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. Note that while the undergraduates will be asked to focus on particular chapters in the books we read, graduate students should read the entire books.

The main writing assignment for the course is to write a series of response papers. Each student must complete response papers during eight weeks of the term. I will provide questions to guide your responses; usually I will have 3-4 options and you will be expected to select and write on one of these. These papers will be collected and graded once early in the term, but the bulk of the grade will be based on the final versions students submit at the end of the term.

Each graduate student will also be expected to do one presentation during the term and to facilitate a class session. For the presentation and class facilitation, you will distribute your response paper before the class meeting. You will then spend ten to fifteen minutes presenting and discussing your paper. Your paper should raise questions that you can use to spark discussion for the class session.

The major writing obligation for graduate students has two tracks. One track involves doing two mock comprehensive exams during the term, one in the first half of the term and one at the end. The second track involves writing an independent research paper. You must commit to one track or the other by the day that the first mock comp exam is distributed. Once you have
committed to one track, you cannot go back and choose the other track. All written work must be submitted by the final deadline for evaluation.

The weights of your various obligations are detailed below:

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<th>Comp Track</th>
<th>Research Paper Track</th>
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Papers are due in class at the beginning of class where indicated in the syllabus.

**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”

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

**DRAFT RESEARCH STATEMENT DUE (RESEARCH TRACK)**

February 19  
Peggy Pascoe, *What Comes Naturally*

February 21  
Continue discussing Pascoe

February 26  
Mae Ngai, *Impossible Subjects*

**JOURNAL ENTRIES ROUND ONE DUE**
February 28
Continue discussing Ngai

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

March 7
Continue discussing Merry
MOCK COMP ONE DISTRIBUTED

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*

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”

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)
DRAFT RESEARCH PAPER DUE

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 JOURNALS DUE
MOCK COMP TWO DISTRIBUTED

ALL FINAL PAPERS AND MOCK COMPS DUE MAY 16