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### Love, Anger, and Social Change

Deborah J. Cantrell

*University of Colorado Law School*

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## LOVE, ANGER, AND SOCIAL CHANGE

Deborah J. Cantrell\*

### ABSTRACT

*Emotions matter to social movement activists—including social movement lawyers. Emotions motivate activism and emotions sustain the long hard work of social change. Movement activists and lawyers know that from their own lived experiences. Further, when we listen to movement activists talk about their work, we hear them speak commonly about two emotions in particular—love and anger. To be a social movement activist (whether lawyer or non-lawyer) means to have passion about one’s cause, and to have a fire in the belly to keep going despite setbacks and slow progress. We hear activists and movement lawyers talk about how the love for their cause gets them out into the street to protest or keeps them resilient in the face of a hostile legal system. We also hear them talk about how angry they are about the wrongs they experience.*

*What is missing is a clearer, more nuanced understanding and articulation of the role of emotions, particularly love and anger, in social movement work. This Article pulls together social science research studying emotions in social activism and political philosophy that considers the role of anger in society to challenge assumptions that we make about love, anger, and social activism. The Article demonstrates that we oversubscribe to love and anger in their reflexive, hot forms—the raised voice and rough gesticulations of anger, or the ardent loyalty of love that stridently demarcates “us” from “them.” Because we oversubscribe to the hot forms of emotion, when we intend to express emotion in its moral form (i.e., “I feel*

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\* Professor, University of Colorado Law School. I would like to thank colleagues at the University of Colorado Law School who gave me terrific feedback during a works-in-progress session. I am particularly grateful to Susan Brooks, Angie Gius and Shari Motro who have been extraordinarily generous with their time and engagement with me as I moved through this project. Finally, I would like to thank Brianna Champ for superb research assistance.

*injustice.”), we mistakenly believe that form of emotion must also be expressed in a hot way. In other words, we discredit an activist, and activists discredit each other and themselves, as not really believing in the justness of the cause unless it is shown with hot emotions.*

*This Article explores the problematic consequences of that oversubscription to hot, reflexive emotions. First, it is not clear empirically that hot emotions produce more social change or faster social change. Next, it is normatively fraught to base social change on anger. A constitutive feature of anger is its “payback wish.” As political philosopher Martha Nussbaum has articulated, anger’s payback wish means that change happens by one side denigrating the other rather than all sides finding a way to improve everyone’s lot. Dignity is better enhanced when all sides rise. The Article concludes that the better way forward for social movement activists and lawyers is to frame the motivating and sustaining emotion for their work as “fierce love.” Using the historical example of the work of Martin Luther King, Jr., and the contemporary example of “radical dharma,” the Article demonstrates how “fierce love” can generate dignity-enhancing, yet truly transformative, social change. The Article concludes by considering why and how fierce love is relevant to social change lawyers.*

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## INTRODUCTION

People who are active in social movements *believe* in their work. When we listen to activists describe why they put time and effort into a movement, we hear activists talk about their emotional commitments to the issues involved in the movement. We hear activists say things like: “It makes me so angry when I see bullying that I have to do something about it,” or “I love spending time in the wilderness and it is important for me to help protect it.” In fact, if someone says she is an activist, but then describes her engagement unemotionally, we are skeptical whether she truly is an activist. We do not expect an activist to describe her movement work as “just a job.” We expect her to say she is working for her cause.

We expect social movement activists to imbue their work with emotion regardless of what kind of role they have in the movement. Lawyers active in social movements are expected to believe in the cause just as deeply as their community organizing colleagues.<sup>1</sup> The office manager of the social movement organization is expected to believe in the cause just as deeply as the organization’s policy advocate. I am not saying that believing in one’s work is unique to social movement actors. It is not. Rather, believing in one’s work is a necessary and expected part of social movement work without which a movement actor is presumed to be ineffective or uncommitted.

As suggested above, when we listen to social movement actors describe their work, two emotions dominate—love and anger—and that seems unsurprising.<sup>2</sup> Love and anger both are emotions that often are other-regarding (contrast with greed,

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1. See generally, CAUSE LAWYERS AND SOCIAL MOVEMENTS (Austin Sarat & Stuart A. Scheingold, eds., 2006); CAUSE LAWYERING: POLITICAL COMMITMENTS AND PROFESSIONAL RESPONSIBILITIES (Austin Sarat & Stuart A. Scheingold, eds., 1998) (both examining the ethics, motivations, and political history of movement lawyering).

2. See, e.g., Helena Flam, *Emotions’ Map*, in EMOTIONS AND SOCIAL MOVEMENTS, 19–22 (Helena Flam & Debra King, eds., 2005) [hereinafter Flam, *Emotions’ Map*]; James M. Jasper, *Constructing Indignation: Anger Dynamics in Protest Movements*, 6 EMOTION REV. 208, 211–12 (2014) [hereinafter Jasper, *Constructing Indignation*].

which is almost exclusively self-focused.)<sup>3</sup> Social movement work involves collective action with goals of bringing about change on behalf of some group. It makes sense, then, that other-regarding emotions are important to that work. Social movement work also is different from other group activities to which people have emotional connections. For example, participants in a weekly exercise class likely have different motivations and emotional responses to coming together for physical exercise than an activist who is mobilizing a weekly youth sports league as a part of a health equity campaign in an urban area.

The fact that social movement actors experience emotions in their work presses us to explore a key underlying question—how do emotions hinder and help social movement actors to achieve their desired outcomes? More particularly, given how common it seems to be for social movement activists to describe their work using the emotions of love and anger, do we know anything about the ways in which love or anger hinder or help social activists achieve their goals? Further, are there important reasons to encourage activists to cultivate love or anger more thoroughly?

Looking at the emotion language activists use when they describe their work provides some important starting insights.<sup>4</sup> First, activists use words like “love” and “anger” as shorthand for a web of related feelings and thoughts. For example, “love” may mean affinity or solidarity. Activists may also use “love” to describe a rushing feeling of happiness that ebbs more quickly, as well as a deeper, more steadfast feeling of commitment. It also may not always be clear from activists’ own words in what way “love” is acting as shorthand.

Further, activists may or may not be conscious or intentional about how they hope others will understand their use of the words “love” and “anger.” Thus, emotion language can be misunderstood by listeners. And, even if activists use the same

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3. See Flam, *Emotions’ Map*, *supra* note 2.

4. See *infra* Section I.A.

emotion language over time, what those words mean to them may change as they develop as activists. New activists may mean something different when they speak about love and anger than do long-term, experienced activists. This Article explores what we might learn about the efficacy of emotions in creating social change if we approach the role of emotions with more nuance and from multiple perspectives.

For example, unpacking the range of meanings that are included in the words “love” and “anger” can help us see whether there are a range of goals that activists hope an emotion helps them to achieve. When a dog lover sees someone treat a dog harshly, and the dog yelps, that might trigger a startled and quick, hot response in the dog lover—the kind of anger that is an almost instinctual, reflexive response. The goal of that kind of anger might only be to grab the dog lover’s attention to the fact of animal cruelty, and to prompt the dog lover to investigate the issue more thoroughly. Upon her investigation, the dog lover may feel a different feeling—a sense of injustice and moral outrage—that she also labels anger. The goal of that anger, however, is to motivate the dog lover to engage in social action and to stay with the work even when it is slow in producing change.<sup>5</sup> If we are not careful in how we talk about emotions, we can misunderstand or conflate what the point of the emotion is for activism.

Understanding how emotions are socially constructed also helps us understand the role of emotions in social movement work. There are rules about emotions. We experience not only quick, reflexive emotions. We also learn a set of rules about what emotions we are supposed to demonstrate in various settings.<sup>6</sup> We are supposed to be sad at a funeral and happy at

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5. See, e.g., Helena Flam, *Micromobilization and Emotions*, in *THE OXFORD HANDBOOK OF SOCIAL MOVEMENTS* 264, 264–66 (Donatella Della Porta & Mario Diani eds., 2015) [hereinafter Flam, *Micromobilization and Emotions*] (discussing “hot cognition” and “moral shock” as different emotional mechanisms that mobilize protest).

6. See generally Arlie Russell Hochschild, *Emotion Work, Feeling Rules, and Social Structure*, 85 *AM. J. SOC.* 551 (1979) (articulating a theoretical framework for emotion management through “feeling” and “framing” rules).

a birthday party. In social movement work, the rules about emotions can get more complicated because the rules at play often have been constructed by elites in power in order to maintain the status quo. For example, one constructed rule about anger is that subordinates are not entitled to express anger toward superiors.<sup>7</sup> For activists who are trying to upend the status quo, there may be a goal of rejecting that constructed rule and replacing it with another—or, what one sociologist has described as “re-appropriating” anger.<sup>8</sup>

What often is missing, though, is an inquiry about whether activists reject constructed rules about emotions in ways that risk making their work ineffective. To take a stark example, if activists “reclaim” anger by expressing themselves through extreme violence, they risk alienating a wide range of people who otherwise would support them.<sup>9</sup> Similarly, if the rule about love in social movement work is that an activist must only feel affinity and loyalty to those within her group, that rule impinges on the activist’s ability to find common ground with those outside her group, and, thus, may make the activist miss opportunities for progress.<sup>10</sup>

Once we see the more fulsome landscape of emotions in activism, we have to confront one last question—can we say whether one or another emotion is better at leading to social change? This Article posits that answering that question is partly a factual endeavor and partly a normative one. As to the factual question, I focus on what helps an activist stay with the work. In other words, is there an emotion, or an emotional valence, that brings forward the steadfastness and resilience that an activist needs to keep at the long and hard work of social

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7. Flam, *Emotions’ Map*, *supra* note 2, at 21–22.

8. See *infra* text accompanying notes 29–39.

9. See, e.g., David Greenberg, *Here’s What Happened the Last Time the Left Got Nasty*, POLITICO (July 5, 2018), <https://www.politico.com/magazine/story/2018/07/05/democrats-civility-1960s-violence-218948>.

10. See, e.g., Deborah J. Cantrell, *Lawyers, Loyalty & Social Change*, 89 DENV. L. REV. 941, 972–73 (2012) (investigating how cause lawyers’ loyalty to the cause can impinge on their abilities to find common ground).

change? I conclude that “love” is a better wellspring for long term activism than anger. In its longer term iteration, “love” is shorthand for an activist’s capacity to cultivate compassion for those both within and outside of the social movement.<sup>11</sup> Compassion then helps an activist feel less buffeted by the demands of activism and protest, which in turn helps the activist maintain patience throughout the long, slow arc of social change.

For the normative question, I consider how the emotional valence of social change can affect an individual’s capacity to flourish in her life, and how it affects the broader fabric of society.<sup>12</sup> Relying on the work of political philosopher, Martha Nussbaum, I suggest that anger, at its core, is destructive and unhelpful.<sup>13</sup> I agree with Nussbaum that anger’s goal is to inflict some kind of “payback” on another, which orients responsive action toward the past and not towards change going forward.<sup>14</sup> Like Nussbaum, I sharply distinguish between anger and expressing injustice.<sup>15</sup> Expressions of injustice arise from past (and ongoing) experiences, but their goal is to make change towards the future.

In that regard, I think it is necessary for activists to push against emotion rules constructed by the power elite. Thus, part of the moral injustice that an activist can express is the moral injustice of one group controlling another through emotion rules. The challenge, though, is for an activist to reject inappropriate emotion rules while at the same time not adopting ineffective new emotion roles. In particular, the activist must avoid adopting the emotion rule that injustice and anger are the same thing. My worry is that anger is caustic. It might have some brief initial usefulness, but it becomes toxic quickly. Ultimately, it motivates activists to think about change

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11. See discussion *infra* Part II.

12. See discussion *infra* Part III.

13. See *infra* notes 95–113 and accompanying text.

14. See MARTHA C. NUSSBAUM, ANGER AND FORGIVENESS: RESENTMENT, GENEROSITY, JUSTICE 15, 21, 31 (2016).

15. See *id.* 211-13

too often in zero sum terms—if “we” are to improve our lot, “they” must have theirs downgraded. While some issues surely are zero sum, many are not. To not miss the many moments for change that are mutually beneficial, I think activists are better served by being careful to distinguish between injustice and anger.

I explore a newer move by some activists who call for action out of “fierce love.”<sup>16</sup> Adding the idea of fierceness to the emotion of love appreciates that social change is long and hard work that requires steadfastness, and that such steadfastness is fed by a feeling of deep injustice. Tying fierceness to love instead of anger pushes one towards change that seeks to improve every life and improve everyone’s sense of dignity instead of improvements that come at the expense of someone else. While the language of “fierce love” may be new, it is situated in a longer lineage, including the civil rights work of Dr. Martin Luther King Jr. and the teachings of many faith traditions.<sup>17</sup>

All of this should matter to lawyer activists, not only because we desire to be effective activists, but also because we often are the movement actors who are called on to harness, cultivate, and frame our activist colleagues’ narratives. We write the first draft of the complaint to be filed in court, or the affidavits filed in support of the dispositive motion for summary judgment. We often play leading roles in other venues where we speak on behalf of the social movement of which we are a part. Thus, we regularly take actions that affect not only how we are personally understood and received, but how the social movement is understood and received. As lawyers, we have not received any special training that helps us be better at “emotion work” than our activist colleagues. We can mistake anger’s payback wish as a solution to injustice as readily as anyone else.

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16. See, e.g., ANGEL KYODO WILLIAMS & ROD OWENS WITH JASMINE SYEDULLAH, *RADICAL DHARMA: TALKING RACE, LOVE AND LIBERATION* 137–53 (2016) [hereinafter *RADICAL DHARMA*].

17. See *infra* notes 115–117, 120–121 and accompanying text.

In Part I of the Article, I first provide a few short vignettes of activists speaking about their work to illustrate the emotion language activists use, particularly as it relates to anger. I then review social science research on emotions and activism and build out the ways in which emotions in social movement work get over-weighted towards hot, reflexive emotions. Part I concludes by considering the normative question of whether anger is the morally better path to social change. Concluding that it is not, Part II takes up the question of love, in particular, the idea of “fierce love.” Making historical connections between the normative vision of Dr. Martin Luther King, Jr. and fierce love, Part II shows how social movement activists can call out injustices with vigor and clarity while at the same time pressing for more forward-looking and mutually beneficial change. I conclude in Part III with reflections on the unique ways in which lawyers in social movements can impact how a social movement “speaks” and why that means it is so important that lawyer activists understand the roles of love and anger in their work.

## I. ACTIVISM AND ANGER

### A. *What Activists Say*

To more thoroughly ground the discussion, I offer some short vignettes below of several activists describing why they are motivated to do the work that they do. I have intentionally selected my examples to illustrate ways that activists use words related to anger to describe the emotional valence of their work. My point with the vignettes is not to try and prove a quantitative empirical claim about activists and language. Instead, it is to give some concrete images to have fresh in mind as I develop the remaining claims in this Article.

In May 2018, Irish voters came to the polls to decide whether or not to make abortion legal via constitutional amendment.<sup>18</sup> One campaign in support encouraged Irish voters living outside of Ireland to return to vote in favor of the referendum.<sup>19</sup> One Irish man featured in the campaign said in support of Irish women who had had abortions:

They're your sisters, daughters, colleagues and friends and they deserve better. I've grown increasingly angry at how the No campaign have taken an interest in providing "maternal supports" for women experiencing unplanned pregnancies as some form of alternative to abortion. They live in a fantasy land, one which is cruel and saturated in the same morality that dealt Irish women an incalculable number of wrongs in the 20th century.... It takes a particular level of arrogance to insert your beliefs into a stranger's pregnancy. They say "LoveBoth" but they love neither.<sup>20</sup>

\* \* \* \*

An African American woman who has been active in the BlackLivesMatter movement describes her choice to protest, and her experience participating in one of the Women's Marches that occurred in January 2017:

We protest when we are locked between helplessness and hope; frustration and galvanization; despair and optimism; fear and

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18. Henry McDonald et al., *Ireland Votes by Landslide to Legalise Abortion*, *GUARDIAN* (May 26, 2018, 13:16 EDT), <https://www.theguardian.com/world/2018/may/26/ireland-votes-by-landslide-to-legalise-abortion>.

19. Harriet Sherwood, *Irish Emigrants Urged #HomeToVote in Abortion Referendum*, *GUARDIAN* (Apr. 23, 2018, 8:15 AM), <https://www.theguardian.com/world/2018/apr/23/irish-emigrants-urged-hometovote-in-abortion-referendum>.

20. *For Our Daughters, Wives & Friends: The Men Going #HomeToVote*, LONDON IRISH ABORTION RIGHTS CAMPAIGN (May 19, 2018), <https://londonirisharc.com/repeal-london/2018/5/19/for-our-daughters-wives-girlfriends-the-men-going-hometovote> (quoting Gareth Grogan of Brussels).

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disgust. We feel helpless when we can't calibrate the telemetry required to see the world so differently. We feel hope when we are flanked by people who think as we do. Fear for our loved ones and ourselves unites us in action. Disgust at what's been threatened pulses through us all.<sup>21</sup>

\* \* \* \*

In February 2018, a gunman killed seventeen students and staff at Marjory Stoneman Douglas High School in Parkland, Florida.<sup>22</sup> As a result of the shooting, a father of one of the killed students became a school safety activist.<sup>23</sup> He recounted his activating experience as follows: "I feel like a lion, that someone poked me and they woke me up and I'm angry," he said. "We have a failed system, every school system has failed."<sup>24</sup>

\* \* \* \*

The activist group, People for the Ethical Treatment of Animals (PETA), offer a range of suggestions to people for how they can individually protest, including boycotting companies that inhumanely use animals.<sup>25</sup> PETA describes its protest against the clothing company, Canada Goose, as follows:

Some people demonstrate that they're assholes the moment you meet them: They're arrogant, materialistic, and eager to laugh when someone else is suffering. It seems that this is exactly the type of clientele Canada Goose is marketing its overpriced and cruelly produced winter coats to.

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21. Ashley Weatherford, *What Does It Take to Make You March?*, CUT (Jan. 26, 2017), <https://www.thecut.com/2017/01/what-does-it-take-to-make-you-march.html>.

22. Elizabeth Chuck et al., *17 Killed in Mass Shooting at High School in Parkland, Florida*, NBC NEWS (Feb. 15, 2018, 10:20 AM), <https://www.nbcnews.com/news/us-news/police-respond-shooting-parkland-florida-high-school-n848101>.

23. Laura Blasey, *After Parkland Shooting, Ex-Ller Andrew Pollack Feels 'Empowered'*, NEWSDAY (March 1, 2018, 5:42 PM), <https://www.newsday.com/news/nation/andrew-pollack-parkland-shooting-1.17002922>.

24. *See id.* (quoting Andrew Pollack).

25. *See, e.g., 6 Ways to Help Animals Suffering in Experiments*, PETA, <https://www.peta.org/action/easy-ways-help-animals-used-killed-experiments/> (last visited Dec. 18, 2019).

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Knowing how animals suffer, only a total jerk would still wear Canada Goose.<sup>26</sup>

### B. *What Researchers Say*

Social science researchers have explored the range of emotions in social movements and have posited the ways in which emotions both motivate individuals to become activists as well as help movements develop cohesion and sustain momentum.<sup>27</sup> Across the research, there are some common themes. First, that “anger is seen as the prototypical protest emotion.”<sup>28</sup> It often is posited as the *necessary* catalyzing force that moves a person into action.<sup>29</sup> A second related theme is that social movement actors intentionally create new rules about what is considered an appropriate display of emotion as part of their protest.<sup>30</sup> In other words, activists display emotions in ways that the power elite would deem inappropriate as a way of giving notice to the power elite that the protest group intends to act up and challenge the status quo.<sup>31</sup>

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26. *Tired of Seeing A-Holes Wear Canada Goose? These Stickers Are for You*, PETA, <https://www.peta.org/action/order-only-assholes-wear-canada-goose-stickers/> (last visited Dec. 18, 2019).

27. See generally, Flam, *Emotions' Map*, *supra* note 2 (summarizing research which illustrates that anger, loyalty, fear, and shame are emotions commonly shared among social activists); PASSIONATE POLITICS: EMOTIONS AND SOCIAL MOVEMENTS (Jeff Goodwin et al. eds., 2001) (discussing the history of empirical research of emotions in social movements); WILLIAM GAMSON ET AL., ENCOUNTERS WITH UNJUST AUTHORITY (1982) (providing early research into the emotional motivation of social activists and illustrating that members of “rebellious collective action” are united by a process of affirmation with one another).

28. Jacquelin van Stekelenburg, *The Political Psychology of Protest: Sacrificing for a Cause*, 18 EUR. PSYCHOLOGIST 224, 227 (2013) (emphasis omitted).

29. See, e.g., Jasper, *Constructing Indignation*, *supra* note 2, at 208 (noting that “[a]nger and indignation . . . are crucial to many aspects of protest”); Flam, *Emotions' Map*, *supra* note 2, at 25 (discussing how social activists harness anger).

30. E.g., Ron Eyerman, *How Social Movements Move*, in EMOTIONS AND SOCIAL MOVEMENTS, *supra* note 2, at 41 (discussing the re-socialization of movement members); see also Flam, *Emotions' Map*, *supra* note 2, at 24.

31. See Flam, *Emotions' Map*, *supra* note 2, at 19–20.

From her observations of social movement actors, sociologist Helena Flam has created a taxonomy for the range and kinds of emotions that social movement actors express. Flam identified “mobilizing” emotions as those critical to stimulating action among group members.<sup>32</sup> Flam categorized anger as a mobilizing emotion.<sup>33</sup> Flam observed that anger became a mobilizing emotion through a process of transformation. First, social movement activists experienced anger as a “sanctioning” emotion being used against them.<sup>34</sup> Under the status quo, the general rule about emotions is that “[p]ositive feelings flow up and negative feelings flow down social hierarchy.”<sup>35</sup> Thus, “subordinates should not display anger, since it is a power prerogative and an instrument of power of the bosses.”<sup>36</sup> The power elite, however, are permitted to express and use anger as a way to sanction those who are trying to disrupt the status quo.<sup>37</sup>

Flam observed that activists who experienced anger as a sanctioning emotion learned how to “re-appropriate” anger, and transformed it into a mobilizing emotion.<sup>38</sup> Flam noticed that often at the outset of a group forming—or when a person is new to a group—group members may feel some “self-destructive, immobilizing feelings of vulnerability, guilt and shame” in response to being outside of the mainstream.<sup>39</sup> Movement actors then learned to re-appropriate those self-denigrating emotions into anger towards the “opponent” as a way of rejecting the power elite’s opprobrium.<sup>40</sup>

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32. *Id.*; see also Flam, *Micromobilization and Emotions*, *supra* note 5, at 266–67.

33. See Flam, *Emotions’ Map*, *supra* note 2, at 20.

34. *Id.* at 20–22.

35. *Id.* at 22.

36. *Id.*

37. See *id.* at 22.

38. *Id.* at 26–28.

39. *Id.* at 26; see also *id.* at 26–27 (going on to give examples of feelings of guilt and shame driving the rise of the post-partum depression movement and of ACT UP).

40. *Id.* at 26–28 (analyzing how anger can “constitute[] a key antidote to the fear of repression”).

Flam's taxonomy helpfully illuminates how emotions can serve different purposes in social movements at different times. While activists describe the emotions required for their work in more general terms—"to do this work, you have to have fire in the belly"—Flam's research helps us to think about whether the "fire in the belly" that is needed to motivate a brand new activist is the same kind of "fire in the belly" that keeps an activist at the work over time. The emotional experience of being sanctioned by the power elite might be the push a person needs to step into activism. But, to stay at the work, a person needs to harness that initial emotional experience and transform it into one that provides support for the sustained effort required to create social change.

Interestingly, though, Flam uses the word "anger" across the full range of experiences.<sup>41</sup> Just like activists use "anger" to represent experiences that run from hot, reflexive outbursts to deeper senses of moral outrage, Flam's taxonomy of sanctioning, mobilizing and re-appropriating emotions does not distinguish between kinds of anger.<sup>42</sup> It leaves open the inquiry of whether one or another form of anger is more effective. It also leaves room for misunderstanding which emotion actually is doing what kind of work for an activist.

Sociologist James Jasper has recognized that problem of imprecision, acknowledging that researchers have taken emotion language "intact from natural language."<sup>43</sup> Thus, "[a]nger, for example, can be a gut surge of panic over something in the shadows or an elaborated indignation over the insensitivity of our government."<sup>44</sup> In response, Jasper has offered another taxonomy of emotions.

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41. See e.g., *id.* at 27–28; Flam, *Micromobilization and Emotions*, *supra* note 5, at 3.

42. Flam acknowledges the prior research that investigates the trigger for social mobilization, including two competing theories. One that posits that "hot cognition" is what prompts a person to protest versus the other that posits "moral shock." Both hot cognition and moral shock are kinds of anger, but Flam does not maintain those distinctions in her own taxonomy. See Flam, *Micromobilization and Emotions*, *supra* note 5 at 264–65.

43. James M. Jasper, *Emotions and Social Movements: Twenty Years of Theory and Research*, 37 ANN. REV. SOC. 285, 286 (2011) [hereinafter Jasper, *Emotions and Social Movements*].

44. *Id.*

Jasper begins with the category of reflex emotions, then proceeds to moods, to affective loyalties, and concludes with moral emotions.<sup>45</sup> Reflex emotions are quick reactions to immediate physical and social environments, and typically subside fairly quickly.<sup>46</sup> An example might be the quick burst of joy we feel when we see a loved one who has been away for a long time. Jasper defines moods as longer lasting affective states that may or may not relate to some specific object.<sup>47</sup> An example might be feeling blue during the darker winter months. Affective loyalties are “attachments or aversions” that are tied to “cognitive appraisals of others.”<sup>48</sup> Think of a consistent feeling of dislike we experience towards a person we find irritating. Finally, moral emotions “involve feelings of approval or disapproval based on moral intuitions and principles” and “the satisfactions we feel when we do [or feel] the right thing.”<sup>49</sup>

Jasper’s categorization reveals how our natural language for emotions adds unhelpful inaccuracy. When we say a person is “angry,” we could be referring to someone who is inflamed because they were just stung by a bee. We also could be referring to someone whose emotion is based on a long-term campaign against injustice. Jasper notes how we regularly and commonly think about reflex emotions as the “paradigm for all emotions” causing us to “exaggerat[e] the intensity, suddenness, and disruptive capacity of emotions.”<sup>50</sup> In other words, if someone is described as being “angry” and we are not given more information, then we most likely imagine that the person is exhibiting anger reflexively—maybe by raising her voice or gesticulating vigorously or with other abrupt bodily expressions we associate with anger. Because we oversubscribe to the reflexive version of emotions, we have a harder time envisioning the expression of an emotion in its moral form

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45. *Id.* at 286–87.

46. *Id.* at 87.

47. *Id.*

48. *Id.*

49. *Id.*

50. *Id.*

occurring in a way other than reflexively. Thus, if we see someone who expresses their moral anger in a strong and calm voice, with vigor that is steadfast and not volatile, we discount that expression as “not angry enough.”

This problem of exaggeration—of overclaiming anger as intense, sudden and disruptive—is complicated by emotion rules. Sociologist Arlie Hochschild first conceived of and articulated the idea of emotion rules in a seminal article in 1979.<sup>51</sup> Her “emotion management perspective” was a response to the then-dominant view among social science researchers that emotion was “unbidden and uncontrollable.”<sup>52</sup> Under that view, emotion was not subject to “social rules,” in contrast to behavior and thought, which were.<sup>53</sup> Hochschild posited that people engage in “emotion work,” in which they experience emotions (feelings), and are aware of those feelings.<sup>54</sup> They understand that there are socially-constructed rules about what kinds of feelings a person is supposed to have in the setting they are in, and they then have some ability to make choices about conforming their own feelings to those rules (or not).<sup>55</sup>

For example, the feeling rule for a funeral is that people are supposed to feel sad.<sup>56</sup> If a person is not feeling sad at a funeral, then the person will engage in emotion work that helps her bring forward the expected feelings called for by the situation.<sup>57</sup> Situations also can have multiple feeling rules. At a funeral for a person who has died after a long painful illness, the feeling rules might include sadness and relief that the person’s suffering is over. At a funeral for a person killed by another, the rules might include sadness and anger at the killer.

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51. Hochschild, *supra* note 6, at 551; see also Akbar Talebpour et al., *Investigating Social Factors Associated with Emotional Labor Among Nurses* 4 MEDITERRANEAN J. SOC. SCI. 369, 369 (2013) (discussing Hochschild’s introduction of the term “emotional labor” in the social sciences).

52. Hochschild, *supra* note 6, at 551.

53. *Id.*

54. *Id.* at 561.

55. *Id.* at 563–66.

56. *Id.* at 563.

57. *Id.*

For Hochschild, it is important to understand that emotion work is not just cognitive (i.e., changing how we are thinking about how we are feeling).<sup>58</sup> It also involves somatic and expressive choices.<sup>59</sup> In other words, it involves paying attention to and potentially trying to change reactions in the body (like trying to slow down our breath), and making choices about how we are expressing our feelings (like changing a smile at a funeral to a sad facial expression).<sup>60</sup> Of course, emotion work also includes a person's choice not to conform to a particular feeling rule.<sup>61</sup>

According to Hochschild, feeling rules sit "back to back" with framing rules, which are the ideological rules that we use to "ascribe definitions or meanings to situations."<sup>62</sup> A feeling rule tells us how we should feel and a framing rule tells us why.<sup>63</sup> There can be multiple and potentially conflicting framing rules for the same situation.<sup>64</sup> Hochschild gives the example of the framing rules related to someone being fired from her job.<sup>65</sup> Under one framing rule, we could "define the situation of getting fired as yet another instance of capitalists' abuse of workers," while under another framing rule we could see that same firing as "yet another result of personal failure."<sup>66</sup> The first framing rule comes with the feeling rule of anger and the second framing rule pairs with the feeling rule of shame.<sup>67</sup> Ultimately, the fired worker then still has to make a choice about what kind of emotion work she needs to engage in and whether that work will be to conform to, or vary from, the feeling rule that is called for by the framing rule.<sup>68</sup>

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58. *Id.* at 562.

59. *Id.*

60. *See id.* at 563.

61. *Id.* at 566.

62. *Id.*

63. *See id.*

64. *Id.*

65. *Id.*

66. *Id.*

67. *See id.*

68. *See id.* 566–67.

If we synthesize the findings of Flam, Jasper, and Hochschild, I think we discover that anger can work in conflicting directions in social movements. First, we know that anger has multiple expressions.<sup>69</sup> Next, we know that a crucial step in making any kind of social change is to mobilize activists, and that “anger” is an effective mobilizing emotion.<sup>70</sup> I suggest that the kind of anger that most effectively mobilizes is Jasper’s idea of a “moral emotion” — a sense of injustice.<sup>71</sup>

Thus, social movement activists have a feeling rule that “injustice calls for anger.” That feeling rule illuminates a range of related framing rules for activists. Those rules include that individuals have the right, or the duty, to identify injustices in their society and express their disagreement or displeasure. Another is that changing the status quo (the typical goal of a social movement) only happens through vigorous and non-compliant protest, which is demonstrated through anger.

Nonetheless, because we think of anger too much in its “hot” form, we over-instantiate its expression in its reflexive, and intense version. Activists may inaccurately believe that the only way to reject the power elite’s feeling rules is to “re-appropriate” anger in a conspicuous and striking way.<sup>72</sup> So, for example, vigorous and non-compliant protest can only be physical and unruly. It cannot be steady and calm, and still be forceful and effective.

I think the move towards hot anger also is primed by the fact that the power elite’s framing rules are personal and derogatory.<sup>73</sup> The elite’s framing rule for anger expressed by subordinates is not only that the subordinate’s *actions* are unacceptable but also that the subordinate is a bad person.<sup>74</sup> Angry protestors are “rabble rousers” or “miscreants and

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69. See *supra* notes 40–41 and accompanying text.

70. See *supra* notes 38–39 and accompanying text.

71. Jasper, *Constructing Indignation*, *supra* note 2, at 210.

72. Flam, *Emotions’ Map*, *supra* note 2, at 26.

73. See Jasper, *Constructing Indignation*, at 208 (“[A]nger is tricky, often linked to aggression generally disapproved of in modern society.”).

74. See *id.* at 210.

thugs” or “bad elements in society.”<sup>75</sup> Further, the framing rules are gendered and racialized. Angry women are bad people and they are crazy.<sup>76</sup> Angry Black men and women are bad people and they are dangerous, and so on.<sup>77</sup> The framing rules are designed to control and subjugate in a way that individually demeans.

Unsurprisingly, the denigrating force of the framing rules is, indeed, experienced individually and personally.<sup>78</sup> And, we have feeling and framing rules that when we are personally attacked, we are justified in responding with hot, reflexive anger.<sup>79</sup> Thus, when activists move to re-appropriate anger, it is an easy move to re-appropriate anger in its hot, reflexive form. For activists, it can feel like the strongest form of solidarity against the “other” is to take the worst characterizations that the other has to offer and turn them on their heads—“You think I’m crazy because I’m angry? I’d be crazy *not* to be angry!”<sup>80</sup>

Of course, generally imbedded in a hot, reflexive angry response are other responses, including moral emotions. The activist who vigorously yells “I’d be crazy not to be angry” also is saying something about the injustice she experiences and the immorality of the injustice. She intends her expression to be understood as a refusal to accept subordination and

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75. See, e.g., *id.* at 210 (“Massed demonstrators are always playing with or against traditional images of crowds as angry, dangerous, and irrational.”).

76. E.g., SORAYA CHEMALY, *RAGE BECOMES HER: THE POWER OF WOMEN’S ANGER* (2018) (stating we are taught from a young age that anger is inappropriate for a woman); REBECCA TRAISTER, *GOOD AND MAD: THE REVOLUTIONARY POWER OF WOMEN’S ANGER* (2018) (showing that throughout American history angry women have been dismissed).

77. E.g., Trina Jones & Kimberly Jade Norwood, *Aggressive Encounters & White Fragility: Deconstructing the Trope of the Angry Black Woman*, 102 IOWA L. REV. 2017 (2017) (highlighting the racial-based biases and stereotypes that black individuals have historically faced).

78. See, e.g., *id.* at 2057 (“Consider the constant stress that countless other Black women face knowing that they risk being labeled an ‘Angry Black Woman’ and blamed if they speak forcefully or strongly—or if they speak at all.”)

79. See e.g., Hochschild, *supra* note 6, at 553–54 (describing the view that emotions are instinctive and reflexive).

80. See, e.g., Flam, *Micromobilization and Emotions*, *supra* note 5, at 266 (“Social movements highlight the ‘outlaw’ emotions of the ‘subordinated individuals who pay a disproportionately high price for maintaining the status quo,’ such as fear, irritability, revulsion or anger, to promote critical thought.” (internal citations omitted)).

marginalization on the grounds that a morally good society does not subordinate or marginalize its members.

Having sketched out the descriptive contours of the roles that anger can play in social movement work, I want to turn to the normative conversation. Are there reasons that justify anger's pronounced role in activism, and how do those size up to the reasons against anger?

### *C. What Political Philosophers Say*

One powerful strand of political thought, sounding in populism, focuses on how binding is the control exercised by the power elite, and considers how thorough that control is. For example, Lawrence Goodwyn investigated the populist "agrarian revolt" of the late 1800's in the United States.<sup>81</sup> He observed that democracy in the United States was commonly culturally understood as a political system in which protest and dissent were a welcomed and essential feature of democracy.<sup>82</sup> Thus, when "hard times" like the agricultural crisis of the late 1800's occur, the power elite have crafted a vision of the political system as a responsive system through which people could effectively protest about those hard times.<sup>83</sup> Nonetheless, protest did not generally happen.<sup>84</sup> Goodwyn argued that the elite's vision was designed as a kind of ruse to keep subordinates in check.<sup>85</sup> As Goodwyn described it:

This apparent absence of popular vigor is traceable, however, not to apathy but to the very raw materials of history—that complex of rules, manners, power relationships, and memories that collectively comprise what is called culture. "The masses" do not rebel in instinctive response to

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81. LAWRENCE GOODWYN, *THE POPULIST MOMENT: A SHORT HISTORY OF THE AGRARIAN REVOLT IN AMERICA* (1978).

82. *See id.* at IX–XI.

83. *See id.* at VIII–XI.

84. *Id.* at X–XI.

85. *Id.*

hard times and exploitation because they have been culturally organized by their societies not to rebel. They have, instead, been instructed in deference.<sup>86</sup>

In Flam's terms, social protest gets constrained and contained by techniques such as sanctioning emotions.<sup>87</sup> Anger used against protest helps create the deference of "the masses" described by Goodwyn.<sup>88</sup> If there is protest, it happens in what Goodwyn calls "conditions of cultural narrowness."<sup>89</sup> In other words, it is sufficiently restricted and palatable to the power elite so that "from time to time, [it is] positively desirable because it fortifies the popular understanding that the society is functioning 'democratically.'"<sup>90</sup>

Labor law historian Ahmed White has articulated a similar assessment when investigating the right to strike.<sup>91</sup> White documented the early history of labor strikes surrounding the passage of the 1935 National Labor Relations Act ("Wagner Act"), noting how common it was for those earlier strikes to be more militant and violent.<sup>92</sup> In response, the power elite amended and restricted what was permitted under "the right to strike."<sup>93</sup> As White documents, the initial robust right to strike created by the Wagner Act in 1937 has been denuded over time as employers gained the ability to easily replace or fire striking workers, and as the scope of valid strikes have been limited.<sup>94</sup> White argues that the power elite justified the changes as a way of protecting everyone, including workers, from the harmful, violent "wildcat" strikers, and as a way to preserve the proper

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86. *Id.* at X.

87. See Flam, *Emotions' Map*, *supra* note 2, at 20.

88. See GOODWYN, *supra* note 81, at X.

89. See *id.* at XI.

90. *Id.*

91. See Ahmed White, *Its Own Dubious Battle: The Impossible Defense of an Effective Right to Strike*, 2018 WIS. L. REV. 1065 (2018).

92. *Id.* at 1097-98.

93. See *id.* at 1070.

94. *Id.* at 1069.

(i.e., culturally narrow) right to strike.<sup>95</sup> But, White argues, the changes dismantled the efficacy of the right to strike entirely.

Similar to Goodwyn, White concludes:

[T]he fate of the right to strike was the product of an official adherence to the mandates of the current legal and political order that were, from the perspective of just about every judge or legislator in the country, simply inviolate. In depriving workers of the right to engage in sit-down strikes or mass picketing, denying them the prerogative to engage in secondary boycotts, pushing them into litigation and arbitration in lieu of strikes, and subjecting them to permanent replacement if they go out on strike, courts and legislatures have not so much betrayed a radical potential in the labor law as kept the law anchored to liberal values that are simply anathema to an effective right to strike, and in a way that is incompatible with a robust and functional system of labor rights.<sup>96</sup>

....

... But equally unquestionable is that neither this court nor any other important arbiter of legal rights in this country was ever prepared to endorse the contrary view that property rights might be sufficiently subordinate to labor rights as to justify the kinds of tactics by which workers could routinely defeat powerful employers on the fields of industrial conflict.<sup>97</sup>

The historical examinations offered by Goodwyn and White amply demonstrate the ways in which the power elite create

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95. *Id.* at 1069–70.

96. *Id.* at 1116.

97. *Id.* at 1127.

rules about protest that weaken its ability to effect change. Thus, it is notable when a subordinated group gathers enough fortitude to break the “nice” protest rules and acts in ways that are destructive, fractious, and unruly. It might be factually accurate to conclude that protest that is angry and destructive is effective protest. However, I suggest that Goodwyn and White also are recommending something normative. In other words, while neither White nor Goodwyn say this explicitly, I think they are suggesting that it would be a fair and just outcome for the power elite to have their lives and their economic production vigorously and thoroughly disrupted and to feel, see, and hear the anger of people who are not willing to be controlled anymore.

I think that normative position reveals something important about the allure of anger in social movements. Social movement activists want anger to be effective because activists also believe it is fair and just that the power elite get paid back for their oppressive behavior. Anger is good for social activism because it brings about a comeuppance—one side gets its “just deserts.”

Political philosopher Martha Nussbaum has called that constitutive feature of anger the “payback wish.”<sup>98</sup> Nussbaum has investigated in a deep and probing way the role of anger in relationships within society and in catalyzing social change.<sup>99</sup> She ultimately concludes that anger’s insistence on payback is morally flawed because it always leads to one person downgrading another (or another group), instead of creating change that positively moves both people forward, or positively moves society forward as a whole.<sup>100</sup> As Nussbaum puts it, the payback wish unhelpfully “converts all injuries into problems of relative position.”<sup>101</sup> No one’s lot is improved unless the other’s lot is downgraded. Thus, the “world revolve[s] around

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98. NUSSBAUM, *supra* note 14, at 21–23 (defining the payback wish as a desire that offenders “get what they deserve”).

99. *Id.* at 23–27.

100. *Id.* at 21–27.

101. *Id.* at 29.

the desire . . . for domination and control” instead of actually making positive, mutually beneficial change.<sup>102</sup> Nussbaum makes some careful distinctions about anger that are very relevant to the concerns I am raising in this Article.

First, Nussbaum is careful about her definition of anger. Similar to Jasper, who distinguished between reflexive emotions and moral emotions, Nussbaum identifies anger and its payback wish as different from calling out moral wrongs and injustices.<sup>103</sup> Anger *is* anger because it includes the payback wish.<sup>104</sup> Calling out injustice is different. It is forward looking, and it calls people to be accountable for changing their morally wrong conduct so that they, too, can become better members of society.<sup>105</sup> As Nussbaum points out: “For how, sanely and really, could injustice be made good by retributive payback? The oppressor’s pain and lowering do not make the afflicted free. Only an intelligent and imaginative effort towards justice can do that.”<sup>106</sup>

Next, Nussbaum is equally clear that protest is important. As she notes: “Injustice should be greeted with protest and careful, courageous strategic action.”<sup>107</sup> Further, protest in the form of direct action is “a forceful and uncompromising demand for freedom . . . a deliberate demand for justice, by refusing to cooperate with unjust authority.”<sup>108</sup> And protest can—and should—be vigorous, disruptive, and effective. Its goal, however, needs to be forward-looking and generate change that does not just “substitute[] one inequality for another.”<sup>109</sup>

Nussbaum acknowledges that there is “a long tradition [that] has held that political justice requires angry emotions. Such

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102. *See id.*

103. *Id.* at 29–31.

104. *Id.* at 31–33.

105. *Id.*

106. *Id.* at 33.

107. *Id.* at 249.

108. *Id.* at 221.

109. *Id.* at 28–29 (discussing how the desire of an outgroup to reverse discrimination onto the majority is a “false lure” that Dr. King “wisely eschewed”).

emotions, it is often claimed, are a necessary feature of our interactions with one another as responsible agents, and they are required to express concern for the dignity and self-respect of the wronged."<sup>110</sup> She particularly presses on the idea that anger is the best mechanism for expressing harms to dignity.<sup>111</sup> She reminds us that protecting dignity by denigrating another's dignity is a choice with less moral worth than is the choice to insist on dignity for all.<sup>112</sup> "Dignity is not a zero sum game; in that way it is utterly different than relative status."<sup>113</sup> Ultimately for Nussbaum, "[t]he focus should be on establishing accountability for wrongdoing, as a crucial ingredient of building public trust, on expressing shared values, and then on moving beyond the whole drama of anger and forgiveness to forge attitudes that actually support trust and reconciliation."<sup>114</sup> Protest is an important vehicle for establishing accountability for wrongdoing. Nussbaum reminds us of Martin Luther King Jr.'s guidance: "I have not said to my people 'Get rid of your discontent.' Rather, I have tried to say that this normal and healthy discontent can be channeled into the creative outlet of non-violent direct action."<sup>115</sup>

Nussbaum is clear-eyed about the difference between the *arising* of emotions and the normative choices available about how *to act* on the emotions. She holds room for the arising of an emotion, like anger, to play a role in helping a person truly see an injustice:

For example, a person who is in hierarchical relationship may not realize how unfairly she is being treated, until she has an experience, or repeated experiences, of anger. If the experience

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110. *Id.* at 172.

111. *Id.* at 27.

112. *Id.*

113. *Id.*

114. *Id.* at 13.

115. *Id.* at 221 (quoting MARTIN LUTHER KING, JR., *Letter from Birmingham Jail*, in A TESTAMENT OF HOPE: THE ESSENTIAL WRITINGS AND SPEECHES OF MARTIN LUTHER KING, JR. 289, 291 (James Melvin Washington ed., 1986) [hereinafter A TESTAMENT OF HOPE]).

helps her to decide to protest, or in some other way to improve her situation, then it is useful.<sup>116</sup>

But anger's usefulness is limited to that signaling function because *to act* on anger is to bring in the unhelpful payback wish.

#### D. *Pulling the Strands Together*

Looking at the range of insights about anger from the above sociologists and political theorists, I think there are some interesting patterns and junctions. For example, the research illuminates the richness of experiences that all get labelled with the same word, "anger."<sup>117</sup> The research helps us better understand the range of intentionality related to emotions—from reflexive emotions that are the least intentional and the most instinctual to moral emotions that are the most intentional and overtly cultivated.<sup>118</sup> The research attends to the fact that we oversubscribe the characteristics of reflexive anger—hot, volatile, disruptive—to the other categories of anger.<sup>119</sup> Thus, we expect anger as a moral emotion to be expressed with the same kinds of characteristics as reflexive, instinctual anger, even though the intentionality of a moral emotion should mean we act other than reflexively.

At the same time that the sociological research reveals possible biases that we have about anger, it confirms ways in which we cognitively construct emotions consistent with cultural expectations and constraints. We again see that the word anger is bound up with multiple feeling and framing rules.<sup>120</sup> Further, the same setting can have multiple feeling and framing rules for anger, and those rules can be in opposition.<sup>121</sup> Importantly, the conflicting feeling and framing rules can both

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116. *Id.* at 38.

117. *See supra* notes 32–36 and accompanying text.

118. *See supra* notes 42–49 and accompanying text.

119. *See supra* notes 37–39, 45–50 and accompanying text.

120. *See supra* notes 62–64 and accompanying text.

121. *See supra* note 64 and accompanying text.

be true—at least “true” in the sense that there are cultural constructions behind each competing set of rules.<sup>122</sup> For example, we observe settings in which one group expresses anger as a method of instilling shame in another and sanctioning the other.<sup>123</sup> In response, the “other” expresses anger in return with a feeling rule of outrage and a framing rule of resistance to injustice.<sup>124</sup>

I do think that the bias towards thinking about anger as a hot and disruptive emotion gets amplified in contexts in which anger is being re-appropriated and turned back upon the power elite.<sup>125</sup> When we think about re-appropriated anger, we think it is supposed to be (i.e., has a feeling rule) expressed with vigor, without modulation, with raised voices and without overtures to the other side. In many ways, that seems right and just, especially because the point is to recognize the dignity and agency of the subordinated group.<sup>126</sup> If the power elite actively and forcefully creates framing rules to deny dignity and agency, then the subordinated group must take back that framing rule and turn it on its head. Instead of the framing rule of the “angry woman” or the “angry person of color” as irrational and potentially dangerous, the angry woman and angry person of color are speaking truth to power.<sup>127</sup>

Further, most social movement actors seem convinced that anger is a key and critical emotion in generating effective social change.<sup>128</sup> Anger is used as the critical screening emotion a person must show to prove that she is serious about the issues involved in the social movement—if the issue really matters to the person, then the injustice *has* to make her mad. Anger also is the critical screening emotion to show that a person is loyal to the cause. If you are really loyal to “us,” then you show that

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122. See *supra* notes 55, 65–68 and accompanying text.

123. See *supra* notes 34–37, 39 and accompanying text.

124. See *supra* notes 38–40 and accompanying text.

125. See *supra* notes 78–80 and accompanying text.

126. See Flam, *Emotions' Map*, *supra* note 2, at 26.

127. See *supra* notes 75–77 and accompanying text.

128. See, e.g., Flam, *Emotions' Map*, *supra* note 2, at 27.

by being angry at “them.”<sup>129</sup> Activists think that anger— and its burn in the belly—is the only fuel that is powerful enough to sustain an activist through the hard work of social change.<sup>130</sup> Because social science research itself has not often distinguished between kinds of anger, we do not have much actual evidence that it is effective.<sup>131</sup>

I think our bias toward thinking about anger as a hot emotion means that when we see disruptive, hot anger in social protest, we over-regard a framing rule that says hot anger is righteous and morally called for. The framing rule about justifiable hot anger inextricably links hot anger as the only way to generate the disruption morally required to bring about the needed social change. Therein lies the challenge, I think. I believe it is a more tenuous and contested proposition that the level of disruption required to catalyze social change can only be brought about by anger.

Given the evidentiary uncertainty about whether anger is an effective social movement emotion, I think political philosophy helps us decide the better course of conduct, and Nussbaum’s arguments against anger are persuasive. The best end state for a society is that it provides support for, and offers up opportunities to, every member to have the possibility for a flourishing life. That end state surely requires a range of decisions and choices. When those difficult choices need to be made, it is a better outcome if they are not made with a denigrating payback wish, but instead with the best attempt possible at mutual improvement.

That then leads to the issue of what a more mutual and forward-looking set of feeling and framing rules about social movement emotions might look like. I turn to anger’s

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129. *See id.* at 32.

130. *See id.* at 27–28.

131. *But see* Stefan Sturmer & Bernd Simon, *Pathways to Collective Protest: Calculation, Identification, or Emotion? A Critical Analysis of the Role of Group-Based Anger in Social Movement Participation*, 65 J. SOC. ISSUES 681, 703 (2009) (finding that hot anger could increase a person’s willingness to participate in protest, but that it did not predict more instrumental engagement with social movement work).

counterweight, love, to consider whether it offers a productive way forward.

## II. LOVE

Like the word “anger,” we use the word “love” to capture a wide range of emotions.<sup>132</sup> As I noted at the outset, love might refer to feelings of affinity, or to romantic feelings, or to feelings of pleasure towards an experience.<sup>133</sup> I suggest that also like anger, we oversubscribe love in its reflexive, more intense form.<sup>134</sup> We do not usually think about love as a moral emotion. In that way, love gets amplified as a hot emotion, just as does anger.<sup>135</sup>

Further, the hot version of love shares characteristics with the hot version of anger.<sup>136</sup> Love and anger both “burn” in the belly. We think of each of them as ardent, albeit with different intents. When used as a sanctioning emotion, they function similarly — to suggest a person is out of control and irrational.<sup>137</sup> We are “crazy in love” or “out of our mind” with anger. Love and anger both “make us blind.”

Unlike anger, however, we usually think of love as an emotion that is about connecting and not about payback.<sup>138</sup> In terms of social movements, the connectivity of love looks like loyalty and affinity, not romantic attachments.<sup>139</sup> There are

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132. See RODDY COWIE, DESCRIBING THE EMOTIONAL STATES EXPRESSED IN SPEECH § 3.1 (2000).

133. See *id.*

134. Jasper, *Emotions and Social Movements*, *supra* note 43, at 286–87.

135. See *id.* at 287.

136. See, e.g., *id.* at 294 (discussing how both shared positivity and shared negativity can strengthen social group bonds).

137. See Flam, *Emotions' Map*, *supra* note 2, at 20 (characterizing anger as a “sanctioning emotion”); Jasper, *Emotions and Social Movements*, *supra* note 43, at 287 (discussing how reflex emotions, such as love or anger, are often attributed to irrationality).

138. Jasper, *Emotions and Social Movements*, *supra* note 43, at 286–87.

139. See *id.* (describing love as one of many “[a]ffective loyalty” emotions). *But see* Verta Taylor & Leila J. Rupp, *Loving Internationalism: The Emotion Culture of Transnational Women's Organizations, 1888-1945*, 7 MOBILIZATION: AN INT'L J. 141, 147–49 (2002) (describing romantic relationships that formed between some women involved in the international women's suffrage movement).

feeling rules in social movements that call for activists to show solidarity with each other—both as a way of getting work done as a group and as a way of protecting the group from being divided by the opposition.<sup>140</sup> The affinity that brings a person to a movement (e.g., it feels good to be around people who think like me) is expected to develop into loyalty for the movement.<sup>141</sup> Even if a group has disagreements among its members, the group tries to keep those disagreements internal.<sup>142</sup> Activist groups, who already are disfavored by the power elite, rightfully worry that the power elite will look for any opportunity to discredit them—saying, for example, “Those activists are so disorganized they can’t even elect a leader, decide where to march, etc.”

Interestingly, the social movement feeling rules for affinity and loyalty that call for connection between activists within the movement also travel with a feeling rule of anger towards opponents.<sup>143</sup> Thus, the way in which love connects is circumscribed. As one researcher put it, movement actors do emotion work about love in two directions at the same time: “Who ‘we’ are defines and distinguishes who are not us, at the same time as it identifies what ‘we’ are against. Framing the Other, is part of the emotional process of movement formation, as that which a movement moves against.”<sup>144</sup> Reaching out to make connections across group lines becomes harder, even among groups who share interests.<sup>145</sup> Reaching out to make connections to the opposition puts a group member at risk for expulsion from the group.<sup>146</sup> In certain ways, then, love and

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140. *Emotions’ Map*, *supra* note 2, at 35; see also Helena Flam, *On Emotional Disaffection, Humiliation and Anger, Transfer of Loyalties, Emotions Management in Movements, and Courage*, MOBILIZING IDEAS (Dec. 3, 2012, 7:00 AM), <https://mobilizingideas.wordpress.com/2012/12/03/on-emotional-disaffection-humiliation-and-anger-transfer-of-loyalties-emotions-management-in-movements-and-courage/> [hereinafter Flam, *On Emotional Disaffection*].

141. Eyerman, *supra* note 30, at 44.

142. See Flam, *On Emotional Disaffection*, *supra* note 141.

143. *Id.*; see also Eyerman, *supra* note 30, at 42.

144. Eyerman, *supra* note 30, at 44.

145. See *id.*

146. See *id.* at 44, 50; see also Jasper, *Constructing Indignation*, *supra* note 2, at 209.

anger in social movements can both act to constrain empathy and the ability to hear the other side.

That being said, the fact that anger comes with a payback wish and love does not makes a critical difference. In an elemental way, the feeling and framing rules about anger are about breaking bonds while the feeling and framing rules about love are about making bonds. For social movement activists, the consideration is complicated—can love help disrupt the status quo and also engender the imaginative, forward-looking, and dignity-enhancing mindset that Nussbaum described? There are precedents that profoundly suggest the answer is “yes.”

Exemplary in the U.S. is the Reverend Martin Luther King, Jr. Often Dr. King’s approach is described along the lines of non-violent resistance, which is accurate, but partial. Dr. King consistently framed his approach as “love in action,”<sup>147</sup> with a goal of creating a “beloved community.”<sup>148</sup> At the beginning of his autobiography, Dr. King said:

Along the way of life, someone must have sense enough and morality enough to cut off the chain of hate and evil. The greatest way to do that is through love. I believe firmly that love is a transforming power than [sic] can lift a whole community to new horizons of fair play, goodwill and justice.<sup>149</sup>

Critical for Dr. King was his insistence that love be clear-eyed and call out injustice, while at the same time seeking a way to move forward towards common ground. Dr. King’s concept of “love in action” did not think it contradictory to “seek[] to preserve and create community . . . . even when one seeks to

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147. See, e.g., MARTIN LUTHER KING, JR., *An Experiment in Love*, in A TESTAMENT OF HOPE, *supra* note 115, at 16, 20.

148. See, e.g., MARTIN LUTHER KING, JR., *The Power of Nonviolence*, in A TESTAMENT OF HOPE, *supra* note 115, at 12, 12; MARTIN LUTHER KING, JR., *Nonviolence: The Only Road to Freedom*, in A TESTAMENT OF HOPE, *supra* note 115, at 54, 58.

149. MARTIN LUTHER KING, JR., *Walk for Freedom*, in A TESTAMENT OF HOPE, *supra* note 112, at 82, 83.

break it.”<sup>150</sup> Importantly, for Dr. King the point of breaking community was not to pay back some part of the community for its unjust behavior, as anger would require, but to dismantle the unjust behavior and replace it with behavior beneficial to all, as love would require.<sup>151</sup>

Using Dr. King’s iconic “I Have a Dream” speech, Martha Nussbaum annotates how Dr. King navigates between the payback wish of anger and the compassionate hope of love.<sup>152</sup> As Nussbaum describes:

King begins . . . with [a] . . . summons to anger: he points to the wrongful injuries of racism, which have failed to fulfill the nation’s implicit promises of equality. One hundred years after the Emancipation Proclamation, “the life of the Negro is still sadly crippled by the manacles of segregation and the chains of discrimination.”

The next move King makes is significant: for instead of demonizing white Americans, or portraying their behavior in terms apt to elicit murderous rage, he calmly compares them to people who have defaulted on a financial obligation: “America has given the Negro people a bad check, a check which has come back marked ‘insufficient funds.’” This begins the Transition: for it makes us think ahead in non-retributive ways: the essential question is not how whites can be humiliated, but how can this debt be paid, and in the financial metaphor the thought of humiliating the debtor is not likely to be central.<sup>153</sup>

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150. KING, *supra* note 148.

151. See, e.g., KING, *supra* note 147, at 18 (“As I like to say to the people in Montgomery: ‘The tension in this city is not between white people and Negro people. The tension is, at bottom, between justice and injustice, between the forces of light and the forces of darkness.’”).

152. NUSSBAUM, *supra* note 14, at 31.

153. *Id.*

As Nussbaum's description illuminates, Dr. King first starkly acknowledges immoral conduct—the manacles and chains that the dominant white society maintains.<sup>154</sup> He acknowledges space for anger to arise in his listeners (and himself)—in any way, from its hot, reflexive form to its form as a moral emotion.<sup>155</sup> That pause to recognize anger serves as an important signal that Dr. King is not dismissing anger (and, thereby, not dismissing or diminishing the injustice).<sup>156</sup> Instead, he is asking for the patterned, payback response of the emotion to be interrupted and replaced with an abiding sense “of the fact that all life is interrelated. All humanity is involved in a single process, and all men are brothers.”<sup>157</sup>

For someone who is experiencing hot, payback anger, Dr. King's soaring and hopeful words about a beloved community might be easy to dismiss as naïve, simplistic, or unrealistic. But, through action, Dr. King demonstrated the compassionate steeliness of his approach. Non-violent, direct action was not passive resistance; it was active protest. It created the “constructive, nonviolent tension which is necessary for growth.”<sup>158</sup>

In addition to Dr. King's work, there are contemporary activists who are framing their social justice work in terms of love and not anger. Reverend angel Kyodo williams, Lama Rod Owens and Jasmine Syedullah are exemplary, and they identify their approach as “radical dharma.”<sup>159</sup> Like King, williams,

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154. *Id.*

155. *Id.*

156. *See id.*

157. KING, *supra* note 147.

158. KING, *supra* note 115, at 291.

159. Rev. angel Kyodo williams says that “Radical Dharma is insurgence rooted in love, and all that love of self and others implies.” angel Kyodo williams, *Preface: A Lineage of Insurgence*, in RADICAL DHARMA, *supra* note 16, at xi, xi. Jasmine Syedullah writes that *Radical Dharma* should be used in order to “liv[e] an increasingly more radical dharma—becoming that which we wish to see in the world.” Jasmine Syedullah, *Kaleidoscope: How to Use This Book*, in RADICAL DHARMA, *supra* note 16, at xxxi, xxxi. Lama Rod Owens discusses “remembering when I surrendered to my love of radical thought and action, knowing that queerness, radicalism, and Dharma were all acts of remembering myself as the *beloved* wanting to be free in the world and that it would be my will and hands that the world would become home.” angel Kyodo williams

Owens, and Syedullah are keen and penetrating about the injustices they see in society. They acknowledge how the harms of injustice trigger a range of emotions—anger, sadness, hurt, fear, betrayal and the like.<sup>160</sup>

As activists of color, they reflect how anger can become a more complicated experience. At the same time that activists generally ascribe to a framing rule that justifies expressing anger in response to injustice, activists of color also experience a racialized framing rule that sanctions their anger (i.e., “Don’t be *that* angry Black man.”).<sup>161</sup> Further, that sanctioning comes from both outside and within the social movement. As Owens has commented: “An activist radical community is sometimes the most brutal place to be in.”<sup>162</sup> Along with speaking out about injustice in society at large, activists of color also face the choice of speaking out about injustice within their own movement.

Similar to Dr. King, activists of color working in the radical dharma tradition see a path forward from the seemingly contradictory place of building community by first breaking it down. Activists in the radical dharma tradition choose to forge connection by speaking plainly and clearly about injustice, including how injustices in society at large are replicated within their own activist community.<sup>163</sup> As they describe it, they practice “fierce love.”<sup>164</sup> Like Dr. King’s love in action, radical

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& Rod Owens with Jasmine Syedullah, *Bringing Our Whole Selves: A Theory of Queer Dharma*, in RADICAL DHARMA, at 39, 42.

160. See Jasmine Syedullah, *Radicalizing Dharma Dreams*, in RADICAL DHARMA, *supra* note 16, at 75, 78; angel Kyodo williams & Rod Owens, *Radical Dharma: Liberation*, in RADICAL DHARMA, *supra* note 16 at 155, 157.

161. See, e.g., Rod Owens, *Protest is My Spiritual Practice*, LION’S ROAR (Oct. 8, 2017), <https://www.lionsroar.com/protest-is-my-spiritual-practice/> (describing how his Buddhist faith tradition “has been deeply coopted by a white, middle- and upper-class sensitivity that has distanced dharma from justice”).

162. angel Kyodo williams & Rod Owens, *Radical Dharma: Love*, in RADICAL DHARMA, *supra* note 16, at 137, 141.

163. See angel Kyodo williams, *Introduction: Enter Here Radical Challenge*, in RADICAL DHARMA, *supra* note 16, at xi, xxiv–v.

164. See, e.g., Amelia Diehl, *Lama Rod Owens Brings ‘Fierce Love’ to Beloit College*, ROUND TABLE (Mar. 27, 2017), <http://beloitcollegeroundtable.com/2017/03/27/lama-rod-owens-brings-fierce-love-to-beloit-college/>; Mindful Relationship Summit, *Rev. angel Kyodo williams: Fierce*

dharma commits to the proposition that none in humanity rises until all rise.<sup>165</sup> Like Nussbaum, radical dharma finds anger's payback wish corrosive. As Syedullah describes radical dharma, "[i]t is about fellowship within the fray of friction. We might not all feel the same for the same reasons, but we don't have to."<sup>166</sup>

Radical dharma also posits more overtly than either Nussbaum or Dr. King that seeing and acknowledging difference is the path forward to experiencing interconnectedness.<sup>167</sup> For those who have been subordinated, it can be hard to trust a call to come together, especially to come together with those from privilege. As noted already, social movements are as replete with examples of subordination as is society—male activists trumping women, white women activists trumping women of color, straight activists trumping LGBTQ+, and the like.<sup>168</sup> Those in the radical dharma tradition insist that an essential component of building relationality is to first take an intentional reflective pause to recognize and abide in the hurt and harms that activists themselves have experienced.<sup>169</sup> In other words, in order to build trust, the existing distrust must be visible and accounted for.

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*Love*, AWAKE NETWORK, <https://www.theawakenetwork.com/clips/fierce-love/> (last visited Dec. 18, 2019).

165. Compare Williams, *supra* note 163, at xxv–x (discussing the process that those situated in an oppressing class must undergo to become aware of injustice), with KING, *supra* note 147, at 19–20 (expressing the need for oppressed class members to be patient and compassionate toward those in oppressing classes who do not yet grasp an unjust social structure). Both Rev. Williams and Dr. King argue that the achievement of justice creates a better society for all.

166. Cf. Syedullah, *supra* note 160, at 87–88 (arguing essentially that love in the face of transgression advances justice); NUSSBAUM, *supra* note 14, at 21–22 (arguing that payback inflicted upon others serves no benefit).

167. See Jasmine Syedullah, *The Abolition of Whiteness*, in RADICAL DHARMA, *supra* note 16, at 15, 15–23.

168. See, e.g., Jasper, *Constructing Indignation*, *supra* note 2, at 210–11; Angel Kyodo Williams, *It's Not About Love After All*, in RADICAL DHARMA, *supra* note 16, at 89, 89–104; PETER F. COHEN, LOVE AND ANGER: ESSAYS ON AIDS, ACTIVISM AND POLITICS 36–39 (1998); Michelle Wallace, *A Black Feminist's Search for Sisterhood*, in ALL THE WOMEN ARE WHITE, ALL THE BLACKS ARE MEN, BUT SOME OF US ARE BRAVE 5, 6–7, 9, 11 (Gloria T. Hull, Patricia Bell Scott & Barbara Smith, eds., 1982).

169. Rod Owens, *Remembering Love: An Informal Contemplation on Healing*, in RADICAL DHARMA, *supra* note 16, at 57, 61–69.

The reflective pause also is a way of making concrete the “transition” moment that Nussbaum talks about, and that Dr. King demonstrated in his words.<sup>170</sup> It calls on activists to be forthright about their own payback wishes—both within and without of the movement—and to take time and intention to discern how to move from payback to mutual flourishing. It also reimagines the “re-appropriating” process that Flam identified. Instead of activists reclaiming hot, reflexive anger, activists reclaim calling out injustice.<sup>171</sup> Like “love in action,” radical dharma and fierce love are practices that work to revise current feeling and framing rules about love and anger in social movement work. Importantly, the point of reframing is a larger goal of making social movement work more effective—both in terms of tangible outcomes for the movement and in terms of improving the ability of activists to sustain their capacity and motivation to do the work.

I would suggest as well that activists’ move to love, including its commitment to nonviolent, direct action, is a productive response to the concerns raised by Goodwyn and White about controlled protest.<sup>172</sup> Recall that the concern is that the system created by the privileged elite tolerates just enough soft protest to create a veneer of democratic participation.<sup>173</sup> Further, for the elite, soft protest runs little risk of producing actual change, but it is sufficient to make protesters feel like they did something. The proposition considered by Goodwyn and White is that breaking the cycle of soft protest can *only* happen by ratcheting up what counts as protest, and the ratchet that seems most accessible is anger.<sup>174</sup> Thus, protest needs to become more destructive—turn around the truck carrying replacement workers by throwing rocks and breaking its windows, and the like.

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170. See NUSSBAUM, *supra* note 14, at 31–32.

171. See FLAM, *Emotions’ Map*, *supra* note 2, at 26–28, 34–38.

172. See GOODWYN, *supra* note 81, at x–xiii; WHITE, *supra* note 91, at 1130.

173. See GOODWYN, *supra* note 81, at x–xiii; WHITE, *supra* note 91, at 1072.

174. See GOODWYN, *supra* note 81, at xvii–xix; WHITE, *supra* note 91, at 1072.

Radical dharma and fierce love share the worry about controlled protest, but from radical dharma's perspective, love, not anger, can break the cycle created by the privileged elite's system of soft protest. Rev. angel Kyodo williams notes that as Buddhist teachings have moved to the West, "[m]uch of what is being taught is the acceptance of a 'kinder, gentler suffering' that does not question the unwholesome roots of systemic suffering and the structures that hold it in place."<sup>175</sup> Thus, radical dharma concurs that the cycle of soft protest has to be disrupted, and to do that requires ratcheting up what protest looks like. It demonstrates, however, that fierce love has a powerful capacity to ratchet up, and can do so with a more positive commitment towards building community.<sup>176</sup>

So, what does all this mean for social movement lawyers?

### III. LAWYERS, LOVE, AND ANGER

As I noted at the beginning, lawyers often are important actors in social movement work. Further, lawyers working in social movements often see themselves first and primarily as social movement actors and secondarily as lawyers.<sup>177</sup> In other words, it matters to a social movement lawyer that she believes in her cause, and she wants to show her commitment and loyalty to that cause and to those within the cause.<sup>178</sup> Her lawyering skills are brought into service to the cause, and it can be as important to the lawyer that she do non-lawyering work

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175. williams, *supra* note 163, at xxiii.

176. *See id.* at xxiii–xxiv (“A new Dharma is one that insists we investigate not only the unsatisfactoriness of our own minds but also prepares us for the discomfort of confronting the obscurations of *the society* we are individual expressions of. It recognizes that delusions of systematic oppression *are not solely the domain of the individual.*” (emphasis added)).

177. *See, e.g.,* CAUSE LAWYERS AND SOCIAL MOVEMENTS, *supra* note 1 (illustrating how cause lawyering is essential to the legal profession while it simultaneously threatens the profession by placing a strain upon it); CAUSE LAWYERING: POLITICAL COMMITMENTS AND PROFESSIONAL RESPONSIBILITIES, *supra* note 1 (explaining the demands of social movement lawyers and the strain it can be on one's legal, professional responsibilities).

178. *See* Cantrell, *supra* note 10, at 945.

in service of the movement as it is that she lawyer for the movement.<sup>179</sup>

Social movement lawyers typically eschew the more traditional view of the role of a lawyer—that of a neutral agent who vigorously puts forward a client’s position while maintaining her own “objectivity” towards the client’s position and end goals.<sup>180</sup> For a social movement lawyer, affinity (or love) is the mindset she cultivates towards her work, not neutrality. Further, just like the activists around her, the social movement lawyer can feel negatively about those who oppose the social movement.<sup>181</sup> Thus, the emotion work that a social movement lawyer engages in is not much different than the emotion work of any other social movement activist. And, the social movement lawyer is as prone to oversubscribing to the reflexive, hot forms of emotion as are her activist colleagues.

Thus, the concerns I have already described about activists’ cultivating anger and its payback wish, and miscalculating the effectiveness of that emotion work, are concerns that also can be raised about activist lawyers.<sup>182</sup> One of the interesting features of activist lawyers, though, is that in some settings—

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179. See generally, GERALD P. LOPEZ, *REBELLIOUS LAWYERING: ONE CHICANO’S VISION OF PROGRESSIVE LAW PRACTICE* (1992) (applauding social activist lawyers who fully engage as part of the community on whose behalf they are advocating).

180. There is a robust on ongoing debate amongst scholars who study the legal profession about what is the appropriate role of a lawyer in the legal system. For an overview of the “dominant” and traditional view, see TIM DARE, *THE COUNSEL OF ROGUES?: A DEFENSE OF THE STANDARD CONCEPTION OF THE LAWYER’S ROLE* (2009); ANTHONY T. KRONMAN, *THE LOST LAWYER: FAILING IDEALS OF THE LEGAL PROFESSION* (1993); DANIEL MARKOVITS, *A MODERN LEGAL ETHICS: ADVERSARY ADVOCACY IN A DEMOCRATIC AGE* (2010); Norman W. Spaulding, *Reinterpreting Prof. Identity*, 74 *UNIV. COLO. L. REV.* 1, (2003). For an overview of competing views, see Muneer I. Ahmad, *Interpreting Communities: Lawyering Across Language Difference*, 54 *UCLA L. REV.* 999 (2007); Sameer Ashar, *Pub. Interest Lawyers and Resistance Movements*, 95 *CAL. L. REV.* 1879 (2007); Gary Bellow, *Steady Work: A Practitioner’s Reflections on Pol. Lawyering*, 31 *HARV. C.R.-C.L. L. REV.* 297 (1996); Jennifer Gordon, *We Make the Road by Walking: Immigrant Workers, the Workplace Project, and the Struggle for Soc. Change*, 30 *HARV. C.R.-C.L. L. REV.* 407 (1995); Ascanio Piomelli, *The Challenge of Democratic Lawyering*, 77 *FORDHAM L. REV.* 1383 (2009); William P. Quigley, *Reflections of Community Organizers: Lawyering for Empowerment of Community Orgs.*, 21 *OHIO N.U. L. REV.* 455 (1995); Lucie E. White, *To Learn and Teach: Lessons from Driefontein on Lawyering and Power*, 1988 *WIS. L. REV.* 699 (1988).

181. See Cantrell, *supra* note 10, at 956–60.

182. See *supra* text accompanying notes 94–113.

tribunals—they are the *only* social movement actors who are expected to be in the lead. To the extent that a social movement has a court-based advocacy strategy, like test-case litigation, activists lawyers have the ability to deeply influence how that litigation plays itself out. The lawyers will be the primary drafters of the court pleadings and dispositive motions. If there are court hearings or trials, the lawyers make the opening and important framing remarks, lead any witness examinations, and have the last word in closing.

Further, in other settings like legislative lawmaking and administrative rulemaking, lawyers often have easier and more ready access to decisionmakers than nonlawyers.<sup>183</sup> Those features, again, give activist lawyers increased opportunities to have more influence over developing the social movement's legislative and administrative strategies and presentations. The lawyers likely take the lead in drafting, and they make critical choices about how to weave in other voices, facts, and opinions. If a social movement lawyer overvalues anger as an effective advocacy technique, the lawyer has unique opportunities to bring anger into social movement work.

Additionally, our legal system works on an adversarial model, and that model amplifies the role of anger. The adversary system, with its assumption that the neutral decisionmaker can only reach the best result if both sides present their most ardent cases,<sup>184</sup> encourages a social movement lawyer to use anger. Zealous advocacy becomes hot—the other side is vilified and needs to get paid back for what it has done to “our” side.<sup>185</sup> Social movement lawyers also

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183. See Nick Robinson, *The Decline of the Lawyer-Politician*, 65 *BUFF. L. REV.* 657, 684–96 (2017) (discussing how lawyers have historically monopolized elected positions compared to nonlawyers).

184. See Roger C. Cramton, *Furthering Justice by Improving the Adversary System and Making Lawyers More Accountable*, 70 *FORDHAM L. REV.* 1599, 1601–03 (2002); Sharon Dolovich, *Ethical Lawyering and the Possibility of Integrity*, 70 *FORDHAM L. REV.* 1629, 1633–34 (2002).

185. See, e.g., Todd A. Berger, *Professional Responsibility of the Criminal Defense Lawyer Redux: The New Three Hardest Questions*, 7 *ST. MARY'S J. LEGAL MAL. & ETHICS* 96, 148–51 (2017) (illustrating how a prosecutor may engage in “retaliatory tactics” in response to a criminal defense attorney's advocacy).

may be encouraged by their movement colleagues to step into that hot advocacy. Non-lawyer movement colleagues may have even more of a commitment to a vision of ardent lawyering as “good” lawyering because of their own lay perceptions of the role of the lawyer. A lawyer is supposed to “fight” for her client and is the client’s only “champion” in the hostile courtroom.<sup>186</sup> The lawyer does not back down in the face of the bad actors on the other side. The social movement lawyer may feel even more pressure to act in ways that demonstrate to her non-lawyer activist colleagues just how much she has their backs when she is taking the lead in movement work.

All of the reasons I have already presented to suggest that anger can stymie mutually-beneficial social change apply to social movement lawyers and their advocacy efforts.<sup>187</sup> Further, to the extent that social movement lawyers can at times literally become the voice of the movement in certain settings, they may have particular opportunities to influence movement strategy and choices. If forgoing anger more effectively moves toward social change, it would be helpful to think through whether social movement lawyers have anything that they can call upon to help them resist the move to anger and call forth fierce love.

Interestingly, the process that a person goes through to become a lawyer (especially during law school) is one that typically encourages a person to cultivate some remove from emotions. To “think like a lawyer” is typically understood as approaching one’s work with dispassion.<sup>188</sup> We might hope that the professional formation process for lawyers provides all lawyers, including social movement lawyers, some capacity to avoid practicing hot reflexive emotions as they lawyer. Using the idea of feeling and framing rules, we might expect that

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186. Peter J. Henning, *Lawyers, Truth, and Honesty in Representing Clients*, 20 NOTRE DAME J. L., ETHICS & PUB. POL’Y. 209, 219 (2006).

187. See Flam, *Micromobilizations and Emotions*, *supra* note 5, at 4–5.

188. See Joshua D. Rosenberg, *Interpersonal Dynamics: Helping Lawyers Learn the Skills, and the Importance, of Human Relationships in the Practice of Law*, 58 UNIV. MIAMI L. REV. 1225, 1229 (2004) (describing the negative consequences of “thinking like a lawyer” and the importance of interpersonal skillfulness).

lawyers learn feeling rules that instruct them to maintain a calm and dispassionate demeanor in lawyering settings.

The related framing rule is that lawyers should act dispassionately because the appropriate role of a lawyer is to be the “rational” voice to clients who are caught up in their emotions and who are at risk for behaving irrationally.<sup>189</sup> When the lawyer and client are meeting alone and within the zone of confidentiality, the lawyer is to be a candid advisor who gets the client to see a range of perspectives, both in support and contrary to the client’s proposed course of conduct. The lawyer pulls the client back from the brink of bad decision-making caused by the client’s over-emotionality.

The challenge is that the framing rule of a lawyer as rational actor sits alongside the framing rule of the adversary system, which is that a lawyer must be a zealous advocate.<sup>190</sup> Further, to be zealous requires a lawyer to display emotions, often robustly so.<sup>191</sup> Clients think their lawyers are more persuasive and better lawyers when the lawyer’s oratory soars—when everyone in the room can “feel” the client’s side of the story.<sup>192</sup> Further, when the lawyer is working in a publicly-facing way, the framing rule as zealous advocate dominates the framing rule for a lawyer to be dispassionate and removed. In the end, the professional formation process for lawyers is not much of a buffer from other feeling and framing rules. In social movements, there are *social activist* lawyers, not *social activist lawyers*.<sup>193</sup>

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189. See *id.* at 1226 (claiming lawyers are taught to think rationally to solve clients’ problems, but not taught interpersonal skills).

190. See KRONMAN, *supra* note 180, at 121–22.

191. See *id.* at 146–47.

192. Of course, not all lawyers do work that requires persuasive oratory. Nonetheless, our standard conception of the work of a lawyer most easily defaults to lawyers doing work in court or in front of the public in some way. But see Victoria S. Salzmann & Philip T. Dunwoody, *Prime-Time Lies: Do Portrayals of Lawyers Influence How People Think About the Legal Profession?*, 58 SMU L. REV. 411, 451–52 (2005) (“Our data, however, did not support the . . . presumption that popular culture influences perceptions of laypersons.”).

193. See generally CAUSE LAWYERS AND SOCIAL MOVEMENTS, *supra* note 1 (analyzing the way lawyers interact with social movements based on a review of late twentieth century history).

For social activist lawyers, then, the value of understanding emotion work and the efficacy of emotions is no different than the value that knowledge holds for every other actor in the movement. The impact of that knowledge, however, is critical in those settings in which lawyers predominate. When a lawyer is required to take the lead in a setting, the lawyer has distinct opportunities to affect outcomes. Thus, the social activist lawyer should take care to make sure her lawyering choices benefit the social movement as robustly as possible.

Critically, though, I suggest that the move for social activist lawyers is not the move to the dispassionate, “objective,” and unemotional lawyer privileged by the existing dominant view of the legal profession. In too many ways, that model of lawyering can be experienced by social activist lawyers as a kind of sanctioning. “Good” lawyers, meaning lawyers who are not trying to disrupt the elite power system, are calm and removed. “Good” lawyers control their overemotional clients with rationality that lets the legal system do its job. The system tolerates just enough emotion from a lawyer and her client to preserve the veneer that the legal system effectively functions to challenge the elite power system. As Goodwyn might put it, lawyers are permitted to act in culturally narrow ways that ultimately protect the system.<sup>194</sup>

Additionally, just as sanctioning emotions can be used to punish social activists along identities,<sup>195</sup> social movement lawyers have to navigate similar dynamics. What counts as zealous lawyering by a white, male lawyer can be received as over-aggressive lawyering if done by a lawyer of color or a white woman.<sup>196</sup> Such identity sanctioning can be amplified by

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194. See GOODWYN, *supra* note 81, at xi.

195. See, e.g., Jones & Norwood, *supra* note 77, at 2035–36 (describing an anecdote where a co-author “push[ed] strongly against the status quo” only to be “transformed into the ‘angry black woman’”); *supra* notes 75–77 and accompanying text.

196. See, e.g., Chris Chambers Goodman, *Nevertheless She Persisted: From Mrs. Bradwell to Annalise Keating, Gender Bias in the Courtroom*, 24 WM & MARY J. WOMEN & L. 167, 178–79 (2017) (describing how women attorneys are often seen as more aggressive than their men counterparts).

the dominant view rules about good lawyering as rational and unemotional lawyering.

Social movement lawyers face a similar, yet heightened, challenge as their non-lawyer, activist colleagues—how to call out injustice, reclaim agency over one’s emotional expressions, and do both in ways that move toward a better society. I suggest that social movement lawyers follow the path of their radical dharma colleagues—to act with fierce love.<sup>197</sup> I think the idea of fierce love gives social movement lawyers a way to break out of culturally narrow lawyering while also avoiding the pitfalls of zealous lawyering that are motivated by anger’s payback wish.

To lawyer with fierce love, social movement lawyers must speak and write about the injustices on which they are working in ways that fully capture the experiences of those impacted by the injustice, including the lived facts of the injustice and the emotional valence of its consequences. But fully capturing the injustice does not require a social movement lawyer to vilify others, nor does correcting the injustice require that others be denigrated.

For example, when writing a complaint, a movement lawyer could describe and detail how a plaintiff has personally experienced an injustice and write in a manner that genuinely honors the harms that the plaintiff has experienced.<sup>198</sup> The movement lawyer also could describe and detail a defendant’s unjust conduct in a clear-eyed way. A bad-acting defendant does not get a pass. Fierce love, though, would encourage a social movement lawyer to avoid gratuitous barbs or hyperbole. The end message of the complaint is that correcting the injustice benefits everyone, instead of a frame that focuses only on punishing the defendant for bad conduct. To be clear,

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197. *See supra* notes 164–67 and accompanying text.

198. *See, e.g.*, First Amended Complaint, *Soto v. Bushmaster Firearms Int’l*, 202 A.3d 262 (Conn. 2019) (No. FBT-CV-15-6048103-S) (alleging that Bushmaster Firearms is liable for the deaths of the Sandy Hook Elementary School shooting victims and explaining the plaintiffs’ pain, suffering, and loss in a manner which fairly and genuinely reflects their experience).

correcting an injustice very well may require that power be redistributed, but that redistribution should not come with the extra punch of a payback.<sup>199</sup>

Further, to the extent that the law itself requires a plaintiff to show that a defendant acted badly toward the plaintiff, a social movement lawyer has to help her client meet the legal elements needed to win the case. Fierce love does not change that the law may require that the plaintiff prove that the defendant did a particular kind of bad act to the plaintiff—i.e., the defendant refused to promote the plaintiff at work solely because the plaintiff is a woman. I suggest that the frame of fierce love, not anger, helps a lawyer make a range of lawyering choices that keeps the focus on eradicating injustice and improving everyone's lot instead of on reviling one individual person. In the hypothetical sex discrimination case, if the movement lawyer works from anger and its payback wish, the lawyer may focus so much on how sexist one supervisor is and what a bad person the supervisor is and consequently lose an opportunity to illuminate deeper structural problems at the company.

Social movement lawyers also can continue to step into advocacy in moving and persuasive ways. Soaring oratory can remain important and useful. It must speak to both sides, though, and make clear how the way forward improves the lots of everyone. Think of Dr. King's message that "we are challenged to rise above the narrow confines of our individualistic concerns to the broader concerns of all humanity."<sup>200</sup> For Dr. King, the end point of activism such as boycotts was not to show that lunch counter owners or bus drivers were racist, but to awaken all to the injustice of racism as an institution.<sup>201</sup> As Dr. King said: "[T]he end is reconciliation; the end is redemption; the end is the creation of

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199. See *supra* text accompanying notes 86–89 (discussing populist anger toward powerful groups and the conflicts that arise from such anger in social movements).

200. MARTIN LUTHER KING, JR., *Facing the Challenge of a New Age*, in *A TESTAMENT OF HOPE*, *supra* note 115, at 135, 138.

201. See *id.* at 140.

the beloved community.”<sup>202</sup> To be sure, a social movement lawyer practicing from the frame of fierce love does not suddenly have superhero powers. She still may fail to convince a court or jury or legislature or agency. My hope is that advocating in a way that offers a mutual path forward at least creates the opportunity for the other side to engage—a moment, in Dr. King’s words, to “lift a whole community.”<sup>203</sup>

In addition to the mindful efforts that a social movement lawyer should make in the public arenas in which she represents the movement, I think a social movement lawyer needs to pay equal attention to her efforts internal to the movement. Social movement lawyers are no different than their activist colleagues in experiencing their own group as “us” and experiencing those who disagree as “them.” The emotional experience of that “us/them” discord cements a movement lawyer’s affinity to her group just as much as happens for any other movement activist. Thus, within her own activist group, it could be easy for a lawyer to be unmindful about how she speaks about “them.” It can be easy to slip into emotion shorthand. We can imagine this scenario—a movement lawyer returns to headquarters after a tough argument in a case where the lawyers for the other side pressed as hard for their position as did the social movement lawyer. The movement lawyer is worried the judge will rule against the movement and is frustrated. As she walks into movement headquarters, she says: “I can’t believe what those lawyers for the other side said today in court. I hate them.” In that small moment, the payback wish is reintroduced and validated.

To be very clear, I am not saying that an activist lawyer (or any activist for that matter) needs to be superhuman. In doing her work, the activist lawyer surely will continue to experience a full range of emotions—anger, frustration, elation, worry, hope, joy, and love. The experience of the emotion, though, is separate from the choice about words to use to describe it, and

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202. *Id.*

203. KING, *supra* note 149.

choices about conduct that will follow. It is with those words and actions that an activist lawyer has the opportunity to be mindful.

#### CONCLUSION

Emotions matter in social movement work for all activists, including lawyers. Because emotions matter, it is important for social movement activists to be aware of *how* emotions work. It also is important for social movement activists to intentionally choose *what* emotions to cultivate and deploy in their work. For social movement work, two emotions often dominate—anger and love. Each can motivate, yet each creates a different normative valence for the activist work. At its core, anger is caustic and too often brings about change that requires one group to benefit at the intentional expense of another group. In contrast, at its core, fierce love pushes a group to call out injustice with the goal of pushing through to common ground. As Dr. King reminded us: “Love is the only force capable of transforming an enemy into friend.”<sup>204</sup>

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204. Martin Luther King, Jr., *Famous Quotes*, WASH. STATE UNIV., <https://mlk.wsu.edu/about-dr-king/famous-quotes/> (last visited Dec. 18, 2019).