

The Laws of Change

Christian Davenport

Professor of Political Science, Public Policy (Courtesy), Law (Courtesy)
Research Professor, Peace Research Institute Oslo

Contact: christiandavenport@mac.com

Course Number: 422

Time: Tuesday, 4:10-6:10pm

Location: Remote – Zoom (Provided on Canvas site)

“Office” hours: Thursday – 2-4pm (<https://umich.zoom.us/j/5991252651> (Passcode: 672944))

Introduction:

Conventionally, it is believed that the law is one of the most important outcomes of a social change effort (i.e., everyday resistance, protest, rebellion, revolution or terrorism). Change the law, change the system/condition/relationships. This however misses the more complex argument that: 1) the law (partially) makes up the reason for discrimination/violence/inequality in the first place which prompted/structured the subsequent socio-political control effort and 2) it is probably most useful to think about as well as study the co-evolution of law and socio-political change efforts not the parts in isolation. The class will follow these insights in three ways. First, as a class, the Laws of Change will systematically evaluate the social movement and protest literature that focuses on changing law while paying attention to the role of law in establishing the origins/trajectories of such efforts. Second, again as a class, the Laws of Change will complicate this process by exploring the diverse ways that perversions of law-seeking efforts can emerge impacting what is pursued, what is achieved and what is later protected. Third, as distinct groups, the Laws of Change will drill down into one topic area in order to explore how estate and tax law can be used to address a recurrent problem in American life: intergenerational wealth

transmission. This will be done while paying attention to the ways in which such an effort could be countered.

Grading:

Examination: 30 points

- an essay with one question written "in class"

Participation: 20 points

- active discussion in Zoom sessions

Individual Final Submission: 50 points

- an essay on how best to stop intergenerational wealth transmission integrating the elements of law (as diagnosis, prognosis as well as means to fix the problem) and social movements (as means to fix the problem) - subject to be determined with the Professor
- 20 page limit, 12 point font, including references, notes and tables
 - o Includes how law can be used to stop intergenerational wealth transmission, discussion of how the effort could be countered by existing as well as potential legal mechanisms as well as the role played by movements in creating, sustaining or countering your proposal

Virtual Expectations for the Covid Period:

- I acknowledge that many of us are dealing with a great deal
- That said, we have material to learn and interactions to have in a respectful as well as helpful manner
- Try to keep your camera on so that individuals can see who they are interacting with
- I will record all class sessions so that people can access them

Inclusivity Statement:

Members of the Law School community represent a rich variety of backgrounds and perspectives. We are committed to providing an atmosphere for learning that respects diversity. While working together to build this community we ask all members to:

- share their unique experiences, values and beliefs
- be open to the views of others
- honor the uniqueness of their colleagues
- appreciate the opportunity that we have to learn from each other in this community

- value one another's opinions and communicate in a respectful manner
- keep confidential discussions that the community has of a personal (or professional) nature
- use this opportunity together to discuss ways in which we can create an inclusive environment in Ford classes and across the UM community

Accommodations for Students with Disabilities:

If you believe you need an accommodation for a disability, please let your instructor know at your earliest convenience. Some aspects of courses may be modified to facilitate your participation and progress. As soon as you make your instructor aware of your needs, they can work with the Services for Students with Disabilities (SSD) office to help determine appropriate academic accommodations. Any information you provide will be treated as private and confidential.

Student Mental Health and Well-Being Resources:

The University of Michigan is committed to advancing the mental health and wellbeing of its students. We acknowledge that a variety of issues, such as strained relationships, increased anxiety, alcohol/drug problems, and depression, directly impact students' academic performance. If you or someone you know is feeling overwhelmed, depressed, and/or in need of support, services are available. For help, contact [Counseling and Psychological Services](#) (CAPS) and/or [University Health Service](#) (UHS). For a listing of other mental health resources available on and off campus, visit: <https://uhs.umich.edu/stressresources>

Communication:

During this semester, the only way to communicate with me is via email and zoom. I will try to respond with 2-3 days. To facilitate my seeing your email, please use the phrase "*I am in your class*" in the subject line. I search for this phrase and it is prioritized in my email account. If you do not use this phrase, then it is possible that I will not see your email.

Course Schedule

January 19 - Introduction & Orientation

McCann, Michael. "Law and social movements: Contemporary perspectives." *Annu. Rev. Law Soc. Sci.* 2 (2006): 17-38.

Edelman, Lauren B., Gwendolyn Leachman, and Doug McAdam. "On law, organizations, and social movements." *Annual Review of Law and Social Science* 6 (2010): 653-685.

January 26

Snow, David A. "Social movements as challenges to authority: Resistance to an emerging conceptual hegemony." *Research in social movements, conflicts and change* 25, no. 1 (2004): 3-25.

Stryker RE. 1994. Rules, resources and legitimacy processes: some implications for social conflict, order and change. *Am. J. Sociol.* 99:847-910

February 2

Tauber, Steven (1998): "On Behalf of the Condemned? The Impact of the NAACP Legal Defense Fund on Capital Punishment Decision Making in the U.S. Courts of Appeals." *Political Research Quarterly* 51(1): 191-219

Andrews, Kenneth T., and Sarah Gaby. 2015. "Local protest and federal policy: The impact of the Civil Rights Movement on the 1964 Civil Rights Act." In *Sociological Forum* 30: 509-527.

Soule, Sarah A. and Brayden King. 2006. "The Impact of Social Movements at Stages of the Policy Process: The Equal Rights Amendment, 1972-1982." *American Journal of Sociology* 111(6): 1871-1909.

Flores, Sean. "" You Write in Cursive, I Write in Graffiti": How# BlackLivesMatter Reorients Social Movement Legal Theory." *UCLA Law Review* 67, no. 4 (2020).

February 9

Must read:

Guinier, Lani. "Courting the People: Demosprudence and the Law/Politics Divide." *Harvard Law Review* 127, no. 1 (2013): 437-444.

Ray, Brian. "Demosprudence in Comparative Perspective." *Stan. J. Int'l L.* 47 (2011): 111.

Hansford, Justin. "Demosprudence on Trial: Ethics for Movement Lawyers, in Ferguson and Beyond." *Fordham L. Rev.* 85 (2016): 2057.

Optional:

Guinier, Lani. 2009. "Beyond Legislatures: Social Movements, Social Change, and the Possibilities of Demosprudence". Vol 89: 539-561.

Guinier, Lani, and Gerald Torres. "Changing the wind: Notes toward a demosprudence of law and social movements." *Yale LJ* 123 (2013): 2740.

Bell, Monica, Stephanie Garlock, and Alexander Nabavi-Noori. "Toward a Demosprudence of Poverty." *Duke LJ* 69 (2019): 1473.

February 16

Carol Anderson. 2003. *Eyes Off the Prize: The United Nations and the African American Struggle for Human Rights, 1944-1955*

February 23

Dean Spade. 2015. *Normal Life: Administrative Violence, Critical Trans Politics and the Limits of Law*

March 2

Examination

March 9

Presentation of Case Material: Intergenerational Wealth Transmission and Inequality as a Problem

March 16

Presentation of Case Material: Intergenerational Wealth Transmission (IWT) and Inequality as a Problem

March 30

Brainstorming: How Would One Stop IWT?

April 6

Brainstorming: How Would One Stop IWT?

April 13

Presentations & Critiques

April 20

Presentations & Critiques

TBA - Submission