HOPE AS A HUMAN RIGHTS PRACTICE: CULTIVATING AND SUSTAINING TRANSFORMATIVE HOPE TO ADVANCE SOCIAL CHANGE

GULIKA REDDY[1]

Human rights advocates address a range of protracted and systemic harms, from multi-decade conflicts to entrenched racism and identity-based injustice. While engaging in this work is deeply rewarding, advocates can often feel overwhelmed or despairing about the uncertain way forward and unknown probability of success. Navigating challenges, including these feelings, is central to human rights work. Hope can be profoundly important in moments of challenge. Yet not all forms of hope are effective. Indeed, some types of hope can be counterproductive or even dangerous. Though some form of hope is essential to human rights advocacy, existing scholarship fails to answer crucial questions: What is the role, if any, of hope in advancing change? Is hope a skill or practice that advocates can cultivate? And how can we, as advocates, sustain hope through setbacks without being naïve or dismissive of the gravity of the challenges that we face? To address these questions, this Article does three things. First, it draws on multidisciplinary scholarship to set out a novel typology of hope that reveals the utility, or lack thereof, of each form of hope to the human rights field. In doing so, it brings rigor to hope as a theory of change. Second, it argues that transformative hope is what the human rights field needs, then explains how individuals and institutions can cultivate it. Finally, the Article proposes ways that institutions can best support the sustained practice of transformative hope. The Article concludes by explaining how these insights, though designed for the human rights field, apply to the social justice field more broadly.

INTRODUCTION

Hope is a word that is part of our daily, even mundane, conversations.[2] At the same time, it can play a profound role in our advocacy efforts in the human rights field. Yet hope can often feel elusive given the uncertain and challenging nature of human rights work. How, then, can human rights advocates cultivate and sustain hope in the face of the constant and seemingly insurmountable barriers they encounter?

This question lingered with me after a conversation I had with another advocate. This advocate, a longtime partner in my work, has spent the last twenty years working on a protracted conflict. She is one of the most hopeful, inspiring, and creative people I know. Even when she experiences significant setbacks to her work, she retains a hopeful attitude that we can collectively make the situation better. In this particular conversation, however, she confided that she feared that if she was not hopeful, it would impact the morale of the people who were working alongside her and that their decades of work would be negatively affected. "I feel like I am a salesperson of hope," she said. While talking to her, I realized two things. First, to reduce the burden of being hopeful on any one individual, hope should be cultivated and sustained as a collective practice in human rights and social justice work. Second, although I knew that hope was a valuable skill in human rights work, the term hope still felt abstract. I began seeking greater clarity and concrete guidance on how to cultivate and sustain hope.

As I began to think about the role of hope in human rights work, I also recalled various conversations with my students over the years wherein they seemed to be asking for a reason to be hopeful. They wanted a confirmation that change was possible, that our collective efforts in the human rights field were worthwhile. I realized that to be able to offer an honest and effective response, I needed to develop and teach a theory of hope.

Such conversations also serve as reminders of the integral role of hope in these challenging times. We are experiencing global inequities, protracted conflicts, and the climate crisis. And all of this is occurring

---

[2] Kathryn Abrams & Hila Keren, *Law in the Cultivation of Hope*, 95 CALIF. L. REV. 2007, at 319, 324 ("People understand hope in many different ways. Some view hope as synonymous with wish or desire. This conception comprehends both the monumental (e.g., a hope for world peace) and the mundane (e.g., 'I hope it doesn't rain today')."); Darren Webb, *Modes of Hoping*, 20 HIST. HUM. SCI. 65, 66 (2007). Webb notes that hope is "an integral part of what it is to be human." *Id.*; *see also* Richard S. Lazarus, *Hope: An Emotion and a Vital Coping Resource Against Despair,* 66 SOC. RSCH. 653, 664 (1999) (noting that sometimes, of course, the word hope is used only in a pro-forma, unemotional way, as when we say "[I hope you] have a nice day," which is a pleasant but trivial ending to a routine social transaction. In this case, there should be little or no activation).

alongside a global pandemic and rising populism.[3] But while the specific challenges of our time may be unique, the fact that this time period is challenging is not—every moment in history has had challenges. This realization set me on the path to study hope.

Hope is an important attitude or orientation in moments of challenge. It can be harnessed to generate commitment, action, and creative problem solving, which are all critical to advancing change.[4] For one, it can open up a sense of possibility for the future[5] and help us believe that our work will contribute to change.[6] Also, hope can instill resilience[7] and allow us to persevere despite seemingly insurmountable barriers.[8] As bell hooks, a scholar and activist who has produced seminal work on education and social change, noted, "hopefulness empowers us to continue our work for justice even as the forces of injustice may

---

[3] Patricia Lopez, *For a Pedagogy of Hope: Imagining Worlds Otherwise*, 47 J. Geo. in Higher Educ. 1, 1 (2022).

[4] Darren Webb, *Pedagogies of Hope,* 32 Studs. Phil. & Educ. 397, 409 (2013) (stating that "[t]o hope in this mode is to experience the world as open to collective human design and history as an adventure"); *see also* Gustavo Gutiérrez, A Theology of Liberation 125, 139 (1988) (noting that hope "fulfils a mobilizing and liberating function," "makes us radically free to commit ourselves to social praxis, motivated by a liberating utopia," and "not only frees us for this commitment, it simultaneously demands and judges it"); Abrams & Keren *supra* note 2, at 338 (explaining that hope develops "purposive self-assertion" and is "a vital coping resource that guides goal-directed behavior"); Smandar Cohen-Chen et.al, *A New Appraisal Based Framework Underlying Hope in Conflict Resolution*, 9 Emotion Rev. 208, 209 (2017) ("Empirical research has found that hope leads to cognitive flexibility, creativity, and problem-solving abilities." (citation omitted)).

[5] *See* Dale Jacobs, *What's Hope Got to Do With It? Toward a Theory of Hope and Pedagogy,* 25 J. Advanced Composition 783, 784-92 (2005). The author points out how hope helps and empowers us to continue working for justice, *id.* at 784, and helps us work against despair so that we can see the future as possibility rather than historical inevitability, *id.* at 792.

[6] Sara Ahmed, Living a Feminist Life 46-47 (2017) (discussing hope as an "investment" that will get us somewhere in the future).

[7] Forrest C. Lane & Natasha H. Chapman, *The Relationship of Hope and Strength's Self-Efficacy to the Social Change Model of Leadership*, 10 J. Leadership Educ. 116, 121 (2011) ("In higher education, hope predicts resilience, academic success, and persistence." (citations omitted)); Abrams & Keren, *supra* note 2, at 338 ("[T]hrough cultivation and over time, the process of hoping produces subjects who are more resilient in the face of difficulty, and more resourceful as individuals."); Katerina Standish, *Learning How to Hope: A Curriculum*, 43 Human. & Soc'y 484, 487 (2019) (discussing how hope prevents despair in the face of difficult circumstances); *see also* Kevin M. Gannon, Radical Hope: A Teaching Manifesto 4 (2020) ("For those of us committed to changing higher education for the better, to making a genuine difference in our classrooms and on our campuses, a commitment to radical hope offers the chance to do so in a clear-eyed and sustainable manner without succumbing to hostile resignation or burned-out despair.").

[8] Travis P. Searle & John E. Barbuto, Jr., *Servant Leadership, Hope, and Organizational Virtuousness: A Framework Exploring Positive Micro and Macro Behaviors and Performance Impact*, 18 J. Leadership & Org. Studs. 107, 113 (2011) ("Hope also embraces success rather than failure, adaptation rather than becoming obsolete, and optimism rather than pessimism. Hope shifts obstacles to challenges, and even when faced with seemingly insurmountable barriers, alternate routes are embraced." (citations omitted)).

gain greater power for a time."[9] Other scholars have similarly explained that hope allows people to believe that they have "some control" over their circumstances—that they "are no longer entirely at the mercy of [outside] forces."[10] It is an attitude that allows people to justify action.[11] Finally, hope serves as a reminder that constraints and crises can also be opportunities for advocates to cultivate creativity and imagination as they search for a new way forward.[12]

As I began studying hope, it was clear why hope was valuable. But there was no scholarship indicating what form of hope would be helpful for the human rights field and how advocates can intentionally cultivate and sustain it. It became apparent that there is no systematic and rigorous study of what hope means for the human rights field. This Article seeks to attend to this oversight and take the affective landscapes of hope seriously. I offer a novel typology of hope that explores the wide variations in the utility of each form of hope to the human rights field. As this Article will show, not all forms or manifestations of hope are helpful. Some are misguided or even dangerous. Others involve the misuse or manipulation of the language of hope. And even helpful forms of hope do not always go far enough. To solve this problem, I construct the concept of transformative hope, which has the potential to fuel and revitalize the human rights field. Transformative hope is a grounded, action-oriented, creative, and imaginative approach that enables advocates to persist in their efforts towards change despite the uncertain way forward. Finally, I argue that even if the value of transformative hope is clear, there is still a need for institutions to create the culture and structures necessary to sustain hope.

These arguments are organized as follows. Part I draws on a range of disciplines to define hope and offer a typology of its myriad forms. Part II introduces the concept of transformative hope and explains how to cultivate the key dimensions of this form of hope. Finally, Part III considers how institutions can support and sustain the practice of transformative hope.

Many of the examples described in this Article are from my experience directing the International Human Rights and Conflict Resolution Clinic at Stanford Law School, where students work in partnership with impacted communities and civil society groups around

---

[9] bell hooks, Teaching Community: A Pedagogy of Hope xiv (2004).

[10] Jerome Groopman, Commentary, *The Anatomy of Hope*, 8 Permanente J. 43, 45 (2004) ("[A] combination of attitudes that are such that an agent stands ready to justify her engaging in such activities (or is disposed to do so).").

[11] Claudia Blöser & Titus Stahl, *Fundamental Hope and Practical Identity*, 46 Phil. Papers 345, 356 (2017).

[12] Ahmed, *supra* note 6, at 187.

the world to advance social change,[13] as well as my years of experience of engaging in human rights advocacy in other institutions. While the Article uses examples from the human rights movement and human rights classrooms, its lessons are intended to apply to the social justice field more broadly.

Before I proceed, two caveats. First, this Article is not about whether or to what extent we should have hope about the effectiveness or legitimacy of the human rights field.[14] Instead, this exploratory Article is about *what* hope is (and is not) and *how* we can foster and sustain hope to advance social change. Second, while this Article focuses on hope, hope does not act alone among emotional drivers for change.[15]

---

[13] The work of the Stanford Law School International Human Rights and Conflict Resolution Clinic spans three areas: peace and justice, equality and non-discrimination, and rights across borders. We have worked in partnership with civil society groups in ten countries in Asia, Africa, and the Americas. For security reasons, this article anonymizes these countries and the names of our project partners.

[14] Existing scholarship explores the effectiveness of hope (or lack of it) in the human rights field. For discussion on the effectiveness of the human rights field, *see* Kathryn Sikkink, Evidence for Hope: Making Human Rights Work in the 21st Century 3 (2017) [hereinafter Evidence for Hope]; *see also* Gráinne de Búrca, Reframing Human Rights in a Turbulent Era 5 (2021). For critiques of the effectiveness of the human rights field, see Sam Moyn, Not Enough: Human Rights in an Unequal World (2018); Stephen Hopgood, The Endtimes of Human Rights (2013); Eric Posner, The Twilight of Human Rights Law (2014). There is also a growing body of constructive, forward-looking scholarship on how to engage in self-reflection and transform the current human rights movement. *See* Gráinne de Búrca, Reframing Human Rights in a Turbulent Era 5 (2021); César Rodríguez-Garavito, *Human Rights 2030: New Paradigm for the Human Rights Field*, *in* The Struggle for Human Rights 328 (Nehal Bhuta et al., eds., 2021); César Rodríguez-Garavito & Krizna Gomez, Rising to the Populist Challenge: A New Playbook for Human Rights Actors (2019); Dustin N. Sharp, *Through a Glass, Darkly: Three Important Conversations for Human Rights Professionals*, 11 . Hum. Rts. Prac. 296 (2019); Lucie White & Jeremy Perelman, *Can Human Rights Practice be a Critical Project? A View from the Ground*, Loy. L.A. L. Rev. 157 (2020); Kathryn Sikkink, The Hidden Face of Rights: Towards a Politics of Responsibilities (2020); Philip Alston, *The Populist Challenge to Human Rights*, 9 J. Hum. Rts. Prac. 1 (2017). In the book *Evidence for Hope,* for example, Kathryn Sikkink responds to what she perceives as increasing "pessimism about the legitimacy and effectiveness of human rights law, institutions, and movements" with powerful examples of how human rights movements have been effective even when change is slow. Sikkink, Evidence for Hope, *supra*, at 3. Similarly, in *Reframing Human Rights in a Turbulent Era*, Gráinne de Búrca uses concrete case studies of human rights campaigns to highlight how activists have been mobilizing despite serious constraints. However, even hopeful scholars like Sikkink and de Burca acknowledge that the scale and complexity of the challenges are immense. This suggests that while there may be evidence for hope, feeling hopeful is not straightforward. This Article sets out how to cultivate and sustain hope.

[15] Katie Stockdale, *Hope and Anger*, *in* Hope Under Oppression 82 (2021).

Anger,[16] love, frustration, fear,[17] grief, trust, bitterness, faith,[18] a sense of duty, and a moral imperative could also be drivers of change.[19] Indeed, many advocates have noted that they had varied—and oftentimes conflicting—emotions when witnessing or experiencing human rights violations and all of those emotions fueled their advocacy.[20] Thus, while I privilege "hope" as a hermeneutic in this Article, I do not aim to ignore or disregard the role of other emotions in driving advocacy. Hope alone certainly will not result in change. It is, however, an integral part of being able to imagine and drive change.[21]

I. Unpacking Hope

Hope is a term we read about, hear, and often use, and yet it is a contested term defined in multiple ways. There is no theory of hope for the human rights field. This Part draws on literature across multiple disciplines to arrive at a definition and typology of hope for the human rights field.

As it is generally used, the term "hope" has been described as an emotion, disposition, and a state of mind.[22] It has also been described

---

[16] Doug McAdam, *Social Movement Theory and the Prospects for Climate Change Activism in the United States*, 20 Ann. Rev. Pol. Sci. 189, 204 (2017) (noting that the "combination of anger and hope has proven to be a powerful motivator in many successful movements. In general, rights movements have traditionally relied on this potent mix of emotions").

[17] *Id.* at 194 (discussing the relevant mobilizing emotions of anger and fear in developing a movement).

[18] Stockdale, *supra* note 15, at 9 ("[H]ope must be understood not in isolation but as an attitude that interacts with other mental states to influence how people experience and engage with the world. . . . I shed light on the relationship between hope and a range of related states including fear, trust, anger, bitterness, despair, and faith.").

[19] Paulo Freire, Pedagogy of the Oppressed 10 (2005) ("Pedagogy of hope is that kind of book. It is written in rage and love, without which there is no hope.").

[20] *See, e.g.*, Abrams & Kerns, *supra* note 2, at 346-48; *see also* Howard J. Vogel, *The Terrible Bind of the Lawyer in the Modern World: The Problem of Hope, the Question of Identity, and the Recovery of Meaning in the Practice of Law*, 32 Seton Hall L. Rev. 152, 176 (2001).

[21] Freire, *supra* note 19, at 8-9 ("[The] idea that hope alone will transform the world, and action undertaken in that kind of naivete, is an excellent route to hopelessness, pessimism, and fatalism. But the attempt to do without hope, in the struggle to improve the world, as if that struggle could be reduced to calculated acts alone, or a purely scientific approach, is a frivolous illusion.").

[22] Webb, *supra* note 2, at 67; John Patrick Day, *Hope*, 6 Am. Phil. Q. 89, 89 (1969) (explaining that "virtually all philosophers," ranging from Hume to Aristotle to Descartes, among others, and "perhaps most[] psychologists" believe that hope is an emotion because it "involves (1) desiring, and (2) estimating a probability"); Charles Richard Snyder, *Hypothesis: There is Hope*, *in* Handbook of Hope: Theory, Measures, & Applications 3, 8-9 (Charles Richard Snyder ed., 2000) (defining hope as "a positive motivational state that is based on an interactively derived sense of successful [] agency . . . and [] pathways" (quoting Charles Richard Snyder et al., *Hope and Health: Measuring the Will and the Ways*, *in* Handbook of Social and Clinical Psychology: The Health Perspective 285, 287 (Charles Richard

as a "formed habit."[23] Finally, it has been described as both a biological and/or socially constructed concept.[24] For the purposes of this Article, I define hope as a learned mindset and practice that allows you to believe in and work towards the possibility that you can achieve your goals. This learned or socially-constructed view of hope suggests that human rights advocates and teachers can cultivate, teach, and model the practice of hope. Indeed, Mariame Kaba, an activist and organizer, views hope through this precise lens. To her, hope is a discipline—something that we can practice every day.[25] Scholars in the education field also believe that hope can be a "learned thinking pattern"[26] that sustains action and the commitment to said action despite inevitable challenges. Hope can offer comfort, strength, and the will to go on.[27] For example, researchers have found that incarcerated individuals often rely on hope to cope in conditions of confinement.[28] In the medical context, Professor Jerome Groopman explains that it took him a few years to finally understand that his patients were asking him for hope and that hope was a part of the "treatment" they needed as true hope can help ease pain and perhaps the odds of responding well to treatment.[29]

Snyder & Donelson R. Forsyth eds., 1991))); *see also* Emma Pleeging et al., *Characterizing Hope: An Interdisciplinary Overview of the Characteristics of Hope*, 17 Applied Rsch. in Quality of Life 1681, 1682 (2022) (describing hope as "a form of imagination"). Unlike most philosophers, John Patrick Day argues that hope is a "sort of disposition[]," rather than an emotion. Day, *supra*, at 98; *see also* The Oxford Handbook of Hope 19 (Matthew W. Gallagher & Shane J. Lopez eds., 2018) ("Hope is not only an occurrent mental state; it can also be a general orientation or global attitude of positivity and openness toward life.").

[23] Webb, *supra* note 2, at 67; *see also* Jo Hockley, *The Concept of Hope and the Will to Live*, 7 Palliative Med. 181, 182 (1993) (describing hope as "an effect that would seem to be a process of both conscious and unconscious reasoning"); Alan Mittleman, Hope in a Democratic Age: Philosophy, Religion, and Political Theory 25 (2009) ("Hope is a product of our hominid prehistory, of natural selection." (footnote omitted)).

[24] W. Roberts Beavers & Florence W. Kaslow, *The Anatomy of Hope*, 7 J. Marital & Fam. Therapy 119, 119 (1981); Webb, *supra* note 2, at 67; *see also* Mittleman, *supra* note 23, at 24-25 (suggesting that hope may be embedded in huma biology).

[25] Mariame Kaba, We Do This 'Til We Free Us: Abolitionist Organizing and Transforming Justice 26-27 (2021).

[26] Webb, *supra* note 4, at 398 (questioning whether hope is "a learned thinking pattern such that some human beings are capable of not hoping because they were not taught to think in this manner" (citations omitted)).

[27] Vibeke Lohne, *'Hope as a Lighthouse' A Meta-Synthesis on Hope and Hoping in Different Nursing Context*s, 36. Scand. J. Caring Scis. 36, 44 (2022).

[28] *See, e.g.*, Serena Wright et al., *Trajectories of Hope/lessness Among Men and Women in the Late Stage of a Life Sentence*, 27 Theoretical Criminology 66, 68 (2023) ("The beneficial aspects of hope have specific relevance to surviving . . . under conditions of confinement." (citations omitted)); *see also* Derek Spencer, *The Hope Principle: Exploring an Unwritten Principle of Sentencing Law*, 65 Crim. L. Q. 414, 415 (2018) ("Hope and rehabilitation have a symbiotic relationship, with hope of release [from prison] acting as a motivating factor for rehabilitation and rehabilitation the means to achieve the hope for goal release.").

[29] Groopman, *supra* note 10, at 43, 46.

Given what hope can offer, we have both a strategic and moral obligation to cultivate hope as a practice.[30] The absence of hope not only curtails critical action but is also a denial of a core aspect of our humanity.[31] One of the benefits of viewing hope as a socially constructed concept or a "learned" practice is that it is no longer limited to individuals with a particular disposition. Hope is something that can be cultivated by anyone.

Recognizing that hope can be learned not only challenges the idea of hope as a personality trait that is inherent and fixed[32] but frees us to ask the next logical question: How can individuals, institutions, and movements cultivate hope? Moreover, shifting to a learned practice model removes the burden that a static trait can place on individuals.[33] The socially-constructed understanding of hope draws attention to the futility of phrases like "Just have a little hope" or "Be positive."[34] While perhaps well-intentioned, such phrases fail to fully acknowledge the challenges associated with sustaining hope,[35] and they also fail to adequately place responsibility on institutions to cultivate or at least not constrain hope.[36]

Although there are varying definitions and theories of hope across a range of disciplines, two key dimensions of "true" or effective forms of hope stand out in the literature: (a) hope as active versus passive; and (b) hope as grounded in context and material conditions, versus

---

[30] In the medical field, some scholars argue that doctors have a moral and ethical obligation to cultivate hope. *See* Tobias Kube et.al., *Hope in Medicine: Applying Multidisciplinary Insights*, *Perspectives in Biology and Medicine*, 62 PERSPS. BIOLOGY MED. 591, 594 (2019) ("[T]here is the ethics of hope, and the question whether the medical community has a moral obligation to instill hope in patients, and if so, what kinds of things patients should be encouraged to 'hope for.'"). Additionally, some scholars have written about the import of "[c]onserving hope" in a liberal society. MITTLEMAN, *supra* note 23, at 14.

[31] Vinter and Others v. United Kingdom, App. Nos. 66069/09, 130/10, 3896/10 (July 9, 2013) (Power-Forde, J., concurring), https://hudoc.echr.coe.int/eng#{%22ite mid%22:[%22001-122664%22]} (explaining that hope is part of a person's "fundamental humanity"); Mathiŏtsitis and Others v. Lithuania, App. Nos. 2262/13, 51059/13, 59692/13, 59700/13, 60115/13, 692513, 72824/13, ¶ 180 (Aug. 23, 2017), https://hudoc.echr.coe.int/eng# {%22itemid%22:[%22001-173623%22]} ("To deny [incarcerated people] the experience of hope would be to deny a fundamental aspect of their humanity and to do that would be degrading."); *see also* Juan Carlos Riofrio, *The Right to Hope: A New Perspective of the Right to Have Expectations, Opportunities and Plans*, 30 WASH. & LEE J. CIV. RTS. & SOC. JUST. 79, 83 (2023) (asserting that hope is "an existential aspect of human life"); Kimberley Brownlee, *Punishment and Precious Emotions: A Hope Standard for Punishment*, 41 OXFORD J. LEGAL STUDS. 589, 605 (2021) (explaining that "hope, like autonomy, is inherently valuable and necessary for a meaningful human life").

[32] Devita Bishundat et al., *Cultivating Critical Hope: The Too Often Forgotten Dimension of Critical Leadership Development*, 2018 NEW DIRECTIONS FOR STUD. LEADERSHIP 91, 100 (2018).

[33] *Id.*

[34] *Id.*

[35] *Id.*

[36] Indeed, describing hope "as an individual responsibility" undermines the connection between hope and the collective and solidarity. *See* Sarah Trotter, *Hope's Relations: A Theory of the 'Right to Hope' in European Human Rights Law*, 22 HUM. RTS. L. REV. 1, 7, 20 (2022)).

disconnected from reality and the priorities of directly impacted communities. These two dimensions led me to create a typology of hope represented in Figure 1. The typology is intended to allow students and advocates to reflect on, visualize, situate, and shift their mindset and practice, based on where they are in the framework.

Whereas "active" designates ongoing engagement and efforts to advance social change,[37] "passive" denotes a lack of such engagement.[38] "Grounded" refers to a deep understanding of human rights issues as well as centering the knowledge and priorities of impacted communities. Conversely, "ungrounded" refers to a model of advocacy without the requisite engagement with the context or community needs. The intersections of active, passive, grounded, and ungrounded produce different qualities and effects of hope, and the typology examines how the effectiveness of hope varies substantially depending on the degree to which it embraces these dimensions. It is worth emphasizing that "active" is not limited to overt action, just as being "grounded" does not require limiting our goals based on the reality of the current context, but instead involves grappling with, challenging, and ideally even upending existing material conditions or constraints. As a result, these and other terms in this Article should be understood in the broadest possible sense.

FIGURE 1: TYPOLOGY OF KEY TYPES OF HOPE[39]

Dimensions of hope	Ungrounded	Grounded
Passive	False hope *Examples: optimism, lack of engagement, hope rooted in denial or delusion.*	Latent hope *Examples: complacency, stuckness, or apathy.*
Active	Reckless hope *Example: acting without the necessary preparedness.* Disingenuous hope *Example: manipulation.*	Measured hope *Example: developing interventions within the framework of current material conditions.*

---

37 *See, e.g.*, ANTHONY SCIOLI & HENRY B. BILLER HOPE IN THE AGE OF ANXIETY 13 (2009) (explaining that true hope is "active" and "offers a real alternative to surrender borne of pain, suffering, or loss" (emphasis omitted)).

38 *See, e.g.*, Christopher Seeds, *Hope and Life Sentence*, 62 BRIT. J. CRIMINOLOGY 234, 239 (2022) (observing that "[a]ction" distinguishes hope from optimism, the latter of which is passive).

39 Because this Article defines "hope" as both a mindset and practice, this typology of hope includes examples of both forms of hope, such as the example of reckless hope as action without preparedness and the example of latent hope as apathy or a sense of stuckness.

This Part illustrates these different forms of hope through historical examples as well as contemporary human rights practice. It is worth noting that individuals and movements employ different forms of hope at the same time, and therefore illustrations here should not be taken to suggest that individual or collective efforts are limited to one form of hope. Instead, they are intended to serve as examples to prompt reflection about ways in which some forms or manifestations of hope may be inadequate to meet the goals of the human rights field.

A.   False Hope

False hope suffers from flaws along both the dimensions I have mapped above. A false hoper demonstrates both passivity and an ungrounded engagement with issues.

The first element of false hope is that it lacks action. Kevin Gannon, a historian and educator, explains that "hope without action is merely fantasy."[40] In that sense, false hope shares some parallels with optimism, which is the belief that an outcome will be positive, even if that is not always the case.[41] Similarly, false hope could involve believing that change will take place but at the same time not doing anything concrete to effect that change. To be sure, optimism is not a bad thing. Optimism has been shown to predict greater well-being even during periods of adversity.[42] And sometimes true hope and optimism operate together.[43] However, the two need not coexist, and what sets them apart is the engagement with context and the degree of action. Human rights victories consistently demonstrate the importance of action and engagement (and, thus, the hollowness of false hope) in engendering change. Victories such as the end of apartheid in South Africa and the dismantling of the Berlin Wall might have involved hope as a catalyst to action but hope on its own could not have resulted in these victories.[44]

---

[40] Kevin M. Gannon, Radical Hope: A Teaching Manifesto 4 (2020).

[41] Groopman, *supra* note 10, at 47 ("[T]rue hope differs from optimism. Optimism says everything is going to work out all right. Well, the truth is, everything doesn't always work out all right. Things sometimes work out very badly. Optimism is a character trait. It is almost a given. Hope is an active emotion. Hope requires meticulously surveying everything in front of you—all the obstacles, all the pitfalls—and finding that path that can bring you to the future. That's the cognitive part.").

[42] Allison D. Martin & Kevin L. Rand, *The Future's So Bright, I Gotta Wear Shades: Law School Through the Lens of Hope*, 48 Duq. L. Rev. 203, 208 (2010).

[43] *See, e.g.*, Hui-Ching Wu, *The Protective Effects of Resilience and Hope on Quality of Life of the Families Coping with the Criminal Traumatisation of One of its Members*, 20 J. Clinical Nursing 1906, 1908 (2011) ("[E]ffective coping mechanisms can enhance the dispositional traits of self-efficacy, optimism and self-reliance and that those traits, in turn, reinforce willingness to attempt to actively solve other problems. They create hope.").

[44] Peter McInerney, *From Naive Optimism to Robust Hope: Sustaining a Commitment to Social Justice in Schools and Teacher Education in Neoliberal Times*, 35 Asia-Pac. J. Tchr. Educ. 257, 257 (2007) ("The overthrow of apartheid in South Africa and the dismantling of

Such victories were a function of agency and tremendous, unrelenting action,[45] which is a key element that is absent from false hope.

Second, false hope lacks groundedness. Some forms of false hope are "informed by privilege," which ignores inequities, existing material conditions, and other barriers to change.[46] Other forms involve a "denial of suffering"[47] or similar to optimism, could involve people being disconnected from reality."[48] Jeffrey Duncan-Andrade's explanation of false hope draws on Barack Obama's 2008 election as President of the United States to problematize the ways in which it was equated with the "end of racism."[49] Although Obama's election was certainly a significant moment, equating an election with the elimination of racism is not only "mythmaking," to quote Duncan-Andrade, but it is also a form of idealism that fails to grapple with racism as a systemic issue.[50] Hope based on such mythmaking is not grounded in the efforts of social justice movements that have spent decades working towards ending systemic racism.

For these reasons, false hope is insufficient to bring about change. Hope and change require engaging with an "undistorted view of reality" that takes into consideration the complex and "tragic" aspects of one's material conditions.[51] A study on hope and climate change engagement, for example, found that hope can activate engagement with environmental issues.[52] However, as psychology scholar Maria Ojala notes, the nature of engagement depends on what the hope is rooted in.[53] Denial-based hope can result in a negative relationship with engagement and behavior; whereas hope grounded in contextual

---

the Berlin Wall reveal the power of human agency and the capacity of citizens to challenge the status quo and to bring about progressive social change Although a large measure of hope may have guided these emancipatory ideals and acted as 'a spur to action' hope in itself was insufficient to bring about these changes of this magnitude.").

[45] *Id*.

[46] Jeffrey M. R. Duncan-Andrade, *Note to Educators: Hope Required When Growing Roses in Concrete*, 79 Harv. Educ. Rev. 181, 182 (2009); Marjo Lindroth & Heidi Sinevaara-Niskanen, *Politics of Hope*, 16 Globalizations 644, 647 (2019) (arguing that hope "masks (continuing) acts and processes of othering, subjugation and coercion" and "enables the maintenance of inequality through what is, in essence, a fantasy of the future").

[47] Duncan-Andrade, *supra* note 46, at 184.

[48] Paul W. Pruyser, *Maintaining Hope in Adversity*, 51 Bull. Menninger Clinic 463, 465 (1987).

[49] Duncan-Andrade, *supra* note 46, at 183.

[50] *Id.* at 183–84.

[51] Prusyer, *supra* note 48, at 465 ("To hope, then, one must have a tragic sense of life, an undistorted view of reality, a degree of modesty vis-a-vis the power and workings of nature or the cosmos, some feeling of commonality, if not communion, with other people, and some capacity to abstain from impulsive, unrealistic wishing.").

[52] Maria Ojala, *Hope and Climate-Change Engagement from a Psychological Perspective*, 49 Current Op. in Psych. 101514 (2023).

[53] *Id.*

knowledge—"constructive hope," as Ojala defines it—can result in increased engagement.[54]

B. *Latent Hope*

At the intersection of the grounded and passive dimensions lies latent hope, where contextual engagement does not translate to action. A latent hoper could watch the news all day and talk about the suffering in the world at great length, hoping for change but failing to make an active effort to transform ongoing human rights abuses. This form of hope involves the identification of a desire or goal but does not employ the necessary action or "self-assertion" to implement said goal.[55] Instead, the identified desire is a "wish."[56] Latent hopers may rely on others to take action and thus await an improved situation in the future,[57] when in fact hope needs to be rooted in action.[58]

A range of factors can contribute to latent hope, including indifference, apathy, and complacency. However, a more generous interpretation of what underlies latent hope is "stuckness," which is the desire to effect change without the requisite knowledge about what form of action would be most effective. Though stuckness and other reasons underlying latent hope have key differences, the outcome is

---

[54] *Id.*

[55] Abrams & Keren*, supra* note 2, at 341 ("The process of hoping . . . begins with the embrace of a distant object, the acknowledgment of a desire which may be difficult to fulfill. But without self-assertion, which includes judgment about means and ends, the marshaling of resources and support, and ongoing recalibration of strategy, this desire remains a wish rather than a cornerstone in the process of hoping. The defect we identify as passive hoping is most likely to occur when hopers focus their energies on sustaining a particular desire, rather than asserting themselves in order to bring it about.").

[56] *Id.*

[57] Webb*, supra* note 4, at 400 ("Patient hope: The generic features of patient hope can be summarised thus: taking as its objective a process of becoming or perennial enroutedness which defies representation but is instilled with meaning, hope as a cognitive-affective activity is characterised by a secure trust in the behavioural activity of an Other. Such hope is other-directed and patient. In its behavioural dimension, to hope is to take one's time and await an essentially unforeseen future."); Duncan-Andrade, *supra* note 46, at 184 ("They 'hope' for change in its most deferred form: either a collective utopia of a future reformed society or, more often, the individual student's future ascent to the middle class. However, according to S. Leonard Syme, . . . 'hope should be thought of as control of destiny . . . an actively present sense of agency to manage the immediate stressors in one's daily life.'" (citations omitted) (internal quotation marks omitted)).

[58] Freire notes how hope and action are indivisible. Freire, *supra* note 19, at 8-9 ("[H]ope, as an ontological need demands an anchoring in practice. As an ontological need, hope needs practice in order to become historical concreteness. That is why there is no hope in sheer hopefulness. The hope-for is not attained by dint of raw hoping. Just to hope is to hope in vain. Without a minimum of hope, we cannot so much as start the struggle. But without the struggle, hope, as an ontological need, dissipates, loses its bearings, and turns into hopelessness. And hopelessness can become tragic despair. . . . Hopelessness and despair are both the consequence and the cause of inaction or immobilism." (footnote omitted)).

ultimately inaction. bell hooks observes that such stuckness could be the result of the lack of constructive critique, positing that by naming a problem without reflecting on resolution and possible solutions, it is merely a form of cynicism and contravenes hope.[59]

A lack of constructive, forward-looking critique can lead to stuckness and nihilism. This is a reminder that when engaging with human rights issues, it is important to equip ourselves with the skills and capacities necessary to effect change. When we teach students, or anyone, about challenging issues and ask them to carry the burden that comes with such knowledge, we should provide guidance on how to address those issues and move "toward new forms of hope."[60] Without such guidance, students can understandably "check out" or default to a nihilistic position.[61] Accordingly, we need to equip people with the capacities and a form of hope that can lead to more critical thinking and creative problem solving.[62] This can move latent hope to a more constructive form of hope.

C.   *Reckless Hope and Disingenuous Hope*

Reckless hope and disingenuous hope occur where action meets ungroundedness. Reckless hope involves acting without an understanding of the issues and needs of impacted communities, and disingenuous hope involves action based on an individual or entity's deliberate misrepresentation of a community's material realities. As one might expect, both forms of action are potentially even more harmful than no action at all.

The human rights field is rife with examples of reckless hope, where advocates parachute in and take action without a deep understanding of the context.[63] Indeed, some of our clinic project partners have described ineffective, reckless, and even dangerous interventions that have resulted from a lack of understanding.

Advocacy models based on reckless hope are unfortunately fairly common. As an example, Sarah Knuckey and co-authors recount how an international NGO spearheaded a campaign to treat a lagoon in Mexico

---

[59] HOOKS, *supra* note 9, at xiv.

[60] Maggie Rehm, *Agency and Activism as Elements in a 'Pedagogy of Hope': Moving Beyond 'This Class Is Depressing,' in* TEACHING GENDER & SEX IN CONTEMPORARY AMERICA 207, 213 (Kristin Haltinner & Ryanne Pilgeram eds., 2016).

[61] *Id.* at 207.

[62] *Id.*

[63] Sarah Knuckey et al., *Power in Human Rights Advocate and Rightsholder Relationships: Critiques, Reforms, and Challenges*, 33 HARV. HUM. RTS. J. 1 (2020) [hereinafter *Power*]; SARAH KNUCKEY ET AL., EVERYDAY COLONALITY IN HUMAN RIGHTS (forthcoming 2025) [hereinafter EVERYDAY COLONALITY].

as a natural reserve that would be managed by governmental agencies.[64] This was done without consulting the indigenous communities who resided on the land where the lagoon is located.[65] The NGO did not account for those stakeholders' needs and priorities or the possibility that, if successful, the new designation would likely preclude use of the lagoon for basic subsistence by the local population.[66]

Another poignant example of reckless hope was shared by one of my clinic project partners. He described how an international human rights organization pursued and published its findings from a human rights investigation without consulting local human rights groups and without regard to the possible risks its actions could pose to interviewees. The organization's reckless intervention ultimately resulted in the interviewees being arrested and detained, and it created a serious trust deficit with other human rights actors. This example highlights how reckless hope can create harm on three levels: first, on the individuals who are directly impacted; second, on the relationship between human rights advocates and that community; and third, on the reputation and legitimacy of the human rights movement as a whole.[67]

Distinct from the ungroundedness that characterizes reckless hope, disingenuous hope is characterized by the manipulation of knowledge or the manufacture of false knowledge. Perpetrators of human rights abuses, including government actors, sometimes employ this form of hope. History has many examples of governments deploying disingenuous hope to further political agendas that undercut notions of equality.[68] A well-known (and extreme) example is the Nazis' use of disingenuous hope—specifically, their promise of national revival and racial superiority—to rise to power in Germany.[69]

---

[64] Knuckey et al., *Power*, *supra* note 63, at 14.

[65] *Id.*

[66] *Id.*

[67] *Id.* at 15 ("These practices not only harm rightsholders in specific situations, but may also adversely impact the future of human rights work in that region as it may result in a trust deficit between rightsholders and human rights advocates.").

[68] *E.g.*, Katie Stockdale, *Hope's Place in Our Lives*, *in* Hope Under Oppression 13, 32 (2021) ("Politicians' responses to the suicide crisis in many Indigenous communities illustrate one way in which the language of hope figures into political discussions about how governments and citizens should address social, political, and public health issues. And perhaps hope really is part of what individuals and communities need in certain cases—it might be beneficial for individual and collective wellbeing, for example. But this example also sheds light on the fact that politicians and, as we will see, corporations and other agents in positions of power employ the language of hope to further their ends. Hope is not just a mental state that exists in individual minds. It is also a political and marketing tool that influences human psychology and behavior.").

[69] *Why Did the Holocaust Happen?*, The Holocaust Explained, https://www. theholocaustexplained.org/how-and-why/why/rise-of-the-nazis-and-adolf-hitler/ (last visited July 26, 2024) ("The Nazis' ideology rested on several key ideas, such as nationalism, racial superiority, antisemitism, and anticommunism. These ideas were popular in Germany in the

We also see disingenuous hope in contemporary politics. Consider, for example, candidates' "promises" to drive economic progress or ensure national security—promises that are ultimately made at the expense of already marginalized groups.[70] We have seen this happen in a multitude of ways around the world, including instances where politicians and courts have pinned the hopes on "greater" national security at the cost of minorities.[71]

Although both reckless hope and disingenuous hope share some similarities, the key difference between these two forms of hope is intent. While reckless hope may not have ill intent, disingenuous hope is often ill-intentioned. Regardless of this difference, however, neither form of hope is helpful in the human rights field.

D.   *Measured Hope*

As Figure 1 shows, "measured hope" sits at the intersection of grounded and active. Measured hope requires a careful survey of the existing material conditions and action taken based on that.[72] The

---

1920s and early 1930s, as the economic and political situation fluctuated and then, following the Wall Street Crash in 1929, quickly deteriorated. In these uncertain times, the Nazi Party appeared to offer hope, political stability and prosperity. In 1932, the Nazis became the biggest party in the Reichstag, with 37.3% of the vote.").

[70] Geoffrey A. Manne & Seth Weinberger, *Trust the Process: How the National Emergency Act Threatens Marginalized Populations and the Constitution—And What to Do About It*, 44 The Harbinger 95, 98 (2020) ("When Congress expands executive power for purposes of protecting the nation against an emergency—whether real or imagined—that power is often turned against vulnerable, marginalized populations that are easily scapegoated as threats to the state."); Tim Sahay, *Don't Believe Modi's Economic Success Story*, Foreign Pol'y Mag. (June 23, 2023), https://foreignpolicy.com/2023/06/23/modi-india-economy-success-story/; Snigha Poonam, *Modi's Message Was Simple: Hindus First*, Foreign Pol'y Mag. (May 24, 2019), https://foreignpolicy.com/2019/05/24/modis-message-was-simple-hindus-first/ (explaining how Modi urged "[a]ll Hindus—distressed farmers, jobless youths, oppressed Dalits, businessmen skeptical of the BJP's economic policies— . . . to forget their circumstances and vote for their nation" after a suicide bombing in Kashmir and retaliatory airstrike by India); Shirin Sinnar, *Courts Have Been Hiding Behind National Security for Too Long*, Brennan Ctr. for Just. (Aug. 11, 2021), https://www.brennancenter.org/our-work/analysis-opinion/courts-have-been-hiding-behind-national-security-too-long.

[71] Sinnar, *supra* note 70.

[72] This dimension of measured hope bears similarly to Darren Webb's sound hope. *See* Webb, *supra* note 4, at 405 ("Sound hope can thus be characterised as a hope directed toward a significant future good involving a probability calculation which, in order to prevent the hoper losing their grip on reality, is based on a careful study of the evidence."). Other scholars utilize the terms "pragmatic hope" or "pragmatist hope." *See* Sarah M. Stitzlein, *Teaching for Hope in the Era of Grit*, 120 Tchrs. Coll. Rec. 1, 19 (2018) ("Pragmatist hope is located within and attentive to the muddy and complex circumstances of our daily lives. Unlike grit, it is not invoked only with one's eye to the future, and it requires more reasonable and tempered consideration of one's circumstances."); Mark Sanders, *Rotiyan Hope*, 19 Hum. Affs. 52, 58 (2019) ("Rortyian hope is a melioristic, pragmatic hope, in other words, a hope that draws from the classical pragmatist tradition of James and Dewey. In line with this pragmatic tradition, Rortyian hope can help engage philosophy with social-political concerns."). But I

history of activism has often involved the struggle between principled idealism with the aim to achieve radical transformation on one side and pragmatists who prioritize progress, including incremental progress, over ideological goals.[73] Actors in the social justice field often have to grapple with the question: Should we try to upend the status quo or work towards more subtle, incremental change?[74] In some moments, advocates might ask: Should we settle for less and do what we think is feasible given the constraints or push forward the radical change we would like to see?[75] We have seen this play out throughout history, from the civil rights movement in the United States,[76] to the freedom struggles in India[77] and South Africa.[78] Although measured hope in the definitional sense may sound less exciting, it can be valuable because it works towards—and can result in—incremental change.[79] Moreover, measured efforts that result in even small victories can motivate more ambitious action.[80]

The key difference between measured hope and transformative hope, which is described in the next Part, is their respective relationships with certainty and risk-taking. Measured hope is typically focused

---

rely on the term "measured hope" to emphasize that this form of hope results in designing and implementing initiatives that are limited to existing power and institutional structures and constraints.

[73] Mary Blanusa et al., *Bridging the Divide Between Idealism and Pragmatism*, Stan. Soc. Innovation Rev. (May 25, 2018), https://ssir.org/articles/entry/bridging_the_divide_between_idealism_and_pragmatism.

[74] James M. Donovan, *Baby Steps or One Fell Swoop?: The Incremental Extension of Rights is Not a Defensible Strategy*, 38 Cal. W. L. Rev. 1, 2 (2001) ("Some advocate an all-out assault on the status quo as the only way to effect the desired change, a revolution of sorts against stubborn opposition. Others prefer more subtle, gradual processes intended less to defeat the opposition than to convert them." (footnotes omitted)).

[75] *Id.* at 3 (constrasting "a strategy of rights incrementalism" with a strategy of "rights wholesale-ism" and describing a set of parallel questions about whether to "limit demands to 'our' issues, or . . . embrace a broader agenda defending the rights of all persons" (footnotes omitted)).

[76] *See, e.g.*, Hope Amidst Conflict: Philosophical and Psychological Explorations 180 (Oded Admon Leshem ed., 2024) (discussing Martin Luther King Jr.'s "I Have a Dream" speech as a key example of "the strength of the wish dimension of hope").

[77] *See, e.g.*, Bipan Chandra et al., India's Struggle for Independence: 1857-1947, at 19-20 (2016) (explaining that this movement relied on "people to make sacrifices" and recognize that its demands could not be overly unrealistic).

[78] *See, e.g.*, Stephen Zunes, *The Role of Non-Violent Action in the Downfall of Apartheid*, 37 J. Mod. Afr. Studs. 137, 161-63 (1999) (analyzing the success of non-violent strategies to overturn apartheid in South Africa).

[79] Webb, *supra* note 4, at 406 ("Sound hope gives rise, in short, to specific projects of incremental change."); *see also* Carol Steiker, *Keeping Hope Alive: Criminal Justice Reform During Cycles of Political Retrenchment*, 71 Fla. L. Rev. 1363, 1394 (2019) (noting, in the context of criminal legal reforms, that sometimes more incremental "first steps" towards progress are "the only way to get to a second step").

[80] *See, e.g.*, Steiker, *supra* note 79, at 1366-69 (discussing federal sentencing reform via the Fair Sentencing Act of 2010 and the First Step Act of 2018).

on developing interventions that are very likely to succeed. While such efforts are necessary in the human rights field, there are several examples of movements advancing change even though change was uncertain and there was a real risk of failure.[81] Measured hope does not leave room for these critical efforts. Measured hope could, for instance, involve addressing the symptoms of human rights abuses rather than trying to upend the power structures and systems behind those abuses.

The danger with measured hope is that it cannot address systemic issues in the human rights ecosystem for which we may not have certainty of success based on current circumstances. Indeed, although there are existential threats facing the system, including rising inequality and the climate crisis, much of the field remains focused on short two-to-five-year funding cycles which are focused on "low hanging fruit"[82] where success is likely.[83] This puts the human rights field at a disadvantage while trying to counter the actions of perpetrators of human rights abuses, including governments, who operate on longer time horizons.[84] Thus, while the pathway to change might be incremental, there is real value in ensuring that human rights advocates do not limit themselves to short-term goals[85] or to efforts where there is a clear likelihood of success based on the current circumstances. The challenges facing the human rights field demand action despite the existing circumstances as explained in the next Part on transformative hope.

II. Transformative Hope

The prior Part set out a typology of hope for the human rights field. It also examined the limits of the distinct forms of hope. In this Part, I define transformative hope, which I argue is what the human rights field needs, and then describe how transformative hope can be cultivated.

---

[81] *See, e.g.*, Julia Margaret Zulver, High-Risk Feminism in Colombia: Women's Mobilization in Violent Contexts (2022) (discussing "women's high-risk collective action" for gender justice in Colombia); Walter Frank, Law and the Gay Rights Story: The Long Search for Equal Justice in a Divided Democracy (2014) (cataloging the LGBTQ+ rights movement of the twentieth century and noting the risks activists faced through their organizing).

[82] Rodríguez-Garavito, *supra* note 14, at 333-34 (arguing that "the human rights system is hampered by its slowness and focus on the short term").

[83] *See, e.g.*, Seeds, *supra* note 38, at 240 (explaining that pragmatic or "institutional" hope arises "from working within given institutions").

[84] Rodríguez-Garavito, *supra* note 14, at 333-34.

[85] *Id.* ("Given that the targets of human rights campaigns (from authoritarian governments to fossil fuel and social media corporations) tend to have much longer-term horizons, this is a systemic disadvantage that keeps human rights actors constantly on the defensive." (footnotes omitted)); Donovan, *supra* note 74, at 62 (observing that "incrementalism is the truer description of what actually happens," but the task before us is still "to identify the superior a priori strategy for rights advancement" (footnote omitted)).

A. Defining Transformative Hope

Whereas measured hope is the culmination of a simultaneously grounded and active intervention, I situate transformative hope as a capacity that exists outside of the proposed intersections set forth in the typology of hope described in Figure 2. It includes the addition of the capacities of imagination and creativity.

FIGURE 2: KEY DIMENSIONS OF TRANSFORMATIVE HOPE

	Ungrounded	Grounded	Grounded + Imagination & Creativity
Passive	False hope	Latent hope	
Active	Reckless hope Disingenuous hope	Measured hope	Transformative hope

The term transformative hope exists in various scholars' theories of hope.[86] Scholars and educators Jon C. Dalton and Pamela C. Crosby offer that transformative hope is rooted in context, helps generate solutions, and involves action and engagement.[87] Additionally, Darren Webb describes a transformative hoper as one who is critical of present material conditions and motivated by hope to work towards more promising possibilities.[88] Here, Webb underscores the capacity to not limit our imagination based on constraints. Finally, there are other terms in literature that bear similarity to Webb, Dalton, and Crosby's conceptions of transformative hope. Kevin Gannon's description of radical hope, for instance, shares parallels with Webb's transformative hope. He explains that radical hope overcomes despair with the understanding that our efforts can result in a "better future" even if we do not have a full picture of that future will be.[89] Gannon emphasizes the role of hope in enabling action despite uncertainty. Likewise, Christopher Seeds's description of "deep" or "transformational" hope emerges from the

---

[86] There are other definitions of transformative hope that offer other components of this concept. *See* Mellissa A. Butler, *Transformative Hope: A Pedagogical Vision*, 94 COUNTERPOINTS 265, 276 (2001) (arguing that transformative hope requires "cultivat[ing] an assertive, collective voice" and "strategies for projecting ideas to diverse audiences").

[87] Jon C. Dalton & Pamela C. Crosby, *Hoping in Hard Times: The Transformative Power of Hope in College Student Development*, 10 J. COLL. & CHARACTER 1, 3 (2009).

[88] Webb, *supra* note 4, at 490 (explaining that "the transformative hoper critically negates the present and is driven by hope to annunciate a better alternative").

[89] GANNON, *supra* note 40, at 405.

lack of a clear path forward.[90] Seeds contends that deep hope results from an extreme event or breakdown in one's life, such as the beginning of a lengthy sentence of incarceration that is combined with a belief that although there is no roadmap of how to proceed, possibility for change exists.[91] My definition of transformative hope builds on their important scholarship by situating it in a novel typology of hope, setting out the key dimensions of transformative hope—groundedness, action, and creativity and imagination—and more importantly, by exploring *how* advocates and institutions can cultivate these dimensions of hope, which is described in the next Subpart.

However, before describing how to cultivate these dimensions of hope, it is worth distinguishing between measured and transformative hope. Transformative hope does not exclude measured hope. Instead, it represents an expansion of measured hope. In other words, while measured hope includes both goals and approaches that are based on a careful survey of the existing material conditions, transformative hope may include such approaches but is not confined to them. This distinction bears similarity to legal scholar Susan Sturm's description of the tension between legality and proactive lawyering.[92] She explains that legality and proactive lawyering are informed by distinct methodologies and systems of thinking.[93] Legality adopts a "methodology of skepticism" that is "logical, analytical, and backward looking."[94] Proactive lawyering, on the other hand, employs a "methodology of possibility" which "calls for contextual, forward-looking and creative thinking."[95] Thus, while addressing gender-based violence, measured hope could involve interventions based on an evaluation of what has worked in the past such as setting up safe houses and hotlines or directly representing clients. Transformative hope could involve those measures along with prevention and efforts that are creative and forward-looking. A transformative approach could, for example, include interventions designed to shift attitudes that are believed to perpetuate gender-based violence.

Both measured hope and transformative hope are valuable orientations and can simultaneously coexist in an effective human rights ecosystem. In fact, we need response and accountability mechanisms as well as efforts that upend existing power dynamics and social attitudes that perpetuate existing harms. And yet, the human rights

---

[90] Seeds, *supra* note 38, at 236.

[91] *Id.* at 242-43.

[92] *See generally* Susan P. Sturm, *Lawyering Paradoxes: Making Meaning of the Contradictions*, 62 Santa Clara L. Rev. 175 (2022) (discussing this tension).

[93] *Id.* at 202-03.

[94] *Id.*

[95] *Id.* at 202-04.

field tends to focus more on the measured form of hope. This is in part because institutions and funders incentive offering greater clarity and certainty about outcomes. But measured hope alone does not have the capacity to move us from the world we have to the world as it should be and a singular focus on measured hope can preclude efforts based on transformative hope that are necessary to address the scale and complexity of human rights issues.

Transformative hope, on the other hand, possesses the capacity of transformation precisely because it exceeds the binaries of active/passive and grounded/ungrounded. As a result, it allows an advocate to take action despite the existing constraints and even in the absence of a clear roadmap.[96] It does, however, require commitment in the face of uncertainty. In his book *The Courage to Create*, psychologist Rollo May explains that the relationship between this type of uncertainty and commitment is not antagonistic, but rather:

> Commitment is healthiest when it is not *without* doubt, but *in spite* of doubt. To believe fully and at the same moment to have doubts is not at all a contradiction: it presupposes a greater respect for truth, an awareness that truth always goes beyond anything that can be said or done at any given moment.[97]

Transformative hope is an embodiment of the form of commitment that May illustrates. In its attempt to reject and upend the structural harms and inequities of the present, transformative hope involves action and requires a deep understanding of the context. However, it has an added layer: creativity and imagination, which when coupled with grounded action can allow us to take a leap of faith. In fact, given that the path forward is not always clear, I would argue that transformative hope is more effective when it is creative.[98] It enables action despite existing constraints.[99]

---

[96] Gannon's description of radical hope describes this form of action. He explains that "[t]o operate from a place of radical hope, though, is a daunting prospect. It requires us to discern ways of being and acting that are far from clear, and to articulate goals that only exist 'at the horizons of one's understanding.'" GANNON, *supra* note 40, at 4.

[97] ROLLO MAY, THE COURAGE TO CREATE 21 (1975).

[98] James R. Averill & Sundararajan, *Hope as Rhetoric: Cultural Narratives of Wishing and Coping*, *in* INTERDISCIPLINARY PERSPECTIVES ON HOPE 127, 135 (Jacklin A. Eliott ed., 2005) (observing that "[h]ope involves an uncertain future"); *id.* at 127 (observing that "hope must be creative if it is to be effective. This means that an episode of hope can be evaluated in terms of novelty (whether it reveals new approaches or solutions to a problem").

[99] Duncan-Andrade's description of critical hope also mirrors this form of hope. He explains that it "demands a committed and active struggle" despite the evidence. Duncan-Andrade, *supra* note 46, at 185-86; *see also* REBECCA SOLNIT, HOPE IN THE DARK 64 (2004).

The power of transformative hope became clear to me as I watched my students work alongside advocates who lead imaginative, creative human rights efforts. In fact, a former student articulated the value of transformative hope when she described her experience working with advocates who had been working in a region that had experienced a drastic backsliding of rights. She said that she was struck by their determination to seek out and create every possible opening for change, however small, despite barriers and setbacks. Watching their persistence, this student asked one of her project partners what gave him hope. His answer was illuminating, she noted, in that it did not stress any evidence-based reason to be hopeful. Instead, he touched on faith and the idea that challenges are an opportunity to be creative and experiment with new possibilities.

This anecdote highlights how fostering creativity and imagination can allow advocates to adopt a more transformative approach. Indeed, research from other disciplines shows that creativity and imagination are important capacities that allow us to adapt to change with resilience, to overcome challenges,[100] and to act even when change does not seem feasible. Imagination allows us to generate original ideas that can influence novel ways of viewing the current situation.[101] Creativity is the process we undertake to generate a new idea and bring it to life.[102] As a part of this process, we need the ability to think originally, take risks, and sit with uncertainty[103]—all of which can be challenging and uncomfortable. Transformative hope, therefore, is the embodiment of courage, creativity, and grounded action while advancing social change.

In the following Part, I explore how institutions can, at minimum, avoid hindering the cultivation of transformative hope and, at best, help foster this form of hope. It is worth emphasizing that the focus of this Article on transformative hope is not because measured hope does not serve human rights goals. To the contrary, actions based on measured hope have resulted in important changes. Instead, I focus on transformative hope because it encompasses two key dimensions of measured hope—action and groundedness—and because it can magnify the effects of measured hope when we add imagination and creativity to the dimensions of hope. Therefore, an exploration of how to foster and sustain transformative hope is also instructive in terms of measured

---

[100] Sofia Herrero Rico, *Peace Education in Times of Covid-19: Rethinking Other Kind of Logic from the Imagination, Fantasy, Creativity and Utopia*, *in* Creativity—A Force to Innovation 1, 7 (Pooja Jain ed., 2021).

[101] *Id*. at 9-10 (explaining that imagination allows us to create "original, new and ingenious situations to be able to glimpse another way of seeing reality" and creativity is the "ability to create what seems improbable").

[102] May, *supra* note 97, at 39.

[103] Ken Robinson, Out of Our Minds: Learning to be Creative 185 (rev. ed. 2011).

processes. What separates how these two operate in practice, however, is how measured hope can be incentivized by institutions and funders that would rather back low-risk initiatives where there is a guarantee of success while transformative hope must contend with institutional barriers.[104]

The varying extent to which the different forms of hope embrace action, groundedness, imagination, and creativity affect their capacity for transformation of the human rights field. As shown above, not all forms of hope are effective. False hope does not embrace either action or groundedness. Latent hope is ineffective, though it could be molded into a more constructive form of hope, such as measured or transformative hope, if an individual has the tools and capacities necessary to take action. Disingenuous hope and reckless hope, on the other hand, are both harmful. Although a deeper, more intentional understanding of situational context could transform reckless hope into a more constructive form of hope, disingenuous hope cannot become constructive since it often involves an intentional misrepresentation of knowledge, not merely a lack of understanding. I argue, however, that measured hope and transformative hope serve important roles in the human rights ecosystem, with transformative hope being the most effective due to the additional dimension of imagination and creativity.

B.   *Cultivating Transformative Hope*

While it may be obvious (or at least noncontroversial) that hope is valuable, what is not clear is how hope can be cultivated. This Subpart explores how advocates and educators can foster transformative hope on both the individual and the institution level.[105]

Cultivating transformative hope requires advancing three interrelated goals: first, equipping individuals with the grounded knowledge necessary to foster hope; second, creating spaces where they are empowered to act; and finally, fostering the capacities of creativity and imagination which advocates can then access when they experience inevitable roadblocks.

---

[104] *See, e.g.*, Joel R. Pruce, The Mass Appeal of Human Rights 6 (2019) ("NGOs are too often driven by their tactics, tempted by expediency to utilize devices that become monotonous responses to instrumental needs."); *see also* Abby Stoddard et al., Humanitarian Outcomes, NGOs and Risk: How International Humanitarian Actors Manage Uncertainties 15 (2016) (finding that fiduciary risk management was most often emphasized in international NGOs' policies, "with more written words devoted to financial procedures and precautions than any other risk area").

[105] For further guidance on cultivating hope on an individual, group, or institutional scale, *see* Appendix: Reflection Questions below.

1. Grounded Knowledge

Knowledge, which includes an understanding of human rights challenges and how to address them, is the pathway to groundedness. As previously noted, advocates need to develop an understanding of the issues we seek to address before acting. Additionally, advocates need to understand and center the needs and priorities of impacted communities. Finally, they need to be equipped with the skills and capacities that will allow us to address these issues. Material knowledge and agentic knowledge are important components of such grounded knowledge. Advocates must have material knowledge to engage in well-informed and constructive human rights work. And agentic knowledge augments the effect of material knowledge to illustrate to advocates that change is possible. In this Section, I define material knowledge and agentic knowledge and explain how institutions can equip advocates with such knowledge.

a. Material Knowledge

Material knowledge is tied to the purpose of legal education—namely, to equip advocates with the knowledge, skills, and capacities necessary to solve complex, and seemingly intractable problems.[106] This includes an understanding of a range of tactics, tools, and strategies that can effect change, as well as an understanding of the context surrounding legal doctrine.[107] An understanding of such context, helps maintain—or

---

[106] *See, e.g.*, Deborah Maranville, *Infusing Passion and Context into the Traditional Law Curriculum Through Experiential Learning*, 51 J. Legal Educ. 51, 52 (2001) ("Context helps students understand what they are learning, provides anchor points so they can recall what they learn, and shows them how to transfer what they learn in the classroom to lawyers' tasks in practice."); Stephen Wizner, *The Law School Clinic: Legal Education in the Interests of Justice*, 70 Fordham L. Rev. 1929, 1929 (2002) (" [A] law school, as a professional school . . . has an educational responsibility to prepare its students to be competent practitioners, to socialize and acculturate and to charge its students with a responsibility for addressing malfunctions in the legal system.").

[107] Sherri Keene & Susan A. McMahon, *The Contextual Case Method: Moving Beyond Opinions to Spark Students' Legal Imaginations*, 108 Va. L. Rev. Online 72, 74 (2022) (arguing that law school should teach students to read opinions "in the broader context in which they arose" and assess them "as the product of a human, flawed and biased, who may or may not have been right, who may or may not have been aware of factors beyond the evidence in the case that drove the decision"); *see also, e.g.*, Kurnisar Kurnisar et al., *The Development of Contextual-Based Textbook on Constitutional Theory and Law Course in Pancasila and Civic Education Study Program of Teacher Training and Education Faculty of Sriwijaya University*, 3 Sriwijaya Univ. Learning & Educ. Int'l Conf. 747, 749 (2018) ("Contextual approach is an approach that can make learning activities become more meaningful."); Hernawaty Damanik et al., *The Learning of Civics Education Based on Contextual Teaching and Learning (CTL)*, Int'l Conf. on Educ. (ICE2) 2018: Educ. & Innovation in Sci. in the Digital Era, 2018, at 361, 364 ("[S]tudents learn better if what is learned is related to what is already known and with activities or events that occur around them.").

even spur—hope for the role of public service among law students.[108] Law schools should equip students to consider not just what the law is but also what it should be.[109] Additionally, institutions should push law students to think more about what the roles of lawyers should be rather than merely what doctrinal skills and knowledge they should possess.[110]

To varying degrees, institutions have attempted to provide students and advocates with material knowledge. Brownen Morgan and Amelia Thorpe, professors at the University of New South Wales, for instance, focus on the role of law in people's lives, rather than solely the form of substantive law, to encourage law students to develop an understanding of the relationship between law and society as well as to have students view themselves as active participants in this relationship.[111] More broadly, legal scholar Cara R. Shaffer's concept of "critical-contextual coursework" prompts students to think not merely of black letter doctrine itself but instead the history of law and the varying ways in which scholars and society have viewed the law.[112] Additionally, the role of clinical education has been to equip students with skills and tools to effect change.[113]

However, much work remains to be done with respect to whose knowledge is centered, and there are ongoing conversations within the human rights field about the need to engage in reflection and reform in this regard.[114] An important critique of the human rights field is that it has a Eurocentric understanding of human rights knowledge and

---

[108] *See* Maranville, *supra* note 106, at 53-54, 57; *see also* Bronwen Morgan & Amelia Thorpe, *Place-Based Pedagogies of Hope*, 18 Int'l J.L. in Context 427, 436-37 (2022).

[109] Keene & McMahon, *supra* note 107, at 74.

[110] Daisy Hurst Floyd, *Lost Opportunity: Legal Education and the Development of Professional Identity*, 30 Hamline L. Rev. 555, 556 (2007).

[111] Morgan & Thorpe, *supra* note 108, at 428, 433-34.

[112] Cara R. Shaffer, *Context at the Periphery: The Rise of the Critical-Contextual Legal Education Reform Movement*, 30 Cardozo J. Equal Rts. & Soc. Just. 55, 59 (2023).

[113] *See, e.g.*, Wizner, *supra* note 106, at 150 (characterizing law school clinics as "an integral part of the law student's legal education"); Stephen Wizner & Jane Aiken, *Teaching and Doing: The Role of Law School Clinics in Enhancing Access to Justice*, 73 Fordham L. Rev. 997, 1003 (2004) (noting that clinical education can "sensitize" students to the reality faced by many low-income clients and provide students "a deeper understanding of their clients' lives and their relationship to the social, economic, and political forces that affected their lives, and help students develop a critical consciousness imbued with a concern for social justice"); Ivona Shushak Lozanovska et al., *Access to Justice Through Clinical Legal Education: A Case Study of the Faculty of Law, UKLO Bitola, North Macedonia*, 1 J. Legal & Pol. Educ. 19, 20 (2024) (explaining that clinical legal education benefits students by "helping to develop their skills," and it "serves as a social tool that improves access to justice for the most marginalized citizens," which in turn helps "make students aware of challenges to social justice and access to justice" in a way that doctrinal coursework does not).

[114] Knuckey et al., *supra* note 63; Gulika Reddy, *Pedagogy as Advocacy: The Role of Anti-Racist and Decolonial Pedagogy in Advancing Social Justice*, *in* Decolonisation, Anti-Racism, and Legal Pedagogy 205, 211-12 (Foluke I. Adebisi et al., eds., 1st ed. 2023).

expertise,[115] and that it can treat non-Western knowledge as "simplistic or substandard to Eurocentric knowledge."[116] This negatively affects the transformative potential of human rights efforts.[117] When advocates fail to engage in participatory forms of advocacy that center the leadership and knowledge of impacted communities, their advocacy or recommendations could misunderstand and potentially even undermine or harm the needs of rightsholders.[118] Thus, in order for transformative hope to be effective, we need to adopt a decolonial approach to material knowledge.[119]

b. *Agentic Knowledge*

In this Article, I define agentic knowledge as the belief, grounded in an understanding of the history of social justice movements, that we can collectively influence change. Advocates and educators alike note that the motivation, energy, and hope that comes with agentic knowledge is indispensable to social justice work.[120] As Smadar Cohen-Chen and colleagues recount, the belief that a conflict is resolvable, even in the case of a protracted and seemingly intractable conflict, can induce hope.[121]

Given the importance of agentic knowledge in the human rights field, one way that our institutions can promote such knowledge is to deliberately share stories that generate hope, which can give people the impetus they need to continue their work.[122] The stories in Jerry Sternin,

---

[115] Reddy, *supra* note 114, at 211; José-Manuel Barreto, *Introduction: Decolonial Strategies and Dialogue in the Human Rights Field, in* Human Rights from a Third World Perspective: Critique, History and International Law 3 (José-Manuel Barreto, ed., 2013).

[116] Danielle Aldawood, *Decolonizing Approaches to Human Rights and Peace Education Higher Education Curriculum*, 4 Int'l J. Hum Rts. Educ. 1, 4 (2020).

[117] *Id.* at 5.

[118] Knuckey et al., *supra* note 63, at 15-16; *cf.* Frances Lee Ansley, *Race and the Core Curriculum in Legal Education*, 79 Calif. L. Rev. 1511 (1991) (arguing that educators must incorporate discussions of race in legal curricula, particularly in constitutional law).

[119] For examples of how to integrate decolonialization approaches into human rights education, *see* Reddy, *supra* note 114, at 214-17; Danielle Aldawood, *Decolonializing Approaches to Human Rights and Peace Education Higher Education Curriculum*, 4 Int'l J. Hum Rts. Educ. 1, 9-10 (2020).

[120] *See, e.g.*, Michael Grinthal, *Power With: Practice Models for Social Justice Lawyering*, 15 U. Pa. J. L. & Soc. Change 44-60 (2011) (reviewing past social justice advocacy movements as models for contemporaneous public interest lawyering); Kari M. Grain & Darren E. Lund, *The Social Justice Turn: Cultivating "Critical Hope" in an Age of Despair*, 23 Mich. J. Cmty. Serv. Learning 45, 53 (2016) ("An underlying principle that guides these [social justice serving learning] programs is the promotion of a critically informed active citizenship that attends to social justice through gaining a personal connection to social issues, an understanding of the root causes, and a commitment to collective action against oppression and inequity.").

[121] Smadar Cohen-Chen et al., *supra* note 4, at 211 ("In the case of intractable conflict, which is often perceived as an entity of its own, changing the perception of the conflict from irresolvable to solvable can induce hope.").

[122] As noted by Hastings and McDermott, one "method is to infuse hopeful thinking into the subject matter that children are studying." Diane McDermott & Sarah Hastings, *Children: Raising Future Hopes, in* Handbook of Hope: Theory, Measures, & Applications,

Monique Sternin, and Richard Pascale's book, *The Power of Positive Deviance: How Unlikely Innovators Solve the World's Toughest Problems* provide an example of agentic knowledge: By documenting unlikely success stories, the authors introduce the concept of "positive deviance"—a concept that requires identifying "outliers" that succeed in spite of challenging material conditions.[123] This concept reaffirms that solutions to seemingly intractable projects do exist, that such solutions have been created by members of the community, and that innovators (or "positive deviants") have found success despite constraints and barriers.[124] Although this may sound simplistic, knowledge about how others have made a difference is instructive insofar as it prompts reflection on our own tactics and methods and inspires us to imagine and work towards a more just world.[125]

Currently, the human rights field could do more to prioritize the teaching and documentation of agentic knowledge. A critical contribution of the human rights field is its commitment to documenting and exposing abuses.[126] As a result, "positive communication" or agentic

---

supra note 22, at 185, 188. They explain: "There are many books for young people that feature protagonists who are brimming with high agency and pathways." *Id.* As noted by Joe Aharfi in the context of detention: "More positive stories rooted in narratives of hope will help persuade people to be hopeful rather than hopeless about the rights of people in detention. Such a shift towards hope-based communication will help advocates avoid compassion fatigue and give them the energy to sustain their work." Joe Aharfi, *Advocacy for Asylum Seekers: Theory, Practice, and Bending Toward Justice* (MLS Hum. Rts. Working Paper No. 1 2022), https://law.unimelb.edu.au/__data/assets/pdf_file/0005/4627139/Working_Paper_1-Joe-Afhari.pdf.

[123] Richard Pascale et al., The Power of Positive Deviance: How Unlikely Innovators Solve the World's Toughest Problems 3-4 (2010). I was introduced to this book in when I was a student in law school by Susan Sturm. She teaches a class on "lawyering for change" that was designed to introduce students to a range of change agents, each with their own unique theory of change. One of the readings that stayed with me was the one on "positive defiance." I not only found utility in this concept, but I was also energized and inspired by the class itself and proceeded to add the lessons from the class to my toolbox. This class is a powerful example of the value of agentic knowledge.

[124] *Id.* at 3-4.

[125] Kathryn Sikkink, a human rights scholar, has explained something similar: "[T]he knowledge that you can make a difference in the world give people the energy to keep working. Knowing more specifically how human rights groups have made a difference can teach us more about effective strategies and tactics to use in the future." Kathryn Sikkink, *A Cautionary Note About the Frame of Peril and Crisis in Human Rights Activism*, in Rising to the Populist Challenge: A New Playbook for Human Rights Actors 171, 180 (César Rodríguez-Garavito & Krizna Gomez eds., 2018). Rehm describes the value of sharing examples of activism that has created change—specifically, she notes that such examples give students the sense that we do have the power to effect change and creating experiences that "allow students to imagine and possibly even experience what Webb calls 'transformative hope,' the kind if hope that inspires individuals to envision a better world and work for justice." Rehm, *supra* note 60, at 211 (citation omitted).

[126] OGR Admin, *A Guide to Hope-Based Communications*, Open Global Rts. (Feb. 19, 2019), https://www.openglobalrights.org/hope-guide/.

knowledge "does not come naturally."[127] In fact, precisely because we have more knowledge than we have had in the past, many people believe that we are in the worst moment in history.[128] In other words, the field has been successful at raising awareness about the myriad rights abuses globally,[129] but, as human rights strategist Thomas Coombes explains, the field needs to do more than merely rely on fear—it needs to offer promise and hope.[130] He describes hope as a "pragmatic approach" that can be utilized by advocates to rhetorically shift their orientation from problem-centered to solution-focused.[131] Coombes posits that it will be harder for advocacy targets, including governments, to explain why they did not implement solutions than it will be to offer an explanation as to why they were unable to address a problem.[132] He uses the environmental and LGBTQ+ movements to demonstrate this shift toward solution-based efforts. In the case of the environmental movement, the shift occurred when the movement recognized the difference between narratives that resulted in despondency as opposed to action.[133] And the shift occurred in the LGBTQ+ movement when activists working towards marriage equality moved beyond documenting discrimination and began mobilizing people to show support for shared values like love, equality, and family.[134]

Coombes's theory can also be applied to pedagogy. In fact, my co-teachers and I intentionally implemented this perspective shift in the classroom a few years ago in response to student despondency during class sessions on critiques of the human rights field.[135] A core aspect of my teaching mission is ensuring that the human rights field engages in ethical, critically responsive advocacy. However, during these critique sessions, students often expressed a feeling of "stuckness"—an effect of latent hope[136]—along with uncertainty as to how to engage in human rights work in an ethical, transformative way. Others questioned

---

[127] *Id.*

[128] Sikkink, Evidence for Hope, *supra* note 14, at 14.

[129] *Id.*

[130] Thomas Coombes, *How to Change Narratives with Hope*, Medium (Nov. 11, 2019), https://medium.com/@the_hope_guy/how-to-change-narratives-with-hope-52f8a15a3b02.

[131] Dickon Bonvik-Stone, *Hope-Based Communications with Thomas Coombes*, Communicating Climate Change (July 1, 2024), https://communicatingclimatechange.com/podcast/hope-based-communications-with-thomas-coombes.

[132] *Id.*

[133] Thomas Coombes, *A New Green Wave of Hope*, Green Euro. J. (Jan. 16, 2024), https://www.greeneuropeanjournal.eu/a-new-green-wave-of-hope/.

[134] Thomas Coombes, *Hope, Not Fear: A New Model of Communicating Human Rights*, Medium (Dec. 10, 2017), https://medium.com/@the_hope_guy/hope-not-fear-a-new-model-for-communicating-human-rights-d98c0d6bf57b.

[135] This refers to my work at Columbia Law School that I have continued at Stanford Law School.

[136] *See supra* Part I.B.

whether they should engage at all, especially if any form of action could cause further harm. My colleagues and I realized that teaching critiques alone would not provide constructive, agentic knowledge. In response, we combined the sessions on critiques with lessons on transformative advocacy, the latter of which offered agentic knowledge, to cultivate a space where students could grapple with critiques of the field while simultaneously engaging with examples of ethical, transformative modes of advocacy that could inform or guide their action.

The use of agentic knowledge has also played a role in our clinic practice, as partners have often actively asked for documentation of examples of successful advocacy in other contexts. In one of our projects, for example, which focused on a conflict-affected region,[137] our project partners asked us to conduct research on the Northern Ireland peace process to inform their work. To that end, in 2023, during the twenty-fifth anniversary of the Good Friday Agreement,[138] my students conducted interviews with civil society, academics, and political actors in Northern Ireland to try to uncover lessons from the work advocates did leading up to, during, and after the peace agreement was signed. Our report documented the notable comparisons between the peace processes in both contexts and identified strategies and lessons from the Northern Ireland context that could apply to our partners' current efforts. Our partners then used this research to design a new dialogue framework and allowed them to complement their existing approaches with new methodologies and tactics.

Notably, the people we interviewed in Northern Ireland revealed that they themselves had benefited from agentic knowledge in the lead up to peace agreement. They had engaged in transnational learning and exchange with groups in South Africa who had shared their experiences with advocacy during and after the apartheid struggle. Many of the interviewees talked about the value of "thinking outside of your situation," while seeking possible solutions.

Our clinic has also used agentic knowledge to support the work of our partners who were developing a range of efforts to address the impact of the relevant conflict on education. In response to our partners' request for a comparative report on what human rights organizations have done to address continual disruptions to education in conflict-affected regions, we conducted a fact-finding investigation, drafted a comparative report, and connected our partners with practitioners in two other regions similarly impacted by conflict. Learning from other

---

[137] The name of this region is kept anonymous for confidentiality reasons.

[138] *25 Years of the Good Friday Agreement: 2023 Marks the 25th Anniversary of the Good Friday Agreement*, Ireland, https://www.ireland.ie/en/25-years-of-the-good-friday-agreement/ (last visited Oct. 4, 2024).

practitioners' successes and challenges served as a useful source of inspiration as our partners developed their own strategy and approach. This resulted in our partners developing a new initiative to address ongoing disruptions to education by creating spaces for learning outside of formal educational institutions. We also connected them to education experts who helped create the curriculum for these spaces.

Currently, our clinic is developing a series of case studies that illustrate how LGBTQ+ movements around the world have recovered from setbacks. This work was prompted by practitioners who were experiencing setbacks and were keen to learn lessons from other advocates around the world. Through interviews with other advocates, we are seeking answers to the following questions: What are some of the challenges and setbacks advocates or communities have experienced? How have they responded to them? What tactics and theories of change have worked when traditional human rights tactics have fallen short? And how have advocates remained hopeful, resilient, and creative in the face of these setbacks? The responses we have received offer examples of how other movements have succeeded in dark times, and also examples of how other movements have sustained hope in dark times. Our goal is that the process of creating this report will help facilitate transnational exchange of agentic knowledge and create networks of solidarity amongst LGBTQ+ advocates around the world. This form of solidarity through an exchange of agentic knowledge can enhance the effectiveness of the human rights field.

2. Action

Action is the second dimension or component of transformative hope.[139] Although some may perceive action as limited to direct or

---

[139] While there are differing definitions of hope, an element that is common across multiple definitions is the connection to agency and action. *See* Duncan-Andrade, *supra* note 46, at 184 ("Hope should be thought of as "control of destiny," an actively present sense of agency to manage the immediate stressors in one's daily life."). Described as an "activating force" that enables people to set and work towards goals despite barriers to progress, hope can overcome despair, hopelessness, and generate new possibilities. *See* Lane & Chapman, *supra* note 7, at 121 (noting that hope has been defined as "an activating force that enables people, even when faced with the most overwhelming obstacles, to envision a promising future and to set and pursue goals" (quoting Martha R. Helland & Bruce E. Winston, *Towards a Deeper Understanding of Hope and Leadership*, 12 J. Leadership & Org. Studs. 42, 43 (2005))). Ludema and colleagues define hope as having four key aspects that contribute to its transformative character: It is born in relationship; inspired by the conviction that the future is open and can be influenced; sustained through moral dialogue; and generative of positive affect and action. James D. Ludema et al., *Organizational Hope: Reaffirming the Constructive Task of Social and Organizational Inquiry*, 50 Hum. Relations 1015, 1030 (1997); *see also* Helland & Winston, *supra*; Jacobs, *supra* note 5, at 792 ("[D]espair, then, is not inevitable, but the temptation to despair is and this is why hope is so important. Hope helps us work against this temptation so that we can see the future as possibility rather than as historical

overt action, building knowledge bases and choosing not to act—in lieu of overt action—are also valuable forms of action, especially in cases where solidarity and advocacy are not welcome. As explained in this Section, it is important for the field to reflect on and recalibrate what qualifies as action. This Section sets out a pathway to action that takes into consideration the goals of action as well as the pace and non-linearity of progress. It offers a reimagination of existing conceptions of action, progress, and success that can restrict our ability to engage in transformative advocacy.

a.   Goals of Action

The identification of goals is a critical first step to begin action because goals are the "anchors" of hope.[140] Without actionable goals, hope can be without direction or wind up as what the typology classifies as "latent."[141] As a result, advocates need to identify goals, take action, reflect on the action, and then revisit and even shift goals as needed.[142] These steps facilitate the development of pathways to achieve goals—enhancing an individual's perception of their ability to succeed.[143] Political scientist Charles Richard Snyder describes this positive self-orientation as agentic thinking, underscoring the ways in which an individual's positive self-perception of goal attainment encourages them to persist in the face of impediments.[144] It is important to note, however, that an anchored goal does not require the certainty of success—a metric that institutions often mistakenly establish in their incentive structures.[145] After all, in the context of transformative hope, success is possible but not guaranteed. Indeed, in contrast to measures that demand certainty, Snyder explains that even "hopeful goals" have uncertainty and that "absolute certainty" does not lead to hope.[146] In the same vein, "truly

---

inevitability."); Jacob, *supra* note 5, 793 (explaining that hope involves "piercing through time by seeing the alternatives, the possibilities available to us in moving beyond a particular limit situation").

[140] Snyder, *supra* note 22, at 9.

[141] *See supra* Part II.B.

[142] This is also in line with traditional modes of clinical pedagogy, where clinicians encourage students to plan, do, and reflect as a part of their practice. Madalyn Wasilczuk, *The Clinic as a Site of Grounded Pedagogy*, 29 Clin. L. Rev. 405, 408 (2023) ("Clinicians coach students to plan, do, and reflect as a matter of course.").

[143] Charles Richard Snyder et al., *Hope Theory: A Member of the Positive Psychology Family, in* Handbook of Positive Psychology 257, 258 (Charles Richard Snyder & Shane J. Lopez eds., 2002).

[144] *Id.*

[145] *See, e.g.*, Brian Phillips et al., Dialogue, *Funding Effective Human Rights Work: A Conversation Between Monette Zard and Sara Hossain*, 8 J. Hum. Rts. Prac. 316, 317 (2016) (explaining that contemporary human rights funding is "very goal driven in a way that is very difficult to work around in terms of either human rights or justice" because "[y]ou can't really deliver the concrete deliverables" in these contexts).

[146] Snyder, *supra* note 140, at 9.

untenable goals" are not particularly helpful.[147] And as others have observed, something completely outside the realm of possibility is a wish, not hope.[148] James Averill and Louise Sundarajan, psychologists and scholars, make a similar claim: To them, hope "involves an uncertain future."[149] Averill and Sundarajan explain that "hope may be dismissed as vain or foolish" if "there is little or no chance of obtaining a goal," but they also note that "if success is a near certainty, hope may be dismissed as mere affectation."[150]

Transformative hope is the embodiment of what lies between certainty and impossibility. Achieving world peace and eliminating all forms of discrimination in a short period of time are not goals that can lead to realistic pathways for change. At the same time, setting an extremely attainable and unambitious goal—like conducting a single workshop on discrimination—is unlikely to generate the kind of momentum that is needed to effect transformative change. Instead, goals that animate the imagination and reflect the needs of impacted communities should guide our action. This may involve taking risks. Human rights advocates have described the value of stable and long-term support that can foster such risk-taking.[151] And yet, institutional incentives repeatedly privilege advocacy that is guided by certainty. Often, funding structures in the human rights field serve as barriers to identifying truly imaginative goals as they may be perceived as less capable of producing "deliverables."[152]

---

[147] *Id.*

[148] Stockdale, *supra* note 15, at 108 ("I can wish, for example, that the Holocaust had not happened. But I cannot hope that it did not happen. I cannot hope that the Holocaust had not happened because I understand that my backward-looking desire cannot be fulfilled.").

[149] Averill & Sundararajan, *supra* note 98, at 135.

[150] *Id.*

[151] José Guilherme F. de Campos & Lucia Nader, *Taking Chances and Innovating in Human Rights*, Candid Learning (July 18, 2016), https://learningforfunders.candid.org/content/blog/taking-chances-and-innovating-in-human-rights/.

[152] Bethany Eckley & Jennie Richmond, CIVICUS, Understanding the Resourcing Landscape for Small and Informal Civil Society Groups in the Global South 6 (2019) ("Driven by their desire for quantifiable results, donors are tending to fund short-term, service delivery projects rather than offering longer-term, strategic funding or funding more controversial work that seeks to address the root causes of poverty through advocacy or mobilisation."); Heidi Nichols Haddad & Lisa McIntosh Sundstrom, *Foreign Agents or Agents of Justice? Private Foundations, Backlash Against Non-Governmental Organizations, and International Human Rights Litigation*, 57 Law & Soc'y Rev. 12, 18 (2023) (explaining that "[t]he perverse incentives of funding can also shape NGO behavior to conform to donor priorities, or 'measurable' results for donors at the expense of generating agendas based on local needs and priorities, or those that may be more transformative" and noting increased calls "to shift power from donors through 'localizing' and 'decolonizing' development aid" (citations omitted)); *see also* Dustin N. Sharp, *Pragmatism and Multidimensionality in Human Rights Advocacy*, 40 Hum Rts. Q. 499, 503 (2018) ("A common thread that unites many human rights pessimists is a general skepticism about the ability of law to foster positive change for human rights, and an argument that rigid, law-based approaches need to give way to alternatives that are more flexible, pragmatic, or otherwise less law-centered.").

We need funders who are willing to support projects that could fail. Otherwise, the scale of ambition of human rights advocacy will never match the scale of the challenges it is up against. To further complicate this scenario, advocates themselves sometimes identify goals based on pragmatism or their expertise rather than the expressed needs of impacted communities.[153] Such practices reflect a paternalistic attitude that advocates are better positioned to determine goals and solutions.[154] A recent Advancing Human Rights report would define this circumstance as part of the "trust gap," wherein non-profits institutions, typically based in the Global North, define the goals and expect local actors to "fit into their framework."[155] By contrast, in our clinic, we begin conversations with project partners with questions about their goals—even if there is uncertainty about whether we can achieve them.[156] After we have identified their aspirational goals, we jointly identify how we can collectively work towards those goals.

---

[153] Susannah Mayhew et al., *Balancing Protection and Pragmatism: A Framework for NGO Accountability in Rights-Based Approaches*, 9 Health & Hum. Rts. 180, 200 (2006) (discussing the authors' "develop[ment of] a simple, practical framework of activities and indicators" to promote "a rights-based approach to health service delivery" and concluding that "[d]espite the weak capacity of [their] Pakistani partners," this framework "enabled the protection of clients to be implemented in a pragmatic way" even if "the result may not be ideal"); Alice Robinson, *Speaking with a 'Soft Voice': Professional and Pragmatic Civilities Among South Sudanese NGO Leaders*, 11 Peacebuilding 257, 258 (2023) (discussing an NGO leader's use of pragmatism to navigate a region of political repression). *See generally*, Jack Snyder, Human Rights for Pragmatists (2022) (advocating for a "pragmatic approach to human rights," wherein "power" comes first, and "rights follow"). *But see* Geoff Dancy, *Human Rights Pragmatism: Belief, Inquiry, and Action*, 22 Int'l Relations 512, 530-31 (2016) ("[T]o be methodologically pragmatic, human rights observers need to replace obsession with statistically supported micro-causal relationships in favor of rational analyses that can handle the notion of both negative *and* positive unintended consequences. Many scholars are already engaged in this kind of work.").

[154] Such practices mirror Andrew Carnegie's belief that "the 'poorer brethen' cannot be expected to know what they need to improve their lot or be trusted to use unrestricted funds responsibly," so "those with power and wealth are best positioned to devise solutions." Mark Kramer & Steve Phillips, *Where Strategic Philanthropy Went Wrong*, 22 Stan. Soc. Innovation Rev. 28, 31 (2024), https://ssir.org/articles/entry/strategic-philanthropy-went-wrong.

[155] Kellea Miller & Rachel Thomas, Advancing Hum. Rts., The Trust Gap: The Troubling Lack of Direct, Flexible Funding for Human Rights in the Global South and East 64 (2023); *see also* Ezequiel González-Ocantos & Álvaro Morcillo Laiz, *Philanthropic Foundations and Transnational Activist Networks: Ford and the Inter-American Institute of Human Rights*, 67 Int'l Studs Q., at 1, 4-5 (2024).

[156] Relatedly, in 2012, the Global Fund adopted a new funding model to focus on "predictable and flexible funding." Krista Lauer, Voices, *New and Improved? Examining the Global Fund's New Funding Model*, Open Soc'y Foundations (May 24, 2013), https://opensocietyfoundations.org/voices/new-and-improved-examining-global-fund-s-new-funding-model. Under this model, "the Fund will indicate to each country the total amount of money they can expect at the outside of the proposal process, with an opportunity to get more support through an additional 'incentive' funding pool." *Id.* And as a condition of funding, the organization requires "broader participation by stakeholders, including government agencies, donors, civil society, and affected communities," in an attempt to "foster[] increased participation by civil society and marginalized communities at each of the key stages." *Id.*

b.   *Pace and Non-Linearity of Progress*

Within this space between certainty and impossibility arises a clear directive with respect to the pace of progress: the normalization of non-linear action.[157] Highlighting success stories within our institutions is critical to cultivating agentic knowledge. It is important to not only emphasize what individuals did and achieved, but also to share the challenges they encountered and overcame, as well as the initiative and energy that they employed to navigate the sometimes agonizingly slow and circuitous path those challenges necessitated.[158] As Billy Wayne Sinclair, a formerly incarcerated person, explains, "[c]hange did not come with a glorious, religious awakening. It came in painful increments."[159]

Such incremental progress is clear from historical examples of institutional change, which suggests a need to embrace an iterative process of change and redefine success to include setbacks. In his essay, *The Real Rosa Parks*, Paul Rogat Loeb, a social and political activist, explains that the recognition that change is the result of a cumulative set of actions, including those that fail, can be more empowering than the unrealistic notion that change happens overnight and with ease:

> Park's story conveys a far more empowering moral. She begins with seemingly modest steps. She goes to a meeting, and then another, helping build the community that in turn supported her path. Hesitant at first, she gains confidence as she speaks out. She keeps on despite a profoundly uncertain context, as she and others act as best they can to challenge deeply entrenched injustices, with little certainty of results. Had she and others given up after her tenth or eleventh year of commitment, we might never have heard of Montgomery.
>
> Park's journey suggests that change is the product of deliberate, incremental action, whereby we can join together to try to shape a better world. Sometimes our struggles will fail, as did many earlier efforts of Parks, her peers, and her predecessors. Other times they may bear modest fruits. And at times they will trigger a miraculous outpouring of courage and heart - as

---

157   Rehm, *supra* note 60.

158   McDermott & Hastings, *supra* note 122, at 189.

159   Billy Wayne Sinclair, Politics, *The Road to Redemption*, Mother Jones (Dec. 13, 2005), https://www.motherjones.com/politics/2005/12/road-redemption/; Paul Rogat Loeb, The Impossible Will Take a Little While: A Citizen's Perseverance and Hope in Troubled Times 350 (2014).

happened with her arrest and all that followed. For only when we act despite all our uncertainties and doubts do we have the chance to shape history.[160]

Rosa Park's journey is a realistic reflection of the messy and slow process of change, showcasing a need to recalibrate expectations of what progress actually looks like. At the institutional level, changing incentive structures to account for incremental success and normalizing setbacks as an integral part of progress is crucial for cultivating the action component of transformative hope. Setbacks, as explained by an LGBTQ+ activist with whom we collaborated on a clinic project, are in fact a sign of progress.

Additionally, progress may be narrowly understood as the advancement of rights. Although human rights advocates strive to build on existing rights, we are working equally as hard to ensure that there is no backsliding of rights. To take just one example, consider the passage of an Act in a country where homosexuality was already criminalized worsened the state of LGBTQ+ rights in that country.[161] The new Act imposed the death penalty for 'aggravated' homosexual practices and imposed a 'duty to report' penalty on individuals who provide healthcare and other essential services to members of the LGBTQI+ community. In response, our human rights clinic, in collaboration with a leading human rights organization in the region, drafted materials to raise awareness about the act and supported strategic litigation efforts aimed at promoting the rights of the LBGTQI+ community. Our immediate goal was to make sure we did not move backwards in terms of rights, and engaging in this form of human rights work required us to re-imagine what progress or success means.

3.   *Imagination and Creativity*

The key capacities of transformative hope include the capacities for creativity and imagination. This Section first explains these capacities and then sets out how they can be cultivated.

Legal scholars Kathryn Abrams and Hila Keren argue that hope requires the ability to imagine new possibilities.[162] Psychologists Averill

---

[160] Paul Rogat Loeb, Politics, *The Real Rosa Parks*, Mother Jones (Oct. 31, 2005), https://www.motherjones.com/politics/2005/10/real-rosa-parks/; Loeb *supra* note 159, at 341-42.

[161] The country is kept anonymous for confidentiality reasons.

[162] Abrams & Keren, *supra* note 2, at 4 (noting that hope needs "the ability to imagine new possibilities not encompassed by one's present condition; a sense of agency sufficient to consider oneself capable of pursuing, and attaining, distant objectives; and adequate imaginative, strategic, and material resources to develop, assess, and implement means for realizing such goals").

and Sundarajan posit that in order to be effective, hope needs to be creative.[163] Some people treat imagination and creativity as synonymous and regard both of them as the ability to produce new ideas,[164] while others argue that although they are closely related, imagination and creativity are distinct capacities.[165] I suggest that they are related, but not identical, processes that are both needed for transformative hope.

Social and political theorist Mihaela Mihai proposes that imagination allows us to recover from failure by arriving at alternative possibilities.[166] According to educational psychology scholars Ronald A. Beghetto and Kathy L. Schuh, imagination is the ability to generate new possibilities and ideas.[167] Others suggest that creativity is the ability to use our imagination and undertake the process to bring those ideas to

---

[163] Averill & Sundararajan, *supra* note 98, at 135 ("Hope involves an uncertain future, but the relation is curvilinear, not linear. If there is little or no chance of obtaining a goal, hope may be dismissed as vain or foolish; conversely, if success is a near certainty, hope may be dismissed as mere affectation. In the words of Lynch hope is, or should be, realistic imagination.'" (citation omitted)); *id.* at 127 ("Hope must be creative if it is to be effective. This means that an episode of hope can be evaluated in terms of novelty (whether it reveals new approaches or solutions to a problem) and authenticity (whether it reflects a person's own values and interests).").

[164] Jacqueline D. Woolley et al., Creativity and the Wandering Mind: Spontaneous and Controlled Cognition 181 (2020) ("At a very basic level, creativity can be considered the ability to produce novel or original ideas.")

[165] Dustin Stokes, *The Role of Imagination in Creativity*, *in* The Philosophy of Creativity (Elliott Samuel Paul & Scott Barry Kaufman eds., 2014) ("Even if there is a distinction to be made between 'being creative,' on the one hand, and the mental state of imagining, on the other, there is no margin in denying an important link between the two.").

[166] Mihai argues that "[t]he faculty of the imagination intervenes in the twin process of building a coherent narrative of our past and of experimenting with strategies and potential trajectories into the future we hope for. . . . [H]ope mediates our relationship with our future, in light of our past." Mihaela Mihai, *Understanding Complicity: Memory, Hope and the Imagination*, 22 Crit. Rev. Int'l Soc. & Pol. Phil. 504, 508 (2019) (citations omitted). Therefore, she claims, "[i]n hoping, we explore imaginatively what we might achieve through our actions, notwithstanding our limitations, our fears and the negative evidence available." *Id.* This means that we "continue to have hopes for as long as we believe in the possibility of a future," and when "we fail, imagination helps us refocus our hopes on alternative objects . . . . These processes . . . do not happen in a vacuum: hope is always situated." *Id.* (citations omitted).

[167] Ronald A. Beghetto & Kathy L. Schuh, *Exploring the Connection Between Imagination and Creativity in Academic Learning*, *in* Creativity and the Wandering Mind: Spontaneous and Controlled Cognition 249, 250 (David D. Preiss et al. eds., 2020); *see also* Alex, *The Crucial Difference Between Imagination and Creativity*, Basic Arts, https://basicarts.org/the-crucial-difference-between-imagination-and-creativity/ (last visited July 28, 2024) ("Imagination can be best described as the ability to picture something that doesn't exist."); Quin Jef, *Imagination vs. Creativity (10 Examples + How to Use Both)*, Jef Quin, https://jefquin.com/blog/imagination-vs-creativity-examples-how-to-use (last visited July 28, 2024) ("Imagination is the ability to think of and vividly visualize ideas, new perspectives, interesting connections and goals. Creativity is the ability to make and turn ideas, things, connections and goals into a tangible reality. . . . [I]magination feeds creativity, and creativity fosters and reinforces imagination." (emphasis omitted)).

life.[168] Creativity allows us to generate seemingly improbable outcomes, drawing on imagination to create new possibilities.[169]

In order to instill a culture of imagination and creativity on the institutional level, creative and imaginative capacities must be cultivated in every individual within the institution.[170] In this Section, I explore how this can be done by committing to a culture of imagination and creativity, fostering generative collaboration among colleagues and across disciplines, and recognizing that creative output takes time.

a. Genuine Commitment

Before an institution can foster the imagination and creativity necessary to employ transformative hope, it must first decide whether cultivating that type of hope is truly an institutional goal—or a mere buzzword. In fact, project goals and strategies of human rights institutions are often predetermined, and the role of staff can all too easily become one of implementing, rather than determining, goals and strategies.[171]

---

[168] Etienne Pelaprat & Michael Cole, *"Minding the Gap": Imagination, Creativity and Human Cognition*, 45 Integrative Psych. Behav. Sci. 397, 399 (2011) ("We emphasize that creativity is literally a form of making, the making of 'the whole world of culture' based on the products of imagination."); Alex, *supra* note 167 ("It is not the ability to 'dream something up' (valuable as that may be), but rather the ability to shepherd something into existence. To manage its growth, and to allow it to become the most vibrant and life-filled version of what it could be."); Mark Carter, *Tap into Your Creative Genius*, Harv. Bus. Rev., (Jan. 22, 2021), https://hbr.org/2021/01/tap-into-your-creative-genius ("Simply put, to be creative is to use our imaginations, which most of us do every single day."); *Imagination and Creativity: It's the Work of Childhood!*, Discovery Bldg. Sets (Dec. 23, 2019), https://discoverybuildingsets. com/imagination-and-creativity/.

[169] Herrero Rico, *supra* note 100, at 9-10 ("[C]reativity has been considered the 'ability to create what seems improbable'; While creativity is hard to pin down precisely, it's generally considered as the ability to create something using the imagination. Creativity is the act of creating something in the real world, while imagination deals with unreal thoughts that are free from the confines of reality.").

[170] Robinson, *supra* note 103, at 191 ("The first role of the creative leader is: To facilitate the creative abilities of every member of the organization."); *id.* at 228 ("Teaching for creativity is about facilitating other people's creative work. It involves asking open-ended questions where there may be multiple solutions; working in groups on collaborative projects, using imagination to explore possibilities; making connections between different ways of seeing; and exploring the ambiguities and tensions that may lie between them."). In general, scholars contend that organizations can enhance creativity in the workplace by "provid[ing] adequate psychological support to their employees" so that they can "feel valued and cared for," which can enhance their work engagement. Aneeq Inam et al., *Fostering Creativity and Work Engagement Through Perceived Organizational Support: The Interactive Role of Stressors*, 11(3) SAGE Open 1, 10-11 (2021). Such support can come from "measures to motivate employees intrinsically," including "maximiz[ing] challenge stressors and minimiz[ing] hinderance stressors." Inam et al., *supra*, at 11.

[171] *See, e.g.*, Gonzalez-Ocantos & Laiz, *supra* note 155, at 12 (discussing the Ford Foundation's "micromanagement repertoire" in its staffing and grant decisions and suggesting "that foundations operate as norm entrepreneurs"); David L. Gibson, *Hurdling Creativity Barriers: A Top-Down Approach for Encouraging Innovation in the Workplace*, Regents Univ. (2005), https://www.regent.edu/journal/leadership-advance-online/

Such rigidity of an existing institutional vision can result in situations where leaders invite staff to invent "new ideas" as a purely pro forma exercise.[172] In order to foster imagination and creativity, it is important to create an environment where idea generation is not a perfunctory request but an ongoing practice where ideas are encouraged, acted upon, and rewarded.[173] This will lead to greater investment in the idea generation process.

b. *Collaboration*

Another way for an institution to foster creativity is through collaboration.[174] Collaboration is a crucial feature of transformative hope because, rather than being about individual aims or ambitions,

---

hurdling-creativity-barriers-encouraging-workplace-innovation (discussing barriers to creativity, such as fear, poor leadership, bureaucratic red tape, pressure, and biases); *see also* Miller & Thomas, *supra* note 155 (critiquing human right organizations' funding practices).

[172] *See, e.g.*, Theodore Levitt, *Creativity is Not Enough*, Harv. Bus. Rev. (Aug. 2002), https://hbr.org/2002/08/creativity-is-not-enough ("The trouble with much creativity today . . . is that many of the people with the ideas have the peculiar notion that their jobs are finished once their ideas have been suggested" without "any responsible suggestions regarding how the whole thing is to be implemented and what's at stake.").

[173] Devin Jopp, *Igniting Imagination in the Workplace*, Forbes (Dec. 13, 2022), https://www.forbes.com/sites/forbesnonprofitcouncil/2022/12/13/igniting-imagination-in-the-workplace/ ("In addition to leaving space for failure, you can reward imagination. When you see someone trying a creative solution to a problem, share it with the organization and reward it. This is how you walk the walk and create a culture that's supportive of imagination."); *see also* Levitt, *supra* note 172 ("Since business is a uniquely 'get things done' institution, creativity without action-oriented follow-through is a uniquely barren form of individual behavior."); Susie Atherton et al., *Penal Arts Intervention and Hope: Outcomes of Arts-Based Projects in Prisons and Community Settings*, 102 Prison J. 217, 225 (2022) ("In the context of the prison setting, the engagement offered a safe space for novel activities," and such "creativity was cited as important, as well as the sense of purpose and meaning these activities had to them"). For an example of such a space within the human rights field, *see* Ed Rekosh, *Innovation: 'Conventional Human Rights Structures and Practices May No Longer Be Optimal or Sufficient,'* Rights CoLab (Oct. 13, 2021), https://rightscolab.org/innovation-conventional-human-rights-structures-and-practices-may-no-longer-be-optimal-or-sufficient (explaining that the Rights CoLab was created to "look[] at current challenges in human rights from three very different perspectives" held by its co-founders and "create a space where [they] could continue that dialogue and bring in others to foster experimentation and new approaches").

[174] César Rodríguez-Garavito, *The Future of Human Rights: From Human Rights: From Gatekeeping to Symbiosis*, 11 Hum. Rts. in Motion 499, 507 (2014) ("As in any ecosystem, the strength of the human rights field will depend on symbiosis, that is, the interaction among its different actors, to the advantage of the latter and the broader cause they share. Collaboration and complementarity will thus become even more important to the survival and thriving of the field as a whole."); Teresa M. Amabile & Mukti Khaire, *Creativity and the Role of the Leader*, Harv. Bus. Rev. (Oct. 2008), https://hbr.org/2008/10/creativity-and-the-role-of-the-leader ("As leaders look beyond the top ranks for creative direction, they must combat what Diego Rodriguez, a partner at IDEO and the leader of its Palo Alto, California, office, calls the 'lone inventor myth.' Though past breakthroughs sometimes have come from a single genius, the reality today is that most innovations draw on many contributions.").

hope prioritizes joint goals.[175] As Professor Dale Jacobs has observed, hope is "social in nature,"[176] focused on a shared or collective future, not an individual one.[177] This view is reflected in other disciplines including scholarship on leadership, in science, and in technological development. Hope can, for example, serve as an organizing tool to bring people together around common values or goals.[178] And it is often more effective to collaborate rather than tackle a problem alone. In fact, in their article about organizational hope, James Ludema and his co-authors explain that hope is "most generative when it is inclusive" and that action is most effective when it is collective.[179] New perspectives can often bring hope where hope has foundered. Science writer Annie Paul underscores this value of the collective, claiming that the most important resource we all have is each other's minds.[180] In her view, we are social creatures who are designed to think with others. She believes problems can emerge when we do our thinking alone, including, for instance, the tendency towards confirmation bias.[181] Technologists also recognize the enormous value of having different skills, expertise, and perspectives while trying to cultivate, build on, and refine new ideas.[182] Similarly, many of our project partners have observed that one of the most valuable parts of working with students is the fact that they often bring completely new perspectives and ideas to projects that our partners have been working on for several years. For instance, a project

---

[175] Jacobs, *supra* note 5, at 785 ("Hope is decidedly not about individual aims, desires, or ambitions; it is not possible as an I but only as a we—or, more properly, as the articulation or joining together of individuals.").

[176] *Id.*

[177] *Id.* at 786.

[178] Ludema et al., *supra* note 139, at 1044.

[179] *Id.*

[180] Annie Murphy Paul, Opinion, *How to Think Outside Your Brain*, N.Y. TIMES (June 11, 2021), https://www.nytimes.com/2021/06/11/opinion/brain-mind-cognition.html. For instance, case studies examining creativity in scientific research indicate several techniques to spur productivity and creativity, such as small team size, "highly effective supervisor-student relationship[s], the careful selection of new group members for complementary skills and attributes, and the flexibility to address new problems." Thomas Heinze et al., *Organizational and Institutional Influences on Creativity in Scientific Research*, 38 RESEARCH. POL'Y 610, 616 (2009).

[181] Paul, *supra* note 180.

[182] As the University of Silicon Valley notes, collaborative creativity can be especially beneficial in situations when team members collaborate with others who have different experience or skills, as well as in collaborations with people who think very differently from each other. *See The Importance of Collaboration and Teamwork in the Creative Industry*, UNIV. SILICON VALLEY (July 11, 2017), https://usv.edu/blog/importance-collaboration-teamwork-creative-industry/; Kate Vitasek, *How Leaders Can Foster a Culture of Creative Thinking*, FORBES, https://www.forbes.com/sites/katevitasek/2023/11/20/how-leaders-can-foster-a-culture-of-creative-thinking/ (last updated Nov. 21, 2023) ("When people with different skills, experience and mindsets come together, it enables all involved to introduce multiple perspectives on an issue and its proposed solutions. Ideas can be challenged and shaped to become better than they would have been on their own.").

partner who has been working on a particular conflict for over three decades described how working with the students who were not jaded or cynical served as a source of inspiration and energy in what otherwise felt like a period of hopelessness due to the protracted and intractable nature of the conflict. He also added that the fact that they had spent less time feeling constrained by existing barriers allowed them to be creative and generative about new possibilities and approaches.

Collaboration can take place within a specific team, across teams, as well as across disciplinary boundaries in an institution. In fact, part of the creative process likely means recognizing that lawyers do not have all the necessary skills to accomplish these substantial goals and choosing to collaborate with experts in other disciplines.[183] Unfortunately, this has not fully permeated the human rights field. Indeed, a number of scholars have noted that certain segments of the human rights field can be "overly legalistic and formalistic" at the expense of more interdisciplinary tactics.[184] Instead, institutions need to actively challenge traditional disciplinary divides by adopting and teaching interdisciplinary approaches to problem solving, which will, in turn, cultivate the imaginative and creative potential of its students and staff.

In my own advocacy and teaching, I incorporate expertise from a range of disciplines including peacebuilding, mediation, and psychology. On one project involving the impact of conflict on education,[185] for example, my students used traditional human rights tactics, including legal research, interviews, and focus group discussions, but also adopted strategies from the peacebuilding field to design a new dialogue framework that included the voices of impacted communities who had historically been excluded from the peace process. My work on another project involved collaborating with community-based organizations as well as with mental health experts to advance the health needs of impacted communities and incorporate a trauma-informed approach to peace and reconciliation processes. By instilling interdisciplinarity at the level of advocacy and pedagogy, we were able to harness the imaginative capacities of our students and staff and enhance the effectiveness of our advocacy.

---

[183] Janeen Kerper, *Creative Problem Solving vs. The Case Method: A Marvelous Adventure in Which Winnie-the-Pooh Meets Mrs. Palsgraf*, 34 Case W. L. Rev. 351, 354 (1998) ("In contrast, creative problem solving proceeds on the theory that lawyers can join together with other professionals to provide more effective solutions to clients' problems. Creative problem solving assumes that not all problems require legal solutions; and not all legal problems require a lawsuit. Instead, problems are viewed as multidimensional, often requiring nonlegal or multidisciplinary solutions.").

[184] Knuckey et al., *Power*, *supra* note 63, at 10.

[185] This region has not been named for security reasons.

It is important to note, however, that for idea generation through collaboration to be effective, the steps of offering ideas and building on them should be sequential. Critique, while typically invaluable, can stifle creativity if it is poorly timed,[186] especially when offered too early. In law school clinics, one space for idea generation is during clinical "rounds."[187] Rounds are structured such that students are encouraged to raise a question or challenge related to their project work, and the class collectively brainstorms how to approach it. In our clinic, we borrowed a tactic from a leadership course where the presenting group first presents their challenge, answers clarifying questions from the entire clinic, and then metaphorically goes "on the balcony."[188] While on the balcony, the presenters are silent while the rest of the group diagnoses the problem and brainstorms possible solutions. Sending the presenting group on the balcony ensures that there is space and time for idea generation prior to any determination of feasibility, and it helps prevent defensive or defeatist knee-jerk reactions. Moreover, it prevents those with more knowledge and context from dominating the conversation. We found that instituting a dedicated period of brainstorming that precedes class-wide discussion helps to cultivate the creativity and imagination of the students by allowing space for new ideas.

c. Time

To foster creativity and imagination, individuals need an environment that allows adequate time to generate and develop ideas.[189] Additionally, down time or rest can also support imagination and creativity. In a discussion about "breakthroughs," psychologist Rollo May talks about how insights or ideas often emerge during moments of "transition between work and relaxation."[190] He describes reaching a breakthrough only after stepping away from work, when his mind was "far away from the problem" and he was able to stop consciously

---

[186] ROBINSON, *supra* note 170, at 133 ("In any creative work the focus of our attention has to be right. Although there are always points where criticism is necessary, generative thinking has to be given time to flower. At the right time and in the right way, critical appraisal is essential. At the wrong point, it can kill an emerging idea.").

[187] For an overview on the learning goals and theory of rounds, *see* Susan Bryant & Elliott S. Milstein, *Rounds: A "Signature Pedagogy" for Clinical Education?*, 14 CLIN. L. REV 195 (2007).

[188] This method is borrowed from the case consultation method of the adaptive leadership class at Harvard Kennedy School that was developed by Ronald Heifetz. For further discussion of this method, *see generally* RONALD HEIFETZ ET AL., THE PRACTICE OF ADAPTIVE LEADERSHIP: TOOLS AND TACTICS FOR CHANGING YOUR ORGANIZATIONS AND THE WORLD (2009).

[189] ROBINSON, *supra* note 170, at 201 ("Original ideas can take time to evolve. Creative organizations understand that time is an essential resource for innovation.")

[190] MAY, *supra* note 97, at 62.

thinking about and struggling with it.[191] Thus, he argues, "the unconscious breakthrough requires the alternation of intense, conscious work and relaxation."[192]

May's point that breakthroughs cannot be forced creates a predictable conundrum for institutions, since they are often committed to a linear, fast-paced, and "productive" culture that rarely leaves space for such time. At an institutional level, building in time could mean accounting for the time to be generative in our workplans. A colleague once described how he explains to his students that even "thinking," or going on a walk with a colleague to discuss ideas, is work; indeed, making the time to do the initial thinking vastly improves the final work product. Another example of making the time for idea generation is in rounds as described earlier in this Section.[193] Building in this time can help challenge and reframe existing notions of what is regarded as work.

When I identify time as a requisite for creativity, I do not mean to propose that people should only rest to be more effective at work. There is plenty of literature about the role of self-care and rest in enhancing productivity,[194] and that is not what I am proposing. I think rest is important as an end in itself. However, I also want to assert that accounting for the time to be imaginative and creative should be employed as an indispensable component of transformative hope. If the human rights field wants to re-imagine and reconstruct the world we live in, it needs collective and sustained imagination and creativity which will only be possible if institutions adopt a culture that makes the time and space for individuals' creative and imaginative capacities.

III.   Sustaining Transformative Hope

The prior Part described how we might cultivate transformative hope. It focused on the capacities that advocates can develop and deepen in their practice as well as the actions and environments that institutions can embrace to support their development. This Part describes how human rights advocates can sustain hope to get us through multi-decade struggles and what institutions can do to facilitate the sustained embodiment of transformative hope. To do so, this Part describes five interconnected methods: (1) cultivating a strong scaffolding to navigate uncertainty and productive discomfort, (2) making space for emotion, (3) committing to collective care, (4) investing in community,

---

[191] *Id.* at 62–63.

[192] *Id*. at 63.

[193] *See supra* II.B.3.ii.

[194] *See generally, e.g.*, Lisa D. Butler et al., *Six Domains of Self-Care: Attending to the Whole Person*, 29 J. Hum. Behav. in the Soc. Env't 107 (2019) (explaining the broad import of self-care to working professionals).

and (5) cultivating joy. These five methods can be implemented at the individual, interpersonal, and institutional level. It is worth noting that while the emphasis of this Part is how to design these methods to sustain transformative hope, they can also serve as pathways for its initial cultivation.

A. Strong Scaffolding

The work of human rights advocates involves addressing systemic problems where there are no clear answers. Given the complex and uncertain nature of human rights work, institutions engaging in this work need a strong scaffolding. And this is true in other disciplines as well. Indeed, as Kevin Gannon sets forth in his book *Radical Hope: A Teaching Manifesto*, there are parallels in education, wherein the lack of an institutional scaffolding can harm the educational process. He notes:

> Learning is messy. The deeper and more challenging the learning tasks, the messier the process is likely to be, especially if we are asking our students to do things they have not been asked to do before. We should push our students to test their limits, we should problematize the assumptions they brought with them to college, and we should challenge them to step outside the comfortable and familiar. However, simply doing those things without a corresponding degree of scaffolding and support is more akin to hazing than it is teaching.[195]

Gannon's observations highlight the need to create strong scaffolding where human rights pedagogy and advocacy can occur. But what does this type of scaffolding look like? And how can it be created? Within a range of interdisciplinary fields, there is a predominance of literature about the value in creating a psychologically safe work environment.[196] I wholeheartedly agree with the value in creating empowering, psychologically safe spaces. However, building on the research of leadership expert Ronald Heifetz, I propose a pedagogical and leadership approach that can seem counterintuitive to creating "psychologically safe" and empowering environments—namely,

---

[195] GANNON, *supra* note 40, at 141.

[196] Amy C. Edmondson and Derrick P. Bransby, *Psychological Safety Comes of Age: Observed Themes in an Established Literature*, 10 ANN. REV. ORGANIZATIONAL PSYCH. & ORGANIZATIONAL BEHAV. 55 (2023); Amy Gallo, *What Is Psychological Safety?*, HARV. BUS. REV. (Feb. 15, 2023), https://hbr.org/2023/02/what-is-psychological-safety; Youngsam Cho, *Team Diversity, Perspective Taking, and Employee Creativity: The Importance of Psychological Safety*, 50 SOC. BEHAV. & PERSONALITY, 2022, at 1; Karen T. Hallam et al., *Identifying the Key Elements of Psychologically Safe Workplaces in Healthcare Settings*, 13 BRAIN SCI. 1450 (2023).

developing the muscle to sit with discomfort.[197] We need environments that are simultaneously safe and uncomfortable. Courageous work is often antithetical to comfort, and learning to sit with discomfort is an integral lesson in developing an effective human rights advocacy practice.

1.   *Normalizing Barriers and Discomfort*

Barriers provide opportunities to learn, and understanding the value of navigating around (or through) barriers is a pathway to cultivating hope.[198] In the context of his research on children, Snyder describes the need to cultivate a "necessary frustration tolerance" for navigating barriers.[199] In his view, such "barriers teach young minds to believe in their capabilities at finding pathways that will work" and that persistence is an important part of the process.[200] This is a reminder that it is not only important to incite hope but to also find ways to sustain action despite, or perhaps even as a result of, barriers to progress and the attendant discomfort. Of course, as Snyder also recognizes, if a child is "stuck" and unable to make progress, it is important to provide the necessary scaffolding to "hold" them through the learning process[201] — advice that applies equally to adult advocates.

In our clinic, I seek to normalize the discomfort that advocates experience when encountering barriers in human rights work. I do this by making explicit the fact that even experienced human rights advocates can feel overwhelmed. This is especially important to counteract the misperception that everyone else has it "together," which can result in lowered self-efficacy. A law student once described feeling like they were the only one who could not "think like a lawyer" in their first year, when in fact there is research that the "self-esteem rollercoaster" is a common part of the law school experience.[202] At the same time, I explain that any confusion is normal and an opportunity to seek guidance. Offering guidance and support does not always mean providing the answers. It

---

[197] Ronald Heifetz et al., *supra* note 188, at 305 (noting that the zone of productive disequibirum is "[t]he optimal range of distress within which the urgency in the system motivates people to engage in adaptive work. If the level is too low, people will be inclined to complacently maintain their current way of working, but if it is too high, people are likely to be overwhelmed and may start to panic or engage in severe forms of work avoidance, like scapegoating or assassination").

[198] Julia D. Taylor et al.*, Genesis: The Birth and Growth of Hope, in* Handbook of Hope: Theory, Measures, & Applications, *supra* note 22, at 25, 30.

[199] *Id.*

[200] *Id.* at 31.

[201] *Id.* at 30.

[202] Will Pasley, *Resisting the Psychological Effects of Law School, in* NLG Radical Law Student Manual (n.d.), https://www.nlg.org/wp-content/uploads/2016/03/Resisting-the-Psychological-Effects-of-Law-School.pdf.

could be serving as a sounding board for students or staff to arrive at the answers alongside others. Those in supervisory roles need to strike the right balance between allowing a constructive amount of discomfort and providing guidance to support teams through challenging work.

2. *Individualized and Authentic Supervision*

There is literature on the spectrum of different forms of supervision, and in clinical teaching the value of non-directive supervision is often emphasized.[203] However, a singular emphasis on one supervision style fails to leverage the benefits of other teaching methods.[204] Some might argue that more direct supervision does not lead to empowerment of the student, but the reality is that even non-directive teaching involves direction.[205] It involves supporting the process of exploration to find answers or resolution to the questions a student might have.[206] Therefore, it is not the existence of direction but instead whether the supervisor is thoughtful about *how* that direction is employed that we need to think about.[207] Similarly, many people have written about different styles of leadership, noting, for example, that there is not one ideal way to exercise leadership.[208] What is often most effective is being able to adopt

---

[203] For an overview on different styles of clinical supervision, *see* Wallace J. Mlyniec, *Where to Begin? Training New Teachers in the Art of Clinical Pedagogy*, 18 Clin. L. Rev. 101 (2012).

[204] Hariet N. Katz, *Reconsidering Collaboration and Modeling: Enriching Clinical Pedagogy*, 41 Gonzaga L. Rev. 315, 317 (2006) (explaining that "[n]ondirective supervision as a sole teaching method" may "conflict[] with the learning styles of some students" and "overlook[] other powerful teaching methods," such as working "as assistants to more experienced and skillful attorneys in an environment where skills and values can be directly observed." (footnotes omitted)). For the value of *adaptive clinical teaching*, *see* Colleen F. Shanahan & Emily Benfer, *Adaptive Clinical Teaching*, 19 Clin. L. Rev. 517 (2013).

[205] Shanahan & Benfer, *supra* note 204, at 518.

[206] *Id.* ("Clinical teachers are always 'directing' a student in an exploration that leads to new knowledge or a solution to a problem. This is true even when we are merely asking them what their goals are or why they took a particular course of action. How a student is led to the knowledge or resolution involves the degree, not the existence, of directiveness.").

[207] *Id.*

[208] Jennifer Jordan et al., *Finding the Right Balance—and Flexibility—in Your Leadership Style*, Harv. Bus. Rev. (Jan. 11, 2022), https://hbr.org/2022/01/finding-the-right-balance-and-flexibility-in-your-leadership-style ("A single approach to leadership, whether traditional or emerging, is not going to meet the myriad of challenges that today's leaders face. Thus, rather than perfecting a 'leadership sweet spot,' a leader needs to develop and broaden his or her 'leadership sweet range.' The wider this range becomes, the more effective or versatile the leader will be."); Daniel Goleman, *Leadership That Gets Results*, Harv. Bus. Rev., Mar.-Apr. 2000, https://hbr.org/2000/03/leadership-that-gets-results ("New research suggests that the most effective executives use a collection of distinct leadership styles—each in the right measure, at just the right time. Such flexibility is tough to put into action, but it pays off in performance. And better yet, it can be learned."); *id.* ("Leaders who master multiple styles, including authoritative, democratic, affiliative, and coaching styles, tend to achieve the most favorable climate and business performance. They demonstrate flexibility in switching styles based on context, showing a keen awareness of their impact.").

the model of supervision or leadership style that is necessary for the context. This can depend on a range of factors, including the individual student or staff member, the individual's existing familiarity with the context and issues, and the needs of the project.[209] In order to build a strong scaffolding to sustain transformative hope, supervisors need to employ a range of pedagogical or leadership methods.

Additionally, as educators or individuals in leadership positions, it is not sufficient to talk about the value of taking risks or being vulnerable if we are not willing to model those capacities.[210] Creativity involves "originality, curiosity, playfulness, divergent thinking."[211] It also involves "risk-taking, openness to new experiences and an ability to tolerate ambiguity and accept uncertainty."[212] This demands the ability to sit with the discomfort that comes with uncertainty.[213] An ability to tolerate uncertainty requires courage.[214] It also requires vulnerability, and hope provides a "means of continuing amidst vulnerability."[215] As Gannon relates, taking risks could also involve admitting gaps in knowledge. For instance, he argues that "the three most powerful words a teacher can say are 'I don't know' (and the next three are 'let's find out')."[216] He adds an important caveat about identity: Talking about failure and a lack of certainty or clarity about how to proceed on a project may be harder for a junior female faculty of color than for a tenured white male professor because the former's position is less secure than the latter, and they are not always afforded the same "implicit respect" as their male, tenured counterparts.[217] Still, it is worth finding ways to model that no one is perfect and that mistakes are a necessary part of learning and action.

---

[209] Mlyniec, *supra* note 203, at 518 ("Each choice of a method reflects an assessment of the case needs, the student's mode of learning, and the student's ability and level of understanding. It also reflects an understanding of the faculty member's goals for the course and the shared goals that the faculty member and student have for the case, the clinic, the client, and the student.").

[210] GANNON, *supra* note 40, at 141 ("We can't ask our students to take risks if we aren't willing to do the same ourselves.").

[211] Anke Schwittay, *Teaching Critical Hope with Creative Pedagogies of Possibilities*, 31(1) PEDAGOGY, CULTURE, & SOC'Y 85, 89 (2025).

[212] *Id.* at 89-90 (citation omitted).

[213] Maria Jarymowicz & Daniel Bar-Tal, *The Dominance of Fear Over Hope in the Life of Individuals and Collectives*, 36 EUR. J. SOC. PSYCH. 367, 381 (2006) ("The psychology of hope refers to higher mental processes involving anticipation, creative imagination, setting goals, planning and consideration of alternatives—all of which require openness and flexibility, as well as tolerance of uncertainty.").

[214] Adam Renner, *Teaching Community, Praxis, and Courage: A Foundations Pedagogy of Hope and Humanization*, 45 EDUC. STUDS. 59, 74 ("Finally, this work will take great courage. A praxis approach to education will require educators to leave, as Dennis Carlson conceptualizes, the 'safe harbor', and launch into uncharted waters." (citation omitted)).

[215] Kube et al*., supra* note 30, at 594 (noting that hope provides a "means of continuing amidst vulnerability").

[216] GANNON, *supra* note 40, at 142.

[217] *Id.*

Modeling a lack of perfection can help build humanity and vulnerability within institutions, which are both important components of a strong scaffolding to sustain transformative hope.

B.   Space for Emotion

In addition to building a strong scaffolding, it is essential to recognize that hopefulness is not a constant state and that forcing a hopeful attitude can be counterproductive.[218] Transformative hope is also not a sanitized experience and does not always produce a "feel-good" emotion. I say this to highlight the need to challenge the forced binary between positive and negative emotions. As the late Richard Lazarus noted, it is "misleading" to create a "sharp division" between negative and positive emotions.[219] After all, the two are inextricably linked since hope actually "stems from stressful or negative life conditions."[220] Likewise, Dale Jacob argues that hope can only exist when there is a "temptation to despair," as hope seeks to overcome this temptation.[221] It is true, however, that hope is distinct from despair, in that despair is passive while hope is active.[222]

Duncan-Andrade makes a valuable distinction between different forms of hope and clarifies that while some forms may not acknowledge pain, other forms recognize pain and understand it to be unavoidable in the process of achieving change—it is this latter form of hope that we should strive to embody:

> To provide the "authentic care" that students require from us as a precondition for learning from us, we must connect our indignation over all forms of oppression with an audacious hope that we can act to change them. Hokey hope would have us believe this change will not cost us anything. This kind of false hope is mendacious; it never acknowledges pain. Audacious hope stares down the painful path; and despite the overwhelming odds against us making it down that path to change, we make the journey again and again. There is no other choice. Acceptance of this fact allows us to find the

---

[218] Emma Lisa Schipper, Shobna Maharaj & Gretta Pecl, Comment, *Scientists Have Emotional Responses to Climate Change Too*, 14 Nature Climate Change 1010, 1011 (2024) ("In reality, however, individual scientists—including the authors here—often cycle through feelings of both despair and hope, and/or work to actively cultivate optimism (despite despair) to ensure contributions to addressing the problem. . . . [This] emotional toll . . . makes communicating the reality of the future even more difficult.").

[219] Lazarus, *supra* note 2, at 657.

[220] *Id.* at 657.

[221] Jacobs, *supra* note 5, at 792.

[222] *Id.* at 793.

courage and the commitment to cajole our students to join us on that journey. This makes us better people as it makes us better teachers, and it models for our students that the painful path *is* the hopeful path.[223]

There is also an unavoidable connection between hope and struggle or difficulty.[224] Hope is not the absence of struggle, but rather it is what "animates a struggle" and provides us with the sense of solace that this work is worthwhile and that there is value in trying to continue our efforts even when the pathway is difficult.[225] Clearly, hope can feel hard. There are "high affective costs."[226] Within an educational context, Maggie Rehm affirms that the affective costs of engaging in social justice work show up in the classroom and suggests that making space for emotion in the classroom is a pragmatic pedagogical decision that can be practiced by modeling behavior and encouraging emotional participation. She demonstrates her own emotional response by voicing her frustrations and desires as a means of humanizing the space and modeling how to share one's affective world. In Rehm's view, it is acceptable for the students to exist "on an affective level, too—that they are not failing at being professional if they step outside of stoic detachment."[227] In turn, Rehm also encourages students to explore their own emotional responses to the material, which while understandable is rarely acknowledged.[228] In our clinic work and classroom, we too have had conversations about emotional responses in an effort to acknowledge that it is not just acceptable to not feel okay, it is often essential.[229]

In contrast, research suggests that telling someone else to be positive is likely to make one feel worse.[230] Toxic positivity has been

---

[223] Duncan-Andrade, *supra* note 46, at 191.

[224] Aʜᴍᴇᴅ, *supra* note 6, at 2.

[225] *Id.* ("Hope is not at the expense of struggle but animates a struggle; hope gives us a sense that there is a point to working things out, working things through. Hope does not only or always point toward the future, but carries us through when the terrain is difficult, when the path we follow makes it harder to proceed. Hope is behind us when we have to work for something to be possible.").

[226] Rehm, *supra* note 60, at 210.

[227] *Id.* at 211.

[228] *Id.* at 210 ("Students can thus feel burdened by an awakened awareness of individual responsibility. It is little wonder if some become overwhelmed or depressed, yet space to acknowledge this can be rare."); *see also* Philip Schrag, *Constructing a Clinic*, 3 Cʟɪɴ. L. Rᴇᴠ. 175, 182 n.171 (1996) (noting that "[m]ost law school courses do not give explicit attention to the emotional aspects of becoming a lawyer").

[229] For approaches on how to acknowledge, discuss, and model emotions in law school, see Mᴀʟʟɪᴋᴀ Kᴀᴜʀ & Lɪɴᴅsᴀʏ M. Hᴀʀʀɪs, Hᴏᴡ ᴛᴏ Aᴄᴄᴏᴜɴᴛ ғᴏʀ Tʀᴀᴜᴍᴀ ᴀɴᴅ Eᴍᴏᴛɪᴏɴs ɪɴ Lᴀᴡ Tᴇᴀᴄʜɪɴɢ (2024); Vasundhara Sawhney, *It's Okay to Not Be Okay*, Hᴀʀᴠ. Bᴜs. Rᴇᴠ. (Nov. 10, 2020), https://hbr.org/2020/11/its-okay-to-not-be-okay.

[230] Scott Barry Kaufman, *The Opposite of Toxic Positivity*, Tʜᴇ Aᴛʟᴀɴᴛɪᴄ (Aug. 18, 2021), https://www.theatlantic.com/family/archive/2021/08/tragic-optimism-opposite-

shown to have multiple harmful effects. It both dismisses and invalidates a current emotional state and induces or exacerbates secondary emotions including shame and guilt,[231] which are emotions that human rights advocates already struggle with. Additionally, being told to deny reality or suppress feelings can impact the work. For example, Emma Lisa Schipper and colleagues observed that some scientists have been discouraged from expressing their worries about climate change.[232] Not only does such denial of emotions harm each individual scientist by requiring them to ignore inherent aspects of their humanity, but it also contradicts core principles of scientific inquiry, which emphasizes the consideration of all relevant factors in analyzing any situation.[233] Indeed, Schipper and colleagues contend that emotional responses to future concerns can serve as catalysts for "scientific curiosity" and critical research.[234] Relatedly, in the medical context, Helen T. Allen's ethnographic study found that fertility nurses in the United Kingdom were encouraged to ignore and deny their negative emotions as a defense against the pain they witnessed at work.[235] Yet by doing so, these nurses may have been disengaging and emotionally distancing themselves from patients, which could have led them to develop negative views of patients who expressed emotions.[236] Finally, creating a forced state of happiness can lead to burnout,[237] which in turn impacts the sustainability of the work. As I shared in the Introduction, no one should feel the pressure of being a "salesperson of hope" who cannot afford to reveal any other emotions for fear of impacting the morale of their colleagues.

    In sum, it is crucial that institutions make space for all forms of emotions, including those that are not "positive," by encouraging emotional expression. This can certainly occur at the classroom level, but there is also a need for this practice to extend beyond classrooms—to institutions at large. By doing so, institutions can allow the collective to co-create spaces of transformative hope.

---

toxic-positivity/619786/ ("Refusing to look at life's darkness and avoiding uncomfortable experiences can be detrimental to mental health. This 'toxic positivity' is ultimately a denial of reality. Telling someone to 'stay positive' in the middle of a global crisis is missing out on an opportunity for growth, not to mention likely to backfire and only make them feel worse.").

    231 Sawhney, *supra* note 230.

    232 Schipper et al., *supra* note 218, at 1011.

    233 *Id.*

    234 *Id.*

    235 Helen T. Allen, *Nursing the Clinic and Managing Emotions in a Fertility Unit: Findings from an Ethnographic Study*, 4 Hum. Fertility 18, 21 (2001).

    236 *Id.* at 21-22.

    237 Mita Mallick, *Does Your Boss Practice Toxic Positivity?*, Harv. Bus. Rev. (May 27, 2024), https://hbr.org/2024/05/does-your-boss-practice-toxic-positivity ("[T]he pressure employees feel to put on a happy face and erase how they're really feeling can lead to burnout.").

C.   Collective Care

There is also a need to make time for individual and collective care. Hope can get eroded with the fatigue that comes with the work of countering injustice in the world.[238] To sustain transformative hope, individuals need to operate from a place of "wholeness," not purely "sacrifice."[239] Additionally, advocates often experience stress and confront trauma in connection with their work of investigating human rights abuses, visiting sites of violations, and reviewing traumatic material or witnessing abuses; they can also experience direct threats, detention, or abuse.[240] An international survey found alarming rates of mental health issues amongst human rights advocates—19.4% of the respondents met the criteria for posttraumatic stress disorder (PTSD), 18.8% had symptoms associated with PTSD, 14.7% had symptoms of depression, and 19% reported burnout.[241] Additionally, 34.4% of respondents had directly witnessed trauma experienced by others, 89.3% were indirectly exposed to trauma through their work, and up to 21% had been directly exposed to trauma as victims of violence, detention, or threats.[242] And yet, a resounding 83% respondents had accessed no or limited counseling, 62% had limited or no education on the possible mental health effects of human rights work, and 75% had limited or no mental health support from their employers or schools.[243] These statistics illustrate the need for mainstream conversations about mental health in human rights settings. In our clinic, for example, we have implemented periodic check-ins about the mental health effects of our work, in both group and individualized settings, to address students' varying needs.[244]

Despite our efforts and the fact that there has been an increase in conversations about mental health in human rights organizations,[245] there remain individual, organizational, and field-wide barriers to

---

[238] Bishundat et al., *supra* note 32, at 100.

[239] *Id.*

[240] Sarah Knuckey et. al., *Trauma, Depression, and Burnout in the Human Rights Field: Identifying Barriers and Pathways to Resilient Advocacy*, 49 Colum. Hum. Rts. L. Rev. 267, 269 (2018).

[241] *Id.* at 270.

[242] *Id.*

[243] *Id.*

[244] Sara Knuckey & Su Anne Lee, *Building the Foundations of Resilience: 11 Lessons for Human Rights Educators and Supervisors*, Open Global Rts. (Mar. 7, 2018), https://www.openglobalrights.org/building-the-foundations-of-resilience-11-lessons-for-human-rights-educators-and-supervisors/.

[245] *See, e.g.*, Margaret Satterthwaite et al., *From a "Culture of Unwellness" to Sustainable Advocacy: Organizational Responses to Mental Health Risks in the Human Rights Field*, 28 S. Cal. Rev. L. & Soc. Just. 443 (2019).

building sustainable careers in this field.[246] Consequently, we must ensure that any conversation about mental health includes a discussion of these barriers and how to mitigate or navigate them. Additionally, it is important to move beyond mitigating harm to promoting wellbeing by discussing capacities for resilience.[247] Our clinic accomplishes this by creating and monitoring individual and collective care plans, which can foster both openness and accountability. Finally, peer support and time to socialize with other colleagues is a valuable form of support for wellbeing,[248] which is described in more detail in the Sections on community and joy below.

D.   *Community*

An important element of sustaining transformative hope is investing in community. While it may appear to be a simple statement, investing in community is profoundly important to fostering hope and joy. Law Professor William Quigley, in his article entitled, *Letter to a Law Student Interested in Social Justice*, explained:

> Social justice advocacy is a team sport. No one does social justice alone. There is nothing more exciting than being a part of a group that is trying to make the world a better place . . . .
>
> Seek out people and organizations trying to stand up for justice. Build relationships with them. Work with them. Eat with them. Recreate with them. Walk with them. Learn from them. If you are humble and patient, over time people will embrace you, and you will embrace them, and together you will be on the road to solidarity and community.[249]

This article instantly resonated with me when I first read it in law school, and Quigley's advice has only deepened in meaning since. More recently, I read Mariame Kaba's description of a valuable lesson her father taught her: "Everything that is worthwhile is done with other

---

[246] Gulika Reddy, *Self-Care for Sustainable Movements: Difficult but Necessary*, Open Global Rts. (May 31, 2018), https://www.openglobalrights.org/self-care-for-sustainable-movements-difficult-but-necessary/; Margaret Satterthwaite et. al., *From a 'Culture of Unwellness'' to Sustainable Advocacy: Organizational Responses to Mental Health Risks in the Human Rights Field*, 28 Rev. L. & Soc. Just. 443, 486-508 (2019) (discussing challenges to promoting wellbeing in the human rights field).

[247] Knuckey & Lee, *supra* note 244.

[248] Satterthwaite, *supra* note 246, at 527.

[249] William P. Quigley, *Letter to a Law Student Interested in Social Justice,* 1 DePaul J. Soc. Just. 7, 23 (2007).

people."[250] Connection and community have been a central to sustaining my human rights practice and in fostering my sense of transformative hope. Those I work with—colleagues, students, and project partners—have been among my most meaningful sources of hope. They make change seem possible. And they make even the most challenging work feel not just worthwhile but also joyful. My experience of the importance of community is one that is shared by many advocates who have talked about the value of connection, of solidarity, and of seeking wisdom, energy and inspiration from like-minded people. Indeed, Richard Snyder discusses how one of the central characteristics of "high-hope people" is that they work effectively alongside other people.[251] He suggests that the energy you gain from others and the ability to work together can positively reinforce each other.[252]

To foster this type of community, institutions must invest the time to nurture relationships between colleagues and the communities they work alongside. As an example of how institutions can do this, our clinic begins each academic quarter with a day-long retreat focused on community building. We start by identifying our shared purpose and goals. We also collectively determine the group norms that will guide how we work together, and we have explicit conversations about identity to ensure that each individual is able to show up as their full selves. To address the fact that the competitive law school culture can be in tension with the need for collaboration, we provide students with a collaboration guide to help facilitate individual self-reflection and effective collaboration.[253] And following Quigley's advice, we also invest in building community in way that extends beyond the four corners of effective team functioning. We do this by periodically eating meals together, celebrating milestones in each other's lives, and investing in getting to know people beyond their professional identities.

In addition to building community within the clinic, the depth of relationships with our project partners has been a central aspect of the clinic. Over the years, I have been struck by, and incredibly grateful for, how the clinic's project partners have invested in prioritizing community. They have embodied the value of investing in the social dimensions of the work and in cultivating friendships beyond collaboration. Investing in relationships can be done in myriad ways, and our students and project partners have intentionally invested in making time and space to get to know each other. This means building in time together outside

---

250 KABA, *supra* note 25, at 178.
251 Snyder, *supra* note 140, at 3-21.
252 *Id*.
253 I first co-created this guide with my colleagues at the Smith Family Human Rights Clinic at Columbia Law School. It has since been adapted to meet the needs of the Clinic I direct at Stanford Law School.

of work meetings, and it could involve a meal, a music or game night, sight-seeing in a new place, or even just unstructured time for informal connection.

This emphasis on relationship building is especially pertinent as the human rights field has been critiqued for the extractive relationships between advocates in the Global North and Global South—particularly the ways in which Global North advocates take information and ideas without crediting Global South advocates.[254] Although there are Global North actors who are engaging in reflection about how to build more equal relationships and adopt allyship practices,[255] multiple advocates in the Global South highlight the continued transactional and asymmetrical nature of these relationships.[256] Building community alongside project partners is one way to address this critique and is critical to transforming relationships from a transactional mode to a transformative one.

E.   Joy

As a part of the practice of investing in relationships, our project partners have also focused on joy and levity. As one of my partners once said to me: "If we are going to work this hard, we might as well make time for fun." In fact, our partners have modeled this sentiment for our students through humor—sometimes even dark humor. When a student once asked a practitioner in a region that is experiencing daily egregious rights violations what keeps him hopeful, he joked, "I am a Buddhist and believe in karma, impermanence, and mortality. This means that all human rights perpetrators will die one day, and that gives me hope." His humor, and the humor of many of our other project partners, have been important reminders that while we should take the work seriously, we should not take ourselves too seriously.

---

[254] Knuckey et al., *supra* note 63.

[255] *Id.*

[256] *See, e.g.*, Rodríguez-Garavito, *supra* note 174, at 502 (discussing "the obvious asymmetry between the Global North and South in the human rights field" wherein Global North organizations "receive over 70% of the funds from philanthropic human rights foundations" and "have disproportionate power when it comes to setting the international agenda"); Cecília MacDowell Santos, *Building and Breaking Solidarity: Learning from Transnational Advocacy Networks and Struggles for Women's Rights*, *in* Transnational Advocacy Networks: Twenty Years of Evolving Theory and Practice 123, 123 (Peter Evans & César Rodríguez-Garavito eds., 2018) ("[T]he relationship between transnational activist actors is often asymmetrical and contentious." (citations omitted)); Denisse Sepúlaveda et al., *Education and the Production of Inequalities Across the Global South and North*, 58 J. Socio. 273, 277 (2022) (observing that some "topics of educational research are built on hierarchies of power that resonate with the logic of colonial legacy"); *see also* Fred Binka, *North-South Research Collaborations: A Move Towards a True Partnership?*, 10 Tropical Med. & Int'l Health 207, 207-08 (2005) (noting that there has long been a "lack of control exerted by southern collaborators" and only "a few existing outstanding examples of mutually beneficial north-south research collaborations").

Another way to cultivate joy is to celebrate wins—big or small. Acknowledging wins ushers in the agentic component of transformative hope as a catalyst for change. Understandably, there are barriers to doing so. Some people, for instance, may view such celebration as a "luxury" that they cannot afford given the endless stream of work. But it is important to make the time—from a quick shout out in a team meeting to a full discussion during a rounds session—to acknowledge and celebrate successes as a way to foster transformative hope.

* * *

What I hoped to convey in this Part is that embodying transformative hope at the individual, interpersonal, and institutional levels is less of a rigid procedure and more of an ongoing and intentional practice. We can embody transformative hope by cultivating strong scaffolding to support advocates through uncertainty and discomfort, making space for emotion, committing to collective care, investing in community, and fostering joy. Indeed, while there are many challenges associated with human rights work, advocates also experience their work as deeply rewarding and a source of meaning and joy.

Conclusion

When I began writing this Article, I half-joked and genuinely wondered: Is this the subject of a research article or just an existential question? In conversations with students, project partners, and colleagues, including those engaged in other parts of the social justice field, they suggested that even if it was an existential question, at least it was one shared by others and therefore worthy of exploration. They, too, were struck by how often the concepts of "hope" and "hopelessness" arise in conversations in the social justice field, both explicitly and implicitly.

Throughout my career, I have been asked and have grappled with several questions related to hope. Some questions directly used the word hope. My colleagues and I, for instance, have asked—and tried to answer: How can we stay hopeful during times of challenge and crisis? How can we recover from setbacks? Other questions have not directly used the word hope, but rather, draw attention to the need for hope. Students have asked: Is it worth it to commit to a career in public service? Is there even any possibility of change? All of these questions have a common theme: Do we have any reason to have hope?

I believe that we do. But what led me to this scholarly inquiry was that I was less certain about if and how we can cultivate transformative hope as a theory of change by making it an institutional priority. I was also unsure what shifts needed to be made to institutional structures

and culture to ensure that such hope can be sustained. As a result, this Article sought to answer two overarching questions: What forms of hope does the human rights field need? And how can we cultivate and sustain transformative hope in our institutions?

The answers to those questions can be found in the theory and strategic plan I set out in this Article, which offers guidance on how advocates and institutions can be intentional about employing transformative hope in the human rights field. At the same time, the reasons that hope is integral to the human rights field—because it can foster commitment, action, resilience, and creativity—apply to the social justice field more broadly. Since many of the questions and answers related to hope can be subjective and institution- or field-specific, I also offer additional questions in the Appendix for individuals and institutions working in any part of the social justice ecosystem.

I hope that this Article and these questions prompt reflection and conversation not only in the human rights field but also the social justice field more broadly. Just like hope, engaging in individual and collective reflection will not, in and of itself, result in change—but such reflection is an integral part of being able to generate the commitment, action, resilience, creativity and imagination that is necessary to effect change.

APPENDIX: REFLECTION QUESTIONS

Transformative hope is a practice that needs to be tailored to the needs of each individual and institution. These questions can be used to prompt reflection as advocates and institutions collectively consider how to unpack, cultivate, and sustain transformative hope.

I.   *Unpacking Hope*

1. Do you see a connection between hope and your practice/advocacy?
   a. If yes, what is the connection?
2. Have you observed any of the forms of hope set out in the typology of hope (i.e., false, latent, reckless, disingenuous, measured, and transformative) in your work and in your field?
3. What forms of hope have you witnessed or experienced as valuable? What forms of hope have you witnessed or experienced as less effective?

II.   *Cultivating Transformative Hope*

1. How can the dimensions of grounded knowledge, action, and imagination and creativity be fostered and deepened?
2. Are there additional capacities or dimensions that underlie transformative hope? If yes, how can those dimensions be cultivated?
3. Do current incentive structures in your organization and in your field prioritize these dimensions? If not, should these incentive structures be modified, and how can they be modified?

III.   *Sustaining Transformative Hope*

1. In moments or spaces that you have felt most hopeful, what factors contributed to that? Are there particular people or forms of work/advocacy that foster your sense of transformative hope?
2. What has been helpful for you during moments of despair? What has helped you sustain transformative hope in moments where hope has felt less accessible?
3. Have your organization adopted any of the structures of sustaining hope (i.e. strong scaffolding, space for emotions, collective care, community, and joy) set out in this Article?
   a. If yes, are there ways in which they can deepen those structures?
   b. If not, are there ways in which they can be instituted?

4. Are there additional structures that would be helpful to sustain transformative hope?
    a. If yes, how can they be instituted?

And finally, how can we revisit and reimagine our responses to all of the questions posed in this Article as the needs of the social justice field shift over time?