Discussions about equity are as pervasive as they are compelling. As lawyers, we are familiar with the concept of equity and its central place in the legal traditions of the world. Equity, frequently championed and less frequently realized, is an important, if not a fundamental, aspect of justice, intrinsically as well as instrumentally. That observation certainly creates a moral imperative, but it does nothing to clarify what it is that must be delivered and how to go about doing it. Without more, it is mere aspiration. The term “equity” is notoriously indefinite, carrying with it the disparate nuances of various professional lexicons. If equity is to have meaning in development work, and in the work that development lawyers do, then its content must be clearly articulated.

That task is now even more pressing. Increasingly, there is a greater focus on equity in the development agenda. This comes with the recognition of inequities between and within countries and the important relationship between equity and economic growth. The *World Development Report 2006* argues that equity and growth are complementary. Increasing “equity,” the report finds, directly contributes to increased efficiency and growth. If poverty is to be fought, then there needs to be a level playing field that empowers the poor.

The *World Development Report 2006* defines equity in terms of two principles: *equal opportunities*, which argues that the measurement of individual achievement should be determined by merit rather than predetermined circumstances, and the *avoidance of deprivation of outcomes*, particularly in such essential areas as food, health, and education.

Articulating equity in such a way carries with it this important implication: it enfranchises the poor so that they become actors in the development process, rather than mere beneficiaries. As the President of the World Bank observed in July 2006, “What most poor people want are not handouts, but opportunities.” Development expands the choices people have so that they can lead lives of value.

But the challenge is how to deliver equity. “Equity” must be something more than the amorphous catchphrase of development practitioners, a cloudy “feel-good” concept that obfuscates development goals, not clarifies them. It is one thing to call
for equity, and another thing entirely to give that concept content and seek concrete programs of action. As students of civil procedure, lawyers have an important role to play in that process.

Prompted by these insights, the Legal Vice Presidency organized a forum on Law, Equity, and Development in December 2005. The forum sought to give some definite form to the concept of equity: how do development policies take account of equity in determining priorities and approaches; and what role can and should lawyers have in moving forward this agenda? Without a fully articulated notion of how law promotes equity for the poor, we cannot hope to deliver what are surely the most basic of human demands: security and opportunity.

That demands a broad discussion across disciplines. To enhance the dialogue between lawyers and other development practitioners, and to identify key strategies for building more equitable and accountable legal frameworks and systems, the forum included sessions by academics and practitioners, as well as representatives from multilateral development banks, bilateral donors, partner countries, and civil society organizations. Law, Equity, and Development looks to provide a framework for equity that is both clear and tangible.

We must also consider equity in its broadest sense. The contributions to the forum were diverse, but necessarily so. It is not enough if we talk glibly of “equity” in development and proceed to consider law as a discrete and abstract discipline. Law encompasses not only the legal system proper, but the political, social, and economic institutions which give form to law, and which formally and informally condition rights and responsibilities. The promise of equity is hollow if it speaks only to formal legal institutions. It must also address other significant barriers to development—access to justice, governance reform, financial sector legal reform, environmental justice, and human rights.

Volume 2 of The World Bank Legal Review draws together many of the key speakers of that forum. Like the forum, it explores equity in its broadest sense, but it does so in a way that “grounds” the promise of equity in defined outcomes. This is a timely and important work directed to the needs of government policy makers and their advisors, attorneys, and other professionals committed to realizing that promise.