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What's Love Got to do with Lawyers? Thoughts on Relationality, Love, and Lawyers' Work[§]

Eli Wald* and Russell G Pearce**

Rob Vischer has written an elegant and thought-provoking book, in which he asserts convincingly that something is very wrong with the legal profession and lawyers today and supplies an innovative and intriguing, albeit not fully realised, alternative vision. In doing so, moreover, Vischer joins Brad Wendel in authoring a pathbreaking book as part of a 'new generation' of scholars that seeks to build on the success in influencing the academy—and to learn from the failure to persuade practising lawyers—of an earlier generation of leading thinkers, including David Luban, Deborah Rhode, William Simon and Thomas Shaffer,¹ who challenged the dominant conception of lawyers as neutral partisans.

Lawyers, argues Vischer, have adopted a set of fundamentally mistaken presumptions about their clients and their nature and as a result offer legal services that tend to diminish and hurt their clients. Specifically, lawyers assume that clients are atomistic individuals who are interested in the naked pursuit of narrowly conceived self-interest and therefore offer advice that focuses on the pursuit of such individual self-interest. But clients, asserts Vischer, even if they sometimes do not realise it themselves, are actually inherently relational, interconnected people who care about more than their own narrowly construed interests. They care about others, close and further removed, and care about their communities and their well-being. Presuming clients to be self-maximising bundles of atomistic rights and nothing more diminishes clients' being, and offering legal advice based on such a presumption undermines clients' more complex and rich objectives and reduces them in ways that hurt clients.

If lawyers were, however, to realise their mistaken anthropological presumption and acknowledge the interconnected relational nature of their clients, they might immediately stumble upon a significant challenge. The fundamental tenets of the legal profession—loyalty to clients above all else, partisanship and lawyer neutrality—so inherently build

[§] We credit inspiration for the title to Tina Turner and to Deborah J Cantrell, 'What's Love Got to Do With It? Contemporary Lessons on Lawyerly Advocacy from the Preacher Martin Luther King, Jr' (2010) 22 *St Thomas Law Review* 296.

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1 Eli Wald and Russell G Pearce, 'Beyond Cardboard Lawyers in Legal Ethics' (2010) 15 *Legal Ethics* 125, 125.

upon the individualistic premise that even if lawyers realised their mistake they would not know how to proceed. Lawyers have become so wrapped up in individualism, autonomy and the pursuit of clients' naked self-interest that they simply would not know how to practise law, or how to talk to their clients even if they wanted to respect their clients' true relational nature (3).

The bulk of Vischer's book is an attempt to address this very challenge by providing a rich account of relational content to lawyers, offering means of expanding their view, as well as their clients' view, to develop a practice of law that respects and advances clients' true nature and objectives as relational beings. The relational content draws primarily on the teachings and thinking of Dr Martin Luther King, Jr—including his reliance upon agape, personalism, justice and Christian realism. Vischer's book is impressive because it builds on at least three bodies of work—Dr King's teachings, Christian theology and lawyers' professionalism—to produce an easily readable, concise, practical blueprint for lawyers interested in serving the actual needs of their clients. The book successfully demonstrates that lawyers' fundamental premise about clients is erroneous or at least overly reductive, and creatively challenges the orthodoxy of autonomy and individualism by offering a rich relational alternative. It does all of that by reintroducing Dr King's work to a new generation of lawyers—an objective worthy in and of itself.

Vischer's book is so captivating that one is tempted to pick up exactly where Vischer ends his analysis, debating whether Dr King's core notions of agape, personalism, justice and Christian realism are appropriate and desirable for practising lawyers to adopt, and we indeed engage accordingly in Part III. But first things first. Part I offers a brief summary of the book's two main claims: its anthropological claim about clients' relational nature, and its account of Dr King's ideas as a foundation for a relational theory of law practice. Part II explores Vischer's relational conception of law practice, identifying his extraordinary contribution developing relational content for lawyers to deploy, as well as shortcomings in failing to maintain a consistent relational perspective, to consider relational perspectives other than love, and to rely on sources other than Christian theology. Finally, Part III examines some of the specifics of Vischer's ideas derived from Dr King and their suitability as a foundation for lawyers' practice.

I. VISCHER'S RELATIONAL FRAMEWORK

A. The Legal Profession's Erroneous Presumption

The legal profession, explains Vischer, has an 'operative conception of the person as an atomistic individual' (68), assuming that 'clients are motivated by individual self-interest with little care or concern for, or sense of accountability to, the communities through which much of their identities are formed and lived out' (187). This 'presumption about human nature' (188) underlies and explains why lawyers equate human dignity with individual autonomy and claim that they serve the cause of dignity by facilitating clients' autonomy (36). The presumption accounts for the prevailing narrative of the profession and justi-

fies its core twin professional principles of neutrality and partisanship, according to which 'lawyers serve human dignity not only by deferring to their clients' chosen ends, but by doing whatever they can within legal bounds to maximize the likelihood that those ends will be met' (39). Put differently, the legal profession has "'thinned out" the conception of autonomy to the point where it resembles a distinctly atomistic individualism' (49), whereby a lawyer 'serves human dignity by maximizing the client's legal interests and suspending her own moral judgment regarding the client's underlying goals' (40–41).

The problem with this presumption, according to Vischer, is that it is anthropologically false. 'Lawyers' narrow focus on the client's individual self-interest,' he argues, 'emerges from largely unfounded presumptions about the client's nature' (18), because '[o]ur self-interest is rarely just about the self. Our own flourishing is wrapped up with others' flourishing' (7). The legal profession's dominant narrative 'ignore[s] what we know about ourselves: we are social creatures whose accountability does not begin and end with ourselves' (19).

Lawyers reach their narrow understanding of dignity by viewing dignity from the limited perspective of 'intrinsic equality, rather than any comparative evaluation of conduct' (46), and tend 'to equate dignity' with a narrow version of 'autonomy' (49). Vischer explains that this perspective is 'understandable' given that 'law embodies human dignity by granting every citizen equal standing before the law and equal access to its framework of rights and privileges' (46). Lawyers conclude that '[i]f everyone has equal moral standing, and everyone is an end in herself, rather than a means to someone else's ends, then the facilitation of a person's ends can be an obvious way of honoring her dignity' (47). Furthermore, because autonomy is not a self-executing proposition in a highly regulated society, '[b]y providing access to the privileges and rights afforded under law, lawyers are important contributors' to clients' realisation of autonomy and dignity (47).

Autonomy and dignity, however, are more readily viewed from a relational perspective. Vischer notes that '[e]ven Kant, often derided as the source of this individualist line of moral thought, portrayed dignity and autonomy as relational' (49). Quoting David Luban, Vischer explains that 'human dignity should best be understood as a kind of conceptual shorthand referring to relations among people, rather than as a metaphysical property of individuals' (69). Moreover, '[d]ignity is relational. More particularly, the relational quality of dignity requires interpersonal space for reflection, dialogue, and accountability' (76). Following Dr King, Vischer argues that human dignity is honoured when we work to repair the relationships to which we are a party (54).

In chapter 1, Vischer offers ample support for his anthropological contention. We find the relational premise about human nature to be both intuitive and well documented. Indeed, we have argued for it ourselves elsewhere, offering yet additional support for it.² As we show below, however, in developing and elaborating upon the anthropological premise Vischer relies too heavily, albeit impliedly, on religious underpinnings, in a way that

² See eg Russell G Pearce and Eli Wald, 'The Obligation of Lawyers to Heal Civic Culture: Confronting the Ordeal of Incivility in the Practice of Law' (2011) 34 *University of Arkansas at Little Rock Law Journal* 1; Eli Wald and Russell G Pearce, 'Making Good Lawyers' (2011) 9 *University of St Thomas Law Journal* 403.

undermines the persuasive effect of his powerful challenge to the prevailing individualistic ethos dominant among clients and lawyers.

We agree with Vischer's convincing anthropological contention that lawyers' individualistic presumption about clients is overly simplistic and possibly mistaken, and we further agree that lawyers' simplistic premise bears important consequences for the practice of law; indeed, the difference between presuming that clients are individually atomistic and that they are relational is anything but academic. Following King, Vischer argues that our relational 'social nature is not just an aspirational goal to be theorized, but an empirical truth to be recognized ... Human dignity is not a worldview; it is a starting premise on which a worldview can be built' (78–79).

The consequences of acknowledging these anthropological observations are profound. 'At a minimum,' explains Vischer, 'lawyers who purport to face reality unflinchingly should not *presume* that their clients defy their own relational nature' (32), and therefore should not impute to their clients the desire to pursue naked self-interest whatever the expense and consequences for others. This is because 'the lawyer's failure to invite the client to consider the relational interests implicated by a course of conduct functions in some circumstances as an invitation not to consider such interests' (68), contrary to the client's being. Bluntly put, lawyers who ignore their clients' actual relational nature risk doing their clients a disservice and denying them the opportunity to pursue their true objectives and goals.

If Vischer's anthropological premise is right—that people are relational—then what? How should lawyers go about engaging with clients, acknowledging and fostering both their clients' relational dignity and their own? 'Lawyers are in a position to help bring their clients' conscience into play by bringing the moral dimension of the representation to the surface' (4), observes Vischer, but will they? Here, suggests Vischer, well-intending lawyers may simply not know how to proceed in such moral engagement because lawyers are 'skeptical about the existence of any "moral law," much less that it could or should be impressed upon the client' (3), and are reluctant to engage the client on moral terms. In our increasingly radically individualised world, lawyers lack the convictions and values as well as the vocabulary to engage clients on moral grounds. Could lawyers realise the erroneous nature of their presumption about clients only to ignore it for lack of means to meaningfully acknowledge their clients' (and their own) relational nature? This is the very challenge Vischer addresses.

The overall aim of the book, explains Vischer, is to 'connect the lawyer's work more closely with the reality of human experience' (13), by revisiting Dr King's teachings and thinking about substantive moral engagement. That is, '[t]his book seeks to reframe our understanding of the lawyer's work by exploring how Martin Luther King, Jr built his public advocacy on a coherent set of moral claims regarding the demand of love and justice in light of [relational] human nature' (25). To that end, the rest of the book, chapters 2–5, introduce and explore in detail four of Dr King's central themes: agape, personalism, justice and realism.

B. The Teachings of Dr King—Dignity, Agape, Personalism, Justice and Realism—and their Application for Lawyers and the Practice of Law

The book introduces five of Dr King's ideas, centred on the concepts of human dignity, agape, personalism, justice and Christian realism. We discuss many of these ideas below but offer a brief summary here. Chapter 1, after offering a critique of the legal profession's standard narrow conception of human dignity that essentially equates it with autonomy (45–46, 49, 67–68), develops a broader concept following Dr King, whereby 'Dignity is relational. More particularly, the relational quality of dignity requires interpersonal space for reflection, dialogue, and accountability' (76). Dignity, to be sure, encompasses autonomy, but it also includes individual empowerment to make choices consistent with humans' relational nature, as well as work to repair the relationships, the beloved community, for which we are created (54). The implication for lawyers is straightforward: 'The legal profession's failure to make moral engagement a part of the lawyer's role tends toward an operative conception of the [client] as an atomistic individual ... [and] the lawyer's failure to invite the client to consider relational interests implicated by a course of conduct functions in some circumstances as an invitation not to consider such interests' at all, thus depriving the client of the opportunity to consider and pursue her dignity (68).

Chapter 2 explores the notion of agape—disinterested love—the Christian theological doctrine of understanding and accepting all people, irrespective of how we are treated by them (87). Agapic love 'must account for the neighbor's needs and be directed toward the neighbor's well-being ... "it is insistence on community even when one seeks to break it. Agape is a willingness to go to any length to restore community"' (88–89, quoting Dr King). Vischer explains that 'Agape's lessons for lawyers will go nowhere unless lawyers actually conceive of themselves as subjects', and argues that 'if the lawyer and client are both subjects, they will act as partners in a moral dialogue' (92, 93). Chapter 3 follows neatly. Whereas agape encourages lawyers to treat themselves as subjects in the attorney-client relationship, personalism teaches them to treat clients as subjects. 'Personalism holds "that persons and selves are the only reality, that is that the whole universe is a system or society of interacting selves and persons"' (158, internal citation omitted). It follows that 'freedom can only confer dignity when it is exercised in a way that reflects our accountability to and for one another' (159). Personalism, concludes Vischer, 'asks us to begin the process of moral reflection and deliberation from the premise that we are social by nature and thus that a true account of human flourishing has to make space for human relationship' (194). For the legal profession it means that 'Personalism broadens the relational view, challenging lawyers to recognise their potential role as healers: counselors who can help repair breaches in the human community' (153) by encouraging clients to consider and act on their relational nature.

'Respect for the human person serves as the benchmark for justice' (199), the subject of chapter 4. Justice 'is about more than lifting up the marginalized and oppressed; it is about restoring the relationships that are breached by marginalization and oppression, connecting us all with our true nature as created, mutually dependent beings. King the prophet calls for justice by calling to restore community' (199). For lawyers, Dr King's justice means helping

clients pursue their objectives via just means (209–23), and encouraging clients to pursue just ends that reflect reconciliation and redemption, which in turn demands that lawyers speak truth to power (223–9).

Finally, chapter 5 introduces the concept of Christian realism, according to which humans are sinful and therefore fallible but also social and therefore accountable (251). For members of the legal profession, fallibility cautions against usurpation of clients' authority through moral paternalism and suggests deference to clients, but at the same time accountability admonishes against cynicism and abdication of duties to clients and the community (290).

II. RELATIONAL LEGAL PRACTICE: CONTRIBUTION, PROMISE, AND SHORTCOMINGS

A. Vischer's Extraordinary Contribution

Vischer is at the forefront of a second generation of scholars seeking to dethrone the neutral partisan as a dominant conception. The first generation began to emerge after the neutral partisan ideal of lawyer nonaccountability, grounded in understandings of lawyers and clients as Holmesian bad men and women, became the dominant conception in the United States sometime after the 1960s. Scholars developed sophisticated arguments for lawyer accountability, ranging from David Luban, Deborah Rhode and William Simon's moral approach to Thomas Shaffer's Christian lawyering, as well as to perspectives grounded in feminist theory, racial justice and civic obligation.³ As we have written elsewhere, 'These critiques of the neutral partisan have had a considerable influence within the legal academy, but, despite their volume and quality, they have made little headway in persuading practising lawyers to abandon a bad man approach to their role.'⁴

Vischer joins Brad Wendel and others in developing a second generation of challenges to lawyer nonaccountability. Although they share the project of both building upon the powerful work of the first generation scholars and learning from their failure to win over practising lawyers, Vischer and Wendel differ in significant ways. Moral counselling is at the centre of Vischer's framework, while it plays a far narrower role in Wendel's account. And relational commitments form a major part of both of their works, but relationality is at the heart of Vischer's, while fidelity to law is at the heart of Wendel's. Here, we will focus primarily on Vischer's claims, having written extensively about Wendel's elsewhere.⁵

By focusing on relationality, Vischer applies to lawyers' work the understanding of the relational self that is increasingly part of scholarly discourse. To establish his relational perspective, Vischer draws upon King, as well as other religious and philosophical sources. But, as we have elsewhere noted, the turn to relationality is similarly emerging in, or from,

³ Wald and Pearce (n 1) 129.

⁴ *Ibid*, 130.

⁵ *Ibid*.

disciplines as diverse as economics, feminist theory, mathematical and evolutionary biology, cognitive psychology, and neuroscience.⁶

To pursue his relational argument, Vischer writes as if he is in dialogue with lawyers who follow the dominant conception. He is sensitive to their anxieties and objections. His approach: debunk established wisdom and offer practical alternatives. With his analysis of the relational reality of both lawyers and clients, he reveals and discredits central tenets of the dominant approach. Lawyers, Vischer wisely observes, should not begin with the presumption, as they often do, that clients seek atomistic self-interest (296). Lawyers should similarly not assume themselves as incapable of having productive, respectful and non-paternalistic conversations with their clients; conversations that do not begin and end with atomistic self-interest, whether regarding long term self-interest, gaps in the law, or morality (245, 249, 297, 301). Similarly, he explains that lawyers cannot abdicate responsibility for consequences by naively assuming that all of the legal system's results are just (244–5).

Vischer's positive proposal for relational practice is similarly grounded in a practical aspiration that is sensitive to the dominant conception's assertion that each client receive zealous representation, no matter her ends. Vischer urges lawyers to engage in moral counselling but cautions on the need to respect the client's rejection of the lawyer's advice (295–6). Although in rare circumstances a lawyer may decide to refuse, or withdraw from, representation because the lawyer views the 'client's position' as seriously diverging from 'the relational ends of justice', a lawyer must also factor in the goal of 'facilitating access to the legal system, even for unjust causes', an argument that will resonate with lawyers grounded in the dominant conception (244). Moreover, the lawyer's responsibility to justice necessarily exists outside representation of clients 'by contributing to the important work of institutions', another theme that many lawyers will find persuasive (303).

With his careful arguments, Vischer offers a new and important way to encourage lawyers to move beyond assumptions of atomistic self-interest. By relying upon the teaching of Martin Luther King, Jr, an American icon, and Christian theological foundations, Vischer has developed his analysis in a way that should have great appeal to the many lawyers who are devotees of Reverend King or of Christian theology. Moreover, unlike Shaffer, who intentionally used Christian theology to make arguments to a Christian audience, Vischer seeks to draw universal lessons from Christian theology that will invite non-Christians, or secular lawyers, to consider his vision of relational practice.

B. The Promise, Potential, and Shortcomings of Vischer's Relational Practice

Once alerted to their mistaken presumption about clients' nature, are lawyers likely to attempt to practise more relationally, let alone follow some of Dr King's teachings? The inquiry may be addressed at three related levels: first, can lawyers practise more relationally? Second, will they? And finally, should they? While Vischer offers well-reasoned answers

⁶ Russell G Pearce and Eli Wald, 'The Obligation to Heal Civic Culture: Confronting the Ordeal of Civility in the Practice of Law' (2011) 34 *University of Arkansas at Little Rock Law Review* 1, 8 fn 33, 43.

to each of these questions, his relational framework could gain even greater purchase by avoiding reliance on assumptions grounded in atomistic individualism, by including relational practices other than love, and by offering reasons that will be more persuasive to non-Christians.

1. Can Lawyers Practise Relationally?

Vischer worries, and spends considerable space addressing the first level question, that lawyers increasingly cannot practise relationally (102). Relational practice requires clients to deeply trust their lawyers (105), but ‘trust may lose its place as a constitutive element of the attorney-client relationship’ (103) in an increasingly competitive market for legal services. Specifically, Vischer asserts that several related trends undermine trust in the attorney–client relationship. Globalisation, both in terms of increased competition and in terms of spreading relationships across greater distances, renders relationships less personal and therefore less trust-inspiring (108–12). The disaggregation of legal services means that more lawyers are involved with clients but each lawyer has a smaller piece of the pie and a diminished capacity to advise clients about the big picture (112–15). The rise of in-house counsel and the shrinking role of outside counsel further limits the ability of the latter to develop a relationship of trust with their clients (115–18). The rise of multidisciplinary services with its blurring of organisational lines between law firms and other provides exacerbates these trends by making lawyers less distinctive and undermining the sacredness of the trust between lawyers and clients (121–4). And the increasingly prevalent eat-what-you-kill culture of law celebrating the atomised pursuit of the bottom line at large law firms fosters a ‘climate of insecurity’ within these firms (128), which in turn undercuts relational conduct among lawyers in the firms and *vis-à-vis* clients (124–31).⁷

Perhaps because these trends seem so powerful and therefore fatal to his argument, Vischer is very much concerned with the actual and practical plausibility of his ideas—the book is primarily concerned with the question of ‘can anything be done to reverse’ them (140). Vischer suggests some regulatory reforms aimed at enhancing trust in the attorney–client relationship such as limiting the use of ethical screens as means of overcoming conflicts of interest and relying more heavily on the appearance of impropriety standard (142–3); and calls upon law schools to do more to help their students form a professional identity with loyalty to clients and trust as two of its key components (143–6).

Some of Vischer’s proposals to enhance trust in the attorney–client relationship are debatable. For example, attempting to regulate trust may backfire. To begin with, prohibiting ethical screens may simply result not in more trust but in lawyers attempting to escape the consequences of conflicts by other means, such as resorting to more aggressive future-waivers/consents by clients,⁸ or by avoiding imputation of conflicts by hiring

⁷ Vischer also argues that the decline of self-regulation undermines trust in the attorney–client relationship (118–21) but we do not quite see how either a shift from self-regulation to external regulation of the profession or a gradual transformation of the traditional top-down regulatory mode to a more compliance-based regime directly impacts, let alone compromises trust in, the attorney–client relationship.

⁸ See American Bar Association Model Rules of Professional Conduct, R 1.7, com 22 (2014).

non-‘associated’ lawyers.⁹ More generally, many (including the authors of this review) have questioned the effectiveness of top-down regulatory regimes of the kind Vischer advocates and have called for a more participatory, compliance-based apparatus which attempts not to superimpose norms of trust on lawyers but to include them and their clients in the process of building trust together.¹⁰

Other proposals, such as the enhanced focus in law schools on the formation of professional identity, seem more promising, and yet others can be pursued. For example, a contributing factor in the decline of trust in the attorney–client relationship is the escalating cost of legal education, which in turn drives recent graduates away from the areas of law in which the potential for forming relationships of trust with clients is more obvious, and also changes the nature of these relationships by putting pressure on some lawyers to develop a large client base at the expense of the depth of the relationship with each client. Thus, decreasing the cost of legal education or bolstering loan forgiveness programs may help enhance trust in the attorney–client relationship. Next, law firms may have self-interested incentives to invest in a more relational cultural infrastructure.¹¹ And bar associations may have a stake in fostering trust as well.¹²

In the final analysis, though, the question of whether lawyers can practise relationally is ironically both more and less challenging than Vischer depicts. Much of this situation derives from the way Vischer defines relationality through a particular Christian theological lens of love. Vischer’s anthroreligious vision assumes that relationality is so hard-wired that when institutional or ideological barriers are removed, lawyers will act in love. We suggest that reality is more complicated. Giving lawyers a language to use in loving their clients and permitting them to use that language will not inevitably lead to that result. Indeed, Vischer’s description of the difficulty of raising these issues with his students offers evidence of this dilemma. If, as Vischer and we believe, many in the elite, including lawyers, have been socialised into a paradigm of atomised individualism, they will need more convincing of the practical benefits of a relational perspective than Vischer provides. For many who are not Christian, or have a Christian perspective that differs from Vischer, his particular Christian metaphysics will not in and of itself suffice to encourage them to adopt his proposal for relational practice.

Indeed, Vischer could make a more persuasive argument for relationality in law practice if he defined relationality more flexibly. Vischer insists on relationality as agape—‘love without self-interest, love for the other’s sake’. Agape is a major leap for lawyers who start from the consciousness of an atomistic individual. Relational concepts lawyers could more readily employ would include self-interest or long-term self-interest, terms that lawyers would more easily understand and could more easily deploy. Not surprisingly, when

⁹ See *ibid*, R 1.10(a) (2014). See also *Brown v Florida Department of Highway Safety & Motor Vehicles*, 2012 US Dis LEXIS 145159.

¹⁰ Russell G Pearce and Eli Wald, ‘Rethinking Lawyer Regulation: How a Relational Approach would Improve Professional Rules and Roles’ [2012] *Michigan State Law Review* 513.

¹¹ Russell G Pearce and Eli Wald, *Relational Infrastructure of Law Firm Regulation: Is the Death of BigLaw Greatly Exaggerated?* (2013) 42 *Hofstra Law Review* 109.

¹² Wald and Pearce (n 2) 429–30.

providing examples of the practical application of agape, Vischer himself urges an approach that sounds much like encouragement of long-term self-interest (296–7). Indeed, a number of commentators have proposed relational perspectives that do not exclude self-interest. Economists Luigino Bruni and Robert Sugden, for example, argue on both descriptive and normative grounds for a perspective of mutual benefit—consideration of the interests of both self and other—in economic exchanges.¹³ We have made a similar argument for a broad understanding of self-interest that we term relational self-interest: given that people and organisations exist in webs of relationships, ‘maximizing the good of the individual or business requires consideration of the good of the neighbor, the employee or customer, and of the public.’¹⁴

These more open-textured definitions of relationality suggest another way in which Vischer could more persuasively provide lawyers with guidance for practising relationally. Vischer’s arguments sometimes suffer from an inconsistency that results from his, probably unintentional, reliance on assumptions grounded in the perspective of the atomistic actor. For example, Bruni and Sugden explain that the binary distinction between self-serving and altruistic conduct itself arises only from an atomistic perspective. As we have also noted, self-interest from the atomistic perspective results in the individual or organisation thinking only of maximising their own narrow self-interest without regard to its impact on others. With this definition of self-serving self-interest, motives that take into consideration the interests of others are labelled altruistic. A relational context, Bruni and Sugden argue, would reject this binary in favour of a more textured recognition that actors are almost always incorporating some sense of their individual interests and the interests of others. Vischer, on the other hand, when discussing competition and economic behaviour, relies on the perspective of the atomistic actor and assumes, contrary not only to the work of Bruni and Sugden but also other economists, such as Nobel Prize winner Amartya Sen, that market behaviour is necessarily self-serving. Vischer takes a similarly atomistic view of trust when discussing lawyers’ conflict of interest rules and assuming that stricter rules are necessary to create trust. Not only does this argument assume that lawyers will act in an atomistically self-interested manner, but Tom Shaffer, in an article upon which Vischer relies, argues that strict conflict of interest rules encourage lawyers to act individualistically and discourage them from acting relationally. Avoiding these inconsistencies would make Vischer’s case that lawyers can practise relationally even stronger.

2. *Will Lawyers Practise Relationally?*

The question ‘will lawyers practise relationally?’ goes beyond the issue of ‘can they’, but the two inquiries are not totally separate. If the answer to ‘can they’ is no, then no lawyers will be persuaded to adopt a relational practice. The question ‘will they’ is whether if a viable relational alternative exists, lawyers will choose to employ it. Because these two questions

¹³ Luigino Bruni and Robert Sugden, ‘Fraternity: Why the Market Need Not be a Morally-Free Zone’ (2008) 24 *Economics and Philosophy* 35.

¹⁴ Wald and Pearce (n 1) 133.

are, in part, related, here too we suggest that Vischer's affirmative answer would be more persuasive if he employed a more open approach to relationality.

Vischer acknowledges the difficulty of persuading lawyers to adopt a relational practice. Chapter 2 is dedicated to developing the case for lawyers as subjects rather than objects (81) who are mere mouthpieces for clients, conceding that any relational theory of law practice 'will go nowhere unless lawyers actually conceive of themselves as subjects, a task that is easier said than done' (92). Vischer describes the fetish of individualism as a phenomenon afflicting not only lawyers but American society at large. He writes that the decline of trust 'is part of a broader, society wide move (not just in law, but in medicine and securities, for example) from trust to verification—providing information to consumers, leaving it to them to engage in independent verification of the quality and veracity of the services in question. It is premised on a functioning market of information, rather than a set of relationships with trusted providers' (117–18), adds that '[l]arge law firms are microcosms of the American experience ... [fostering] a "highly atomized environment,"' (127–8), and concludes that '[i]f law firm culture has become an atomized pursuit of the bottom line, we have a trust problem [in the legal profession]' (129). Accordingly, Vischer observes, lawyers are as likely to follow atomistic individualism as their clients both because of the prevalence of individualism in society and because of competitive pressures requiring lawyers to act as hired guns on behalf of individualised self-maximising clients.

Given these realities, why would lawyers and clients who view themselves as atomistic individuals adopt a relational perspective? Vischer's answer with regard to lawyers appears to follow from his theological framework. Quoting Dr King, Vischer explains that 'Agape "is the love of God working in the lives of men," and thus "when we love on the agape level we love men not because we like them, not because their attitudes and ways appeal to us, but because God loves them"' (84). Lawyers should view themselves (chapter 2) and their clients (chapter 3) relationally because God created all human beings as interconnected pieces of his puzzle. To choose to act as an atomistic individual is to disrespect God's creation. This answer will work for those who share Vischer's foundational assumptions, but will have little traction with those who do not. Here, a more flexible approach to the sources and content of relational perspectives would likely be more persuasive. These would include multifaith arguments, like those asserted by Deborah Cantrell,¹⁵ as well as secular accounts, like those discussed in the 'can they' section above, which also offer relational perspectives that incorporate notions of self-interest.

Perhaps, though, Vischer's failure to develop these arguments does derive from his framework. His prescriptions for helping lawyers discover their own relationality and that of their clients focus more (although not exclusively) on removing obstacles, rather than on strategies for encouraging relationality. For example, Vischer argues that '[e]specially in cases involving large and sophisticated clients, more often than not the lawyer abdicates her moral agency in favor of the client's moral assertion' (94). To Vischer, the obvious explanation for such abdication is the competitive market conditions that force lawyers to act the way they do. Specifically, absent such competitive pressures, Vischer assumes lawyers

¹⁵ See n §.

would practise love and justice. Similarly, he argues that if lawyers stop presuming that clients see themselves as atomistic individuals, clients will present themselves relationally.

But what if removing these obstacles does not result in relational conduct? What if lawyers or clients continue to view themselves as atomistic individuals? What if it is not sufficient to show lawyers and clients the truth about themselves and expect relational practice to follow? Here, Vischer's prescription is muddled. His description of the pervasiveness of atomistic individualism suggests that this will not occur, and indeed that relational lawyers, those who do choose to act relationally, may have to represent clients who pursue an atomistic individual perspective. But he does not offer any further guidance, whether procedures or rules that would encourage lawyers or clients to behave relationally,¹⁶ or a more developed explanation of how a relational lawyer would counsel—or love—a client with an atomistic mentality.

In the latter situation, will a lawyer provide clients with the individualistic advice and services that clients say they want? Vischer is unclear on this point. Perhaps, according to Vischer, it would be sufficient for a lawyer who does not assume that the client has an atomistic individualist perspective to probe what the client's perspective is, and upon learning that the client chooses the atomistic individualist perspective, to help the client pursue atomistic individual ends. But Vischer also describes lawyers as healers who need to heal or fix their clients and prophets who not only serve their clients but also lead them and show them the way (chapters 3 and 4). This might suggest that lawyers take a more paternalistic view, even though Vischer explains that Christian realism disfavors such a perspective. Persuading lawyers who value respect for their clients' goals, itself arguably a relational consideration, that they should adopt a relational practice requires greater clarity on these points.

Atomistic individualism is so ingrained, and plays such a dominant role in the legal and social cultures that merely removing obstacles to relational alternatives may not suffice to change the habits and minds of lawyers and clients who have internalised the atomistic perspective. Accordingly, a fuller treatment of the 'will they' question would require a more detailed explanation for lawyers and clients who do not embrace Vischer's Christian framework, as well as more comprehensive examination of how to develop procedures to encourage relational understandings and of how to respect lawyers and clients who reject those understandings.

3. Should Lawyers Practise Relationally?

The question of 'should they' is of course related to the question of 'will they' to the extent that 'will they' includes some consideration of whether lawyers will be persuaded that they should adopt relational practices. In this section, though, we consider the normative component of Vischer's argument, and whether or not it is sufficient to persuade large numbers of lawyers and clients. Does Vischer's argument for relational practice present a compelling normative narrative?

¹⁶ Pearce and Wald (n 10) 529–35.

As we noted earlier, we agree that lawyers should practise relationally. In addition, we agree with Vischer that lawyers should practise love and justice. Moreover, one of us fully embraces Vischer's argument regarding love on theological grounds, albeit from a Jewish commitment to loving God and neighbour in every moment of one's life, including one's work, and from recognising that each human being is created in the image of God.¹⁷ On the other hand, one of us agrees with many of Vischer's relational aspirations but not for the religious reasons offered by Vischer. The latter co-author argues that lawyers should practise relationally because some clients may prefer it if they are made aware of it, and because some lawyers may prefer it to the atomistic individualised alternative. In particular, lawyers most certainly should not presume clients to be atomistic individuals wishing to pursue narrow self-interest. Lawyers should practise relationally, however, to the glory of clients and the legal profession, not God.¹⁸

In two areas in particular, however, we find Vischer's normative narrative incomplete, if not unpersuasive. First, we are unsure whether Vischer would deem lawyers less successful as lawyers if informed clients reject the insights of relational practice and choose to pursue their narrow self-interest. To be fair, Vischer urges lawyers ultimately to defer to clients and cautions that lawyers should never impose their views on their clients as a moral trump card. But what is less clear is whether this deference is reluctant and whether Vischer believes that if relational lawyers only try hard enough and are good enough in what they do, they will be able to help every client embrace the wisdom of relational reality.

Second, because Vischer does not expressly engage the important role non-lawyers could play in healing society, we worry that his vision does not include them. Law, at least in the American context, tends to be dominant and exclusionary, in the sense that it often displaces other modes of dispute resolution and social engagement. A potential consequence of lawyers assuming the role of healers and practising more relationally is that the legal profession will crowd out other professional and nonprofessional actors who may otherwise actively participate in the ongoing process of cultural healing of our social fabric. Put differently, Vischer's admirable aspirations for lawyers could, however, promote self-serving and self-aggrandising conception of lawyers' societal role.

On the other hand, Vischer's failure to address this question may instead reflect a different view. Vischer may believe that, given the gradual decline of civic institutions in our law and culture and the rise to dominance of unabashed atomistic individualism, we should embrace all those who are willing and able to practise and fight for relational values, lawyers included, and not worry about competition among relational actors. In other words, because only a few practise relationally we should encourage and celebrate lawyers

¹⁷ Cf Russell G Pearce and Amelia J Uelmen, 'Religious Lawyering in a Liberal Democracy: A Challenge and an Invitation' (2004) 55 *Case Western Law Review* 127; Russell G Pearce, 'The Jewish Lawyer's Question' (1996) 27 *Texas Tech Law Review* 1259.

¹⁸ See eg Eli Wald, 'An Unlikely Knight in Economic Armor: "Law and Economics" in Defense of Professional Ideals' (2001) 31 *Seton Hall Law Review* 1042; Eli Wald, 'A Primer on Diversity, Discrimination and Equality in the Legal Profession or Who is Responsible for Pursuing Diversity and Why' (2011) 24 *Georgetown Journal of Legal Ethics* 1079.

who practise and preach relationally, and not worry about the exclusion of non-legal actors unless and until such time as there are more relational actors for lawyers to crowd out.

For the purposes of this review, we are only flagging this issue and suggesting a possible caveat to lawyers' relational practice. Lawyers should indeed practise more relationally but should be mindful of doing so in a way that does not exclude non-lawyers who can and want to participate in the healing process.

III. SPECIFIC CHALLENGES OF PRACTISING LOVE AND JUSTICE

Beyond the framework of relational practice, we would like to explore some issues regarding the particulars of Vischer's account, not because we disagree with his overall relational commitment but because greater attention to these issues could make his approach more influential.

A. Agape

Vischer acknowledges that '[m]any lawyers will bridle at the suggestion that they should "love" their clients' (91), but believes that 'much of this discomfort is based on a misconception of what type of love—agape—King was talking about' (91). We believe that while some of the discomfort of lawyers with agape may be rooted in misunderstanding, Vischer may understate the challenges of applying agape to the attorney–client relationship.

First, at the highest level of abstraction, Vischer, following King, explains that agape is "'disinterested love" in the sense that "it is love in which the individual seeks not his own good, but the good of his neighbor"' (84). Moreover, 'King does not mean that the one loving is disinterested in the person loved. Indeed, the one loving takes a profound interest in the person loved, for agape itself "springs from the need of the other person"' (85). Vischer explains that '[b]ecause the white man's "personality is greatly distorted by segregation, and his soul greatly scarred," he "needs the love of the Negro" to "remove his tensions, insecurities, and fears"' (85). This beautiful passage from Dr King, which captures the essence of agapic love, may give lawyers some pause. While it may be compelling that 'the white man needs the [agapic] love of the Negro' and is 'distorted' without it, lawyers may have more difficulty believing that clients need lawyers in the same way or that clients are 'distorted' and 'scarred' without the agapic love of their lawyers. Even if Vischer's point is correct, it needs further explanation to be accessible to lawyers.

Second, as we noted above, agapic love may not fit even a relational conception of the lawyer–client relationship. Vischer explains that agapic love is 'a selfless commitment to another's well-being' (91), but most lawyers' love is not wholly selfless but also includes self-interest in being paid by clients' fees. Clients similarly are concerned with what they are paying for, and what they are gaining from, the lawyer's services.

Vischer observes that '[i]f the lawyer and client are both subjects, they will act as partners in a moral dialogue' (93), but lawyers and clients acting as partners in a moral dialogue simply does not require agapic love. Above we offer mutual benefit and relational self-

interest as non-agapic relational approaches, but other examples of moral dialogue without reliance on agape are also available. David Wilkins, whose work Vischer cites, has described in detail the emergence of partnerships between lawyers and clients which are motivated and driven by self-interest rather than agapic feelings.¹⁹ Steve Pepper, whom Vischer cites for different points, offers a rich account of a moral dialogue that is far removed from agape. Pepper, an advocate of lawyers' amoral role, argues at the same time that while 'the lawyer's primary job is providing access to the law ... when the gap between law and justice is significant, it ought to be part of the lawyer's ethical responsibility to clarify to the client that he or she has a moral choice in the matter.'²⁰ Indeed, Pepper explicitly refers to this secondary duty on lawyers' part as an 'obligation of moral counseling,'²¹ but his justification for it is grounded in clients' individualism, autonomy and access to the law rather than agapic love. Pepper, like Vischer, asserts that 'it is disrespectful to the client to assume her preferences and interests, to assume that she wants the most possible money or the most possible freedom.'²² To be sure, according to Pepper, 'whether the client is persuaded not to exercise her legal right is the client's choice and the result is the client's responsibility.'²³ As Wilkins and Pepper's accounts demonstrate, lawyers and clients may choose to partner, and even engage in moral dialogue, without committing themselves to agape.

Third, for lawyers who wish to apply agapic love to their work, Vischer could offer a more detailed guide for practical application to lawyers' work. Consider criminal defence attorneys and their clients. Vischer writes that agape requires '[t]rust, as a willingness to make one's self vulnerable to another' (107). It is questionable whether many criminal defendants, some of whom barely know their attorneys, will or should come to trust their lawyers in this way; as it is questionable whether many overworked criminal defence attorneys could practically manage to be vulnerable vis-à-vis their clients.²⁴ Potential examples of how to engage agape in criminal practice, such as the Georgia Justice Project, do exist and inclusion of such concrete illustrations would make Vischer's arguments stronger.²⁵ Or consider corporate attorneys. Vischer admits that 'practicing agape in the context of a face-to-face relationship with a real human being is challenging enough; practicing agape in the context of representing a corporate entity made up of far-flung and often anonymous stakeholders seems more difficult by an order of magnitude' (101). Here, Vischer's blueprint for administering agape in the face of this challenge is less than clear. He writes that Dr King 'preached agape to congregants whose oppressors included distant legislators and judges' and that 'the conditions necessary for the flourishing of distant individuals will often be the

19 David B Wilkins, 'Team of Rivals? Toward a New Model of the Corporate Attorney-Client Relationship' (2010) 78 *Fordham Law Review* 2067.

20 Stephen L Pepper, 'Lawyers' Ethics in the Gap between Law and Justice' (1999) 40 *South Texas Law Review* 181, 190.

21 Stephen L Pepper, 'The Lawyer Knows More Than the Law' (2012) 90 *Texas Law Review* 691, 699.

22 Pepper (n 20) 191.

23 *Ibid*, 192.

24 Nicole Martorano Van Cleve, 'Reinterpreting the Zealous Advocate: Multiple Intermediary Roles of the Criminal Defense Attorney' in *Lawyers in Practice: Ethical Decision Making in Context* Leslie C Levin and Lynn Mather (eds) (University of Chicago Press, 2012) 293.

25 See www.gjp.org.

same conditions necessary for the flourishing of those who stand before us' (101), but the analogy offers little feasible guidance to managing a complex set of relationships. Certain corporate stakeholders are indeed quite distant and removed from the corporate lawyer, but the flourishing of diffused shareholders is not obvious and intuitive and is potentially different than the conditions that are necessary for the flourishing of the insiders, executives and board members who stand before the corporate lawyer.

In sum, agape represents an inspirational approach to practising (and being) relational. Yet, it may not appeal to some lawyers and clients who seek relational approaches, and those to whom it does appeal may need further detail in order to apply it in concrete situations.

B. Personalism

As was the case with agape, personalism is an attractive conception at a high level of abstraction. Vischer provides examples of King's inspiring application of personalism, such as the observations that 'injustice anywhere is a threat to justice everywhere' (151), that 'we are all caught in an inescapable network of mutuality, tied into a single garment of destiny' (151), and that 'freedom can only confer dignity when it is exercised in a way that reflects our accountability to and for one another' (159). But if in the context of law practice personalism merely stands for the propositions that 'just as lawyers need to engage clients as subjects, lawyers should encourage clients to view third parties as subjects, not objects' (166), that 'the important point is for the lawyer to have the conversation with the client, not to hijack the conversation' (167), and that lawyers and clients should 'begin the process of moral reflection from the premise that we are social by nature' (194), then personalism fits with a wide range of lawyering approaches, including Pepper's combination of moral counselling with the neutral partisan perspective.

But of course personalism does not merely seek to 'expand our view' (195). Instead, according to Vischer, it 'teaches lawyers to treat their clients (and themselves) as subjects, not objects. Personalism broadens the relational view, challenging lawyers to recognize their potential role as healers: counselors who can help repair breaches in the human community' (153). Moreover, 'the point of freedom "is not to be as queer and individual and 'original' as possible, but, rather, to discover or create universal agreements on some points and so to find a program and means for social cooperation." Liberation is about reconciliation, not independence; liberation is for community' (156). Accordingly, 'to respect personality means to love to person, "not for what he is, but for what he may be ..."' (161) such that lawyers and clients need to understand that their 'relationship is part of the broader community' and their 'accountability does not end at the boundaries of the relationship' (175). Moreover, personalism teaches that that 'the client is not the only source of an attorney's obligations' (177).

These sentiments require further attention if they are to provide guidance that lawyers find helpful and compelling. Moreover, consider Vischer's explanation that personalism is opposed to materialism on the ground that it 'whittles experience down to its bare spatial

properties' (161, see also 195).²⁶ Many lawyers and their clients might reasonably take the position that it is one thing to engage in a conversation about the impact of one's conduct on others, and another altogether to reject materialism as a legitimate objective to clients and lawyers alike. Similarly, consider Vischer's discussion of the 'problem of partisanship' (177–89). At the end of the day, Vischer's own question—'can a personalist favor the interests of some persons over others?' (177)—is left unanswered. But for lawyers the answer must be an unequivocal 'yes'. The challenge thus becomes, as in the case of *agape*, delineating between advocating for clients and the place, if any, of self-interest in the act of loving others. A more convincing account would require further explication.

C. Justice

Vischer develops at least three related ideas that give substantive meaning to the concept of justice and how it may shape lawyers' practice, demonstrating compellingly how Dr King's teachings may serve as the basis for a rich account of relational practice of law. First, lawyers may learn from King's very definition of justice. 'Respect for the human person serves as the benchmark for justice' (199), such that '[t]he call to justice is about more than lifting up the marginalized and the oppressed; it is about restoring the relationships that are breached by marginalization and oppression, connecting us all with our true natures as created, mutually dependent beings' (199). Justice is about restoring the 'beloved community' (223), and 'King's conception of justice contributes to the work of the attorney by providing a substantive end of justice (the restoration of relationships) to help orient the attorney's counsel in the myriad instances when the positive law is indeterminate or silent about a proposed course of conduct ...' (245).

Second, because '[i]n King's ministry, justice was not just about the ends; the means chosen were a central component of justice because they bore powerful witness to the advocate's view of the human person who was at the center of the very concept of justice' (217–18), '[o]ur chosen means must reflect the requirements of justice ... because the means and ends were, to a significant extent, one and the same for King' (223). In representing clients, asserts Vischer, 'King reminds lawyers that truth telling in the service of justice requires the awareness of ultimate goals and limits on the means by which those ends are brought to fruition' (246). Justice requires that lawyers only pursue means that treat their clients, adversaries and opposing counsel with respect and not only refrain from but indeed condemn relationship-crushing tactics (220).

Finally, Vischer builds on Dr King's teachings on justice to derive the role of lawyers as 'modern prophets', that is, 'a checking force on the excesses of those around them' (207), clients included. Vischer concludes that 'A lawyer who embraces King's prophetic ethics will, put simply, speak truth to power ... Prophetic lawyers will call the client to confront reality, including the reality of the human community, as torn and frayed as it might be' (227).

²⁶ Internal citation omitted.

While these sentiments are both admirable and compelling, they also require additional explanation to make them accessible to many lawyers. A powerful account of relational practice that calls on lawyers to seek to restore relationships and the community and respect all actors in the legal system, that imposes justice-based limitations on means used to advocate for goals, and that expects lawyers to speak truth to power, must also explain how it does not treat clients and their goals as secondary. To be fair, Vischer does make an effort to clarify his approach. He states that lawyers should not override their clients' goals and treat their clients as means, and reminds lawyers that 'this is not a license to hijack the representation or to turn its client-directed nature upside down. King was committed to truth telling, not to coercion' (245). At the same time, though, other observations undermine this clarity and make the lawyer's task more indeterminate. If 'even the oppressor can be a member of the community' (211), and the ultimate ends of the attorney–client relationship are 'redemption and reconciliation' (225), how should the attorney proceed?²⁷

D. Christian Realism

In chapter 5, Vischer introduces the concept of Christian Realism, pursuant to which '(1) humans are sinful and therefore fallible, but (2) humans are social and therefore accountable' (251), to criticise lawyers who invoke their own fallibility to justify their moral neutrality and non-accountability for clients' objectives (249–50, 263–4). In a compelling passage, Vischer explains exactly how lawyers go about excusing themselves from moral engagement with their clients. He uses as his starting point Brad Wendel's recent work advocating lawyers' fidelity to the law and, in particular, focus on clients as citizens (264–71).²⁸ Vischer argues that by instructing lawyers to think of, and represent, clients as citizens as opposed to as persons (267), Wendel allows lawyers to narrow the scope of their engagement and moral accountability. 'The move from personhood to citizenship is not costless' (268), points out Vischer; 'What if, instead of encountering the client only as a citizen with legal entitlements, the lawyer encountered the client as a person who possesses both legal entitlements and an interest in doing right by her neighbors?' (270). The answer is powerfully obvious: by limiting their focus to clients as citizens with entitlements and excluding the perspective of clients as persons with a possible interest in looking beyond their entitlements, lawyers conveniently construct an understanding of clients that allows them to avoid a moral dialogue with clients.

In turn, the narrow perspective of clients as mere citizens allows Wendel to advance a classic individualistic and atomistic argument: 'We owe different obligations to family members and close friends, but these are owed in virtue of the shared history and reciprocal vulnerability that characterizes those relationships. Most lawyer–client relationships, on the other hand, are arm's length economic transactions' (272, citing Wendel). Wrong for two different reasons, argues Vischer compellingly. First, building on his critique of lawyers'

²⁷ Complicating this matter further is the question we discuss above of how non-Christian or secular lawyers are to understand personalism.

²⁸ Discussing W Bradley Wendel, *Lawyers and Fidelity to Law* (Princeton University Press, 2010).

individualistic presumption about clients, Vischer notes that ‘King’s consistent emphasis on our membership in an “inescapable network of mutuality” does not easily lend itself to bright-line distinctions between relationships to which moral engagement is intrinsic and those for which it serves as an afterthought’ (273). Second, and as important, even if Wendel is correct that ‘Most lawyer-client relationships ... are arm’s length economic transactions,’ it is exactly Wendel’s kind of individualistic and atomistic accounts of law practice that helps legitimise and promote such understandings by lawyers. Put differently, if most lawyers now conceive of their relationships with most of their clients as an arm’s length transaction it is exactly because they cannot even imagine a more relational exchange because they have become accustomed to invoking their fallibility as a reason for moral neutrality.

But, insists Vischer, ‘the elusiveness of justice does not excuse Christians from seeking it’ (283), and, when it comes to lawyers, ‘Christian realism’s contribution ... is to keep human fallibility in view, both to check the attorney’s own inclination toward prideful usurpation of client prerogatives, and to avoid an unduly optimistic view of the positive law’s capacity to capture and reflect the considerations needed for real human flourishing’ (290).

We could not agree more. As Vischer notes, ‘Lawyers tend to be skeptical about their own ability to be neutral and objective arbiters of moral considerations, and so feel justified in keeping morality out of the professional mix’ (249). The idea of Christian Realism, however, effectively captures the risk of too quickly moving from healthy skepticism guarding against lawyers’ paternalism toward clients to cynicism and avoidance of moral engagement and accountability for helping clients pursue unjust objectives.

At the same time as we join Vischer’s lament regarding the reluctance of many lawyers to engage in moral counselling and adopt a more relational style of practice, and are convinced by the illuminating power of Christian Realism to demonstrate how lawyers go about abstaining from moral engagement, we remain concerned that many lawyers will find such express Christian analysis off-putting and would hope that Vischer could make similar points using more universal resources.

IV. CONCLUSION

Rob Vischer has made a pathbreaking and persuasive contribution to the second generation of scholarship seeking to provide alternatives to the neutral partisan conception of the lawyer. Vischer’s use of the teachings of Martin Luther King, Jr as way to highlight the need for relational legal practice is both inspired and effective. Nonetheless, Vischer could more fully realise the potential of his innovative contribution by providing more detailed explication, by avoiding occasional atomistic assumptions, by taking a broader view of relationality, and by reaching out more effectively to lawyers who are not Christian.