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PSCI 382W: Seminar in Law and Politics: Social Movements and the Courts

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PSCI 382W-001. Seminar in Law and Politics: Social Movements and the Courts

Queens College, Fall 2022

Time: Tuesday, 1:40PM-4:30PM

Modality: In-person

Room: Powdermaker 245

Instructor: Antonia Cucchiara

Email: Antonia.Cucchiara@qc.cuny.edu

Online Office Hours: TBA

Course Syllabus

Course Description

This course aims to provide students with an understanding of the relationship between social movements and the courts. Students will engage with questions central to this research area within social movement studies, such as: Why do some movements turn to the law, while others avoid litigation? Can judicial avenues be a facilitating or limiting means to the realization of movement demands? Is the turn to the law an effective strategy in bringing about movement success? Students will evaluate the respective strengths and weaknesses of the debates currently animating this area of scholarly inquiry. Student will apply theory to practice in analyzing the effectiveness of litigation in shaping favorable movement outcomes of a social movement vis-à-vis a research paper.

Course Objectives

1. Students will be able to engage with the questions central to the study of the relationship between social movements and the courts.
2. Students will be able to evaluate the strengths and weaknesses of the competing arguments put forward by scholars in determining the effectiveness of litigation in shaping favorable movement outcomes of a social movement.
3. Students will be able to write a clear and coherent research paper on the role of litigation within a social movement, and evaluate its respective effectiveness in realizing movement outcomes.
4. To promote the ability of students to clearly and coherently present their ideas in verbal and written communication. Students will develop general analytic skills.

Writing Intensive (W) Course

This course is a Writing Intensive (W) course and fulfills one Writing Intensive requirement. W classes include a significant portion of time devoted to writing instruction. This may include things such as revision workshops, discussions of rhetorical strategies, or reflective writing about writing assignments.

Zero Textbook Cost Course

The professor will provide all of the materials and readings for the students at no cost. All of the readings can be accessed at no cost through the Queens College Libraries. In addition, relevant audiovisual material will be watched for selected class sessions.

Course Requirements

Final grades will be determined as follows:

Class participation	10%
Class Assignments	20%
Midterm Exam Essay	10%
Research Paper Proposal	5%
Research Paper Outline	5%
Research Paper	35%
Research Paper Presentation	5%
Final Exam Essay	10%

Class participation

Students are expected to attend each in-person and online synchronous class session, and to be active participants in class discussions by asking questions and providing informed comments. This requires students to complete all the readings before each class. Students are responsible for all assigned readings.

Class Assignments

Students are expected to complete class assignments, inclusive of reading reflections, analyses of texts and/or audiovisual materials, or responses to questions. The purpose of class assignments is to prepare students for the upcoming class discussion and activities. The professor will post class assignments and details of the requirements for the assignment to Blackboard a week before it is due.

Research Paper

Students will submit a research paper. Details of the research paper will be distributed in the semester.

Research Paper Proposal

Students will submit a research paper proposal. Details of the research paper proposal will be distributed in the semester.

Research Paper Outline

Students will submit a research paper outline. Details of the research paper outline will be distributed in the semester.

Research Paper Presentation

Students will present their research paper. Details of the presentation will be distributed in the semester.

Midterm and Final Exam Essay

The midterm and final exam will consist of short answer and essay questions based upon the readings and the in-class discussions.

Course Schedule

Session 1: Introduction to Social Movements and the Courts

Boutcher, S.A., and McCammon, H.J. (2019). Social Movements and Litigation. In D.A. Snow, S.A. Soule, H. Kriesi, & H.J. McCammon (Eds), *The Wiley Blackwell Companion to Social Movements* (2nd ed.) John Wiley & Sons Ltd.
https://cunyqc.primo.exlibrisgroup.com/permalink/01CUNY_QC/1osl74v/cdi_askewsholts_vlebooks_9781119168591

Session 2: Introduction to Research Papers

http://qcpages.qc.cuny.edu/political_science/researching.html

Session 3: Why do movements turn to the law? Part I (Political Process Theory: Legal Opportunity Structures)

DeFazio, G. (2012). Legal Opportunity Structure and Social Movement Strategy in Northern Ireland and Southern United States. *International Journal of Comparative Sociology*. 53(1), 3-22. <https://doi-org.queens.ezproxy.cuny.edu/10.1177/0020715212439311>

Session 4: Why do movements turn to the law? Part II (Resource Mobilization Theory: Cause Lawyers)

Barclay, S. & Chomsky, D. (2014). How do Cause Lawyers Decide When and Where to Litigate on behalf of their cause? *Law & Society Review*, 48(3), 595-620.
<https://doi.org/10.1111/lasr.12093>

Session 5: Why do movements turn to the law? Part III (Cultural Approach: Framing)

****Research Paper Proposal Due****

Vanhala, L. (2009). Disability Rights Activists in the Supreme Court of Canada: Legal Mobilization Theory and Accommodating Social Movements. *Canadian Journal of Political Science / Revue canadienne de science politique*, 42 (4), 981-1002.
<https://doi.org/10.1017/S0008423909990709>

Session 6: Is litigation effective in bringing about favorable movement outcomes? Part I

Hall, M. (2009). The Hollow Hope: Can Courts Bring About Social Change? 2d.ed. *Law & Society Review*, 43(4), 4, 941-943.
<http://queens.ezproxy.cuny.edu:2048/login?url=https://www.jstor.org/stable/40538740>

Session 7: Is litigation effective in bringing about favorable movement outcomes? Part II

NeJaime, D. (2011). Winning through Losing. *Iowa Law Review*, 96(3), 941-1012.
<https://queens.ezproxy.cuny.edu/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=a9h&AN=59242719&site=ehost-live>

Session 8: Is litigation effective in bringing about favorable movement outcomes? Part III

Lutz, E. & Sikkink, K. (2001). The Justice Cascade: The Evolution and Impact of Foreign Human Rights Trials in Latin America. *Chicago Journal of International Law*, 2(1), 1-33.
<http://queens.ezproxy.cuny.edu/login?url=https://www-proquest-com.queens.ezproxy.cuny.edu/scholarly-journals/justice-cascade-evolution-impact-foreign-human/docview/237219007/se-2?accountid=13379>

Session 9: Is litigation effective in bringing about favorable movement outcomes? Part IV

Woodly, D. (2018). The Importance of Public Meaning for Political Persuasion. *Perspectives on Politics*, 16(1), 22-35.
<https://doi-org.queens.ezproxy.cuny.edu/10.1017/S1537592717003127>

Session 10: Midterm Exam

****Research Paper Outline Due****

Session 11: Case Study (Marriage Equality Movement: Part I)

Rosenstein, E. (Director). (2017). The Freedom to Marry [Film]. Argot Pictures. [To be viewed in class.]

Session 12: Case Study (Marriage Equality Movement: Part II)

Rosenstein, E. (Director). (2017). The Freedom to Marry [Film]. Argot Pictures. [To be viewed in class.]

Session 13: Presentations

****Research Paper Presentation Due****

Session 14: Presentations

Session 15: Final Exam