

FALL 2014 HONORS SEMINAR SYLLABUS  
LEGAL STUDIES PROGRAM  
Legal Studies H195A  
Wednesdays 10-12pm  
Dean's Seminar Room (215B), Boalt Hall

Instructor: Professor Michael Musheno  
[mmusheno@law.berkeley.edu](mailto:mmusheno@law.berkeley.edu)  
Office hours: Tuesdays, 1-3pm and by appointment  
2240 Piedmont Avenue, Room 202

Honors Teaching Fellow: Andy Brighten  
[andrew.brighten@berkeley.edu](mailto:andrew.brighten@berkeley.edu)  
Office hours: Wednesdays, 1-3pm  
Exceptions: Nov. 24, 2-4pm; Dec. 10, 10-12pm  
Café Zeb, or by appointment

### **Course Description**

We welcome you to a writing- and research-intensive 4-unit graded seminar designed to guide you in the development and completion of an honors thesis research proposal. We will meet in class for two hours on Wednesdays and introduce you to the conduct of socio-legal inquiry and a wide variety of relevant social science, humanities, and legal research methodologies. While there will be lectures and presentations, we will work substantially in a seminar environment where exchange among us will be a key feature of the learning process.

This seminar is the first part of the Legal Studies Honors Program with Legal Studies H195B following it. In the Spring Semester, Honors students in H195B will work independently under the supervision of a Legal Studies/Berkeley Law School faculty member, write an honors thesis, and ultimately, when the thesis is judged to be of honors-quality, receive departmental honors at graduation. The grading criteria for the course are listed below. Students are expected to receive at least B+ in H195A in order to be eligible to enroll in H195B and for departmental honors. At the end of the Spring semester, all students are expected to present their research at the 2015 Legal Studies Undergraduate Research Conference hosted by Berkeley Law.

You should expect to undertake substantial work outside of class in the forms of targeted readings related to your project, identifying a research question, organizing your research strategy, and completing assignments that will lead to your honors thesis proposal. Students should expect to work approximately twelve hours per week on this class and continue at that level through the spring to the completion of your honors thesis. All students in this class will receive extensive written and verbal feedback on their assignments. In addition, we expect students to consult with us regularly via office hours and/or appointments throughout the fall.

### **Grading**

The grading for the course is outlined in the table immediately below. Descriptions of and requirements for each of the major, take-home assignments are at the end of the syllabus.

	Component	% Final Grade
1	Pre-Class Assignments, Workshops, and Discussant Service	10%
2	Major Assignment #1: Thesis Topic & Research Questions	10%
3	Major Assignment #2: Literature Review	10%
4	Major Assignment #3: Statement of Anticipated Methods	10%
5	Major Assignment #4: Preliminary Research Proposal & Abstract	20%
6	Major Assignment #5: Final Research Proposal & Abstract	40 %

### Grading Philosophy:

Pre-class assignments, workshop participation, and discussant service will be graded for completion. Each major assignment will be evaluated on a number of criteria, including:

- Articulation of a socio-legal research idea, topic, and question
- Conciseness and clarity in writing
- Precision and sophistication of ideas
- Logical progression and connectivity between different segments of the proposal
- Ability to identify and deal with research limitations
- Thoroughness in researching relevant theory, methods, and existing literatures

As the goal of this course is to progress from an original idea to a completed proposal, credit will be given for demonstrated growth and improvement across assignments. Thus, grading is weighted towards the final product.

### **Major Assignments**

All major assignments are due on the date indicated on the syllabus in Microsoft Word only. Assignments will be reviewed and returned by the following class. Unless otherwise indicated, assignments must be uploaded to the ‘Major Assignments Upload’ folder in bSpace Resources by the beginning of the class period for which they are due. *Grades on late assignments will be lowered one step, e.g. A to A-, B to C+, etc., for each 24-hour period they are late.*

### **Pre-Class Assignments**

Many of our sessions require brief pre-class assignments, indicated on the Schedule of Classes below. Unless otherwise indicated, pre-class assignments must be uploaded to the ‘Pre-Class Assignments Upload’ folder in bSpace Resources by 5pm on the Monday preceding the class period. Most of the pre-class assignments are designed as preparation for our major workshops and methods mini-workshops, explained below.

### **Major & Mini Workshops Participation**

The seminar includes two distinct types of workshops:

Major workshops (Classes 4 & 11) comprise the entire class period and will provide all seminar members with substantial peer feedback at the initial and intermediate stages of developing their projects. All seminar members are expected to prepare not only by submitting the week's pre-class assignment, but also by reviewing the documents uploaded by other students and coming ready to discuss them. Further instructions are in the Schedule of Classes below.

Mini-workshops comprise approximately the final third of class periods focusing on research methods (Classes 7, 8, 9 & 10). They provide an opportunity to seek feedback from presenters and peers about incorporating the week's methods into your research designs, well in advance of submitting your Statement of Anticipated Method(s) in Class 11. Each seminar member will prepare by sharing via bSpace their preliminary ideas about applying the week's methods to their own topics and questions. Further instructions are in the Schedule of Classes below.

All seminar members are expected to attend and participate actively in both the major and mini workshops.

### **Discussant Service at Class Presentations**

Seminar members will serve as discussants during presentations in the final two classes (13 and 14). Details are in the instructions for Major Assignment #4 at the end of the syllabus.

### **Readings**

You must secure a copy of Russell K. Schutt, *Investigating the Social World: The Process and Practice of Research* (7<sup>th</sup> ed. 2012). Copies have been ordered at the University Bookstore. It will serve as a guidebook for you in developing your research project. We do choose a number of short required readings from this text and many supplemental readings are drawn from this book as well. All other readings and supporting documents will be available on the course website on bSpace or by following the links listed on this syllabus. The required course readings are not substantial. At the same time, you are required to complete these readings before the class period for which they are listed. Much of the reading you do this semester will be related to the library research you carry out related to your research project.

### **Schedule of Classes**

**Class 1: Course Introduction & What Do We Mean by Developing a Research Proposal?**

Wednesday, September 3

Assignment: Pre-Survey [Email to Andy Brighten by 5pm Thursday, August 28]

In- Class Presentations:

1. Introductions – Musheno, Brighten, and Legal Studies Honors Seminar Participants
2. Discussion of a Legal Studies Research Proposal (Musheno)
3. Discussion about Research Ethics (Brighten)

Reading:

1. Sally Maitlis, “What Do You Care About? Studying What I Love,” in Arene Carles and Jane E. Dutton, eds., *Research Alive: Exploring Generative Moments in Doing Qualitative Research*, Copenhagen Business School Press (2011), 75-77.
2. One legal studies honors research proposal (see examples on bSpace).

Supplemental:

1. Russell K. Schutt, *Investigating the Social World: The Process and Practice of Research*, Pine Forge Press (7<sup>th</sup> ed. 2012), Ch. 2, pp. 51-58 (Social Research Proposals); Ch. 3 (Research Ethics and Philosophies), pp. 63-83.

**Class 2: Legal and Socio-Legal Scholarship**

Wednesday, September 10

Pre-Class Assignment: **Read introduction and/or abstract of all theses proposals in the Resources tab of Honors bSpace. Note what topics you are drawn to. Read one complete proposal and be prepared to discuss its significance to you in class.**

In-Class Presentation: Musheno and Brighten

Readings:

1. Summary of *Terry v. Ohio*
2. Richman, D. (1998). Terry and the fourth amendment: The process of terry-lawmaking. *St. John's Law Review*, 72, 1043-1051.
3. Gau, J. M. & Brunson, R. K. (2010). Procedural justice and order maintenance policing: A study of inner-city young men's perceptions of police legitimacy. *Justice Quarterly*, 27, 255-279.
4. Russell K. Schutt, *Investigating the Social World*, Ch. 1.

Supplemental:

1. Calavita, Kitty. *Invitation to Law and Society: An Introduction to the Study of Real Law*. Chicago: University of Chicago Press, 2010, Ch. 1 & Ch. 8.

**Class 3: Research Topics & Questions**

Wednesday, September 17

In-Class Presentations:

1. Introduction to Research Topics and Questions
2. Guest speakers: Chase Burton, Ryan Copus

Readings:

1. Russell K. Schutt, *Investigating the Social World*, Appendix A
2. Russell K. Schutt, *Investigating the Social World: The Process and Practice of Research*, Pine Forge Press (7<sup>th</sup> ed. 2012), Ch. 2, pp. 27-29 (Social Research Questions).

Supplemental:

1. Berg, Bruce, *Qualitative Research Methods for the Social Sciences*, Allyn & Bacon, 2006, Ch. 1 & Ch. 2.
2. Lipson, Charles, *How to Write a BA Thesis*. University of Chicago Press, 2005, pp. 23,24, 66-77.
3. Russell K. Schutt, *Investigating the Social World*, Appendix B.

**Class 4: Major Workshop 1**

Wednesday, September 24

**Pre-Class Assignment: Draft 3-5 potential research questions and upload to bSpace by 5pm Monday, September 22. Review other seminar members' uploaded documents prior to class and come prepared to discuss both your and other members' potential questions.**

**Class 5: Doing a Literature Review**

Wednesday, October 1

In-Class Presentation: Musheno, Brighten, I-Wei Wang (tentative)

Readings:

1. Sample Literature Reviews (bSpace under "Example Research Documents" folder).

Supplemental:

1. Russell K. Schutt, *Investigating the Social World: The Process and Practice of Research*, Pine Forge Press (7<sup>th</sup> ed. 2012), Ch. 2, pp. 29-37 (Social Research Foundations).
2. Kristin Luker, *Salsa Dancing into the Social Sciences*, Harvard University Press, 2008, Ch. 5 & Ch. 7.
3. Library Guides (bSpace website under "Library and Research Guides" folder)

**Major Assignment Due: #1 Thesis Topic and Research Question**

**Class 6: Research Design**

Wednesday, October 8

In-Class Presentation: Brent Nakamura, Johann Koehler

Readings:

1. Russell K. Schutt, *Investigating the Social World*, Ch. 2, pp. 39-47; Ch. 6, pp.171-193.

Supplemental:

1. Russell K. Schutt, *Investigating the Social World: The Process and Practice of Research*, Ch. 5 & Ch. 7
2. Kristin Luker, *Salsa Dancing Into the Social Sciences*, Cambridge, Harvard University Press, 2008, Ch. 3.

**Class 7: Quantitative Research Methods and Surveys**

Wednesday, October 15

**Pre-Class Assignment: Write a short paragraph envisioning how you might approach your research topic via quantitative methods, including specifically how such a component could be integrated into your research design. Upload your paragraph to bSpace by 5pm Monday, October 13, and come prepared to discuss in mini-workshop format.**

In-Class Presentation and Mini-Workshop: Su Li, Cait Unkovic

Readings:

1. Russell K. Schutt, *Investigating the Social World: The Process and Practice of Research*, Pine Forge Press (7<sup>th</sup> ed. 2012), Ch. 4 (Conceptualization and Measurement), pp. 93-134; Ch. 8 (Survey Research), pp. 229-279.

Supplemental:

1. Russell K. Schutt, *Investigating the Social World: The Process and Practice of Research*, Pine Forge Press (7<sup>th</sup> ed. 2012), Ch. 14 (Quantitative Data Analysis), pp. 445-491.

**Class 8: Qualitative Field Research and Interview Methods**

Wednesday, October 22

**Pre-Class Assignment: Write a short paragraph envisioning how you might approach your research topic via qualitative methods, including specifically how such a component could be integrated into your research design. Upload your paragraph to bSpace by 5pm Monday, October 20, and come prepared to discuss in mini-workshop format.**

In-Class Presentation and Mini-Workshop: John Bliss, Musheno

Readings:

1. Russell K. Schutt, *Investigating the Social World: The Process and Practice of Research*, Pine Forge Press (7<sup>th</sup> ed. 2012), Ch. 9 (Qualitative Methods), pp. 280-319.

Supplemental:

1. Musheno, Michael C. & Susan Ross, *Deployed: How Reservists Bear the Burden of Iraq*. Ann Arbor: University of Michigan Press, 2009 (Paperback Edition), pp. 1-14, 149-159, 183-191, Appendices A & B.
2. Musheno, Michael C. & Susan Ross. "Deployed Interview Protocol."
3. Russell K. Schutt, *Investigating the Social World: The Process and Practice of Research*, Pine Forge Press (7<sup>th</sup> ed. 2012), Ch. 10 (Qualitative Data Analysis), pp. 320-357.

Major Assignment Due: #2 Literature Review

**Class 9: Historical & Comparative Research**

Wednesday, October 29

Pre-Class Assignment: Write a short paragraph envisioning how you might approach your research topic via historical and/or comparative methods, including how such a component could be integrated into your research design. Upload your paragraph to bSpace by 5pm Monday, October 27, and come prepared to discuss in mini-workshop format.

In-Class Presentation and Mini-Workshop: Alexandra Havrylyshyn, Mina Barahimi

Reading:

1. Russell K. Schutt, *Investigating the Social World: The Process and Practice of Research*, Pine Forge Press (7<sup>th</sup> ed. 2012), Ch. 12, pp. 387-407.

Supplemental:

1. Aaron Kupchik, *Homeroom Security: School Discipline in an Age of Fear*, New York University Press, Ch. 2.
2. Martha Howell & Walter Prevenier, *From Reliable Sources: An Introduction to Historical Methods*, Ithaca, NY: Cornell University Press, 2003, pp. 69-118.

**Class 10: Theoretical, Normative, and Non-Field Qualitative Approaches**

Wednesday, November 5

Pre-Class Assignment: Write a short paragraph envisioning how you might approach your topic via theoretical, normative, and/or non-field qualitative approaches, including how

**such a component could be integrated into your research design. Upload to bSpace by 5pm Monday, November 3, and come prepared to discuss in mini-workshop format.**

In-Class Presentation and Mini-Workshop: Kathryn Heard, Brighten

Readings:

1. Alexander L. George & Andrew Bennett, *Case Studies and Theory Development in the Social Sciences*, Cambridge, MA: MIT Press, 2005, pp. 17-34, 252-253.
2. David Thacher, "The Normative Case Study," *The American Journal of Sociology*, vol. 111, no. 6 (2006), pp. 1631–1676.

Supplemental:

1. Russell K. Schutt, *Investigating the Social World: The Process and Practice of Research*, Pine Forge Press (7<sup>th</sup> ed. 2012), Ch. 13, pp. 430-441 (Content Analysis).
2. David Collier, "Understanding Process Tracing," *Political Science and Politics*, vol. 44, no. 4 (2011), pp. 823-30 (Qualitative Causal Inference).
3. H.L.A. Hart, *The Concept of Law*, Oxford, UK: Oxford University Press (2<sup>nd</sup> ed. 1994), Preface & Ch. 1 (Conceptual Analysis in Analytic Philosophy).
4. John G. Gunnell, "Theory and Theorizing" in *Political Theory: Tradition & Interpretation*, Cambridge, MA: Winthrop Publishers (1979), pp. 136-159 (Theory as a tradition of social critique and prospective institutional transformation).

**Class 11: Major Workshop 2**

Wednesday, November 12

**Pre-Class Assignment: Draft 1-3 sentence description of current problem in your research and upload to bSpace by 5pm Monday, November 10. Review other seminar members' uploaded documents prior to class and come prepared to discuss both your and other members' current problems.**

**Major Assignment Due: #3 Statement of Anticipated Research Method(s)**

**Class 12: Dealing with Research Challenges**

Wednesday, November 19

**In-Class Presentations: Hillary Berk, Brent Nakamura**



\*\*\*No Class on Wednesday, November 26\*\*\*

Major Assignment Due: # 4 Preliminary Research Abstracts & Proposals (Due Dec. 1<sup>st</sup> 5pm)

**Class 13: Student Research Proposal Presentations I**

[Dec. 4, 5-7pm; JSP Seminar Room]

Pre-Class Assignment: **Discussants prepare at least 2 questions for assigned proposals.**

In-Class Presentation: Honors Seminar Students

Readings: Legal Studies Honors Student Abstracts and Draft Research Proposals

**Class 14: Student Research Proposal Presentations II**

[Dec. 5, 5-7pm; JSP Seminar Room]

Pre-Class Assignment: **Discussants prepare at least 2 questions for assigned proposals.**

In-Class Presentation: Honors Seminar Students

Readings: Legal Studies Honors Student Abstracts and Draft Research Proposals

Major Assignment Due: #5 Final Research Proposals [Deadline Dec. 15]

**Assignment #1**

**Thesis Topic and Research Questions**

Due: Oct. 1 uploaded to bSpace Resources/Major Assignment Uploads

File Name: [Last Name]\_AssignmentOne\_[DateOfSubmission]

Document Format: MS Word, 1.5 Spacing, left-aligned

Citation Format: APA (American Psychological Association *or* MLA (Modern Language Association)) (please be consistent)

***Please put your name on the assignment itself in the top left corner of the document***

**Assignment Objective:**

1. To develop a narrative statement of your preliminary research topical area;
2. To develop a research question and/or begin narrowing down a list of research questions;
3. To write about and describe any difficulties you are encountering in the process of converting your research topic to a research question

**Assignment Description:** First, provide a narrative statement about the scope, direction and boundaries of your research topic, including what has drawn you to this particular topic. Second, write up a “Preliminary Socio-Legal Research Question” (or “Questions”) and a narrative about the path that has led you to this point. Third, describe any challenges you may be facing in shaping your research question, specifying any roadblocks and obstacles along the way in terms of your library research and interactions with others about your project, including us.

As always, and this is especially important at this stage in the research process, the more thought and effort you put into this preliminary research question (and in particular to the topic/issues section below) up front the more you’ll get back from us in valuable feedback.

**Assignment Product:** 4 word-processed pages (1.5 spacing with standard margins).

**Research Question(s):** Write out your research question(s) and provide a narrative of the pathway that has led you to it. If you are contemplating several research questions pertaining to one or more topics, include them all. Remember to contemplate a research question that you can answer in the time you have to research and write your thesis (it should be manageable) and one that you feel will build knowledge, theoretically and/or policy wise (it should be important).

**Research Challenges:** What challenge(s) are you still encountering with respect to shaping your project, defining a research question, and/or researching the topic? What factors are you considering in choosing a research question?

**Research Question Examples:**

1. “Why has the American penal system become increasingly imbued with market forces over the last three decades? How is market logic changing penal institutions and the values instilled within them? And is the further encroachment of the market into the penal system desirable?”

2. “How did heightened security measures in Arizona after 9/11 affect the undocumented migrant population in the state?”
3. “How did the concept of the supermax prison emerge in the United States, and how did this emergence shape penological discourse and punishment practice?”
4. “Do retributive factors or utilitarian factors motivate the public’s support for the use of enhanced interrogation methods? Does the age of the detainee affect the severity of the publicly supported level of interrogation and punishment and, if so, in what way?”
5. “How are inter-district transfers realized in practice in officially closed-border but contiguous school districts? How do these practices align with state educational policy and underlying theories about the socio-spatial dynamics of education?”
6. “What were some of the reasons behind reforming California’s divorce laws in the 1960s? How do California’s current divorce laws affect low-income women seeking divorce? What are some implications of such effects?”
7. “What are the current consumer protection policies and practice in the automobile industry in China? How are Chinese consumers protected at the current stage? If consumers are not adequately protected under the current consumer protection policies and practice, how can it be explained given China’s uniqueness in its economic and political systems?”
8. “How does the incarceration of parents and guardians affect the everyday lives of teenagers from these families?”

## **Assignment #2**

### **Literature Review**

Due: Oct. 22 uploaded to bSpace Resources/Major Assignment Uploads

File Name: [Last Name]\_AssignmentTwo\_[DateOfSubmission]

Document Format: MS Word, 1.5 Spacing, left-aligned

Citation Format: APA *or* MLA (please be consistent)

***Please put your name on the assignment itself in the top left corner of the document***

**Assignment Objective:** To draft the first portion (or more) of your literature review. The goal should be to identify the literature that has helped you conceptualize your project to date.

**Assignment Description:** The assignment is to compose the first draft of your literature review. Your literature review should be at least five, but no more than ten, pages long. Please note that the actual structure of the review, *e.g.* any headings and subheadings, depends on the theories and works with which you are engaging and will differ from student to student. However please note: All reviews must include, usually as a discrete culminating section, a clear summary of the conceptual/theoretical framework you have synthesized from the literature to inform your project as it stands to-date. In crafting this framework, you are encouraged to draw across bodies of literature and academic disciplines where appropriate to your topical interests and research questions.

Examples of various literature reviews are available on the class bSpace site (Resources → Example Research Documents → Literature Review Examples) as are previous Highest Honors theses, which also include literature reviews (→ Highest Honors Theses Examples).

Your literature review should be arranged in such a way to logically address the following questions (note: while sectioning off may be appropriate for some projects, these questions should not be listed as section headers). At the beginning of your assignment please describe where you are at this point with your research topic and related questions (no more than ½ page):

1. What concepts or theories are you working with that illuminate your topical interests and the questions you have derived to date?
2. What are the key/seminal works relevant to the concepts/theories you are engaged with?
3. How do you think your project will contribute to the existing body of knowledge that you have uncovered to date?
4. What theoretical, topical, or conceptual areas do you see yourself exploring further in the literature as your project matures?

**Assignment Product:** At least five (but not more than ten) word-processed pages following the formatting instructions in the document header. *You must include a works cited page in APA or MLA format as detailed above. Please **do not** include an annotated bibliography.*

### Assignment #3

#### Statement of Anticipated Methods

Due: Nov. 12 uploaded to bSpace Resources/Major Assignment Uploads

File Name: [Last Name]\_AssignmentThree\_[DateOfSubmission]

Document Format: MS Word, 1.5 Spacing, left-aligned

Citation Format: APA *or* MLA (please be consistent)

***Please put your name on the assignment itself in the top left corner of the document***

**Assignment Objective**: To provide a preliminary statement of your anticipated research method(s) and, in doing so, to draft your methodology section.

**Assignment Description**: Drawing from the seminar sessions/readings on inquiry and methods (classes 6-11), other methods/inquiry classes you have taken, the review of the methods section of a completed honors thesis, and interactions with Professor Musheno/Andy/GSIs/other faculty advisors, explain what design and method(s) you anticipate using. If your project is philosophical and/or theoretically-oriented, explain your theoretical methodology (e.g., normative case study, conceptual and/or moral analysis, critical theory) and what sources (e.g., cases, archives, writings of theorists) will anchor your project.

In your discussion, please address why you chose your method over others, what are the strengths of your method, what are the limitations of your method, and, if you are in a position to comment on this issue, please describe and/or attach any survey, interview, or other instruments you will be using. This section and any attachments should be a first step on the way to the methodology section in your thesis.

**Assignment Product**: **Word-processed pages** following the formatting instructions in the document header. *You must include a works cited page in APA or MLA format as detailed above. Please **do not** include an annotated bibliography.*

### Assignment #4

#### Preliminary Research Proposal & Abstract

Due: Dec. 1 by 5pm uploaded to bSpace Resources/Major Assignment Uploads

File Name: [Last Name]\_PreliminaryProposal\_[DateOfSubmission]

Document Format: MS Word, 1.5 Spacing, left-aligned

Citation Format: APA *or* MLA (please be consistent)

*Please put your name on the assignment itself in the top left corner of the document*

**Assignment Objective:** To provide a first draft of your preliminary research proposal, including an abstract, an introduction that establishes the topic and your research question/s, a literature review, methodology/logic of inquiry section, a preliminary timeline of your research and thesis writing process, and any anticipated/hypothesized findings.

**Assignment Description:** Your assignment is to write up a Preliminary Research Proposal, which must incorporate the items listed below. There is no page limit to the proposal but you should write no less than six 1.5 spaced pages. At the beginning of your preliminary proposal you must include an abstract of 100-300 words (please do *not* exceed 300 words). A guide to abstract formatting and example abstracts are below.

Additionally, in preparation for your class presentation, each of you will be assigned discussants. Discussants must read their assigned Preliminary Research Proposals by accessing them on bSpace under Resources/Major Assignment Uploads. In addition, discussants must prepare at least two written questions on each assigned proposal and must be ready to lead discussion following the corresponding class presentation.

Elements of Preliminary Research Proposal:

- I. Abstract
- II. Introduction (to topic and research question/s)
- III. Literature Review
- IV. Methodology/Logic of Inquiry
- V. Preliminary Thesis Research & Writing Timeline
- VI. Anticipated Findings
- VII. Works Cited

**Assignment Product:** Six or more (preferably more) word-processed 1.5 spaced pages. *You must include a works cited page in APA or MLA format as detailed above. Please **do not** include an annotated bibliography.*

### **Abstract Formatting**

An abstract is a 100-300 word summary of your preliminary research proposal and thesis. It is intended to provide a reader (even one unfamiliar with your subject area) with a brief overview of your research and specifically the question(s) you are examining, your (anticipated) findings, and the importance of your research.

**Example Abstracts:**

Chase Burton, “Spare the Cell, Spoil the Child: Early History and Philosophy of American Juvenile Justice,” *Legal Studies Honors Thesis* (2011).

Scholarship has long recognized that the juvenile justice system was founded with a tension between the benevolent welfare concern for youth and its harsh, punitive realities – a system born out of and shaped by contradiction. The system is usually described as dominated by the benevolent *parens patriae* philosophy in its early years, transitioning over time to a more punitive orientation. Against this backdrop, courts generally denied that there was a punitive facet of juvenile justice and treated it as characterized entirely by *parens patriae*, until the Supreme Court suddenly acknowledged the system’s punitive underpinnings in *In re Gault*.

I explore the ‘how’ and ‘why’ of the early history of juvenile justice from a philosophical and structural standpoint. The self-representations of early juvenile courts and other juvenile justice practitioners reveal that the system modern scholars describe as having both benevolent and punitive facets was understood instead as harmonious, or at least, not in direct tension. Juvenile justice practitioners in the early years were aware of the similarities between industrial schools and prisons, but that relationship did not pose a serious problem to the philosophy of juvenile justice. Courts repeatedly designated the system as non-punitive, almost universally shutting down legal resistance movements against juvenile justice. How did juvenile justice emerge carrying these tensions, and why was that state of affairs accepted as consistently benevolent? Furthermore, why did courts go so far as to deny that there were punitive aspects to juvenile justice, and why was this position revised seventy years later?

I draw upon court cases, institutional records, and sociolegal texts on delinquency to construct a story of American juvenile justice and its changes from 1899 to 1967. I argue there are three mentalités at work in early juvenile justice: Puritanical philosophy, Enlightenment concepts of criminology and rationality, and an expansion of governmental rationality and authority. These ideas, as well as their interaction and relative shifts over time, help explain the seemingly contradictory juvenile justice system and the rise of a legalistic rights concern after the 1940s, which created a tension resolved by *Gault*.

Angelica Mantilla, “A Study of How Participants in Local Bay Area Organizations are Empowering the Undocumented Youth Movement,” *Legal Studies Honors Thesis* (2014).

For the past decade, undocumented youth have played an important role in the current immigration debate. Many of them have occupied the streets and the offices of politicians, led campaigns, and lobbied outside Capitol Hill. Undocumented youth or DREAMers, as they are known, have politically organized to create one of the most significant current social movements in the United States. Due to their lack of legal immigration status, undocumented immigrants do

not enjoy full political rights; however, they have taken ownership of civil rights and demanded an end to legal exclusion, to the path to full citizenship.

This project examines the undocumented youth movement through a case study of two Bay Area organizations in which undocumented youth participate. This thesis seeks to understand, through qualitative methods of participant observation, and semi-structured interviews with participants of the organizations, how local organizations scaffold the process for undocumented youth to assert individual agency and a powerful political voice. Understanding the work that these participants in social movements and supportive organizations do will illuminate how participation translates into political action and consequently legislative relief. Specifically, this case study examines the internal dynamics of each organization, the strategies that the organizations are using to verbalize the conditions of the undocumented youth to pursue change, and the coordination of the organizations with the larger state and national associations.

Most of the current literature surrounding the undocumented youth movement focuses primarily on the activities of national and state level organizations. This focus portrays the importance of a top-down model approach, paying less attention to the grassroots activism happening at the local level. With this thesis I hope to elucidate the dynamics of local organizing in an effort to better understand the processes that underscore major political and legislative shifts at the state and national levels. Some of the shifts include the support to citizenship for the estimated 11 million undocumented immigrants, the focus on the executive power, and the end to deportations. The study of the undocumented youth movement is essential since they are currently one of the key agents for bringing change to our broken immigration system.

Alex Wolinsky, "From the Brink of Death: Judicial Legitimacy and the Supreme Court's Retreat from Abolition of Capital Punishment in the 1970s," *Legal Studies Honors Thesis* (2014)

In 1972, in *Furman v. Georgia*, the Supreme Court declared the death penalty unconstitutional across the United States, effecting what appeared to be an end to executions and sparing the lives of hundreds on death row. Four years later, a nearly identical high court restored capital punishment's constitutional legitimacy in *Gregg v. Georgia*. Scholarship offers numerous explanations for the court's sudden retreat from abolition of the death penalty, but conspicuously absent is an account whose primary focus is public perception of the Supreme Court and the



fluctuations in judicial legitimacy surrounding *Furman* and *Gregg*. In this paper, I aim to provide such a narrative.

Through analysis of legal and other scholarship, legislative actions and contemporary newspaper content, I evaluate public reception of and response to the Supreme Court rulings of the *Furman* and *Gregg* era. In doing so, I recreate the sociolegal environment in which the rulings were issued, emphasizing the role of the court's public legitimacy in each decision. In particular, I track the value of the court's "legitimacy account" throughout the 1960s and 1970s, from its sharp decline in the Warren era through its gradual but incomplete replenishment during the Burger Court. Additionally, I discuss lawmakers' responses to *Furman* and how this influenced judicial legitimacy, as manifested in *Gregg*. Both approaches, and especially the second, help to resolve the tension inherent in the 1976 death penalty rulings, which sought to limit jury discretion while banning mandatory capital punishment statutes, which arguably eliminate discretion to the fullest extent possible.

Examining the death penalty cases of the 1970s through the lens of Supreme Court legitimacy provides an interesting explanation for the rapid resurrection of capital punishment, and it also offers insight regarding the behavior of the court in general.

## **Assignment #5**

### **Final Research Proposal & Abstract**

Due: Dec. 15 via e-mail to Professor Musheno and Andy Brighten

File Name: [Last Name]\_PreliminaryProposal\_[DateOfSubmission]

Document Format: MS Word, 1.5 Spacing, left-aligned, submit as attachment

Citation Format: APA *or* MLA (please be consistent)

*Please put your name on the assignment itself in the top left corner of the document*

**Assignment Objective:** To write a final Research Proposal.

**Assignment Description:** Your assignment is to revise your Preliminary Research Proposal and write a Final Research Proposal, which must incorporate the items listed below. There is no page limit to the proposal but you should write no less than six 1.5 spaced pages. **Please note you must include the name of your advisor(s) on the title page of your Final Research Proposal (as indicated below).**

Elements of Preliminary Research Proposal:

- I. Title Page/Name of Advisor
- II. Abstract
- III. Introduction (Topic, Research Question and Sub-Questions)
- IV. Literature Review
- V. Methodology/Logic of Inquiry
- VI. Preliminary Thesis Research & Writing Timeline
- VII. Anticipated Findings
- VIII. Works Cited/References (not annotated bibliography)

**Assignment Product:** Six or more (preferably more) word-processed 1.5 spaced pages. *You must include a works cited page in APA or MLA format as detailed above. Please do not include an annotated bibliography.*