COURSE DESCRIPTION

This course addresses the relationship between law and society, focusing particularly on this relationship as it affects politics. The main themes of the course include law and identity, law and power, and legal consciousness. Some questions we will consider are the following: how does law constrain individuals and institutions? How does law construct identities, and how do cultural understandings of identity influence the development of law? How does law channel power, and what forms of power manifest themselves through the law? How do ordinary individuals understand law and its significance, and what potential does law have as a tool to transform society?

REQUIREMENTS

First, a caveat: this course will be taught in a seminar format and the workload and expectations will be high. Most students will have done at least some coursework on law. I will expect you to come to each class meeting having done all of the readings thoroughly and carefully. Class attendance and participation will constitute a significant portion of your grade. Students will be expected to attend class and participate in class discussions. You will be expected to keep up with the reading throughout the term.

One set of writing assignments encourages reflections upon the readings. Each student must submit two short response papers during the course of the term. I will provide questions to guide your responses; usually I will have 2-4 options for each week and you will be expected to select and write on one. These papers will be collected and graded during the term and students will have the option of rewriting one of these papers to achieve a higher grade.

Each student will also be expected to give a presentation during the term on a response paper you have written. For the presentation, you will distribute your response paper electronically before the class meeting. You will then spend ten to fifteen minutes presenting and discussing your paper.

The other major writing obligation is to write a somewhat longer argumentative essay in two required drafts. For students interested in a more intense writing experience, I offer a second track that involves writing an independent research paper. You must commit to one track or the other by February 12. Once you have committed to the argumentative essay course, you cannot go back and choose the other track. The course will have a take-home final examination largely drawn from the response paper questions.

The weights of your various obligations are detailed below:
Essay Track | Research Paper Track
---|---
Class participation | 10% | Class participation | 10%
Presentation on the readings | 5% | Presentation on the readings | 5%
Short response I | 5% | Short response I | 5%
Short response II | 5% | Draft research statement | 5%
Draft of essay | 10% | Literature review | 5%
Final essay | 30% | Draft of research paper | 5%
Final exam | 35% | Final research paper | 30%

Papers are due in class at the beginning of class where indicated in the syllabus, except that when you do your presentation, you must distribute your response paper to the class in advance of your presentation.

**POLICIES**

*Students with disabilities.* If you have a documented disability and anticipate needing accommodations in this course, please make arrangements to meet with the professor soon. Please request that Disabilities 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. Any student who does not turn in her or his paper on time and has not contacted the professor in advance will lose a half grade per day for every day the paper is late unless the student can provide a University-approved excuse.

*Class attendance.* You will be expected to attend class. Each student is permitted to miss two days of class per term with no questions asked and no penalties or reductions in his or her class participation grade. Any classes missed beyond those two will be taken into account in determining your class participation grade, regardless of the reason.

*Regrading of materials.* You may request regrading of materials. If you wish to make such a request, contact the professor for a copy of the regrading policy. You will be asked to provide a written explanation of why you wish to have the assignment regraded.

*Plagiarism or cheating.* This one’s simple: don’t do it. Don’t even think about doing it. Plagiarism is the use of someone else’s words or ideas without giving the original author credit by citing him or her. 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 from me, in addition to any mandatory university sanctions. Plagiarism or cheating, even if unintentional, will result in a failing grade for the assignment at the **very minimum**.

**MATERIALS**

You should purchase or borrow the following books for the course. All are available for purchase at Mary Jane’s: Peggy Pascoe, *What Comes Naturally*, Mae Ngai, *Impossible Subjects*,
Sally Merry, Colonizing Hawai‘i, Ruth O’Brien, Crippled Justice, Gerald Rosenberg, The Hollow Hope (second edition), Patricia Ewick and Susan Silbey, The Common Place of Law, and Bill Haltom and Michael McCann, Distorting the Law. The other course materials will be available as a course packet available at Mary Jane’s and in PDF format on the course’s Blackboard site. You will need access to Blackboard to get copies of the syllabus and course assignments.

SYLLABUS

Introduction

January 24
Franz Kafka, The Trial (excerpts)

January 29
Robert Cover, “Violence and the Word”

January 31
Michel Foucault, Discipline and Punish, chapter 1

Law and Identity

February 5
James Clifford, “Identity in Mashpee”

February 7
Ariela Gross, “Of Portuguese Origin”

February 12
Barbara Fields, “Race as Ideology”
DRAFT RESEARCH STATEMENT DUE (RESEARCH TRACK)

February 14
Julie Novkov, “Law, Identity, and American Political Development”

February 19
Peggy Pascoe, What Comes Naturally
RESPONSE PAPER I DUE (ALL STUDENTS)

February 21
Continue discussing Pascoe

February 26
Mae Ngai, Impossible Subjects

February 28
Continue discussing Ngai

March 5
Sally Engel Merry, *Colonizing Hawai‘i*

March 7
Continue discussing Merry

March 12
Ruth O’Brien, *Crippled Justice*

March 14
Continue discussing O’Brien

*Law and Power*
March 26
Robert Cover, *Justice Accused* (excerpts)
Begin viewing *The Amistad*
RESPONSE PAPER II DUE (ALL STUDENTS, UNLESS YOU HAVE SIGNED UP TO PRESENT IN APRIL)

March 28
*United States v. The Amistad*
*The Amistad* (complete viewing and discuss in class)

April 2
Marc Galanter, “Why the ‘Haves’ Come out Ahead”
DRAFTS OF ARGUMENTATIVE ESSAY DUE (ESSAY TRACK)

April 4
Charles Epp, “The Two Motifs of ‘Why the ‘Haves’ Come out Ahead’ and its Heirs”
Richard Lempert, “A Classic at 25”
Marc Galanter, “Farther Along”

April 9
Gerald Rosenberg, *The Hollow Hope* (second edition)
DRAFTS OF RESEARCH PAPERS DUE (RESEARCH PAPER TRACK)

April 11
Continue discussing Rosenberg

*Law, Culture, and Society*

April 16
Neal Devins, “Judicial Matters” (review of *The Hollow Hope*, first edition)
Michael McCann, “Causal versus Constitutive Explanations”
April 18
Michael Klarman, “Brown and Lawrence (and Goodridge)”

April 23
Patricia Ewick and Susan Silbey, The Common Place of Law

April 25
Continue discussing Ewick and Silbey

April 30
George Lovell, “Justice Excused”

May 2
William Haltom and Michael McCann, Distorting the Law

May 7
Continue discussing Haltom and McCann

ALL FINAL PAPERS DUE
TAKE HOME FINAL EXAMINATION DUE MAY 16