

RPOS 537
LAW AND SOCIETY

Professor: Julie Novkov
E-mail: jnovkov@albany.edu

Downtown Office:	Milne 106A	Uptown Office:	16 Humanities
Downtown Office Phone:	442-5256	Uptown Office Phone:	442-3112
Downtown Office Hours	by appointment	Uptown Office Hours:	M 9-12

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, 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. 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. We will also schedule some additional sessions at our mutual convenience for more in-depth conversations.

You are expected 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. You may rewrite any response paper at any time before 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:

<u>Comp Track</u>		<u>Research Paper Track</u>	
Class participation	10%	Class participation	10%
Presentation/class facilitation	10%	Presentation/class facilitation	10%
Response paper I	5%	Response paper I	5%
Mock Comp One	10%	Draft research statement	5%
Mock Comp Two	30%	Draft of research paper	5%
Final response papers	35%	Final research paper	30%
		Final response papers	35%

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: 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)

September 24
NO CLASS MEETING

September 29
Continue discussing Rosenberg
RESPONSE PAPER I DUE IF NOT YET SUBMITTED (ALL STUDENTS)

October 1
Michael McCann, *Rights at Work*

October 6
Continue discussing McCann
MOCK COMP I DISTRIBUTED

October 8
Obergefell v. Hodges
Glossip v. Gross

Law and Identity

October 13
Barbara Fields, “Race as Ideology”
MOCK COMP I DUE

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

October 20
Peggy Pascoe, *What Comes Naturally*

October 22
Continue discussing Pascoe

October 27
Margot Canaday, *The Straight State*

October 29
Continue discussing Canaday

November 3
Ruth O’Brien, *Crippled Justice*

November 5
Continue discussing O’Brien

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
MOCK COMP II DISTRIBUTED

December 3
William Haltom and Michael McCann, *Distorting the Law*

December 8
Continue discussing Haltom and McCann
MOCK COMP II DUE

ALL FINAL RESEARCH PAPERS DUE DECEMBER 11 AT 12:30 PM.

FINAL SET OF RESPONSE PAPERS DUE FRIDAY DECEMBER 18 AT 12:30 PM. No extensions, no exceptions!