

Legal Studies 100 Foundations of Legal Studies Spring 2014

Lecture Meetings: 160 Kroeber Hall Mon-Weds-Fridays 1:10-2:00

Course Description (4 units): A lecture class with required discussion sections designed as a gateway course to introduce new and prospective Legal Studies majors to the foundational frameworks and cross-disciplinary perspectives from humanities and social sciences that distinguish legal studies as a scholarly liberal arts field. It provides a comparative and historical introduction to the diverse forms, ideas, institutions, and systems of law, legality, and socio-legal order. It highlights theoretical issues and trans-disciplinary scholarly methods of understanding questions of law and justice.

Instructor: Richard Perry, J.D., Ph.D.

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Office Hours: M/W/F 12:10-1:00 and by appointment.

GSI: Alan Kluegel, J.D. Sections 101 (Tues 3-4p) and 102 (Wed 11-12p). Office hours Mondays 12-1p and Wednesday 12-1p, 257 Boalt

Ryan Rhadigan, M.A. sections 103 (Wed 3-4p) and 104 (Friday 11-12p). Office hours Wednesday 12-1pm, Fridays 12-1pm, and by appointment. Location TBA (257 Boalt)

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LS 100 Learning Objectives (The Revised “New Plan” LS Major Course Requirements, since Fall 2012, are listed below immediately following the learning objectives):

Legal Studies 100 students should attain:

1. An understanding of “law” in the broadest, socially constitutive sense of *legality*, one that interweaves humanities and social science scholarship in the liberal arts tradition; a sense of what Lawrence Friedman heuristically calls “external” and “internal legal cultures” in their diverse forms. Course materials will include empirical, ethnographic, historical, literary, new media, and other sources.
2. An understanding of both normative and positive approaches to law, legality, and justice in scholarship and in concrete institutional forms.
3. A working familiarity, linked to the Legal Studies Department’s curricular “areas” (see the following section) with the disciplinary intersections, conflicts, and convergences that constitute legal studies as a field of scholarship and debate.
4. An understanding, connected to these LS curricular areas, of the diverse ways of knowing and of inquiring about law and society, i.e., of the methods of socio-legal scholarship including empirical-quantitative, experimental, ethnographic-qualitative, logical-analytic, archival and narrative-- also including basic case-law research tools.
5. A grasp of the emergence and functioning of core legal institutions, emphasizing courts, alongside other

governmental agencies and regulatory bodies, and non-state entities such as law firms and law schools, and an integrated discussion of sovereignty, jurisdiction, and legal legitimacy, from the local level all the way to the aspirational “universal jurisdiction” of modern human rights law.

6. A familiarity with the continuing development of the legal profession in its diverse forms of knowledge and practice, and of the related evolution of legal education.
7. An understanding of the conceptual structure of law and legality: the ways that legal categories segment and articulate the social world; e.g., substantive versus procedural law, public versus private law; the legal understandings of objects, events, actions, and consequences that are embodied in property, contract, tort, and crime.
8. An experience of field observation in one or more legal-institutional sites, e.g., a courtroom, with an assigned short write-up of field observation data.
9. An awareness of the concrete policy implications of socio-legal scholarship, both of scholarship’s potential policy contributions and of the “pull” such policy concerns may exert on scholarly research agendas.

Revised Legal Studies Major Requirements – Beginning AY 2012-13
(prospective LS majors students should read through this structure of course requirements for the major as we move through LS 100, paying particular attention to the five curricular areas under the heading “Distribution Requirements” below; look closely at the LS Dept. web site for updates)

Prerequisites – Take one distinct course from each of the following four categories: Statistics; Philosophy; History; and Social/Behavioral Sciences. (4 courses) *See LS Dept. web site Appendix A for a list of courses that count for each of these areas.*

Unit Requirement – Students must take a minimum of 32 upper division units for the major.

Core Legal Studies Requirements – Take 4 courses from the list below, including at least one course designated as humanities (H) and at least one course designated as social sciences (SS). Students are strongly encouraged to take 100 early in pursuing the major as it provides a foundation for the Legal Studies curriculum. The 4 courses taken for core requirements cannot also be counted toward the distribution requirements.

- 100: Foundations of Legal Studies (H or SS)
- 103: Theories of Law & Society (H or SS)
- 107: Theories of Justice (H)
- 138: The Supreme Court & Public Policy (SS)
- 145: Law & Economics I (SS)
- 160: Punishment, Culture & Society (H or SS)
- 177: American Legal & Constitutional History (H)
- 182: Law, Politics & Society (SS)
- 184: Sociology of Law (SS)

Distribution Requirements – Take two courses* in one of the following Areas and 1 course each in two additional Areas for a total of four courses. *See Appendix B.*

- Area I Crime, Law & Social Control
- Area II Law & Culture
- Area III Law & Markets
- Area IV Law, Rights & Social Change

* LS H195B Honors Thesis or LS 199 Independent Study (for 4 units) may substitute for one of the two courses.

Student Responsibilities:

Attendance: Students are expected to attend all lectures and section meetings having already completed any readings or assignments. If you are unable to attend due to illness of yourself or a dependent, you need not contact the Professor or GSI unless you will be absent for more than a week, in which case you should be prepared to offer medical verification of the problem. During the first two weeks of classes, however, when we will be taking attendance in order to permit students on the waiting list to add the class, you must contact us prior to any absence.

Caveat on Missed Exams: If you should find that you must miss a midterm or final exam due to serious illness or other comparable circumstance, you must email your GSI before the testing period to notify her of your situation. The GSI will discuss your circumstances with the professor and we will make an effort to accommodate your circumstances. However, any student who misses a test and only contacts the GSI after the testing date is not likely to be allowed to sit for a make-up test – except in very rare cases. Such an accommodation would clearly be unfair to the rest of the class. This course design is intended to minimize the likelihood of missed exams by using take-home rather than in-class tests.

Classroom expectations: While in class, please turn your cell phone off. If your laptop has wireless access you may use it to access information relevant to the discussion, but please do not read emails, newspapers, or other non-class related materials during class (the rules in discussion sections will be different). The topics of this course include many subjects which may arouse strong beliefs and emotions. Students are encouraged to speak up with their own questions and comments, and to respond to points raised by other students. The maintenance of an effective discussion space in class, however, obliges all of us to act with respect for and sensitivity toward everyone else in the room.

Plagiarism:

According to the College of Letters and Sciences:

All written work submitted for a course, except for acknowledged quotations, must be expressed in the student's own words. It must also be constructed upon a plan of the student's own devising. Work copied without acknowledgement from a book, from another student's paper, from the internet, or from any other source is plagiarized. Plagiarism can range from wholesale copying of passages from another's work to using the views, opinions, and insights of another without acknowledgement, to paraphrasing another person's original phrases without acknowledgement. The submission of such work will, under University rules, render the offending student subject to an F grade for the work in question or for the entire course, at the discretion of the instructor, and will also make the student liable for referral to the SJA.

University Regulations on Accommodations:**DSP Accommodation:**

If you have specific needs due to documented disabilities, we will make every effort to accommodate these needs, in close collaboration with the Disabled Student's Office. For information on University policies regarding students with disabilities, and federal and state laws affecting people with disabilities, contact: <http://access.berkeley.edu/> Please convey your DSP accommodation letter to your GSI early in the semester (i.e. during the first two weeks) so that the teaching staff can make all appropriate arrangements.

Accommodation of Religious Creed:

In compliance with Education code, Section 92640(a), it is the official policy of the University of California at Berkeley to permit any student to undergo a test or examination, without penalty, at a time when that activity would not violate the student's religious creed, unless administering the examination at an alternative time would impose an undue hardship that could not reasonably have been avoided. Requests to accommodate a student's religious creed by scheduling tests or examinations at alternative times should be submitted directly to the faculty member responsible for administering the examination by the second week of the semester.

Reasonable common sense, judgment and the pursuit of mutual goodwill should result in the positive resolution of scheduling conflicts. The regular campus appeals process applies if a mutually satisfactory arrangement cannot be achieved.

Conflict between Extracurricular Activities and Academic Requirements:

The UCB Academic Senate has established Guidelines Concerning Scheduling Conflicts with Academic Requirements to address the issue of conflicts that arise between extracurricular activities and academic requirements. They specifically concern the schedules of student athletes, student musicians, those with out-of-town interviews, and other students with activities (e.g., classes missed as the result of religious holy days) that compete with academic obligations. The Senate guidelines assign responsibilities as follows:

-It is the student's responsibility to notify the instructor(s) in writing by the second week of the semester of any potential conflict(s) and to recommend a solution, with the understanding that an earlier deadline or date of examination may be the most practicable solution.

-It is the student's responsibility to inform him/herself about class material missed due to any absence, whether or not he she has been formally excused.

LS 100 Course Materials:

A typical week's reading will consist of (i) primary materials – often key legal cases, sometimes video of court proceedings; (ii) historical background material – often an excerpt from Friedman (2005); and, most centrally, (iii) one or more pieces of classic law & society scholarship – ranging from Jeremy Bentham to contemporary works in legal studies/law & society by our own UCB faculty, past and present.

Sources:

i. Lawrence M. Friedman, *A History of American Law*, 3rd ed. 2005. The purchase of this classic law and society text is *strongly recommended* (it will also be placed on library reserve in Moffitt). Numerous chapters of it will be required reading and they cannot all be posted on bSpace. It will serve as a guidebook and general reference work. Many weeks' reading assignments will include a section of Friedman as socio-historical foundation to the week's discussion of the other assigned scholarly materials, cases, documentary clips, etc. A few key sections of Friedman 2005 will be posted on bSpace, but some sections will not be included in the course reader at Copy Central, for reasons both of convenience and copyright. All LS 100 students are thus encouraged to obtain and to keep this classic text on their bookshelves for reference purposes in this and other Legal Studies courses.

ii. All other required and recommended readings will be made available on the LS 100 bSpace site. Supplementary resources, such as video links to court observation sites and documentary film clips, etc. will also be listed there. There are several required chapters of cases & materials on *American Courts* that will be available ONLY on bSpace. The LS 100 bSpace site is the *official and definitive location* for both lecture and section announcements, assignments, and materials. All students are responsible for checking the bSpace site

regularly. Please make certain that your email address on bSpace is correct. For each week's readings students will find a folder labeled "Required Reading" and another file labeled "Recommended Background and Further Reading."

iii. LS 100 is a course that relies heavily on the discussion sections to supplement and reinforce the lectures. Each student is responsible for actively engaged participation *both* in lectures and in section discussions, for section activities and assignments, and for maintaining communication with the GSI (it is not the GSI's responsibility to track down lost students). As specified in the section below, lecture and section participation and section assignments will count for 20% of the total course grade.

Written Assignments and Student Evaluation:

These LS 100 assignments and testing methods are designed to encourage and assess competence in foundational concepts and skills for legal studies scholarship, including writing skills, empirical observation, and analytical skills:

i. Discussion *in lecture* as well as section participation and section assignments (see the GSIs' section syllabi): 10% of course grade. Short, one-question quizzes will be administered in lecture most weeks, except when a midterm is scheduled; these are graded P/NP and will count for 10% of the course grade.

ii. There will be two in-class written tests designed to review the material covered in the immediately preceding weeks. Please bring a bluebook and a green Scantron form on both of these designated dates. These will count for 20% of the course grade each, for a total of 40%

iii. One field report of a courtroom observation visit of at least one half-day court session (roughly 3 to 4 hours duration) = 10% of overall grade. Detailed guidelines for this assignment will be handed out after the first midterm exam is submitted; examples of ethnographic court observation scholarship will be primary assigned reading during the previous week. **NOTE: This assignment will be graded P/NP.** This mode of grading is designed to encourage students to approach their observations with an open mind and to write up what they actually observe, thereby emphasizing each student's own specific individual field-work experience rather than any prior notions of what one would expect to observe at the chosen site. The multi-week time frame for completing this assignment includes both the annual sitting of the Ninth Circuit Court of Appeals in Boalt Hall as well as our Spring break period, for the benefit of those students whose normal weekly schedule would make it otherwise difficult to find a half-day to visit a court house.

iv. The cumulative take-home final exam will be made available immediately after the RRR Week review session, and will be due on official exam date of May 15th = 30% of course grade. The RRR week scheduling allows students nine days to complete the final exam.

Summary of grade structure:	Participation questions and section assignments =	20%
	Two midterm review tests, 20% each =	40%
	Court field observation report =	10%
	Final take-home exam =	<u>30%</u>
Total		100%

Order of Topics, Readings, Course Activities

(it is expected and intended that readings for one week will frequently "wrap around" to the next, connecting to the themes of one week to the next. Also, some readings will be taken largely as background while others will be

discussed in greater depth, and a number of important concepts and thinkers will be introduced in the early weeks and then taken up again later in the course as we discuss specific legal institutions.

General Course Structure:

I. Topics and Readings: Foundational Concepts, Methods, Frameworks

Week 1: Jan. 22nd & 24th: On the Case: Legality, Legitimacy, Justice

Introduction to the course plan, to the instructors, and to one another; a short survey of the students will be administered so that the instructors can better know and serve our students' backgrounds and interests (other short surveys will be conducted during the semester). Since this class has historically been over-enrolled, at these first class meetings the course roster will likely still be in flux.

Read on bSpace:

- i. Example of local contemporary civil law case, *Bishop v. Hanes*, Cal. App. 1st Dist.2011.
- ii. Laura Nader, "Styles of Court Procedure: To Make the Balance" (1969);

Discussion sections do NOT meet during Week 1.

Week 2: Jan. 27th, 29th, 31st: On Law, Legality, and Legal Reasoning: What is a Case? Legal and Social-Scientific Conceptions

- i. Understanding the meanings and uses of 'case' as a central concept in law and socio-legal scholarship - on legality; transactions, disputes, and "trouble cases"
- ii. Contrast common law and other classical traditions in Europe and elsewhere, "custom vs. reason": *nomos, dike, halakha, jus, lex, haq, fiqh*, trouble cases and disputing processes.
- iii. The approaches to "case reasoning" in legal scholarship will be contrasted to the use of case methods and to the modes of drawing "law-like" generalizations from particular instances in social sciences, natural sciences, and other professional training.

Read on bSpace for Week 2:

- i. Elizabeth Mertz (2007) *The Language of Law School: Introduction "Entering the World of U.S. Law"*
- ii *Hawkins v. McGee* (NH 1929). Case opinions and casebook abstracts,
- iii. Also see, the bSpace video link to law school classroom interactions on case law.

Week 3: February 3rd, 5th, 7th : Constitutive Understandings of Law – What Does It Mean to Say that "Law is Everywhere"?

Introduction to the common law system of courts, trial adjudication, and appeals and the doctrine of precedent or *stare decisis*; law vs. politics/policy, law vs. ethics, and the disputed nature of 'legal reasoning' in 'case'-centered adjudication as a distinctive activity and body of knowledge; case analysis in legal scholarship, legal training, and legal practice. What research methods can we use to investigate differences among what Lawrence Friedman calls "legal cultures"? What are the roles of "custom" and "legal pluralism" in Anglo-American common law approaches to legality?

- i. *Riggs v. Palmer* (1889)
- ii. *R. v Dudley & Stephens* (1883); Hutchinson "Is Eating People Wrong?"
- iii. Friedman 2005: Prologue pp. xi-xx, on 17-18th century court structures and processes

iv. L Friedman (2005) pp. 31-40 on crime and religious norms in colonial American legal culture.

Discussion sections: enrollment finalized – review.

Recommended: Commentary on *Riggs v. Palmer*, by Kim Scheppele (1995) “Facts in Legal Interpretation” - bSpace.

Week 4: Feb. 10th, 12th, 14th : Foundations of the Rule of Law, “Modern Legal Culture” and “Legality”:

- i. If, as Law & Society scholarship argues, “the law is everywhere,” then how/why has it taken particular shapes in particular places and historical moments?
- ii. The foundational concepts of the “government of laws” ideal; core legal institutions (sovereigns, legislatures, courts); nation-states, citizenship, and rights; Enlightenment influences on continental and common law traditions; law’s relation to religion and the government; religious conflicts and colonial legal forms; constitutions.

Read for Week 4:

- i. On Blackstone’s *Commentaries on the Law of England* (1765).
- ii. Beccaria *Of Crimes and Punishments* (1764), short excerpts,
- iii. Bentham (1790) “Introduction to the Principles of Morals and Legislation” Ch. 1.
- iv. 19th century NC Sup. Ct. cases on *stare decisis*, *coverture*, and state sanction of “private” force;
- v. Philip Selznick (1976) “The Ethos of American Law.”
- vi. Durkheim (1893) “Law as Index of Social Solidarity” (Durkheim will carry over to Week 5)

4th Week Discussion section: Debate between utilitarian and communitarian approaches

Recommended readings: Montesquieu excerpt; K. Erickson *Wayward Puritans* (1968), excerpts, Bentham *The Panopticon: The Inspection House* (1787) on bSpace.

**Week 5: Feb. 17th President’s Day Holiday-No Class;
On Feb. 19th & 21st Socio-Historical Foundations of American “Legality”: A New “Legal Culture” of Emerging Individual Rights in the New Republic**

- i. Positive and natural rights theories, judicial review and the “grand style.”
- ii. Tocqueville’s discovery of American legal culture: the emergence of a distinctly American “rights culture”; the “aristocracy of bench and bar”; lawyers as a check on the “tyranny of the majority”; the jury and popular legal culture in the early republic.
- iii. On “legal culture” – connect and contrast Tocqueville to Friedman, Selznick, Nader & other scholars of legal cultures.

Read for Week 5:

- i. Tocqueville, *Democracy in America* (1835) excerpts on lawyers & juries in American legal culture.
- ii. Susan Silbey (2011) “Locke Op. Cit. Invocations of Law on Snowy Streets” (web link on bSpace, also in full-text)
- iii. *Celia’s Case*, Missouri Sup. Court 1855 (edited by Annette Gordon-Reed)
- iv. *The Amistad Case* U.S Sup. Ct. 1841.
- v. Thoreau (1849) “On Civil Disobedience,” short excerpt.

Section meetings: review Common Law case readings on emerging rights consciousness; Robert Kidder, Ch. 2 “Definitions of Law and their Consequences.”

Recommended: See bSpace for further links to Tocqueville; also see Greenhouse (1989) "Interpreting American Litigiousness."

Week 6: Feb 24th, 26th, 28th : Legal Culture and Legal Consciousness: Conceptual Frameworks for Law & Society Research

- i. Where is *law*? Is it in "legal culture"? Or in "legal consciousness" or "rights consciousness"? From where does law derive its authority or force? How can we know *law* when we see it? What methods can we use to study the pervasive legality of everyday life?
- ii. View-discuss excerpts from Nader (1982) *Little Injustices* (short excerpt in class, see also bSpace link or view at Moffitt DVD 9277)

Read for Week 6:

- i. P. Ewick & S. Silbey (1998) *The Common Place of Law*, Chs. 2-3.
- ii. Dred Scott v. Sandford, U.S. Sup. Ct. 1857.
- iii. People v. Hall California Sup. Ct. 1854
- v. Lucie White "Subordination, Rhetorical Survival, Sunday Shoes" (1990).

Recommended readings: Susan Silbey (2001) "Legal Culture and Legal Consciousness: Overview"; H. Hartog (1995) "Abigail Bailey's Coverture". All readings on bSpace.

II. Legal Institutions, Roles, Actors, and their Changes

Week 7: March 3rd, 5th, 7th

Monday March 3rd First Midterm Review Test

March 5th & 7th : Late 19th and Early 20th Century Courts, Governmental Regulation, and Emerging Forms of Legality

- i. The Post-Civil War Development of the U.S. court system;
- ii. The private law/public law structure of Anglo-American law: crime, tort, contract, property, the law of personal status, legal fictions and the corporate form.
- iii. The Civil War Amendments advance rights consciousness, a renewed discourse of individual rights that endures into the 21st century.

Read for Week 7:

- i. Max Weber (1922), on rationality in "Law, Economy, and Society"
- ii. Sally Merry (1994) "Courts as Performances."
- iii. Review: *American Courts* Chs. 3 & 4 on bSpace;
- iv. Tom Tyler (2008) "Why People Obey the Law"

Recommended: M. Shapiro (1986) *Courts: A Comparative Political Analysis*, excerpt; Sally Merry "Going to Court" (1979); *American Courts* Chs 1 & 2; 13th, 14th, 15th Reconstruction Amendments to the US Constitution

Discussion section: On court observational research & methods. Emerson on Field Observations.

Guidelines for Court Observation Report handed out March 7th; the report is to be submitted in class on April 18th. As announced above, this assignment graded P/NP.

Week 8: March 10th, 12th, 14th : Due Process and Procedural Legitimacy

- i. Expanding appellate functions, federalism and the Circuit Courts of Appeal;
- ii. The National Reporter System;
- iii. The professionalization of legal training.
- iv. Emerging rights consciousness and Equal Protection doctrine in the courts

Read for Week 8:

- i. Review: *American Courts*, Chapters 17, 18.
- ii. L. Friedman (2005) "The Legal Profession." M
- iii. *Minor v. Happersett* (1873)
- iv. *Bradwell v. Illinois* (1875)
- v. *Elk. v. Wilkins* (1884)
- vi. *Yick Wo v. Hopkins* (1886)
- vii. *Plessy v. Ferguson* (1896)

Recommended: T. Davis "Race, Identity, and the Law: *Plessy v. Ferguson*";

Week 9: March 17th, 19th, 21st: Courts, Legality, and "Progressive Era" Reforms

The Federal Ninth Circuit Court of Appeals will LIKELY Meet in Booth Auditorium this Week (a wonderful opportunity for your Court Observations)

- i. The evolving role of the legal profession and legal institutions in the late 19th and early 20th centuries
- ii. The rise of the regulatory state and conflicts over legal knowledge and institutional intervention in the private sphere.
- iii. The influences of social science on law, courts and governance; the "Brandeis Brief."
- iv. In-class discussion of *Ozawa* and Third citizenship cases.

Read for Week 9:

- i. Review: *American Courts*, Chs. 6, 7, 8.
- ii. L. Friedman (2005) "The Legal Profession in Early 20th Century" M
- iii. *Muller v. Oregon* (1908)
- iv. *Buck v. Bell* (1927)

Recommended: J. Monaghan and L. Walker *Introduction to Social Science in Law*, excerpt on bSpace.

MARCH 24TH THROUGH MARCH 28TH NO CLASS MEETINGS -- SPRING BREAK (This week also offers students an opportunity to observe a court in their home town, if they prefer)

Week 10: March 31st, April 2nd & 4th: Courts and Process; New Professional Roles

Video excerpts from *Soul of Justice: Thelton Henderson's American Journey* (2006)

Reading for Week 10:

- i. Review: *American Courts*, Chs. 13 and 14..
- ii. M. Feeley (1979) *The Process is the Punishment*, excerpt. M
- iii. M. Galanter (1974) "Why the Haves Come Out Ahead: the Limits of Social Change"
- iv. Felstiner, Abel, and Sarat "Naming, Blaming, and Claiming."

v. Posner “The Law and Economics Movement”

Recommended: Kagan (2001) *Adversarial Legalism*, Ch 1;

Week 11: April 7th, 9th, 11th: The Lawyering Profession: Ethical Ideals and Socio-economic Facts

- i. What do most lawyers actually do? Where do they work and under what conditions?
- ii. The politics and economics of public and private legal practice;
- iii. The social stratification of the bar;
- iv. The ethics of lawyering practice.

Read for Week 11:

- i. L. Friedman (2002) “Internal Legal Culture”
- ii. Jack Ladinsky (1963) “The Social Background of Lawyers”
- iii. C. Wright Mills, “On Lawyers,” excerpt from *White Collar* (1951)”
- iv. Freedman and Smith (2002) “Understanding Lawyers’ Ethics.”
- vi. Blumberg (1967) “The Practice of Law as a Confidence Game,” (1967), excerpt.

Week 12: April 14th, 16th, 18th

APRIL 18th COURT OBSERVATION DUE AT BEGINNING OF CLASS

On new institutional roles of lawyers and the legal profession: View excerpts from documentary *Well-Founded Fear* (2000), on multi-cultural and trans-national legality, advocacy, and administrative discretion in deportation hearings.

Demonstration of on-line advocacy training web site:

<http://www.pbs.org/pov/archive/wellfoundedfear/frameset.php3?section=waitingroom>

III. TRANSNATIONAL LEGAL STUDIES: CURRENT CONTROVERSIES

Week 13: April 21st, 23rd, 25th

Monday April 21st: SECOND IN-CLASS REVIEW TEST

Wednesday, April 23rd Guest lecture by Boalt Hall Professor Leti Volpp: on the role and ethics of the lawyering, reasoning, and advocacy. Prof. Volpp will discuss an asylum appeal case heard under U.S. Immigration Law, *In Re Kasinga*, 1996.

Read for Week 13:

- i. *In Re Kasinga* (1996), read first 14 pages of the opinion;
- ii. Charles Piot, “Representing Africa in the Kasinga Case” (2007) – read quickly for background of case
- iii. L. Volpp (2000), “Blaming Culture for Bad Behavior,” an article by Prof. Volpp on the role of courts and legal advocacy in trans-national and trans-cultural cases.

Review Volpp readings in discussion sections.

**Week 14: Can Modern Legality Transcend the Borders of the Nation-State?
International & Domestic Law after WW II: Human Rights after the Nuremberg Principles**

- i. The globalization or trans-nationalization of disputes, courts, regulatory agencies, and legal cultures;
- ii. The transnational convergence of lawyering profession;
- iii. Universal Jurisdiction, public international law, and human rights

Read for Week 14:

- i. L.Friedman (2002) “Law: An American Export”
- ii. Henry Kissinger (2004) “What’s Wrong with Universal Jurisdiction?”
- iii. Hajjar, (2010) “Universal Jurisdiction as Praxis.”

Video links to Pinochet and Kissinger; Nuremberg trials and to International Court of Human Rights

RRR Week:Review session scheduled for Monday May 5th;

Course review/summary and discussion of **take-home final exam**: the exam will be distributed on bSpace after the review session, approximately 8 days before the campus final exam date, along with the instructions for submitting the final exam on May 13th. Students unable to meet this exam schedule should notify the professor by the 12th week, so that a reasonable accommodation can be arranged.

The University-Assigned Final Exam Date and Time: Tues. May 13th from 8:00 to 11:00 am.

(the time and location were assigned to us by the Registrar, but we will make this the submission deadline for the take-home final – to be submitted in the Legal Studies Dept Office at 2240 Piedmont)