

Lessons in *Rascuache* Lawyering

As I tried to identify a word that could describe a theme to my clinical experience, the metaphorical light bulb came on and illuminated the word *rascuache*. To fully translate the meaning and essence of the word, I looked for eloquent definitions only to find synonyms like, “cheap,” “ghetto,” “poor,” and “wretched.” Although, I am proud to say that I grew up *rascuache*—poor, in the ghetto, and having to make do with a lot of cheap food, clothing, shoes, and furniture—I understand that these dictionary definitions connote something negative or shameful to many people. So while the synonyms above describe a type of *rascuachismo*, to many Chicanos *rascuache* transcends these derogatory meanings. *Rascuache* also means you make do with what you have. It means to repurpose in unconventional ways and make use of the seemingly useless. It means to hustle, to be resourceful, to be creative. *Rascuache* reveals human dignity and ingenuity in marginalized spaces. To me, it is a celebration of the unique skills and perspective I, as a first generation urban Chicana law student, brought to the International Human Rights Clinic (IHRLC) and how they, too, informed the important lessons I learned as a clinic student.

***Rascuache* as a Handicap**

When I first signed up for IHRLC I was very excited to explore this completely foreign (no pun intended) area of the law. I took it as an opportunity to develop my traditional legal research and writing skills within the safe confines of the law school. But, after the initial excitement I became aware of the stakes at play. Then came the immense fear. I feared not being smart enough, not being good enough, and disappointing or failing the clinic, my supervisors and teammates, our client, and myself. On an intellectual level I understood that the extent of my fear, if not the fear itself, was unwarranted. However, I fell victim to *stereotype threat* and

imposter syndrome—phenomena that I had experienced throughout my academic career, but whose names I just learned last year, in part because of Professor Plaut. Despite the level of understanding I had about these phenomena on an intellectual level, the emotional toll was all too real. This fear, self-doubt, and lack of confidence plague many students of color, and I am no exception. For me these are rooted deeply in my identity as a member of an urban working-class Latino community and in my *rascuache* upbringing—particularly, my entirely public education, the poor neighborhoods where I grew up, and my verbal and written communication skills. I internalized the negative stereotypes and biases against people like me, and the question that lingered in my mind was, “How can I possibly be good enough to do this important work?”

To further explain, my identity and upbringing were sources of doubt and questioning as to my ability to be a good law student/lawyer, and as to whether I belonged in a place like Berkeley Law. My public school education seemed inadequate and I felt unprepared, particularly when it came to writing. It was as though somehow I had slipped through the cracks and fooled everyone, including IHRLC, into thinking I was capable and competent. The low numbers of first generation students of color at Berkeley Law reinforced these sentiments. As for my other communication skills, I have had embarrassing “ESL” (English as a Second Language) moments when I accidentally use Spanish language mechanics in English, or improperly use English idioms. Therefore, I have never considered myself eloquent or articulate. Given these insecurities, I was terrified of submitting subpar work product and working with sophisticated clients and parties like the Safe Water Alliance and federal government officials. However, through my clinic experience, I have learned that I cannot shed my background and identity, and more importantly, that they are powerful assets and the source of my strength and passion for

social justice work. With these skills and perspectives I can become an effective advocate for my and other marginalized communities.

Rascuache Power

The lesson did not come quickly, or easily. I first had to learn to appreciate the uniqueness and power of my perspective. The Matua reading truly resonated with me and helped me come to that appreciation. While I agreed with his critiques of a Euro- and Western-centric approach to human rights, the excerpts showed a lack of consideration of the unique role of first-generation students of color working, both domestically and abroad, on human rights issues. Western hegemony makes “others” out of these students, and consequently they can offer certain insight more privileged students cannot. Although the number of first generation students of color working on human rights are likely quite small, someone like me challenges Matua’s savage-victim-savior metaphor because I can occupy a space at the nexus of the victim-savior. As a future social justice lawyer from a powerful first world country I am easily placed in the savior category. But Matua’s metaphor fails to account for the *rascuache* third worlds within the United States—places that I, and my (future) clients, call home—that produce both victims and victim/saviors in their own right. I feel intimately connected to, not only the communities we worked for in the Water Project, but to the communities served by other projects, in particular, the TRUST Act project. To be fair, Matua acknowledges critical race theory as informative, but warns that it addresses a distinctly American question. But I am not exclusively or distinctly American. My connections do not stop at domestic projects because I also have a stake in and ties to international human rights issues in [REDACTED] particularly [REDACTED], as a part of its diaspora. Like critical race theory, Matua, too, fails to encompass a form of multiculturalism by ignoring the diversity of culture and experience of students like me. Additionally, when

“victims” sense the common struggle in their “saviors”, or see people that look like them working to address the issues that affect them, it has been my experience that it allows for a more trusting and honest conversation about their victimization and what we can do to improve their lives.

A comment made by the Special Rapporteur during her guest lecture also illustrated the uniqueness and importance of my role as future lawyer with *rascuache* roots. She made a statement that I interpreted to mean that “we,” as human rights advocates, are disconnected from the communities we serve and we do not know what it is like to live like them. I disagreed with my inclusion in a group characterized as disconnected. Perhaps it was her perspective as a privileged European woman, or the egregiousness of the violations to the human right to water she witnessed, but she, like Matua, did not recognize that all human rights workers are not created equally. She conveyed to me that she did not think the students to whom she was speaking shared any commonalities with the members of the marginalized communities she was visiting. I wanted to inform her that while the students in IHRLC are educated and sophisticated, some of us have come from comparable humble beginnings. Now, I do not mean to minimize my own privilege as a student at a prestigious law school in a first world country. I understand all too well that there are varying levels of poverty and human suffering. However, the lack of recognition that I was a product of the United States’ own third world, of my struggles, and the ones I witnessed in my community was frustrating and problematic. Nevertheless, her comment underscored that I am in a unique position as someone who can recognize the commonalities I share with the people I hope to serve and as someone who has a deep connection to the issues being addressed.

I thought my upbringing and identity would serve as a handicap. But I learned the importance of relatability in human rights work. Relatability and connection bring with them a sense of duty to help those who are similarly situated, and it is this duty that brings the devotion and passion that are invaluable for anyone hoping to do human rights work.

Learning from *Rascuache* Lawyers and Communities

Despite moments of frustration, my clinic experience reduced my self-doubt and insecurities, and I learn invaluable lessons in *rascuache* lawyering.

The UPR consultation session that the water team planned and hosted inspired me to re-evaluate my concerns about my ability to be an effective advocate. I greatly appreciated Allison's dedication to having panels with racial and gender diversity, as I felt it was important that a national consultation have speakers reflecting the diversity of the country itself. So, we successfully recruited a number of men and women of color to participate in the consultation session. But it was not until the day of the event that I truly realized that the panels were not just diverse for diversity's sake. During the climate change panel, comprised entirely of people of color, I pointed out to a fellow law student how great I thought it was to have such a diverse group of speakers. The student responded that a panel lacking a White speaker might delegitimize the issues for the audience, including the government representatives. I pictured Matua smugly telling me, "I told you so." Also troubling was the juxtaposition of the panels of diverse speakers with the exclusively White government officials. But in actuality, the most compelling panelists were the ones who appeared to belong to, or relate to, the communities they were representing. Despite the contrast between the panels and the government representatives, and the student's concerning comment, I felt inspired. Before me spoke role models—*rascuache*

advocates working in creative ways for *rascuache* communities—to whom I could relate and who were sending powerful messages to me, the community, and the federal government.

On the other hand, reminders of my “otherness” seemed inescapable. For example, a moment of frustration occurred during the same consultation session. When I introduced myself to a government official his first response was, “Oh! I know a [REDACTED]! She works in [REDACTED].” To many this is a nonissue, and perhaps I was overly sensitive, but to me it was just another of the many microaggressions I deal with on an almost daily basis. Ironically, unlike Matua and the Special Rapporteur, this government official did recognize my otherness, just not in a way I wanted. Given that we live in sort of law school bubble, I had naively forgotten that my experiences in law school, including racial, gendered, and class (among others) tensions transcend Berkeley Law. To put it another way, I knew on some level that I would deal with those sorts of things out in the “real world,” but had not experienced them in a professional setting in a very long time. Around that time Berkeley Law was, for some, and myself included, a source of heightened racial tensions due to some internal law school controversies, so I was particularly attuned to these reminders.

Notwithstanding these frustrations, I was encouraged by the level of involvement of impacted community members in the Safe Water Alliance and their advocacy efforts. These community members were not handicapped by their *rascuachismo*. In fact, they exemplify Matua’s idea of a multicultural approach to human rights and simultaneously challenge his metaphor. For the Safe Water Alliance, people from the Winemem Wintu and rural and urban Latino communities are at the fore. I was particularly moved and impressed by the work Chief Caleen Sisk and Horacio Amequita are doing for their respective communities. Their community needs are front and center and their cultural mores inform their fight for the realization of the

human right to water. Of course they are supported by non-community member legal and policy experts, but they have agency and access to International Human Rights systems and organizations. They, like me, belong in Matua's missing category of victim/savior and I was proud to make my own contribution to their important work.

My experience with IHRLC and the Safe Water Alliance also challenges Koh's linear and overly simplified assessment of why nations obey international human rights law. First, both Koh and Matua rely on assumptions that international human rights work is based on a top down approach. While this approach is the target of Matua's criticism, for Koh, it is a requirement for success. Notwithstanding their differences, both Koh and Matua do not give enough attention or credence to grassroots organizations like the Safe Water Alliance. The grassroots advocacy I witnessed was making its way from a local level to the federal level. Additionally, it was just one of multiple strategies the Safe Water Alliance was using to enact real change. Koh does not account for the unconventional *rascuache* strategies that the Safe Water Alliance employs to advance its agenda, such as using international human rights frameworks to address local water issues. The importance of bottom up approaches exemplified by the water project and the Safe Water Alliance revealed the limitations of Koh's assessment, and also gave me insight and access to strategies that I may later apply in my own work.

Nevertheless, Matua's criticism of international human rights approaches, and the remnants of imperialism that permeate the very systems meant to enforce human rights, is still important as it pertains to the work of the Safe Water Alliance. To illustrate, we still had to work within the confines of the United States' legal obligation under international law. It was frustrating and difficult to try to fit the issues and concerns of the impacted communities within the limits of international legal obligations and frameworks to which the United States

subscribed, like racial discrimination and political and civil rights. This was especially difficult because the right to water fit a lot better under social and cultural rights. If only the United States cared about those types of rights! But staying true to *rascuachismo*, we had to make do with what we had. Even though I learned valuable lessons about the limitations of human rights frameworks and legal systems in the United States, the greater takeaway was learning how to stretch and adopt the seemingly un-malleable standards to serve our needs.

Conclusion

Although I struggled with internal turmoil, insecurities and concerns, I enjoyed my clinic experience. I am especially grateful to both Allison and Laurel for helping me build my confidence. First, as a supervisor Allison was compassionate, supportive, and constructively critical. During seminar, and in the hallways, Laurel would validate my comments and perspectives. I found it especially helpful when both Allison and Laurel would expand on my thoughts and comments to connect the dots, or give valuable insight. This made me feel valued, heard, and legitimate. Consequently, I better appreciated my unique perspective and what I brought to the table, *rascuache* as it was.

Despite the positive reinforcement I received from my clinical supervisors, my true “ah-ha!” moment did not come until I attended a lunchtime talk with the executive director of an innovative and progressive nonprofit organization [REDACTED]. As she described the work her organization was doing to advocate for low-income [REDACTED], including using the media and working with non-lawyer organizers and government officials to advance its agenda, she encouraged us to try to develop skill sets that she thought law schools generally did a poor job of teaching. Some of these included, developing non-legal writing skills and other communication skills, learning how to work collaboratively in teams and

with outside parties, and developing creative solutions—not necessarily involving litigation or access to large hegemonic structures—to social justice problems. On my own, I began to synthesize my learning and connected the dots.

Given my lack of confidence in my writing ability, I came into IHRLC hoping to develop traditional legal research and writing skills. I was a little disappointed when I did not get to do much of that. However, as I sat there listening to the executive director of [REDACTED] explain how difficult it is to find law schools that teach the skills she found so important, I realized just how valuable, and unique, my experience at IHRLC has been.

IHRLC has helped me recognize the critical need for *rascuache* lawyering and the value of my perspective and skill set. As someone who wants to go into social justice lawyering, I have grown increasingly frustrated with the apparent limitations of the legal system and litigation to enact real change. Therefore, I recognize that I have to become a creative and innovative lawyer—a *rascuache* lawyer. I will have to use nontraditional strategies to problem solve—things that Allison, IHRLC, and the Safe Water Alliance are already doing. Through IHRLC I have also gained working knowledge about international human rights frameworks as one way to approach social justice problems. I have improved my writing skills, communication skills, and team working skills. More importantly, I have learned to better silence the self-doubt and inner-critic. As for the skills and characteristics of *rascuache* lawyering—thinking outside the box, being resourceful, and being the underdog—I have learned that they are already ingrained in me.