This course examines law and legal institutions as both political practices and sociolegal processes. We approach law from a multiple disciplinary standpoint, investigating how law, and a range of legal institutions, embody and constitute political, cultural, economic and social forces. We examine the mobilization of rights, the use of litigation and vernacular legal discourse, largely within the context of the United States, but with reference to transnational struggles. In the course of doing so, we study the relationship between the politics of social policy struggles and the use of litigation by social movements. Specifically, we will study litigation strategies at the appellate and trial levels as we focus on the politics of law in three arenas: 1) democracy and the laws of elections; 2) citizenship and racial justice; and 3) post-industrial consumption and the world of toxic torts. What political ideologies are at work in the production of legal disputes, legal ideologies and remedies in these areas? Under what conditions is law an empowering and/or effective political resource for those who mobilize litigation, and what effects do particular forms of legality have on social movements themselves? How is law mobilized to effect political and social change?

You should read all the required materials before class and be prepared to discuss the major issues raised in the material, as well as ask questions about the readings and the lectures. You are also encouraged to read recommended readings, mentioned in the lectures and identified on the course outline below. There is a mid-term examination which is worth 40% of the final grade. The final examination covers the entire course material and is worth 60% of your grade.

Required Books:


[BB] means material is on Blackboard

**Recommended Book:**


**Course Outline**

**I. Law as a Political Process**


Week 2: Scheingold, chapters 3-6

Week 3.5: Scheingold, chapters 7-11; and “Courts: Understanding the Federal Courts,” Administrative Office of the United States. [BB]

**II. Democracy & the Laws of Elections** (weeks 4.5-7)


• “Transcript of the oral arguments before the U.S. Supreme Court on the validity of a decision by Florida’s highest court ordering manual ballot recounts” (2000) [BB]


• Help American Vote Act [BB]

Recommended:

MID-TERM EXAMINATION: Tuesday, October 24th

III. Citizenship and Racial Justice (weeks 8.5-11)


• 13th, 14th and 15th Amendments to the US Constitution [BB]

• Korematsu v. U.S., 323 US 214 (1944) [BB]

• Plessy v. Ferguson, 163 US 537 (1896) [BB]


• Brown v. Board of Education, 347 U.S. 483 (1954) [BB]


Recommended:


• Civil Right Act 1964 [BB]

• Katzenbach v. McClung, 379 U.S. 294 (1964) [BB]
• Swann v. Charlotte-Mecklenburg BD of ED, 402 U.S. 1 (1971) [BB]


• Oklahoma City v. Dowell, 498 U.S. 237 (1991) [BB]

• Gratz v. Bollinger, 539 U.S. 244 (2003) [BB]


IV. Post-Industrial Consumption and the World of Toxic Torts
(weeks 12-13.5)


Recommended:

• “Adbusters: The Media Foundation,” Video and www.adbusters.org

V. The Law in American Politics

• Scheingold, chapter 12

FINAL EXAMINATION: See the College of Arts and Science Final Exam Schedule