Course Description

2011 has been a year of protests, from the Arab spring to Occupy Wall Street. Indeed, the past three decades have witnessed a proliferation of social movements, organized around a range of interests, identities and issues, within several countries as well as across state boundaries, globally. This intensification of mass action has thrown received paradigms of public policy into crisis, partly because these paradigms were mostly intended to operate in controlled or elite-driven policy environments. Many of these social movements have increasingly, if not always consistently, resorted to law and legal institutions, in their attempt to influence public policy at the local, national and global levels, while many other movements have confronted the State and law and tried to force change outside or against law. Why do some movements resort to the law, and what impact does it have on movements’ goals, strategies and effectiveness? Why do some movements avoid law or even confront them and even when they do so, are they ever free of the shadow of law? Why do some movements resort to the law more and why do some succeed using the law while others don’t? This course will explore the relationship between law, social movements and public policy by asking several questions including: how is public policy generally believed to be made? What is the role of law and legal institutions such as courts and government agencies in that process? Does the formal existence of legal rights matter? How is public policy made and what is the role of social movements in that process? Is social change generated and sustained by law primarily or by social movements? How important is the role of social movements for the generation and implementation of public policy? By asking these and other questions, this course attempts to provide a contextual perspective on how laws and legal institutions can be more effectively used by social movements to influence public policy and thereby address issues of social justice, and how law and legal institutions need to be reworked sometimes to achieve movements’ goals.

After an introduction to theoretical frameworks on social movements, law and public policy, the first half of the course will be devoted to an in-depth examination of the
experience of law and legal institutions in two large democracies with active judiciaries and a history of social movement culture: the US and India. We will look at how social movements organized around issues such as the labor, environment, human rights, gender and poverty/welfare/social justice tried to influence public policy through the law. Do these movements function mostly in a domestic legal terrain? The second half of the course will examine emerging global public policy in several areas including human rights, trade, development and environment and the increasing contestation between social movements and global economic institutions such as the World Trade Organization, the World Bank and the International Monetary Fund, and the role of law in this process. Do these movements engage mostly with international law?

The purpose of this course is to examine the ‘ground’ conditions under which law and legal institutions contribute to social change through their impact on public policy. Through this approach, the course aims to provide students a critical understanding of the range of legal tools and methods used in a variety of public policy settings, and the circumstances under which they sometimes fail or succeed.

Course requirements and grading

This course will meet twice a week and will be structured around lectures/presentations by the instructor and a few visitors. There will be a field-based class project, focusing on Occupy Wall Street and its relationship to law and legal institutions. This course requires active student participation in discussions and therefore the students are expected to read all the assigned readings carefully and prepare to be called upon in class. Late submissions will not be graded.

Undergraduate students may take this course as a HASS course and their grading will be as follows:

- Two short papers (one on the US or India and another on a global movement and their relationship to law and legal institutions) (15 double-spaced pages each) - 50%
- Field based class project – 30%
- Class participation - 20%

Graduate students who take this course need to write a final paper (40 pages max, double spaced) on a research topic that they identify in consultation with the instructor. This topic should relate to a social movement and its relationship to law and legal institutions in a country (India and US can be chosen but need to focus on a movement not covered in class), or at the global level, and must be based on independent research. Late submissions will result in a fail grade.

Graduate grading will be as follows:

- Final paper - 50%;
- Field based class project – 30%
- Class participation - 20%
Attendance is required in all classes and absences without prior notification to the instructor will affect grading since class participation is a critical component of grading. 3 such absences without prior notification will result in an automatic ‘fail’ grade.

**Required readings:**

3. In addition, required materials are posted on the course stellar site.
4. All the other assigned readings are available for free on the web or through VERA or Lexis-Nexis, both available through MIT libraries website (certificate required).

The above books will also be on reserve at the Rotch library.
Part I: Theoretical framework

Class 1: Introduction – 7 February

A general introduction to the course, the main substantive themes and the requirements

Class 2: Social Movements, NGOs and civil society: How are they different? – 9 February


Class 3: Social movements and the state: How do they interact? – 14 February

3. Sidney Tarrow, States and Opportunities: The Political Structuring of Social Movements in Comparative Perspectives on Social Movements (Doug McAdam et al eds., 1996), pp. 41-61.

Class 4: Law, social movements and public policy: changing domestic contexts – 16 February

3. Archon Fung, Democratizing the policy process in The Oxford Handbook of Public Policy (Michael Moran, Martin Rein and Robert E. Goodin eds., 2006)

Recommended:


NO CLASS ON FEBRUARY 21ST – MONDAY SCHEDULE OF CLASSES

Class 5: Law, social movements and public policy: changing global contexts – 23 February


Recommended:


Part II: Domestic and Comparative experience

Class 6: Legal and social change in the US: contesting perspectives – 28 February


Recommended:

Class 7: Environment as an arena of struggle – 1 March


Recommended:

Class 8: Law and American Labor Movement – 6 March

2. Kim Voss, The collapse of a social movement: The interplay of mobilizing structures, framing and political opportunities in the Knights of Labor in Comparative Perspectives on Social Movements (Doug McAdam et al eds., 1996), pp. 227-260.

Recommended:
Class 9: Feminism and women’s movements – 8 March


Recommended:


Class 10: Race, poverty and the struggle for social justice – 13 March

1. Rosenberg, chapters 2, 3, 4 and 5.
2. Frances Fox-Piven and Richard Cloward, Poor Peoples’ Movements, chapter 1 (pp. 1-40) and chapter 3 (pp. 96-180).

Class 11: The conservative movement, policy change and law – 15 March

1. Steven Teles, The Rise of the Conservative Legal Movement (2008), chapter 1 (chapters 5, 6, 7 recommended).

Class 12: Preparation for field-component on Occupy Wall Street – 20 March

Readings TBA

Class 13: Field work report back: 22 March

MARCH 26-30 – SPRING VACATION

NO CLASS ON APRIL 3rd AND 5TH – RESCHEDULED
Class 14: Legal and social change in India: the role of mobilization and activism – 9 April (new day/time)


Class 15: Women’s rights v. Gender Justice – 10 April


Class 16: Caste and the struggle with/through law – 12 April


Recommended:


NO CLASS ON 17TH APRIL – PATRIOT’S DAY VACATION

Class 17: Contesting development: Law and struggle in the Narmada valley – 19 April

Class 18: Human rights, Social Movements and Public Interest Litigation – 24 April


Part III: Law and Global Public Policy from below

Class 19: Beyond the State? Changing contexts for law-making and application at the global level – 26 April


Class 20: The World Commission on dams and the struggle over development – 01 May

Class 21: Setting global environmental and health policy: The case of nuclear weapons – 03 May

1. Legality Of The Threat Or Use Of Nuclear Weapons, Advisory Opinion of 8 July 1996, International Court of Justice (read on line at www.icj-cij.org, go to Decisions, then look at Advisory Opinions) (in particular, the majority judgment and the dissent by Justice Weeramantry).


Class 22: Global economic institutions and resistance from the margins – 08 May


2. O’Brien et al, chapters 2, 4 and 5.


Class 23: The World Trade Organization as a policy machine – 10 May


Class 25: Human rights law as global public policy - 15 May


Class 26: Conclusion and Review class – 17 May

Final Paper Due on 20 May 2012 (12 pm) – to be submitted through stellar