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Introduction to Law, Policy and Society (LPS U301)  
Course Syllabus  
Spring 2007

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**Course Information**

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Office hours: M&W: 4:30-5:30 pm (Holmes 202A)

**Meeting times: M&W: 2:50-4:30pm**

**Course Description**

Can a society exist without law? Can individuals use the law as an instrument of change to make society more equal and fair? These are just a couple of questions that will be posed in this new and innovative course that introduces students to a wide variety of questions on the functions of law in society. Students will use social and legal theory to critically analyze legal policy and examine the difference between formal legal theory and “law in action.” The course focuses on real cases in corporate social responsibility, women’s rights, gay marriage, capital punishment, and other topics. Further, the course will examine the dynamic relationship between law and policy, the impact of legal structures on the behavior of legal systems and the ways in which social movements have utilized the law to initiate change. By

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<sup>1</sup> Rosa Parks (1913-2005) A Montgomery Sheriff’s Department booking photo of Mrs. Parks. She was arrested for refusing to give up her seat on a city bus to a white man. For her act of defiance, Mrs. Parks was arrested, convicted of violating the segregation laws and fined \$10, plus \$4 in court fees. In response, blacks in Montgomery boycotted the buses for nearly 13 months while mounting a successful Supreme Court challenge to the Jim Crow law that enforced their second-class status on the public bus system. (New York Times Obituary Oct. 25, 2005)

the end of the course students will be equipped with the skills and theoretical tools necessary to think critically about the interplay of law, policy and society as well as their role in creating change.

### *Course Requirements and Grading Policy*

- ***Required Texts/Readings:***

- a) BOOK: “Foundations of the Law: An Interdisciplinary and Jurisprudential Primer”, Kuklin, B. and Stemple, J.F. (available in the bookstore)
- b) Readings posted on Blackboard under “Assignments”.

- ***Class attendance and participation: (15%)***

Your responsibility in this course is to be an active learner, not a passive sponge. To be successful in this course you will need to dedicate yourself to regular attendance in class, doing your readings on time and actively participating to develop your ideas.

- ***3 Reaction Papers (18%)***

You will write two short papers on the assigned readings and one on the movie as listed below. These papers are designed to ensure that you read and think critically about the material and to improve your ability to write clearly and analytically. Each paper **should be no longer than 2 pages**, typed, -double-spaced with 1-inch margins. (Don’t forget to proofread and spell-check!)

- Paper #1 “Historical, Jurisprudential and Multidisciplinary Influences on Law”
- Paper #2 Film “A Civil Action”
- Paper #3 AIDS Partner Notification Law

#### ***Short In-Class Presentation (7%)***

Choose a Supreme Court Justice from the list I will hand out, do some background research on their life, political ideology and their prior rulings and come to class prepared to present and discuss their decisions.

**During the semester:** be prepared to be asked about how to apply their thoughts to the different cases that we will study.

- ***Midterm Exam – in class- (25%)***

The exam will contain both short response and essay questions based on the readings, discussions and notes from the class.

- ***Term Paper and Presentation (35%)***

Students will pick a current topic or legal case and explain the interplay between law, policy and society. The topic can come out of the readings from class. Possibilities include: civil rights, women’s rights, corporate social responsibility, welfare reform, gay and lesbian rights,

abortion, labor, disability rights, immigration, social security, health, environmental policy, etc. **The instructions with the specific requirements for the paper are posted on blackboard.** The paper **should be no more than 12 pages**, double-spaced with 1-inch margins. (Don't forget to proofread and spell-check!)

### ***Academic Policies***

- ***Academic:*** The Northeastern University's Rules of Academic Honesty and Integrity apply to this course.

**\*Academic Honesty and Integrity Policy** Essential to the mission of Northeastern University is the commitment to the principles of intellectual honesty and integrity. Academic integrity is important for two reasons. First, independent and original scholarship ensures that students derive the most from their educational experience and the pursuit of knowledge. Second, academic dishonesty violates the most fundamental values of an intellectual community and depreciates the achievements of the entire University community. Accordingly, Northeastern University views academic dishonesty as one of the most serious offenses that a student can commit while in college.

**Cheating** Intentionally using or attempting to use unauthorized materials, information or study aids in any academic exercise.

**Fabrication** Intentional and unauthorized falsification, misrepresentation, or invention of any information, data, or citation in an academic exercise.

**Plagiarism** Intentionally or knowingly representing the words or ideas of another as one's own in any academic exercise without providing proper documentation of source by way of a footnote, endnote, or inter-textual note.

**Unauthorized Collaboration** This refers to instances when students, each claiming sole authorship, submit separate reports which are substantially similar to one another. While several students may have the same source material (as in case write-ups), the analysis, interpretation, and reporting of the data must be each individual's.

\* For more information please see [www.osccr.neu.edu/policy.html](http://www.osccr.neu.edu/policy.html)

- ***Students with special needs:***

Students attending Northeastern who have documented disabilities are protected from discrimination and assured reasonable accommodations under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973. If anyone in this class has a documented disability and would like to discuss reasonable accommodations please see either of us or contact the Disability Resource Center (<http://www.access-disability-deaf.neu.edu/index.html>).

- ***Creating a Healthy Classroom Environment***

Students are expected to conduct themselves in an appropriate manner with reciprocal respect for the opinions, ideas, values and thoughts of others.

## Course Schedule and Readings

### **(1/08)M: Introduction to Law, Policy and Society**

Presentation/ Explanation of the class/ Students and teacher's expectations

Readings:

- Article on Bernard Goetz – Subway Vigilante (Handout)
- What does it mean to be liberal, moderate, conservative and radical?

Issue: What is law? Can a society exist without law?

### **(1/10)W: Introduction to Law, Policy and Society**

Readings:

- Chapter 3 “Political Philosophy and Law” from “Foundations of the Law: An Interdisciplinary and Jurisprudential Primer”
- “Coming of Age: Law and Society Enters an Exclusive Club” Lawrence M. Friedman Annual Review of Law and Social Science (Blackboard)

Issues: Where does law come from? Why do people obey the law? What is the distinction between rule of law and rule of men?

### **(1/17)W: Introduction to Law, Policy and Society**

Assignment Due: First Reaction Paper on “Historical, Jurisprudential and Multidisciplinary Influences on Law”

Readings:

- Chapter 6 “Historical, Jurisprudential and Multidisciplinary Influences on Law” from “Foundations of the Law: An Interdisciplinary and Jurisprudential Primer”
- “Law/Society origins, interactions, and change”, John R. Sutton (Blackboard)

Issues: Where does law come from? Why do people obey the law? What is the distinction between rule of law and rule of men?

### **(1/22)M: The Dynamic Relationship between Law, Policy and Society**

Readings:

- “Tobacco Liability Litigation as a Cancer Control Strategy” (Blackboard)
- “The New Public Health Litigation” W.E. Parmet and R.A. Daynard and “Legal Approaches to the Obesity Epidemic” (Blackboard)
- “The Lawyers did it” Martha Derthick (Blackboard)

Issues: What we mean when we talk about law? Is the law a self-sufficient discipline? How does law relate to policy?

In Class Exercise: Developing effective policy to stem obesity epidemic

**(1/24)W: The Dynamic Relationship between Law, Policy and Society**

Readings:

- Chapter 4 “American Governmental Structure: Its Impact on Law” from “Foundations of the Law: An Interdisciplinary and Jurisprudential Primer”
- “From Slavery to Hate Crime Laws” Brian Levin (Blackboard)

Issues: How does the structure of the American system of government effect law and policy? Does the law guarantee “justice for all”?

**(1/29)M: The Dynamic Relationship between Law, Policy and Society**

Assignment Due: In Class Presentation on a Supreme Court Justice

Readings:

- “Policy Paradox in Action” Deborah Stone (Blackboard)
- “Affirmative Action: Is it Fair? Ronald Dworkin (Blackboard)

Issues: How does the structure of the American system of government effect law and policy? Does the law guarantee “justice for all”?

**(1/31)W: Does Law = Justice?**

Assignment Due: In Class Presentation on a Supreme Court Justice

Readings:

- “Why Culture Matters to Law: The Difference Politics Makes”, Dorothy Roberts (Blackboard)
- “Sex and the Supremes” New Yorker article (Blackboard)

Issues: Where does culture fit into law? Does the law guarantee “justice for all”?

**(2/05)M: Law and Economics**

Assignment Due: In Class Presentation on a Supreme Court Justice

Readings:

- Chapter 2 “Law and Economics” from “Foundations of the Law: An Interdisciplinary and Jurisprudential Primer”

Issues: What is meant by law and economics? What role should economics play in creating policy and law?

**(2/07)W: Law and Economics**

Readings:

- Current Topic: Some articles about U.S. Immigration Reform (Blackboard)
- “Law and Economics”, Robert Cooter and Thomas Ulen (Blackboard)
- Budget Exercise:
  - Located at <http://www.budgetsim.org/nbs/howtoplay.shtml>
  - Click on “Long Version” and Play the Game on-line
  - Print out your results and bring them to class

In Class Exercise: Reducing the Deficit and Balancing the Budget

Issues: What role does economics play in the legal system and “justice”?

**(2/12)M: Law and...**

Readings:

- Read again: “Law and...” from Chapter 6 of the book.
- In class: Film “A Civil Action”.

Issues: What role do the social sciences and hard sciences play in the legal system?

**(2/14)W: Making Change Happen – SOCIAL Movements and the Law**

Assignment Due: (Second Reaction Paper: Film “A Civil Action”)

Readings:

- Legal Case - Roe v. Wade (Blackboard)
- “A Postmodern Feminist Legal Manifesto” Mary Jo Frug (Blackboard)
- “State Implementation of Supreme Court Decisions: Abortion Rates Since Roe v. Wade” Susan B. Hansen (Blackboard)
- “Reality Check for Roe” (Blackboard)

Issues: How does law matter for social movements? Does public opinion, legal culture or power affect the legal system?

**(2/21)W: Making Change Happen – SOCIAL Movements and the Law**

Readings:

- “Mobilizing for Change in a Social Movement Society” Taylor (Blackboard)
- “Same Sex Marriage and the State” Amy Brandzel (Blackboard)
- The Defense of Marriage Act (Blackboard)
- Legal Case - Goodridge v. MA Dept. of Health (Blackboard)

Issues: From grassroots organizing to the Supreme Court: How do minority rights transform into social movements?

**(2/26)M: Impediments to Social Change**

Assignment Due: Bring in an article demonstrating political polarization

Readings:

- “Policy Paradox” Introduction, Stone (Blackboard)
- Polarization article: The law of group polarization from “Why societies need dissent?”, Cass Sunstein (Blackboard)
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Issues: What does polarization mean in the context of politics? How does polarization affect policy-making?

**(2/28)W: Creating *POLICY*: Balancing Individual Rights and Society**

Assignment Due: (Third Reaction Paper: AIDS Partner Notification Law)

Readings:

- “The Lesser of Two Evils: New York’s New HIV/AIDS Partner Notification Law and Why the Right of Privacy Must Yield to Public Health” Arthur Miller (Blackboard)

Issues: Where does policy come from? When does the society’s well-being outweigh individual rights? Does policy fill in the gaps of societal differences?

In Class Exercise: Policy Debate on AIDS Partner Notification Law

**(3/12)M: Creating *POLICY*: Balancing Individual Rights and Society**

Readings:

- Some short Articles on Immigration Reform (Blackboard)
- Case: Hoffman Plastic Compounds, Inc. v. National Labor Relations Board
  - Syllabus (Blackboard)
  - Opinion of the Court (Blackboard)
  - Breyer, J., dissenting (Blackboard)

Issues: What role does policy play in non-citizens rights? Does policy fill in the gaps of societal differences?

**(3/14)W: Politicizing Rights**

Readings:

- Article on Electoral Politics (Blackboard)
- Article on *hot policy issues* during political campaigns (Blackboard)

- Midterm Review

Issues: What effect will elections have on future policies and laws? What are effective policies for curbing crime?

**(3/19)M: Midterm: In Class Exam**

**(3/21)W: When Law, Society and Government Collide**

Readings:

- Supreme Court rules on Guantanamo (Blackboard)
- Calif. Case about terror suspect (Blackboard)

Issues: What happens when different structures of government are in conflict? What happens when different groups in society can't agree?

**(3/26)M: When Law, Society and Government Collide**

Readings:

- “Military Tribunals”, CIA Holds Terror Suspects” (Blackboard)
- “Uncle Sam’s Guantanamo Prison” (Blackboard)
- “Further Detainee Abuse Alleged” (Blackboard)

Issues: Regulating the power of the government and the military. Checks and Balances.

**(3/28)W: International Law and Policy**

Readings:

- “Let Them Eat Cake: Globalization, Postmodern Colonialism and the Possibilities of Justice” Susan Silbey (Blackboard)
- Has Globalization gone too far? (Blackboard)
- In defense of globalization (Blackboard)
- Debate/Conclusion (Blackboard)

Issues: Globalization, Economics, and Developing Countries. Balancing powers in an international context.

**(4/02)M: International Law and Policy**

Readings:

- “The Overview of the International Criminal Court” (Blackboard)
- Rwanda genocide article (Blackboard)
- The laws of war and women’s human rights (Blackboard)

Issues: Can there be an International Justice System? What happens when all countries do not accept the authority of the System of Justice?

**(4/04)W: Post 9/11 Rights vs. Public Safety**

Readings:

- Excerpt from “Rights v. Public Safety, after 9/11: American in the age of terrorism”, ed. by Amitai Etzioni (Blackboard)
- “Balancing Rights and Public Safety” Amitai Etzioni (Blackboard)
- Current topic on rights and national security (Blackboard)

Issues: Are we all free and equal under the law? What do we mean by free? What about during times of war and national security?

**(4/09)M: What have we learned?**

Some topics to choose for a final discussion:

- Environmental policy
- Disability Laws
- Religion and Education
- Domestic vs. foreign

Issues: What is the relationship between Law, Policy and Society?

**(4/11) Present on Term Paper Topic**

**(4/18) Present on Term Paper Topic**

**(4/23) Term Paper Due**