Instructor: Jim Malatras, Ph.D.
E-mail: jim.malatras@rockinst.suny.edu
Phone: 518-443-5831
Office Hours: By appointment

COURSE DESCRIPTION

Can people bring societal change by mobilizing the law? Weaving in current issues and popular culture, movies, fiction and non-fiction of specific policies (e.g. marriage equality, workplace discrimination) this course examines formal legal institutions as well as common or everyday use of law or legality to bring social change. First, we will explore what the law is—is it a social contract, power relationships, social control, ways to make a more just society or a combination? Second, we will explore, how individuals mobilize the law to achieve a new right, liberty, or protection. What legal institutions or processes are used and are courts an effective way to make change or end a social injustice?

COURSE REQUIREMENTS & EXPECTATIONS

This course has both reading—of social science literature, court cases, current media, nonfiction legal stories and other timely pieces—as well as writing requirements. In order to fully explore the issues in this class students are expected to complete all of the readings and to attend all of the class sessions. In order to get the most out of the class, you will need to participate in these discussions in an informed manner, and the writing assignments will demand engagement with and analysis of the readings.

GRADING

The allocation of points for your various obligations is as follows:

- Current Issues Briefs: 40 points
- Final Exam: 50 points
- Class Participation: 10 points

Current Issues Briefs
Each class focuses on a specific policy area—reproductive rights, workplace harassment, marriage/family rights—and we will look at a specific case, policy, or example from history to explore law and policy. Students will find a news article on a current event related to the issue from class and write a one-page summary comparing the issue to what we learned from class. There will be a total of eight (8) worth five (5) points each. Students get to choose the weeks/areas.

Take Home Final
There will be a final take home essay exam, no shorter than seven (7) pages and no longer than ten (10). The exam will be given to students at least a week before it is due. More detail on formatting (e.g. Times New Roman, spacing) to follow.
Scoring Range
A 96-100
A- 90-95
B+ 85-89
B 80-84
B- 76-79
C+ 73-75
C 70-72
C- 67-69
D+ 64-66
D 62-63
D- 60-61
E Below 60

POLICIES

Students with disabilities. If you have a documented disability and anticipate needing accommodations in this course, please make arrangements to meet as soon as possible. Please request that Disability Resource Center send a letter verifying your disability.

Extensions for papers. Extensions for papers will only be permitted under compelling circumstances and if the extension is requested in advance (e.g. a giant meteor strikes earth). Any student who does not turn in their paper on time or receive permission to extend the deadline will lose a point each day for every day the paper is late unless the student can provide a University-approved excuse.

Class attendance. There is no requirement that you attend class. However, in order to participate in class and learn and understand the material it is strongly encouraged that you attend.

Re-grading of materials. You may request re-grading of materials. You will be asked to provide a written explanation of why you wish to have the assignment regraded.

Academic Integrity. You are responsible to become familiar with the standards of academic integrity at the university (University’s Standards of Academic Integrity Policy, Fall 2013). Please familiarize yourself with the standards. Specifically, plagiarism is the use of someone else’s words or ideas without giving the original author credit by citing that person. If you use someone else’s language directly, you must use quotation marks. If you rely on another person’s ideas in creating your argument, you must provide a citation even if you are not using that person’s words. If you have any questions about plagiarism, please contact me before you submit the assignment for grading. If you plagiarize or cheat in this class, the BEST outcome you can hope to achieve is a failing grade in addition to any mandatory university sanctions.
REQUIRED READINGS

Books


Articles and other readings

All other readings are available on JSTOR, online, or linked in the syllabus. To access JSTOR go to University Library, then to Database Finder, then the letter “J”, then choose JSTOR.

Supplemental material

Given that we are looking at current issues having to do with the courts, at times I will provide supplemental readings prior to class. Those readings will be available electronically or on Blackboard for free.

Citations

Examples of Correct In-Text Citations: Legal Citations:

On May 20, 1974, the Court of Appeals of Washington (Division One) in Singer v Hara (11 Wn. App. 247 at 264) “concluded that the state's denial of a marriage license to [same sex] appellants is required by our state statutes and permitted by both the state and federal constitutions.” While state courts in Minnesota (in Baker v. Nelson 191 N.W.2d 185), New York (in Anonymous v. Anonymous 67 Misc. 2d 982, and later in Kenney v Kenney 76 Misc 2d 927), and Kentucky (in Jones v. Hallahan 501 S.W.2d 588) had previously issued opinions that denied marriage to lesbian and gay couples, the legal claim in Singer v Hara was the first of the challenges to state policies that prohibited same sex marriage to rely primarily on state constitutional provisions rather than rights associated with the US Constitution.

Academic Citations: (To be accompanied by a reference section at the end of the paper with full references)

As Scheingold (1998, 124) notes “according to some critics of left-activist cause lawyering, legal challenges to the foundations of established authority are counter-productive as well as ineffectual.” ....... Through the use of law, the state protects certain social, political, and economic configurations (Abel 1998) or, in this case, a certain sexual configuration.
SYLLABUS

**August 30**
Introduction

**September 6**
What is the Law? Context and Overview (Note: Start Time is 7:15pm)

*Before Class:*

- *The Hollow Hope* pages 9-36
- Watch: To Kill a Mockingbird

**September 13**
NO CLASS

**September 20**
Law, Rights, and Courts in Democratic Societies: Marriage Equality

*Reading:*


*In Class:*

- The Case Against Eight

**September 27**
A Reflection of Society or a Right’s Maker? Who Judges

*Reading:*

- *The Nine*, pages 13-26

*In Class:*

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**October 4**
Using Courts to Make a Rights Claim: Workplace Harassment

*Reading:*

For Class:
  • North Country

**October 11**
**Legal Mobilization and Movement Building: Pay Equity**

Reading:
  • Rights at Work pages 2-14, 48-91

**In Class:**
  • Made in Dagenham

**October 18**
**How Courts Adjust to Changing Social Norms: Family Rights**

Reading:
  • Friederwitzer v. Friederwitzer, 55 NY2d 89 (1982)

**In Class:**
  • Kramer v. Kramer

**October 25**
**How Much Influence Do Courts Have on Policy? Reproductive Rights**

Readings:
  • The Nine, pages 43-70
  • Hollow Hope, pages 175-200

**In Class:**
  • Oral Arguments for Planned Parenthood v. Casey

**November 1**
**Do Courts Bring Social Justice: The Civil Rights Movement, Race and School Segregation**

Reading:
  • Hollow Hope, pages 42-71

**In Class:**
  • Teach Us All
  • Malcolm Gladwell, Revisionist History Miss Buchanan’s Period of Adjustment

**November 8**
**Courts and Social Justice: Race and Marriage**

Reading:
  • Loving v. Virginia, 388 US 1 (1967)
In Class:

- Loving

**November 15**
When Institutions of Government Collide: When Courts Cast the Final Ballot for President

Reading:
- *The Nine*, pages 166-208

In Class:
- Bush v. Gore: The Endless Election
- Recount

**November 22**
NO CLASS (Holiday)

**November 29:**
When Institutions of Government Collide: Is the President Above the Law?

Reading:

In Class:
- All the Presidents Men
- Oral Argument for *Nixon v. the United States*

**December 6**
Is there Universal Law? What Happens When the Law is “Corrupt”?

Reading:

In Class

- Judgment at Nuremberg

Take home Final Exam due via email by December 12, 2018 at 11:59pm.