What is the role of law in shaping basic and taken-for-granted social meanings? How does legalism generate social categories of analysis, attribute particular qualities to persons and property, and define relations between states and individuals? In this course, rather than approaching law as a set of constraints around which rational individuals can strategize, we focus on the symbolic dimension of legality and critically examine the relation of law to structures of power and subordination. Readings will be drawn from sociolegal scholarship exploring law’s relation to race, gender, and class-based inequality. Through a series of graded short essays, you will have the chance to improve your writing skills, while developing your own views about how legalism both legitimates power and offers tools to resist or control it.

We will devote time in class to exploring the writing process and collaboratively sharing experiences as writers. Regularly during class-time, students will be asked to reflect on topics raised in class and we will use these impromptu written responses as springboards for discussion. These reflections are not quizzes. Their assignment will be spontaneous in response to in-class exchanges. Their dates are not included in the syllabus.

Course Goals and Learning Objectives
By the end of the semester, students will be able to:
- Explain how power relations influence the legal process
- Explain how law shapes knowledge about what is true
- Evaluate how law has been effective or can be more effective in addressing inequality
- Write stylistically-polished scholarly short essays

Readings
- D. Graham Burnett’s *A Trial By Jury* (NY, Knopf: 2001) is available in the Amazon store
- All other readings will be posted on the course Moodle website. Please print them and bring a hard copy of the reading to each class meeting.

Evaluation and Assessment Summary
- Class Participation and Engagement (15%)
- Prep Assignments (10%)
- Papers on Assigned Topics (6 total) (60%)
- Final Reflection Paper (15%)
SCHEDULE OF READINGS AND ASSIGNMENTS

Please complete the readings by the date for which they are listed. Students should bring the day’s reading to class in hard copy, as we will refer to and take careful and close looks at specific parts of readings in our class discussions.

January 23  
Course Overview

January 25  
Legal Process and the Creation of What Is Real  

Jan. 30, Feb. 1  
Spaces of Legal Practice: Criminal Court  

Film: “Real Justice, District Court”

February 6, 8  
Spaces of Legal Practice: Street-level Bureaucracy  

*PAPER ONE DUE BY THE START OF CLASS ON February 8:*  
To what degree do legal processes operate according to an abstract system of rules – laid over the messy reality of specific individual situations and constrained organizational capacities – and to what degree does law emerge from the texture and character of people, the details of their cases, and the organizational settings in which law is applied? Drawing on the empirical accounts of the legal process provided by Burnett and Silbey, provide your own response to this question.

February 13, 15  
Legal Process and Structures of Hierarchy  
No class February 13th


February 20, 22  
Legal Process and Structures of Hierarchy (cont)  
No class February 20 -- President’s Day

Feb. 27, March 1  **Legal Process and Structures of Hierarchy (cont)**

*PAPER TWO DUE BY CLASS TIME ON March 1*: Drawing upon the readings from February 13 through February 27, explain how the legal process functions to produce and reproduce structures of hierarchy.

March 6, 8  **Legal Process and the Practical Construction of Gender**


SPRING BREAK

March 20, 22  **Legal Process and the Practical Construction of Gender (cont.)**

No class March 22. Visiting Guest Speaker at 4:30pm.

*PAPER THREE DUE BY THE START OF CLASS ON March 22*: Drawing on Conley and O’Barr, Lazarus-Black, and Merry, discuss critically relationships these analysts construct among gender, language, and legal process through their research.

March 27, 29  **The Promise and Perils of Claiming Minority Rights**


April 3, 5  **Seeking Protection Through Law: Marriage Equality**

**PAPER FOUR DUE BY THE START OF CLASS ON April 5:**
Critically discuss the arguments of Brown and Villmoare concerning how "rights-talk" can be both enabling and disabling.

**April 10, 12**

*Seeking Protection Through Law: Equal Opportunity Hiring*

**PAPER FIVE DUE BY THE START OF CLASS ON April 12:**
Drawing on the readings for March 29 through April 10, which discuss the limitations of relying on equal protection claims to challenge power, set forth your thoughts on how legal tools should (and should not) be used as part of a campaign for emancipatory social change.

**April 18, 19**

*The Limits of Liberal Law*

Film: “Kanehsatake: 270 Years of Resistance”

**April 24, 26**

*The Limits of Liberal Law*


**May 1**

*Synthesis and Review Session for Final Papers*

**PAPER SIX DUE BY THE START OF CLASS ON May 1:**
Discuss ways that Razack, Strejilevich, and Coutin characterize the relation between legal processes and shared understandings of what is "true" and “just.”

**FINAL PAPER DUE BY 5PM on May 8**
ASSESSMENTS AND EVALUATIONS

Class Participation and Engagement (15%)
Attendance: I will take attendance at each class. If you miss more than four classes unexcused, your grade may be lowered. If you miss more than six classes unexcused you risk receiving a failing grade in the course. Absences will be excused only for documented illness, documented family crisis, religious observance, and the like.
Class preparedness: I expect you to bring a hard copy of the assigned reading to each class. Because we will be reading texts closely, it is essential to have the assigned readings at hand in hard copy. If you come to class on three or more occasions without a printed copy of the assigned reading (an electronic version does not count), your grade may be lowered.
Engagement in Class Discussion: I expect you to come to class prepared to discuss the content of assigned readings, to share your ideas about the topic of discussion, and to ask thoughtful questions.

Prep Assignments (10%)
Before most class sessions, I will post a question on Moodle based on the assigned readings. You are responsible for answering this question in 125-175 words by 10am on the date for which the readings are assigned. A total of 19 questions will be posted over the course of the semester. The responses will be marked as satisfactory/unsatisfactory and allocated letter grades as follows:

- 16 or more satisfactory responses: A
- 14-15 satisfactory responses: B
- 12-13 satisfactory responses: C
- 10-11 satisfactory responses: D
- 9 or fewer satisfactory responses: F, and ineligible for a passing grade in the course

You may rewrite up to two “unsatisfactory” responses and submit them to me via email for re-grading. Rewrites will be accepted if they are submitted within one week of the date for which the readings were assigned.

Papers on Assigned Topics (60%)
Students will write six short papers in response to questions about assigned readings, lectures, and class discussions. I list these questions below in the schedule of readings under the weeks that papers are due in class. Papers should each be not less than 750 words and not more than 1000 words. Please upload your paper via TurnItIn by the start of class time and bring a hard copy of the paper to class on the date that each is due.

Final reflection paper (15%)
This longer paper (1000-1300 words) is due during exam week. In this paper, I ask that you discuss how your own experiences (or an experience) have shaped the ways you relate to the law. In this discussion, you should consider which course readings are most useful in understanding your relationship to law. The paper should demonstrate your ability to apply abstract concepts and categories drawn from the assigned readings to a concrete example of legal practices.
Late policy: A late paper will be subject to a penalty of 1/3 of a letter grade (.33 on a 4.0 scale) for every 24 hours it is late, except where extraordinary circumstances can be demonstrated. I will consider the thoughtfulness of your papers and the clarity with which you express your thoughts in formulating your paper grades. Papers will also be graded on content, organization, presentation style (e.g., paragraph structure, grammar, spelling), and proper use of citations.

Citation format: All papers are to be double-spaced, paginated, and fully referenced using the “in-text reference + list of works cited” method described in the Guide toReferencing handout posted on the course website.

CLASSROOM POLICIES AND PROCEDURES

Academic Integrity
Plagiarism and cheating are violations of academic integrity and they will automatically result in failure in the course.
Scholastic dishonesty includes, but is not limited to, the submission of a piece of work that is, in part or whole, not one’s own. When writing papers, sources must be cited! Quotation marks must be used! As a general rule, scholastic dishonesty involves one of the following acts: cheating, plagiarism, collusion and/or falsifying academic records. Plagiarism – from the web or from any other source – and all other acts of scholastic dishonesty will be reported to the university. Students are responsible for familiarizing themselves with what counts as plagiarism and academic dishonesty. To learn more about UMass policies go to: http://umass.edu/dean_students/codeofconduct/acadhonesty

Cell Phones/Texting/Computers
All cell phones must be turned off before entering the class. As a reminder: texting is distracting to your instructors and fellow classmates, not to mention impolite. If there is some reason that you need to have your phone out during the class period (i.e. expecting a call from a doctor or about an emergency situation), please speak to me about it before class begins. Habitual offenders should expect their class participation grade to be lowered.

Use of computers is strongly discouraged in this seminar course. Studies demonstrate that hand writing notes leads to better comprehension and retention of material. Computers are also distracting to the professor and other students. If you’d like to take notes on your computer, please let me know via email.

Respectful Classroom Atmosphere
Students are expected at all times to be respectful of their instructor and of one another. This entails, among other things, arriving to class on time, avoiding behavior that tends to distract attention, and maintaining civility when expressing disagreement.

Barrier-Free Campus
If you need an accommodation for a disability, please let me know at least two weeks
prior to the time when the accommodation will be needed. Some aspects of this course, the assignments, the in-class activities, and the way the course is usually taught may be modified to facilitate your participation and progress. As soon as you make me aware of your needs, we can work with the Office of Disability Services (tel. 413-545-0892 Voice/TTY; http://www.umass.edu/disability) to help us determine appropriate academic accommodations. Disability Services typically recommends accommodations through a Verified Individualized Services and Accommodations (VISA) form. Any information you provide is private and confidential and will be treated as such.

**Email**

I will use the class list to communicate with the class and I expect that you will check your school email address regularly. E-mail is also the best way to get in touch with me. Please be aware that it may take me up to 24 hours to respond to your e-mail and that I check email less frequently on weekends. On the night before exams or other assignments are due, I can guarantee that I will answer any questions that I receive by email before 9pm. After that, I may or may not be able to answer the question before the assignment/exam is due.