

**RPOS 437
LAW AND SOCIETY
Fall 2015**

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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 power, law and identity, 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, bring their materials, and participate in class discussions; the quality of the class depends upon your personal investment. 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 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. We will establish a presentation schedule early in the term; presentations must be made on the day you have chosen and cannot be done at a later time.

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 September 22. 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:

<u>Essay Track</u>		<u>Research Paper Track</u>	
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%	Short response II	5%
Draft of essay	10%	Literature review	5%
Final essay	30%	Draft of research paper	5%
Final exam	35%	Final research paper	30%
		Final exam	35%

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 the day before 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: Gerald Rosenberg, *The Hollow Hope* (second edition), Peggy Pascoe, *What Comes Naturally*, Margot Canaday, *The Straight State*, Ruth O'Brien, *Crippled Justice*, Charles Epp, *Pulled Over*, Patricia Ewick and Susan Silbey, *The Common Place of Law*, Stephen Teles, *The Rise of the Conservative Legal Movement*, and Bill Haltom and Michael McCann, *Distorting the Law*. The other course materials will be available 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

August 27
Franz Kafka, *The Trial* (excerpts)

September 1
Robert Cover, "Violence and the Word"

September 3
NO CLASS MEETING
Michel Foucault, *Discipline and Punish*, chapter 1

Law and Power

September 8
Robert Cover, *Justice Accused* (excerpts)

September 10
Marc Galanter, "Why the 'Haves' Come out Ahead"

September 15
NO CLASS MEETING

September 17
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"

September 22
Gerald Rosenberg, *The Hollow Hope* (second edition)
DRAFT RESEARCH STATEMENT DUE (RESEARCH TRACK) Note: evaluated but not graded

September 24
NO CLASS MEETING

September 29
Continue discussing Rosenberg
RESPONSE PAPER I DUE (ALL STUDENTS)

October 1
Michael McCann, *Rights at Work*

October 6
Continue discussing McCann

October 8
Obergefell v. Hodges
Glossip v. Gross

Law and Identity

October 13
Barbara Fields, “Race as Ideology”

October 15
Ariela Gross, “Of Portuguese Origin”
James Clifford, “Identity in Mashpee”

October 20
Peggy Pascoe, *What Comes Naturally*

October 22
Continue discussing Pascoe
LITERATURE REVIEW DUE (RESEARCH PAPER TRACK)

October 27
Margot Canaday, *The Straight State*
RESPONSE PAPER II DUE (ALL STUDENTS, UNLESS YOU HAVE SIGNED UP TO
PRESENT IN NOVEMBER OR DECEMBER)

October 29
Continue discussing Canaday

November 3
Ruth O’Brien, *Crippled Justice*

November 5
Continue discussing O’Brien
DRAFTS OF ARGUMENTATIVE ESSAY DUE (ESSAY TRACK)

November 10

Charles Epp, *Pulled Over: How Police Stops Define Race and Citizenship*

November 12

Continue discussing Epp

DRAFTS OF RESEARCH PAPERS DUE (RESEARCH PAPER TRACK)

Legal Mobilization, Culture, and Society

November 17

Patricia Ewick and Susan Silbey, *The Common Place of Law*

November 19

Continue discussing Ewick and Silbey

November 24

Stephen Teles, *The Rise of the Conservative Legal Movement*

December 1

Continue discussing Teles

December 3

William Haltom and Michael McCann, *Distorting the Law*

December 8

Continue discussing Haltom and McCann

ALL FINAL PAPERS DUE (BOTH TRACKS), take home final exam distributed

TAKE HOME FINAL EXAMINATION DUE FRIDAY DECEMBER 18 AT 12:30 PM. No extensions, no exceptions!