

# **LAW, SOCIAL MOVEMENTS, & SOCIAL CHANGE**

*LAW 793P*

## **PROFESSOR:**

Nicholas F. Stump

## **COURSE DESCRIPTION:**

This course explores the dynamic relationship between social movements and law, examining how movements for social change both shape and are shaped by law, policy, and deeper socio-legal transformations. Through the lens of critical legal theories, we also will interrogate the complex role of lawyers and legal advocates within social movements. Topics of focus include transformative movements for racial, gender, and economic justice, climate change and the environment, labor struggles, LGBTQ+ rights and liberation, Indigenous liberation, and emancipatory movements from the Global South. Appalachian social movements also are a central through-line of this course and intersections are explored among such regional movements and broader national and international grassroots struggles.

## **LEARNING OBJECTIVES:**

- Explore the range and inherent intersections among leading contemporary movements for social change
- Understand the reciprocal and dialectical relationship between law and social movements with each influencing the other in a continuous mutual tension
- Understand how law constitutes a site of contestation and struggle with the potential to alternatively further or hinder emancipatory social change
- Analyze the relationship and distinctions between traditional law reform and deeper systemic re-formations of the ecological political economy
- Examine the role of lawyers in movements for social change including through assessing the efficacy of various lawyering modes in the context of practical case studies
- Conduct research and examine the nexus among specific social movements, law, policy, and systemic change

## COURSE READINGS:

### WEEK 1: LAW AND SOCIAL MOVEMENTS

- **Definitions and Core Concepts (3 pages)**
  - Brief Excerpts: Michael McCann, *Introduction*, in LAW AND SOCIAL MOVEMENTS (Michael McCann ed., 2006); Steven A. Boutcher & Lynette J. Chua, *Law, Social Movements, and Mobilization across Contexts*, 40 LAW & POL'Y 5 (2018); Scott L. Cummings, *Law and Social Movements: An Interdisciplinary Analysis*, in HANDBOOK OF SOCIAL MOVEMENTS ACROSS DISCIPLINES 254 (Conny Roggeband & Bert Klandermans eds., 2017)
- **Spectrum of Cause Lawyering: Reformist to Transformative (4 Pages)**
  - Avi Brisman, *The Criminalization of Peacemaking, Corporate Free Speech, and the Violence of Interpretation: New Challenges to Cause Lawyering*, 14 CUNY L. REV. 289 (2011) (excerpt)
- **Community Lawyering (4 Pages)**
  - Caroline Bettinger-Lopez, Davida Finger, Meetali Jain, JoNel Newman, Sarah Paoletti & Deborah M. Weissman, *Redefining Human Rights Lawyering through the Lens of Critical Theory: Lessons for Pedagogy and Practice*, 18 GEO. J. ON POVERTY L. & POL'Y 337 (2011) (excerpt)
- **Movement Lawyering (10 pages)**
  - Scott L. Cummings, *Movement Lawyering*, 2017 U. ILL. L. REV. 1645 (2017) (excerpt)
- **Activism vs. Organizing (7 pages)**
  - Astra Taylor, *Against Activism*, 30 THE BAFFLER 123 (2016) (excerpt) (7 pages)

### WEEK 2: APPALACHIAN SOCIAL MOVEMENTS

- Steve Fisher & Barbara Ellen Smith, *Internal Colony—Are You Sure? Defining, Theorizing, Organizing Appalachia*, 22 J. APPALACHIAN STUD. 45 (2016) (6 pages)
- Michael J. Coyle & Stephen T. Young, *The Fight for Black Lives to Matter: Appalachian Social Movement Intersections and the Capitalist Carceral State*, in NO JUSTICE, NO POLICE? THE POLITICS OF PROTEST AND SOCIAL CHANGE 209 (Matt Clement ed., 2023) (17 pages)
- Robert T. Perdue & Christopher McCarty, *Unearthing a Network of Resistance: Law and the Anti-Strip Mining Movement in Central Appalachia*, in Vol. 66 STUD. POL'Y, & SOC'Y 40 (Austin Sarat ed., 2015) (22 pages)

### WEEK 3: RACIAL JUSTICE AND BLACK RADICAL TRADITION

- Mathias Möschel, *Critical Race Theory*, in RESEARCH HANDBOOK ON CRITICAL LEGAL THEORY 63 (Emilios Christodoulidis, Ruth Dukes & Marco Goldoni eds., 2019) (16 pages)
- Charisse Burden-Stelly, *Modern U.S. Racial Capitalism: Some Theoretical Insights*, 72 MONTHLY REV. 8 (2020) (excerpt) (4 pages)

- Anthony V. Alfieri, *Fidelity to Community: A Defense of Community Lawyering*, in *CRITICAL RACE THEORY: THE CUTTING EDGE* 743 (Richard Delgado & Jean Stefancic eds., 2013) (8 pages)
- M.AMA, *For Black Appalachians, Southerners, and Rural Folks*, in *Y'ALL MEANS ALL: THE EMERGING VOICES QUEERING APPALACHIA* 37 (Z. Zane McNeill ed., 2022) (3 pages)

#### **WEEK 4: ECONOMIC JUSTICE AND SYSTEMIC CHANGE**

- Amna A. Akbar, *Demands for a Democratic Political Economy*, 134 *HARV. L. REV. F.* 90 (2020) (excerpt) (7 pages)
- Jason Hickel, *What Does Degrowth Mean? A Few Points of Clarification*, 18 *GLOBALIZATIONS* 1105 (2021) (6 pages)
- Nina Gregg & Doug Gamble, *This Land is Your Land: Local Organizing and the Hegemony of Growth*, in *TRANSFORMING PLACES: LESSONS FROM APPALACHIA* 47 (Steven L. Fisher & Barbara Ellen Smith eds., 2012) (13 pages)
- Lyndsay Tarus, Mary Hufford, & Betsy Taylor, *A Green New Deal for Appalachia: Economic Transition, Coal Reclamation Costs, Bottom-up Policymaking (Part 2)*, 23 *J. APPALACHIAN STUD.* 151 (2017) (excerpt) (6 pages)

#### **WEEK 5: FEMINISM AND GENDER JUSTICE**

- Nancy Levit & Robert R.M. Verchick, *Feminist Legal Theories*, in *FEMINIST LEGAL THEORY: A PRIMER* 11 (2016) (excerpt) (7 pages)
- Christine Bauhardt, *Solutions to the Crisis? The Green New Deal, Degrowth, and the Solidarity Economy: Alternatives to the Capitalist Growth Economy from an Ecofeminist Economics Perspective*, 102 *ECOLOGICAL ECON.* 60 (2014) (excerpt) (2 pages)
- Shannon Elizabeth Bell & Yvonne A. Braun, *Coal, Identity, and the Gendering of Environmental Justice Activism in Central Appalachia*, 24 *GENDER & SOC.* 794 (2010) (18 pages)
- Jessie Wilkerson, *Unraveling the Hidden Black History of Appalachian Activism*, 100 *DAYS IN APPALACHIA* (Jun. 27, 2018) (9 pages)

#### **WEEK 6: LGBTQ+ MOVEMENT AND QUEER LEGAL THEORY**

- Damir Banović, *Queer Legal Theory*, in *FEMINIST APPROACHES LAW: THEORETICAL AND HISTORICAL INSIGHTS* 73 (Dragica Vujadinović, Antonio Álvarez del Cuvillo, Susanne Strand ed., 2023) (17 pages)
- Estefania Vela Barba, *Gay Priori: A Queer Critical Legal Studies Approach to Law Reform*, 18 *INT'L J. CONST. L.* 654 (Jul. 2020) (5 pages)
- David L. Trowbridge, *Beyond Litigation: The Behavior of Cause Lawyering Organizations in the LGBTQ Movement* (2018) (Pd. D. dissertation, State University of New York at Albany) (excerpt) (14 pages)
- Zane McNeill, *A Queer Ecological Framework for Environmental Justice in Appalachia*, *NONPROFIT Q.* (Apr. 25, 2024) (5 pages)

### **WEEK 7: THEORIES AND PRAXIS OF LAW AND SOCIAL TRANSFORMATION**

- Rickke Mananzala, Soniya Munshi, Nadia Qurashi & Elana Redfield, *Law Reform and Transformative Change: A Panel at CUNY Law*, 14 CUNY L. REV. 21 (2010) (excerpt) (7 pages)
- Amna A. Akbar, *Non-Reformist Reforms and Struggles over Life, Death, and Democracy*, 132 YALE L. J. 2497 (2023) (excerpt) (25 pages)
- Tor Krever, *The Rule of Law and the Rise of Capitalism*, in HANDBOOK ON THE RULE OF LAW 193 (Christopher May & Adam Winchester eds., 2018) (excerpt) (13 pages)

### **WEEK 8: CLIMATE CHANGE AND THE ENVIRONMENT**

- Meghan Bartles, *Humans Have Crossed 6 of 9 ‘Planetary Boundaries’*, SCI. AMERICAN (Sep. 13, 2023) (6 pages)
- Michael M’Gonigle & Louise Takeda, *The Liberal Limits of Environmental Law: A Green Legal Critique*, 30 PACE ENV’T L. REV. 1005 (2013) (excerpt) (9 pages)
- DORCETA E. TAYLOR, USDA, GEN. TECH. REP. PNW-GTR-534, RACE, CLASS, GENDER, AND AMERICAN ENVIRONMENTALISM (2002) (excerpt) (6 pages)
- Marianne Engelman Lado & Kenneth Rumelt, *Pipeline Struggles: Case Studies in Ground up Lawyering*, 45 HARV. ENVTL. L. REV. 377 (2021) (excerpt) (11 pages)

### **WEEK 9: LABOR MOVEMENTS**

- Timothy J. Minchin, *A New Labor Movement? Assessing the Worker Upsurge in the Contemporary US*, 65 Lab. Hist. 433 (2024) (excerpt) (12 pages)
- Natasha Heenan & Anna Sturman, *Five Orientations to the Green New Deal*, PROGRESS IN POL. ECON. (Mar. 30, 2020) (4 pages)
- Stefania Barca, *The Labor(s) of Degrowth*, 30 CAPITALISM NATURE SOCIALISM 1 (2019) (5 pages)
- Paul Sindberg, *Prison Abolition, Labor Unions, and the Emergence of Abolitionist Unionism*, U. PA. J.L. & SOC. CHANGE ONLINE (2023) (5 pages)
- Jessica Salfia, *Introduction*, in 55 STRONG: INSIDE THE WEST VIRGINIA TEACHERS' STRIKE (Elizabeth Catte, Emily Hillard, Jessica Salfia eds., 2018) (15 pages)

### **WEEK 10: CIVIL DISOBEDIENCE AND DIRECT ACTION**

- Robin Celikates, *Rethinking Civil Disobedience as a Practice of Contestation—Beyond the Liberal Paradigm*, 23 CONSTELLATIONS 37 (2016) (excerpt) (7 pages)
- Catherine L. Fisk, *Movement Lawyers: The Tension between Solidarity and Independence*, 97 IND. L.J. 755 (2022) (excerpt) (5 pages)
- Adam Federman, *The War on Protest Is Here*, IN THESE TIMES (Apr. 17, 2024 (14 pages)
- Mary Beth Bingman, *Stopping the Bulldozers: What Difference Did It Make?*, in FIGHTING BACK APPALACHIA: TRADITIONS OF RESISTANCE AND CHANGE 17 (Stephen L. Fisher ed., 2009) (excerpt) (2 pages)

- Kevin Ridder, *The Appalachian Pipeline Resistance Movement: “We’re Not Going Away”*, THE APPALACHIAN VOICE (Oct. 28, 2020) (14 pages)

#### **WEEK 11: INDIGENOUS LIBERATION**

- THE RED NATION, THE RED DEAL: INDIGENOUS ACTION TO SAVE OUR EARTH (2021) (excerpt) (29 pages)
- Sakshi Aravind, *How to Write About Pipelines*, PROGRESS IN POL. ECON. (Mar. 2, 2021) (6 pages)
- Sally Brown, Joe Stahlman, Bonnie M. Brown; Beth Toren, Michael Sherwin, Richard Anderson, and Maryam Marne Zafar, *Indigenous People in Appalachia Today*, in INDIGENOUS APPALACHIA 23 (2022) (1 page)
- Stephen Pearson, *The Last Bastion of Colonialism: Appalachian Settler Colonialism and Self-Indigenization* 37 AMERICAN INDIAN CUL. & RES. J. 165 (2013) (excerpt) (5 pages)

#### **WEEK 12: GLOBAL SOUTH AND INTERNATIONALISM**

- *Press Conference by Bolivia’s President on People’s Congress*, UNITED NATIONS MEETINGS COVERAGE & PRESS RELEASES (May 7, 2010) (5 pages)
- PEOPLE’S AGREEMENT OF COCHABAMBA (excerpt) (7 pages)
- Makau Mutua, *What is TWAIL?*, 94 AM. SOC’Y INT’L L. PROC. 31 (2000) (8 pages)
- Leigh Brownhill & Terisa E. Turner, *Ecofeminism at the Heart of Ecosocialism*, 30 CAPITALISM NATURE SOCIALISM 1 (2019) (8 pages)
- John Gaventa, *Appalachian Studies in Global Context*, 8 J. APPALACHIAN STUD. 79 (2002) (excerpt) (4 pages)