
LEGAL POLICY: MODELS OF LEGAL SERVICES IN BRAZIL AND THE U.S.A.

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Abstract

One should not compare oranges and apples nor the Instituto Apoio Jurídico Popular (IAJUP), the most important Brazilian “alternative” legal service,(2) and the Center for Public Representation (CPR), a well-known legal organization in the United States. Despite some common characteristics – both are nonprofit organizations, both focus on lower classes’ legal demands and both aim to change their social and political environments – IAJUP and CPR represent distinct answers to specific problems of Brazilian and American societies. Both respond to different demands and intellectual debates, to specific traditions of justice, citizenship and ethics, and to their own political context. Nevertheless, although their characteristics make the comparison of the Instituto Apoio Jurídico Popular and the Center for Public Representation difficult, doing so can provide many useful insights for a future analysis of legal services concerned with social demands.

The Construction of Ideal Types

Although ideal-types are theoretical constructions not found in the real world, this analysis aims at testing a model based on two legal services’ ideal-types that are related, for this analytical purpose, to the modern and postmodern paradigms.

The distinction between modernity and postmodernity is related to the collapse of old political ideologies that occurred under late capitalism. While the paradigms of modernity, which characterizes the first period of capitalism, focuses on a radical transformation of social reality, in the paradigm of post modernity, which begins in the second period of capitalism, this ambitious project is substituted by the emergence of two more ‘realistic’ promises: “the promise of a

fairer distribution of material resources and the promise of a greater democratization of the political system”(Santos, 1993: 87).

Taking into account differences between modernity and postmodernity, the construction of legal services’ ideal-types is based on four variables: the organizing matrix that justifies their project of social transformation, the social demands supported by these legal services, the theoretical affiliation of their discourses, and their political orientation.

The organizing matrix of social transformations

When contemporary social scientists point out the importance of “social movements” as an “important stimulus to sociological reflection today” (Giddens, 1987: 48), they reinforce social sciences’ ethnocentric bias.⁽³⁾ Rather than referring to any social movement, social sciences in core countries focus specifically on the so-called “new social movements,” that is, feminist, pacifist, and environmental movements. Nevertheless, despite the globalization process, which crosses national boundaries, these new social movements are predominantly an American and European phenomenon, that is, a phenomenon of societies in transition to postmodernity.

New Brazilian social movements came about in the 1980s, after two decades of military repression that demolished strong social movements of the early sixties (especially those in the Northeast, known as *Ligas Camponesas*). Although chronologically recent (new), these movements, strictly committed to socialism, do not share core countries’ perspectives (i.e., the criticism of contraculture and left discourse). Rather than focusing on women, peace and/or environmental issues, they focus on rural and urban property redistribution, problems whose solutions were interrupted during the authoritarian period.

Although different variables (such as political strategy and organizational model) distinguish “old” and “new” social movements,⁽⁴⁾ they differ primarily in their organizing matrix. “New” and “old” social movements reflect different moments of contemporary social organization. On the one hand, class, which is a structural analytical category that defines the social identity, represents (like in Latin America⁽⁵⁾) the organizing matrix of social transformations during periods of liberal and organized capitalism. On the other hand, the transition to postmodernity pointed out that capitalism also produces “racial and sexual differences and that these can also be nodal points for social struggle” (Santos, 1993: 97).

More specifically, Boaventura de Sousa Santos observes that “the relative weakening of class practices and of class politics has been compensated for by the emergence of new agonistic spaces that propose new social postmaterialist and political agendas (peace, ecology, sexual, and racial equality) to be acted out by

new insurgent groups and social movements” (1993: 97). By consequence, rather than correct or incorrect, the idea of “classes struggle” is insufficient to describe these contemporary social movements (Laclau, 1986: 42). Thus, while feminist, pacifist, and environmental movements are organized around such issues as race or gender (i.e., they are “coded in categories taken from the movement’s issues”), “old” social movements “rely for their self-identification either on the established political codes (left/right, liberal/conservative, etc.) [or] on the party’s corresponding socioeconomic codes (such as working class/middle class, poor/wealthy, rural/urban populations)” (Offe, 1985: 831). In other words, in the postmodern paradigm, identity is based on noneconomic factors that explain new forms of social conflict.

In the name of diversity and plurality, the main concern of postmodern narratives is to “give a voice to the silenced’ minorities, to the voiceless,” as part of the process of “deconstruct[ing] popular culture texts which reproduce stereotypes about the powerless.” By consequence, this movement is strictly connected to the transformation of the sites of struggle, which migrated from the macro level to the micro level of personal troubles, of specific problems related to small groups (Denzin, 1992:153).

As Barry Smart summarizes, the postmodern approach goes “beyond the traditional socialist project by recognizing that all social struggles are partial struggles and that their objectives are specific emancipations rather than the global emancipation of humanity.’ The universal subject was replaced by a proliferation of subjects, each one engaged in his specific struggle, although all of them articulated in complex ways” (Smart, 1993: 29).

Social Demands

Different social demands distinguish modern and postmodern societies. Centered on a specific social group, social demands in modern societies are related to the production process or, according to Alain Touraine’s terminology, to a society of production where “[t]he worker is defined, first and foremost, by his place in the division of labor and the social relations of production” (Touraine, 1992: 129). By consequence, labor rights and the redistribution of means of production are considered the main steps to any social transformation.

In contrast to modern societies, three types of social demands characterize postmodern societies (i.e., societies of consumption). First, demands are either “strongly universalistic” or “highly particularistic” (Offe, 1985: 835). None of them focus on labor rights or means of production, but rather on consumer demands. Besides demands related to the autonomy and identity of specific groups (the elderly, the children, the environment, gender, minority status, etc.), which are “centered on the individual himself, on his desire to affirm himself, to please or to

be attractive to others, to develop his experience of time and space, to ensure his health and the education of his children” (Touraine, 1992: 129), postmodern societies defend universal values, such as peace and environment.

Second, postmodern demands are strictly connected to the crisis of the welfare state. Unlike modern societies, which do not have a welfare system in charge of basic needs (such as housing, health, and education),⁽⁶⁾ postmodern societies’ model is based on greater participation of the civil society in roles traditionally performed by the state.

Third, unlike modern society’s criticism about the political system, which is regarded as the *locus* of bourgeoisie domination, societies in the transition to postmodernity challenge classical dichotomies (such as state/society) and make a claim for a wider participation in the political system (the so-called welfare society).

Theoretical Affiliation

In terms of discourse, the distinction between modern and postmodern legal services is based on their relationship to “grand narratives” and epistemological foundations belonging to the Enlightenment project of the eighteenth century, especially liberalism and socialism.

On the one hand, the modern paradigm is centered on a “grand narrative” that theorizes societies as totalities. One of the best examples is Marxism, a metanarrative that advocates a structural social change in its attempt to formulate a totalizing explanation of social and historical development based on economic factors. Accordingly, socialism is seen as the emancipatory politics able to redeem humanity from capitalism.

On the other hand, the disillusionment with the prospects for radical politics led the postmodern paradigm to reject global and universalist discourses, which are seen as mechanisms that reproduce hierarchy and discrimination. According to the postmodern paradigm, Marxism emphasizes social classes and bipolar categories, and, by consequence, does not recognize heterogeneity, difference, and the daily discourse of common people. Seidman, for example, states that “Marxism had to be debunked as a local project tied to the particular interests of labor, a project that was not compatible with the struggles of women, gays, people of color, students, or the differently disabled” (1988: 50).

Instead of “abstract proposals for reform” (Seidman, 1988: 74), the postmodern model defends micro and local revolutions, which emerge from daily practices and “recuperate, recycle, and reinvent degraded forms of social resistance against oppression” (Santos, 1993:117). The emphasis moved away from society as

a totality to biographies and lived narratives based on personal experiences. According to Seidman, for example, “[a] postmodern critic of capitalism would need to appeal to social norms and conventions embodied in current social practices to make his or her critique more socially compelling” (1988: 74). Rather than a “rhetorical and often socially obscure” discourse that advocates structural changes, the postmodern discourse focuses on “specific changes and policy proposals” related to legislation and institutional practices (Seidman, 1988: 74).

Political orientation

If liberalism and socialism are the two main metanarratives of modernity, two modern political orientations can be identified. On the one hand, the nineteenth century liberal state based on either a franchise system or a universal system and on political parties which represent a class divided society evolved to a regulatory and welfare state where the class division should be reduced and replaced by plural social groups. On the other hand, Marxist thought advocated that the exploited working-class should take political power, establish a dictatorship of the proletariat, and transform capitalism into socialism. In other words, while the liberal-democratic model advanced a representative system where everyone should be represented, the socialist model encouraged a revolutionary consciousness and a revolutionary takeover of power by the working-class.

Post-modern political orientation varies between the so-called skeptical and affirmative postmodernists, (Roseneau, 1992). Skeptical postmodernists radically reject any form of representation, which is considered a central idea of modern Western democracy. Considering representation as a simulacrum and democracy as alienation, skeptical postmodernists are pessimistic and antidemocratic. Although affirmative postmodernists also criticize the current forms of democracy, they advocate new forms of democracy based on direct participation, rather than on representation. Local autonomy, direct citizen participation, empowerment and development of subgroup identity are some key words that explain this more moderate political orientation.

In the new political culture that emerged in the late twentieth century, political parties, as any other form of traditional representation, were condemned and should be substituted by multilayered democratic participation. By consequence, the political site moved away from the state to local manifestations, and genuine democracy, based on self-government, became dependent on the possibility of individual representation in everyday life (Roseneau, 1992: 102 and 145).

Different from the passivity of skeptical postmodernists, affirmative postmodernists support “new” social movements, grass-roots activities or any other association which does not speak for the working class: they “choose life politics”

over emancipation. Emancipation is rejected because so much of what the old social movements designated as emancipatory (seeking justice, freedom from inequality and oppression), the affirmatives argue, turned out to be oppressive” (Roseneau, 1992: 146).

Methodology

Rather than giving a description of two legal services, this research aimed at analyzing the discourse produced by each organization about its own practices (which is quite different from discourse produced by their clients or by the bar association).⁽⁷⁾ Since discourse is produced by people, and not by institutions, to focus on the institution’s discourse means to analyze the discourse produced by those who are authorized to speak for it. As each institutional discourse is a mix of a formal structure and an informal structure based on the idiosyncrasies of specific members, to know who speaks and from where one speaks makes a great difference in discourse analysis.⁽⁸⁾ Consequently, this research considers that the author is not dead. In contrast to Barthes’s (1977: 148) and Foucault’s (1979: 143) opinion, Band therefore shares the anthropological perspective. As Geertz states, “[i]t may be that in other realms of discourse the author ... is in the process of dying; but he ... she ... is still very much alive among anthropologists. In our ingenious discipline, perhaps as usual an episteme behind, it still very much matters who speaks” (1988: 6-7).

Similarly, it also very much matters who reads the discourse and from where it is read. Thus, rather than the “correct” interpretation of CPR’s and IAJUP’s discourses, the research represents one of many possible readings of this discourse. In fact, to read this discourse from the perspective of two ideal-types of legal services (Table I) implies a very specific way of interpreting CPR’s and IAJUP’s representations of themselves and of their social and political roles.

The emphasis on representations does not imply a microsociological option. The research made a concerted effort to overcome the classical distinctions between micro and macro approaches, action and structure that have characterized sociological development since the functionalist theory. Both structural and interpretative or phenomenological approaches are incomplete, as they tend either “falsely to concretize structural features as immutable and beyond the control of human agents” or to “ignore deeper patterns that shape and explain the frame of conscious action” (Nelson & Trubek, 1992: 22).

In spite of agreeing with Giddens, who states that all texts keep a “relative autonomy from the context of their production” (1986: 544), postmodernists’ denial of the author’s intention in the comprehension of a text is not endorsed.⁽⁹⁾ In fact, it is fundamental to take into account the political and intellectual

environment in which IAJUP's and CPR's discourse was formulated. Otherwise, an important dimension of this discourse would be lost. Therefore, efforts have been made to understand discourse in the specific social and political context in which it has been produced.

Table 1. Legal Services' Ideal-Types

VARIABLES	MODERN IDEAL TYPE	POST-MODERN IDEAL TYPE
Organizing Matrix of Social Transformation	class	race, gender, environment, peace
Social Demands	related to a production society	related to the welfare state and the welfare society
Theoretical Affiliation	grand narratives	mini-narratives based on personal experiences
Political Orientation	representative democracy or revolutionary takeover of power by the working class	anti-representativism or participatory democracy

The Instituto Apoio Jurídico Popular

As in other Latin American countries,⁽¹⁰⁾ the rise of a new model of legal service in Brazil is closely connected to the emergence of social movements related to rural and urban property rights and the political democratization in the late seventies. With the beginning of the *abertura política* (the "political opening"), social and economic democratization became the main concern of those lawyers committed to human rights. After decades of legal struggle in favor of political prisoners, released after the 1979 amnesty, activist lawyers moved their concerns to unrepresented groups. Miguel Pressburger, for example, identifies two phenomena related to the emergence of alternative legal services: the existence of legal services (most often linked to the Catholic Church) for the "victims of the military regime" and the organization of social movements in the late seventies (1990: 8).⁽¹¹⁾

The development of new legal services is also strictly related to the criticism of Brazilian liberal order, which has always stressed an individualistic treatment of legal problems. In the early eighties, there were no legal services specializing in collective cases. Public defenders, for example, individualized every legal case, even those raising complex social problems.⁽¹²⁾ Moreover, Brazilian procedural law restricted the possibility of a collective judicial treatment. As deeply analyzed by Joaquim Falcão (1981), the contractual basis of Brazilian legal order took for granted that parts were equal and autonomous, even when their relations were based on dependence and subordination.

Thus, critics pointed to the liberal legal culture as the main obstacle to the legal treatment of collective cases (e.g., those related to social movements). As the legal order did not provide solutions to collective demands, both political lawyers and social movements' lawyers had to "invent" legal solutions to human rights issues.

The Instituto Apoio Jurídico Popular was created in 1986,⁽¹³⁾ sharing the main characteristics of Brazilian NGOs. Due to its permanent opposition to the Brazilian state, IAJUP was not only nongovernmental, but especially antigovernmental (Moura, 1992: 4).⁽¹⁴⁾ Furthermore, IAJUP represented an attempt to establish a democratic relationship between intellectuals and organizations/social movements (Fernandes & Carneiro, 1991: 8). The word *apoio* (translated as "support" or "advisory") suggests a contractual relationship based on mutual confidence, exchange of knowledge and common objectives. Rather than representing the unrepresented groups, IAJUP aimed to exchange information, disseminate experiences and ideas, train lawyers and law students interested in working with popular organizations, and "contribute to the development of a new legal thought addressed to the protection of the oppressed classes" (Pressburger, 1987-88: 6-7).

The analysis of IAJUP's documents⁽¹⁵⁾ confirms Miguel Pressburger's role in the formulation of its organizational ideology. Miguel Pressburger created the Institute, and has been its coordinator since 1986. Consequently, IAJUP's activities and philosophy are deeply influenced by Pressburger's professional and personal experience as a former political lawyer and by his theoretical point of view, which shares some basic assumptions with the Latin American left, such as a dichotomous vision of society and a Marxist perspective.

Organizing Matrix of Social Transformation

IAJUP's discourse reflects the particular theoretical approach of Brazilian social sciences that analyzes social movements as expressions of the capitalist process and class struggles.⁽¹⁶⁾ According to its discourse, Brazil, a peripheral and dependent society, is divided into two social classes, the capitalists and the

working class. Expressions such as “elites,” “popular classes,” “rural and urban working groups,” “oppressed,” “dominant classes,” etc. are quite common in its literature. For example, in *O Sistema Jurídico e o Socialismo* (“The Legal System and the Socialism”), the preface written by Miguel Pressburger has the subtitle “or, does the bourgeoisie deal with the illegality?” In contrast, “poor,” which is not considered a sociological category by Brazilian sociological literature, is a rarely used term (Rech, 1990: 5 and Alfonsin, 1989: 17 are exceptions).

The concept of social class has been widely redefined in Latin America. According to Fernando Rojas, for example, the Latin American new-left, under the influence of the book *Adieu au Proletariat*,⁽¹⁷⁾ redefined the working class to include any group with low income, such as small peasants, slum dwellers, indigenous communities, poor minorities, etc. (1986: 16 and 46). Consequently, although IAJUP’s discourse is addressed to rural organizations struggling for land redistribution (i.e., to peasants and rural workers), rather than to the urban working class, social class still plays a role in its organizing matrix of social transformation.

Of course IAJUP does not ignore other social classes. Different publications have been addressed especially to the urban working class about their labor rights. Nevertheless, categories not related to the productive system (such as women, blacks, elderly, etc.) are kept apart or analyzed from a Marxist perspective. For example, in the publication *Negros e Brancos no Cativo da Terra* (“Blacks and Whites in Land Bondage”), problems of Blacks, Indians, and Whites are connected to the productive system and to land redistribution, and not to race or ethnic issues.

Social Demands

Although recognizing that Brazil has never been a democratic country (Alfonsin, 1989: 33), political democratization is not the IAJUP’s main concern (Table II). There are two main explanations for the IAJUP’s lack of interest in political and civil rights (such as justice and human rights, which represent only 17.6% of magazines’ titles published by IAJUP). First, IAJUP was created during the New Republic.⁽¹⁸⁾ At that time, although some political rights had not yet been reestablished (such as the right to vote for president), the democratic wind was already blowing in the political sphere. Furthermore, according to IAJUP’s point of view, social struggles in Third World countries must be addressed as economic issues, and not as questions related to the rule of the law, which perpetuates the bourgeoisie as a dominant class (Pressburger, 1990: 8).

Table 2. Themes of Magazine’s Titles Published by the Instituto De Apoio Jurídico Popular

THEME	QUANTITY OF PUBLICATIONS	THEME	QUANTITY OF PUBLICATIONS
Rural land	9	Criminal law	2
Popular organization	4	Human rights	2
Urban propriety	4	Insurgent law	2
Justice	4	Others	4
Labor rights	3	Total	34

Source: Instituto de Apoio Jurídico Popular's magazines

Even references to some basic rights (such as housing, health, and education) are rare. In fact, two strictly connected questions can be identified as the core of IAJUP's concerns. First, IAJUP is interested in land reform and the historical process of land concentration, which originated in colonial times, passed through the *Lei de Terras* ("Land Law") in the nineteenth century and the democratic Constitution of 1946, and was restated by the last Constitution (1988). Second, IAJUP addresses the violence of the Brazilian state, that is, the (also historical) violence against the Brazilian population.

Brazil has always been characterized by violence against its people: violence of colonizers against indigenous people, of landlords against slaves, and later latifundio lords against peasants, of employers against workers, and of the powerful against those who struggle for freedom and social equality (Pressburger & Araujo, 1991: 58).

According to IAJUP's discourse, two types of state violence characterize Brazilian history: economic and social violence that results from the capitalist process of wealth concentration, and direct violence, which is related either to crimes committed by the police against low income groups, or to the impunity that protects the elite.

The violence has been expressed both as direct state violence and as economic and social violence ... To ensure the flow and continuity of modernization programs, the state has not only provided incentives to large national and multinational enterprises, but also heavily subsidized them. As well, it has virtually guaranteed impunity for related crimes that have been committed (Pressburger & Araujo, 1991: 60).

In its reaction against violence, IAJUP has played a distinctive role in the National Tribunal against Latifundio Crimes, which was created in 1986, based on the Bertrand Russell Tribunal.⁽¹⁹⁾ Under IAJUP's coordination, the Tribunal rules on homicides committed in the rural sector against peasants, rural working class or social movements' representatives. After its own investigation and analysis of judicial cases, the Tribunal determines the "different levels of responsibility and accuse[s] the offender," thereby illustrating the "incompetence, negligence, and laziness of judicial authorities, but also their classist positions, corruption, and connivance with criminals" (Pressburger & Araujo, 1991: 63).

Besides the mobilization of national and international media to rural violence in Brazil, the Tribunal "offers the possibility of forming theoretical and methodological bases of law and justice to be constructed through alliance of workers and intellectuals committed to a new, more authentic concept of justice" (Pressburger & Araujo, 1991: 65). With the support of the Brazilian Bar Association and law schools, it has been particularly effective in reaching people in the legal and academic spheres, "broadening the scope of discussion on these issues among these influential groups" (Pressburger & Araujo, 1991: 65).

To summarize, the Tribunal acts as a "space for society to call the state into account," a place for reconceptualization of human rights," a "new judicial space ... which is accessible to all and protects the rights of the oppressed rather than the privileges of the minority" (Pressburger & Araujo, 1991: 66).

Theoretical Affiliation

Like most Brazilian (and Latin American) NGOs, IAJUP's discourse is deeply influenced by Marxist thought.⁽²⁰⁾ Indeed, IAJUP shares the theoretical affiliation of the Latin American new left, which has been influenced by the humanistic approach (Lukács and the Frankfurt School), by Gramsci (and his idea of civil society's empowerment) and by Poulantzas (and his double power strategy) (Rojas, 1986). Gramsci and Pasukanis are widely quoted (as are Michael Tiger/Madeleine Levy and French legal scholars linked to the *critique de droit*

movement⁽²¹⁾ in IAJUP's discourse, which advocates a structural transformation of the Brazilian state.⁽²²⁾

Blaming "oppressive capitalism" (Rocha, 1989: 42) for most contemporary Brazilian social problems, IAJUP has an explicit commitment to socialism.⁽²³⁾ One of its publications (*O Sistema Jurídico e o Socialismo*), for example, analyzes the relationship between the legal order and the socialist system. In the preface, Miguel Pressburger points out the Marxist theoretical analysis of the legal system. Besides Marx's references to legal questions such as contracts, properties, and equality,⁽²⁴⁾ Pressburger refers to other Marxist contributions, especially those by Althusser, Poulantzas, and Pasukanis (1989).

Based on the Marxist analysis, IAJUP's discourse reflects a dichotomous perspective. As Brazilian society is divided into two social classes, two legal orders coexist. On the one hand, the dominant legal order protects the elite's interests and privileges. On the other hand, the dominated legal order, which is composed of the daily practices of popular groups, challenges the state monopoly to produce and distribute law.⁽²⁵⁾ Although the elite's legal order (i.e., the state law) establishes a formal democracy, it perpetuates social and economic inequality. If liberal state law represents an instrument for social domination, a "powerful enemy" of the oppressed class (Alfonsin, 1989: 20), structural changes depend on substituting it with popular law (or, with "insurgent law," expression used to designate "parallel law," i.e., the law that favors the oppressed, and not the elites). As a new legal order presupposes the criticism of legal positivism, IAJUP also aims at a "new conceptualization of law itself" (Pressburger & Araujo, 1991: 66),⁽²⁶⁾ in which some basic ideas such as justice, rights, etc. would be redefined by the popular classes.

Political Orientation

IAJUP's political orientation is apparently quite ambiguous if one expects a radical defense of the working-class revolution. Even if there is no explicit reference to a revolutionary takeover of power, the Instituto Apoio Jurídico Popular is implicitly committed to a revolutionary change of the Brazilian state. Its message clearly advocates the foundations of a new legal order based on the social practice of people's movements, that is, the substitution of state law with popular or insurgent law.

In fact, two strategies are clearly recommended to lawyers and social movements. First, it is important to make use of political and social pressure, even if going against the law. According to IAJUP's discourse, for example, land invasions must be defended because they represent a direct opposition to the legal order (Alfonsin, 1989: 37).

Second, it advocates that judicial mechanisms must be used in favor of the popular classes' demands. Denying the possibility of impartial law, impartial lawyering (1987-8: 4), Miguel Pressburger defends two main responsibilities for popular lawyers: to use state law and judicial mechanisms to protect the oppressed groups as much as possible, and to develop new legal principles based on the popular classes' demands (1991: 39-40). At least until the state and, by consequence, the law do not disappear, as Marxist theory advocates (Pressburger, 1990: 12).

Even if Brazilian society (as most peripheral societies) still struggles for the *Etat de Droit* (in contrast to core societies, whose main concern is the welfare state), IAJUP considers that formal democracy, which is the basis for the rule of law, guarantees inequality. Nevertheless, IAJUP is not worried about representation in the political system, and strong criticisms are addressed to the liberal and bourgeois state. IAJUP's main purpose is to transform formal democracy into an economic democracy, in which social inequality would be reduced and basic needs would be guaranteed for the whole population (Alfonsin, 1989: 19).

To summarize, IAJUP's political discourse is intrinsically contradictory. On the one hand, its hyperfunctionalist vision of the law as an institutional system that protects the dominant class denies the autonomy of the legal field and favors political action. On the other hand, it claims a deep critical activity within the legal field through either a theoretical or a pragmatical approach.

The Center for Public Representation

When the Center for Public Representation⁽²⁷⁾ was created in 1974 as a "public interest law corporation," its main purposes were: "(1) representing concerned citizen groups before Wisconsin administrative agencies; (2) providing clinical training to UW [University of Wisconsin] law students; (3) training paralegals and providing community education; and (4) researching the social science and historical aspects of law" (1975 *Annual Report*).⁽²⁸⁾ Reflecting changes in the American scene over the last two decades, currently the Center for Public Representation presents itself as a "nonprofit public interest law firm which provides advocacy, research, training and publications on behalf of a broad range of citizen groups. By speaking up on issues of specific concerns to the elderly, consumers, and children, CPR is working toward more effective citizen participation in Wisconsin government" (1986 *Annual Report*).

Before analyzing the variables in the CPR's discourse, some specific characteristics must be stressed. First, CPR's publications play a distinctive role compared to IAJUP's publications. Although the Executive Director's⁽²⁹⁾ and the

President of the Board’s messages give some indications about CPR’s philosophy, its publications (the *Annual Report* and *The Public Eye*) are not a *locus* of theoretical and political discussions, but of objective and technical reports. In contrast to IAJUP’s magazines, CPR’s publications do not aim to develop ideological consciousness, but to present results and useful information to their readers.

Second, through indirect links, the CPR is closely connected to the American state. Despite significant cuts in government budgets during these last two decades, the most important portion of CPR’s financial support is still provided by the government (both the state and federal) and by the University of Wisconsin, which is a state supported institution (Table III).⁽³⁰⁾ As Louise Trubek recognizes, this link produces a very ambiguous relationship between the CPR (as well as any other state supported public interest firm) and the government. Although the CPR has always been “largely an adversary of state government,” the “state government has enlisted our cooperation for research and representation projects” (1976 *Annual Report*: 3).

Table 3. Government Participation in the Center for Public Representation’s Public Support & Revenue 1989-92 (in %)

Financial Support	1989-90	1990-91	1991-92
University of Wisconsin	10.8	10.0	29.1
State and Federal Government	57.2	47.0	38.4
Others (*)	32.0	43.0	32.5
Total	100.0	100.0	100.0

Sources: CPR’s 1989-90, 1990-91 and 1991-92 Annual Reports
 (*) The category “others” includes: training and publication’s sales, training contracts, foundations and contributions, and others not specified.

Finally, due to the welfare crisis and cuts in its budget, CPR became, through its history, representative of American enterprises, in that it deeply incorporates values related to the market.

The original image of public interest law firms as charities supported by government grants with pro bono contributions from large law firms is not an adequate description of the Center ... we have been increasingly successful in raising revenue from sales of publication, workshop fees, and contracts from those who recognize that CPR's nonprofit public vision programming and products are the best buys in the market (*1988-89 Annual Report*: 5).

According to the *1988-89 Annual Report*, "staff and students alike demonstrate entrepreneurial vision." Stressing the idea of an institution that can survive even without governmental financial support, the CPR's discourse advocates that all members are "responsible and participate in [their] own way in assuring the income and thought necessary for the Center to carry out its mission." In other words, rather than opposing American values, its discourse reinforces, not only democratic principles, but also the image of private enterprises where "each member of the organization understands that we all work together to maintain the institution in a collective manner."

Organizing Matrix of Social Transformation

References to poverty were quite rare in CPR's discourse until the end of the eighties. Since its beginning CPR's activities and discourse have been centered on special social groups, such as women, the elderly, the children, the mentally ill, the consumers, etc., as Table IV (based on financial expenses) illustrates.

Table 4. Center for Public Representation's Expenses in the Fiscal Year 1985-1986 by Activity

ACTIVITY	%
Elderly	58.3
Maternal and Child Health	24.9
Consumer	13.5
Support Services	3.3

Source: Center for Public Representation's 1986 Annual Report

As a reflection of current American social and economic problems (represented, for example, by homeless people), the emphasis on specific social groups has been reduced. Gradually, the CPR has begun to be concerned with problems strictly related to poverty. Without a doubt, the best example of this new perspective, which is connected to the development of the Interuniversity Consortium on Poverty Law,⁽³¹⁾ is Louise Trubek's statement in 1990. In her analysis of the Center for Public Representation's activities, Louise Trubek emphasizes that "CPR's increasing focus on racism and poverty is this year's highlight for me" (1990-91 Annual Report: 3).

Social Demands

Reflecting changes in its initial concerns, "alter[ing] the rules of the game in administrative agencies and the legislature" (*The Public Eye*, 14(1): 11),⁽³²⁾ the CPR has incorporated two new objectives over the years, which are closely related to the welfare state's crisis and the construction of a welfare society.

Due to the American welfare state's crisis, the CPR has taken the lead in providing some services related to basic consumer needs. For example, going "beyond its traditional roles of advocacy and education" (1988-89 Annual Report: 1), in the eighties the CPR developed a pilot program to deliver primary health care in northwestern Wisconsin.

The use of nonprofit organizations to deliver human and social services is increasing in the United States and countries around the world. Due to the restrictions of the welfare state, the nonprofit organization is emerging as an alternative to for-profit or governmental delivery of services such as health care and job training (1991-92 Annual Report: 3).

I see us moving more and more toward working directly with groups and individuals on utilizing legal remedies and approaches. This can be done by pursuing complaints, dramatizing the interrelationships between the government sector and private sector, and working with labor unions, women's groups, and minorities groups on issues involving the structure of the work place (*The Public Eye*, 14(1): 12).

Selecting which issues and problems to address is not an easy task, especially when trying to avoid the traditional approach of public interest law firms.⁽³³⁾ Consequently, guidelines have been developed to provide general advice about the main concerns that must be considered when accepting new cases:

- 1 - Are there a substantial number of individuals who, as a group, are being harmed by existing state or local administrative decisions or could be benefitted by future state or local administrative decisions?
- 2 - Are these individuals either unable to form a formal organization which can adequately represent their interests or have formed an organization which does not have adequate resources to compensate counsel?
- 3 - Is there any other subsidized legal services organization which can provide adequate representation for this group?
- 4 - Will improved representation contribute to more careful consideration of these group interests by decision makers?
- 5 - Would the area, issue, or case be one where provision of legal services would contribute to the center's other goals of lay advocate training, clinical education, and research on institutions?
- 6 - Would the area, issue, or case provide opportunities for the center to have an important impact that is commensurate to its limited resources? (CPR, *Guidelines for the Provision of Legal Services*).

CPR's primary issues have changed over the years. Initially, CPR was involved with specific problems, such as: discrimination against ex-offenders, sex discrimination, records in the juvenile justice system, regulation of occupations, enforcement of standards in nursing homes, residency for the developmentally disabled, patients' rights, drivers' licenses for the mentally ill, moral character requirements to obtain occupational licenses, etc. (*1977 Annual Report*). In recent years, CPR's efforts have concentrated on wider issues, such as prenatal care programs, elderly housing partnerships, consumer law projects, children, and health plans (*The Public Eye*, 13(2)). Figures about expenses, for example, illustrate CPR's increased commitment to basic needs, especially health services (Table V):

Table 5. Center for Public Representation's Expenses Budgeted for Health Care 1989-92 (in %)

Expenses for	1989-90	1990-91	1991-92
Health Services	8.1	15.0	19.4

Source: Center for Public Representation's 1989-90, 1990-91 and 1991-92 Annual Reports

Besides its attempt to provide basic services, the CPR has acted as a mediator between the community and the state: "one of the CPR's objectives is not only to educate the public about legislative activities, but to inform the legislative about public needs" (1988-89 Annual Report: 2). Two examples reinforce this position:

Producing and disseminating accurate usable information about how lawyers and the legal process can affect all citizens and how they can participate in the legal system is an important part of the mission of the Center (1988-89 Annual Report: 11).

We are increasingly concerned with the difficulties of democratic participation in decision-making (1987-88 Annual Report: 5).

The Center for Public Representation improves civil society participation in the political system either through political pressure in the legislative process or through permanent monitoring of government programs. In fact, the former newsletter's name (*The Public I*) is very symbolic of this approach because it "simultaneously suggests watchfulness, a personal relation to government and, taking the *I* as an abbreviation for 'interest,' the public interest" (*The Public Eye*, 4(1): 3).⁽³⁴⁾

To summarize, CPR has played an important role in stressing participation (i.e., the welfare society) in Wisconsin, either as a watchdog,⁽³⁵⁾ or through its continual involvement with state government and with the legal and financial organizations located in Madison's downtown area (1988-89 Annual Report: 4-5).

Theoretical Affiliation

CPR's theoretical influences are summarized in Louise Trubek's statement that "[i]n addition to changing society from the top down, our philosophy is to affect change from the bottom up, through individual representation and casework" (1988-89 *Annual Report*: 4). This philosophy illustrates Foucault's concern with the relationship between theory and practice and his criticism of the role of intellectuals ("[t]he role of an intellectual is not to tell others what they have to do. By what rights would he do so?" B 1988: 265).

The Brazilian educator Paulo Freire's presence, whose main work (*Pedagogy of Oppression*) is still widely read in the United States, has been quite strong in the CPR discourse, as has the critical legal studies' influence, especially the perspective developed by Peter Gabel and Paul Harris (1982). Criticizing both orthodox Marxism, in which law is nothing but a mechanism of the dominant class, and the legal liberal theory, which focuses on formal rights, these authors defend the political and personal empowerment of legal clients.

CPR's discourse is also strongly influenced by feminist jurisprudence, a legal scholarly movement developed in the eighties as a criticism of critical legal studies. According to this approach, women play two important roles. First, the "feminization of the legal profession" acts as a key element in the lawyering transformation. Second, strategies of social change should use the feminist method which emphasizes individual narratives, as a more democratic relationship between lawyers and their clients is strictly connected to a new attitude toward clients' personal history.

Louise Trubek's analysis about the meaning of moving the CPR to Madison's downtown area reflects the current CPR philosophy, especially its commitment to an alternative practice of law based on a humanized perspective.

The decision to relocate our Madison office triggered not only a search for suitable space but an intensive examination of how to use the vision of an alternative law practice—interactive, creative, cooperative, responsive—with practical constraints arising from different functions ... We took over existing law firm space, so in some ways the offices look more like a conventional law firm. On the other hand, we want the Center to reflect an alternative legal practice that deals with issues of access to justice for all people as well as participation in government by all citizens. The interior design includes columns which evoke

images of courts and capitals. These pillars, however, have been humanized by displaying notices of upcoming CPR events and other information; they thus convey that everyday and a human level is deal with justice and democracy (1988-89 Annual Report 4-5).

Instead of the traditional relationship between lawyers and clients, the Center for Public Representation advocates clients' participation as one strategy to pursue social transformation. In other words, rather than from radical transformations of the social structure, changes arise from daily practices.

Political Orientation

As already stressed in the analysis about social demands, citizen participation in the government represents a central issue in CPR's discourse. In other words, its political orientation shares some of the basic assumptions of affirmative postmodernists, who also emphasize direct participation in the democratic process. In fact, the training of paralegals, who work as mediators and legal councilors, also indicates a strong concern with the democratization of legal and political fields.

Nevertheless, as the Center for Public Representation illustrates the transition to postmodernity rather than a postmodern society, its discourse is still deeply influenced by a representative democratic perspective. In fact, the Center for Public Representation is strictly committed to the tradition of equality of American political thought. As the President of the Board of Directors stated, in 1977, the Center "is first of all, American in the best sense of what that term implies, namely, an organization recognizing equality of basic rights, privileges and opportunities for every individual in a heterogeneous and pluralistic society" (1977 Annual Report). Despite Louise Trubek's belief that a just society must go "beyond formal equality and redistribution" (Trubek, 1991: 50), the Center's objective, as defined at its inception, is to "create equal justice and an equitable society" (1976 Annual Report). According to the CPR's discourse, changes in the legal order cannot challenge American democracy, because "a democratic society must rely in the end on democratic process," that is, a system where everyone is represented. Rather, changes must be pursued through law, through institutional mechanisms, and not through disruptive processes.⁽³⁶⁾ By consequence, to avoid nondemocratic solutions (such as "the command of a central elite, a dominant faction or a single dictator"), the Center's main task is to correct the marketplace's rules, which provide little representation for some social groups (1982 Annual Report: 1).

The denomination of this legal service—Center for Public Representation—makes it clear that the main concern is representing the unrepresented. The message of the current Executive Director (*1991-92 Annual Report*), for example, reminds us that the CPR’s “commitment to advocacy on behalf of those who do not have means to fully voice their own interest remains the same” (in comparison to its commitment in 1974). In the report prepared in 1989, which outlines the CPR’s philosophy for 1989-92 (*A Public Interest Law Firm for a Just Society: A Three Year Vision*), its staff reaffirms that their “mission is to promote a more just society through speaking out for the unrepresented groups” (*A Three Year Vision*, 1989: 1). This idea is repeated when the report states that “[t]he mission of CPR is representation of unrepresented and under-represented groups” (*A Three Year Vision*, 1989: 5). Or, on page 8, when the report reminds again that the “CPR was created for a local purpose: speaking out for unrepresented groups in Wisconsin.” Or, later, when analyzing the need of shifting CPR’s techniques:

Early in CPR’s history, we emphasized law reform such as legislative advocacy and rulemaking almost exclusively. Since then we have expanded our view of how to assist our clients and now understand direct individual case service and information counseling as legitimate and effective methods of empowering our clients. Individual assistance interacts with group advocacy in a synergistic manner, developing greater creativity and credibility through both avenues. We aim to develop individual assistance, group activity, and coalitions in all our projects. (*A Three Year Vision*, 1989: 6-7).

By consequence, CPR’s discourse favors both representation and participation. When claiming to promote a just society and to empower the unrepresented to participate in the society, the CPR’s discourse means simultaneously to emphasize clients’ representation through individual assistance and to train paralegals able to mediate the relationship between citizens and the legal order (*A Three Year Vision*, 1989: 2).

Conclusion

No problems arise when characterizing IAJUP as a modern legal service’s ideal type. Inspired in the revolution as a metanarrative for human emancipation, IAJUP makes use of strategic actions based on a neo-natural law approach. It is modern in terms of its organizing matrix of social transformation (small peasants and rural working-class), its social demands related mainly to a better distribution

of means of production, its theoretical affiliation to Marxist thought, and its political orientation, which advocates the development of revolutionary consciousness. Nevertheless, some problems can be identified in the attempt to characterize the Center for Public Representation as a postmodern legal service. Although the CPR is quite postmodern when stressing social demands related to a welfare state and a welfare society, in relation to the organizing matrix of social transformation, the theoretical affiliation, and the political orientation, its discourse is a combination of modern and postmodern characteristics (Table V).

Reflecting changes in the American setting, the CPR's more recent discourse shows a slow movement from specific social groups to more encompassing categories, such as the "poor," which corresponds to changes in the American scene. In fact, CPR's discourse is well aware that "[r]ecent analysis of the [American] economy indicates significant decline in the status of working and poor individuals and families with resulting increased disparity in the economic well-being of sectors in the population" (*A Three Year Vision*, 1989: 5). But, differently than IAJUP, which analyzes race and ethnic issues from a social class perspective, CPR's discourse still relates poverty to racism. "Part of that disparity stems from the significant racism in our society. We anticipate and encourage advocacy that clearly focuses on the fairness that stems from racism and low-income status" (*A Three Year Vision*, 1989: 5). In other words, even an encompassing category is defined through a specific social group.

Although its discourse is affiliated mostly with postmodern approaches (the emphasis on feminist jurisprudence, which stresses mini-narratives is quite strong, for example), CPR's discourse is still committed to a Marxist thought, here represented by critical legal studies (even if by the nonorthodox approach represented by Gabel and Harris).

Finally, the CPR's discourse illustrates the American democracy, which is based on a double system of representation. Exemplifying public and private representation, the Center for Public Representation plays, as lawyers and lobbyists, an important role in the American scene as mediators between the citizen and the state either in the political sphere or in the nonpolitical sphere (the judicial system). In other words, although participation in the legislative system represents one of CPR's main concerns, the Center for Public Representation is still strongly tied to the idea of liberal democracy that characterizes modernity.

A final observation about the criterion to choose IAJUP and CPR is still required. Despite the importance of these legal services in their respective contexts, the choice was completely circumstantial. Neither IAJUP represents Brazilian legal services nor CPR represents American Public interest law firms. More than political or legal criteria, it was the opportunity of accessing their publications that

Table 6. The Instituto De Apoio Jurídico Popular, the Center for Public Representation and the Ideal-Types

VARIABLES	MODERN	POSTMODERN
Organizing Matrix of Social Transformation	small peasants and rural worker class B IAJUP poor B CPR	specific social groups: elder, children, women, ex-offenders, mentally ill B CPR
Social demands	rural property distribution and labor demands B IAJUP	participation in the legislative process, protections of specific rights related to identity, and welfare services B CPR
Theoretical affiliation	Marxism (especially Marx and Gramsci) B IAJUP critical legal studies B CPR	Paulo Freire, Foucault, cultural feminist studies (especially feminist jurisprudence) B CPR
Political orientation	strategic use of judicial mechanisms aiming the substitution of Brazilian state law by and insurgent law B IAJUP representative democracy B CPR	empowerment of unrepresented groups emphasizing individual cases B CPR

explains the analysis of these two examples. By consequence, there was no expectation that either the Instituto de Apoio Jurídico Popular or the Center for Public Representation would fit perfectly in the legal services' ideal types.

Some may consider that the inadequacy between examples and models is frustrating. For three reasons, this is not our opinion. First, if it is correct to define postmodernity as a transition and not as a fulfilled project, the Center for Public Representation does represent this transition when it combines characteristics of two ideal-types. Second, despite these inadequacies, both IAJUP and CPR illustrate the idea of law of each legal service's ideal-type. While modern legal services define law as a totality related to principles that can be substituted through a revolution by another totality, for postmodern legal services law is the ensemble of legal procedure, that is, the institutional field of social conflicts. Finally, rather than discouraging, this inadequacy opens the possibility of improving the model and/or looking for better examples. This will be the goal of the next article.

Notes

1. This article summarizes the final report of the research developed during my post-doctorate program at the institute for Legal Studies (University of Wisconsin-Madison), with Brazilian financial support. Special thanks must be addressed to Louise Trubek and Miguel Pressburger, who facilitated the access to the Center for Public Representation's and Instituto Apoio Jurídico Popular's publications.
2. Different expressions ("alternative," "innovative," "new," "participatory," "strategic," and "popular") designate the new lawyering that appeared in Latin America in the seventies (Royas, 1986:22). Like the American "cause lawyering," the Latin American "alternative legal service" also aims to transform the social and political context.
3. Alain Touraine recognizes this ethnocentrism when he observes that "[w]e still insist on calling those who study social change in Africa 'Africanists' and reserve the label 'sociologists' for those who study it in Europe or North America. And we still talk about 'Orientalism', whereas there is no corresponding notion of 'Occidentalism.' Entrenched prejudices still lead us to assume that Latin American sociologists can only talk about their own region, whereas those of the more central countries are contributing to general sociology even when they are only concerned with their own country" (1989: 6).
4. Hegedus, for example, points out that "new" social movements are "non-violent and pragmatic in their methods, non-integrated and multiple in their structures, anti-hierarchical and networking in their organization, heterogeneous (cross-class, cross-ideology, cross-age) in their constituencies, non-coercive in people participation and non-exclusive in their adherence" (1990: 263 and 277).

5. According to Calderón and Jelin, class issues always subsume ethnic and gender issues in Latin American social movements (1987: 76).
6. A “system of social protection” (such as Brazil’s) is quite different than a welfare state (Possas, 1992: 80).
7. The analysis of CPR’s and IAJUP’s discourse focused on their publications. Three types of written documents were identified: documents “signed” by the institution (with no authorship), articles signed by their members and published in the institution’s official publications, and articles signed by members of the board.
8. Although both institutes share a philosophy of collective and democratic participation of their members, Miguel Pressburger and Louise Trubek have taken the main responsibility of formulating the institutional ideology of IAJUP and CPR respectively, since both legal services were created.
9. According to Roseneau, who offers a good synthesis of post-modern ideas, postmodernists defend that it is “futile to search an author’s life context or examine his/her personality for insight into a text” (1992: 30).
10. About the emergence of new legal services in Latin America, see Rojas, 1986.
11. An active member of the Brazilian Communist Party (PCB), Miguel Pressburger participated in the *Ligas Camponesas*. Due to his opposition to the military regime, Pressburger was a political prisoner from 1969 until 1973.
12. Although free legal aid for poor people has existed since 1950, each state could choose its own model. Only since the new Constitution was approved in 1988, must every state have public defenders.
13. Officially it was created in August 1987.
14. Like other NGOs, IAJUP is financially supported by Northern countries’ organizations (such as The Catholic Fund for Overseas Development (Cafod), Christian Aid, Danchurchaid, Développement et Paix, Trocaire, The Ford Foundation, Novib, and Inter-American Foundation) and not by the Brazilian government.

15. IAJUP publishes different journals, such as *Coletivo de Juristas Populares*, *Socializando Conhecimentos*, *Seminários* and *Aconteceu na Justiça*. Each one is addressed to a specific public. For example, while *Socializando Conhecimentos* aims to socialize legal knowledge among popular leaders, *Seminários*, which raises more theoretical issues, is addressed mainly to lawyers.
16. Another perspective, based on the social movements' political imagery, was centered on issues related to popular classes' diversity and identity.
17. Fernando Rojas reminds us that the Spanish translation of this book, written by Andre Gorz, a Marxist author, was widely read in Latin America (1986: 46).
18. The New Republic was the first civilian presidency after the military regime, and it started in 1989.
19. Besides the IAJUP, other civil society's institutions participate in the National Tribunal for Latifundio Crimes: the Legal Support for the People, Brazilian Association of Agrarian Reform, Workers Central Union, Justice and Peace Commission-SP, Land Pastoral Commission, National Conference of Agricultural Workers, Indigenous Missionary Council, Federation of Institutions for Social and Educational Assistance, Brazilian Institute for Social and Economic Analysis, National Movement for the Defense of Human Rights, and National Movement of Rural Workers Without Land.
20. According to a recent survey, Marxism is the mainstream of Brazilian NGOs (Fernandes & Carneiro, 1993). As Fernando Rojas stresses, most Latin American intellectuals and lawyers have read "Marx, Gramsci, Poulantzas, Foucault and the Latin American novelists of the sixties to eighties" (1986: 6).
21. Although the critical legal studies movement is quite unknown in Brazil, French scholars (especially Michel Miaille and Antoine Jammaud) have deeply influenced most progressive Brazilian interpretations of law.
22. In his article about legal services, Miguel Pressburger mentions Philippe Dujardin and Antoine Jammaud (both French critique legal scholars), Gramsci, Bernard Edelman and Pasukanis (Marxist authors), Eduardo Novoa Monreal (a Latin American Marxist legal scholar) and Michael Tiger/Madeleine Levy (Marxist authors) (1991).
23. Communitarian experiences, such as Indian collectivism and the *Quilombo dos Palmares* (a community created by escaped black slaves), are defended against the state law, an "invention which, in a divided society (such as the Brazilian) represents the 'invention' of ones against the others" (Souza Filho, 1989: 9).

24. Although he agrees that Marx's main concern was not the legal system, but capitalist society, Pressburger uses some references to legal mechanisms in *The Capital* to contradict those who argue that Marx did not write about the legal system.
25. Boaventura de Sousa Santos's influence cannot be forgotten. Besides several quotations of Boaventura's publications, the idea of an "insurgent law" is strongly inspired in the analysis of a parallel legal order in Pasargada (1977).
26. As Miguel Pressburger and Maria Tereza do Araujo summarize, the main objective is to form "theoretical and methodological bases of law and justice to be constructed through an alliance of workers and intellectuals committed to a new, more authentic concept of justice" (1991: 65).
27. The development of public interest lawyering is strictly connected to civil rights and welfare rights movements in the sixties, when the Office of Economic Opportunity was created in the United States. Two phenomena characterize the seventies. On one hand, the Legal Services Corporation, a nonprofit organization with the responsibility to administer funds for civil legal services for the poor, was created in the United States. On the other hand, the Supreme Court became much more resistant to extend constitutional rights to unrepresented groups. In the eighties, Reagan's and Bush's administrations drastically cut public funds to legal services.
28. As Louise Trubek observes, "[w]hen we opened the Center we were interested in several different goals, one of which was the provision of clinical experience for University of Wisconsin law students. The Dean, in particular, who taught administrative law, was very interested in giving students an opportunity to learn through participation in administrative agencies... " (*The Public Eye*, 14(1): 11).
29. As Louise Trubek had been the Executive Director for more than fifteen years, her influence in the formulation of CPR's institutional ideology has been quite significant. Louise Trubek is a professor at the University of Wisconsin Law School and has worked as a public interest lawyer for more than two decades.
30. Comparisons throughout the CPR's history are difficult, because the criteria used to present information about financial support has changed over the years.
31. The Consortium began as a program of the University of California B Los Angeles Law School, Harvard Law School, and University of Wisconsin Law School, funded by the Ford Foundation.

32. "Today we are much more interested in handling individual case work than when we originally started out. The Center very much believed that society could be changed from the top down, by altering the rules of the games in administrative agencies, and to some extent in the Legislative Power. We have changed our philosophy and are now more interested in trying to deal with change from the bottom up. Our client groups include the elderly, the poor, families seeking health care advice, and women. The Center works on individual cases, within each group" (*The Public Eye*, 14(1): 11).
33. According to Ruth Buchanan and Louise Trubek, "[p]ublic interest law was seen as correcting the deficiencies of the legal market-place and legitimizing the welfare state by providing, representation to otherwise unrepresented groups. Emphasis was placed on 'process-oriented' responses to social inequalities. Traditional public interest law relied on the ability of advocacy in traditional legal forums, particularly the courts, to obtain sought after changes. This approach rested in a belief in the efficacy of 'rights' as a vehicle for disempowered groups to establish claims to social goods. Traditionally, public interest lawyers sought solutions to the social problems confronted by their clients in the legal system" (1992: 689-90).
34. As many people often confused the *I* with the roman numeral, the newsletter's name was changed to *The Public Eye*.
35. In 1976, for example, CPR's President of the Board referred to the necessity of continued monitoring of government's operations by private groups" (*1976 Annual Report*: 2).
36. Public interest law has always been contradictory, using law for social change. Perhaps our strength is this complexity. Public interest law firms continue to prove their desirability and visibility as flexible institutions able to uncover abuses and create carrying programs" (*1976 Annual Report*: 1).

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