

AMST 285: American Life & Thought
—Critical Perspectives on Law—
Spring 2016: Mondays & Wednesdays 4—5:15PM

Professor: David Correia (dcorreia@unm.edu)

Office: Humanities 440

Office Hours: M, W: 3-4PM, or by appt.

How noble the law, in its majestic equality, that both the rich and poor are equally prohibited from begging in the streets, sleeping under bridges, and stealing bread!

-Anatole France

Description

This course examines the world that law has created. Law claims to make sense of the world by reducing all of its complexity to discrete juridical categories and objects of interest. Making the world legible (and “orderly”) is both a central imperative of law and, seemingly, its effect. The idea that law objectively transforms the messiness and complexity of social life into an imagined ordered legibility is perhaps law’s most important accomplishment. The world in this sense is made legible to, and by, the state, courts and socio-legal institutions of society. But the world is unruly and law’s ability to resolve this unruliness is more mirage than real. This class examines the claims and contradictions of law. We will examine law’s relation to violence and order/disorder. We will consider law’s role in producing space and policing difference.

Objectives

Students will gain basic knowledge of critical concepts in the study of law and society. Students will develop research and writing skills through a series of readings, assignments, and independent academic research and writing.

Course Requirements

Attendance & Participation

Attendance at all class meetings and participation in in-class activities are required. Students with three (3) unexcused absences will receive a 5% reduction in grade. Students with more than five (5) unexcused absences will be dropped from the course. Students are expected to come to class ready to discuss the day’s readings and prepared to engage fully in all classroom exercises and activities. The following excuses, supported by appropriate documentation, will excuse students from graded activities and assignments:

- 1) serious illness (doctor’s note required);
- 2) illness or death of family member (family note or obituary required);
- 3) University-related trips;
- 4) major religious holidays;

Reading Response Papers

Students will post a response paper for each reading on UNM Learn by noon on the day of class. The papers will come in two parts. First, students will **locate** the main thesis of

the essay, using the author's own words. Second, students will locate the main argument(s) offered by the author(s), again using the author's own words.

Mid-term Exam:

We will hold a mid-term exam partway through the semester. The exam will ask students to define key concepts introduced in the course, and provide answers to a variety of essay questions. A study guide with key terms and sample questions will be distributed prior to the exam and time will be devoted in-class to a comprehensive exam review.

Final Paper:

Each student will write a research papers that focuses on some aspect of the law covered during the course of the semester. These papers will be, at a minimum, 2,500 words (8-10 pages double-spaced), not including bibliography. There are five elements that comprise the paper: abstract (or topic), annotated bibliography, outline, draft and final paper. All are graded assignments that comprise the total Research Paper grade. All will be submitted on UNM Learn. A 250-word abstract will identify the general topic of the paper. An annotated bibliography of at least ten (10) scholarly sources (five of which must be law review articles) will demonstrate familiarity in the area of interest described in the abstract. The outline will include a title, thesis statement and a formal outline that sketches out the content (headings and sub-headings) of each section of the paper. Each of these elements is a graded assignment and each has its own deadline (see below in "Grading" and noted under "class schedule"). Specific instructions for each element are provided on UNM Learn.

Grading

Attendance & Participation	10%
Reading Responses	10%
Mid-term Exam	30%
Research Paper:	50%

<u>Five graded elements to final paper:</u>	<u>Due:</u>
Paper topic due (5%)	March 8
Annotated bibliography due (10%)	April 1
Paper outline due (20%)	April 10
Paper draft due (25%)	May 1
Final paper due (40%)	May 9

Course Policies

Electronics

No electronic devices of any kind are permitted without prior permission.

Accommodations

The Accessibility Resource Center (Mesa Vista Hall 2021, 277-3506) provides academic support to students with disabilities. If you think you need alternative accessible formats for undertaking and completing coursework, you should contact ARC right away to assure your needs are met in a timely manner. If you need local assistance in contacting Accessibility Services, see the Bachelor and Graduate Programs office.

Academic Integrity

The University of New Mexico believes that academic honesty is a foundation principle for personal and academic development. All University policies regarding academic honesty apply to this course. Academic dishonesty includes, but is not limited to, cheating or copying, plagiarism (claiming credit for the words or works of another from any type of source such as print, Internet or electronic database, or failing to cite the source), fabricating information or citations, facilitating acts of academic dishonesty by others, having unauthorized possession of examinations, submitting work of another person or work previously used without informing the instructor, or tampering with the academic work of other students. The University's full statement on academic honesty and the consequences for failure to comply is available in the college catalog and in the Pathfinder.

Class Schedule

PART 1: INTRODUCTION

January 20: Introduction to course content and requirements

January 25 **What is American Studies?**

Lipsitz, George. "In the Midnight Hour," in *American studies in a moment of danger*. U of Minnesota Press, 2001.

PART 2: WHAT IS LAW?

January 27 **Law as Violence**

Cover, Robert M. "Violence and the Word." *Yale Law Journal* (1986): 1601-1629.

February 1 **Law as Culture**

Mezey, Naomi. "Law as Culture." *Yale JL & Human*. 13 (2001): 35.

PART 3: WHERE IS LAW?

February 3 **Law & Nature**

Delaney, David. "Puka's Choice: Law and Animal Experimentation." From, *Law and nature*. Cambridge University Press, 2003.

February 8 **Law & Race**

Murakawa, Naomi. "The origins of the carceral crisis: Racial order as "law and order" in postwar American politics" in *Race and American Political Development*, eds. Joseph Lowndes, Julie Novkov, and Dorian Warren. Routledge, 2008.

February 10 **Law & Indigeneity I**

Harring, Sidney L. "This high pretension of savage sovereignty," in *Crow Dog's case: American Indian sovereignty, tribal law, and United States law in the nineteenth century*. Cambridge University Press, 1994.

February 15 **Law & Indigeneity II**

Harring, Sidney L. "The legal structuring of violence: U.S. law and the Indian wars," in *Crow Dog's case: American Indian sovereignty, tribal law, and United States law in the nineteenth century*. Cambridge University Press, 1994.

February 17 **Library Research Meeting**

PART 4: WHAT DOES LAW MAKE?

February 22 **Law & Public Space**

Mitchell, Don. "Making Dissent Safe for Democracy: Violence, Oder, and the Legal Geography of Public Space." in *The right to the city: Social justice and the fight for public space*. Guilford Press, 2003.

February 24 **Law & the Street Corner**

Valverde, Mariana. "The Law of the Street Corner." In *Everyday law on the street: City governance in an age of diversity*. University of Chicago Press, 2012.

PART 5: WHAT DOES LAW DO?

February 29 **Law & Policing**

Neocleous, Mark. "Law, Order, Political Administration," in *The fabrication of social order: A critical theory of police power*. Pluto Press, 2000.

March 2 **Law & Punishment**

Dayan, Colin. "With Law at the Edge of Life." *South Atlantic Quarterly* 113.3 (2014): 629-639.

March 7 **Law & Crime**

Murakawa, Naomi. "Phantom Racism and the Myth of Crime and Punishment." *Studies in Law, Politics, and Society* 59 (2012): 99-122.

PAPER TOPIC DUE (MARCH 8)

March 9

Student Meetings

March 14—15 **Spring Break**

March 21 Mid-term exam review

March 23 Mid-term Exam

March 28—30 **No Class**

(PAPER BIBLIOGRAPHY DUE APRIL 1)

PART 6: IS LAW A (WHITE) MAN?

April 4 **Law & Sex Equality**

MacKinnon, Catharine A. "Reflections on sex equality under law." *Yale Law Journal* (1991): 1281-1328.

April 6 **Law & Gender**

Conaghan, Joanne. "Theorizing the Relationship Between Law and Gender" in *Law and Gender*. Oxford University Press, 2013.

PAPER OUTLINE DUE (APRIL 10)

April 11

Student Meetings

April 13

Student Meetings

PART 7: WHO CAN LAW KILL?

April 18 **Law & the Killing State**

Sarat, Austin. "Speaking of death: Narratives of violence in capital trials." *Law and Society Review* (1993): 19-58.

April 20 **Law & Extraordinary Rendition I**

Sadat, Leila N. "Extraordinary rendition, torture and other nightmares from the war on terror." *George Washington Law Review* 75 (2007): 101.

April 25 **Law & Extraordinary Rendition II**

Yoo, John. "Transferring Terrorists." *Notre Dame L. Rev.* 79 (2003): 1183.

April 27 **Law & the War on Terror**

Baxi, Upendra. "War on Terror and the War of Terror: Nomadic Multitudes, Aggressive Incumbents, and the New International." *Osgoode Hall LJ* 43 (2005): 7.

PAPER DRAFT DUE (MAY 1)

May 2

Student Meetings

May 4

Student Meetings

FINALS WEEK

May 9 **FINAL PAPER DUE**