

LEGAL STUDIES 10: Introduction to the Legal Process

SUMMER SESSION I: 2022

Room: Physical Sciences 110

Scheduled Time: TuThu 1 pm – 4:30 pm

Instructor: Nate Coben

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Office hours: Thursday, 12 noon to 1 pm

Office: Crown 229

Course Description:

This course provides students with an introduction into ways of understanding and critiquing the ways that legal processes interpret and shapes society, and the ways that society shapes and responds to law. Students will be asked to think critically about and articulate how different gaps between “law on the books” and “law in action” change society. Students will examine the complex entanglements between law and society in a diversity of case studies to illustrate the legal processes.

In this class we will ask questions, such as: Who gets to decide what is legal? Why and how? In doing so we move from very mundane norms of social behavior (e.g. “dibs” on parking spots) to global and far-reaching legal processes attached to the War on Terror, for example, and we ask into law’s role in extending or remedying social and political inequalities. How do legal processes shape legal personhood, extend rights to individuals, and provide the basis for some communities to become imaginable? And how, at the same time, can law turn people into “nonpersons,” strip individuals of rights, and put whole communities under threat of violence? We will be frequently looking at the tension between law’s own claims to be a uniform and standardized source of rules and enforcement, and a broader environment of competing lawlike claims, interests and norms.

This course counts toward the Scientific Inquiry: Society and Culture requirement.

Learning Objectives:

The goal of the course is that, by its the end, students will:

- Be able to identify and analyze compelling and consequential relationships between legal processes and society.
- Understand the social and historical causes for the development of key legal processes impacting the contemporary world.
- Develop their ability to recognize and interpret the story of law’s impact on society beyond law’s and lawmakers’ own accounts of its role in society.
- Be able to describe and compare a variety of legal and lawlike normative orders; how they overlap and contradict.
- Hone their skills at critically interpreting arguments about laws and their effects on various social phenomena.
- Be able to produce coherent articulations of their critical perspectives on the socio-legal world around them.

BACK IN CLASS

What we can expect from each other:

Each individual at UC Santa Cruz should act in the best interests of everyone else in our community. Please take care to comply with all university guidelines about masking in indoor settings, performing daily symptom and badge checks, testing as required by the campus vaccine policy, self-isolating in the event of exposure, and respecting others' comfort with distancing. Please do not come to class if your badge is not green. If you forget your mask, you can ask me for one; there is a limited supply of disposable masks in each classroom. If you are ill or suspect you may have been exposed to someone who is ill, or if you have symptoms that are in any way similar to those of COVID-19, please err on the side of caution and stay home until you are well or have tested negative after an exposure. Let me know that you're not feeling well and I'll respond about how best you can keep learning.

What you can expect from me:

I have designed our course following campus guidance and with current public health guidelines in mind. However, these guidelines may change in accordance with shifting infection rates or the emergence of new variants. If updated public health recommendations and university requirements make our current course format unfeasible, or if I experience a need to self-isolate, I will alter the format. This may include moving in-person sessions onto Zoom, modifying course assignments to work in a remote format, and reconfiguring exams (if applicable). I will communicate clearly with you via email or Canvas announcement about any changes that occur. I will provide as much advance warning as possible and give you all the information you need to transition smoothly to the new format. If you have questions about the changes, please reach out to me so I can answer them.

What I expect from you:

If you experience an illness or exposure that requires you to miss class sessions or to attend remotely, please communicate with me as soon as possible and I will provide you with options and potentially alternative assignments to allow you to continue making progress in the class.

Student Hours for Class:

This is a 5-unit course. Some weeks will require more hours of work from students than others to fulfill the course requirements, but on average students can expect to spend 5 hours reading each week, 7 hours in lecture, 3 hours completing written assignments (on average), and 1 to 2 hours researching for papers or studying for exams.

Required Texts:

All readings available on Canvas or via links.

Assessment & Assignments:

- Participation 10%
- Weekly Reading Quizzes 10%
- 4 Reading responses 30%
- Punishment Paper, part 1 20%
- Punishment Paper, part 2 30%

There will be one quiz every week that will be posted on Canvas on Thursday and due on Friday at 5 p.m. and will be on reading topics.

Participation: Whether virtual or in-person, the classroom is a shared space where we bring a variety of perspectives to a common set of questions, concepts, and course materials. In order for us to have meaningful conversations in the class it is your responsibility to engage with readings, take notes during lectures, and actively participate in group activities when prompted by the instructor. Students are strongly encouraged to take handwritten notes if able, and equally discouraged from using their laptops in class, as "[multitasking \(Links to an external site.\)](#)" inevitably causes [distractions \(Links to an external site.\)](#) not only for yourself, but your fellow classmates and your instructor, and impairs retention.

Class participation may be earned in lecture, discussion sections, and (in-person or virtual) office hours with the instructor. Class participation will be evaluated based on well-prepared students who are familiar with the assigned reading raise questions, identify topics of interest in the reading, respond to questions posed by the instructor or other students, and actively engage with other students in the discussion. Note: Being familiar with the reading doesn't mean mastering it; participation is engagement, not expertise.

Participation is graded on three key factors: your *presence* in the classroom environment, your active *engagement* with the course and course materials, and your participation in various classroom activities. Presence is measured, in part, by attendance: attendance will be taken in your discussion sections but not in lecture. In either case, being there and being present are two different things. Active engagement is measured by your willingness to participate in discussion sections, office hours, and lecture. "Engagement" does not, however mean talking more, or talking over others. Some students might be very comfortable speaking in public, but being conversant with the class materials and other students carries more value than the amount said (quality over quantity). Some students are may be less comfortable speaking in public, and while they are encouraged to grow more comfortable with that over the course of the term, active engagement can also be demonstrated through office hours and thoughtful participation in other class activities that arise.

You are expected to extend the same degree of courtesy and respect to your peers in course discussions as you expect in return. This doesn't mean that you have to, or should, agree with everything anyone says. This does mean that you should think critically about what we discuss, and challenge or question what you disagree with in a civil manner.

Readings and other course materials: Engagement with the articles, chapters, videos, and audio recordings that are assigned in this course is an essential requirement. Reading is necessary for getting the most out of the learning experience of this course and for being evaluated through exams and written assignments. In order for our shared conversation about the legal process in either discussion section or lecture to be as fruitful as possible, preparing yourself via the assigned readings is a must.

The readings assigned in this course are designed to introduce students to foundational concepts in the field of law and society and to illustrate their application to a variety of topics and fields of study. Some weeks lectures will directly reference or supplement readings if they are especially difficult, but lectures and readings will often be complementary. I have organized the weekly readings to suggest an order so that they build on each other. The amount of reading is in line with departmental guidelines for a lower-division course. The amount and difficulty of readings may be challenging for some students, but they are encouraged to a). use the weekly reading questions the instructor provides ahead of time to help guide their reading b). actively participate in discussion sections and office hours to make sure that questions or problems they are having with the readings are communicated.

Writing assignments: The writing assignments in this course are designed for students to exercise and expand their skills in developing and expressing critical viewpoints at the university level. These assignments will be evaluated primarily for the creativity of their thought and their how clearly they demonstrate a grasp of the course concepts being used. Formulating arguments, defining your terms, and conveying your thoughts clearly will be prioritized in evaluation. Rubrics will be provided with individual assignments, but students are encouraged to talk over their ideas beforehand (**not the day beforehand**) with the instructor. Please see guidelines on plagiarism and late assignments, below.

There are **four reading responses** due over the course of the class. They cover one day's readings, whether that is just one or multiple texts that I have assigned to you. The goal of these assignments, specifically, is to synthesize the material from the course, demonstrate what you got from the reading, pull out what is *significant* about the reading with regards to the week's themes and/or the class's overarching themes. The goal of the reading responses is to explore the meaning that the text has, not so much whether the reader liked or didn't like the reading. It's not a review so much as a reflection on what's being said. You may use the guiding questions to help focus your writing, but you are under no obligation to do so.

Weekly quizzes: Quizzes be administered on Canvas and will cover the week's readings and lectures.

Punishment Paper: For this paper you will be given the choice of one of four eras of punishment in the United States to research and answer prompts on. The paper will be an essay of 4-5 pages and will require you to read (at the very least) one outside reading provided on a list of resources.

Guidelines

Lectures and course materials, including powerpoint presentations, tests, outlines, and similar materials, are protected by U.S. **copyright** law and by University policy. This content is protected and may not be shared, uploaded or distributed. I am the exclusive owner of the copyright in those materials I create. You may take notes and make copies of course materials for your own use. You may also share those materials with another student who is registered and enrolled in this course. You may not reproduce, distribute or display (post/upload) lecture notes or recordings or course materials in any other way — whether or not a fee is charged — without my express written consent. You also may not allow others to do so.

Late assignments will be penalized one grade for every calendar day (not class day) that they are late, and *will not be accepted* more than 3 calendar days/72 hours after they are officially due. If an illness or personal crisis will require more extensive extensions, I require that you share documentation with the teaching team.

UC Santa Cruz is committed to creating an academic environment that supports its diverse student body. If you are a student with a disability who requires accommodations to achieve equal access in this course, please submit your Accommodation Authorization Letter from the Disability Resource Center (DRC) to me privately during my office hours or by appointment, preferably within the first two weeks of the quarter. At this time, I would also like us to discuss ways we can ensure your full participation in the course. I encourage all students who may benefit from learning more about DRC services to contact DRC by phone at 831-459-2089 or by email at drc@ucsc.edu.

Title IX prohibits gender discrimination, including sexual harassment, domestic and dating violence, sexual assault, and stalking. If you have experienced sexual harassment or sexual violence, you can receive confidential support and advocacy at the Campus Advocacy Resources & Education (CARE) Office by calling (831) 502-2273. In addition, Counseling & Psychological Services (CAPS) can provide confidential, counseling support, (831) 459-2628. You can also report gender discrimination directly to the University's Title IX Office, (831) 459-2462. Reports to law enforcement can be made to UCPD, (831) 459-2231 ext. 1. For emergencies call 911.

Faculty and Teaching Assistants are required under the [UC Policy on Sexual Violence and Sexual Harassment \(Links to an external site.\)](#) to inform the Title IX Office should they become aware that you or any other student has experienced sexual violence or sexual harassment.

All work submitted for this course must be your own. Please consult The Navigator at reg.ucsc.edu/navigator to learn more about **academic integrity and plagiarism**, as well as Sections 102.01-102.016 and 105.15 of the UCSC Student Handbook at <http://deanofstudents.ucsc.edu/student-conduct/student-handbook/index.html>[Links to an external site.](#) **Any plagiarism is unacceptable**; all work should be your own or properly cited. If you commit plagiarism your grade will be severely affected and you may fail the course. Furthermore, you may receive further punishment from the university.

Grade Contestation. If you judge your grade to be inaccurate, you must wait at least one day after receiving your work before contacting the professor, so that you may re-read your work, and consider the comments and grade you were given. Within a week of receiving the grade, you may submit a **written** request for a grade change to the instructor, detailing why, according to the rubric, you believe you earned a higher grade. Communicate thoughtfully the strengths and weaknesses of your work. Your instructor will perhaps reevaluate your work, *either downward or upward* and respond in writing.

Course Schedule

WEEK 1: Tuesday 6/21 & Thursday 6/23:

Introduction to the course, reading through the syllabus, expectations of participation in lecture and sections, and a note on readings.

What do we think of when we think of law? How do we come to know it and come into contact with it? What effects do the perceptions of law and justice have on society or legal practices?

Tuesday, June 21

Read for Monday:

- Franz Kafka, "Before the Law," <https://www.kafka-online.info/before-the-law.html> (Links to an external site.)
- Monica Bell, "Situational Trust," *Law & Society Review*
- Kathryn Young, "Everyone Knows the Game," *Law & Society Review*

Thursday, June 23

Read for Thursday:

- <https://daily.jstor.org/when-societies-put-animals-on-trial/>
- Paul Schiff Berman, "An Observation and a Strange but True Tale," *Hastings Law Review* **pages 145-158**
- Richard Chambliss, "A Sociological Analysis of the Law of Vagrancy", pages **67-77**.

Do Friday by 11:59 pm:

- Weekly Quiz 1 on Canvas

Recommended: Craig Haney, "Media Criminology and the Death Penalty," *DePaul Law Review*

WEEK 2: Tuesday 6/28 & Thursday 6/30:

We often think of crime and punishment as the essence of law, but what is punishment and what does it do socially? Is punishment part of our culture, does it change alongside it?

Tuesday, June 28

Read for Tuesday:

- Jonathan Simon, "Rise of the Carceral State", pages 471-508.
- Khalil Gibran Muhammad, *Condemnation of Blackness* chapter.

Thursday, June 30

Read for Thursday:

- Sarah Mayeux, "Origins of Back-End Sentencing"
- Reuben Miller, "Carceral Citizenship"

Do Friday by 11:59 pm:

- Weekly Quiz 2 on Canvas

WEEK 3: Tuesday 7/5 & Thursday 7/7:

The gap between the spirit and the letter: law and criminality as a toolkit for governance, and the civil-criminal distinction blurred:

Tuesday, July 5

Read for Tuesday:

- Katharine Beckett and Steve Herbert, "Dealing with Disorder," *Theoretical Criminology*.
- Ana Muñoz, "Maintaining Racial Boundaries," *Social Problems*

Thursday, July 7

Read for Thursday:

- Kaaryn Gustafson, "The Criminalization of Poverty," *Journal of Criminal Law and Criminology*
- Herma Kay, "The Offer of a Free Home," excerpts in *Law, Culture, and Society*

WEEK 4: Tuesday 7/12 & Thursday 7/14:

Making and unmaking the legal person: Immigration, citizenship and legal subjectivity.

Tuesday, July 12

Read for Tuesday:

- Stefan Vogler, "Legally Queer," *Law and Society Review*
- Ian Haney López, *White by Law* Chs. 2 and 3

Thursday, July 14

Read for Thursday:

- <https://www.propublica.org/article/pennsylvania-immigration-ice-crackdown-cops-free-for-all> (Links to an external site.)

**TURN IN BY Friday, 11:59 p.m.
PUNISHMENT PAPER, part 1**

RECOMMENDED: Cheryl Harris, "Whiteness as Property," *Harvard Law Review*

WEEK 5: Tuesday 7/19 & Thursday 7/21:

"Justice" as geo-politics and everyday games.

Tuesday, July 19

Read for Tuesday:

- James Forman, Jr., "Exporting Harshness" ppages 331-333, 348-374.
(cw: Discussions of rape, sexual assault, torture)
- "The Writ and the War":
<https://www.harvardmagazine.com/2009/01/the-war-the-writ> (Links to an external site.)

Thursday, July 21

Read for Thursday:

· Michael Deland, "Basketball in the Key of Law,"
Law & Society Review

Friday, July 22

Turn in :

· **Punishment Paper Part 2**