

LEGAL STUDIES – Fall 2008

www.umass.edu/legal

Main Office: 102 Gordon Hall, 413-545-0021

revised 4.30.08

250 – Introduction to Legal Studies (SBD)

Holmes, 108 Gordon Hall; Yoon, 115 Gordon Hall

Lecture, discussion. Interdisciplinary exploration of basic issues of law's relationship to contemporary society, in which law affects almost all human activity. Topics include the nature as well as historical and social functions of law; the culture and role of major actors in the legal system (lawyers, judges, juries, police, technology); tension between ideals and realities in law; role of law in addressing contemporary social problems. This general education course, based on the assumption that "law is too important to be left to lawyers," is intended to foster analytical and critical skills and to discuss broad, interdisciplinary questions of individual responsibility, social morality, and justice. Limited to Sophomores, Juniors and Seniors. Seniors will be given enrollment access after sophomores have been ramped on Spire in April.

252 -- Law and Personal Freedom

Curtis, 114 Gordon Hall

The objectives of this course are two-fold. First, we will examine a range of issues (including drug use, privacy, incarceration) in order to explore the meaning of freedom. These issues will be considered in the context of the Bill of Rights and United States Constitution. Second, this course will emphasize writing assignments in order to develop analytic and writing skills.

297D – Youth Violence and Justice

TBA, Gordon Hall

High profile reports of youth violence have led many to question the underlying presuppositions of the juvenile justice system and prompted many lawmakers to encourage the use of punitive and adult sanctions for youthful offenders. These changes have resulted, according to some observers, in a juvenile system distinct from its original premises even prompting one scholar to describe the system as a 'second-class criminal court.' This course will examine the cultural and political significance of youth violence in the contemporary period and the impact on the regulation of youthful offenders through the juvenile court. This course will cover topics ranging from gang violence, school violence, and popular culture representations of youth crime to the social construction of childhood, the legal basis and regulation of the juvenile justice system, and the unique position of child soldiers in international conflicts. Throughout each of these topics, we will want to understand the concomitant development of the juvenile justice system and social concerns about youth, community, nationhood, and modernity. At the conclusion of the course, we will reflect on the future of the juvenile justice system and its place in a just society.

391A – Victims and Offenders

Kelleher, 114 Gordon Hall

This course will examine relevant traditional and conventional principles of American jurisprudence; review the historical origins of these approaches; and examine some of the underlying forces that are operative in our conventional criminal justice model. Examination of restorative justice will include a focus on the role of the victim and offender, with analysis regarding the roles and functions of the prosecutor, the police, the defense attorney, the community, and the judge. Sentencing objectives will be discussed in order to gain an understanding of the benefits and disadvantages of current approaches. A clear understanding of the sidelined role of the victim and current criminal justice practices will be realized through various readings, discussions, and class exercises.

391B – Law and Social Activism

Harrington, Gordon Hall

Tentative description: The relationship between law and social activism. The use of court decisions to effect change and mobilize support for causes. A critical look at such strategies to determine if and when they are effective in achieving activists' goals. How sociolegal scholars should define social change and understand the role legal professionals play in structuring movement practices. Activism may include the Civil Rights movement, the women's movement, environmentalism, and so-called "green backlash." Readings, drawn from various disciplines, on such topics as cause lawyering and the legal profession, civil rights and the language of rights, and the structure of social movements and how to understand their impact on society.

391C – No Place to Hide: Law & Politics of Information/Data

Gaitenby, 106 Gordon Hall

Surveillance, databases, privacy, and the production of data images are the backdrop for this course. The social and political implications of various data images, and the law's role in structuring the terrain and the ways in which data images can be manipulated and acted upon, is the focus. Potential topics include: Data images and identity; Data matching and mining in the construction of those images; Demographic / profiling industry and how it relates to marketing, public policy, and policing - security; National ID's; Workplace bio-metric and background checks; Private and state surveillance.

391U -- Due Process in the Criminal Trial

Carhart, 102 Gordon Hall

The course will focus on the impact of the Fourth, Fifth and Sixth Amendments in criminal trials. The course will study the historical perspective, the current application and the likely future applications of the amendments. A fundamental understanding of the criminal trial process is required.

397G – Law, Crime and Society

Siulc, 109 Gordon Hall

This course presents cross-cultural definitions of crime and criminality, and explores the intersections of law, public policy and policing, individual and societal norms and notions of justice, and the ways in which different justice systems measure and regulate crime. The course will also examine how ideas about race, gender, and citizenship status factor into constructions of criminality. Case studies will illustrate the formal and informal policing of crime and acts that shock the public conscience, the processes through which certain acts come to be codified as criminal, and the ways in which media and policy debates contribute to legal and social definitions of criminality.

397I -- Alternatives to the Adversary Process

Wing, 116 Gordon Hall

This course explores the historical origins of Alternative Dispute Resolution (ADR) in immigrant, religious, and indigenous communities in the U.S. Why have advocates in the legal, commercial, labor, educational, and community sectors promoted its use? What has their impact been on the various forms of ADR? Whose interests are served by ADR? A critical analysis of mediation, arbitration, and negotiation in comparison to the judicial system includes attention to how issues of power imbalances and identity impact ADR. We will also briefly explore international dispute resolution and consider its similarities and differences to ADR in this country.

397M – Law, Society & Islam

Hussin, Gordon Hall

This is a course for students interested in issues of law and legal reform, politics and society, as they intersect with Islam and Muslim societies. We will take an interdisciplinary approach to questions such as: how do law, society and Islam interact in Muslim majority and minority countries? How do social and political actors engage religion and the state, and how does the state engage Muslim communities? Students will use a variety of materials – film, Web, media, literature, law and scholarship – to undertake independent comparative research across issues – religious freedom, legal reform, colonialism, access to justice – and across cases – in Asia, the Middle East, Europe and the Americas.

397N – Law and Public Policy

Arons, 120 Gordon Hall

Examines ways in which law, especially constitutional law pronounced by the courts, influences the adoption, political realities, and public perception of major public policies; also considers use of scientific and social-scientific research in courts. Topics drawn from such areas as reproductive freedom, the reinstatement of the military draft, right to refuse medical treatment, and affirmative action in education. Includes instruction in rudiments of library research in law, social sciences, humanities, natural sciences. Active discussion, short assignments, policy memo, research paper. Prerequisites: Legal 250 or permission of instructor.

397P – Makin' It and Fakin' It

Gaitenby, 106 Gordon Hall

Law assumes facts, creates entities, and conceals aspects of its operation in order to extend or limit the power of courts in deciding cases. Law creates and deploys fictions (e.g. 'corporate persons,' 'reasonable persons,' 'equal protection,' 'compelling interests') in that endeavor. This social construction of law and legal phenomena may be construed as proper or improper depending upon the power of competing stories and story tellers, as well as how we the audience "receives" and

“give life” to them. Critical examination of some operational fictions, or scripts of law, as they are constituted in courts and social life more generally is the backbone of this course

450 -- Legal Research and Writing

Labrador, 121 Gordon Hall; Wolfe, Gordon Hall

This course is designed to help students improve their ability to analyze and write about complicated legal issues. You should expect to do a lot of writing in this course and participate in peer review of writing assignments. You will learn how to read and understand cases, find your way around a law library, and locate cases and other legal documents using Westlaw and Lexis. Writing assignments include your own résumé and a cover letter, student case briefs, and a thesis-driven research paper, including paper topic/thesis statement, annotated bibliography, and rough draft. Course goals include working through any anxiety about writing, learning how to think and write critically, learning how to find legal materials, reviewing basic rules of grammar, and learning how to format documents including a formal research paper. Satisfactory completion of this course fulfills your junior year writing requirement for the Legal Studies Department.

485 – Death Penalty

Holmes, 108 Gordon Hall

Since January 1, 2003, 279 people have been executed by the federal government and various state governments. Since these executions were performed by the state in all of our names, we ought to have an informed opinion about the death penalty. This course is an opportunity to explore (and possibly revise) your thinking on the death penalty. We will look at the death penalty from four different perspectives: legal, social, political, and moral. It will be a collaborative effort to understand the legal reasoning of courts, evaluate empirical data, consider sociological studies, and assess the merit of arguments for and against the death penalty. Since this one of the Department's highest level courses, students will be required to complete an independent research project and/or write a substantial paper.

491C – Law and Conscience

Arons, 120 Gordon Hall

Small seminar requiring substantial participation and regular writing. Uses major literary, historical and cinematic works to explore tension between conscience and law. Works include: A Man for All Seasons (Bolt), An Enemy of the People (Ibsen/Miller), The Stranger (Camus), Sophie's Choice, Emma (Zinn), King: Montgomery to Memphis, The Front, Rights on Trial (Kinoy), Amistad, Blind Ambition (John Dean), Galileo (Brecht) and Long Goodbye (Colby). Senior and Junior Legal Studies Majors only.

491P – Borders, Immigrants & Refugees

Yoon, 116 Gordon Hall

"No human being is illegal": this phrase, and the widely-used term "illegal immigrant," reflect the central importance of law in how we think about borders and migrants. This course examines the juridical, economic, cultural, and political practices that manage borders and the people that cross them. We will explore a range of questions of contemporary importance while attending to similar issues in other historical moments. What are unique characteristics of law governing immigration and non-citizens? How has the U.S.-Mexico border been contested throughout history? What comparative insights can we gain about policies dealing with Haitian, Southeast Asian, and Iraqi refugees? How have documented and undocumented immigrants experienced the legal and political landscape following September 11, 2001? Some of the themes to guide our inquiry include: nation-building, U.S. militarism, politics of criminality, labor and economic development, and citizenship.

491S -- Law and the World Wide Web

Katsh, 107 Gordon Hall

Recent controversies about downloading music files represent only one of many novel questions the Internet and the World Wide Web are causing the law to grapple with. In this course, we will explore a broad range of topics in this fast-moving area. We will begin with discussion of issues related to constitutional law concerning the First Amendment (e.g., free speech, pornography and obscenity) and the Fourth Amendment (e.g., warrantless search and seizure), areas recently affected by the enactment of the Patriot Act. . Next, we will sample some of the on-going controversies in the area of intellectual property law, including the problem of applying traditional copyright and patent law to software. We will also explore the current debate on cryptography, online gambling, internet taxes, as well as new problems raised by the spread of wireless technologies. Finally, we will consider several issues that touch on ecommerce and online dispute resolution. Each topic will involve reading of primary sources, such as judicial opinions, as well as commentaries on them, such as articles from the computer science, legal, and popular media.

491W – Muslim Women & the Law

Hussin, Gordon Hall

This is an upper-level seminar on a hotly contested topic. The class will engage readings and other materials which explore questions of gender, women's activism, local and international politics, as well as Islamic law, family law, constitutional law and international law. How does Islamic law affect Muslim women, and how do Muslim women work to change both Islamic and state law? How do state governments and international bodies handle questions of gender in the Muslim world? What historical paths has the relationship between Muslim women and the law taken, and what kind of possibilities does the future hold?

497C – Who Owns Equality? Civil Rights Law in the U.S.

Levinsky, 112A Gordon Hall

Civil rights protections have come under a major and sustained attack in the United States. In addition to the aggressive attacks on sexual minorities and the rights of women, racial and ethnic minorities as well as the disabled have lost ground. Each of these protected groups has been exposed to an increasingly coded discourse in which concerns for “reverse discrimination” or “special needs” distract attention from the empirical evidence of increased racial segregation and other forms of discrimination in contemporary society. This course will examine the following: the legal-historical background of modern civil rights protections; the nature and influence of contemporary public debate about social issues and civil rights; the effects of structuring civil rights enforcement systems around the needs of business; and the role of lawyers and judges in perpetuating myths and misinformation about equality in the U. S.

The course explores the irony of the fact that there is nothing new in the attack on civil rights or in the use of law to sustain invidious discrimination. We will examine whether in fact this has been a consistent feature and reality of U.S. law and history. While Thomas Jefferson wrote in the Declaration of Independence that “all men are created equal,” he owned slaves. While we have been schooled in the belief that the framers of the U.S. Constitution cherished equality, they explicitly decided against including it in the Constitution. Throughout its history, the United States has at best embraced “equality” ambivalently, and has frequently rejected the ideal altogether by encoding discrimination in such phrases as “separate but equal.”

In this course we will study the continuing struggle to secure the deeply contested principle of equality. Understanding the ideological and institutional frameworks within which narratives of equality operate then and now will constitute a fundamental goal of the course. A critical analysis of law and public discourse will constitute the basis for considering the nature and the impact of contemporary attacks on civil rights protections.

497I – The Irish Peace Process

Wing, 116 Gordon Hall

TBA

497K – Human Trafficking

Siulc, 109 Gordon Hall

This course for legal studies majors involves the socio-legal study of human trafficking, often referred to as “modern day slavery.” The course will explore the definition of human trafficking at the state and federal level in the United States, and internationally, and study the debates surrounding anti-trafficking laws and policies. We will examine the similarities and differences between slavery and human trafficking in the popular imaginary and the law. Readings will focus on recent debates among scholars, activists, and policy makers over the nature and meaning of “choice,” “coercion,” and “victimization” in exploitative labor situations, migration, and commercial sexual activities. We will also discuss how phenomena such as intimate partner violence and human trafficking are measured and quantified, how victimhood is defined and understood by various constituents, and how law enforcement officers investigate and respond to trafficking in persons. Course materials will include academic journal articles, policy papers, legal documents, media, and guest lectures from experts in the field.