

JUSTICE AND LAW (DIV II)

Chair: Lecturer in Humanities ALAN HIRSCH

Advisory Committee: Professors: W. GENTRY, L. KAPLAN, J. NOLAN, C. SHANKS. Associate Professor M. BARRY, S. DUBOW*. Assistant Professors J. CROWE, E. KNIBBS, N. NJOYA§§.

Justice and Law is an interdepartmental program designed to give students a background in and framework for understanding the ways that philosophers, government officials, and others think about justice, and the related ways in which societies marshal power and implement law. This liberal arts program provides tools for thinking critically and arguing about what justice might entail, how it works in practice, and how rules, aspirations, laws, and norms evolve over time and in different parts of the world.

THE CONCENTRATION

The concentration in Justice and Law consists of six courses: an interdisciplinary introductory course, four electives taken from at least two departments, and a senior seminar. Electives are listed below. Students may declare program concentrations at any point during their academic careers.

Four Electives

Four elective courses are required to complete a concentration in Justice and Law. These courses must be taken from at least two departments. Other courses, not listed below, may be approved by the Chair.

Senior Seminar

In 2016-17, students will have a choice of two senior seminars: JLST 401 ("The Unwritten Constitution") and JLST 402 ("Trials and Transitions") (cross-listed PSCI 325).

AFR 322/AMST 322/INTR 322/PSCI 313 Race, Culture, Incarceration
AFR 350 Organizing Resistance: Black Activism, Then and Now
AFR 381/HIST 381 From Civil Rights to Black Power
AFR 476/HIST 476 Black Radicalism (D)
AMST 311/HIST 368 Development of American Indian Law & Policy
AMST 343T/AFR 343T/INTR 343T/WGSS 343T Representations of Racial-Sexual Violence from Enslavement to Emancipation
ANTH 210/ENVI 210/JLST 210 Governing Nature
ANTH 220/ASST 318/INST 220 Law and Family in South Asia: Post Colonial Dilemmas
ANTH 312/WGSS 314/GBST 313 Paradoxes of Human Rights and Humanitarianism (W)
ANTH 332/ENVI 332/JLST 332/GBST 332 Environmental Justice (D) (W)
CHEM 113 Chemistry and Crime: From Sherlock Holmes to Modern Forensic Science
ECON 229 Law and Economics
ECON 374T Poverty and Public Policy (W)
ECON 470 The Indian Economy: Development and Social Justice (D)
ENGL 265/AMST 266 Topics in American Literature: Freedom and Captivity (W)
ENGL 407/COMP 407 Literature, Justice, and Community
ENVI 340/PSCI 343 Climate Change Law
ENVI 307/PSCI 317 Environmental Law
ENVI 328/PSCI 328 Global Environmental Politics
HIST 152/WGSS 152 The Fourteenth Amendment and the Meanings of Equality
HIST 153T Establishment & Exercise: Religion and the Constitution in the United States
HIST 164/AFR 164/AMST 165 Slavery in the United States
HIST 167/AFR 167/AMST 167 Let Freedom Ring? African Americans and Emancipation (W)
HIST 178T/WGSS 178T Marriage and the American Nation (W)
HIST 302/ARAB 243/REL 243 Islamic Law: Past and Present
HIST 304/AFR 304 South Africa and Apartheid
HIST 327 Law in the Middle Ages
HIST 376/WGSS 376/JLST 376 Sex, Gender, and the Law in U.S. History
HIST 380 Comparative American Immigration History
HIST 381/AFR 381 From Civil Rights to Black Power
HIST 433/JWST 433 The Justice of Violence? Histories of Terrorism in Europe
HIST 457/WGSS 457 Gender, Law, and Politics in U.S. History
HIST 483/AFR 483/GBST 483 Freedom in Africa
INTR 322/PSCI 313/AFR 322/AMST 322 Race, Culture, Incarceration
JLST 250 Trials
JLST 401/COMP 411/ENGL 332 Images of Law
PHIL 114 Freedom and Society (W)
PHIL 228/WGSS 228 Feminist Bioethics
PHIL 291 Violence: Its Trajectory and Its Causes
PHIL 236 Contemporary Ethical Theory

PHIL 272 Free Will and Responsibility
PHIL 337T Justice in Health Care (W)
PSCI 210/AFR 210/AMST 210/WGSS 210/INTR 210 Culture and Incarceration
PSCI 216 American Constitutionalism I: Structures of Power
PSCI 217 American Constitutionalism II: Rights and Liberties
PSCI 223 International Law
PSCI 236/WGSS 236 Sex, Gender, and Political Theory
PSCI 309/LEAD 309 Problems and Progress in American Democracy
PSCI 334 Theorizing Global Justice
PSCI 420/JLST 401 Senior Seminar in Human Rights in International Politics and Law
PSYC 347 Psychology and Law
PSYC 361 Psychology of Nonviolence
REL 203/JWST 101 Judaism: Before The Law
REL 214/PSCI 271 Religion and the State
RUSS 331T/COMP 331T/ENGL 371T The Brothers Karamazov (W)
SOC 202 Terrorism and National Security
SOC 215 Crime
SOC 218 Law and Modern Society
SOC 385 Breaking Apart
WGSS 405/HIST 458 Senior Seminar: Sexual Rights, Gender Equality, and Religious Liberty: Conflicts in Law, Culture, and Politics (W)

STUDY ABROAD

Students who choose to study abroad should consult with the program chair to ensure that they can complete the requirements.

JLST 101(F) Introduction to Justice and Law

This course will examine all aspects of America's legal system, including its historical and constitutional underpinnings; the processes of resolving disputes, e.g., trials, plea-bargaining, and civil settlement; and the diverse roles of participants in the system, e.g., judges, jurors, legislators, and law schools. The course will emphasize the deeply interdisciplinary nature of law, probing the law's intersections with politics, history, economics, psychology, philosophy, sociology, science, and religion.

Class Format: lecture/discussion

Requirements/Evaluation: three papers, a final exam, and class participation

Prerequisites: none

Enrollment Preferences: first-years and sophomores

Enrollment Limit: 40

Expected Class Size: 40

Distributional Requirements:

Division 2

Fall 2016

LEC Section: 01 MWF 11:00 AM 12:15 PM Instructor: Alan Hirsch

JLST 250T Trials

Humans are social creatures. In organized societies, when conflicts arise, people rely on the law and, within the law, on trials to sort out competing claims and assign proper consequences. "Trials" include other tests such as the trial of battle, experimental trials, trials to qualify for athletic finals, and probationary periods. At its core, then, a trial is a way to test the veracity or quality of some person or thing. This tutorial traces the application and various meanings of trials, focusing on three themes: trials as a test of personal character; trials as a way of knowing; and trials as social institutions designed to protect the social order by offering justice.

Class Format: tutorial

Requirements/Evaluation: five main papers and five response papers

Extra Info: may not be taken on a pass/fail basis

Prerequisites: none

Enrollment Preferences: Justice & Law concentrators

Enrollment Limit: 10

Expected Class Size: 10

Distributional Requirements:

Division 2

Other Attributes:

JLST Enactment/Applications in Institutions

Not Offered Academic Year 2017

TUT Instructor: George Marcus

JLST 376(F) Sex, Gender, and the Law in U.S. History (D)

Crosslistings: HIST 376/WGSS 376/JLST 376

This course explores how the law in America has defined and regulated gender and sexuality. We will evaluate how the law has dictated different roles for men and women, how sexual acts have been designated as legal or illegal, and the ways that race, class, and nationality have complicated the definition and regulation of gender and sexuality. We will examine how assumptions about gender and sexuality have informed the creation and development of American law, contested interpretations of the Constitution, and the changing meanings of citizenship; We will consider how seemingly gender neutral laws have yielded varied effects for men and women across race and class divides, challenging some differences while naturalizing others. Finally, we will examine the power and shortcomings of appeals to formal legal equality waged by diverse groups and individuals. Throughout the course, we will consider the various methodologies and approaches of the interdisciplinary field of legal history. Topics to be covered will include the Constitution, slavery, marriage, divorce, custody, inheritance, immigration, sexual violence, reproduction, abortion, privacy, suffrage, jury duty, work, and military service.

Class Format: seminar

Requirements/Evaluation: evaluation will be based on two short (4-5 page) papers; one longer (10-12 page) paper; an in-class presentation, and participation in class discussion

Extra Info: may not be taken on a pass/fail basis

Prerequisites: none

Enrollment Preferences: History majors; WGSS majors; Justice & Law Studies concentrators

Enrollment Limit: 25

Expected Class Size: 25

Distributional Requirements:

Division 2

Exploring Diversity

Other Attributes:

HIST Group F Electives - U.S. + Canada

JLST Interdepartmental Electives

Fall 2016

SEM Section: 01 TF 02:35 PM 03:50 PM Instructor: Sara Dubow

JLST 397(F) Independent Study: Legal Studies

Legal Studies independent study. Open only under the supervision of a member of the Legal Studies Advisory Committee.

Class Format: independent study

Distributional Requirements:

Division 2

Fall 2016

IND Section: 01 TBA Instructor: Alan Hirsch

JLST 398(S) Independent Study: Legal Studies

Legal Studies independent study. Open under the supervision of a member of the Legal Studies Advisory Committee.

Class Format: independent study

Distributional Requirements:

Division 2

Spring 2017

IND Section: 01 TBA Instructor: Alan Hirsch

JLST 401(S) The Unwritten Constitution

"The eight thousand words of America's written constitution only begin to map out the basic ground rules that actually govern our land." So begins Akhil Amar's book *The Unwritten Constitution*. Amar recasts the debate over whether America has a "living Constitution."

That debate usually revolves around whether change in constitutional meaning requires resort to the formal amendment process or can be achieved through judicial interpretation. Amar supports a living Constitution, but proposes something far-reaching: history itself effectively amends the Constitution. Thus, for example, he argues that Martin Luther King's "I Have a Dream" speech, and precedents set by George Washington, not to mention the daily activities and assumptions of ordinary Americans, have become constitutional subtext which must be taken into account by judges and anyone else (i.e., politicians and citizens) interpreting the Constitution. Is that notion convincing? Preposterous? A healthy way of understanding the inevitable intersection of law, history, and politics? A transparent excuse to read one's own views into the Constitution? Is the idea of an unwritten constitution democratic or undemocratic? Through a careful reading of Amar, and some of his important critics and allies, we will probe different ways of thinking about the Supreme Law of the Land.

Class Format: seminar

Requirements/Evaluation: three 5-page papers and several shorter writing assignments

Prerequisites: PSCI 216 or PSCI 217

Enrollment Preferences: Justice and Law concentrators

Enrollment Limit: 19

Expected Class Size: 19

Distributional Requirements:

Division 2

Spring 2017

SEM Section: 01 MWF 11:00 AM 12:15 PM Instructor: Alan Hirsch

JLST 402(S) International and Transitional Justice (W)**Crosslistings:** PSCI 325/JLST 402

Before the 1990s, the world saw only occasional, discrete war crimes trials after major-power cataclysms. In the last two decades, trials expanded dramatically in number, scope, and philosophy. Separate Ad Hoc Tribunals for crimes in Yugoslavia and those in Rwanda, in Sierra Leone and in Cambodia are giving way to a permanent International Criminal Court, which has begun to hand down indictments and refine its jurisdiction. The UN Security Council, alongside national governments, decides on legitimacy and punishment. At the same time, worries about residual impunity or the effect that punishment might have on societies' futures has led to the development of national and social courts, as well as national military tribunals, to complement those at the international level. Meanwhile, national activists look to international apologies and reparations for models of what to demand. Examples of internationalized transitional justice abound. This research seminar examines the intent, process, meaning and consequence of these new practices, particularly in terms of national constitutions, international law, and principles of justice.

Class Format: seminar**Requirements/Evaluation:** four papers, longer final paper, class participation**Prerequisites:** Political Science major or permission of instructor**Enrollment Preferences:** Political Science majors concentrating in International Relations**Enrollment Limit:** 14**Expected Class Size:** 14**Distributional Requirements:**

Division 2

Writing Intensive

Other Attributes:

PSCI International Relations Courses

PSCI Research Courses

Spring 2017

SEM Section: 01 TF 02:35 PM 03:50 PM Instructor: Cheryl Shanks