



**PSCI 211**  
**Law, Politics, and Society**  
**Spring 2015**  
**Professor Jinee Lokaneeta**

Email: [jlokaneeta@drew.edu](mailto:jlokaneeta@drew.edu)

Office Hours: Tuesday 1-3 pm & Thursday 3:15-3:45 pm and by appointment

Office: Smith House 202

Phone no: 973 408 3430 (email preferred)

The pervasiveness of law in everyday lives is best reflected in the popularity of “Law and Order,” “CSI,” John Grisham’s novels, celebrity trials, and the debates on outcomes of legal cases, and nominations and retirements of justices. This course starts off with those familiar images and creates a perspective on the relationship between law, politics, and society.

There are four main sections of the course. The first part deals with the philosophy of law. What is law? What is the source of legitimacy of law? Is it just a set of rules? Are there principles of justice involved? What is the relationship of law to different sections of society? We study the major schools of jurisprudence and debates associated with them.

The second section will be on legal institutions. We will familiarize ourselves with the nuts and bolts of the U.S. legal system and its different actors: courts, judges, lawyers, and juries; their structures and their functioning; and debates associated with them. An important part of this section is the ways in which the institutions themselves are constituted by people’s experiences and need to be understood in that context.

The third section will focus on certain key issues and debates that have pervaded the legal lives of the U.S. We will focus on the due process rights during routine and extraordinary contexts, and the legal discussions on race, gender, citizenship, culture, and immigration.

In the final section, we study some international aspects of law. In particular, we focus on the relationship between law and justice emerging from different contexts. It is important to note that while this is a Political Science course, it also introduces you to a more interdisciplinary legal studies perspective.

**Student Learning Outcomes:**

- Students should be able to explain the different approaches to the study of law
- Students should understand the philosophical foundations of law
- Students should be able to explain the structure and functioning of legal institutions

- Students should be able to note the ways in which legal institutions and processes constitute and are constituted by politics, culture and society.
- Students should recognize the relationship between law, justice, and society in US, and global contexts.

### **Course Requirements**

Short Paper (3 pages)	15 %
Mid Term	25 %
Research Paper (6 pages)	20 %
Final Exam	25 %
Attendance and Participation	15 %

### **General Course Policies**

- Please arrive on time. Turn off your cell phones and other electronic devices before coming to the class.
- Reading unrelated material, surfing the net, and listening to music is not acceptable during the class time.
- Finish the readings for the week before you come to the class. Lectures will not necessarily discuss each reading. They are complementary to the readings. Please keep up with the readings throughout the semester because you will not be able to catch up later.
- Please make sure you get the class notes and handouts if you missed a class.
- Handouts will be given through the course of the semester describing the paper requirements.
- Please stop by during office hours and let me know if you have difficulties with any of the readings or in researching and writing the papers.
- I reserve the right to make changes in the syllabus

### **Participation Grade**

- Participation grade is dependent on your active participation in class. Only attendance is not enough. The success of the class depends on your enthusiasm to participate, discuss and argue.

### **Guidelines about the Papers**

- Papers should be type written, double spaced with a 12 point font preferably Times New Roman.
- Any source that you use has to be cited including online sources. Citations should be in an acceptable format. You can choose a standard format such as MLA or Chicago style but it should be followed in a systematic manner. We will discuss this in class but ask me if you have any questions.
- There are strict penalties for late or missed assignments. Exceptions will be made only if there are documented medical or family emergencies. The late policy is that 1/3<sup>rd</sup> grade will be deducted for each full day. No papers will be accepted one week after the due date.

**\*All requirements have to be fulfilled to receive a grade for the course.\***

## **Academic Integrity**

All students are required to uphold the highest academic standards. Any case of academic dishonesty will be dealt with according to the guidelines and procedures outlined in Drew University's "Standards of Academic Integrity: Guidelines and Procedures." A copy of this document can be accessed on the CLA Dean's U-KNOW space by clicking on "Academic Integrity Standards."

**Academic accommodations:** Should you require academic accommodations, you must file a request with the Office of Disability Services (BC 119, extension 3962). It is your responsibility to self-identify with the Office of Disability Services <http://www.drew.edu/academicservices/disabilityservices/register>. There are no retroactive accommodations. Students whose accommodations have been approved by the Office of Disability Services are encouraged to request Letters of Accommodation by 2/13/15. Accommodations letters should be submitted to instructors as early in the semester as possible and faculty should be provided with the appropriate documentation from the Office of Disability Services at least one week prior to any request for specific course accommodations.

## **Required Texts**

All the Readings mentioned in the syllabus are available in two readers available at Smith House. Each student is required to buy the readers and bring them to class when requested.

Amy Bach. *Ordinary Injustice: How America Hold Court*. Picador, 2010.

## **January 27: Introductions**

### **JURISPRUDENCE**

#### **January 29 and February 3**

*The Queen v. Dudley and Stephens*, L.R. 14 Q.B.D. 273 (1884).

David M. Adams. *Philosophical Problems in the Law*. Belmont: Wadsworth, 2005, Selections.

patricia ewick & susan silbey. *the common place of law: stories from everyday life*. Chicago: Chicago University Press, 1998, Selections.

#### **February 5**

### **LEGAL INSTITUTIONS**

#### **Structure of the U.S. Courts**

David W. Neubauer and Stephen S. Meinhold. *Judicial Process: Law, Courts, and Politics in the United States*, Federal Courts.

#### **February 10 and February 12**

#### **Lawyers and Juries**

Lynn Mather. "Bringing the Lawyers Back." In *Exploring Judicial Politics*. Edited by Mark C. Miller, 48-63. New York: Oxford University Press, 2009.

*Batson v. Kentucky*, 476 U.S. 79 (1986), Powell opinion.

Charles Lawrence III. "The Id, the Ego, and Equal Protection Reckoning with Unconscious Racism." In *Before the Law* edited by John J. Bonsignore et al., 428-431. Boston: Houghton Mifflin Company, 2002.

Robert G. Boatright. "The Politics of Jury reform." In *Exploring Judicial Politics*. Edited by Mark C. Miller, 64-82. New York: Oxford University Press, 2009.  
(Start reading Amy Bach)

### **February 17**

\*Discussion on **Twelve Angry Men**\*

### **February 19**

\*Discussion on Amy Bach. *Ordinary Justice. How America Holds Court.*\*

### **February 24th and February 26**

#### **Law, Society and Culture**

William Felstiner, Richard Abel and Austin Sarat. "The Emergence and Transformation of Disputes: Naming, Blaming, Claiming ...," *Law and Society Review* 15(3-4): 631-654, 1980-1.

David M. Engel. "The Oven Bird's Song: Insiders, Outsiders, and Personal Injuries in an American Community." *Law & Society Review* 18 (4): 551-582, 1984.

Clifford Geertz. "Deep Play: Notes on the Balinese Cockfight"  
Reprinted from *The Interpretation of Cultures*, 1972.

\*First Paper due on February 24 in class\*

### **LAW'S LIFE**

#### **March 3 and March 5**

#### **Law Enforcement during Routine Times: Due Process Rights**

*Chavez v. Martinez*, 538 U.S. 760 (2003).

Richard Leo. "Miranda's Revenge: Police Interrogation as a Confidence Game." *Law & Society Review* 30: 259-288, 1996.

Peter Brooks. "The Confessional Imagination." In *Troubling Confessions: Speaking Guilt in Law and Literature*. Chicago: The University of Chicago Press, 2000.

### **March 17**

#### **Issues of Contention during "Emergencies" I: Torture**

Jinee Lokaneeta. "A Rose by Another Name: Legal Definitions, Sanitized Terms, and Imagery of Torture in 24." *Law, Culture and the Humanities* 6 (2), 1-29, 2010.

Henry Shue. Torture in Dreamland: Disposing of the Ticking Bomb Scenario. *Case Western Reserve Journal of International Law* (2006).

### **March 19: Mid Term**

#### **March 24th**

#### **Issues of Contention during "Emergencies" II: Detention and Surveillance**

*Hamdi v. Rumsfeld*, 542 U.S. 507 (2004).

David Cole. "Reviving the Nixon Doctrine: NSA Spying, the Commander-in-Chief, and Executive Power in the War on Terror." 13 *Washington and Lee Journal of Civil Rights and Social Justice* 13 (2006): 17-40.

#### **March 26 and March 31**

#### **Citizenship and Rights in times of War**

*Korematsu v. United States*, 323 U.S. 214 (1944).

**Film:** *Unfinished Business*

#### **April 2**

#### **Race, Education and the Law**

Cheryl I. Harris & Devon W. Carbado. "Race, Education and the Law: The New Racial Preferences." *California Law Review* 96, 2008.

#### **April 7 and April 9**

#### **Race and Law**

Vesla M. Weaver. "Black Citizenship and Summary Punishment: A brief history to the present." *Theory and Event* 17 (3), Supplement, 2014.

Columbia Law Schools Professor Fact Sheet on Juries. By Professors Jeffrey Fagan and Bernard E. Harcourt, November 2014.

Ta Nehasi Coates. "The Case for Reparations." *The Atlantic*, June 2014.

<http://www.theatlantic.com/features/archive/2014/05/the-case-for-reparations/361631/>

#### **April 14 and April 16**

#### **Gender and Law**

Catherine MacKinnon. "Difference and Dominance: On Sex Discrimination." In *Feminism Unmodified*, MacKinnon. Cambridge, Massachusetts: Harvard University Press, 1987.

Paulette Caldwell. "A Hair Piece: Perspectives on the Intersection of Race and Gender." *Duke Law Journal* 40 (2): 365-396. 1991.

## **INTERNATIONAL LAW**

### **April 21**

Valerie Epps. *International Law*. Durham, NC: Carolina Academic Press, 2001, Introduction.

*Hamdan v. Rumsfeld* 548 U.S. 557 (2006)

### **April 23 and April 28**

#### **Law and Justice**

Martin Luther King Jr. "Letter from the Birmingham City Jail." 1963.

Eve Darian-Smith. "Nuremberg's Legacy." In *Religion, Race, Rights: Landmarks in the History of Modern Anglo-American Law*. Oxford and Portland, OR: Hart Publishing, 2010.

### **April 30**

#### **Review and Discussion**

\*Final Paper Due in class on April 30\*