

LEGAL STUDIES – Spring 2009

www.umass.edu/legal

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

revised 11.3.08

H13 – Honors Colloq – Legal 391G

Yoon, 115 Gordon Hall

TBA

H497I – Honors Colloq – Legal 497I

Wing, 116 Gordon Hall

TBA

497U – Honors Colloq – Legal 497U

Siulc, 109 Gordon Hall

TBA

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

Perez, 117 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.

297F – Evidence, Witnessing, Testifyng and Reporting

Siulc, 109 Gordon Hall

This course will explore the multiple methods through which people document and express legal claims and the injustices they have witnessed or endured. We will explore rules of evidence in various legal systems and will consider how evidence is used and claims are made outside courtrooms in the public arena. The course will study cases from around the world that involve the interplay of narrative and testimony, research and statistics, and media and expressive cultures (documentary, music, poetry) in debates about injustices and legal claims. Examples may include public protests staged by Argentine mothers of the "disappeared," video footage created by victims of human rights abuses around the world, the East Harlem riots of the 1970s that led to changes in healthcare and education for the poor, or NGO reports on prison conditions.

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.

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.

391D – Cultural Theft & Intellectual Property

Labrador, 121 Gordon Hall

Indigenous people around the world have been fighting to protect their cultural heritage and knowledge ever since colonizers encroached on their homelands. The recently adopted UN Declaration on the Rights of Indigenous Peoples states that nations must make amends for the historic dispossession of Indigenous cultural and intellectual property and that contemporary Indigenous people have “the right to maintain, control, protect and develop their intellectual property.” This class explores how Indigenous cultural and intellectual property interests in the form of artifacts, music, language, art, spirituality, folklore, cultural representations, medicinal knowledge, human remains, and even genetic material are contested within the legal realm. When does “borrowing” a melody for a rap song or paying to participate in a spiritual ritual such as a vision quest become appropriation or “cultural theft”? Additionally, how can governments work to redress historical wrongs? And what could just restitution and/or repatriation entail? Open to sophomores, juniors and seniors. Not open to Fall 2007 Legal 460 Legalization of American Indians students.

391G – Women & the Law

Yoon, 115 Gordon Hall

Law has been a crucial site of continuities as well as dramatic changes concerning women in U.S. society. The purpose of this course is to explore how law shapes women's lives, and the ways that women are - and have been - important participants in development of law. We will pursue the following questions: How have activists, judges, policymakers, and scholars addressed the question of gender and law? How do differences among women along the lines of race, sexuality, and class manifest in the legal process? What are the different perspectives in intellectual and political debates on women and the law? Readings will include material on reproductive rights, punishment, citizenship, education and work.

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.

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.

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

Holmes, 108 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.

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.

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?

497T – Intimate Justice

Yoon, 115 Gordon Hall

This course explores the mutually constitutive relationship between law and intimacy. How does law define and regulate the realm of intimate practices, and how do concepts of intimacy shape legal rules and jurisprudence? The course locates these questions in law's mediation of sexual identities and practices, parent-child relationships, culture and religion, property and inheritance in slavery, and militarism. The question of justice, which we will examine through perspectives of critical race studies, queer theory and feminist scholarship on U.S. and international law, will be a central concern throughout the course.

497U – Immigration Debates & Public Policy

Siulc, 109 Gordon Hall

Debates about the role of immigrants in society have long been at the center of public policy discussions, particularly in election years. This course in law and public policy will focus on public debates, law making, and the construction of social facts around contemporary migrations. Instead of studying migratory experiences, the course will focus on the debates that unfold around immigration, and the roles of immigrant groups, media, elected officials, NGOs, citizens and the state when it comes to immigration policy making. Reflecting recent and upcoming debates around legislation regulating immigration and the activities of migrants, readings will focus on global expansions of immigrant detention and deportation, immigration raids, crack downs on non-citizen youth, regulation of the cultural expressions of immigrant groups, and the use of local law enforcement to police federal immigration laws. This upper level course is aimed at students interested in citizenship, crime, human rights, immigration, international law, politics/ public policy, and those considering careers in nonprofits, government agencies, or the law.

497V – Segregation, Housing Policy & Civil Rights Law in the U.S.

Levinsky, 112A Gordon Hall

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