

# Introduction to Legal Studies

Spring 2007

## Discussion Questions for Thursday, March 1<sup>st</sup> *How does law shape our behavior?*

*"I always feel like somebody's watchin' me... and I have no privacy."*

*- Rockwell (with Michael Jackson)*

On Thursday we will continue our discussion about the techniques legal institutions and actors employ to shape behavior. We will look at this question from two different angles, but both involve situations where people avoid illegal and legal behavior as a result of these techniques (think about the fact, for instance, that many people slow down when they see a police car even though they are driving within the speed limit).

The Court's 1991 opinion in *Florida v. Bostick* is likely unknown to all of you. It involves an extended discussion of a Constitutional right: the right to be free of "unreasonable searches and seizures" guaranteed in the Fourth Amendment. But we will be looking at it to understand the factors that influence the exercise of individual rights. Jeffrey Rosen's article is more recent and looks at the effectiveness and influence of surveillance from the perspective of a post-9/11 world.

1. The Fourth Amendment states, "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated." How did the Supreme Court interpret those words in the *Bostick* case? What was Mr. Bostick's right? How could he use it?
2. Imagine you are in a situation similar to that of Mr. Bostick (including the fact that you have illegal substances in your bag). What factors influence your decision to consent or not consent to the police search of your baggage? Should these factors make a difference in determining whether or not your Fourth Amendment rights were violated? Why or why not?
3. What constitutes "surveillance"? What are different ways in which our behavior is monitored? Do some types of surveillance have a greater impact on your behavior than others? Why?
4. According to the evidence presented in Rosen's article, how does surveillance influence people's behavior?
5. Assuming that surveillance makes us safer, what impact does it have on our daily lives? Is that impact worth any costs? What proof would you demand to know whether or not it is effective?