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POWER FROM THE PEOPLE

*Milner S. Ball**

REBELLIOUS LAWYERING: ONE CHICANO'S VISION OF PROGRESSIVE LAW PRACTICE. By *Gerald P. López*. Boulder: Westview Press. 1992. Pp. ix, 433. Cloth, \$48.50; paper, \$16.95.

Gerald López¹ entered law school in 1970 wanting to do left-wing activist work and found himself having to overcome, rather than take advantage of, the law school experience. He is still overcoming it and the type of law practice it generally begets. *Rebellious Lawyering* is a fruit of his struggle.

In law school, López located a few others committed to social change who shared his disappointment. They began to rely on each other and to draw on the communities and experiences that shaped them prior to entering this “place entirely ill-prepared for [their] coming” (p. 4). “[T]he plain conversations of *primos* and *tios* and *abuelitos* around [his] family’s kitchen table” informed López’s own “‘home-grown’ views” about lawyering (p. 7). He believed that “radical lawyering” must be anchored in the world it tries to change, where it belongs to relatives’, friends’, and allies’ struggle against oppression and to their coping, fighting, and laughter (p. 7). López formed such ideas about lawyering in opposition to what he had seen as a teenager: “that first wave of lawyers who arrived in East L.A. . . . no doubt reflecting the law school and post-law school training they received” (p. 5). They came to do good with their professional expertise but “tended only to buttress what they tried . . . to reconstruct” (p. 5).

López’s early views about law were “raw and incomplete and perhaps even parochially Chicano” (p. 8). Now they are maturer and richer, but his approach remains basically unchanged: rebellious lawyers do not bring power down from the social-political high places but participate in its creation — like López himself in law school — by relying on each other and on the communities that constitute them.²

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1. Kenneth and Harle Montgomery Professor of Public Interest Law, Stanford Law School.

2. Lucie White notes that, in contrast to the conventional view of power as “a thing that people have and wield over others,” a newer theory depicts power not as a tool but as “an evanescent fluid [that] takes unpredictable shapes as it flows into the most subtle spaces in our interpersonal world.” Lucie E. White, *Seeking “. . . the Faces of Otherness . . .”*: *A Response to Professors Sarat, Felstiner, and Cahn*, 77 CORNELL L. REV. 1499, 1501 (1992). She then observes that López “uses the new conception of power to make visible complex interactions between groups of poor people and the professionals who try to help them. . . . [H]e shows how

Rebellious Lawyering proposes López's approach to the partially converted. He identifies alternative practice, "rebellious lawyering," as an antitype of the idea he labels "regnant lawyering" (p. 29). But the regnant lawyering he opposes is not the practice of law on behalf of oppressors, although he opposes that too. Rather, it is a form of practice on behalf of the oppressed, "the regnant idea of practice for the subordinated" (p. 23). He addresses his plea to those who already "struggle to change the world" and who "decide in small ways every day whether (like most) to acquiesce in the idea's reign, or whether . . . to elaborate a different idea of practice."³

I am eager to see what effect *Rebellious Lawyering* will have on my students. I added it to the list of texts for a class composed of people who entered law school in 1991 and 1992. They do not necessarily want to do left-wing or right-wing activist work, but most are committed to living lives on behalf of others. Such lives appear to me as difficult to construct now — with and against present institutions — as they were when López started law school.

I am older than López, and, although bound for a similar destination, I come at lawyering from a different direction. But my students are not given to such nice distinctions. To them, he and I probably appear much the same: fellow-traveling Protestants from the generation of relaxed-fit jeans. What do those of us from the 1970s and earlier have to say to those of the 1990s, and what do they have to say to us? Will my students be instructed by his urgings as I hope they will? Will they differentiate his urgings from mine as I also hope they will?

I. REGNANT AND REBELLIOUS ILLUSTRATIONS

A. *Species Identification*

Early in the first chapter, López provides a summary of identifying characteristics of regnant lawyers (pp. 23-24), the way bird books open with a handy reference chart for field use. The guide led me to imagine the essential regnant bird as a well-meaning liberal, perhaps white and male, embarked on a mission he does and does not believe is righteous. The reader is specifically directed to look for lawyers enamored

power is indeed very fluid, even across the formidable barriers of race and class identity." *Id.* at 1502.

3. P. 23. *Rebellious Lawyering* belongs to what Anthony Alfieri describes as the "resurgent theoretical and practical literature dedicated to the critical analysis of poverty law practice." Anthony V. Alfieri, *Reconstructive Poverty Law Practice: Learning Lessons of Client Narrative*, 100 YALE L.J. 2107, 2119 (1991). Alfieri offers an array of examples of the literature. *Id.* at 2119 n.42. The body of work has expanded considerably even in the time since he wrote. See, for example, the symposia on the theoretics of practice, *Theoretics of Practice: The Integration of Progressive Thought and Action*, 43 HASTINGS L.J. 717 (1992), on lawyering theory, *Lawyering Theory Symposium: Thinking Through the Legal Culture*, 37 N.Y.L. SCH. L. REV. 1 (1992), and on the language of law, *Speeches from the Emperor's Old Prose: Reexamining the Language of Law*, 77 CORNELL L. REV. 1233 (1992).

of litigation, for that allows them to play hero. Regnant lawyers are convinced of the necessity of active leadership by professionals, especially lawyers. They find participation in community education to be of only marginal importance. They are not associated with community institutions, and they have little practical understanding of the power of legal, political, economic, and social structures. Their lawyering dominates. It dominates clients in particular.

Rebellious lawyers compose a contrasting species — often multicolored and typically female — and López offers an introductory guide to identify them as well:

[They] refuse to be overwhelmed by the daily detail of work, just as they refuse to believe that the regnant idea is either natural or inevitable. Instead, they manage somehow to re-approach their work, to make it up as they go along, with no master plan, and by fits and starts. . . . Rather than letting themselves get nothing but frustrated over the lack of fully developed theoretical help, they try . . . to draw on marginalized experiences, neglected institutions and dormant imagination to redefine what clients, lawyers, and others can do to change their lives. [p. 29]

I was particularly drawn to the “making it up as they go along” and the drawing from unattended sources along the way. My own version of “making it up” with the aid of neglected resources has given pause to some people, not least to my students.⁴ It has given pause to me. Perhaps my students and I, when we read this part of *Rebellious Lawyering* together, will be emboldened to press ahead nonetheless.

B. *Initial Takes*

The first summary statements of regnant and rebellious lawyering are intended to prepare the reader for what follows. The chief medium of exposition throughout the book is not essay but narrative: fictional pieces about characters composed out of López’s experiences and observations. The stories are textual performances primarily of what he means by rebellious lawyering but also, for contrast, regnant lawyering. Periodically, López intervenes with authorial comments and questions.

López deploys characters in the stories of Chapter One — Catherine, Teresa, Abe, Jonathan, Sophie, Amos — to illustrate first one and then another component of the two types of lawyering. Among the components of rebellious lawyering is association with everyday living and with the stories of ordinary people as a primary means of understanding and of transformation. Another is collaboration with other lawyers and with “lay” lawyers, nonprofessionals skillfully immersed

4. My version is an experimental course, begun in 1992, that combines jurisprudence with practical legal work on behalf of poor people. For an initial report, see Milner S. Ball, *Jurisprudence from Below: First Notes*, 61 TENN. L. REV. (forthcoming 1994).

in their communities.⁵ A third component is demystification — that is, making law accessible to everyone and making subordinated people's sense of the world accessible to lawyers.⁶ The fourth is the fundamental reorientation of lawyering toward education in support of self-help.⁷

The points are clearly made and well taken, and I shall hope to find ways to encourage my students to digest them. But I do have a bone to pick with the text and hope to find ways to get my students to gnaw on it a little. López is a gifted writer with important insights into the damning morbidity and redeeming possibilities of doing law — real law with real people. Nevertheless the first chapter — and the others less often — has about it something of the programmatic, an element that runs counter to the genuine, particular, illuminating humanity of the subject.

A sense of the programmatic is a function, in part, of the characters. Later characters in the book are whole and finely imagined. But the figures in Chapter One sometimes tend to the two-dimensional, like those in a regnant law exam. They are interspersed with what is basically an essay. The essay is a good one and does not require the caricatures.

In part the programmatic is evoked by references to “the subordinated” and to “left activism,” which, like “regnant” and “rebellious” lawyering, are labels that belong to the language of the summary and abstract — exactly what López wants us to avoid.

In part it derives from the characterization of lawyering as “problem-solving.” López attributes to regnant lawyering the negative attri-

5.

[Left-wing lawyers] too often ignore and trivialize the practices through which clients already work to control their lives. For all their compassion, these left lawyers apparently fail to see the ways in which subordinated people do experience frustration, dissatisfaction, and anger with their existence. They fail to see the ways in which subordinated people do not submit, belly up, to everyone and everything assaulting them. They seem unable to move beyond the condescending assumption that all the practices of subordinated people, the ways they cope and struggle with the world, ultimately cannot be trusted.

P. 49.

6.

All in all [rebellious lawyers] practice much as subordinated people live — close to the ground, at the bottom and near the margins, in crevices, and at mundane junctures. . . . What may distinguish these lawyers from many other theoreticians is that they build their theories from the ground up. They pay close attention to what people do and say

P. 65.

7.

In the regnant idea, lawyers help clients by formally representing them. . . . [L]awyers within the rebellious idea help train groups of subordinated people to represent themselves and others, particularly in . . . many ordinary day-to-day situations. . . . Their ideas do not encourage self-help and lay lawyering as a form of “second best” problem-solving. . . . Nor do they turn to self-help and lay lawyering as part of a “radical” admission that only subordinated people can free us all from our present mess. And they certainly do not see self-help and lay lawyering as anything like the “pull yourselves up by your own bootstraps” position that right-wing populism now champions.

Pp. 71-72.

bute of thinking that lawyers are “the preeminent problem-solvers in most situations they find themselves trying to alter” (p. 24). I first thought that he meant the emphasis to fall on “problem-solvers,” but I later realized he meant it to fall on “preeminent” after his repeated references to rebellious lawyers also as problem-solvers.⁸ Of course lawyers solve problems, or try to do so. But it is artificially constricting to conceive of lawyers as exclusively or primarily problem-solvers. We are not only social mechanics who wait in our shops for people to come to us with problems to be fixed. We should sometimes create problems. We should sometimes deliver problems by translating people’s anger and hurt and insistence on justice into political as well as legal action.⁹ We should sometimes freely, un sentimentally take the part of an individual simply and radically because she is a person, never mind the problems and the impossibility of solving them.¹⁰ We should sometimes move beyond problems; as Steve Wizner remarked to me: “One gets so accustomed to solving problems that he may lose sight of the fact that apprehending enigmas can lead to deeper truths.”¹¹

When we talk about Chapter One, I shall want my students to take to heart the text López has created but also to recognize and be wary of the programmatic and abstract in it. I shall return to this aim when we read the last chapter but shall want to initiate discussion of it early. It is difficult enough to constitute a life for others in, but also in spite of, the professional practice of law. The complexities of such a life should not be compounded by the diversion of programs and abstractions.

In subsequent chapters, the early caricatures give way to more richly drawn characters who realize more and better roles than that of the “problem-solver.” The movement is evidence of success after struggle. As a student López had to overcome the law school experience of the 1970s. Now as a professor he must overcome the law school experience of the 1980s with its beguiling temptations to become absorbed in abstract theory. The movement of the book is testimony that López has prevailed again, but there is an anxious moment or two along the way.

8. See, e.g., pp. 38-39, 57, 65, 72.

9. James Boyd White’s work, especially his 1990 book, *Justice as Translation*, is missing from the *Rebellious Lawyering* bibliography but is germane to the theoretics and storytelling of practice. See, e.g., Clark D. Cunningham, *The Lawyer as Translator, Representation as Text: Towards an Ethnography of Legal Discourse*, 77 CORNELL L. REV. 1298 (1992).

10. See WILLIAM STRINGFELLOW, *A PUBLIC AND PRIVATE FAITH* 73 (1962).

11. Letter from Milner S. Ball to Stephen Wizner, Clinical Professor, Yale Law School 2 (July 7, 1993) (on file with author) (quoting previous letter from Wizner to Ball).

II. THE NONPROFIT COMMUNITY LAW OFFICE

In Chapter Two, through the observations of Lucie Fung, rebellious lawyer, López gives us the people of the Community Law Office (CLO) in the imagined city of Rosario, near Berkeley, California. Ms. Fung has just become executive director of the CLO and has spent her first three weeks nosing around. The reader is her companion as she begins to get a feel for the place and the work and relationships performed there. She finds much that is "sloppy, unthoughtful, contradictory and intolerable" and some that is "inventive, conscientious, self-critical, reinforcing, and worth emulating" (p. 85).

I especially look forward to reading this chapter with my class. It is a suggestive medium for instruction and self-examination. The students will find that it lays bare many of their and my foibles and failings and that it challenges our jealously husbanded self-righteousness. Ms. Fung has a good ear and a good eye for conversation, client interviews, memoranda, files, work habits, professional roles, and even the physical details of an office. She is sensitive to dehumanization. In the low, unsupporting couches she discerns pain or embarrassment for the disabled and elderly. She is concerned about a preoccupied receptionist's unintentionally dismissive treatment of a vulnerable person in need.¹² She is dismayed by some of the lawyers' sloppy files, by their lack of training in appropriate responses to everyday crises, by the lawyer who seeks in technical legal strategy a refuge from real-world complexities and relationships, by the lawyer who bedazzles clients with argot and unwarranted confidence (pp. 102-33).

But then she finds the work of Helen Padilla. Helen's interviews, her files, and her memoranda portray a professionally competent, caring attorney. Helen wants the CLO to become more adequately involved in the community of Rosario, especially in the lives of low-income women. Her reports on her own involvement and her efforts to stimulate interest among her colleagues meet with silence. The silence will likely give way to response as the new director implements reform and renders the CLO more hospitable to rebellious lawyers like herself and Helen.

In an authorial intervention at the end of the chapter, López observes that all nonprofit law offices "are struggling in some way over exactly how to define their work and their place in the fights that originally gave [them] birth . . ." (p. 164). He adds that we "need to learn about these offices in all their graphic detail. . . . We need to more completely understand that non-profit law offices should amend themselves over time, that they should fit within a larger yet related vision of politics at work" (pp. 164-65).

12. The "script" is reproduced at pp. 90-98.

Amen. It is a good chapter animated by a good idea realized in the hard work of good writing. It will make a good read with my class.

However, I shall have a critical question to raise with my students: Is individual and institutional reformation better accomplished through self-consciousness or self-forgetfulness? Helen is favorably presented as rehearsing every interaction with others. She "actually practices being herself in order to help the other person be herself. She plans to make room for improvisation" (p. 143). Another good guy in a later chapter, Dan, also practices himself and rehearses conversations. It crosses his mind "that all I might end up doing through all this practice is depriving myself of my spontaneous interpersonal skills" (p. 301).

I understand the need for discipline and forethought. I understand, too, the need for role playing in trial practice, say, or training for mediation. But there are limits. As another of López's characters comments on Dan's preoccupation with himself: "Too critical, too self-conscious, even a little too precious" (p. 307).

If I teach students to rehearse their conversations — but to leave room for "improvisation" or "spontaneous interpersonal skills" — what do I really teach them? Will they draw down between themselves and other people a screen of self-consciousness? Who or where is the person who is practicing being herself? If room has to be left for her, is she left?

Compare Robert Coles's story of meeting Dorothy Day. She was initially unaware of his presence when he arrived:

She and another woman were sitting at a table together with what one could call a "one-sided" conversation taking place. The woman sitting with Dorothy was speaking of things indiscernible to most of us of this world. Yet if Dorothy hadn't a clue as to what this woman was saying . . . she sat there patiently listening. When Dorothy noticed [me] standing before them, she simply asked, "Did you wish to speak with one of us?"¹³

I am uncertain that such simplicity can be taught. But I aspire to it and hope that my students will aspire to it also. I want them to perform this kind of friendship as attorneys. I think it arises from a form of love for the other person, for the neighbor who is given to me as a client. Certainly discipline and maybe, sometimes, rehearsal will be called for. But Dorothy Day did not rehearse her attention to that other woman, and her question to Coles did not arise from planned improvisation. Whence comes that devotion to the other, that self-forgetfulness?

I shall want to guard against my overreacting to this part of

13. Mary Anczarski, *Small and Daily Miracles*, CATH. WORKER, Sept. 1993, at 7, 7. The epigraph to the article reads: "Where justice is, there is a further need of friendship, but where friendship is, there is no need of justice." — Aristotle." *Id.* I am indebted to Henry Schwarzschild for calling my attention to the article.

López's text. I do not want to read into it any advocacy of self-consciousness that is not there, as I may be prone to do because my teeth are still on edge from the 1980s techniques for self-improvement of self-centeredness. Maybe as my students and I work through this chapter we can learn together how to seize its opportunities for self-examination without falling victim to self-absorption.

The importance of the point to me is the issue of ongoing reformation. (I really am a Protestant.) Nonprofit law offices, like nonprofit lawyers, should, as López urges, amend themselves over time. But by what means? Learning about other offices and bringing in a Lucie Fung to assess what is really going on should help. López is right about this point.

However, I think the most reliable help is likely to come from the source to which *Rebellious Lawyering* otherwise directs us: the neighborhood and the neighbors, whether or not they are our clients, who are crushed by, cope with, and triumph over oppression. Help is more likely to be available through attentiveness to the other than through attentiveness to the self and the office. López says Lucie Fung will need help in transforming the CLO, and he lists the people whose help she will need. He includes CLO clients but observes that their lives "already may demand too much of their energy" (p. 164). We need experiments to develop means for making their creativity available. Means that make no additional or diversionary demands on their energy. Means that are not one more subtle way of making ourselves and our practice of law the center of attention. What might they be? The bibliography of *Rebellious Lawyering* includes books by Paulo Freire (p. 398). Might his work speak to such experiments? Might the companion examples of liberation theologians?

III. MARTHA, DAN, AND LEONARD

Each of the last three chapters focuses on a different individual rebel: Martha, Dan, and Leonard.

A. *Martha*

In Chapter Four, Martha, whose "legal education worked to undermine her vocation" (p. 168), is starting out in a small for-profit firm in Los Angeles. The other attorneys agree that she should begin with a civil rights case. The case revolves around the racially based trouble that officials of the imaginary city of Zalaipa are causing Jesse Cruz and the customers who come to his little restaurant. The story opens with the promise — in the style of playbill notes — that the reader will follow Martha through the initial meeting with Jesse, the early brainstorming about potential strategies and the formulation of a fact investigation plan, the integration of newly obtained information and certain precipitous events, the nascent efforts to design and implement a savvy

and adaptable strategy, another meeting with Jesse, and some second thoughts about the likelihood of their plan's success. [p. 167]

The promise is fulfilled,¹⁴ and the reader witnesses another "profile of rebellious lawyering beginning to emerge" (p. 170). López helps it to emerge — too much the professor of law? — with authorial interventions along the way: "And do you think Martha has listened well to Jesse?" (p. 190). Notwithstanding such interventions, the text offers readers an educative, fluid portrait of a person and a case in progress. We are carried along as Martha makes her way into "the rebellious idea of lawyering" with its "ambiguous and relatively open-ended interaction of people and groups" (p. 273).

I wonder how López's students respond to his inspiration to try this kind of "hang loose" lawyering. I surmise that his encouragement emboldens and animates those who, like him, arrived at law school ready to be something other than standard-form lawyers. They will be thankful that they found their way to him. But what about other students, the reticent majority who really do want to be either regnant lawyers or, worse, "symbolic analyst" lawyers?¹⁵ Do they dismiss López? Does he dismiss them? How does he loosen up those who can only march when they hear the beat of drums?

B. *Dan*

Dan Abrams is the one, already mentioned, who practices conversation.¹⁶ He is a "gay Jewish progressive lawyer" (p. 275). He makes common cause with the community-smart Etta Johnson, an "African American lesbian citizen activist" (p. 275). López provides excerpts from Dan's journal. They record the ups and downs of life at United Tenants of Rosario (UTR). UTR is the center of Dan's joint labors with Etta. Or, better said, UTR is where he enters the tutelage of Etta and receives postgraduate education in how to do voter registration, workshops, and eviction manuals. In his journal, Dan notes that "[l]aw school training certainly never focused on any of this, and neither have continuing-education-for-the-bar programs" (p. 307). By the last entry he has learned that "[t]he whole business we're in can sure feel confusing and uncertain. You often don't know what to fight against. You usually don't know how best to fight. Then things get muddier still" (p. 327).

The dimension of rebellious lawyering López explores with this

14. López does not forewarn readers, however, that this is only the first installment in a serial and that we will have to tune in next week to learn how it all turns out. Because there is no next week, we must imagine an ending ourselves.

15. *Symbolic analyst* is Robert Reich's term. See ROBERT B. REICH, *THE WORK OF NATIONS* 177-80 (1991). He lists lawyers among the symbolic analysts. *Id.* at 177. Desiccated symbolic analysts sell their services to the highest bidders in the global market. *Id.* Regnant lawyers have at least devoted themselves to service of the poor.

16. See *supra* text accompanying note 13.

story is the absence of natural, necessary boundaries to what lawyers may consider their work. Dan's collaboration with Etta "becomes more than just a way of informing the traditional aspects of his lawyering — it becomes a related but distinct part of his practice, important on its own terms" (p. 280).

I appreciate the "related but distinct part," but I also wrestle with it. After all, law is a discipline, disciplines have boundaries, and questions about observing them are legitimate. People look at what some of my students and I are doing in the streets around Athens, Georgia, and want to know what separates it from social work, say, or some other enterprise. Their questions have answers, and I am frequently glad to give them. The answers keep changing, however, because I am still learning. I am sure that, discipline or no, law school often serves poorly the venturesomeness of Dan and Martha and the others in exploring boundaries. Even so, conventional legal education has not completely failed them or my students. My students and I talk, probably too much, about how to change our law school to preserve its disciplinary integrity while making its education more serviceable to the adventurous. Maybe I can find a way to steer away from the subject when we read this section. It will ask enough of us by raising yet again the question of whether our work is or is not lawyering.

That is a jurisprudential question. López also raises a prejurisprudential question here. Can a law school, even a reformed school, supply what López and his characters have and will continue to need? He and they came to law school already inclined to creative lawyering. I think it was Boss Tweed who said: "Give me the primaries and you can have the elections." I say: "Give me the inclination and you can have the legal education." I am thankful for those students who come predisposed. My vocation lies in encouraging them on their way. I marvel at my students' predisposition but rarely talk with them about its origin. Maybe this chapter will provide an occasion for doing so.

C. *Leonard*

Last comes Carlos Leonard or Leonard, as López refers to him, who finds himself writing a position paper on "What I Look For In a Professional Organizer." He is an organizer and not a lawyer, but he inhabits *Rebellious Lawyering* because "[i]n the rebellious idea of lawyering, everyone participates in mobilizing groups of people to fight for fundamental social change," and you cannot talk "seriously about mobilization . . . without talking seriously about the work of the professional organizer" (p. 335). The serious talk Leonard offers in his position paper constitutes the last chapter. Leonard gives the paper unorthodox shape by telling and reflecting upon two stories. The stories revolve around setting up a clinic for the Brown Lung Association

in a small North Carolina town. One is told from the orthodox perspective, the other from “beyond orthodox organizing” (p. 358).

From the first story we learn that orthodox organizers chiefly organize. They work with power, set agendas, value their technique, and follow a formula.¹⁷ These are fundamentals that have come to dominate the profession “in much the same way orthodoxies come to dominate social work and lawyering Orthodox fundamentals present themselves as work. Simply as work. As how to do a job that needs to get done. As how to function within roles already defined” (p. 355).

From the second story we learn that unorthodox organizers are principally “life-sized” (p. 358). On the one hand, they are life-sized because they are no less visible than anyone else, and they thereby counter the popular culture’s notion that professional organizers are invisible. On the other hand, they are life-sized because they are no more visible than anyone else, and they thereby counter the belief held by “left activist cultures” that professional organizers are absolutely “central to any effective radical action” (p. 361).

Leonard’s reflections on the two stories lead us to see that life-sized organizing is contextual. It requires both attention to detail — or working “with what’s at hand” (p. 368) — and responsiveness to “complicated and conflicting ideas of honor and justice” (p. 372). Life-sized organizing must also be prepared to fly in the face of the orthodox belief in coalition building. Coalitions may be useful, even necessary, but Leonard argues that “separatism, in all its many phases and configurations, is a perfectly sensible view about the world we live in.”¹⁸ Lastly, life-sized organizers “must take the risk of embarrassing themselves — among friends and strangers alike,” (p. 378) for they must be willing “to develop visions of the good life — visions grounded in everyday experience that nonetheless take on fundamental assumptions about personal relations and institutional arrangements” (pp. 377-78). Without a vision, he concludes, an organizer is no more than a mindless instrumentalist.

Some of Leonard’s conclusions are provocative. All are thoughtful. I agree in particular with Leonard’s — López’s — assessment that “the vision thing” is necessary, but I do have some reservations about one of its particulars. According to Leonard, orthodox organizers’ suspicion of visions leaves them trapped in the destructive belief that organizing is not only an end in itself but the only end (p. 377). A comprehensive vision protects against falling into this instrumentalist trap. López concludes *Rebellious Lawyering* by having Leonard several times refer to the necessary vision as programmatic (p. 378).

This is what gives me pause and carries me back to the reservations

17. See, e.g. pp. 353-54.

18. P. 374. “The line between potentially healthy coalition and separatism is a fine one.” P. 375.

I had about programs in Chapter One. Leonard is careful to say that a program should be composed of provisional means and provisional ends. Nevertheless, he believes, a program is necessary: "If you claim to want to change the world radically, if you claim to want to use the practice of organizing to that end, then you simply must be programmatic about what that world . . . would look like" (p. 378).

López would save lawyering from the idolatry practiced by regnant organizing when it "wind[s] up fetishizing organizing itself — literally regarding organizing with awe, as having mysterious, deity-like powers residing within it" (p. 377). It is a worthy effort.

But I fear that López's preventative may turn out to be another version of the problem. Programmatic ends and means are projections of our own ideas rather than true visions received. They are forms of realized self-consciousness rather than of attentiveness to the other. Even when envisioned as provisional, they tend to gather momentum of their own and then take over. We have seen enough of programmatic "visions of the good life" to know that they turn out badly for people who practice a better life.

Leonard is right to say that we must accept the responsibility of specifying the implications of our hopes. Like the African National Congress, we too must be prepared to undertake the particulars and the politics of reconstruction. López is also right to object to instrumentalism and the idolatry of professionalism and technique. But I question his conclusion that a programmatic vision is an antidote to instrumentalism.

Programs are deceptive. They are abstract and monopolistic, but they are presented as though they are specific and welcoming of diversity. They become idols, and we are to wait without any idols at all. In the meantime we are given saving stories, performances, and neighbors too urgently specific to be codified in programs.

How shall I pursue that conversation with my students and not be sidetracked by sentimentality? Maybe, after we study Leonard, I shall repeat Lucie White's question: "What if we seek to transform our practice and the institutions that practice enacts, not merely so we will be more adept at manipulating power, but also more present when others call our names?"¹⁹

* * *

I really ought to review this book again next year in order to provide a follow-up report on the several classes my students and I plan to devote to it, but if those hours work well I may not know by next winter how it all turns out. Gerald López's exemplary struggle and book are likely to work on us for a long time.

19. White, *supra* note 2, at 1507.