PERPETRATING GOOD:

The Unintended Consequences of International Human Rights Advocacy

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> Half of the harm that is done in this world
> Is due to people who want to feel important.
> They don't mean to do harm—but the harm does not interest them.
> Or they do not see it, or they justify it
> Because they are absorbed in the endless struggle
> To think well of themselves.
>
> —T.S. Eliot, 1949

Being a human rights advocate is hard and noble work. It means speaking truth to power. It means standing up for the other—for the oppressed, disadvantaged, marginalized, poor, and underrepresented. It means making the world—which is full of human rights abuses, repression, and inequalities—a better place. The role of human rights advocates is indeed a heroic one: they are helpful and courageous experts, who deploy their legal and advocacy skills to call attention to human rights abuses, promote justice, and make perpetrators of violations accountable. In all of this, they are motivated primarily by altruism and a deep commitment to justice.

However, there are some fallacies inherent in such perceptions of human rights advocacy that I would like to confront; contradictions I would like to expose in the ways in which human rights advocates operate. I do so through an inquiry into three popular and widely used methods applied by international human rights advocates in the pursuit of their well-intended goals: reporting, advocacy, and strategic litigation. By focusing on the impact of these methods on human rights victims, I seek to assess whether these methods are working—and if they are, for whom. My assessment is a critical one: I argue that the means used by human rights advocates in their work might sometimes be damaging and counterproductive, because rather than eliminate relations of power and domination over those

whom they aim to benefit, they often sustain them. Ultimately, I submit that these methods falsify the true experience of victims of human rights violations, and end up suppressing their independence, competence, and solidarity.

In my analysis, I focus solely on the application of human rights methods by international nongovernmental organizations (NGOs)—that, is by organizations that have no particular constituency or specific group of beneficiaries, but that operate at the international level and whose experience with human rights abuses is indirect. I am aware that these methods are also popular among national or grassroots NGOs and are often effectively applied by them at the national level; however, their application by international NGOs raises a specific set of questions and concerns that are significantly different from those pertaining to domestic groups. In this regard, I contest the legitimacy with which international NGOs claim to speak on behalf of defined (or undefined) classes of victims or on behalf of "international civil society." At the same time, I reflect on the lack of genuine connection between the international world of NGOs on the one hand, and the situation of human rights victims on the ground on the other.

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The critique in this paper does not intend to suggest that the methods of human rights advocates are completely incompatible with the interests of victims and should cease to be used. Certainly, they are important mechanisms in promoting respect for, and protection of, human rights worldwide. Still, I believe that if human rights advocates are to be responsible to themselves, and those whom they defend or represent, they need to examine their activities and the practical results honestly. Therefore, instead of offering specific solutions to issues identified here, I urge human rights advocates to embrace different and more holistic models of activism: activism that, in paraphrasing the terminology of critical scholars, I call "rebellious" or "community" activism.[1] By this, I mean activism that interacts with victims of human rights violations on a nonhierarchical basis, truly cooperates with them, and does not simply advocate on their behalf. Only collective efforts that are closely connect-

ed to communities, groups, and individuals facing oppression, and that "nurture sensibilities and skills compatible with a collective fight for social change,"[2] can ultimately be successful in addressing the human rights problems that we face at present, and may face in the future.

The Bright Side of Human Rights Methods

Human rights advocates have a broad range of tools that can be used to expose human rights violations and to seek solutions to issues conceived as problems. Undeniably, the most popular and effective of these tools are undeniably documenting human rights abuses via fact-finding missions and publishing reports on findings; lobbying or otherwise advocating for recognition of their causes or about abuses they have identified at the international, regional, and domestic levels; and taking individual cases of human rights violations to domestic or international courts. These three human rights methods—reporting, advocacy, and litigation—have certainly proved very successful over the years. While using them, human rights advocates have succeeded in shaming governments about serious human rights violations, and in gaining publicity and raising consciousness about neglected human rights issues. They have been very useful in pushing for legal reform in various areas of human rights protection, and have brought concrete remedies to many victims of human rights abuse. Thanks to the effectiveness of these methods, human rights advocates have been accepted as partners by governments and intergovernmental organizations, and are consulted in policy formulation and in negotiations on various issues of public interest.

These methodologies also have their shadowy parts and too often might be increasing, instead of reducing, the subordinated positions of victims of human rights violations.

However, as the following sections of this paper show, these methods also have their shadowy parts and too often might be increasing, instead of reducing, the subordinated position of victims of human rights violations.

Everybody Wants to Listen

Reporting and advocacy are closely linked. Gathering information and documenting human rights abuses are prerequisites for any further action. Fact-finding serves as "a means of producing authoritative accounts" and evaluating situations that are later targeted via concrete action.[3] Facts are usually collected through fact-finding missions or research, and are published in the form of analytical reports, empirical studies, or personal accounts.

Reporting is followed by advocacy: the presentation of information to various actors, mainly to international bodies charged with monitoring states' performance in implementing human rights standards, as well as to regional bodies and to transnational political organizations (such as the Organization for Security and Cooperation in Europe) and their respective governments. For example, organizations and advocates produce shadow reports that contradict governmental reports on compliance with specific international or regional human rights treaties, lobby the human rights bodies to follow up on the situation in individual countries, or send protest letters or "letters of concern" to governments—all accompanied by media attention. It is hoped that, as a result of the shame that is brought on them, violators will subsequently change their practices, amend the law, and provide remedies, as warranted. Scholars and activists suggest that "promoting change by reporting facts" is effective because it has a universal language, moral authority, and a measure of accountability that can invigorate the struggles of affected individuals and groups and put pressure on governments to end violations.[4]

Undoubtedly, reporting and advocacy have provided an invaluable service to victims of human rights abuses by calling the world's attention to their condition. However, lately these methods have been the subject of increasing criticism for at least three reasons: the way they portray the victims, the way the facts in the reports are obtained, and the imposition of certain interpretations of situations while suppressing victims' voices.

Perpetuating Victimization

In order to secure attention from an otherwise uninterested audience, human rights reports need victims. Human rights reporting, therefore, always adds "a human touch" and describes particular stories of persons "subjected to cruelty, oppression or other harsh or unfair treatment or suffering death, injury, ruin, etc. as a result of an event, circumstances, or oppressive or adverse impersonal" violators.[5] Typically, the victim is also described as someone who is not responsible for his or her condition and who is weak, submissive, pitied, defeated, and powerless.[6] By reproducing images of incompetence, dependence, and weakness, reports on human rights violations can constitute further victimization. For example, David Kennedy argues that reporting on victims is an "[i]nherently voyeuristic or pornographic practice which no matter how carefully or sensitively it is done, transforms the position of the victim in his or her society and produces a language of victimization for him or her to speak on the international stage."[7] Similar criticism has been formulated by Makau Mutua, who defines human rights reporting by the savage-victims-savior metaphor, in which the victim is portrayed as a "powerless, helpless, innocent whose naturalist attributes have been negated by the primitive and offensive action of the state."[8] He objects that this construction does not promote the rights of victims but rather serves the interests of the organizations producing the reports.

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This victimization can also lead the portrayed individuals to conform to the expectations and stereotypes that outsiders have about their identity, as well as entrench stereotypes about some groups (such as women, the disabled, minorities) in the eyes of the public.

Collecting Testimonies

Some concerns can also be raised about the way the facts for human rights reports are obtained. International organizations that produce those reports are based outside the countries they criticize, and operate at the international level. The information collected in the

reports is gathered through interviews with victims who are either contacted directly, or are spoken to randomly when reporters visit places where victims live and can be found, or through the contacts of domestic and community NGOs. Based on my experience, the approach of those conducting the fact-finding is, in many instances, disrespectful toward victims. Interviewers are unable to explain who they are, what they are doing and why, and what will happen with the information provided. Even if the interviewers honestly try to explain their mission, victims are often not in a position to comprehend the full impact of the results of the reports. Moreover, in many instances, victims are willing to provide testimonies due to growing frustrations over some problems or in the interest of distracting themselves from a monotonous life (for example, in prisons or segregated communities). The validity of these testimonies, especially when collected during a single visit and not through systematic monitoring, can sometimes be dubious. Critics also suggest that in the reporting strategy, international NGOs depend on maintaining a high public profile, and "[they] feel pinch[ed] to break the reporting stalemate by devising dramatic new angles, uncovering even greater atrocities"[9] or simply "seizing on issues that seem designed more to promote their own image and fundraising efforts than to advance the public interest."[10]

Monopolizing the Struggle

Reports on human rights abuses are prepared and issued by organizations that grasp the techniques necessary for the compilation of these reports and who have sufficient funding for them. Victims, who are dealing with the problems on the ground, either do not have the personal financial resources to publish and use these kinds of reports, or would not have the resources to work with them at the necessary international level after they have been issued. Complex reports prepared by outsiders necessarily interpret the language of victims: the

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victims are not allowed to serve as subjects in the production of their own narratives but are only sources of material for the reports. In this regard, critics raise concerns that such reports might reinforce and distort the information conveyed and hamper the access of victims to the audience.[11] Eventually, by repackaging grievances into a legal format and using legal jargon, reports can effectively silence the lay voices of victims and create "a hostile cultural setting" for marginalized groups.[12]

These arguments are certainly consistent with what I have experienced in my work on human rights violations in Central and Eastern Europe. Reports are produced by international human rights organizations from the detachment of their comfortable offices in New York, Geneva, and other such places, far from the places where violations occur. The situations described in the reports are usually the result of complicated and manifold circumstances that in the studies are only summarized and adapted into an easily understandable form for an outside audience. Moreover, regardless of who the particular victims are in a given case—rural women, ethnic minorities, prisoners, refugees, disabled persons—by discussing victims as objects of research rather than giving them the opportunity to be subjects of a whole process, the human rights reporters maintain control over them, their reports perpetuating the image of victims as incapable individuals or groups that must be saved from their misery by human rights advocates. As such, I believe this process can represent a new form of victimization.

The victims are almost never subsequently visited and are not given help either with the documented problems or with the potential backlash that they might face because of the report.

Further, many times in my experience, the contacts that international organizations producing reports have with victims stop with the end of their fact-finding missions. The victims are almost never subsequently visited and are not given help with the documented problems or with the potential backlash that they might face because of the report either. I even encountered an opinion that internation-

al organizations "[a]re focusing more on overall and systemic changes. . . . There are no individual victims as far as our organization is concerned."[13]

If the fact-finding is targeting a serious problem such as genocide or another serious human rights violation, usually a large number of international organizations are documenting, reporting, and advocating the issue; later on, the number of interviews with victims is multiplied by the media covering the problem after the publication of the human rights reports. When no practical remedy is seen on the ground, communities and individuals affected by the particular problem subsequently feel disillusioned, and conclude that everybody wants to hear their stories but nobody wants to help them. Sometimes, studies conducted by organizations disconnected from victims might even have a negative impact on the work of local groups, which—as intermediaries in contact with international NGOs-are blamed for any backlash or increase in media attention.

In Whose Interest?

Impact or strategic litigation has been another powerful tool used by human rights advocates in addressing certain problems. Impact litigation is a type of lawsuit that has a wider effect than simply providing a remedy for a particular plaintiff in a specific case. It involves cases at a higher level—for example, before supreme or constitutional courts or international bodies such as the Human Rights Committee, the European Court of Human Rights, and other regional human rights bodies—where it aims to change the law or practice through judicial decisions. Often, it also seeks to interpret constitutional or international law, in particular in those areas where it is "difficult to achieve legislative consensus on an issue."[14]

In strategic litigation, the relationship between human rights advocates and victims is even more important and sensitive than in reporting and advocacy. Strategic litigation fares better in comparison with reporting: despite its potential limitations, which I discuss below, at least some participation by victims is necessary. Minimally,

there needs to be a concrete individual who comes forward with a case and lets himself or herself be represented. Moreover, in an ideal case of obtaining a remedy or compensation, the victim gets something tangible out of it. Compared with reporting and advocacy, victims are not reduced to passive objects completely in the care of brave human rights advocates and devoid of any material or even moral compensation. But as with the previously discussed methodologies, litigation has been criticized for creating and maintaining a power imbalance between human rights advocates, in this case lawyers, and their clients.[15] Victims are often uneducated, with little or no understanding of the law, and assume a subordinated position with regard to tactics and strategy after human rights advocates decide on litigation. Once victims are confronted with a mysterious legal procedure and complicated legal language, their "fate is no longer in their hands" as legal specialists automatically take over their problems.

Once victims are confronted with a mysterious legal procedure their 'fate is no longer in their hands.'

What I have experienced in my legal practice, and in cooperation with international human rights organizations promoting impact litigation is, again, precious little consideration of ethical responsibilities or even a basic respect for victims. In many cases, there is obviously the conflict between the interest of clients and the goal one wants to achieve with the case. I have seen that in international or other high-impact litigation, the interest and opinion of plaintiffs are very rarely taken into consideration; instead, they are sacrificed for the public interest. Once the case is filed, or very often even before, the represented person becomes a secondary consideration, and the individual client fades into the background, left to deal with the consequences of litigation on her own.

The involvement of victims is particularly important in cases where a particular issue is identified by an outside organization that decides that the best way to address it is through litigation, then develops a case and persuades someone from an affected group to be its client. Litigation can have a great impact on a particular issue,

but without extensive support for victims, it can be completely disruptive for the individual. It can very easily happen that the victims are, in a sense, manipulated and abused twice when the focus of the action is not the victim but an ideology alien to them.

This problem can be demonstrated through two examples. The first is the story of the woman identified only as Jane Roe in the famous *Roe v. Wade* case.[16] The case is certainly one of the most important decisions of the U.S. Supreme Court. The plaintiff in the case revealed her identity several years ago and spoke about her frustration over the case. She publicly criticized her attorneys as being unable to defend her interests: what she really was after was an abortion—but she never got it, as it would not have been good for the case. She claims:

> [P]lain and simple, I was used. I was a nobody to them. They only needed a pregnant woman to use for their case, and that is it. I was chosen [to sign the affidavit in the Roe case] because [the attorney] needed someone who would sign the paper and fade into the background, never coming out and always keeping silent. As long as I was alive, I was a danger. I might speak out. I could be unpredictable. . . . Even after the case, I was never respected—probably because I was not an Ivy-League educated, liberal feminist like they were.[17]

Eventually, the woman became an evangelical Christian and an anti-abortion activist, and filed for a reversal of the case.

The second example is the success story in the case of *Koptová v. Slovak Republic*, brought by an international NGO under the International Convention on the Elimination of Racial Discrimination.[18] The case involved two municipalities in Eastern Slovakia, Ňagov and Rokytovce, that, in 1997, enacted resolutions expressly forbidding local Romani families from registering permanent residencies in these municipalities. One resolution even prohibited Roma from settling there and threatened them with expulsion should they try to do so. The international organization initiated a complaint to the Committee on the Elimination of Racial Discrimination; the complainant was Mrs. Koptová, a person of Romani origin but not

directly affected by the decrees—she did not reside in the municipalities and did not have any connection at all with the local communities. Under international pressure, the municipalities rescinded both resolutions, upon which the Committee recommended that the Slovak Republic "[t]ake the necessary measures to ensure that practices restricting the freedom of movement and residence of Romas under its jurisdiction are fully and promptly eliminated."[19]

They [the human rights advocates] sacrificed the interest of actual victims for the goal that the particular organization was pursuing.

This ruling has been celebrated as a great victory for legal strategy; however, as the international organization that initiated the case was not working with a local community and focused on publicizing the case internationally, it did not follow up with the situation on the ground. If it had done so, the organization would have found that the municipalities continued discriminatory policies despite a formal abolition of the municipal resolutions. When I visited Romani settlements in both towns a few years later, in 2002, none of the Romani families living there were registered as permanent residents in the municipalities, none of them were aware of any previous decision of an international body, and none of them had ever seen a lawyer to advise them on how to proceed when refused registration for permanent residency. I subsequently contacted the international organization and asked it to step in and provide legal assistance to Romani families, but I got the response that the problem had been sufficiently addressed in the international forum in 1999, and was not of interest to the organization anymore.

Measured by the standards of strategic litigation, the results in both of these cases can only be applauded. However, at the same time, they clearly demonstrate that the human rights advocates disregarded the wishes, opinions, or particular needs of the victims concerned, and that they sacrificed the interest of actual victims for the goal that the particular organization was pursuing.

The Right to do What They Do

An underlying concern regarding all issues discussed here is the fundamental question of the legitimacy of human rights advocates to do what they do and to say what they say when using these methods.

Legitimacy has been defined as "the particular status with which an organization is imbued and perceived at any given time, that enables it to operate with the general consent of peoples, governments, companies and non-state groups around the world," and which ensures that it "is accepted by antagonists as speaking for its constituency."[20] As such, the legitimacy of international NGOs should be derived from their rootedness in an engaged and supportive constituency of victims.

However, with few exceptions, most international human rights NGOs purporting to speak for the masses are clearly not representatives of larger constituencies of human rights victims: their constituencies are their donors, their employees, other international organizations, and governments. Most of these organizations are professional groups that almost automatically exclude the participation of the people whose welfare they claim to advance.[21] Unaccountable to anyone other than themselves or their donors, international human rights NGOs often can lose touch with the powerless and voiceless whom they claim to represent.

Critics also point out that many human rights activists in international organizations come from elite backgrounds and form a privileged class or social group, often shuffling back and forth from organization to organization, or eventually serving stints in governmental or intergovernmental agencies.[22] As Chidi Odinkalu has observed, "with media-driven visibility and a lifestyle to match, the leaders of these initiatives enjoy privilege and comfort, and progressively grow distant from a life of struggle."[23] As such, "instead of being the currency of social justice or of the consciousness driven movement, 'human rights' has increasingly become the specialised language of a select professional cadre, with its own rites of passage and methods of certification. Far from being a badge of honour, human rights activism is, in some of the places . . . increasingly a certificate of privilege."[24]

When international organizations produce reports or initiate cases in which victims are treated as objects, it only fuels the critique by some that the global human rights market only understands the plights of oppressed groups of individuals as a commodity. The human rights field, dominated by closed networks of elites and professionals and excluding those who are directly concerned, hardly encourages the independent initiative of victims. More likely, it will "undermine the possibility of the sorts of political activity essential to any long term resolutions of the inequities that burden [the victims of abuses]."[25]

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Le Critique est Facile, mais L'art est Difficile

This paper is not intended to be a call for human rights advocates and NGOs to cease using the discussed methods and go home. It is instead a call for them to be more conscious of their weaknesses and to develop and implement an alternative set of practices. There is wisdom to be found in works of critical scholarship that demand strategic innovation and critical reflection about the means they use in their work. Their approach to advocacy has been given many labels, "community lawyering," "critical lawyering," "rebellious lawyering," and the like. Regardless of the terms, the main aspect of this approach is that it values broad participation in collective efforts for eliminating injustices or improving problems. It argues that in order to make real, lasting changes, advocates must reshape the ways they think about themselves and the victims or communities they serve. This approach also embraces a greater respect for the power of marginalized and oppressed individuals and communities—deeper attention to the influences of race, gender, class, and culture on human rights advocacy, as well as the relationships between professionals and their clients. As first introduced by Gerald Lopez, rebellious or community advocates "respect the energy and the commitment of community members working together and

. . . collaborate with them for meaningful change, emerging from political and grassroot movements rather than from clever advocacy efforts by smart lawyers in suits."[26]

Despite a certain skepticism that this form of activism has also received for its "idealized vision" or the difficulty of implementing its ideas,[27] I believe that this model of advocacy would not be contradictory to professionalization, as advocates would see themselves as more a part of the communities or groups for whom they work and would share with them the special knowledge and expertise they have gained through their education and expertise. They would still put human rights violations in the spotlight, but in a way that enhances the victims' autonomy and their rights to control their own lives and affairs.

Advocates must reshape the ways they think about themselves and the victims or communities they serve.

Balancing different interests is definitely not an easy task, but international human rights advocates should not give up on finding such balance. In the end, after all, human rights instruments were designed to protect the rights of individuals, not to serve the interests of their advocates or the organizations that claim to represent them.

Endnotes

1 Critical legal scholarship developed concepts of "community," "political," or "rebellious" lawyering. See, for example, works by Anthony Alfieri, Gerard Lopez, Lucie White, and Binny Miller, including Anthony Alfieri, "Reconstructing Poverty Law Practice: Learning Lessons of Client Narrative," 100 *Yale* L.J. 2107 (1991); Gerald Lopez, *Rebellious Lawyering: One Chicano's Vision of Progressive Law Practice* (1992); Lucie White, "Mobilization on the Margins of the Lawsuit: Making Space for Clients to Speak," 16 N.Y.U. *Rev. L. & Soc. Change* 535 (1987/88); Lucie White, "Representing 'The Real Deal,'" 45 U. *Miami* L. *Rev.* 271 (1991); Binny Miller, "Give Them Back Their Lives: Recognizing Client Narrative in Case Theory," 93 *Mich.* L. *Rev.* 485 (1994).

2 Lopez, 38.

3 See David Weissbrodt and James McCarthy, "Fact-Finding by Nongovernmental Organizations," in *International Law and Fact-Finding in the Field of Human Rights*, ed. Bertrand Ramcharan (1982), 1.

4 See Diane Orentlicher, "Bearing Witness: The Art and Science of Human Rights," 3 *Harvard Human Rights Journal* 83 (1990), 84. Orentlicher identifies three steps: (a) careful documentation of alleged abuses, (b) a clear demonstration of state accountability for those abuses under international law, and (c) the development of a mechanism for effectively exposing the abuse both nationally and internationally.

5 *The New Shorter Oxford English Dictionary* (1993), s.v. "victim."

6 Sharon Lamb, *The Trouble with Blame: Victims, Perpetrators and Responsibility* (1996), 41.

7 See David Kennedy, *The Dark Sides of Virtue: Reassessing International Humanitarianism* (2004), 29.

8 See Makau Mutua, "Savages, Victims, and Saviors: The Metaphor of Human Rights," 42 *Harvard Intl.* L.J. (2001), 201–2045.

9 See Robert C.Blitt, "Who Will Watch the Watchdogs? Human Rights Nongovernmental Organizations and the Case for Regulation," in 10 BFHRLR 261 (2004), 355.

10 See P. J. Simmons, "Learning to Live with NGOs," in 112 *Foreign Policy* 82 (1998), 90.

11 Kennedy, 29.

12 White (1987/88), 542

13 Email communication from the representative of an international organization, 12 November 2005, on file with the author.

14 See Women's Link Worldwide, "Using the Courts to Produce Social Change: Impact Litigation," in *Bridging the Divide*, available at http://www.womenslinkworldwide.org/pdf_pubs/pub_bridging1.pdf (last accessed 18 December 2007).

15 See, for example, Douglas Rosenthal, *Lawyer and Client: Who Is in Charge?* (1974), 38–59, and William Simon, "Lawyer Advice and Client Autonomy: Mrs. Jones's Case," in 50 *Md.* L. *Rev.* 213 (1991), 213.

16 *Roe v. Wade*, 410 U.S. 113 (1973), was a landmark case of the U.S. Supreme Court, which ruled that most laws against abortion in the United States violated a constitutional right to privacy under the Due Process Clause of the Fourteenth Amendment and which overturned all state and federal laws that prohibited or restricted abortion that were inconsistent with its holdings.

17 See Julie Foster, "The Real 'Jane Roe': Famed Abortion Lawsuit Plaintiff Says Uncaring Attorneys 'Used' her," *WorldNetDaily*, 4 Feb. 2001, available at http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=21598 (last accessed 18 December 2007).

18 Communication No. 13/1998, *Anna Koptová v. the Slovak Republic* (opinion of 8 August 2000), in UN doc. GAOR, A/55/18.

19 UN doc. GAOR, A/55/18, para. 10.3.

20 See, for example, William Gamson, *The Strategy of Social Protest* (1990), 45.

20 See Chidi Anselm Odinkalu, "Why More Africans Don't Use Human Rights Language," *Human Rights Dialogue, Carnegie Council of Ethics and International Affairs* 2 (2000), 1. See also Peter Uvin, *Human Rights and Development* (2004), 100–101.

22 Rana Lehr-Lehnardt, "NGO Legitimacy: Reassessing Democracy, Accountability and Transparency," *Cornell Law School Paper Series*, Paper 6/2005, 23. See also Gay J. McDougall, "A Decade in Human Rights Law: Decade of NGO Struggle," 11 HUM. RT. BR. 12 (2004), 15.

23 Odinkalu, 4.

24 Odinkalu, 1.

25 Gary Below and Jeanne Kettleson, "From Ethics to Politics: Confronting Scarcity and Fairness in Public Interest Practice," 58 B.U. *Rev*. 337 (1978), 384.

26 Lopez, 196.

27 See, for example, Michael Diamond and Aaron O'Toole, "Leaders, Followers, and Free Riders: The Community Lawyer's Dilemma When Representing Non-Democratic Client Organizations," 31 *Fordham Urb*. L.J. 481 (2004); Peter Schuck, "Public Law Litigation and Social Reform," 102 *Yale* L.J. 1763 (1993); Ann Southworth, "Taking the Lawyer Out of Progressive Lawyering," 46 *Stan*. L. *Rev*. 213 (1994); Richard Marsico, "Working for Social Change and Preserving Client Autonomy: Is There a Role for 'Facilitative' Lawyering?" 1 *Clin*. L. *Rev*. 639 (1995); Paul Tremblay, "Rebellious Lawyering, Regnant Lawyering, and Street-Level Bureaucracy," 43 *Hastings* L.J. 947 (1992).