Lyrics and the Law
Legal Studies 391L
Spring 2007
When modes of music change, the fundamental laws of the State always change with them.

- Plato (428 BC – 348 BC)

Sometimes I can dig instrumental music. But lyrics important. The whole thing complete is the important thing. People who listen to the music and don’t listen to the words soon start listening to the words. As long as ya want to listen, ya hear the words even if ya don’t understand everything.

- Bob Marley (1945 – 1981)

Music can be designed to bring about change in society. Pop music may have a message of joy that allows one to forget about their worries; folk music may be professing a change within the political structure; jazz music can speak without words to the past and present inequities; blues tells the tale of what it is like to struggle; and reggae music attempts to expose the inequalities in society by chanting metaphors of politics and religion. All music changes society and it is these changes that this course wants to explore.

As society changes, so often does the law. The relationship between law and society is one that involves numerous variables, and this course wants to focus on one: music. By studying legal theories, aspects of the U.S. Constitution, and specific legal actors, one will be able to connect the music to everyday aspects of the law. Once the theories are explored, lyrics of specific songs will be used to demonstrate the role that musical artists play as political and legal philosophers.

While this course dissects lyrics, it is not designed to simply draw the connections from lyrics to theories. More importantly, we want to study whether the artists are penetrating society enough with their music and whether the theories behind that music affect change within law and society.
REQUIREMENTS AND GRADING

(1) First assignment – 20%
Consists of a 5-7 page paper. Topic question(s) will be distributed.
(2) Second assignment – 25%
Consists of a 5-7 page paper. Topic question(s) will be distributed.
(3) Final assignment – 40%
Consists of a 10-15 page paper. Topic will be either research/term paper style or distributed question(s).
(4) Attendance/participation – 15%
There is no substitute for attending class. If you need to miss class, inform me in advance or shortly thereafter. Attending class, taking copious notes, and keeping up with the reading and assignments is imperative. There are no short cuts, so do the work. Class discussions will be the cornerstone of this course. If you are not prepared to speak, get prepared. If you are shy, this will be the time to become more vocal. If you are talkative, this may be the time to listen and learn from others as well. NOTE: If it appears that the class is not keeping up with the assigned reading, pop-quizzes will be administered and factored into the participation grade.

READING REQUIREMENTS

Available at Food for Thought Books, 106 N. Pleasant Street, Amherst.

Readings available through the library using E-Reserve

Online readings available at [www.umass.edu/legal/Lorenz](http://www.umass.edu/legal/Lorenz)

ACADEMIC HONESTY

Academic dishonesty in any form will not be tolerated. This means that plagiarism of any kind will be met with a swift and decisive punishment. If you are unaware of the University policy on plagiarism, you should review it. If you are unaware what entails plagiarism, you should speak with me immediately. Do not devalue your education or the reputation of the University by caving to the pressure of stress, time, family, or other issues that may arise. It should be made clear to you that anyone caught plagiarizing in this course will have their materials forwarded to the Ombuds Office and I will vigorously push for expulsion from the University.
COURSE SCHEDULE

NOTE: Reading assignments are to be completed BY that class. All reading is subject to change. Awareness of any changes is the responsibility of the student. All assigned songs are to be read and/or listened to prior to class.

January 30: Introduction
Read syllabus

February 1: Law and Justice
PART 1: JUSTICE
Justice: This section is designed as a beginning foundation for the course. Here, we will discuss the abstract concepts of justice and try to narrow our definitions of what is just. This section is imperative because it will be used as the class progresses to discuss deeper issues within the concept of justice. Justice will be looked at from the perspective of both amnesty and truth.
Howard Zinn: 367-402
“We Shall Overcome” – Various Artists
This song will serve as an introduction into the concept of connecting music and the law. It will act as the conduit for you to relate the words of the artists to the struggles that they may be addressing. Its use in both the days of slavery of the 19th century as well as the days of the civil rights struggle should help initiate you into the effect that music can have on culture. Once that is established, the legal themes will be introduced.
Michael Dorris: 76-81 (to be distributed)
“Equal Rights” – Peter Tosh
“No Justice” – Jimmy Cliff
“More Justice” – Damian “Jr. Gong” Marley

February 6: Amnesty
PART 1A: AMNESTY
Amnesty: This section begins the course. It is here that the author’s will introduce justice, in terms of truth vs. justice, as well as punishment. Truth and reconciliation scholarship will be used because it asks the questions about what makes something right or wrong; just or unjust. The music will then tie in the question of peace vs. justice. Is it better to have peace or justice? Can you have peace without justice? Is the goal of the law to bring peace? Justice? Either or?
Fred Feldman: (available online)
Eric Blumenson: 801-874
“We Got To Have Peace” – Curtis Mayfield

PART 1B: TRUTH
Truth: This subsection asks what role truth plays in both the traditional and non-traditional legal systems. Truth and Reconciliation Commissions (TRCs) will be a focal point of this section. Here we are continuing to establish what justice is and what role the legal system purports to strive for.
Anne Orford: 851-883
“People’s Court I & II” – Mutabaruka
“Here Comes the Judge” – Peter Tosh
“Right to Live” – Big Mountain

February 8: Truth and The Role of Music
Martha Minow: 235-260
Luther A. Richman: 13
Philip V. Bohlman: 411-436
“Freedom is in the Trying” – Wynton Marsalis
“Ku Klux Klan” – Steel Pulse
“Justice” – Ziggy Marley and the Melody Makers
“Jah Music” – The Meditations
February 13: Jurisprudential Schools of Thought

**PART 2: JURISPRUDENTIAL SCHOOLS OF THOUGHT**

**Jurisprudential Schools of Thought:** Now that we have established a general understanding of justice, we will attempt to look at justice through classic legal theory. Jurisprudence, the philosophy of law, allows us to view terms of justice from varied schools of thought: Natural Law, Legal Positivism, and Legal Realism.

**PART 2A: NATURAL LAW**

**Natural Law:** We begin with Natural Law which argues that morality, religion, and human conscience are the most integral parts of law. We want to continue to think about justice in this section.

Robert P. George: 175-186

“Evil” – Stevie Wonder

“Wild Goose Chase” – Steel Pulse

**February 15: Legal Positivism - ASSIGNMENT #1 QUESTIONS DISTRIBUTED**

**PART 2B: LEGAL POSITIVISM**

**Legal Positivism:** Legal Positivists argue that law is derived from rules enacted by government or government entities. Again, we want to ask if justice plays a role for a legal positivist.

John Gardner: 199-227

Federalist 84: (available online)

“Legalize It” – Peter Tosh

“Still Rest on My Heart” – Culture

“Redemption Song” – Bob Marley & The Wailers

**February 20: Legal Realism**

**PART 2C: LEGAL REALISM**

**Legal Realism:** The final jurisprudential school of thought for this section involves the notion that judges and personal biases are the most prevalent aspects of shaping the law.

Michael Steven Green: 1915-2000

John Brigham: 1165-1199

Fred Rodell: 290-294 (to be distributed)

“Biko’s Kindred Lament” – Steel Pulse

“Free Mumia” – The Heartical Crew

“Oh My God” – Michael Franti and Spearhead

**February 22: Constitutive Theory**

**PART 3: CONSTITUTIVE THEORY**

**Constitutive Theory:** Now that we have established both abstract ideas of justice and how differing legal philosophies view justice, it is now time to critique those issues. Constitutive theory entails the idea that if human beings collectively constitute justice systems, the question becomes: is law all around us? If we establish law’s role to provide justice, yet the justice system has failed, what are the musicians responding to? Are they creating law themselves?

John Brigham: 1-27

John Brigham: 421-461

“Shackles” – Sister Carol

“Rock the Nation” – Michael Franti and Spearhead

“War and Crime” – Lucky Dube

**February 27: Constitutive Theory**

Naomi Mezey: 35-67

Naomi Mezey: 145-166

“Sonny’s Lettah” – Linton Kwesi Johnson

“Mystery of Iniquity” – Lauryn Hill

“Music Gonna Teach” – Bob Marley and The Wailers
March 1: Race - ASSIGNMENT #1 DUE AT BEGINNING OF CLASS

PART 4: RACE

Race: This section divides race into two categories of study: affirmative action and critical race theory. Race remains the most widely discussed issue in societal discourse and thus, an important legal theme.

- Michael Eric Dyson: 109-149
- A. Leon Higginbotham, Jr.: 1005-1028
- “Pride” – Foundation

March 6: Affirmative Action

PART 4A: AFFIRMATIVE ACTION

Affirmative Action: This section is designed to further the discussion on affirmative action that many of you may have already had in other courses. However, here we will look at the use of music as an interpretive device in the legal debates that surround affirmative action. We will focus more on the “radical” interpretations of affirmative action through music.

- Cornel West: 495-498; 91-100 (to be distributed)
- Rachel F. Moran: 201-243
- “Babylon System” – Bob Marley & The Wailers
- “Mi Legal” – Third World

March 8: Critical Race Theory

PART 4B: CRITICAL RACE THEORY

Critical Race Theory: This section is designed to delve into the question of race from a narrative point of view that asks whether race could exist without the law. You will look at the effects of precedent cases like Dred Scott, Plessy v. Ferguson, and Brown v. Board of Education, as well as others that use vernacular that has become part of society. Here, the music will exemplify the classic interpretation associated with movements (Black Panthers, etc.) as well as the music that asks us how we can define race with equal terms and maintain culture and tradition.

- Charles Lawrence: 1-7 (to be distributed)
- Cynthia Grant Bowman et al: 27-70
- “Black Man” – Stevie Wonder
- “One” – U2

March 13: Critical Race Theory - ASSIGNMENT #2 QUESTIONS DISTRIBUTED

- Neil Gotanda: 257-275
- Dred Scott v. Sandford (1857) 60 U.S. 393 (available online)
- Plessy v. Ferguson (1896) 163 U.S. 537 (available online)
- Brown v. Board of Education (1954) 347 U.S. 483 (available online)
- “Africa Unite” – Bob Marley

March 15: No class

March 20: No class

Spring Break

March 22: No class

Spring Break

March 27: Critical Race Theory

- Cheryl L. Harris: 276-291
- “Statue of Liberty” – Burning Spear
- “Message From A Black Man” – The Temptations

March 29: Critical Race Theory

- Linda Greene: 292-301
- Derrick Bell: 596-600
- “Say It Loud – I’m Black and I’m Proud” – James Brown
- “Am I Black Enough For You” – Billy Paul

March 22: No class
April 3: Feminist Legal Theory
PART 5: FEMINIST LEGAL THEORY

**Feminist Legal Theory:** Here we will discuss the grand theme of women as property. This section will specifically look at music that either exemplifies the struggle that women endure in society or the more misogynistic lyrics that define women as objects. Once the property discussion is addressed, the music will be seen as rallying cries, just as “We Shall Overcome” was introduced. The continued demarginalization of women throughout society is often professed or addressed in music and we will analyze that.

Nadine Taub and Elizabeth M. Schneider: 3-21

“**You Remind Me of Something**” – R. Kelly

“**It’s a Man’s, Man’s, Man’s World**” – James Brown

April 5: Feminist Legal Theory

Catharine A. MacKinnon: 276-287

Janet Rifkin: 412-418

“**Pussy Ain’t Shit**” – Funkdoobiest

“**Natural Woman**” – Aretha Franklin

“**Guys Do It All the Time**” – Mindy McCready

April 10: Feminist Legal Theory

Kimberle Williams Crenshaw: 383-398

Patricia J. Williams: 594-602

“**Black Boys on Mopeds**” – Sinead O’Connor

“**97’ Bonnie and Clyde**” – Eminem

“**Silent All These Years**” – Tori Amos

April 12: Class
PART 6: CLASS

**Class:** In terms of both fluidity and benefit, class follows race and gender. This is an extremely large concept and can oftentimes overshadow race and gender. So, we will focus on one aspect of class: education.

**Education:** Here, education, is not solely about the connection between affirmative action and class. Instead, this section uses scholarship that discusses those that have “self-educated” themselves. The uniqueness of this section is that many of the “self-educated” persons are either the musical artists themselves or the subjects of many of these songs. It is the goal in this section to ask whether the law needs to be involved in addressing the class struggle. Can the law be involved? Do the courts play a role? Can they be taken out of the equation?

George Jackson: 1-197

“**Ghetto is a College**” – The Meditations

“**Uncle George**” – Steel Pulse

April 17: No class

Monday class schedule followed

April 19: Class - ASSIGNMENT #2 DUE AT BEGINNING OF CLASS

Thaddeus J. Hackworth: 181-202

Abbe Smith: 787-835

“One in Ten” – UB40

“**Listener Supported**” - Michael Franti and Spearhead

“**Tribute to the Martyrs**” – Steel Pulse

April 24: Class

Michele Estrin Gilman: 721-820

“**Ghetto Bastard**” – Naughty By Nature

“**Pimper’s Paradise**” – Bob Marley & The Wailers

“**Don’t Believe the Hype**” – Public Enemy
April 26: Catch-up day
There is no extra reading. We will simply try to catch-up on any topics that we did not finish and discuss research paper progress.

May 1: Hip Hop and the First Amendment
PART 6: HIP HOP AND THE FIRST AMENDMENT
First Amendment: The First Amendment will be studied through the lyrics of some of the more controversial artists. Should the advocating of what many deem inappropriate be considered music? The answer may not be addressed but the connection between the lyrics and the invocation of the law as the protector will be discussed.

Speech: This section is designed to look at the concept of the Freedom of Speech. Since justice and freedom is engrained in our heads now, the reading here will be about speech vs. action.
Michael Eric Dyson: 3-22
J. Angelo Corlett: 147-157
“Banned in the U.S.A.” – 2 Live Crew
“Inglan is a Bitch” – Linton Kwesi Johnson

May 3: Speech
Randall Kennedy: entire book
“Fuck the Police” – N.W.A.
“Cop Killer” – Ice-T and Body Count
“Probable Cause” – Brand Nubian
“Niggas” – Notorious B.I.G.
“Niggas Bleed” – Notorious B.I.G.

May 8: Hip Hop and the Fourth Amendment
PART 7: HIP HOP AND THE FOURTH AMENDMENT
Fourth Amendment: The Fourth Amendment remains one of the students favorite to discuss and is one that many musicians discuss as well. Here, we will view the Fourth Amendment in terms of police interaction.

Police: This section is designed to look at the police as servants and protectors or liars and enablers. The bulk of the reading here will be contemporary.
Paul Butler: 983-1015
Christian D. Rutherford: 305-339
“Niggers vs. The Police” – Richard Pryor
“Six in the Mornin” – Ice-T
“Police and Thieves” – Junior Murvin
“99 Problems” – Jay-Z
“Licks and Kicks” – Israel Vibrations

May 10: Police
Theresa A. Martinez: 945-958
Sean-Patrick Wilson: 345-379
“Johnny Was” – Bob Marley & The Wailers
“I Shot the Sheriff” – Bob Marley & The Wailers
“Fight the Power” – Public Enemy

May 15: Review

May 17-24: Final Examination Period
FINAL ASSIGNMENT DUE ON TUESDAY MAY 22 AT 2:00 IN GORDON HALL 121