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A Study on the Importance of Social Movements in Legal Development

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ABSTRACT

Social movements play an important role in society. A stagnant society lacks social movements where there is no hope for change. The aim of the study is to analyse the importance of social movements in legal development. The study is empirical and is conducted with 200 respondents. It is found that many have participated in social movements and many feel that laws and social movements can bring concrete changes in the society. Social movements are believed to help in legal development thereby bringing social changes in the society. Also, it is found that social movements bring awareness to the people and enlighten them on the social issues prevailing in the society. Majority of the respondents are or have been involved in women's rights movements. It is concluded that social movements play an important role in the society and a responsive civil society is needed to bring legal developments with the help of social movements.

Keywords: social movements, legal development, laws, civil society, society.

I. INTRODUCTION

Throughout history, different social movements have brought changes in the society we have lived in. Social movements are collective efforts by a large group of people to achieve a particular goal, which is generally social or political. It may be for carrying out a social change, or resisting change or undoing it. It is a group action and may involve individuals, organisations, or both. It happens through different stages. Social movements can occur at the individual level or at the societal level, and they can advocate for either minor or major changes. In 1966, cultural anthropologist David F. Aberle identified four kinds of social movements, i.e., alternative, redemptive, reformative, and revolutionary. The goal of most social movements is to bring change to society. Different social movements differ in their goals based on what they hope to achieve. Social movements emerge in most cases out of the idea that a problem exists. Law is considered as a vehicle of change. Law is required to change according to the changing

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needs of the society. Legal development includes key policy decisions, court cases and legal memos impacting education and civil rights. Law reformers play a vital role in social movements and consider law as the vehicle of change in the society and achieve the desired social change. As the purpose of social movement is to bring social change, law reforms help to realise this purpose. In law, social movements have been used by scholars to bring a progressive legal reform model that promises to reclaim the transformative potential of law while preserving traditional roles for courts and lawyers. This has given rise to movement law today. In sociology, law has provided a link between social movements and institutional politics that helps to explain the professional character and durability of movement organisations without undercutting their claim to outsider status.

The **aim** of the study is to analyse the importance of social movements in legal development.

(A) Objectives

- To analyse the role of law in society.
- To examine the role of social movements in society.
- To analyse the effect of social movement on legal development.

(B) Literature review

Bayat (2000) has discussed the social movements as the pressure from below, and the extent to which it is needed to bring changes. The author discussed the importance of NGOs in the Middle East as they are highly relevant to social development and compared it with the Islamist movements. The author concluded that the means of social movements and activism are important and direct action is more preferred.

Coglianesse (2001) has discussed social movements in the light of institutionalisation of environmental movement in the USA and its effect on law and society. The author discussed how policy making has been affected by the environmental movement in the USA and the achievements of the movement. The author concluded that the environmental movement has brought steady changes in law and society.

Wilson and Cordero (2006) have analysed the changes in established democracies and its effect on distribution of political power with respect to the Constitutional Court in Costa Rica. They discussed the new effects of judicial reforms that safeguard constitutional rights. They concluded that Constitutional courts create legal opportunities for social movements.

Howard-Hassmann (2011) has reviewed the development of universal human rights of women and the influence of social movements in women's legal rights since 1970. The author explained

the principle lacunae and the liberal approach. The author concluded that there is a need for socialist approach to achieve economic human rights and the need for centrality of autonomy and agency.

Anderson (2013) has discussed societal constitutionalism, social movements and sociology of absence. The author discussed social movements and the habitual exclusion from constitutional discourse and leaving constitutionalism undisturbed. The author concluded that there is a need to bridge and complement constitutionalism and social movements.

Ruibal (2016) has discussed innovation in interaction between social movements and the State, with reference to Latin America. The author discussed the use of courts as venues of social change and explained the same in the case of feminists using them for claiming abortion rights. The author concluded that the courts have helped in the expansion of legal opportunities for civil society actors.

Cummings (2017) has discussed social movements in the American legal theory and how social movements ignored in the past are now in a privileged position. The author analysed the rise of social movements for progressive transformation and a progressive legal theory. The author concluded that law acts as a force of social change and plays a vital role in social change.

Cummings (2017) has discussed interdisciplinary exchange between law and social science, with respect to social movements. The author discussed that social movements are key actors in legal theory according to American scholars. The author concluded that law and social movements resolve each other's problems and both lead to progressive social transformation.

Chiaramonte (2018) has discussed the relationship between social movements and law and the need to include this collective phenomenon in studies. The author explained how social and constitutional actors work together in social movements to bring social change. The author concluded that social movements need to be added into legal theory as constitutional change causes lawyering.

Tataryn (2019) discussed social uprising following the Revolution of Dignity from 2013 to 2014. The author discussed the alternate analysis of transformation and the social movements leading to change in governance and reforming. The author concluded that the social movements help to recognise the affected and also collective well-being.

Biswas (2020) has discussed social movements, social change and law. The author discussed the causes and types of social movements and the psychological and social factors related to the same. The author explained the changes in the legal system due to social movements with respect to ideas of Marx and Weber, etc. The author concluded that societal dynamics help in

legal changes, as in India.

Nayak (2020) has discussed the rights-based approaches to development through collective action. The author did a case study on the National Food Security Act and National Rural Employment Guarantee Act and how they helped in claiming citizenship rights. The author discussed how collective action helps to enact new rights through litigation and movements for rights and legislation. The author concluded that social movements in Delhi have helped to acquire rights.

Akbar et al (2021) have discussed movement law as an approach to legal scholarship. They discussed the fundamental sources of law and politics as movement law with respect to solidarity, accountability, engagement with grassroots and organising and leftist. They explained with the example of the issue of the George Floyd incident and how as a social movement it affected law and policy. They concluded that social movements should be given importance.

Galego (2021) has discussed the influence of social movements on public policy through a scoping review. The author studied 35 studies and found through an alternative model that the most reported is the environmental movements and are a part of social movement goals and actions. The author concluded that the joint of direct and indirect movements are more successful.

Carmona (2022) has reviewed social movements in the light of 24 Mexican policies, with reference to the changing policies on abortion and marriage in Mexican states. The author found 3 causal patterns, that is, the influential movements, legal precedents are not allowed, and court intervention if necessary. The author concluded that these causal patterns affect legal development in abortion and surgery.

Ishkanian (2022) has discussed social movements and social policy. The author discussed how social movements confront states and elites and bridge the gap between social policy and social movement studies. The author explained how social movements matter for social policy, from imagining to enacting. The author concluded that social movements help to understand the politics of policy.

Smith-Carrier and Manion (2022) have studied rights-based developments through climate litigation. They did a case study with respect to Canada. They explained the impact of climate litigation on economic, social and cultural rights. They found the impediments to be justiciability and standing. They concluded that there is a need to bring social movements and climate cases together.

Briker (2023) has discussed the anatomy of social movement litigation that shape social movements. The author discussed the process of litigation and its elements and the indirect effects of litigation on social movements. The author concluded that legal action is constrained by procedural rules and norms.

Pais (2023) has discussed social movements leading to social change. The author described how social movements help to bring laws and some succeed while some don't. The author discussed collective behaviour in different countries, that is, USA, India and Europe. The author concluded that the success or failure of a social movement is different in different countries.

Prince (2023) has discussed social movements and human rights advocacy in Nigeria. The author discussed the societal dynamics and justice and human rights and the social movements they face. The author emphasised on the role of social movements, technology, media, etc. The author concluded that comprehensive significant movements create awareness and make laws.

(A) Research Methodology

The current study is based on empirical research. It consists of the scientific frame of research. It begins with finding research problems based on the review of literature. The major contribution of the study is to collect the facts of a particular area and to test the hypothesis of a cause-and-effect relationship between variables. The research design is exploratory and experimental, exploring the problem tested with hypotheses and providing the solution from the analysis. Convenient sampling method is used. The sample size is 200. Primary data includes questionnaire-survey and interview schedule and secondary data includes the articles, journals, reports and newsletters. The analysis is carried out for demographic statistics (Country of residence, Age, Gender, Education, Occupation, Locality) and hypothesis testing graphs are used. The tools for analysis are clustered bar graph, pie chart, stacked area graph, linear regression ANOVA and customs table.

II. DATA ANALYSIS AND INTERPRETATION

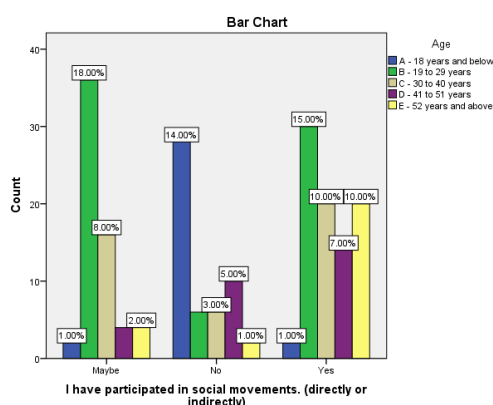
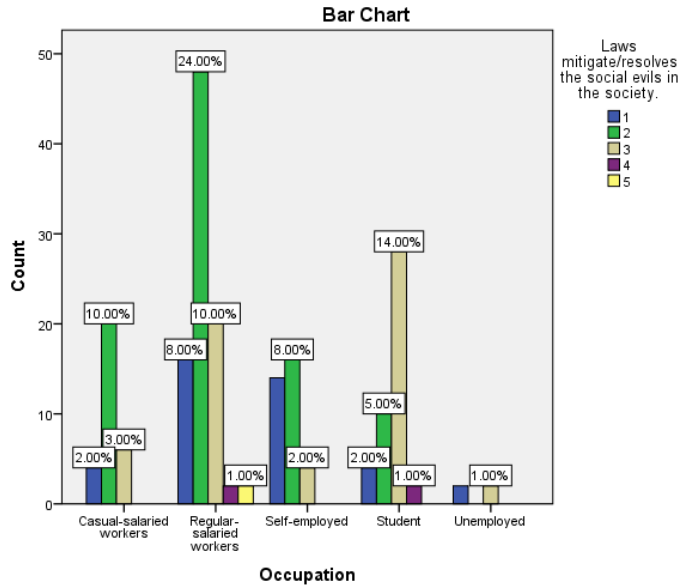


Figure 1:

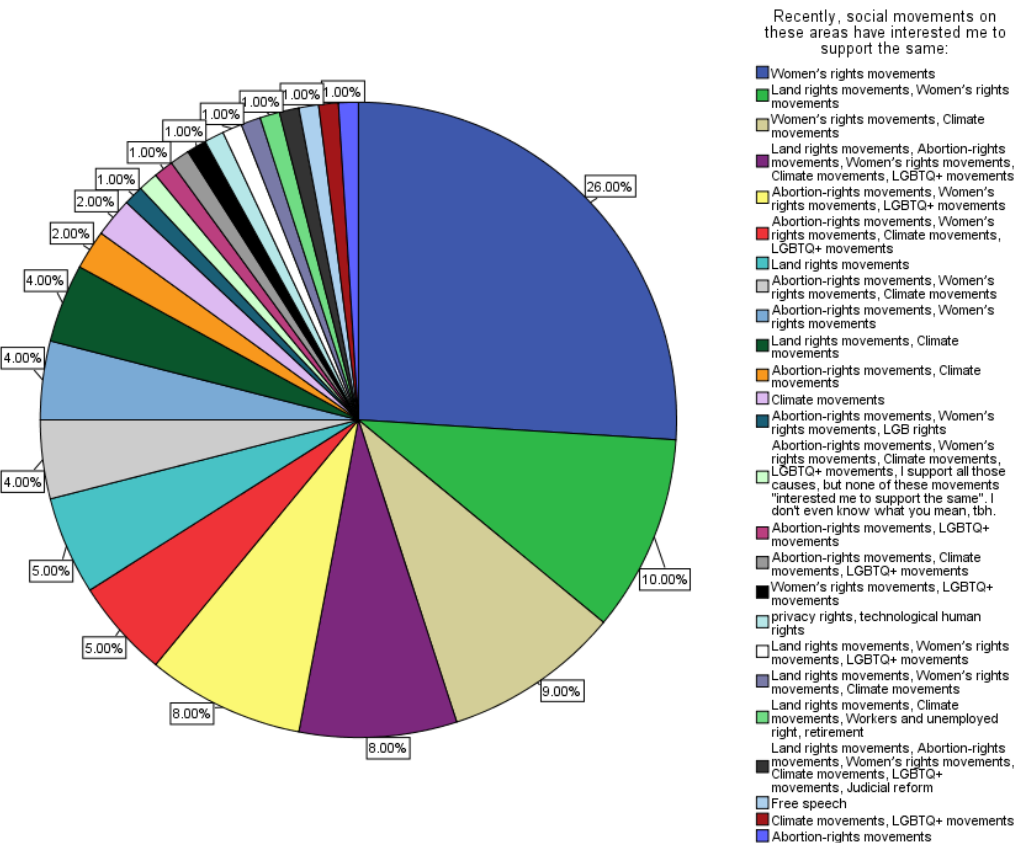
Legend: Clustered bar graph on the participation of respondents in social movements, based on their age groups.

Figure 2:



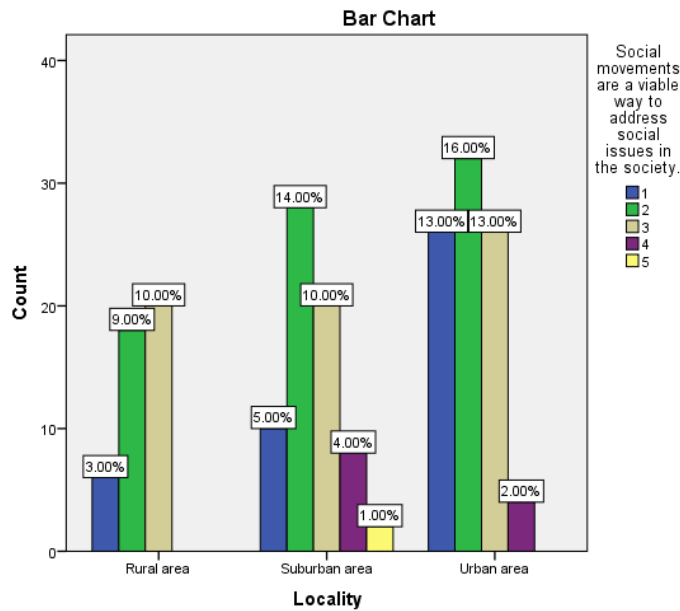
Legend: Clustered bar graph showing the views of the respondents on laws mitigating or resolving the social evils in the society, based on their occupation.

Figure 3:



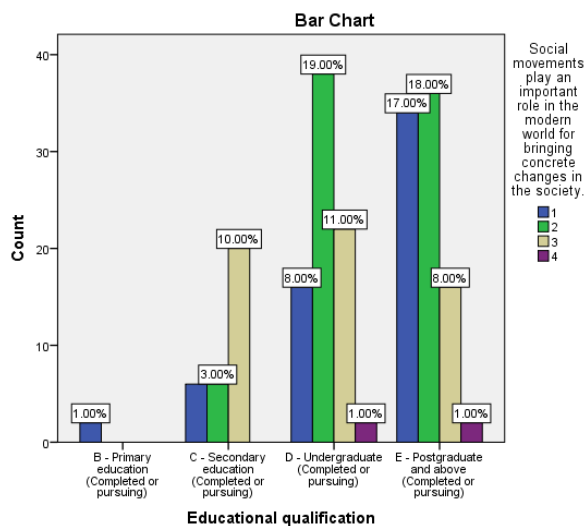
Legend: Pie chart showing the involvement of the respondents in social movements they are interested in.

Figure 4:



Legend: Clustered bar graph showing the views of the respondents on social movements as a viable way to address social issues in the society, based on their locality.

Figure 5:



Legend: Clustered bar graph showing the views of the respondents on social movements playing an important role in the modern world for bringing concrete changes in the society, based on their educational qualification.

Table 1:

		Social movements grab the attention of institutions and governments to address the societal issues comprehensively.				
		1	2	3	4	5
		Count	Count	Count	Count	Count
Social movements create awareness among the people about the various evils in the society.	1	22	32	10	2	0
	2	10	54	16	0	0
	3	0	14	32	0	0
	4	0	2	0	4	2

Legend: Customs table between the views of the respondents on social movements pulling the attention of institutions and governments to address the societal issues comprehensively and social movements creating awareness among people on various social evils in the society.

Table 2:

		Law develops with the help of a responsive society through social movements.				
		1	2	3	4	5
		Count	Count	Count	Count	Count
Legal development in a society requires a developed civil society.	1	18	14	0	2	0
	2	20	56	20	2	2
	3	10	14	34	2	0
	4	0	2	4	0	0

Legend: Customs table between the views of the respondents on law developing with the help of responsive society through social movements and the requirement of developed civil society for legal development.

Table 3:

			Social movements are a viable way to address social issues in the society.				
			1	2	3	4	5
			Count	Count	Count	Count	Count
Social movements create awareness among the people about the various evils in the society.	1	26	22	8	10	0	
	2	16	44	18	2	0	
	3	0	12	34	0	0	
	4	0	0	6	0	2	

Legend: Customs table between the views of the respondents on social movements as a viable way to address social issues in the society and creating awareness among people on various evils in the society.

Table 4:

ANOVA^a

Model	Sum of Squares	df	Mean Square	F	Sig.
1 Regression	2.261	1	2.261	3.067	.081 ^b
Residual	145.959	198	.737		
Total	148.220	199			

a. Dependent Variable: Social movements make the people shun the evil practices and enlighten the people for greater good of all.

b. Predictors: (Constant), Country

Coefficients^a

Model	Unstandardized Coefficients	Standardized Coefficients	t	Sig.
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	B	Std. Error	Beta		
1 (Constant)	2.035	.179		11.371	.000
Country	.044	.025	.124	1.751	.081

a. Dependent Variable: Social movements make the people shun the evil practices and enlighten the people for greater good of all.

Legend: Linear regression ANOVA between the independent variable, the country of the respondents, and the dependent variable, their views on social movements making people shun evil practices and enlighten the people for greater good of all.

Table 5:

ANOVA^a

Model	Sum of Squares	df	Mean Square	F	Sig.
1 Regression	.458	1	.458	.632	.428 ^b
Residual	143.462	198	.725		
Total	143.920	199			

a. Dependent Variable: Social movements create awareness among the people about the various evils in the society.

b. Predictors: (Constant), Occupation

Coefficients^a

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	1.866	.156		11.954	.000
	Occupation	.045	.057	.056	.795	.428

a. Dependent Variable: Social movements create awareness among the people about the various evils in the society.

Legend: Linear regression ANOVA between the independent variable, the occupation of the respondents, and the dependent variable, their views on social movements creating awareness among the people about the various evils in the society.

III. RESULTS

Figure 1 shows that the majority of the respondents (43%) have participated in social movements of which the majority are aged 19 to 29 years (15%) followed by those aged 30 to 40 years (10%). 31% of the respondents may have participated in social movements of which the majority are aged 19 to 29 years (18%) followed by those aged 30 to 40 years (8%).

Figure 2 shows that the majority of the respondents (47%) agree that laws mitigate/resolve the social evils in the society, of which the majority are regular-salaried workers (24%) followed by casual-salaried workers (10%). 30% of the respondents are neutral to the statement of which the majority are students (14%) followed by regular-salaried workers (10%).

Figure 3 shows that the majority of the respondents (26%) have been involved in women's rights movements followed by land rights movements and women's rights movements (10%). 9% of the respondents have been involved in women's rights movements and climate movements. Some other movements the respondents have been involved in are privacy rights movements and technological human rights movements, workers and unemployed rights movements, retirement rights movements, judicial reform movements, free speech movements.

Figure 4 shows that the majority of the respondents (39%) agree that social movements are a viable way to address social issues in the society of which the majority are from urban areas (16%) followed by those from suburban areas (14%). 33% of the respondents are neutral to the statement of which the majority are from urban areas (13%) followed by those from suburban and rural areas (10%).

Figure 5 shows that the majority of the respondents (40%) agree that social movements play an important role in the modern world for bringing concrete changes in the society, of which the majority are undergraduates (19%) followed by postgraduates (18%). 29% of the respondents strongly agree to the statement of which the majority are postgraduates and another 29% of the respondents are neutral to the statements of which the majority are undergraduates (11%).

Table 1 shows that the majority of those who agree that social movements create awareness among the people about the various evils in the society also agree that social movements grab

the attention of institutions and governments to address societal issues comprehensively (54). Only a few strongly disagree with both statements (2).

Table 2 shows that the majority of those who agree that law develops with the help of a responsive society through social movements also agree that legal development in a society requires a developed civil society (56). 34 of the respondents are neutral to both the statements. There are very few disagreements from the respondents.

Table 3 shows that the majority of those who agree that social movements are a viable way to address social issues in the society, also agree that social movements create awareness among the people about the various evils in the society (44). 26 of the respondents strongly agree with both statements. 34 of the respondents are neutral to both statements. Only 2 respondents strongly disagree with both statements.

Table 4 shows that there is a significant relationship between the country of the respondents and their views on social movements making people shun evil practices and enlighten the people for greater good of all, as the t-value, 11.371, is more than 2 and more than the significance value, 2.190.

Table 5 shows that there is a significant relationship between the occupation of the respondents and their views on social movements creating awareness among the people about the various evils in the society, as the t-value, 11.954, is more than 2 and is more than significance value, 3.804.

IV. DISCUSSION

It is evident that many of the respondents do participate in social movements. Social movements are not just about protests and strikes but also includes passive ways like signing petitions and supporting the movement online. We find that only a few, especially those aged 18 years and below have not participated in social movements (**Figure 1**). It is evident that many believe that law can help in mitigating social evils in the society. Time and again, laws have played a major role in shunning the social evils in the society. The making of the constitution in the USA and the Bill of Rights have significantly shaped and changed the country. From the British colonial laws to the present laws made by the Parliament, they have changed (**Figure 2**). It is evident that all the respondents have been involved in one or the other social movements. Many are involved in women's rights movements. All the social movements play a significant role in society. Every social movement is found to talk about people's rights. These movements have evolved and changed different perspectives and continue to bring changes in the society for a long time after their origin in history (**Figure 3**). It is evident that though many agree that social

movements are a viable way to address social issues in the society, there are many who are neutral to the statement. Social movements help to make people aware of the problem and bring it to limelight. Only through social movements can the attention of the concerned governments be pulled to resolve the problem. Yet, social movements being a broad area, still has some to be unaware of their importance (**Figure 4**). It is evident that social movements play an important role in bringing changes in society. Social movements are vital for any society to break traditional social orders and bring new changes according to the new circumstances prevailing in the society. There are countries in the world where there are no social movements, for example, North Korea. The people of North Korea have and cannot mobilise nor speak up, as they are barely able to stay alive in their country. There are little to no social movements as a result of which the country has a stagnant society with no people's rights protected or guaranteed. Thus, social movements indeed play an important role in the modern world to bring concrete changes in the society (**Figure 5**).

It is evident that social movements can bring the attention of the public and the government to various issues prevailing in the society. For example, free and independent media and press help activists and unheard voices to be heard. People's strikes and protests, petitions and litigations, etc., are ways in which social movements occur. These help to bring the social issues to the forum and help to bring solutions for the issues (**Table 1**). It is evident that the majority of the respondents find social movements and legal development complementing each other, with the help of a responsive society, that is, a developed civil society. It is a responsive society where social movements can happen. Such responsive societies through social movements bring legal changes and cause legal development in the society. Thus, social movements and legal development, with the help of a responsive society, bring social changes in the society. Movement law is a separate field where social movements from sociological studies are connected with legal development (**Table 2**). It is evident that social movements create awareness among the public on the various social issues in the society and are also a viable way to address these issues. Social movements bring to notice the problems in the society and through media and other means, make the people aware of such problems. Without social movements, the problems in the society cannot be addressed comprehensively (**Table 3**). The country of the respondents has an influence on their views on social movements making people shun evil practices and enlighten the people for the greater good of all. Different countries face different kinds of social evils and a varied population. Social movements help to make people aware of the problems in the society and make the society better (**Table 4**). The occupation of the respondents has an influence on their views on social movements creating awareness among

the public about the various evils in the society. The social movements help to address the issues in the society and help to bring solutions to the same. Though social movements keep changing their goals, they move on till the goals are reached. Once the goal is achieved, they move to their next goals. This is why many social movements from history to present have sustained time and have brought concrete changes in the society. The women's rights movement that many of the respondents are involved in is one such social movement which has gone through different phases (**Table 5**).

V. LIMITATION

The sample frame is the major limitation. Some samples were collected through online platforms like sending links via WhatsApp, Reddit, etc., and some by interview schedule. This is also a limitation. The area of sample size is yet another drawback of the research. Collection of data via online platforms is limiting the researcher to collect data from the field. Since the data is collected on an online platform wherein the respondent is unknown, the reliability of the respondent's opinion isn't present and this research could only come to an approximate conclusion.

VI. SUGGESTIONS

Social movements help in bringing changes in the society by addressing issues and helping in legal development. There are, however, many barriers and legal impediments that prevent social movements today. This includes excessive police forces, sedition laws, unreasonable restrictions on right to strike and protests, unlawful detentions and arrests, controlled media and press, etc. Social movements play a major role in legal development. So, for that to continue, the gap between the public and the government should be reduced. The civil society plays a major role in bringing changes to the society and voicing for the public. A developed civil society requires an educated and enlightened population along with a free, independent and pluralistic media and press.

VII. CONCLUSION

Social movements play an important role in society. Their mere existence at times shows the dynamicity of that society. A stagnant society lacks social movements where there is no hope for change. The study has aimed to analyse the importance of social movements in legal development. From the study conducted, it is found that many have participated in social movements and many feel that laws and social movements can bring concrete changes in the society. Social movements are believed to help in legal development thereby bringing social

changes in the society. Also, it is found that social movements bring awareness to the people and enlighten them on the social issues prevailing in the society. Majority of the respondents are or have been involved in women's rights movements. It is concluded that social movements play an important role in the society and a responsive civil society is needed to bring legal developments with the help of social movements.

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