



Reimagining Advocacy: Rhetorical Education in the Legal Clinic

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“Declarations of forgiveness (and thus amnesty) following heinous crimes against humanity can obviate serious matters of justice” (187). Vivian might have devoted even more time to the varied and impassioned critiques of forgiveness leveraged by activists in locations undergoing political transitions as well as by crime victims in the U.S. and other locations. Instead, he concludes with a theoretical observation: “The rhetorical act of witnessing – whatever ends it appears to support, whether those of forgiveness or of some other social, political and moral consequence – is neither possible nor impossible [but instead] *compossible* ... signif[ying] a figuration of witnessing itself in which radically contrasting axioms or truths regarding the fundament of witnessing coexist productively or generatively, as commonplace principles of rhetorical invention” (189, 191). This provocative claim about the “compossible” outcomes of witnessing will surely provoke other scholars to engage in analyses of the contention and competing truth claims that it engenders in specific places and moments of time.

By demonstrating the inherent and inevitably rhetorical nature of witnessing and its myriad manifestations, *Commonplace Witnessing* showcases the value of rhetorical theory and criticism to scholars of public memory. As such, it will find wide readership not only in rhetorical studies, but also across the humanities and social sciences, given the transdisciplinary nature of public memory work and scholarship. The breadth and variety of the case studies also ensure this book’s particular value to rhetorical studies of public discourse, political rhetoric, narrative theory, space and place, and justice. Public memory work, however, is not merely theoretical or academic: as Vivian demonstrates, it acts in and on the world. He frankly evaluates the consequences and limitations of the particular case studies of witnessing in *Commonplace Witnessing*, and, in so doing, raises vital and broader ethical questions and practical concerns for those who do and who study public memory. Vivian’s concern with the morality and practical effects of commonplace witnessing elevate *Commonplace Witnessing* beyond the status of a scholarly treatise: this book compels not only new ways of thinking, but also new ways of doing.

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Reimagining Advocacy: Rhetorical Education in the Legal Clinic, by Elizabeth C. Britt, University Park, Pennsylvania State University Press, 2018, ix + 172 pp., \$24.95 (softcover); \$79.95 (hardcover)

In *Reimagining Advocacy*, Elizabeth C. Britt draws from her vast experience interviewing and observing students enrolled in the Domestic Violence Institute (DVI) at Northeastern University’s School of Law. Founded in 1991 by feminist legal scholar Clare Dalton, the DVI is a nationally recognized legal training program that serves “women abused by intimate partners” and is grounded in client empowerment, community engagement, and experiential learning (13). Britt’s goal in studying the DVI is to explicate advocacy from a rhetorical perspective – a theoretical project that she rightly identifies as long overdue – and thereby reimagine the pedagogical assumptions and practices driving traditional legal training. *Reimagining Advocacy* is published by Penn State University Press’s Rhetoric Society of America Series

in *Transdisciplinary Rhetoric*, and it models expertly the series' dedication to employing rhetoric to engage with and across the discourses of other fields. In this case, Britt puts critical legal education (CLE) scholarship in conversation with rhetoric, tracing the shared historical beginnings of rhetoric and the law and demonstrating the value in their reunification and cooperation, particularly in the context of contemporary advocacy initiatives. Ultimately, *Reimagining Advocacy* demonstrates that rhetorical education of any kind is at its best and most impactful when it cultivates advocates who are able to defer to the lived expertise of those they represent and understand their own agency as inherently shared and evolving.

Britt's book sets itself apart as a study of transdisciplinary legal rhetoric by drawing not only from textual analysis but also from the analysis of field notes garnered through ethnographic participant-observation, shadowing, and interviews with DVI students before, during, and after their training experiences. On the whole, Britt dedicated well over 100 hours to observing DVI participants, leaders, and clients. She joined student advocacy teams as they worked in six-hour weekly shifts across multiple venues including Northeastern University's School of Law, Boston Medical Center's emergency department, and Boston Municipal Court; attended numerous DVI training workshops and conferences; and conducted 44 semi-structured interviews with DVI students. In reading about this rigorous research protocol – one that is outlined briefly in each individual chapter and more comprehensively in two separate appendices – it becomes clear that, in the process of doing this work, Britt embodied the kinds of learning, listening, and advocacy that she initially set out to investigate and delineate. The resulting archive of unique primary sources curated for this project offers a range of perspectives that functions to triangulate discourses of advocacy and domestic abuse and, at the same time, privilege the standpoints of those who have lived experiences on those fronts. In many ways, Britt's methodological approach aligns with and even exemplifies current trends in rhetorical field methods and the rhetoric of space and place without identifying itself explicitly as such.

Reimagining Advocacy's introduction begins by outlining the harrowing story of Jennifer Martel, a 27-year-old store clerk, community-college student, and mother of a young daughter. In 2013, Martel was murdered by her boyfriend, Jerry Remy, after an assistant district attorney decided not to seek an extension of the 24-hour emergency restraining order Martel had against Remy. Britt invokes this tale not to argue that such an order would necessarily have protected Martel but, rather, to illustrate that the practices and processes of judicial advocacy failed horribly in this case and in countless others. At no time did a member of the district attorney's office ever consult Martel about whether she felt at-risk for continued violence from Remy. Britt posits that, if they had spoken with Martel and gained access to her lived expertise, they would have been far better positioned to decipher how best to proceed. Britt uses this particular story as a starting point to suggest that the "heroic attitude" of traditional legal advocacy (2), wherein lawyers use their own specialized, professional knowledge to speak on behalf of what they deem in the best interests of their clients, creates an infrastructure for tragedy and injustice, particularly because legal recourse can put clients in more danger in some cases. In contrast to the heroic model of advocacy, Britt outlines the DVI's model of client-centered pedagogy wherein advocacy is defined as a "necessarily relational, partial, and embodied performance of support" (20). Throughout the book, she enlists a range of ancient and modern rhetorical *topoi* to explain how and why this approach to advocacy is effective in promoting the safety and wellbeing of individual legal clients and the larger communities in which they live.

The book's foregrounding of place and space throughout its analysis is evidenced by the organization of its three substantive chapters, each of which focuses on a key site of the DVI advocacy program. Following an initial chapter that reviews the principles and history

of clinical legal education and the client empowerment approach, chapter two is set in the law school itself and offers an analysis of the one-day training program that all Institute students take before enrolling in their clinical assignments with clients. Britt herself attended this particular training three different times across three different years, and her findings for this chapter are grounded in her field notes from those participant-observation experiences, as well as in interviews she did with 10 different attending law students. The training includes a showing of the 1993 Oscar-winning documentary film, *Defending Our Lives*, and a workshop on client safety and lethality assessment. Britt draws from Burkian theories of identification and consubstantiality to demonstrate how these activities helped students new to the client-empowerment approach to advocacy believe and conceptualize the embodied experience of abuse. They learned to trust that – even without legal education – women were nonetheless “experts in their own lives” capable of collaborating with their legal team in the process of navigating the risks and hardships before them (35). Students interviewed post-training had a better sense of the complex and competing contexts that women facing abuse experience, particularly because the documentary served as a vivid, contemporary exercise in *ekphrasis*, bringing before their eyes the predominant cultural logics that situate domestic abuse survivors as inherently lacking in credibility. By attending to the pedagogical texts provided students during the safety workshop, Britt demonstrates how the program carefully and consistently avoided placing blame on clients, referring to, for instance, “life-generated risks” rather than “victim-generated risks” related to the possibility that their situations could become lethal (56). Although this training offered a constructive opening for students to consider the broader cultural logics and embodied experiences of domestic abuse, Britt argues that, because students did not have the opportunity therein to leave the classroom and interact with clients directly, they would be unlikely to abandon entirely the heroic attitude of traditional law without also following the training up with one or more robust clinical law experiences.

Chapter three focuses on one of two clinical experiences offered by the DVI wherein students act not as traditional legal advocates but rather, in this specific clinical offering, as interviewers of patients in a low-income emergency department about their perceptions of domestic violence. Britt ultimately argues that both the physical location of this assignment and the goal, which involved listening and questioning over speaking and telling, successfully “taught students to defer to the expertise of others through an embodied pedagogy” (59). Britt’s is the rare rhetorical study that offers compelling empirical evidence for audience reception claims. She draws from her interviews with DVI students at different points in their clinical experiences to demonstrate that, over the course of these programs, they traded heroic attitudes about advocacy for attitudes that espouse rhetorical listening and meeting-people-where-they-are. In the hospital program in particular, students were positioned in a role that offered them little clarity or status, and this, Britt contends, helped them to develop an attitude of deference toward the individuals with whom they spoke. Students often described feeling in-the-way (as opposed to having a clear place to situate themselves physically in the classroom, legal office, or courtroom) and awkward in that they were offering their interviewees no top-down legal advice. Under these circumstances, DVI students had to decipher how to approach potential interviewees, many of whom were experiencing physical pain and intense worry, and this process involved ascertaining both where they could identify with interviewees and where they might experience what Burke calls nonidentification with them. Once the interviewing process began, students soon recognized that pre-established categories of legal action did not align with the unique experiences of those before them. At the start of this clinical experience, students struggled with the idea that listening itself could be a form of advocacy, but, over the course of the nine-month program, Britt reports that they

found listening to be an invaluable element of advocacy because it allowed them to partner with, rather than simply speak on behalf of, those in their counsel.

It is in chapter four, which focuses on the DVI's second clinical program, that Britt's critical acumen shines brightest and the theoretical and analytic groundwork laid in earlier chapters coalesces and suggests its broader contribution. Britt opens the chapter by describing this 12-week program wherein students work for 1.5 days per week in a municipal court advocating for clients seeking abuse prevention orders. In this context, Britt demonstrates that students learn not only to defer to their clients' expertise and listen rhetorically but also to support their clients' own rhetorical work, which, Britt argues, is a rhetorical art in and of itself that has been consistently under-explored in rhetorical scholarship. This idea, that the clients seeking an order share agency with their legal support, is revealed to be especially important in the context of domestic abuse as such orders can be requested in a variety of different ways and the client – not the advocate – must live with the physical, emotional, and social consequences of the order's manifestation. The first act of support that advocates provide in these cases generally involves helping them to write about their circumstances for intake paperwork. This move entails helping clients decide if it is best for them to define their experiences in terms of abuse. To do so will make them eligible for an order, but Britt notes that advocates must also learn to recognize that such definitional choices will also, inevitably, change their clients' experiences outside of court as well, and sometimes not for the better. In those scenarios wherein a client resists such a definition, Britt contends that successful advocates will provide support rather than mandate legal action. She also describes how students advocated for their clients in these situations via processes of rhetorical invention, enlisting supportive gestures and physical movements both before court proceedings and during, and, in some cases, remaining silent at key moments before the judge to illustrate the client's rhetorical agency. In each of these ways, Britt extends the traditional definition of advocacy to include the performance of rhetorical arts that tend to be undervalued in legal and rhetorical scholarship alike because they entail significant self-effacement, partnership, and a willingness to yield.

In the book's conclusions, appropriately titled "Lessons," Britt delineates a Theory of Embodied Advocacy based on her analytic findings. The theory consists of seven tenets which include the ideas that advocacies: (1) "*are plural and distributed across actors,*" (2) "*are composed of a range of embodied rhetorical practices*" that are grounded, first and foremost, in rhetorical listening, (3) "*are partial*" being based on the unique standpoints of the individuals involved, (4) "*have material consequences that differentially affect advocates and those being advocated for,*" (5) "*are relational and fluid*" depending on a number of evolving circumstantial factors, (6) "*are political*" in that they affect collectivities, and (7) "*occur in fluid temporal and spatial contexts in which advocates engage in embodied interactions with others*" (125–126; emphases in original). In sum, Britt's theory explodes traditional conceptualizations of advocacy as a top-down, linear, unidimensional process by centering the multidimensional relationship between advocate and client. That Britt decided to develop this theory in the context of domestic abuse advocacy, specifically, illustrates her dedication to grappling with advocacy theoretically at its most complicated and impactful points of manifestation.

Given the many contexts in which an extended rhetorical theory of advocacy is needed and applicable, *Reimagining Advocacy* will be of special interest to a broad range of scholarly audiences. For instance, scholars of deliberation, argumentation, rhetoric, and public address will find much here to buttress their consideration of speaking for, and on behalf of, others, as will critical scholars exploring issues of identity and representation. Britt calls explicitly for law school educators to attend more closely to the tenets of rhetorical listening scholarship, and her book offers a compelling entrée into that conversation. Conversely, she contends that rhetoric

scholars have much to gain from studying the history and practices of legal education, and *Reimagining Advocacy* provides a lovely model for following that path. Pedagogically, this book would make an excellent addition to courses on rhetorical and qualitative research methods, and its value to classes exploring issues of sex, gender, race, and class cannot be overstated.

During the process of writing this review, I learned that an undergraduate student at my university had been shot and killed on campus by a man with whom she had recently ended a short-term relationship. Lauren McCluskey was a competitive track athlete, majoring in communication and looking forward to graduation the following semester. She was also a woman who had reported her attacker to university police multiple times for harassment and received limited support and arguably no advocacy from the legal professionals involved in that process. Lauren's story, like Jennifer Martel's, makes Britt's call for re-envisioning legal advocacy as both pedagogy and practice feel incredibly urgent. There is so much to recommend about Britt's excellent new book, but the aspect of this book that must not be lost is its emergence out of the author's dedication to exploring the lived and material possibilities of rhetorical education in the twenty-first century. May we answer her call in law schools and rhetoric programs both.

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Ancient Rhetorics and Digital Networks, edited by Michele Kennerly and Damien Smith Pfister, Tuscaloosa, University of Alabama Press, 2018, xiii + 310 pp., \$39.95 (paper); \$39.95 (e-book)

Frankly, it feels like a cop-out to review Michele Kennerly and Damien Smith Pfister's recent edited collection in a series of traditional scholarly paragraphs. Such a review should perhaps be composed using *Photoshop*, *Audacity*, and *Snapchat* instead of Microsoft *Word*—and I mean that as a compliment. As I read the book, I found myself manually drawing Twitter's retweet symbol in the margins of passages I especially wanted to recall.

But as traditional paragraphs remain central to the disciplinary networks in and through which rhetorical scholarship circulates, I will stick to what's fit to print.

Kennerly and Pfister's collection takes two concerns that already loom large in rhetorical studies—"ancient rhetorics" and "digital networks"—and puts them in ambitious, inventive conversation. While that pair might strike some readers as relatively discrete or even antithetical, *Ancient Rhetorics and Digital Networks'* editors and contributors make a strong case for the latent, current, and potential connections between them. After noting surprising resonances between the nautical vocabularies of ancient Greece and "digitally networked cultures" (xii), Kennerly and Pfister argue that the "fundamental communicative issues we deal with today—negotiating information abundance, persuading others in our social network, navigating new media ecologies, shaping broader cultural currents—also pressed upon ancient peoples" (1). Contrasting their approach with the approaches of fields like "critical/cultural studies" and "media studies," the editors emphasize that "*this* volume highlights the continuing urgency of engaging with the wisdom of the ancients" (*italics in the original*) by asking