

# WSSR WORKSHOPS ON SOCIAL SCIENCE RESEARCH

## Cause Lawyering: Theory and Practice

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9:00am – 4:30pm

### Summary

The phenomenon of lawyers embracing political causes and translating them into legal action is not recent, but its conceptualisation and study as cause lawyering is. The literature offers no consensual definition, but at its core, cause lawyering can be viewed as the action by which lawyers “apply their professional skills in the service of a cause other than – or greater than – the interests of the client” (Hajjar, 2001). The last decade offers many examples of cause lawyering: same-sex marriage, claims of discrimination against ethnic and religious minorities in immigration processes, First Nations’ right to territories and self-governance, etc.

By litigating for causes, lawyers (re)politicize the legal system and challenge some of its widely-shared assumptions of neutrality and client-based representation. As such, cause lawyers raise questions for both practitioners and scholars: If lawyers are taught to be neutral, what are the conditions and the contexts that bring them to transgress ideals of their profession? Can law effectively bring social change? What does cause lawyering reveal of lawyers’ representations of the relationship between the law and social movements? In summary, the phenomenon of cause lawyering both asks what does the cause do to the legal system? and what does the legal system do to causes? (Gaïti and Israël, 2003).

This workshop proposes to approach cause lawyering in two ways. First, it will discuss some of the theoretical literature emanating both from legal theorists and sociologists. Second, two cause lawyers will be invited to discuss their practice of cause lawyering and the causes they have taken before the Courts.

### Required Readings\*

- Boukalas, C. (2013). Politics as Legal Action/Lawyers as Political Actors: Towards a Reconceptualisation of Cause Lawyering. *Social & Legal Studies*, (3), 395. <http://reserves.concordia.ca/ares/ares.dll/plink?14EF2112>
- Hilbink, T. M. (2004). You Know the Type: Categories of Cause Lawyering. *Law & Social Inquiry*, 29(3), 657-698. <http://reserves.concordia.ca/ares/ares.dll/plink?14EF2113>
- Marshall, A., & Hale, D. C. (2014). Cause Lawyering. *Annual Review Of Law And Social Science*, Vol 10, 10301-320. <http://reserves.concordia.ca/ares/ares.dll/plink?14EF2111>
- Prabhat, Devyani. (2016) *The Force of Law Unleashed? Unleashing the Force of Law: Legal Mobilization, National Security, and Basic Freedoms*. (183-195). Palgrave Macmillan UK <http://reserves.concordia.ca/ares/ares.dll/plink?14EF2118>

\*If you are registered for non-credit and are unable to locate the readings, please contact us at [wssr@concordia.ca](mailto:wssr@concordia.ca)

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