In this seminar, we will look at the relationship between lawyering practices and social movements that challenge unjust social, economic, and political hierarchies. Much recent scholarship about the civil rights movement, the feminist movement and the conservative social movement suggests that such movements enact stories about social life, which stories illuminate public deliberation and ultimately influence the making and interpretation of law. One key role of social movements is to keep a story in the public eye and to confront, incorporate and challenge the received understanding with counter-stories. Where social movements are successful, a new story emerges. Part of this story is written in the law. Lawmaking becomes a way to institutionalize changes in background understanding.

We shall explore the role of lawyers in this process, from engaging clients’ powers of moral imagination, solidarity, and critical deliberation to developing models of practice that have transformative aspirations as their animating power. What role do lawyers play in helping social movements successfully organize around a counter-story that makes its way into law stories without becoming overly deferential to the legal expert’s version of those stories. Indeed social movements can get co-opted by law stories as when the social movement leaders get incorporated into the lawmaking process or when lawyers become the primary storytellers. Either of these dynamics can dissipate the energy for disruption and continuous engagement by the movement's base, ignoring the need to engage the movement base to continue to be vigilant and creative storytellers themselves.

Students will be organized into groups to produce short reflection papers or presentations on some of the themes of this course: rule shifting v. culture shifting; impact litigation v. critical lawyering v. organizing; legisprudence; the relationship between social movements and litigation; between social movements and lawmaking; between social movements and storytelling.

Students who wish to enroll in the course with a clinical component must do so through the Office of Clinical Programs.