Course Description

Law is a fascinating and complex institution which touches our lives in many different ways. How it does so, why we should be concerned about it, and what we can do about it are the central questions which will guide our inquiry.

This course does not deal extensively with "black letter law" (the specific content of the many different types of formal law), although some such discussion is unavoidable. We will focus instead on law as a social and cultural phenomenon, exploring some of the diverse ways in which it is a pervasive feature of our lives, and critically examining some of the popular assumptions which we tend to make regarding it. The questions we raise will be wide-ranging and demanding, and students will be asked to develop and support their own views as we consider various answers to them. What is ‘law’ and what are some of the ways in which it enters our lives? What critiques have been made of the law and how convincing are they? What is the relationship between law and justice, and between law and social change? Is it possible for different legal systems to coexist? What special challenges do law and legal systems face in the 21st century, given recent developments in science and technology and the trend toward globalization?

Syllabus

Aug. 27 Law’s Presence in Our Lives

29 Images, Functions and Critiques of Law
Legal Research

5 Labor Day (HOLIDAY)

10 The Court System

12 Legal Reasoning
McClurg: “Logical Fallacies & the Supreme Court”

17 Using Libraries for Research
Meet in Library

19 Legal Argumentation and Narrative
Mathiessen: “Outdoing Lewis Carroll”
ESSAY DUE

24 Philosophy of Law

26 International Law: Treaties
Visiting Speaker

F: Chapter Three

26 Law, Justice and Morality (cont.)
Civil Disobedience:
Video – “I Ain’t Afraid of Your Jails”

Oct. 1 Law, Justice and Morality

Ryan: “Doing Right, Being Good”
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<td>Henkin - “That ‘S’ Word”</td>
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<td>22 Comparative Law (western)</td>
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<td>Nov. 5 Law and Language</td>
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<td>7 Legal Culture and Behavior</td>
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<td>Goldman: “The Grudge Informer”</td>
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<td>12 Law in Transition</td>
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<td>Milgram - “Obedience to Authority” “Quiet Rage: The Stanford Prison Experiment”</td>
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<td>14 The Law and Society Movement</td>
<td>Why Do People Obey the Law? Video: “Quiet Rage: The Stanford Prison Experiment”</td>
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<td>16-25 Thanksgiving</td>
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**STUDENT PROJECTS/PRESENTATIONS**

- Interviews with Judges, Lawyers, Court Clerks, Bailiffs, Court Reporters, Jury Members, Journalists who report on courts; Observations of Criminal or Civil Trials; ’A Day in Court’, etc.
- Law-related Films: Analysis & Critique ESSAY #5 DUE
- Legal Web Sites: Report & Evaluation REPORT DUE; CLASS FILES DUE

This syllabus is subject to revision to better meet the instructional needs of the class.
Required Texts and Readings

F = Law In Our Lives: An Introduction (Los Angeles: Roxbury, 2001) by David O. Friedrichs

The following readings must be copied and brought with you to class on the designated days:

Available on reserve in the library


Goldman = "The Problem of the Grudge Informer" (unpublished)


Migram = "obedience to Authority: An Experiential View" from Law & Society: Readings on the Social Study of Law, Stewart Macaulay, Lawrence M. Friedman, John Stockey (eds.) (New York: Norton, 1991)


United States v. Burns (2001) 1 S.C.R. 283, 2001 SCC 7 (Canadian Supreme Court decision refusing extradition of a death-eligible Canadian citizen to the U.S.) An edited version is on reserve...but this is also available on-line (see below).

Available on-line

NB: I suggest the following procedure for downloading from Lexis-Nexis. (It will eliminate problems with page formatting and footnote placement.) Locate the article on-line and email it to yourself. Retrieve it from your email and copy it as a word-processing file. Then print. (You may want to change the font size before printing.)


NB: Reading the footnotes to this article approximately doubles its length. You are minimally required to read the body of the article (sans footnotes). Those of you who want to do more than what is minimally required should also read the footnotes. Discussion of them will enhance the essays you write on this topic.


NB: Reading the (interesting) footnotes to this article triples its length. You are minimally required to read the body of the article (sans footnotes). Those of you who want to do more than what is minimally required should also read the footnotes. Discussion of them will enhance the essays you write on this topic.

Available on Lexis-Nexis.

NB: Few footnotes in this article are discursive. You do not need to read them.

King = "Letter from the Birmingham City Jail" (Published in many places, including Interracial Review, XXXV (July, 1963), pp. 150-155.) Available on-line in various places, including: <http://www.stanford.edu/group/King/> OR <http://www.electriciti.com/prider/jail.html>

United States v. Burns [2001] 1 S.C.R. 283, 2001 SCC 7 (Canadian Supreme Court decision refusing extradition of a death-eligible Canadian citizen to the U.S.) (Available on FindLaw) This is a long decision, you are only required to read a portion of it. Read: Pages 14-18, paragraphs numbered 1-13 in original; pages 26-27, paragraphs numbered 28-31 in original; and pages 36-end, paragraphs numbered 50 - 144 in original.


You are required to read the entire article (which is fairly brief), including the footnotes.

Course Requirements

NB: All requirements must be completed in order to pass the course.

Attendance

Students are expected to attend all classes. Five absences will lower your grade. Seven absences or more will constitute grounds for failure of the course. If your situation merits special consideration, you should discuss this with me.

The 'being there' mark (15%)

The 'being there' mark is a reflection of your physical, mental and verbal 'presence' in the course. Regular attendance, the quality and frequency of participation in discussion, as well as other modest indicators (such as staying awake, bringing and doing required readings, coming prepared with questions for discussion, etc.) are all taken into consideration here.

Regular participation in full class and small-group discussion is encouraged and expected. PLEASE NOTE: You cannot actively participate without appropriate materials, i.e. texts, assigned readings, etc. These are to be brought with you to each class meeting. FAILURE TO DO SO WILL LOWER YOUR GRADE.

Class Files (20%) 

A class file will be submitted at the last class meeting. It will contain all the written work you have done in the course. This will include five formal essays, a project proposal and project summary, a website report, in-class entries, homework assignments, quizzes, recorder notes as well as any out-of-class discussion entries you would like to include. Class file grades will be based primarily on (1) your essays, website report, and in-class entries (these are required), and (2) any recorder notes and out-of-class discussion entries which you include (these are optional).
You will need to complete 5 formal essays on the dates indicated. These are to be from 1000-1200 words in length. (Please double-space and use a 12 pt. Geneva font.) Their purpose is to ensure that you have given the readings thoughtful and careful consideration before we deal with them in class, and that you are prepared to engage in well-informed, reasoned discussion of them. The nature of the essays may vary, but typically you will be asked to do the following: (1) provide an exposition, in which you present clearly the central concepts and arguments advanced in the readings; and 2) provide a critical evaluation, in which you do some of the following: assess the merits of the arguments in the readings, indicating your reasons for agreeing or disagreeing; raise questions concerning the material; suggest further avenues of inquiry; develop and defend your own position, anticipating possible objections and responding to them, etc. HB: Your critical evaluation should constitute 1/3 to 1/2 of your overall discussion.

One of the essays submitted will take the form of an analysis & critique of a selected law-related film. (Eligible films will be noted in class.) You should relate what you have read in the class directly and explicitly to your discussion of the film. You should also do some research (for example in Lexis-Nexis) to see what response the film may have received in law review articles. Be sure to focus on the law-related aspects of the film, not on its cinematic merits (or lack thereof).

You will also be asked to submit a brief two-page report describing, assessing and critiquing a law-related web-site.

In-class entries will also be made on a regular basis, and will often require reference to the readings. This is another reason you will need to have your text/readings with you.

You are urged, but not required, to make unassigned out-of-class discussion entries as well. These will not substitute for any of the required entries, but you can use them to further explore anything which particularly interests you that is relevant to the course. You might, for example, note your responses to a class discussion, mentioning the changes it provoked in your own views and/or any new points that came up which you find interesting and worth considering at greater length.

Recorder notes, based on class discussions, are also optional.

Quizzes and/or Homework Assignments (10 points)

In order to ensure that you do the reading before class, regular quizzes or short (one-page) homework assignments will be used. Homework assignments will be announced at the end of class and will be handed in at the beginning of the next class. If you miss a class, be sure to check with another member of the class to get the homework assignment. These will not be sent out electronically.

Homework assignments may take the form of response statements to the readings, or points for discussion, etc. They are intended to ensure that you have thoughtfully and critically engaged issues raised in the readings before we take them up in class. In a response statement to the readings, you synthesize the main points made by the author and comment briefly upon them. Alternatively, you may be asked to provide - or respond to - one or more points for discussion (PFDs). The latter may take various forms. Usually a PFD will be presented as a carefully formulated question based on the readings, or possibly a quotation from the readings, to which you then respond. The material addressed should be something that you found particularly interesting, provocative, objectionable, correct, etc., which you believe merits further reflection by you and the class as a whole, and which addresses a substantive issue raised in the readings. After presenting your PFD, you then initiate your own brief discussion of it. Sometimes you will be asked to create your own PFDs; sometimes these will be assigned.
An indeterminate number of unannounced in-class quizzes may be given. These will be short and relatively simple. If you are conscientiously applying yourself to doing the readings and to following lectures and class discussions you should do well on them. They will be given either at the very beginning of class and based on the readings for that day, or at the very end of the class and based on the readings and on the lecture material presented that day, or both. Missed quizzes CANNOT be made up. Depending on the number of quizzes we actually have, one or more of your lowest quiz grades may be dropped.

Project Presentation (15%) Each member of the class will be responsible for completing a project and doing a class presentation based upon it. There are numerous possibilities for your class project, and you should give these careful consideration at the beginning of the course. For court visits, the primary goal is to gain some first-hand practical experience on how law impacts human lives. For interviews, the primary goal is to better understand the perspectives and concerns of those engaged in legal work of various sorts. Depending on class size and the nature of the project, these may be team presentations. They should be approximately 45 minutes in length (including class discussion). You will be asked to submit three preferred project choices to me by Sept. 10. I will then review these and make every effort to accommodate your preferences. Formal Project Proposals are due on 24 September.

--- You may choose to attend a criminal or civil trial of at least one-half day in length or to attend a full day of District Court proceedings. It is your responsibility to contact the clerk of the court to find a date on which one or more trials will take place. Because cases are frequently 'continued' (i.e. postponed) - and often at the last minute - you will be well-advised to try to find a date when a number of trials will take place, and to call the day before to ensure that at least one trial is proceeding. You may have to go back more than once to actually observe a live trial. As an alternative to attending an actual trial, you may ask the clerk for dates when the docket is especially full of a wide range of diverse proceedings (especially evidentiary hearings) which will expose you to a wide array of the activities in which courts are engaged (e.g. motions hearings, sentencing hearings, evidentiary hearings, the taking of pleas, divorce proceedings, etc.)

--- You may ask to interview any of the various individuals whose work regularly and deeply involves them in court proceedings (such as judges, lawyers, court clerks, bailiffs, court reporters, etc.).

--- Alternatively, you may interview those whose lives have been significantly impacted by court proceedings (someone who served as a member of a jury, someone who was a defendant or a plaintiff in a court case, a journalist who regularly reports on the courts, etc.)

PLEASE KEEP THE FOLLOWING IN MIND. All of the people mentioned above should be treated with respect and courtesy. They are busy professionals who may or may not agree to make some time in their day for you. Be sure to think out well in advance what you plan to ask anyone you hope to interview - from the initial contact/request, to the setting of a date, to the actual questions you hope to raise in the interview. Be sure to send a brief follow-up note of thanks to them for their time. Conduct yourself in a similarly respectful fashion in the courtroom, and when contacting the clerk for dates. Dress appropriately (no shorts, t-shirts, etc.), and take notes quietly and unobtrusively. Plan for your respect well in advance, so that you are able to schedule interviews, court dates, etc. effectively. I cannot encourage you enough to start on your projects early in the course. Waiting until the last minute to try to attend a trial, or to interview someone, will almost certainly undermine your ability to complete the project.

The following written materials must be submitted as part of your Project.

--- A one-page Project Proposal (due date is on the syllabus) in which you outline:
1) what you propose to do (e.g. attend a criminal trial, spend a day in District Court, interview a judge, or lawyer, etc.);
2) what steps you have already taken to do this (contacted the court clerk for dates when a trial is scheduled, or evidentiary hearings or being held, or when the docket is especially full of interestingly different proceedings);
3) A plan for finishing the project (what questions you intend to ask the judge, lawyer etc., whom you are interviewing, several dates you have tentatively scheduled for court observations, etc.)

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A three-page outline of your presentation, together with copies of overheads used, and a bibliography listing any sources consulted, databases used, etc., are due the day of your presentation. (You may also include your interview or court observation notes.) Regarding ‘sources consulted’: You should do a bit of outside reading directly relevant to your project activity. (e.g. interviewing someone who did jury service? Read up on jury selection, jury instructions, or jury behavior). The primary purpose of consulting outside sources is to provide you with some basis for formulating good questions if you are interviewing, or for helping you make sense of what is actually going on in the courtroom if you are attending court proceedings. While this may also figure in your project presentation, the latter should primarily be based on your observations as informed by class materials and discussion.

NB: All your written work should be submitted on loose-leaf (9" x 11") notepaper. Please do not use spiral notepaper for anything you hand in.

NB: Late assignments will NOT be accepted. A late assignment is a missed assignment.

Course Goals

General: The primary goals of Perspective on Inquiry courses is to introduce you to the intellectual habits, and to help you develop the intellectual skills, which are expected of college-educated people. These will help you throughout your work at MTU.

These include: accepting responsibility for preparing for and participating in class; communicating appropriately with others; examining evidence; interpreting information; considering interpretations which differ from yours; admitting complexity; tolerating uncertainty; making connections among diverse sources, perspectives and disciplines; working with others on common projects; assuming responsibility for your own arguments; respecting and soliciting the views of others; reading widely; being accurate and thorough.

Specific: This class is intended to help you develop habits and skills such as the above through a focus on law, a phenomenon which impacts all of our lives in significant and sometimes non-obvious ways. We will explore and critically evaluate its impact on us, individually and collectively. We will also attempt to understand how law actually functions as a cultural, social and political force in societies, and how the perspectives of those engaged in legal work of various sorts differs from that of the public at large.

Some Specific Critical Reasoning Goals: In your work, you should consciously attempt to cultivate the following critical reasoning skills:

--> To identify and critically evaluate the arguments of others, as well as to construct and defend your own arguments

--> To uncover and question implicit assumptions and presuppositions in written and spoken discourse

--> To draw legitimate and appropriate inferences from the claims of others and to realize the implications of your own claims and beliefs

--> To introduce relevant distinctions and qualifications in the interests of achieving consistency, precision and clarity of thought and expression

--> To secure for yourselves autonomy of thought by challenging and testing previously unexamined beliefs and values
Diverse Policies

Cheating, Plagiarism and Academic Dishonesty:
Cheating and plagiarism are serious breaches of academic honesty. Any form of academic dishonesty will be subject to discipline and referred to the Associate Dean of Students. Grade sanctions will also be invoked, including but not limited to failing the project or paper in question, or the entire course.

Disabilities:
Anyone with any disability that could affect class performance (e.g. hearing, vision, learning disabilities) or which might fall under the Americans with Disabilities Act should see me as soon as possible. I will be happy to accommodate anyone who needs assistance.

Affirmative Action Policy:
MTU complies with all federal and state laws and regulations regarding discrimination. If you have any concerns about discrimination while you are a student at MTU, you may contact your advisor, your department head, or the Affirmative Action office (487-3310).

A Key To Comments On Written Assignments
Comments frequently made on written assignments are abbreviated below. If you would like to discuss your work in more detail, please come by during office hours.

1) Excellent exposition
2) Excellent critical evaluation
3) Critical evaluation needs development.
4) Exposition needs development.
5) Good work, but you can do even better.
6) Competent, but don’t settle for that.
7) Impressive/First-rate
8) Token/Disappointing
9) You’re capable of better work. Demand more of yourself.
10) Bring this up in class.
11) I’d like to talk to you about this.
12) Put the material in your own words in your exposition of the reading.
13) Your writing is unclear, due to poor sentence structure, grammar, etc.
14) Don’t rely on your spell-checker to do your proof-reading. It doesn’t catch everything.
15) You need to spend more time and thought developing your position/arguments.
16) Please separate and label the separate parts of the assignment.
17) See me if you have any questions.
18) To improve, try to develop your discussion/arguments further.
19) I’m not quite following you hear. Can you make your point more clearly?
20) This is unclear. It is difficult to determine exactly what you mean.
21) This is not a valid argument, or this remark does not follow from your other statements.
22) This is factually false.
23) No, this is a misinterpretation of the argument, position or thesis.
24) These indicated passages are contradictory, inconsistent, or in tension.
25) You are begging the question, i.e. assuming what you claim to prove.
26) You have not really answered the question.
27) This is basically irrelevant to your discussion. Your space is limited; use it effectively.
28) This is redundant.
29) This claim should have been given some supporting argumentation.
30) This pronoun is unreferr4!ed.
31) Your discussion is not well-organized.
32) An interesting point. Can you expand on it?
33) A more thoughtful discussion is needed.
34) ENGAGE the material. DIVE into the issues. Don’t just paddle around on the surface.