

Legal Studies Senior Capstone: The Rule of Law

Legal Studies 196 | T/Th 3:20-4:55P | Location: Canvas/Zoom* | Winter 2022

Professor M. F. Massoud (*he/his*)

Professor of Politics and Legal Studies & Director of Legal Studies

Student office hours: *One-on-one* Weds. 1:00-2:30P, sign up at <http://tinyurl.com/Massoud2022W>
Dicta Weds. 2:35-3:05P, sign up at <http://tinyurl.com/Massoud2022W>

Overview

This course is the Legal Studies senior capstone. The theme is the rule of law, specifically the ways that law tempers political power. LGST 196 fulfills the exit requirement for graduating legal studies majors.

Objectives

The course goal is for students to learn and apply core concepts and theories of the rule of law. The successful student will be organized; read all materials actively; think, write, revise, and speak precisely; submit assignments on time; work independently; and manage time wisely.

There are several additional learning objectives this course aims to fulfill. Upon completing the course, you should be able to:

- Explain the various meanings of the rule of law, including how states use law, how law is used against states, and challenges of constructing the rule of law;
- Critically evaluate the relationship between law and society in different political contexts;
- Identify social, historical, political, cross-cultural and other processes that create legal change;
- Interpret actual events in light of the rule of law as preparation for future study, specialized coursework, or internships/work.

Your skills in critical reading, thinking, writing, and speaking will be sharpened if you successfully

- Prioritize patience in order to read the assigned texts actively and thoughtfully;
- Evaluate competing arguments about the rule of law's functions;
- Challenge yourself to see writing as a process that involves revising; and
- Communicate orally what you are learning, what makes sense, and what questions you have.

Legal Studies Program Learning Objectives

As the capstone of your major, LGST 196 brings together the major's five program learning objectives:

1. Describe, explain, and compare the sources and functions of law in the US and other national or international contexts, including drawing on theoretical perspectives, institutional perspectives, and social/cultural perspectives;
2. Analyze the role of laws, courts, and other legal institutions in broader society, including the historical, social, political, and economic contexts in which it operates;
3. Evaluate the operation and function of legal norms, practices, and systems/institutions from a variety of disciplinary and social perspectives;
4. Apply and critically evaluate arguments about legal principles and norms, practices, and institutions based on logic and evidence, and from a variety of disciplinary perspectives; and
5. Develop and communicate well-organized, persuasive, and well-supported written and oral arguments and analyses regarding law and legal issues based on appropriate empirical and/or theoretical evidence and logic.

* We acknowledge that the UC Santa Cruz campus and UCSC campus servers hosting our class are on the land of the Uypi Tribe of the Awaswas Nation, today represented by the Amah Mutsun Tribal Band.

What is a Capstone seminar?

Capstone is unlike any other Legal Studies class. It is a seminar. At UCSC, a seminar is a small, discussion-based class, usually under 25 students. A capstone seminar requires you to attend and speak up in every class. You will give in-class presentations on the readings and on your research, as well as write a lengthy, independent research paper. Capstone covers advanced material and encourages active learning such as discussions on the assigned readings, debates, group work, peer reviews, questions, and individual work in class. All students must come prepared to ask and answer questions in every class. This is not a lecture course. It requires student leadership in every class.

Attend all classes well prepared, having thoughtfully considered the assigned material. This will prepare you to ask questions to one another and explore course themes more deeply during class. Because this is an advanced course, you will direct discussion and analyze material deeply. Speak up. Ask questions. Always address arguments and comments to the ideas being discussed rather than to the person.

We are fortunate to have a Zoom Course Assistant, Manogna Namburu mnamburu@ucsc.edu. Our live captioners (DRC support) are Carol Nevarez canevare@ucsc.edu and Dee Terrell doterrel@ucsc.edu.

What do I need to succeed in a remote seminar?

Our Canvas home page includes a link to this syllabus. Links for our seminar meetings are under the Zoom section of Canvas. There are a few technological requirements that are necessary to successfully complete the course remotely. These include: 1) reliable access to a computer; 2) reliable internet access; 3) ability to access and read pdf files; 4) ability to participate in Zoom meetings; and 5) regular use of your UCSC email address and Canvas. Please note that for all technology-related problems or questions, your main resource is the ITS Support Center (help@ucsc.edu).

The seminar's success depends on the active participation of its members, primarily through our class meetings together. Your own success also depends on your commitment to do your best to keep up with the readings, participate actively in seminar discussions, and complete the steps involved in producing a research paper in a timely way. Although all of this is more challenging in a virtual environment, I am committed to doing all I can to support you this quarter. I encourage you to keep in close contact with me – particularly if challenges arise, so that we can work together to address (early on) any issues that complicate your participation in the course.

The remote Capstone may even feel more difficult than the in-person Capstone because students must be much more focused and organized in Zoom contexts. I share this because I want to thank you for taking this class remotely to help other students who could not return to Santa Cruz, but also because I need you to create space for yourself to pass this class and do well. Capstone will require considerable time and energy, and it will be worth it, I promise.

Collective Responsibilities

A successful learning experience requires mutual respect on the part of each student, each TA, and the instructor. Be open, attuned, and sensitive to diversity in our collective backgrounds, ethnicities, genders, gender identities, religious beliefs, sexual orientations, immigration and first-generation statuses, political views, and other areas of identity or subordination. No one should be subject to behavior that is rude, disruptive, intimidating, or demeaning. The instructor has primary responsibility for and control over classroom behavior and the maintenance of academic integrity.

Additional instructor responsibilities:

- Facilitate student learning and skills development and treat students with respect.
- Be open to constructive input from students in the course.
- Ensure that opportunities to participate are enjoyed equally by students.

Additional student responsibilities:

- Read this syllabus carefully to learn the course expectations and goals.
- Be prepared for the quarter's intense pace by reading before and attending all classes.
- Zoom/Canvas responsibilities
 - Approach learning and your classmates with kindness and respect. Be the type of person you would like to turn to when you are in need of help.
 - Get to class from Canvas. Ensure your first and last name appear on your screen.
 - Arrive early to ensure your connection works. Do not pack up before class ends.
 - Be mindful of what appears on your screen. Find a space that supports your learning and allows you to participate in discussions each class.
 - Mute your microphone when you are not speaking.
 - Give full respectful attention to those speaking. Look up at the camera so they see you making eye contact. Be quiet when someone else is speaking and turn off all devices and programs (e.g., phone, apps, email) that may distract you.
 - Participate and ask questions. Think before you speak or type. Use courteous, respectful language. Use the "raise hand" function. Create space for others to speak and type alongside you. Keep comments and questions relevant to the topic and text of the discussion.
 - Be generous with one another. Use the discussion board for questions, comments, and reflections. Regularly review and post to it. Help one another by responding to questions on the discussion board.
 - Visit keeplearning.ucsc.edu for additional resources.
- Unless otherwise specified, electronic devices are permitted only to call up LGST 196 materials and to take class notes. Grades will be reduced if you are using applications (e.g., apps, web browsers, email) unrelated to this course.
- Classes will be recorded and posted. No recording devices are allowed without advance permission from the instructor concerning a DRC accommodation.

Discussions of law and politics often touch upon sensitive, triggering, and challenging issues. Differences of viewpoint or concerns should be expressed in terms supportive of the learning process. We are all responsible to honor each other's experiences, to appreciate the opportunity to learn, and to create a safe environment. Let us share openly and reason with clarity and compassion as we develop our understanding of the international community in which we live.

Readings

Readings will be posted to **Canvas Modules**. Additional readings, assignments, and documents may be assigned, distributed, or discussed in class and/or on Canvas. Updated copies of this syllabus, should it be changed, will also be posted to Canvas.

You should daily be reading global news. Choose from *The Economist*, *The Guardian*, *The New York Times*, *Wall Street Journal*, and *Washington Post*. BBC News online, *Al-Jazeera*, *Le Monde Diplomatique* (English), and foreign-language newspapers are also useful. If you wish to have further exposure to the academic study of law, please consult with the professor for suggestions for additional/optional readings.

Evaluation

There are four requirements for this class:

1. **Regular and active participation (25%):** The success of the seminar depends on active and ongoing participation by all class members. All students are expected to complete all the assigned readings before class begins at 3:20 pm. Everyone present is encouraged to participate vocally in

our discussions via Zoom. Students who are unable to attend class for any reason should send me a one-page written summary of the readings and class discussion if a video is posted. Participation also includes actively engaging with peers' research presentations by asking questions about their research and/or offering feedback. The participation grade will also include the quality of the feedback that students prepare as part of the seminar's "peer review" exercise when each student will provide comments on a peer's initial paper draft. Peer reviewers will submit copies of their peer review comments to the professor and to the student(s) whose paper is being reviewed.

- *Attendance at a minimum of 75% of the classes is required to pass.*

- *Participation grades will be reduced for signing up for office hours but not showing up.*

2. **Threaded reflections (4) and replies (8) (10%):** You are required, for one class session in each of four weeks, to submit a brief reflection (typically 100-200 words) on the readings for that class. Your reflection must be posted to the Canvas discussion board no later than 12:00pm on the day of that class session so that others may read it. You must submit a total of **four reading reflections**, one per week in weeks 2, 3, 4, and 5. You must also react to the response of at least two of your classmates (25-100 words) each week by Friday, for a total of **eight reactions**.
3. **Oral presentation (10%):** Some classes in February and March will be devoted exclusively to student presentations of their research. In one of these classes you will make your own brief (7-10 minute) presentation of your research. This will provide an opportunity to sharpen and share your conclusions, and to receive feedback from your peers. To simulate an academic research conference, we will do this by constituting panels of approximately 5 students per panel/class. For each panel, after the panelists have presented their research (approximately one hour), we will hold a 30-minute "Question and Answer" period during which the panel of presenters will field questions and constructive feedback about their research from other students.
4. **Research paper with four step-by-step components (55% total):** You will complete an original research paper of 3000-4000 words (approx. 12-15 double-spaced pages) on a topic related to the course themes. Producing a research paper for the course will involve completing a number of scheduled steps along the way, each of which will contribute to your grade for this component.
 - a. **Progress Report 1:** Research prospectus (2 pages) that includes a clear research question, short outline of your paper, and an initial bibliography of at least three academic sources due by the end of week 2 (5%)
 - b. **Progress Report 2:** Central argument, fuller outline, and annotated bibliography of at least eight sources due end of week 4 (5%)
 - c. **Draft paper (5-10 pages):** submitted to the class two days prior to your presentation (10%)
 - d. **Research paper:** due 7:00pm Monday March 14, 2022 (35%)

Late policy: Talk to me in advance. Keep me posted. Late assignments may add to your anxiety because they potentially interfere with other class assignments. They also add to my anxiety because they disrupt the grading schedule I need to keep. Late assignments will be marked down one letter grade for each 24 hours following the due date, and I will be unable to provide detailed feedback to late submissions. Because of the university's grade submission deadline for professors, no late final papers are accepted.

Improvement policy: Steady improvement or decline in the course may be taken into account in your final grade in a manner to be determined by the instructor on an individual basis.

Three Tips for Success in this Seminar Class

1. Manage Your Time

A five-credit capstone at UCSC requires 15 hours per week of work, averaged across the quarter. Budget the following approximate times into your schedule: attending two classes (3 hours), reading before class and preparing to participate in discussions (5 hours, or 2.5 hours before every class). I also expect that students will spend approximately 70 hours on their research papers, including on the various components of the research process (annotated bibliography, detailed outline, first and final drafts, peer reviews, etc.). Altogether students should plan to devote approximately 150 hours to the class over the course of the quarter. To succeed, please write these hours into your weekly schedule, and read all materials carefully and thoughtfully.

2. Take Care of Yourself

Proper time management and course success means nourishing your mind, body, and soul. Consider taking a walk in your neighborhood or doing a stretch or yoga class via YouTube. If you do not have access to healthy food or adequate living space, please communicate with the professor and your college advisor about available options.

3. Apply this Course to Real Life

Legal scholars say that the rule of law is essential to a healthy society. Read the news once a day and think actively about how national and global events relate to theories in the course on the rule of law. Post relevant articles to the discussion board. Mention them to Professor Massoud.

Accessibility

Each person deserves a suitable learning environment. If you require accommodations because of a disability, please submit an Accommodation Authorization from the Disability Resource Center (DRC) to Professor Massoud **within the first two weeks of the quarter**. You may submit these outside of class (e.g., office hours) to ensure anonymity. Come prepared to discuss ways to ensure your full participation in the course. Contact DRC at 831-459-2089 (voice), 831-459-4806 (TTY), drc@ucsc.edu, or <http://drc.ucsc.edu> for more information on DRC services and requirements.

Pronouns and Inclusivity

Each person should be addressed in accordance with their personal identity. If you feel comfortable, please share the pronoun (they, she, he, ze, etc.) with which you identify. If you have reason to believe someone may refer to you by an incorrect pronoun, please let that person know how you would like to be addressed. If you mistake someone's pronoun, please be open to being corrected.

Covid-19 Guidance

UC Santa Cruz requires all students, TAs, and professors to wear masks regardless of vaccination status. If you need to miss class to isolate or quarantine, please send a screenshot of your dated red badge to your professor. Please do daily symptom checks and get tested as required. As well, we recommend you exchange contact information with a buddy in this class for peer support and sharing notes if you miss class.

Meet the Professor Outside of Class

You are encouraged to discuss the course and your career goals and questions with the professor. To contact the professor, it's best to avoid e-mail, which can be cumbersome and imprecise. Instead, meet in person by signing up online for **one-on-one** or **dicta** at <http://tinyurl.com/Massoud2022W>. You must be logged into your UCSC email to sign up. Participation grades will be reduced if you sign up but do not show up for your appointment.

One-on-one: Sign up online for a 15-minute appointment during the one-on-one period. Space is limited to six students per week. Come prepared with specific questions or issues you would like to discuss.

Dicta: Dicta is open office hours for anyone in LGST 196. When in-person, it was a short walk with students to discuss issues relevant to the course and your academic, employment, and life goals. Come prepared with questions or issues you would like to discuss with your peers and me. As in legal judgments, dicta are information relevant to our course and to your education, but they may be extraneous to your final grade. Space is limited to eight students per week. Please sign up online and join our Zoom “walk” together at 2:35PM every Wednesday.

While I cannot guarantee availability, I will do my best to accommodate students by appointment if you have a class conflict during both *one-on-one* and *dicta*.

Gender Discrimination and Harassment

This class is committed to a safe learning environment free of gender-based discrimination and harassment. If you or someone you know experiences assault, domestic/dating violence, or stalking, you are not alone. UCSC has staff members trained to support you. For confidential support and advocacy, call the CARE office 831-502-2273 or CAPS 831-459-2628. You can also report discrimination directly to the Title IX office 831-459-2462. Reports to law enforcement can be made to UCPD (831) 459-2231 or 911. UC policies require faculty and TAs to inform the Title IX office if you tell them about a situation involving sexual violence or harassment. The goal is to get you the support you need so that you know your options, access campus resources, and remain in control.

Academic Integrity and Plagiarism

In this course, abide by the values of honesty, respect, and civility. UC Santa Cruz values academic integrity. All students must understand the meaning and consequences of cheating, plagiarism, and other academic offenses. Read and understand the university’s policies on academic misconduct: <https://ue.ucsc.edu/academic-misconduct.html>.

All sources must be cited. Plagiarism is copying ideas or words that are not your own and attributing them to yourself. When in doubt, cite. All cases of plagiarism are offensive and will be prosecuted per university policy with course sanctions, university sanctions, or both.

How to Cite Properly

This course uses the following citation style: **Chicago Manual of Style**. See https://www.chicagomanualofstyle.org/tools_citationguide/citation-guide-1.html.

Courses in the Politics Department and Legal Studies Program use one of two standard forms of citation: (1) Parenthetical (or in-text) citations; and (2) Footnotes. We will decide together which one you prefer to use. For the footnote style, refer to the *Chicago Manual of Style*. For the in-text system, the department follows the *Modern Language Association* (MLA). Familiarize yourself with the style guides for the two systems, found on the Politics website, <http://politics.ucsc.edu/undergraduate/citation.html>. These two systems are also outlined in other style guides, including Diana Hacker's, *A Pocket Style Manual*.

Your Participation Grade

“Participation” includes oral communication, discussion board posts, journal/reflections, and section assignments. It makes up a significant portion (25%) of your grade. This course uses the following rigorous guidelines to evaluate your participation:

A: Full attendance or one excused* absence, as well as consistently outstanding contributions in oral communication, reflections, and posts, including being an active listener who knows when to wait and allow others to contribute. This student comes to class prepared, contributes readily to the conversation but doesn't dominate it, makes thoughtful contributions that advance the conversation, shows interest in and respect for others' views, and participates actively in small groups.

B: Full attendance or one excused* absence, participated well most days with contributions and as an active and patient listener; or someone who made solid contributions on any assignments, reflections, posts, and in oral communication but also contributed in a less developed manner or too much (i.e., dominated the discussion or did not allow space for others to enter the discussion). A student with two excused* absences but otherwise did outstanding (A) work might also merit a B.

C: Full attendance or one excused* absence, but not much more (i.e. little to no participation, just showed up to class and participated/posted a few times during the quarter, with average quality section assignments). Any student with three excused* absences but otherwise did outstanding (A) work might also merit a C, or any student with two excused* absences but otherwise did very good (B) work, etc. Students in this category may talk too much, make rambling or tangential contributions, disrupt the class, interrupt the instructor or other students with digressive questions, bluff their way when unprepared, or otherwise dominate discussions.

D: Three excused* absences and did average work or less, or who was present/breathing but regularly came to class without the readings or who demonstrated inadequate preparation. Some students in this range often seem on the margins of the class and may have a negative effect on the participation of others. Students here either often don't participate because they haven't read the material or done the work before class.

F: Four or more excused* absences. Some students in this category may be actually disruptive, radiating negative energy via hostile or bored body language, or be overtly rude.

Due to the seminar format, students who miss five or more classes will need to retake the course.

Active and thoughtful participation in class, discussion boards, and office hours may be taken into account to improve your participation or course grade.

*An excused absence is one for which the student communicates with the professor in advance about an unforeseen and unavoidable difficulty.

What We Expect from Your Written Assignments

Below are the three guidelines (sets of questions) that this course uses to evaluate whether your written assignments are interesting, original, and effective. Please use these questions to guide how you write in this course. (Standards for essays written during in-class exams, if any, are modified accordingly.)

1. A Purposeful Argument: Is the thesis (i.e., the central argument and purpose) of the paper clear, interesting, and specific? Does it address a significant problem from the class materials and in policy? Does the paper tell the reader something not already known from common knowledge, and that is not immediately apparent? Does the argument not just recall but also build upon and integrate the class materials, section discussions, lectures, and global events?

2. Logically Organized Evidence: Does the author make the best possible use of course readings to support their thesis, choosing selectively from the available material? Does the author deal adequately with the strongest possible opposing evidence? Are citations and quotations appropriately introduced and explained? Does the paper follow a logical path in developing and supporting the thesis? Are new ideas and points of evidence presented in a logical order? Is it clear how each new idea relates to the thesis and how it follows from the previous idea? Do ideas seem out of place? Do the introduction and conclusion contextualize the thesis and explain why it is interesting, what other issues it is related to, or what other implications it has in addition to those discussed in the paper?

3. A Pleasant Style: Is it a pleasure to read this prose? Is vocabulary used appropriately and effectively? Is sentence length varied and word count under the limit? Does the paper have a good title and section headings if necessary? Is there balance between, and appropriate use of, direct quotation and paraphrasing? Does the author present ideas clearly? Does the author use constructions such as parallelism or subordination effectively to show relationships

between ideas? Is word repetition a helpful stylistic choice rather than tedious? Is the language appropriately formal for an academic paper, without contractions or colloquialisms? Has the author avoided grammatical, spelling, and punctuation errors? Are sources correctly cited?

How We Grade Your Written Assignments

Below is an explanation of how the three guidelines above typically translate into grades on written assignments. These standards are in place in various classes at UCSC and at other institutions.

A: Excellent work, with clear, challenging, original ideas supported by sufficient, appropriate, logically interpreted evidence and a consistently pleasant reading style. The essay engages the reader in the inquiry, convincingly answers opposing views, and is well-organized and free from errors and flaws. The 'A' essay is outstanding in thesis, organization, evidence, style, and mechanics.

B: Good to very good work, with a clear thesis supported by sufficient, appropriate evidence, organized and interpreted logically. The 'B' essay may have some outstanding qualities but it suffers from significant flaws which keep it from being an 'A'; or it may be all-around good work that is free of major problems, but lacking the deeper insight necessary for excellence.

C: Satisfactory work, but not yet good. The 'C' essay meets the basic requirements of a thesis supported by interpretation of specific evidence, but it needs work in thinking and/or presentation. There may be a lack of clarity, the evidence may not always be sufficient and appropriate, or the interpretation may have logical flaws. The essay may have organizational, stylistic, or mechanical problems that keep it from being good. The 'C' essay may be good in some respects but poor in others, or it may simply be adequate but not noteworthy overall.

D: Barely passing work that shows effort, but it is so marred by serious problems that it cannot be considered a satisfactory paper. Essays without a readily identifiable thesis are liable to be marked 'D'.

F: Failing work, for example, a hasty, sloppy essay that shows little or no thought, effort, or familiarity with the text. The 'F' essay may fail to respond to the topic given.

Grade Contestation (for papers and/or exams, if any):

If you judge your grade to be inaccurate (with respect to the grading guidelines), you must wait at least 48 hours after receiving your work before contacting the professor, so that you may re-read your work and consider the comments and grade given. After 48 hours, but within **one week** of the first day papers are returned, you may submit a written account to your professor of the reasons why you believe the grade to be inaccurate. Think critically about the strengths and weaknesses of your work and commit those thoughts to writing. Your professor may elaborate further on (and reconsider, either upward or downward) your grade in writing.

Narrative evaluations

Special circumstances determined by the professor may warrant explication of a grade. In those cases a student will receive a narrative evaluation. If you would like to request a narrative, inform Professor Massoud in writing within the first week of the quarter.

The instructor may amend this syllabus as necessary to meet the educational needs of this course.

POLI/LGST 160B Fall 2021 (rev. Jan. 4, 2022)

Schedule of Topics, Readings, and Assignments (listed by due date)*

*This schedule is subject to change. Announcements will be made in class and/or posted to Canvas.

This class meets remotely via Zoom. Please log into class from a place where you will be able to participate vocally (e.g., not the library or other quiet area). If you need a place on campus to access the class remotely, we have reserved **Social Sciences II room 75** for you. Please do not enter this classroom until campus re-opens for in-person instruction. Get regular Covid tests, mask up, and practice social distancing in the classroom.

Tuesday, Jan. 4

No class meeting today

Thursday Jan. 6

Introduction to the Rule of Law, Course Syllabus, Goals, Readings, and Assignments

To do by 5:00pm Friday 01/07/22:

- Review Week 0, UCSC's orientation to remote learning. It may be found in our Canvas course under "modules." Begin to participate in class by introducing yourself at the end of the module.
- Upload to Canvas the verification that you completed the research tutorial:
<https://guides.library.edu/politicstutorial>
- Read the syllabus
- UCSC Academic Integrity and Misconduct Policy:
<https://ue.ucsc.edu/academic-misconduct.html>
- UCSC Politics Department Academic Integrity and Citation Guidelines
<https://politics.ucsc.edu/undergraduate/citation.html>

Tuesday Jan. 11

The Rule of Law in Global Perspective

Re-read the syllabus

Nonet & Selznick, selections from *Law and Society in Transition*

Krygier, "The Rule of Law: Pasts, Presents, and Two Possible Futures"

Massoud, "Six Legal Concepts," from *Law's Fragile State*

Michael Taussig, selections from *Law in a Lawless Land: Diary of a Limpieza in Colombia*

US Institute of Peace video on the [Rule of Law](#)

- Try to write an awesome introductory paragraph for an essay about the functions of the rule of law. What does the rule of law look like in societies that have it? What's missing in societies that lack it? Can the rule of law really ever be achieved? What problems does the rule of law solve or not solve, if any? And, as Krygier asks, why do people clamor for the rule of law, and are these good reasons?

Thursday Jan. 13

The Lived Experience of the Rule of Law

Susan Silbey, *Legal Consciousness* (New Oxford Companion to Law)

Ewick and Silbey, selections from *The Common Place of Law*

Nielsen, "Situating Legal Consciousness," *Law & Social Inquiry*

- What does legal consciousness mean? To what extent does the legal system affect your everyday life? What are the different ways of studying legal consciousness? For instance, if you were to design a study of legal consciousness among a certain group of people (e.g., students, immigrants, pet owners, ethnic or religious minorities), how would you do it?

Progress Report 1: Research prospectus (2 pages) that includes a clear research question, short outline of your paper, proposed methods, and an initial bibliography of at least 5 academic sources due by the end of week 2

Tuesday Jan. 18

The Rule of Law and Democracy – Lessons from South Africa

Nicholas Rush Smith, "Epilogue," *Contradictions of Democracy: Vigilantism and Rights in Post-Apartheid South Africa*

Jens Meierhenrich, selections from *The Legacies of Law: Long Run Consequences of Legal Development in South Africa*

- How does the rule of law support democratic development? How does law do the "dirty work" of democracies (Smith)? How does fealty to law create openings for democratic development in authoritarian states (Meierhenrich)? To practice providing evidence for an argument, pick a quote from one of the two readings and try to write a paragraph around it.

Thursday Jan. 20

Alternative Discourses for the Rule of Law – Dignity and Religious Faith in China and the US

Halliday & Liu, "Dignity Discourses in Struggles for Basic Legal Freedoms in China"

Massoud & Moore, "Shari'a Consciousness: Law and Lived Religion among California Muslims"

Video in class: Shari'a Revoiced (www.shariarevoiced.org)

- What is "dignity consciousness" and how does it relate to legal consciousness? Is it a more helpful way of conceptualizing justice and rights than the rule of law? What about "shari'a consciousness"? And what are the socio-economic, political, and/or religious precursors or identifications that help form your own legal consciousness?

Tuesday Jan. 25

The Rule of Law and Personal Identity – Lessons from the United States

Sohoni, “Anti-Miscegenation Laws, Naturalization Laws, and the Construction of Asian Identities,” *Law & Society Review*

Obasogie, “Do Blind People See Race,” *Law & Society Review*

- How do societies and legal systems demarcate ethnic identity, and why? When legal systems do this, does it harm or advance the rule of law? Why? And more generally, what role does law play in creating identity and then privileging some identities over others? In addition, how does the “color blind” metaphor reproduce particular ideas of race and jurisprudence? How do social practices like “seeing race” create power or temper it, influencing the development of the rule of law?

Thursday Jan. 27

The Rule of Law and National Identity – Lessons from the Middle East

The Law in These Parts film (1 hour, 45 minutes – watch in advance of class)

Kelly, selections from *Law and Sovereignty Among West Bank Palestinians*

- Who are the makers of the law? How do we expect the rule of law to be organized in a democracy? What role do law and judges play in developing a nation-state’s identity and its democratic character? Can rule of law and rule by law co-exist while retaining core democratic values? What is occupation? Can the rule of law subjugate a minority population? How does law (and the rule of law) create it and how can the rule of law solve the problem of occupation? And, in these places, how and why would people use formal law especially if it subjugates them?

Progress Report 2: Central argument, fuller outline, and annotated bibliography of at least ten sources due end of week 4 (3-5 pages)

Tuesday Feb. 1

The Rule of Law in Online Communities – Lessons from Facebook and Grindr

Terjesen, “[Why Facebook created its own ‘Supreme Court’](#)” *The Conversation*

Waldman, “Law, Privacy, and Online Dating: ‘Revenge Porn’ in Gay Online Communities,” *Law & Social Inquiry*

Recommended: Klonick, “[Inside the Making of Facebook’s Supreme Court](#),” *The New Yorker*

Recommended: Omari, “Is Facebook the Internet?” *Law & Social Inquiry*

- What is an online community? Does the rule of law exist there? Should it? Why or why not? What are the challenges of tempering power in online communities? Should power be tempered/dispersed? If so, whose power, and who will be charged with doing the tempering? What are the consequences of tempering power online for free speech? Try to come up with an argument or thesis that proposes an answer to some of these questions.

Thursday Feb. 3

Legal Empowerment, “Lawlessness,” and the Rule of Law

Golub, “The Legal Empowerment Alternative”
Stern, selections from *Environmental Litigation in China*
Achebe, selections from *Things Fall Apart*

- What is legal empowerment? What are the problems that this model of development seeks to resolve? What solutions does “legal empowerment” propose? To what extent does legal empowerment look like a form of colonial intervention? What are the effects of international development assistance and funding on the rule of law and on the lives of people whom the rule of law is meant to help? Another way of asking that is: What does the rule of law look like for the poor seeking economic opportunity and development, and is there room for law to serve as a means for liberation? Imagine if an international NGO arrived to your house to teach you about the rule of law. Would it have mattered to help redistribute power? Why or why not?

Tuesday Feb. 8

In-class peer assessment activity

Come to class with your initial draft paper (approx. five pages) to share with a peer.

Thursday Feb. 10

No class meeting

Independent research on the topic/place in which you are researching the rule of law; revise your draft paper in response to peer assessment and prepare your class presentation/slide.

Tuesday Feb. 15

Preparing for the Presentations

No new reading for today. All students will prepare and give a low-stakes two-minute in-class *practice* presentation of their research question and key findings, for feedback from the class.

Your revised draft paper (5-10 pages) must be submitted to the class two days prior to your actual presentation.

Thursday Feb. 17

Student Research Presentations and Feedback

Before class, read each student’s draft paper and prepare comments & questions for discussion.

Tuesday Feb. 22

Student Research Presentations and Feedback

Before class, read each student’s draft paper and prepare comments & questions for discussion.

Thursday Feb. 24

Student Research Presentations and Feedback

Before class, read each student's draft paper and prepare comments & questions for discussion.

Tuesday Mar. 1

Thinking Locally about the Rule of Law

TBD

Thursday Mar. 3

Faculty Research Presentation and Feedback

Massoud, reading to be assigned

Tuesday Mar. 8

Student Research Presentations and Feedback

Before class, read each student's draft paper and prepare comments & questions for discussion.

Thursday Mar. 10

Student Research Presentations and Feedback

Before class, read each student's draft paper and prepare comments & questions for discussion.

E.P. Thompson, selections from *Whigs and Hunters*

Brown, "On Rule of Law, Globalization, and Imperialism"

- Is the rule of law a tool of the upper class and an instrument of power, or is it instead an "unqualified human good"? Or maybe is it both of these things at the same time? What does the research from your paper reveal to you about the rule of law? What did you learn about the rule of law from this course, and from your independent research, that you did not know at the start of the quarter?

Monday Mar. 14

Final research paper due via Canvas no later than 7:00PM Monday March 14.

Have a great break.