



Virtues of advocacy

Some freewheeling globetrotter poet once suggested that there is something special about leaving a place, no matter which one.

Maybe so. But then it is equally true that there is something special about standing firm and remaining right on the spot. The upright attorney who holds his ground, defending the interests of his client against storms seemingly designed to crush his client, has become a legendary figure. For many practitioners of the legal profession, taking a stand and holding onto it has turned into an art form.

Advocacy is a hybrid between these two extremes: the freewheeling, unbound poet and the stoic, learned legal practitioner. Advocacy is a symbiosis between poetry and justice. The result is poetic justice, if you will.

Issue advocacy exploits and celebrates freedom of speech. It builds on the truism that although it is always good to be able to express one's opinion, it is even better to be heard. In all likelihood, one stands a better chance of being heard if one's arguments and points of view are being carefully worded and prepared by an elaborate, articulate and literary person - someone like a professional advocate. ■

Fragments

As far as my life is concerned, the issue that has repeatedly come back to haunt me is whether I should become a hawk or a fox.

The attractions of being a hawk are both persuasive and magnetically powerful. Just think how it must be to live one's life based on one great idea or set of ideas, so that one may one day look back on one's life and see some clear pattern.

The temptations of being a fox, however, are irresistible. Especially to someone like myself who enjoys going to bed strongly convinced about one thing, only to wake up resenting the idea as well as myself for having contemplated the idea in the first place.

Fox or hawk, one has to choose, as there are no Sphinx-like creatures such as foxes with the head of a hawk, or free flying hawks equipped with the head of a fox.

Up until the present point, I have given up on trying to become a hawk. My confusion is simply too great. I am working on it, but eventually I may be forced to accept, however reluctantly, that the hawks of this world are relatively few, and that only those who are cut out to become a hawk will ever stand a chance of becoming one.

Until I decide to join the huge flocks of foxes, I can screech like a hawk or howl like a fox. ■

The right to be wrong

There is something special about arguing a point of view, no matter which. Arguably, that is.

Advocacy is kind of the opposite of political correctness. If something sounds right, or if it can be carefully worded so as to come to sound right, then it probably is!

Judges, attorneys and legal scholars are generally restricted by the fact that their points of view must lie within the boundaries of the law. Although they do sometimes suggest changes, they must be careful to balance their presentation with that which is doable and acceptable within the boundaries of the current legal system.

Advocates who have devoted themselves to issue advocacy have the privilege of breaking free of such restraints. They combine legal arguments and a wide range of other oratorical instruments - such as philosophy, ethics and policy - to make the strongest and most persuasive case.

Judges, attorneys and legal scholars generally work directly towards a result within the existing legal structure - the courtroom, government committees, legal journals and so forth. While issue advocates occasionally make use of such forums, they will shop around freely for the type of forum that best suits their cause. ■