and us as a people. While I wrote about democracy, the powers of the far-right continued to grow both in parliament as well as on our streets. While I emphasized the need for fairer policies, Europe and Sweden continued building higher walls to keep refugees out. While I stressed the state's obligation to protect people, a great number of refugee asylums were set ablaze and racist killings claimed the lives of several young victims. While I criticized deficiencies of the legal system, racist hate crimes and far right terrorism continued to intimidate society and its minorities. While I screamed for a more equitable distribution of resources, the poverty and segregation of our cities worsened. While I keep on trying to find strength, I know that civil society has a lot of work left to do. And while I try to envision a different future, I know that Europe is moving toward frightening times.

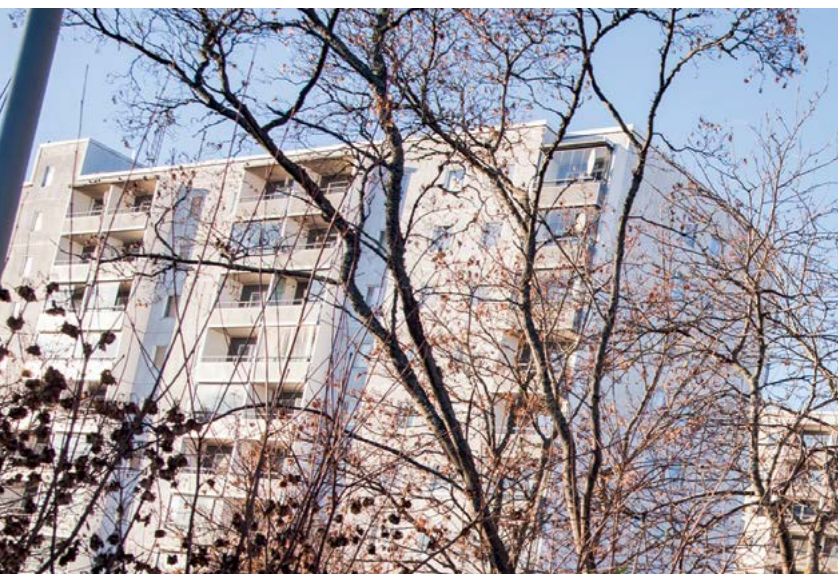
I have to admit that feelings of despair and powerlessness made their presence felt throughout the process of working on this report. Yet, as in years prior to this, I am forced to push these destructive feelings aside. I have no choice. Passivity and fear are not options I can afford, that is, they are not options that those of us who are forced to deal with the present reality can afford. We have an obligation, each according to our own abilities, to organize ourselves and fight for a better and more just society. For ourselves today, as well as for coming generations.

In the report, I share thoughts and experiences I wish I could have taken part of years ago, to gain strength as a law student and a community organizer; to be strengthened and inspired; to acquire proper knowledge and tools; so as to make the social inequalities, that have burdened us for so long, finally retreat. But the report comes now, not a moment too soon. The need to act and the need for resistance are greater than ever, and so is the courage to dare build something new.

I want to extend my gratitude to all the people who have made this work possible. And also give my greatest love to my closest friends, family, scholars, *Megafonen* and *Arena idé*, who have supported me and given me invaluable advice throughout the journey that has been writing this report.







Tower blocks in Husby



# INTRODUCTION

## *Justice as a Facade*

*“There we were, three friends on a rainy Saturday night on Drottninggatan, a street in central Stockholm, staring at each other in disbelief. We were nineteen years old and had decided to experience Stockholm’s nightlife for the first time. But the closest we came to the pulsating club music was the waiting line. The two-meter tall, bald bouncer had denied us entry to the nightclub, Claras. Why, we did not know. The guest list he referred to did not exist for anyone else in the waiting line. None of us had had a drop of alcohol, and we were not more poorly dressed than anyone else. That evening I insisted that we file a complaint with the police, a proposition my friends quickly dismissed and laughed at. But I won the battle, and we filed charges with the police officers that came by. The following day, at soccer practice in Husby, we told the older guys in the team what had happened, and they also laughed at us. Not at the fact that we were denied entry, but at us filing charges with the police. Their advice was to let it go, start getting used to it, and to not take it personally. What I saw as a vindication was so far from my friends’ reality, it was a bad joke. A few weeks later, the preliminary investigation was closed, and the incident not considered a crime.”*

**PERHAPS IT WAS NAIVE** to hope that the anti-discrimination law would be respected or upheld, but afterwards I did not know which was worse, the humiliation at the hands of club security, or the public’s blind acceptance of the fact that people like us, people of color and minorities, could be discriminated against with impunity. When the people who are subjected to racism no longer see the legal system as a warden of justice, what does that really say about the dignity we are afforded by society, and above all, about our faith in the Swedish legal system?

This could have been an isolated event, but to me it became the symbol of a Sweden that teaches anti-discrimination and equality, not just at home, but in fact worldwide, a Sweden where the domestic realities of everyday life are far removed from those purportedly cherished values. It increasingly became clear to me that the normalization of racism had excluded more than just some party-hungry youngsters. The accounts of racism I was given, grew in numbers, and the same pattern recurred in encounters with employers, government officials, landlords, and the police. And there also remained a passivity in the victim’s response – one did not turn to the legal system, which seemed indifferent in its handling of discrimination.

I grew up in Husby, a disadvantaged suburban area of metropolitan Stockholm, part of the so-called *Miljonprogrammet* (“The Million Program”). “The Million Program” designates an extended public housing project in suburban areas around the larger Swedish cities, with their origin in an ambitious government sponsored project in the late 1960s and early 1970s. Building one million modern flats in new suburban areas, in an astonishingly short period of time, was then

targeted at eliminating inner city slum areas, at making the city centers available for business and gentrification, and at providing affordable housing for an expanding working class, including large groups of immigrants. These newly built suburban areas and neighborhoods, including Husby, were meant to symbolize the pinnacle of Swedish modernity, but soon came to represent the socially disadvantaged and racially stigmatized flipside of an increasingly discriminatory and segregated Swedish society.

Having grown up in a Sweden with segregated urban areas, as well as having worked with issues of social inclusion, grassroots organizing and democracy, it seemed to me that this segregation, social exclusion and stigmatization humiliation experienced by the residents of The Million Program had devastating consequences, both for individuals, as well as for society as a whole. My role in the social movements of The Million Program and my experiences as a law student, increased my awareness of the need for legal expertise as an instrument in strategies for social change. The big question is, what role law can and will play today and onward in challenging the racism, social injustice and powerlessness in Swedish society – both as a legal tool and as a part of a greater collective effort.

Today, most lawyers live lives of stature and privilege. But are these a lawyer's highest aspirations, and is it the image of ourselves that we want to uphold? What values do we as lawyers want to defend, and what obligations do we have toward society? These questions bear relevance on the profession working the closest to public power, a profession involved in governing society at all its levels. We must be self-critical and assume responsibility for our own role. We must ask ourselves why there is not a greater interest in the wider legal community for involvement in social issues.

### *The Need for Socially Committed Lawyers*

This report uncovers the need for a socially engaged and critical legal profession, that is, a legal profession serving as a tool for social justice. As a first step, with that purpose in mind, it is important to evaluate the conditions and existing experiences upon which such a law could build. In this respect, the work done in the United States has been pioneering, with a vast body of experiences passed on through a contemporary critical legal work rooted in civil society. The report highlights how law is used in the U.S. in strengthening the position of at risk people, providing support for social movements and challenging existing social structures. The ambition is to inspire greater awareness among Swedish lawyers and in civil society of how the law can be used to achieve social justice and increased civic engagement. With these perspectives on the legal profession, it is my hope that the report pushes lawyers into taking a more active role in civil society. The report itself is not exhaustive, but represents a contribution to a discussion between lawyers, civil society, researchers, students and others who see the need for new strategies and approaches to meet current and future challenges.

This text uses the concept of law as in the definition commonly used by the public. The term *Movement Lawyer* (“Rörelsejurist”), introduced here to a Swedish public, describes a lawyer’s practice and interaction with civil society in order to work for the change and development of society. *Grassroots Organizing* is the organizing carried out by people in a particular neighbourhood or smaller area.

## Outline

Chapter 1, is the story, the experiences and knowledge, that led me to the realization that a new type of legal work is needed in Sweden. It is based on my experiences of growing up in a neighbourhood belonging to the housing projects of Sweden’s Million Program, of grassroots organizing, and of my studies at law school at the University of Stockholm. Chapter 2, provides an account of my journey to the United States, and the knowledge and insights I gained from my meetings with American lawyers and civil rights organizations. Chapter 3, introduces *Movement Law* and concludes with recommendations relating to what such a law practice could build upon. Chapter 4, summarizes the discussion, and provides my thoughts on the future.

The reader should be aware that this report makes no claim of being scientific, but is instead based on my personal experiences and observations of society as a community activist and a student of law. It is a *norm critical* portrayal of Sweden’s judicial system of today, as it relates to society’s most disadvantaged. The text is, as such, *juridico-political*, in that it does not make a great distinction between law and politics, which is typically expected of Swedish lawyers, and certainly of law students. The report takes as a starting point, the realization that law is highly politicized, as it is created, applied, and affects us all. This political outlook and portrayal of the law, I repeat, stems from personal experiences, the life stories of fellow citizens in the housing projects of The Million Program, and numerous conversations with people whose day to day realities are too often forgotten in mainstream media and political discourse.



# 1: A PERSONAL JOURNEY THROUGH LAW

**EVER SINCE MY ADOLESCENCE** there has been a practical need for legal knowledge in my home, knowledge which has not always been available there or in the immediate surroundings. Over time, my awareness grew of the importance of law, and the power the people who know the laws of society possess and utilize in safeguarding their own rights.

Already as a young boy, I had to speak on my parents' behalf in their interactions with authorities. This was largely due to them lacking the necessary language skills, as well as only having a limited understanding of how the authorities worked. With my help, my mother was able to secure the two-months severance pay she was entitled to after being dismissed, and my father got his sick pay from the social insurance agency.



*Though language is a prerequisite for being able to communicate, this was not the only reason why the people I helped had ended up feeling mistreated.*

Sometimes I was even called in by members of our extended family and friends to assist in calling the immigration authorities, a landlord or an employer. Though language is a prerequisite for being able to communicate, this was not the only reason why the people I helped had ended up feeling mistreated. Most often they felt humiliated and run over by a brazen bureaucracy in combination with lacking adequate knowledge of their own rights.

What started out as family counselling, developed into a greater understanding of how the law could be used to help other people in protecting their rights. And soon it became apparent to me that Swedish bureaucracy, as well as flaws in democracy and the legal system, complicated the lives of many. In my contacts with other parents in the community I encountered the same problems that I had helped my parents with. And as the institutions of the Swedish welfare system gradually withdrew from the poorer suburbs, the public policy “solutions” to the social problems in these areas increasingly turned toward measures of policing the most disadvantaged.

More and more critical questions about society filled my mind in my late teens. This while I envied lawyers, who had the knowledge to deal with the problems we were encountering, whether they were bureaucratic social workers or the police frisking us for no reason. Swedish society's publicly praised

mottoes of *democracy, human rights, equality and non-discrimination*, proved to have little bearing on real life. And these same concepts were being used in justifying unjust political decisions to the detriment of people and neighbourhoods unable to oppose them and change their circumstances. All of this fuelled my desire to study law.

### *Lawyers Legitimizing a Flawed Democracy*

When the dismantling of public welfare accelerated, and decision-makers chose to exclude the voices of the residents and the need for a mobilization of social efforts in my own local community, the Stockholm suburb of Husby, people instead turned to manifestations and popular protest. Yet nothing seemed to prevent the county council from closing down the health center in 2011, Svenska Bostäder, the county council public housing company, from moving the community center building the year after, or the municipality from closing down the local school.

When *Järvalyftet*, a city council project aimed at solving the challenges where previous efforts had failed and making the area more attractive for others to move into, began in 2007, the tenants of Trondheimsgatan, a street in Husby, were informed that they had a few weeks to find new accommodation. This triggered a campaign of popular protest. But the residents appeared helpless in spite of the broad grassroots organization. Locally, there was little knowledge of the democratic process guaranteed by law, and so the ability to oppose decisions in the early stages of the process was hampered due to a lack of information and knowledge of the appeals process. Skills which the lawyers representing the decision-makers possessed.

Powerlessness and resignation among locals seemed to be growing – a feeling of not having any power to affect change, whether it was with increased racism, social vulnerability, or one's own situation. This in turn led to increasing doubts concerning the legitimacy of the Swedish social order, democracy and the legal system.

### *Suburban Uprisings in Response to Segregation*

In May of 2013 Sweden was shook by an urban uprising. One of the most vigorous and important in the country's modern history<sup>4</sup>. The spark that lit the fire came when police shot and killed a 69-year-old man during an intervention in Husby<sup>5</sup>. Though this was the starting point, the dramatic sequence of events that unfolded cannot fully be explained by the fatal shooting alone. Some of the background can be found in an increasingly tense relationship between police and the suburban youth, which had developed over a long period of time, a tension based on increased repression of underprivileged areas in a highly segregated city of Stockholm. But let us nonetheless begin by how the police handled this particular situation, since it provides us with an important example of how irresponsible exercise of authority can contribute to increasing distrust toward authorities and frustration among citizens.

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4. For a detailed account and discussion of the uprising see Schierup, Carl-Ulrik, Aleksandra Ålund and Lisa Kings (2014) Reading the Stockholm Riot – A Moment for Social Justice? Race and Class, 55(3): 1-21.

5. <http://mobile.nytimes.com/2013/05/27/world/europe/swedens-riots-put-its-identity-in-question.html>



After the shooting, the police released information which later proved to be false. The man had died of his injuries while inside the apartment and not at the hospital, as the police had claimed. After witnesses on site proved this fact, through pictures taken with cell phone cameras, the police apologized and withdrew their original statement. But here, locals recognized an old pattern of police versions of a story almost always being the one first reported by the media, a version which then functions as an "objective" truth to an unscrutinizing public.

As a local force with years of experience in social issues, the urban justice organization *Megafonen* sought to explain the strong reactions of mostly younger Husby residents. The focus was increasing poverty, the destructive environment that many young people are growing up in, increased police presence in the area, and a lack of social measures. Through peaceful means, with a demonstration in the public square and a press conference, Megafonen gave a different perspective on what had happened. The organization, which I was a part of, demanded an independent investigation, since local experience of the police's own investigations was that they did not lead to any convictions<sup>4</sup>.

The fact that Megafonen wanted to explain and channel local frustration in a constructive direction, was looked upon with mistrust and a lack of understanding from within the police force as well as among influential media and politicians. A local voice taking the interpretative prerogative is something rarely seen when fires wrack such suburban areas. Although some journalists and politicians understood the situation, there were far more of them that continued to disregard the facts. For those operating from the simplistic idea of violence-prone "thugs", Megafonen became the perfect target.

Calling attention to the shortcomings of the Swedish police and talking about police brutality are, in my opinion, some of the most difficult things you can try to undertake in Sweden. Especially when the criticism comes from the racialized residents of socio-economically disadvantaged suburban areas. The self-image of the police force, together with the societal majority's uncritical view of them, leave no room for criticism. As was to be expected, the lively popular debate relating to the events in Husby also saw lawyers remain silent. There was not one lawyer taking it upon themselves to discuss police actions from a legal perspective. No one explaining the right to self-defense (and its limitations), nor the police's methods of coercion, or their increasing presence in the Million Program areas. Nobody discussing the legitimacy of a police force investigating itself (as is the current praxis in Sweden, an exceptional and criticized case in the western world), where an independent body ought to handle charges brought against the police, or reviews where they have been involved in

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6. <https://cartographiesoftheabsolute.wordpress.com/2013/05/24/stockholms-suburbs-are-on-fire/>

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shootings. In fact, the only lawyer heard in this case was the prosecutor, who decided not to prosecute. No one was surprised.

### *Unequal Before the Law When the Courts Choose to Turn a Blind Eye*

Through the years, I myself have experienced, but above all, had stories shared with me of arbitrary police interventions, police brutality and "random" police stops and searches of people of color. Lacking the legal knowledge of what the police are authorized to do, many have conveyed feeling especially singled out and humiliated by the actions of the police. Whether arrests are justified or not, it is my belief that undignified police conduct may help fuel people's anger and hatred.

Recently, a friend with a criminal past recounted how the police over the years had gone to great lengths in order to humiliate him, through searches in front of his family, or cavity searches for drugs.

He was still aware of the necessity of the police's function, stating that if a burglary would occur in his mother's home he would not hesitate to call them, but at the same time emphasized that there has to be reasonable limits to what a person is forced to endure of police exercise of power.

Concepts such as *consequences* and *restitution* frequently recur in my conversations with people describing their experiences with the police. All put together it appears to me that there is a history of society turning a blind eye to arbitrary police interventions in the suburbs in question. That the legal system allows police officers to get away too easily, neglecting to draw the line when they do commit errors. In the



Demonstration for social justice in the Stockholm suburbs



same way that our filing a complaint against the bouncer at the club for discrimination was perceived as a joke by our friends, an attempt at redress through filing a wrongful conduct complaint against a police officer, is an even bigger joke.

The experiences of people of color with discrimination in the justice system, rarely make the news or are even recognized as truths by society at large. Instead, the consequence of a blind faith in the police is that the stories of the victims of police violence and racism are ignored. With the absence of society's repudiation of improper police conduct, an even greater powerlessness comes to afflict a group of people who already feel that restitution cannot be achieved through society's legal apparatus. Powerlessness in these cases is also exacerbated when there are no organizations in civil society, nor other authorities, fully capable of representing you in the legal system. Instead, frustration is allowed to grow with the unjust treatment being suffered.

### *When Popular Education is Perceived as a Threat*

Through the years I have held public lectures on law, as a means of empowering friends and other people who have had bad experiences with the police. This type of popular education has been my way of trying to bridge the large gap between citizens and the legal system. In these lectures, knowledge of basic criminal law and means of coercion have been the information most sought for. But, while I have noticed that this civil rights education has been important to the participants, I also know that these events have not always been appreciated by Swedish authorities.

At one point, I held a series of lectures for a project directed at male youth that the non-governmental organization *Save the Children* was running in Rinkeby, a disadvantaged suburb similar to Husby. On my way there I was told that there was a great concern within the district administration that the legal knowledge could "incite" the youth into committing more crimes. This caught me off-guard. How could the knowledge of what is expressed in the law be bad for people? Was there a wish to censor such knowledge? After the lecture, during which some of the youth had raised several interesting questions, the staff approached me and told me how much they had appreciated the

lecture. Their concerns had completely vanished. But that popular education could be suspected of being seditious or inciting of crime still makes apparent the scepticism toward people knowing their own rights.

Some years prior to that, I was sitting in a meeting with local police hosted by a local newspaper, *Norra sidan*. The conversation revolved around the relationship of police officers to the local youth. Since the police thought we should be constructive, I suggested that it would be important for the self-esteem and sense of safety of the youth if they knew just exactly what it was that the police could and could not do by law. Maybe we could even organize a joint lecture, I suggested. This the police thought was a bad idea. And perhaps it was naive on my part to suggest that the police should be involved in sharing such knowledge,

but it is my honest belief that both parties would stand to benefit from a meeting of this kind.

### *The Opposition of Swedish Authorities*

On several occasions I have been forced to consider why it is that Swedish authorities demonstrate such opposition toward those from civil society who criticize the shortcomings of government and put forward alternative perspectives. And why do we not see greater activism in civil society as well as a legal profession fighting on the side of the victims? Part of the answer to this can perhaps be found in the historical circumstances that have shaped the view of government in Swedish society, a view where people expect the government to “make things right”. My understanding is that the Swedish self-image of the benevolent state is also key to understanding the role that Sweden has taken internationally, as a sort of “global conscience”. Thus, we criticize repression in other countries while turning a blind eye to what is happening at home. This denial hinders the self-criticism necessary for preventing violations of civil and human rights in Sweden.

However, this certain lack of an activist tradition is not fully explained by a naive popular belief that the state will resolve everything for us. In this respect, civil society has also been weakened by the inability of those Swedish organizations that have historically represented the interests of vulnerable groups to renew themselves in recent decades and organize the groups most in need of their efforts. In their absence, they have left a large vacuum in the Swedish Million Program areas. That these organizations, that operate on membership, have lacked legitimacy, local presence, and cannot be said to be representative of the “new” Sweden, is nothing short of a major defeat for established civil society.



Patrolling officers  
in May, 2013



Legal popular  
education in Husby





## 2: USA – GAINING KNOWLEDGE AND INSPIRATION FOR CIVIL SOCIETY

**HISTORY, AS WELL AS OUR PRESENT DAY**, shows an abundance of places around the world where poverty and racism have normalized the inhumane living conditions of social groups with fewer resources at hand, where segregation and repression of disadvantaged groups are legitimized through laws and legal systems. But where this has been true, there have many times also been lawyers organizing themselves politically and legally to fight injustice.

With only a few months planning, I decided to travel to the United States. I left the rainy Swedish summer weather behind to spend the remainder of the summer of 2015 in New York City. I was headed for a country I had had mixed feelings about since childhood. A country where slavery and its legacy and consequences are still felt, where racism, segregation, and violence against the most vulnerable, are very much a part of the present reality. But it is also a country whose social movements through the years have inspired me, with its vigorous civil rights movements where lawyers have played an important part in organizing different groups.

Although we often read about police violence and riots in the U.S., we are rarely told anything about those forces in American civil society that organize themselves and make up a popular movement in the fight against injustice. During my stay I met with civil rights organizations and local grassroots movements that have developed legal and political strategies for the increased influence of ordinary citizens, for defending human rights and guaranteeing equal opportunities, as well as for a

Black Lives Matter demonstration in New York against racism and police violence



fairer distribution of resources in the poorer districts, but also against racism, gentrification and police violence. These meetings were spent discussing their approach to the law, their work for change, and their role as lawyers.

Though it is true that the history of the United States greatly differs from that of Sweden, and that the two welfare and legal systems offer people different opportunities, it can hardly be denied that social exclusion, racism and growing social divides are also a part of modern-day Swedish reality. It is in this context that a communally committed law is relevant to the work for a better and more equal Swedish society.

### *Law4blacklives – Conference Involves Lawyers in the Movement*

*– A lawyer is no more than an ideological tool to achieve justice for the black community. It is not just through lawyers and courts that we will win this freedom, it is through the people on the streets, who demand and have the methods to challenge the structures.*

The words are those of civil rights lawyer Ajamu Baraka, from a speech held in July, 2015, in Harlem, where the country's most progressive African-American lawyers and organizations had gathered for a conference. The deaths of Michael Brown, Trayvon Martin, and later Sandra Bland, who this past summer was yet another casualty of police violence in the United States, and the subsequent protests in Ferguson and Baltimore, once more put the spotlight on racism in the country. The response to police violence was the formation of a new national movement among the country's African-Americans.

In July, the conference *Law4blacklives* was organized, as part of the *Black Lives Matter movement*. One of the country's largest civil rights organizations, the *Center for Constitutional Rights*, set up the conference, to which 800 progressive grassroots organizations, lawyers, activists and scholars, were invited.

Over the course of two days, the need for increased legal work to strengthen the movement and the local organization of African-American neighborhoods, was discussed. Seminars and panel discussions were organized in order to train lawyers, as well as activists and students, on how they can take a more active role in civil society, and in order to discuss which new strategies, partnerships and methods need to be developed to address the widespread racism, police violence and social exclusion of African-Americans.

### *The Black Civil Rights Movement – Then and Now*

*– With the history that exists in the U.S., of legal slavery and segregation, movements have always been the answer to society's injustices.*

These are the words that law professor Lisa Crooms chose to start off a panel discussion, during *Law4blacklives*, on the movement's

significance for change for the black community. After the legal victories of lawyers in the courts during the Civil Rights Movement, such as in the case of Brown vs. Board of Education, the myth arose that it was the lawyers who had been the key to social justice. Despite the fact that it was grassroots organizing on the streets that enabled the civil rights law's successes.

- *That the civil rights organization NAACP and its lawyers were able to achieve important victories in the courts, which broke racial segregation, was largely due to the social movements that pressured from below, continues Crooms while explaining the need for collaboration between social movements and organizing law.*

It is with these insights that African-American lawyers have been trained, mostly by African-American teachers, who have seen the need for a more progressive law. The students are provided with knowledge of how lawyers before them were part of the Civil Rights Movement and pushed the struggles for freedom and justice. They are given examples of it being possible to take action to support the freedom of vulnerable groups, and that the lawyers of the 60's and 70's did not enact key reforms and desegregation on their own.

Civil rights lawyer Meena Jagannath was next, and she looked up at the younger and committed audience:

- *When the racial laws in and of themselves were discriminatory, and legitimized the violence against the protests of the people, there was the need to use lawyers who could demand accountability from the state and affect legislation through the legal system.*

Law4blacklives- conference in Harlem





Over the past year, organizations around the country, in addition to protesting in the streets, have also created *Copwatch* groups in their own neighborhoods, all while demanding that the police force be reformed and held accountable for false arrests.

*– We must never relax, we must continue to keep watch. For even when we have our cameras turned on and reveal the wrongful interventions, it still isn't enough evidence for convictions, says a young African-American participant.*

The expectations of people that the judicial system will convict an on-duty police officer are very low. Here, lawyers can play an important part, acting so that even the disadvantaged have access to justice.

*– Our role as lawyers is to start from the needs of the client and the movement, not what we think is best. This means that we need to get so close that we can work to achieve a result that means something to the client. We have a responsibility to protect our communities and to use our knowledge in shaping strategies. We too, are a part of the movement.*

These were the closing remarks to the panel discussion by Gay McDougall, law professor and a member of the United Nations Committee against Racial Discrimination.

When I heard the words, “*We too, are a part of the movement*”, I realized that this was what I had been waiting for. The collective thought and action of lawyers. During, as well as after the conference, I took the opportunity to interview some of the most interesting people I heard. Doing so, in many ways supplemented the conference and my own reflections. This also gave me the opportunity to immerse myself in more specific questions.



Panel discussion during Law4blacklives conference



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*We too, are  
a part of the  
movement.*

## *Interviews with American Movement Lawyers*

In the United States, a great many local and national organizations from civil society have long been working for human rights and have developed vibrant civil rights movements: in the fight against racism; for the rights of undocumented migrants; for the development of local democracy. These organizations vary in their strategies, and assume different roles in supporting social movements and grassroots organizing. The following interviews with American lawyers offer useful examples.



Carl  
Williams

Carl Williams is a lawyer who has long worked with social movements in the U.S.. He is a lawyer at the American Civil Liberties Union (ACLU), one of the country's major civil rights organizations. Over the years he has accumulated a lot of knowledge and experience when it comes to Movement Law and the role lawyers can play therein. In the following interview, he presents some of his thoughts on the subject.

### **What inspired you to become a lawyer?**

– Before I became a lawyer, I was quite active and helped organize people locally. It was while doing this that I saw how the system was brutal to people and treated them badly, and there were already a few lawyers then who helped. That inspired me to do the same. Mainly to support the movement. A legal system that harms people, where the police arbitrarily and with impunity are able to harass and offend people because of their skin color, is bad for society. I wanted to change this, and I've had the privilege to study and work with what I do.

### **How can one be a progressive lawyer?**

– The U.S. constitution was not built on the equality of all people. That is the historical starting point, and although reforms have been made, this still affects us today. It was as late as the '60s when black people got the right to vote, up until then there was legal slavery and segregation. Believing that justice and the law will change by themselves is naive. That fundamental outlook on law, you have to have with you in your work as a lawyer in the work for social justice. We can and must use our knowledge to challenge and change, but when the legal system reaches its limits, we have to act outside of it to achieve success, and we do this through the larger organizing happening among the people.

### **What is the lawyer's role in social justice?**

– To be a lawyer or an attorney is a privilege. We've had the opportunity to pursue an education with valuable knowledge, and we earn much more money than does the average citizen. We have an absolute responsibility for what happens in society, and an obligation to stand up for people. That is why I must do something in solidarity with the oppressed, both in the U.S., as well as around the world. I never use the term "help", that is not how I see my work. For me it's not about helping, but being obligated to do so.

### **How do you choose which cases to take to court?**

– We represent clients in individual suits and choose those cases which are primarily unconstitutional, and that affect a great number of vulnerable people. The police issue is something always recurring, since the rights of many are being violated. On a strategic level we choose to take on the cases that have the greatest possibility for influence and change. It is also important for us to create the courage and comfort for people to come forward and share what they've been through. Sometimes it can be easier for people who have the political conviction to step forward and give us the privilege to pursue an important case. It is also equally important that we reach out to other people and create the sense of security needed to rise up as clients, witnesses, activists and experts, to give life to some of our most fundamental principles.

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### *When Law and Social Change are United*

Nahal Zamani works at the Center for Constitutional Rights (CCR) in New York, a national civil rights organization known for pursuing the most controversial cases in the U.S., including the defense of prisoners at Guantanamo Bay. Nahal herself is not a lawyer, but responsible for coordinating the organization's advocacy work and the relationship with civil society. Nahal and the CCR were the organizers of the Law4blacklives conference.



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Nahal  
Zamani

### **What starting point does the CCR take in its work?**

– We are a civil rights organization with a grounding in human rights, which monitors issues that have to do with the state violating the rights of citizens. The CCR was started during the Civil Rights Movement, with the idea that law could be used to support people and force change through the courts. With time, the CCR also started supporting local organizing and movements, since the failures or shortcomings of society usually are what most gravely affects local living conditions.

### **What sets the CCR apart from other legal organizations?**

– What's unique about the CCR is that we are trying to merge organizing and law, which otherwise might seem difficult. We try to understand the situation in the country and assume a position where we can work to affect change and find ways to keep the government, which has the greatest power, accountable. Today we have the Bertha project, which specifically educates both lawyers and students in participating in and supporting grassroots movements. But when law reaches its limit, we feel we have to challenge and expand the court's definition through other platforms. We use human rights as a tool, but we also have our own organizers, opinion makers and strategists who make their own investigations, write reports, and educate. We work with more than just pure law.

**In what ways are you, as a national organization, able to support social movements?**

– We help educate local organizations based on the needs they have. We provide resources and knowledge for them to run their own campaigns in politics and media. Sometimes we file class actions, other times we assist in writing bill proposals, all depending on what the movements and local organizations need. We create networks of various organizations and individuals who suffer from the same problem. We train people in how they can effectively describe their stories and engage in investigative work, storytelling, documentation and legal training. Sometimes we need to turn to the legislators to train them, demand reforms, and arrange events or conferences.

**Why do you do this, what do you want to achieve?**

– We want to be involved in supporting social movements and help them grow, as well as protecting the people no one else dares to defend, and work closely with activists or groups that the state attacks because of the work they do. The ideal is that those locally affected by injustice get to define it. In reality this is not always possible.

**Some believe legal work has nothing to do with politics, even in Sweden.**

– Most lawyers around the U.S. work with personal cases, and perhaps it's the same in Sweden. But we believe that work needs to be supplemented by structural approaches, and those strategies have to be adjusted issue by issue. Sometimes a class action lawsuit in court, sometimes through political campaigns and supporting movements.



Nehemiah  
Bey

*The Grassroots Organisations' Perspective on Lawyers*

Nehemiah Bey is an organizer at VISTA, Neighbors Helping Neighbors, who works in Brooklyn with housing issues. I meet with him to hear his perspective on organizing and how they work with lawyers.

**What issues does your organization work with?**

– In New York there is an ongoing gentrification of the city. Development is good, but what kind of development are we seeing? One that doesn't respect and take into consideration the terms and circumstances of the people living in the areas that are being converted. People with a migrant background and low-income black people are the ones worst affected.

**How does your organization go about working with these issues?**

– We are fighting off these changes that are forcing people into graver destitution, but also working to support people locally. Our belief is that civic engagement needs to come from those who are affected by an issue. And so we shouldn't be an organization that solves people's problems. Instead, we want to provide residents with the necessary



tools for affecting change themselves. This is why we educate organizations and tenants in how to act and advocate for their own issues.

**What is your view on the role of the lawyer in the larger context of work for change?**

– The lawyer’s role to build and strengthen the organizers’ grassroots work. You can’t think that you know everything just because you know the law and the legal system. Congress has more power than the president because they are closer to the people, and the same applies to the organizer, who is closer to people than the lawyer. Therefore, lawyers need to be molded by grassroots organizations and not vice versa. If the initiative comes from the lawyer’s involvement in a particular question, then that initiative needs to respect the work of the movement.

Another grass roots organization I meet is DRUM, which organizes people of South Asian descent. Fahd Ahmed is a lawyer, but chooses to work as an organizer in Queens, where he grew up.

**Fahd, what does your local work look like?**

– This part of the Queens is quite marginalized and in great need of change. Undocumented migrants and workers are being abused by different local interests, there is ethnic discrimination and police harassment. The residents need to organize. The initiative must come from the people, but progressive organizations also need to guide and educate. In order to build from below, we are also very careful with how we develop local leadership, with a clear division of labor. We distinguish between activism, organizing, mobilization and law.

**You’re a lawyer yourself, Fahd, but here you’ve chosen not to practice law. Why?**

– As a traditional lawyer you are limited if you want to work with social justice and achieve important change. Even though I’m not working as a lawyer for the organization, I use my legal knowledge in writing citizen’s proposals, in popular education and generally as an influence. My belief is that the movement needs leadership, where lawyers make themselves available for the needs of the movement. There has to be a clear-cut idea of what role lawyers are to play, otherwise they can also hinder and limit the visions found locally.



Fahd  
Ahmed

*The Exhausted Lawyer*

Though it might seem like it reading this report, it is far from true that all American lawyers are active in social issues. Carl Williams and the lawyers I have met are a minority with a movement perspective in their work. In order to complement that picture, I chose to meet with a public defender, Noha Momtaz, from New York. The following excerpt is lifted from the latter part of my interview with her.



Noha  
Momtaz

Noha, you seem to express a kind of resignation I think I recognize from Swedish lawyer friends. Has your work as a public defender in **Brooklyn worn on you?**

– With my hundreds of clients, I hear and see the same pattern. It's the poor people living in disadvantaged areas who are affected by racist treatment who have it the worst. Despite this our firm lacks the conviction to openly discuss the causes of client problems, our own or society's structural deficiencies. We don't participate in the debate to make plain what we experience daily in our work.

**There are those who argue that it does not concern a lawyer to pursue work outside the law, that there are others who will take the debate and the fight for the vulnerable.**

– We as public defenders have an obligation to represent the public, even outside of the court. We don't participate in the public debate, but we ourselves are witnesses to what happens in systems that oppress people. We can do more than just litigate in court. But our firm's priority has instead been figures, getting enough cases and compensation.

**How do you see your role in an organization where you cannot work as you would like to?**

– It has made me lose my motivation to work. I feel worn out and like I morally don't help enough. My conviction is to use the law as a tool to change the system using its own methods, but I am being opposed not only by the system, but also by my own firm, which does not dare tackle issues of racism and poverty.

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### *Reflections from My Encounters in the United States*

Meeting Noha reminded me of the importance of a platform through which the lawyer may also work in other ways to create change for clients, but also made me understand how easy it is for a comfortable and uncritical employer to limit a driven person with great conviction, such as Noha. Instead of making the best of her commitment, she is discouraged and opposed. I feel her frustration to be genuine, and a symptom of the system's strength and tenacity in maintaining its order. Perhaps the frustration grows when one is no longer able to see the value of one's work and the necessary changes in the client's circumstances and in society at large.

Most of the conversations I have with American lawyers and organizations include America's history of slavery, which is linked to present day racism. This post-colonial perspective seems characteristic of both the movement and the work of the lawyers. That foundation and understanding of how history affects our present reality is part of what makes these lawyers strong and more progressive.

Both during Law4blacklives and in subsequent interviews, I can feel the power of the participants, and feel inspired from the talks. These lawyers do not want to be neutral and passive, but rather dare

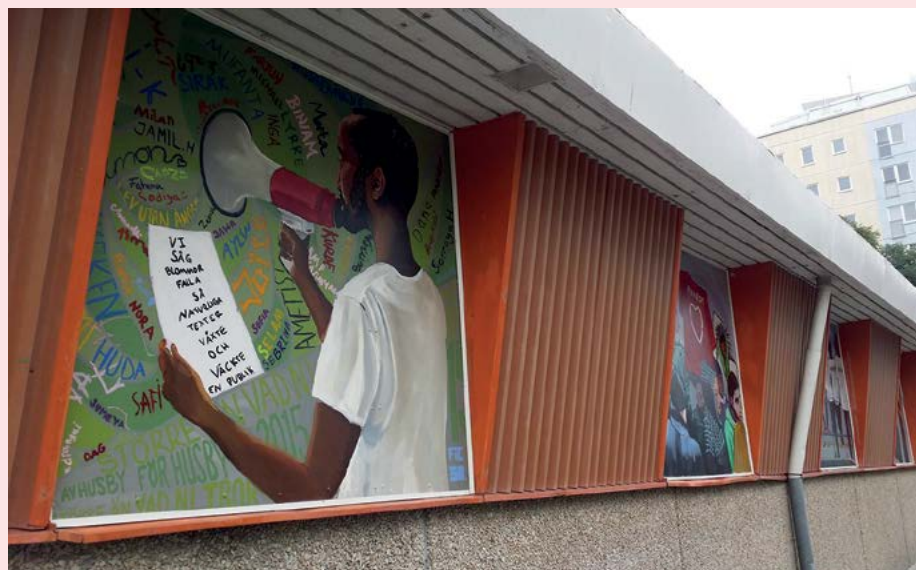


and want to take a stand. Perhaps this attitude is due to these lawyers being more able to relate to the injustices that their fellow citizens and clients are suffering. That in turn might be connected with the fact that several of these African-American lawyers have themselves grown up in the stigmatized neighborhoods they serve and know at least one person who has been the victim of police harassment. They are activists and organizers, progressive people who have become lawyers in order to make a difference.

Drawing on the experiences from my own adolescence, I can relate to their criticism of an unjust system – a system where people are subjected to for-profit landlords, precarious working conditions and arbitrary police interventions. But perhaps more than anything, I recognize myself in their attitude, that committed lawyers, no matter their position, can and should work with and for the people most in need of their help.



**Murals in Husby describing the history of the area**



### 3: MOVEMENT LAWYERS FOR SOCIAL JUSTICE

A **LAWYER IS USUALLY** contracted into a particular case when a problem has arisen for the client the lawyer has to defend. The court is usually the platform where the client's interests are subsequently advanced through legal arguments. However, for a lawyer to become a catalyst for social change, a more proactive approach is needed. For this, the lawyer needs different approaches and offensive strategies that can be used both inside and outside of court in acting for social change. In the following section, I describe the concept of *Movement lawyers*. Based on my experiences and knowledge acquired from my trip to the United States, I present ten principles that are characteristic of such a lawyer.

#### *1. The Movement Lawyer's Understanding of Law and Politics*

In order for a lawyer to act for social change, it is essential that the lawyer be aware of how political and economic interests affect law and the opportunities and living conditions of people. The emergence of the movement lawyer came about precisely as a criticism of the fact that legal representation of the poor and the working class in the legal system was individualized, depoliticized, and devoid of any structural approaches. This attitude goes back to the values and practices that characterized the legal thinking developed during the civil rights movement's emergence in the U.S.. When clients with similar social background and living conditions continuously show up with the same problems, these people may not just be in need of legal assistance, but even more so of collective and social action to set things straight. A person convicted of an offense is also faced with problems with the landlord, employers and authorities. A movement lawyer realizes that it takes more than just legal action for the client to avoid repeated offences and falling back into the judicial system, but also in order to prevent more people from ending up there in the first place. The movement lawyer understands that structural deficiencies require political solutions and see it as part of their work to channel these social needs in different ways.

#### *2. The Movement Lawyer's Work is More Than an Individual Approach*

Movement law is about an attitude that the lawyer can play a bigger and more important role in achieving change. A change which is not reached through an non-politicized and individual-based approach to the law. Although the court is an important arena to uphold the rights of individuals, the court can never be the sole basis for greater social change. The lawyer who is trained to act only in court may feel paralyzed when it comes to also working to counteract political and social opposition that can not be resolved in the courtroom. That the law and courts have institutionalized and legally defined conflict in

such a way that they only accept a legal argumentation that they themselves have helped create, while ignoring factors and causes of a client's problems, then becomes a problem that the lawyer must deal with. The movement lawyer is thus aware that the traditional legal approach has its limits, and that litigation in courts is not always sufficient for achieving structural change. Whether a lawyer's legal arguments are accepted by a court or not, the root causes of problems for people with similar life circumstances remain. The movement lawyer realizes that his role includes a duty to criticize the system, and above all, act in other ways and contexts to be able to seriously address injustice.

### **3.** *The Movement Lawyer's Secondary Role in Social Movements*

The movement lawyer's ambition is to be an important part of civil society. This requires that lawyers increase their understanding of how deep social change occurs. Usually this is something they have a vague understanding of while at law school, where the role of the lawyer is considered central to all forms of disputes and conflicts. But for the lawyer to work for greater social and democratic purposes, a realization that the lawyer is not always central to the struggle, but primarily a team player acting in solidarity with vulnerable groups, is needed. No matter what strategies the movement lawyer chooses to assume, they refuse to accept society's status quo and inequality. The movement lawyer therefore interacts with and works in close relationship to social movements and local communities, for instance in order to increase citizen influence, to better living conditions, or to combat racism and harassment. Movement law recognizes local leadership, that is to say, the local collective ownership of the issues being pursued. The lawyer has a secondary role, and actively works toward giving people who are subjected to social injustice the power to act and to long term be able to pursue their issues even without the lawyer's participation. Since there are significant differences between political and legal arguments, as well as between political demands for justice and the requirements of judicial interpretation, both the movement and the lawyer have important parts to play.

### **4.** *The Movement Lawyer Does Not Have All the Answers or Solutions*

With the general public, as well as with lawyers, there is a widespread perception that the lawyer carries solutions to all legal and social problems. This is a myth that the movement lawyer must fight to dispel. If not, it will tend to pacify people from acting themselves, which is counter to a movement's aspirations to increase its power and grow. Even though the lawyer has important knowledge of both law and society, the lawyer is not an expert on people's problems, or their solutions. For the lawyer who wants to be a part of social movements, the realization that you do not sit on all the answers and can not solve everything by yourself, is something that goes a long way.

Sometimes it is expected of the movement lawyer to explain the legal situation and give an assessment of the existing challenges, but to leave the decision-making to the people who are affected. The central realization of movement law is based on the principle that social change must come from the powerless, from those who are marginalized or suffering from poverty, and that a change is only possible and sustainable if it is shaped by those most affected by the problem. This organizational work, local leadership and construction of power, are the keys to real change. With these tools people throughout history have joined forces in various movements – such as the worker's, migrant's, women's and civil rights movements – to change their circumstances for the better.

## **5.** *The Movement Lawyer's Respect for the Needs of the Grassroots*

Understanding that the lawyer's role is to support people and organizations based on their present needs is important to all forms of movement law. For the lawyer to be of help to the organization, the leadership needs to come from the people one is working with. The movement lawyer takes as a starting point what they identify as challenges, solutions and strategies to achieve their interests. In the end, they are the only ones who can decide if they want to change their situation. By being sensitive to this the lawyer can better understand the present needs and wishes, but also play a key part for the people asking for the lawyer's expertise. The lawyer will propose options, but needs to put ego aside and allow the clients to make the decisions. Whatever the outcome of the work, people may have a different purpose behind organizing than the lawyer does. Sometimes a problem occurs when a lawyer wants to pursue a legal issue, and with that purpose in mind appeals to different groups. Although there are strong reasons for the initiative, this is not how you organize people or take their need for change into account. As a lawyer one may take important initiatives, but always respecting the needs of the movement. A class action is to be considered organizing only when done to strengthen an already ongoing mobilization.

## **6.** *The Movement Lawyer's Interaction with Civil Society*

In order for the lawyer to be of value to civil society, it is important that some form of organizational work already be in place which knows its own wants, and knows how it wants legal work to be used. The term organization here refers to different processes where people join together with a common purpose and strengthen themselves to achieve a common goal or goals. The lawyer is not prohibited from organizing people, but these dual roles as lawyer and organizer can be a serious challenge. Interaction with the movement should be based on trying to reduce one's own importance, for the benefit of the organization and mutual cooperation. If a lawyer acts as an organizer, then it is necessary that they have credibility with the local community and knowledge of the local situation. Movement lawyers

need a local network and need to respect the agenda of the people that they want to work with. The local needs are not homogeneous, usually there will be conflicts and differences of opinion among those involved. Lawyers have to decide for themselves what issues they want to pursue, and are not obliged to work for something that goes against their own values. The relationship with clients, grassroots organizations, and social movements, needs to be based on fundamental values that both parties can respect. In order for the lawyers to do what they do best, and be a part of working toward important change, a mutual relationship needs to build with and be strengthened by the lawyer being an active participant in the movement's activities and conversations.

## **7.** *The Movement Lawyer Creates Alternative Platforms*

Lawyers are used to dealing with difficult language, and are usually comfortable in the role of addressing both court and media. However, even if the lawyer can make important appearances in these fora, the opportunity to also do so for people who have previously lacked the power to make their own voices heard, can be paramount to a group strengthening itself, which in turn can influence the whole outcome of a campaign. Movement lawyers will very often have a network of connections which can be used as important platforms for marginalized voices to plead their case and propose solutions. Beyond that, people can hold their own press conferences, panel discussions, demonstrations, in which they take center stage. This is where the greatest strength of the commitment of grassroots organizations lies. Whatever the outcome of a legal process, political victories and campaigns can still be won. By creating these alternative platforms, the possibility for political discussions and important advocacy increases. And sometimes arguing politically rather than legally is more suitable as certain conflicts and conflicts of interest are of a more political than legal character. Social issues such as education, housing, and work, often require not seeing everything as a legal problem rather than something in need of political action. Legal procedures are thus not constantly necessary, but fill specific and required functions. The movement lawyer is flexible in adapting to the goals of the group and not vice versa.

## **8.** *The Movement Lawyer's Duty to Strengthen Democracy and the Legal System*

Social analyzes must be done continually by both the movement and the lawyer to better understand present times, as well as the challenges certain communities and societal groups face. These are also necessary in order to better understand the roles movement lawyers and organizations can take, as well as which strategies are most effective to use in tackling the issues at hand. Representative democracy ensures that public power shall emanate from the people. It is therefore incumbent upon the lawyer to call attention to systemic deficiencies in



democracy and the legal system, and hold authorities accountable when everyone's basic rights are not being upheld and respected. Movement lawyers fight on the side of the vulnerable, acting to safeguard equal rights. They want to strengthen democracy by empowering citizens in such a way that they themselves can be wardens of their own destinies and actively become involved in society. It is a fairer distribution of resources that improves people's social and economic living conditions, thereby counteracting poverty, crime and powerlessness; it is not policing, repressive or reactive measures that do so. The movement lawyers also has important work to do in the justice system, by increasing people's access to justice, by upholding the rule of law and pointing out systemic failures and flaws. This increases the ability for the movement, as well as others, to demand social and political changes.

## 9. *The Movement Lawyer's Norm Critical and Postcolonial Perspectives*

Neither the legal profession nor decision-makers are representative of the population in terms of social background, ethnicity and culture. These factors continue to affect both legislation and the lawyers' values, interpretations and decisions. A movement lawyer needs a certain skill set to operate in a society where social representation is lacking, and issues of racism, economic deprivation and segregation are becoming increasingly important topics for policy makers and judicial system to deal with. The movement lawyer needs a greater understanding of the complexities of social interactions. With a norm critical perspective, the lawyer gains understanding of how other factors, such as gender and class prejudice, affect law in a way that disqualifies the myth of the impartial or objective lawyer. A norm critical perspective also helps in explaining the ills of society, and how the existing order is being upheld by social structures, as well as by the supposed "neutrality" of law. A postcolonial perspective equips the movement lawyer with an acknowledgement and increased understanding of how racism and discrimination manifests itself in our time, beyond the scope of law. With this perspective, movement lawyers become more aware of their power, their responsibilities, and how they through law, legislation or organization, can affect change. These insights will strengthen their arguments, creativity and independent thinking, and greatly help in solving the challenges they are faced with.

## 10. *The Movement Lawyer is an Acting Subject with the Power to Make a Difference*

Movement lawyers are confident that their knowledge and actions can make an important difference. They act based on their own understanding of reality – together with that of the people they cooperate with – in the fight for something better. But the intellectual understanding of a shift from a law-centered perspective, where the lawyer is no longer the focus of people's organization, must also be backed up



with a practice, so that lawyers in a genuine way can be a support to the movement without falling into the trap of the destructive and romanticized image of lawyers being able and required to do everything by themselves. The goal, let us not forget, is that the movement in the long term should work according to its own needs and solutions. When it comes to challenges that have already been identified, such as gentrification, poor working conditions, increased police checks, and so on, people may need inspiration on how law can be used. A lawyer should then contribute ideas and suggested approaches, but always based on the group's needs. Depending on the need, a lawyer may be involved in a great variety of campaigns and projects run by social movements and grassroots organizations. This also means that the strategies to support such initiatives will vary accordingly.

**Here are some examples of what a lawyer may contribute with:**

- Pursuing lawsuits in court
- Assisting with the appeal process against authorities
- Contributing with their own investigations and reports
- Researching legal issues based on people's needs
- Increasing a movement's ability to influence governmental studies and bills at the stage where they are referred to public organisations for opinions
- Supporting in media and political campaigns
- Creating alternative platforms for advocacy work
- Making important documents and information available
- Organizing popular education on legal issues
- Participating in writing citizen's proposals / teaching how it's done
- "Know your rights training"
- Witness familiarization – training clients and organizations for hearings and interrogations
- Documenting arbitrary interventions, police violence and abuse of power
- Aiding in building an organization
- Building networks and alliances between the organizations of civil society





A local citizens proposal and a manifestation for the refurbishing of the football (soccer) field “3an” in Husby, Sweden, which eventually was successful



Rami Al-Khamisi

## 4: LAW SCHOOL'S REWARDING OF THE UNCRITICAL, AND MY FUTURE RELATIONSHIP TO LAW

**IT WAS WHILE ORGANIZING** locally that I decided to study law. The aim was to acquire the tools and knowledge of law in order to continue making a difference. However, law school proved to be anything other than a critical discussion on power, democracy, racism, economics and real people, or a context within which I could channel the questions I had. The legal knowledge built on other arguments, discussions and perspectives, beyond the reality I came from.

While at law school, I have tried raising critical debate concerning, among other, the lawyer's relation to those in power, democracy, the operational procedures of authorities, an increasingly repressive criminal law. Yet, since these issues seem to bear insignificant relevance to exams, no effort is made by either students or faculty in gaining any form of deeper knowledge thereof. The analysis of legal policy and social issues, in fact, appear to be the lawyer's worst enemy.

Law school's main purpose may not be to create legal policy pundits, and it is also clearly so that legal argumentation differs from the political, but it should not take six to seven semesters before a student is given an opportunity to understand the function of law in society, as well as looking at different perspectives on the role of the lawyer. By then most will already have been indoctrinated with an uncritical understanding of the lawyer's role. At present, the legal method is defended based on the value of a functioning constitutional state – where predictability, impartiality, and the rule of law, are highlighted as fundamental. As the "objective" servants of society, lawyers are then meant to ignore politics, class background, skin color and other "irrelevant" factors which are said to threaten loyalty to the legislator.

Our "neutrality" and unwillingness to see our own power has helped maintain a system where segregation and poverty are growing. How can we continue to ignore the fact that lawyers will enter into the service of powerful economic and governmental interests, but remain silent in issues of ethnic discrimination and illegitimate exercise of authority? The lawyer's present role is by all evidence insufficient. Law students need to be presented with examples of how movements throughout history have influenced the development of societies by using law as their tool. Making people aware of this problem, as well as actively working for a change in the educational system and legal praxis, is one of the most important societal challenges in defending our democracy and creating a just society.

Law is not an end in itself, and there is no reason to defend it in a society that favors already privileged groups, while those who are

abandoned and forgotten keep growing in numbers. Our ambition should be toward greater involvement in society and actively fighting for a better and equal society, where people's basic rights and equality are respected.

### *The Path Toward Social Change Through Law*

What the report highlights is that the lawyer has a choice to not continue ignoring existing social problems, or their own position and power, for that matter. It presents the need for a more socially critical practice of law, committed to social change, to strengthening vulnerable groups and social movements, and to improving people's access to justice. In viewing themselves as active subjects there are options for lawyers to act for change, both within and outside of the legal system, through the legal tools at their disposal. The privilege of having a lawyer has to become accessible to more people, not just the client, but also to the people at risk of ending up in the justice system.

In Sweden, lawyers have a client perspective, but one which needs to be expanded to more people, and include more perspectives than just legal ones. Movement law offers us precisely that – the movement lawyer has different options to act for a change, both for people locally and structurally in terms of wider social change. At the same time, movement law challenges the lawyer to think bigger, more creatively, and more long-term than many of us are used to. The movement lawyer's efforts are part of a greater collective work to achieve important goals. The lawyer thus makes common cause with people and social movements acting through other platforms than law, in which the lawyer is involved in developing the political and legal strategies. Movement law with the aforementioned principles, is not a set and definitive instructions manual. It should not scare away those aspiring to work for social change, but instead inspire us to continue talking about new approaches for how the law can play an important role in civil society.

Then remains the question of how to build an infrastructure for such an important legal work in Sweden. The organizations and lawyers in the United States who have contributed in collective efforts to improve the situation for different disadvantaged groups have been forced to act, and they have also had time to develop both local and national strategies over a longer period of time. And they have made a difference, through advocacy, spreading knowledge of legal rights, and a direct support in the form of litigation. Yet, as the report has pointed out, there is also a great need for Swedish lawyers to take on an expanded role in Swedish civil society, to fight for the less privileged and on the side of movements in the fight for social justice. But also for the protection of human rights and the rule of law, in a time where political forces that do not respect the equality of all people are growing.

The need for dedicated and courageous lawyers is greater now than ever. New strategies, conversations and perspectives, are needed among the country's lawyers, in civil society, among researchers and

local residents. Lawyers have to show the importance and relevance of how the law can be used in different contexts. Law and legal argumentation by themselves can neither explain nor solve everything, but through the experiences of American movement lawyers we learn that the lawyer can be an important force for change, though only if the lawyer is acting together with others, especially those most affected by society's injustice. By being sensitive to needs, lawyers can offer their knowledge and methods, and thus play an important role as a part of something larger.

### *The Movement Lawyer's Approach – Ten Principles*

- The movement lawyer's understanding of law and politics
- The movement lawyer's work is more than an individual approach
- The movement lawyer's secondary role in social movements
- The movement lawyer does not have all the answers or solutions
- The movement lawyer's respect for the needs of the grassroots
- The movement lawyer's interaction with civil society
- The movement lawyer creates alternative platforms
- The movement lawyer's duty to strengthen democracy and the legal system
- The movement lawyer's norm critical and postcolonial perspective
- The movement lawyer is an acting subject with the power to make a difference

### *The Movement Lawyer's Practice – Ten Strategies*

- Pursuing litigation in court
- Assisting with appeals processes
- Contributing with their own investigations and reports
- Developing new strategies for media work and political campaigns
- Creating alternative platforms for advocacy
- Making available important documents and information
- Organizing popular education activities on legal issues
- Participating in writing citizen's proposals / teaching how this is done
- Documenting arbitrary police interventions and abuse of power
- Building networks and alliances between organizations in civil society





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