

**American Studies 305/Politics 420: Law and Work**

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**McCosh B12**

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Unless there is an exception, one can be fired from their job for ANY reason, no matter how ridiculous. This course examines the exceptions that exist in the law and the policy explanations for them. The primary focus is on anti-discrimination law with particular emphasis on race, gender, and disability. We will also look at the rise of implied contracts and other forms of work place protections that have developed in the last 100+ years, particularly national labor law and recent developments regarding international sweatshops and immigration rights. Finally, we will discuss more broadly what we want from our jobs and what kind of workplace protections we desire.

Readings: Listed below are about 2/3<sup>rd</sup> of the class readings. An additional 1/3<sup>rd</sup> will come from excerpted court cases available on blackboard.

Assignments: take home midterm (40 %) to be handed out on October 26, and due Friday, October 29 by 4 pm in 130 Corwin Hall. Take home final exam (50 %) due on January 17 by 4 pm in 130 Corwin Hall. Class participation is 10 percent.

September 28: What Do We Want from Being at Work?

--Andrew Ross, *No Collar: The Humane Workplace and its Hidden Cost*

--David Brooks, *Bobos in Paradise*, chapter 3

--Richard B. Freeman, "Do Workers Still Want Unions?"

<http://www.sharedprosperity.org/bp182.html>

October 5: Democracy and the Workplace

--Robert Dahl, *A Preface to Economic Democracy*

--Richard A. Epstein, *Forbidden Grounds: The Case Against Employment*

*Discrimination Laws* (selections)

--Mary Becker, "How Free is Speech at Work?" *UC Davis Law Review* (1996)

--Rafael Gelly and Leonard Bierman, "Social Isolation and American Workers:

Employee Blogging and Legal Reform," *Harvard Journal of Law and Technology*

20, 288 (2007)

October 12-19: Fundamentals of Title VII Law: Race and Sex

--Arlie Hochschild, *The Managed Heart: Commercialization of Human Feeling*

--"Abercrombie and Fitch Bias Case is Settled," *New York Times*

<http://www.nytimes.com/2004/11/17/national/17settle.html>

October 26: Affirmative Action and the 14<sup>th</sup> Amendment

--John D. Skrentny, *The Minority Rights Revolution*, chapters 4 and 9

November 9: American Disability Act

--Anna Kirkland, *Fat Rights: Dilemmas of Difference and Personhood*

November 16: New Frontiers in Title VII Law: Sexuality, and Appearance

--Deborah L. Rhode, *The Beauty Bias: The Injustice of Appearance in Life and Law*, chapters 5-6

November 23: Getting Hurt at Work

--John Witt, *Accidental Republic: Crippled Workingmen, Destitute Widows, and the Remaking of American Law*

November 30: The Labor Movement

--Nelson Lichtenstein, *State of the Unions: A Century of American Labor*

December 7: The Civil Rights Movement

--Risa Goluboff, *Lost Promise of Civil Rights*

December 14: Sweatshops and Immigration Rights

--Ellen Rosen, *Making Sweatshops: The Globalization of the U.S. Apparel Industry*