



**Hope Lewis**

## Legends of the Legal Academy

### Hope Lewis: Refuse the Ride

Margaret B. Kwoka

I had yet to meet Hope Lewis when I first heard of her. I was in my first semester of my first year as a student at Northeastern University School of Law, and the crisis in Darfur had just come into the international limelight. In my civil procedure professor's office hours, after covering whatever substantive matter had brought me in, I started talking with my professor about Darfur. My professor and I, sharing horror at the emerging situation, started brainstorming something we could do, imagining an event for our community on the topic of Darfur and genocide. As a newcomer to the community, I asked, "Who is our international human rights expert? Perhaps we could have that person speak on the panel?" My professor immediately said, "Well, of course, the perfect person is Hope Lewis, but I feel terrible asking her because even though I know how overextended she is, she would never say no!" And she never would. I came to know firsthand Hope's unwavering generosity with her time and her talents, and her deep commitment to her students, to her institution, and to social justice.

I also came to know Hope's own improbable journey. She was the daughter of Jamaican immigrants growing up in East Flatbush, Brooklyn, and it was likely unimaginable to her at a young age that she would attend Harvard College, and then Harvard Law School. It was against the odds that a black woman entering the profession in the 1980s would become a tenured member of a law faculty. And given that she lost her sight as a young adult as a result of childhood diabetes, one might not have thought possible her prolific scholarly accomplishments. And when complications from her diabetes necessitated a double organ transplant, jumping right back into the classroom may have seemed inconceivable. But Hope's life experiences fueled her work. As she once described:

As an African American feminist law professor who is visually impaired and the daughter of immigrants, I am often torn as to which social justice organizing conference to attend first on any given day. Many characteristics at the core of my identity are under attack in the United States and globally, and may continue to be in the twenty-first century. I learn more each day about survival in the intersection of racism, sexism, able-ism, and nativism. Perhaps that is the basis for my attraction to the international human rights movement.<sup>1</sup>

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1. Hope Lewis, *Global Intersections: Critical Race Feminist Human Rights and Inter/national Black Women*,

As I came to see personally, despite challenges she faced that would be defeating to many, Hope's equanimity was pervasive, her tenacity unmatched, and her singular drive toward justice inspiring. It was this last commitment—her unyielding embrace of justice—that provided the entry point for my relationship with Hope. I learned from Hope how to imagine broader sets of possibilities, to see problems from a multiplicity of angles, to quietly push for justice at every entry point. Today, despite her absence, her example as a teacher-scholar-activist remains my guide, one I strive to live up to in my own work in the academy.

### I. Human Rights Reimagined

My first exposure to Hope's pathbreaking work in international human rights law was as a second-year law student, when I took her international human rights law seminar and we used the textbook she co-authored, *Human Rights and the Global Marketplace: Economic, Social, and Cultural Dimensions*.<sup>2</sup> Before taking her course, and using her text to study international human rights law, I had imagined human rights work very conventionally. I pictured conversations around state-sanctioned torture, slavery, and other classic deprivations of liberty. I conceived of human rights as freedom from state oppression, in essence, the negative rights associated with U.S. constitutional norms.

While I knew there were advocates fighting for the recognition of positive rights, like the right to health or a right to education, Hope's writings and her classroom opened my eyes to the concept of economic rights. Addressing human rights in the context of growing economic inequality, her book is a foundational text for understanding both the theoretical and the practical opportunities and obstacles to the realization of economic rights. The book is rigorous; it asks the hardest questions. Are economic rights true rights? Where do they come from? Who owes a duty if those rights are violated? What remedies are appropriate? Hope does not allow for assumptions or untested beliefs. She demands in her work a firm grounding, ample support, and an understanding of the strongest counterpoints. Yet she provides the tools for powerful answers: the great philosophers, the international treaties, and the human stories necessary for understanding what is truly at stake. The book was aptly described as "the right book at the right time."<sup>3</sup> It certainly was for me, as it gave me a new way of understanding the global fight for justice.

As I made my way through her seminar, constantly amazed by her tireless devotion to improving our arguments and eliciting the strongest counterpoints, I was confronted with the need to write a seminar paper. Drawing from my then-recent time living in West Africa, I somewhat naively chose a topic of

<sup>50</sup> ME. L. REV. 309, 309-10 (1998).

2. See generally Jeanne M. Woods & Hope Lewis, *Human Rights and the Global Marketplace: Economic, Social and Cultural Dimensions* (Transnt'l Pub., 2005).
3. Barbara Stark, *Human Rights and the Global Marketplace: Economic, Social and Cultural Dimensions*, 29 HUM. RTS. Q. 515, 516 (May 2007) (book review).

personal interest, the practice of female genital surgeries (FGS). In the way of a second-year law student, I submitted my proposed topic without conducting much, if any, background research, and thus failed initially to realize that Hope had herself written one of the seminal articles on FGS, published in the *Harvard Human Rights Law Journal*.<sup>4</sup> Once I began my research and made this discovery, my paper topic choice all of the sudden seemed ill-advised, and I broached with Hope the possibility of changing topics. After all, once I had read her work, I felt she had said everything insightful I could imagine, and certainly much better than I would! But Hope would not hear of it. She insisted there was much work she left undone in the area, and that she thought I could contribute something of value.

So I pressed forward. As it happens, her law review article *Between Irua and Female Genital Mutilation* was one of Hope's earliest but highly influential pieces.<sup>5</sup> In it, she explores the tension surrounding traditional practices in some African communities of female genital cutting as a coming-of-age ceremony. While Western feminists often frame the issue as a human rights violation, a dangerous and ill-informed practice that threatens the well-being of girls and women, those views had come under significant critique as a form of imperialism, paternalism, and cultural subordination.

Hope not only insightfully explores the divide but identifies paths forward. She highlights the dehumanization of the women and girls affected by the practice: "A serious barrier to constructive cross-cultural engagement with respect to FGS is that the African women and girls who are most affected by FGS are almost unrecognizable as whole human beings in much of the popular media and in some anti-FGS campaigns."<sup>6</sup> She advocates the "respectful engagement, rather than respectful isolation" of black feminists from the West, and coalition-building between them and African women.<sup>7</sup> I learned from this article the importance of centering the voices of those whose rights and lives are at stake. Hope highlights their stories, their own agency, their own views as primary, not one of many.

In fact, storytelling, for Hope, was not an aside, it was critically important. She told beautiful, sometimes haunting narratives in her textbook and in her other scholarly work. In her 1997 *Oregon Law Review* article *Lionheart Gals Facing*

4. Hope Lewis, *Between Irua and "Female Genital Mutilation": Feminist Human Rights and the Cultural Divide*, 8 HARV. HUM. RTS. J. 1, 1-55 (1995).

5. For example, this article has been translated, and excerpts of it appear in numerous textbooks. See, e.g., Hagiwara Hiroko in *Intercultural Stud.*, 5, 57-90 (2004) (Osaka, Women's U.) (Japanese translation); HENRY STEINER & PHILIP ALSTON, *INTERNATIONAL HUMAN RIGHTS IN CONTEXT: LAW, POLITICS, MORALS*, 419 (2d Ed., 2000); LOUIS HENKIN, GERALD NEUMAN & DIANE ORENTLICHER, *HUMAN RIGHTS* 392 (1999); KATHERINE D. BARTLETT & ANGELA P. HARRIS, *GENDER AND LAW: THEORY, DOCTRINE, COMMENTARY* 1033 (2d ed., 1998); ADRIEN K. WING, *CRITICAL RACE FEMINISM: A READER* 361 (1996).

6. *Id.* at 49.

7. *Id.* at 50, 54.

*the Dragon: The Human Rights of Inter/national Black Women in the United States*,<sup>8</sup> she uses her own family's narrative to powerfully engage theoretical and doctrinal trends in the law. In this piece, Hope interspersed her own family's migration story throughout the sections of an eloquently written plea for situating the unique experiences of immigrant black women both within a critical race feminist framework and an international human rights framework. She begins the article as follows:

My grandmother's garden and kitchen in East Flatbush, Brooklyn, represented to me the abundance of Jamaica in miniature. My grandmother expertly wielded a machete in the ten-foot square of dirt behind the Trump bungalow to produce calalu, tomatoes, mint, and pumpkins. Medicinal herbs and vegetables dried on the kitchen counters or at the window: ginger root, mint leaves, cerassee, and cho cho, which were believed to be effective in the treatment of everything from an upset stomach to high blood pressure and diabetes.<sup>9</sup>

But she immediately uses the powerful narrative to demonstrate the connections between her grandmother's migration to the U.S. and the global economic system.

The abundance of traditional Jamaican foods in Brooklyn contrasts with the reverse flow of food, clothing, and other necessities back to Jamaica. As in many Caribbean-American homes, there was always an empty shipping barrel in our kitchen ready to be packed with rice, cooking oil, flour, sugar, coffee, clothing, and other staples to be shared among relatives in Jamaica. It was not that American food was better than Jamaican food; it was simply that such items had become so scarce on the shelves of Jamaican stores, or so outrageously expensive, that neither poor nor middle-class Jamaicans could easily afford them. It was particularly ironic to send refined sugar and ground coffee to a country known for producing sugar cane and some of the finest coffee in the world. By the late 1970s, export items like sugar and coffee had been priced above the ability of most people on the island to pay.<sup>10</sup>

Even today, reading Hope's words is a reminder to me of the powerful effect of narrative, especially when used as masterfully as she did. Building off the personal, Hope deftly unpacked the changing nature of economic and identity forces that are responsible for the subordination of groups at the intersection of multiple identity lines: race, class, gender, nationality. She used the narrative as a thread to hold the various lines of a complex story together. In so doing, she charted new territory in legal scholarship.

But Hope's scholarship did not remain on the page. Concurrently, Hope centered her work at her own institution. At Northeastern, she founded the

8. See generally Hope Lewis, *Lionheart Gals Facing the Dragon: The Human Rights of Inter/national Black Women in the United States*, 76 OR. L. REV. 567 (1997).

9. *Id.* at 568.

10. *Id.* at 569-70.

Program on Human Rights and the Global Economy, which remains a vibrant part of the law school's intellectual life today. While supporting scholarship, activism, and connections in and around the institution, the program also launched major initiatives that have influenced the discourse around human rights. For example, Hope was part of a group that crafted the Boston Principles on the Economic, Social and Cultural Rights of Noncitizens, a set of thirty standards drawn from the best sources on human rights that describes how people should be treated within the United States regardless of their nationality.<sup>11</sup> Her lasting impact on the intellectual life of the law school is palpable to all who occupy its space.

## II. Obstacles Overcome

Hope faced challenges in this life many of us can hardly imagine, but anyone who knew Hope knows that you would never hear complaints about her struggles from her own lips. While she had openly talked of her family history, and the struggles around identity that emerged from their migration story, it was only through fleeting glimpses that most of us ever saw the kinds of barriers Hope continued to overcome throughout her professional career.

To take one example, one day, still a student at Northeastern, I was attending her office hours. Once we concluded our conversation, she apologized that she would need to end our meeting promptly. She explained that she was meeting a specialist who she described as one in a long line of people who had attempted to devise a strategy by which Hope could safely cross Huntington Avenue, a large through street located in front of the law school. The intersection, for anyone who does not know it, is a disaster in the making. The green line of the T, a streetcar-style train that is part of Boston's subway system, runs in both directions down the middle, with two lanes of vehicular traffic on either side, and left turns across the rails permitted. The T also has a stop at that intersection, so a narrow sidewalk platform accommodates waiting pedestrians amid the intersection on both sides. And finally, hordes of (mainly) students cross that intersection all day long, often ignoring the signaling and jaywalking, Boston style, through bits of the intersection, darting among the cars and trains. Even as a sighted, able-bodied twenty-something, I dreaded crossing it, and once failed to do so successfully while on a bicycle.

Despite what I can only imagine must have felt like an intractably frustrating situation—not being able to safely cross the street directly in front of her place of employment—Hope humorously described the situation as she approached it. She said something along the lines that these specialists all feel confident they can come up with a system for her that will work until they actually see the intersection itself! Then, she said, once they laid eyes on it and realized the flaws in their methods, they understood that it was better if she just crossed the street with someone's assistance. But, true to her nature, Hope had not given

11. Hope Lewis, Rachel E Rosenbloom, Commentary, *The Boston Principles: An Introduction*, 1 NOTRE DAME J. OF INT'L, COMP., AND HUM. RTS. L. 145-156 (2011).

up. She said she might as well give it another try. And off she went, to meet another person, to try one more time.

In another glimpse, Hope allowed all of us an insight into her personal experiences with racism in her 1995 op-ed in the Boston Sunday Globe titled *The Long Ride Home*, in which she describes the difficulty of hailing a taxi to get home late at night, each cab passing her by in favor of a white passenger. As she explains, the experience exposes “the fallacy of believing that racism will simply disappear once minorities attain the right educational status, the right job or the right clothes.”<sup>12</sup> But she did not stop with the racism of the drivers. She examined the complicity of the passengers, whose role supported the injustice by accepting the taxi, while recognizing what had happened. “After all, what could they do? Refuse the ride? Yes. Refuse the ride.”<sup>13</sup>

Refuse the ride. Hope never complained, but her experiences fueled her work to fight for justice from every angle. She advocated for a “multidimensionality” or “compound” approach to antidiscrimination work, and viewed human rights work as taking place on the international, national, regional, and local level.<sup>14</sup> And she lived that advocacy. She was a founding co-chair of the American Society of International Law’s Disability Rights Interest Group, and later co-authored a definitive, book-length report on the global state of violence against women with disabilities.<sup>15</sup> As she wrote, “[a]lthough women with disabilities experience many of the same forms of violence all women experience, when gender and disability intersect, violence takes on unique forms, has unique causes, and results in unique consequences.”<sup>16</sup> Characteristically, Hope and her co-author ended the report with a strong call to action. Imploring policymakers to collect better data on violence against women with disabilities, they rejected the “misguided belief that no data means no problem,” and “call on the women’s rights community to work side-by-side with their disabled sisters to ensure that violence against all women, disabled and not disabled, is ended.”<sup>17</sup>

Hope believed in the inspiration we could draw from others’ stories. In a blog post for IntLawGrrls, a widely read international law blog to which Hope was a devoted contributor, Hope reflected on the inspiration she drew

12. Hope Lewis, Opinion, *The Long Ride Home*, BOSTON SUNDAY GLOBE, Focus Section, Mar. 26, 1995, at 79.

13. *Id.*

14. Hope Lewis, *Forgotten Sisters: Violence Against Women with Disabilities* ASIL Cable, INTLAWGRRLS (Apr. 2, 2012), <http://www.intlawgrrls.com/2012/04/asil-cable-forgotten-sisters-violence.html#more>.

15. See generally Hope Lewis & Stephanie Ortoleva, *Forgotten Sisters—A Report on Violence Against Women with Disabilities: An Overview of its Nature, Scope, Causes and Consequences* (Northeastern University School of Law Research Paper No. 104-2012, 2012) [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2133332](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2133332).

16. *Id.* at 14.

17. *Id.* at 114.

from the election of President Barack Obama: “I feel the way I felt the day Nelson Mandela walked out of prison . . . sheer joy that the impossible was happening before my eyes and a sense that ‘now the hard work begins.’”<sup>18</sup> That Hope continued to have such a strong voice in intellectual, academic, and policy circles through difficult periods in her life is nothing short of awe-inspiring. Indeed, Hope’s example of personal perseverance has no doubt inspired everyone around her. She certainly inspired me.

### III. A Personal Legacy

Hope’s intellect directly influenced the development of human rights law, and her own story offered an example that no doubt inspired many. Likewise, her unflagging commitment to friends, colleagues, and students—to her community of allies—leaves the most personal of her legacies. At a recent symposium honoring Hope, Jeribu Hill described Hope’s determination to “bring me [Jeribu] in” to the table of important conversations in the profession. I found the description to be perfect. Hope’s personal legacy is one of bringing people in. She did this for her colleagues, her students, and her friends, who were often one and the same.

I am personally indebted to Hope for bringing me into the academic community. As a student at a school that had no law review, no grades, no class rank, and that did not find itself among the most elite law schools in the country, when I asked my various professor mentors about a path to the academy, the answer was invariably somewhat sobering. They detailed the difficulty I would face in obtaining various credentials necessary for a successful academic bid, the flexibility I would need geographically and by subject matter, and the uncertainty that I would face regardless of my best efforts. I appreciated their honesty. Indeed, I try to be candid with my own students in these conversations. But what may ultimately have gotten me to where I am today was Hope’s somewhat opposite approach: When I told her of my academic ambitions, she nearly jumped for joy. She made me think it was truly possible.

She did not, however, just cheerlead; she set her mind to helping me make my dream happen. She helped me turn that seminar paper on female genital surgeries into a full-length law review article.<sup>19</sup> When I had the paper accepted, Hope was elated. No matter that it found its home in an online publication in the U.K. that has now been discontinued. She took that kernel of success and ran with it. In fact, she was the very first person to cite my work in her

18. Hope Lewis, *Global and Local “One-liners” on the 2008 U.S. Elections*, INTLAWGRRLS (Nov. 4, 2008), <http://www.intlawgrrls.com/2008/11/global-and-local-one-liners-on-2008-us.html>. Her comment is posted at the end of the post under the name of “Miss Lou,” a reference to her opening post on her foremothers. Hope Lewis, *Finding “Miss Lou”: In Honor of The Honorable Louise Bennett-Coverley*, IntLawGrrls (Feb. 4, 2008), <http://www.intlawgrrls.com/2008/02/finding-miss-lou-honorable-louise.html>.

19. See Margaret B. Kwoka, *Female Genital Surgeries: Rethinking the Role of International Human Rights Law*, 3 HUM. RTS. L. COMMENT., 1, 1 (2008).



own.<sup>20</sup> Her belief in my work helped fueled my courage to pursue a career in the academy.

When I landed my first tenure-track teaching position, my scholarship had veered into the land of procedure, and even more esoterically, the Freedom of Information Act. Thus, Hope and I no longer shared a substantive focus. Nonetheless, Hope continued to take it upon herself to open every door she could for me. The summer before I started, she was hosting a Society of American Law Teachers (SALT) pipeline into the legal academy event at Northeastern. Indeed, this was just one of countless programs, formal and informal, Hope helped organize to help nontraditional candidates “break into” the legal academy.<sup>21</sup> Though we could not work out the logistics for me to participate in person, she asked that I write an essay on advice for breaking into the academy. No matter that I had not even started my academic position, that I barely squeaked into the academy myself, or that I had never participated in recruiting or hiring at my institution, achievements that might actually have qualified me to advise others. She believed I had something to offer from my nontraditional path, and I wrote the most honest and practical advice I could muster.<sup>22</sup> Hazel Weiser, then executive director of SALT, proceeded to share it at several events SALT held thereafter, and today, that little essay Hope cajoled me into writing remains one of my most downloaded SSRN contributions.

She then continued to expose me to SALT programming, people, and events. I became a member of SALT, started attending SALT functions, and then joined the planning committee for a SALT teaching conference themed on social justice. Through that experience, I made invaluable connections in the academy and was nominated to serve on the SALT board, which I did. She opened up a platform allowing me to establish a place at the table of the progressive academic community.

Then, having paved the way for my work with SALT, she set out to market my experience as broadly as she could. When, in my second year of teaching, Northeastern hosted an experiential education conference, she insisted that I be invited to speak on a panel. I may have been the least experienced teacher in the room, speaking about teaching, experiential education, and social justice to a room of about 150 law professors.<sup>23</sup> Yet I was able to engage on issues I cared deeply about, with some of the leaders in the field, and to meet people who would be my lifelong colleagues.

20. See Hope Lewis, *Female Genital Mutilation and Female Genital Cutting*, 2 ENCYCLOPEDIA OF HUM. RTS. 200, 211-12 (David P. Forsythe ed., 2009).

21. See, e.g., Hope Lewis, *Go On! Breaking Into Law Teaching*, INTLAWGRRLS (Aug. 30, 2011), <http://www.intlawgrrls.com/2011/08/go-on-breaking-into-law-teaching.html>

22. See Margaret B. Kwoka, *Entering the Law Teaching Market* (2011), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1929812](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1929812).

23. See Margaret B. Kwoka, *Intersecting Experiential Education and Social Justice Teaching*, 6 NORTHEASTERN UNIV. L. J. 111 (2013) (an essay memorializing the content of my remarks).

The details of Hope's tireless commitment to supporting my career are less important than the fact that I know I am one of many. She truly believed in her students and committed herself to making them into the best versions of themselves. She genuinely celebrated their creativity, and their ambition. She opened doors, recommended them for roles, generated leadership opportunities, and, as Jeribu said, she brought them in.

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I had the deep privilege to chair the committee that awarded Hope Lewis with SALT's Shanara Gilbert Human Rights Award, one of many awards Hope received over her long, spectacular career. When considering the nomination materials, I was, of course, impressed all over again by her lifelong commitment to international human rights work. But more than that, I was humbled by her broader legacy. She took her academic work and translated it into policy change, advocacy tools for community groups, public intellectual engagement, and the pursuit of social justice. Her influence was felt far beyond the walls of her law school building, or the people who passed through it. When Hope accepted the award at SALT's annual dinner, the audience was full of people whom Hope had "brought in." Her example has inspired so many to see the critical role of academics in linking theory, policy, social change, and education. I personally work to live up to Hope's example, and to honor her legacy.