

**Semester at Sea Course Syllabus
Colorado State University, Academic Partner**

Voyage: Fall 2017
Discipline: Sociology
Course Number and Title: SOC 455 Sociology of Law
Division: Upper
Faculty Name: Shauhin Talesh
Semester Credit Hours: 3

Meeting: A Day 0800-0920, Kino

Prerequisites: One (1) introductory sociology AND one (1) introductory criminal justice course¹ Per Instructor: I am willing to waive the prerequisites for this course if a student has taken at least one social science or humanities course and interested and willing to do the readings and fully participate in the course.

COURSE DESCRIPTION

This course explores the sociological understandings of law and legal institutions. We will discuss theoretical perspectives and explore empirical studies on the relationship between law and society, the relationship between law and social norms, the relationship between language and law, the “law in action” in various social contexts, the role of lawyers, judges and other intermediaries, and the role of law in social change. The course aims to give students a comparative perspective of law and legal institutions by exposing students to not just the classic approaches to law and society, but the differences and similarities in other countries. Law and legal institutions outside the United States can be both very different, and, at times, surprisingly familiar. We will address questions such as: Why do societies have law? What is the relationship between law and social norms or values? Is law a mechanism for coordinating human activity toward the common good, or a vehicle for conflict and oppression? When does law stabilize society, and when does law promote social change? Is everyone equal under the law or does the law provide more resources to some social groups than to others? Although sociological perspectives are emphasized, this course takes an interdisciplinary approach that also includes anthropology, political science, and legal scholarship.

LEARNING OBJECTIVES

Explore how law is a reflection of culture, social structure, language, a weapon for domination, a form of hegemonic control and a product of the processes of conflict and dispute resolution.

¹ This requirement can be waived by the professor provided the student has the necessary background to succeed in the course. Please contact Semester at Sea Academic Programs at academic@ise.colostate.edu to make such a request.

Compare and contrast how law and legal institutions shape the lives of people and organizations in various countries and how individuals and organizations also shape law.

Articulate the nature, functions, and dysfunctions of the law and its role in society. In particular, we will explore various common, civil, and customary legal systems and evaluate how such legal systems impact the lived experience of people.

Analyze how disputes emerge, how and why people mobilize or do not mobilize the law, understand the various modes of dispute resolution and how social advantages and disadvantages matter in dispute resolution.

Understand the relationship between social change and legal change and how race, class, gender, and sexual orientation matter.

Describe the structure of the legal profession and its culture, and discuss the implications for the law and society relationship.

REQUIRED TEXTBOOKS

AUTHOR: John M. Conley and William M. O'Barr
TITLE: *Just Words: Law, Language and Power*
PUBLISHER: University of Chicago Press
ISBN #: 978-0-226-11488-0
DATE/EDITION: 2005, 2nd Edition
(I encourage you to buy the paperback version because the price is much cheaper)

AUTHOR: Stewart Macaulay, Lawrence M. Friedman, and Elizabeth Mertz
TITLE: *Law in Action: A Socio-Legal Reader*
PUBLISHER: Foundation Press
ISBN #: 978-1-59941-080-7
DATE/EDITION: 2007

AUTHOR: Charles R. Epp
TITLE: *The Rights Revolution: Lawyers, Activists, and Supreme Courts in Comparative Perspective*
PUBLISHER: The University of Chicago Press
ISBN #: 978-0226211626
DATE/EDITION: 1998
(I encourage you to buy the paperback version because the price is much cheaper)

A NOTE ABOUT READINGS

This class is run as a seminar and requires student participation. Please plan on reading all the articles before class. I have integrated the countries that we are visiting into the curriculum. These readings and many others can be found in the Electronic Course Materials list for this class. *With many of the lectures listed below, I have provided some discussion questions that I think will help you focus on what is important in the*

articles. I recommend you keep those questions in your mind as you read. More generally, I think with each article, you should reflect on the following questions:

- What is the author's main point or argument?
- What particular concepts or quotes from the text do you find most compelling?
- What theories and research methods does the author use to demonstrate his or her point?
- What are the strengths and weaknesses of this argument?
- How does this reading contribute to your understanding of the sociology of law?

TOPICAL OUTLINE OF COURSE

Depart Bremerhaven, Germany – September 9

UNIT I: THEORETICAL FOUNDATIONS OF THE SOCIOLOGY OF LAW- A GLOBAL PERSPECTIVE

A1 – September 11 –Introduction, Welcome, Course Overview and Goals

Read two short excerpts:

The Common Law and Civil Law Traditions (1 page, ignore the other pages)

Customary Law (Library of Congress, 2 pages)

Please read the two short excerpts prior to class. This will set our baseline for understanding how law operates in societies as we sail around the world this semester.

Questions to consider for class:

What is law?

Where does law come from?

What is common law?

What is civil law?

What is customary law?

A2 – September 13 –The Social Context of Law

Macaulay, Friedman, & Mertz, *Law in Action: A Socio-Legal Reader* (2007), pp. 1-16, 186-194 (stop after completing the section on processual models)

“Spain’s legal system only fit for ‘chicken thieves,’” *The Local*, Oct. 22, 2014.

Questions to reflect on while reading:

Broadly speaking, what is the relationship between law and society?

More specifically, how is law:

- a) a reflection of culture;
- b) a reflection of social structure;
- c) a tool of domination;

- d) a form of hegemonic control
- e) a product of the process of dispute resolution

The authors discuss the autonomy of law. Is the U.S. legal system autonomous? Partially autonomous?

What is the difference between law as instrumental and law as constitutive?

What is the Law & Society Movement?

What are the basic insights of the law and society approach according to the authors?

Barcelona, Spain to Valencia, Spain – September 15 to September 18

UNIT II: ACCESS TO JUSTICE, DISPUTE RESOLUTION AND LAW IN CONTEXT

Questions to think about during this unit:

What is the process through which disputes emerge?

How and why do people mobilize (or not mobilize) the law?

What are the various modes of dispute resolution?

How do social advantages and disadvantages matter in dispute resolution?

A3 – September 19 –Legal Mobilization –Disputes as Social Constructs

William Festiner, Richard Abel, Austin Sarat, “The Emergence and Transformation of Disputes,” in *The Social Organization of Law*, ed. Austin Sarat (ed.) 2004, pp. 99-103

Macaulay, Friedman, & Mertz, *Law in Action: A Socio-Legal Reader*, pp. 541-43; 546-555, 558-59, and 561-562 (the conclusion);

(start with part C on p. 541 and read Albiston’s article “Bargaining in the Shadow of Social Institutions” following my directions regarding pages) (2007)

Questions to reflect on while reading:

1. What are perceived injurious experiences? What are unperceived injurious experiences?
2. How are disputes transformed?
3. What is naming, blaming, and claiming?
4. Why does it matter?
5. Do you think workers were successful in mobilizing their rights under the FMLA?
6. Is the FMLA a total failure?
7. What barriers do employees face in mobilizing their rights under the FMLA?
8. How can we make the FMLA more effective?

A4 – September 21 –Customary Law, Access to Justice & Conflict Resolution of Family Law Disputes in Ghana

Holleman, J.F., “Trouble-cases and Trouble-less cases in the Study of Customary Law and Legal Reform, 7 *Law & Society Review* 585 (1973)

Read: 585-591, 600-05

Chanock, Martin, "Neither Customary Nor Legal African Customary Law in an Era of Family Law Reform," 3 Int'l J. of Law & the Family 72-87 (1989)

Questions to think about while reading:

1. What is customary law?
2. Should disputes be resolved by custom? State law? What are the pros and cons of using different legal approaches?
3. What, if anything, is the problem with imposing positive (formal) law on tribal communities?
4. Precisely who gets to be involved in nationalizing or centralizing law? Whose voices do you think are left out? Should this matter?
5. What is the best way to pursue legal reform? (think about Holleman's article)

For the Chanock article, consider the following:

6. How has customary law shaped the way that family disputes are resolved in Africa?
7. What role did colonialism play in shaping the prevalent role of customary law in Africa?
8. Has customary law been used to further the ends of the people in society? Why? Why not?

No Class — September 23

A5 — September 24 — Customary Law, Access to Justice & Conflict Resolution of Land Disputes in Ghana

Ubink, Janine, "Tenure Security: Wishful Policy Thinking or Reality? A Case from Peri-Urban Ghana," 51 J. of African Law 215 (2007) (skip footnotes)

Read: 215-219 (Provides good overview of the article)

Read: 228-248 (Read closely)

Some concepts and themes to pay attention to when reading this article include:

1. Customary land tenure
2. State-led management systems
3. Extralegality
4. Legalization
5. Tenure Security
6. Land as collateral

Questions to consider when reading:

1. What were the reasons that customary law and deference to local chiefs failed in Ghana?
2. Should customary law be deferred to when dealing with land disputes? Why? Why not?
3. When should the state (i.e., government) intervene in legal land disputes?
4. How is this article a nice illustration of the gap between the law on the books and the law in action?

**A6 — September 26 — South Africa Truth and Reconciliation Commission Part I—Movie
“FACING THE TRUTH” with Bill Moyer**

Viewing the documentary will help you understand the context in which Mamdani is writing his article that you will read for next class.

We won't discuss this reading during the A6 class, but you may want to start reading the following article that we will discuss during A7: Mamdani, Mahmood “Amnesty or Impunity? A Preliminary Critique of the Report of the South African Truth and Reconciliation Commission of South Africa,” *Diacritics*, Vol. 32 No. 3,4 (Autumn, Winter 2002), pp. 32-59.

Arrive Tema, Ghana — September 27

A7 — October 3 — Law, Apartheid, and Conflict Resolution through Truth and Reconciliation Commissions Part I

Mamdani, Mahmood “Amnesty or Impunity? A Preliminary Critique of the Report of the South African Truth and Reconciliation Commission of South Africa,” *Diacritics*, Vol. 32 No. 3,4 (Autumn, Winter 2002), pp. 32-59.

Questions to consider while reading:

1. What are Mamdani's critiques of the Truth and Reconciliation Commission?
2. Why not define apartheid as a crime against humanity?
3. If we accept Mamdani's critique of the TRC report, what value if any was there for holding such a commission?
4. Why do you think the TRC issued its report/finding in the way they did and not the way Mamdani thinks they should have?
5. What is the rule of law?
6. What in your opinion should be the role of law in society?
7. What is the purpose of punishment?
8. What is the purpose of conflict resolution?
9. Do you believe restorative justice is possible?

A8 — October 5 — Law, Apartheid, and Conflict Resolution through Truth and Reconciliation Commissions Part II

Hamber et al, "Telling it like it is...": Understanding the Truth and Reconciliation Commission from the perspective of survivors". *Psychology in Society (PINS)*, 2000, 26, pp. 18-40 (skip the 3 pages on methodology).

Questions and comments to reflect on:

1. During the reading, I want you to reflect on the value of truth and reconciliation commissions, reparations, reconciliation, retribution, restoration, dealing with the past, and truth telling.
2. Are Hamber et al and Mamdani's articles in tension with one another? Why/Why not?
3. Are TRC merely symbolic?
4. Do you think the TRC process itself has anything to do with how ordinary South Africans judge and value basic human rights?
5. What does the S. African TRC tell us about legal institutions as mechanisms for social change?
6. Has S. Africa made any progress in developing a culture supportive of human rights?

Arrive Cape Town, South Africa — October 7

Field Class for this class is in **Cape Town, South Africa on October 12th**

**A9 — October 13 — Power in Civil and Alternative Dispute Resolution
Organizational Responses to Law**

Edelman, Lauren B. and Mark C. Suchman (1999) "When the 'Haves' Hold Court: Speculations on the Organizational Internalization of Law," 33 *Law & Society Rev.* 941-44, 960-976 (1999)

Questions to reflect on while reading:

1. Who are repeat players? Who are one-shotters?
2. According to Galanter, why do the 'Haves' come out ahead? What advantages does Galanter think that they have? (Be specific)
3. What is the role of lawyers as between repeat players and one-shotters?
4. What is the role of the court?
5. How do businesses use the judicial system to gain long-term advantages?
6. How do Edelman and Suchman build on Galanter's thesis? How is it different? What has changed in society?
7. How do businesses "internalize" law?
8. How do corporations encounter legal rules today that might be different than when Galanter wrote his article in the 1970s?
9. Are you confident that courts, legislators and administrative agencies that we discussed earlier in the semester can curb corporate misconduct? Why? Why not?

A10 — October 15 — Midterm/Quiz (in class)

No Class — October 16

**A11 — October 18 — Mauritius: A Mixed Legal System and Environmental Change/
Introduction to Indian Legal System (professor lecture)**

Sustaining beauty in Mauritius, BBC News (2 pp.)

Environmental Stresses in Mauritius 11/4/2011 (3 pp.)

Sinatambou, Etienne, “The Approach of Mixed Legal Systems: The Case of Mauritius,” pp. 271-79, in *Environmental Damage in International and Comparative Law*, Michael Bowman & Alan Boyle (eds.), Oxford Univ. Press (2002).

Questions to reflect on:

1. Why do you think the environmental laws are not being enforced as much as they should?
2. What does this say about law and social change?
3. Do mixed legal systems make a difference? Should we care?

Arrive Port Louis, Mauritius — October 19

UNIT III: LAW, INEQUALITY AND SOCIAL CHANGE

Broad questions for this Unit:

What is the relationship between social change and legal change?

How do legal rights matter?

How valuable are legal rights?

How do race, class, gender, and sexual orientation matter in the legal system?

FIELD CLASS PAPER IS DUE AT THE START OF THE A12 CLASS on October 21st.

A12 — October 21 — Rights, Legal mobilization and Litigation: Part I (evaluating the role of law in social change)

Charles Epp, *The Rights Revolution* (University of Chicago Press 1998), pp. 1-10, 17-25 (start with “the support structure for legal mobilization”).

Faleiro, Sonia, The Unspeakable Truth About Rape in India, *New York Times*, Jan. 1, 2013 (2pp.).

Curry, Colleen, How India is Fixing its Rape Culture—and Why There’s Still a Long Way to Go, *Vice News*, June 24, 2015 (3 pp.).

Questions to consider when reading:

1. Epp’s book argues that a “support structure” makes rights revolutions possible. To start, be sure you are clear on Epp’s argument: What is a “support structure?” What is a “rights revolution”? Do you find his argument convincing?
2. What are some of the reasons given for the prevalence of rape and sexual assault/harassment in India?

A13 – October 24 – Rights, Legal mobilization and Litigation: Part II (evaluating the role of law in social change)

Charles Epp, *The Rights Revolution* (University of Chicago Press 1998), pp. 71-110 (these chapters focus on rights, legal mobilization and litigation in India).

Virmani, Priya, “India needs meaningful change to its justice system,” *The National*, December 28, 2015, 2 pp.

“Dropping the scales: Overburdened yet overactive, India’s courts are failing to do justice,” *The Economist*, May 21, 2016, 2 pp.

Questions to consider while reading:

1. Why does Epp think in theory India was an ideal location for a rights revolution?
2. Why has India’s rights revolution been weak? What barriers does India face?
3. Can Epp’s explanation be used to explain the prevalence of rape in India in spite of strengthened laws?

Arrive Cochin, India – October 25

No Class – October 31

A14 – November 2 – Rights, Legal Mobilization & Litigation: Part III (Social Movements)

Ross, James, “Burma’s push for freedom is held back by its institutionally corrupt courts,” *the guardian*, March 20, 2012, 3 pp.

Chua, Lynette, Negotiating Social Norms and Relations in the Micromobilization of Human Rights: The Case of Burmese Lesbian Activism, 41 *Law & Social Inquiry* 643-665 (2016).

1. What specific challenges have judges faced in trying form an independent, impartial judiciary?
2. How does legal mobilization act as a form of political pressure?
3. How does the Chua article highlight a gender identity social movement going on in Myanmar?

4. What challenges have lesbian rights activists faced in Myanmar?
5. How have these individuals attempted to “mobilize” their rights?
6. What challenges have they faced along the way?

Arrive Yangon, Myanmar — November 4

A15 — November 9 — Courts as Institutions of Social Change: Part I-Can Law Change Society?

Introduction to section on judges, pp. 729-31, in Macaulay, Friedman, & Mertz, *Law in Action: A Socio-Legal Reader* (2007)

Rosenberg, Gerald, “Tilting at Windmills: Brown II and the Hopeless Quest to Resolve Deep-Seated Social Conflict through Litigation,” 24 *Law & Inequality* 31 (2006), in Macaulay, Friedman, and Mertz, *Law in Action: A Socio-Legal Reader*, pp. 600-14.

Questions to consider when reading:

1. What is the role of the judge in a legal dispute?
2. Should the judge be passive (call balls and strikes like an umpire) or active (inquisitorial) when presiding over the case?
3. Should party wealth and resources affect whether courts are more passive than active?
4. Were the Court’s decisions in Brown I and II a failure? Why? Why not?
5. Are courts good mechanisms for bringing about social change in society? (read notes 1-4 on pages 610-14)

No Class — November 11

A16 — November 12 — Courts as Institutions of Social Change: Part II The Vietnam Case

Gillespie, John, Exploring the Limits of the Judicialization of Urban Land Disputes in Vietnam, 45 *Law & Society Review* 241-47 (read closely), quickly skim 247-57 (identify the core values and assumptions of each epistemic community, Table 1 is very helpful), 258-272 (read closely) (2011)

Issues to consider when reading this article:

This is a study that revisits the tensions between central/formal law and customary norms and principles. It adds a layer by showing how courts try to wrestle with these issues in the context of land disputes.

1. How are judges actually resolving urban land disputes?
2. Why are judges struggling so much with resolving land disputes using land law?
3. What is the tension that judges experience between rule formalism and rules in context?

4. How are the issues raised in this article similar or different than issues discussed concerning Ghana?

Arrive Ho Chi Minh City, Vietnam — November 14

A17 — November 19 — Legal Consciousness, Micro-resistance, and Law in Everyday Life (U.S. and China comparison)

All excerpts from *The Law & Society Reader II*, edited by Erik Larson and Patrick Schmidt (2014)

Nielsen, Laura Beth, “Situating Legal Consciousness: Experiences and Attitudes of Ordinary Citizens about Law & Street Harassment,” pp 232-239.

Gallagher, Mary, “Mobilizing the Law in China: ‘Informed Disenchantment’ and the Development of Legal Consciousness” pp. 253-260.

Questions to reflect on while reading:

1. What is legal consciousness?
2. How do ideas influence peoples’ beliefs about law?
3. How does consciousness influence the construction of law?
4. Compare and contrast how legal consciousness plays out different in the 2 different settings.

No Class — November 21

A18 — November 22 — The Role of Lawyers in Social Change (Chinese lawyers as a case study example)

Macaulay, Friedman, & Mertz, *Law in Action: A Socio-Legal Reader* (2007), p. 947 note 7 only.

Fu Hualing and Richard Cullen, “Weiquan (Rights Protection) Lawyering in Authoritarian State: Building a Culture of Public Interest Lawyering,” *China Journal* (2008), pp. 111-127.

Questions to reflect on while reading:

1. How would you define the concept of cause lawyer?
2. Regarding the Fu and Cullen article, what is the difference between moderate, critical and radical rights protection lawyers?
3. If you met a Chinese rights protection lawyer, what questions would you ask to decide which category he or she falls into?
4. Did rights protection lawyers exist in Maoist China? What needed to change for rights protection lawyers to emerge? (Look at pages 123-25)
5. In a best-case scenario, what can rights protection lawyering in China accomplish? In a worst-case scenario?

Arrive Shanghai, China — November 24

A19 — November 30 — Japanese Courts as Social Change Mechanisms

Introduction to Japanese Legal System (professor lecture)

Japan's Constitution: Back to the Future, *The Economist*, June 1st 2013, 2 pp.

Fox, Margalit, "Beate Gordon, Long-Unsung Heroine of Japanese Women's Rights, Dies at 89," *The New York Times*, Jan. 1, 2013.

Maskai Abe, "The Internal Control of a Bureaucratic Judiciary: The Case of Japan," in Lawrence M. Friedman, Rogelio Perez-Perdomo and Manuel A. Gomez eds. *Law in Many Societies: A Reader* (Stanford University Press 2011), pp. 19-26.

Questions to consider while reading:

1. Masaki Abe's piece describes how "internal control" of the Japanese judiciary produces a certain kind of judge.
 - a. Can you name some of the specific incentives that judges face?
 - b. How do these incentives encourage judges to behave?
 - c. What are the broad political implications of the "self-restraint of the Japanese judiciary?" (p. 24)

Arrive Kobe, Japan — December 2

A20 — December 7 — Japanese Law and Social Change in the Environment & Employment Discrimination Contexts

Frank Upham, *Law and Social Change in Japan* (Harvard University Press 1987), pp. 16-27.

Robert Kidder and Setsuo Miyazawa, "Long Term Strategies in Japanese Environmental Litigation. 18 *Law & Social Inquiry* 605, 610-613 (1993) (starting with "The Kojoshi Case").

Questions and comments to consider:

The Kidder and Miyazawa excerpt highlights an example of a serious pollution violation and how individuals and groups mobilized to respond. It builds on some of the issues raised in Upham's article.

1. Do you think Upham is for or against using litigation to bring about social change in Japan?
2. Is it fair to think about litigation as a form of political participation?
3. What was the solution to the Big 4 Pollution cases discussed by Upham? Litigation or something else?

4. If litigation cannot bring about social change in some circumstances, what can litigation accomplish?

UNIT IV: LAW, LANGUAGE, CULTURE, AND POWER IN SOCIETY

A21 – December 9 – Language, Law & Social Meanings/ How Law Students are Taught what “Law” Means

Macaulay, Friedman, & Mertz, *Law in Action: A Socio-Legal Reader* (2007), pp 1002-1017.

Questions to consider when reading:

1. What is the role of language in understanding law in society?
2. What is Mertz’s core finding(s) from her study of the language of law schools?
3. What role if any does emotion, morality, and social context play in law teaching?
4. Why is it important to focus on language in the context of legal education?
5. How might some of Mertz’s findings as she describes them from her study of law schools explain the findings of some of the articles that we’ve already discussed from different countries?
6. Based on the readings for today as well as all the readings we did for the entire semester, what do you think is the law and society scholar’s critique of legal education in the U.S. and in the world?

A22 – December 11 – Law and Language in the Context of Victim Rights

John Conley & William O’Barr, *Just Words: Law, Language & Power* (2005)

Read Chapter 1: The Politics of Law and the Science of Talk pp 1-4

Chapter 2: The Revictimization of Rape Victims pp. 15-38

Questions to consider when reading:

Ch. 1

1. What is the purpose/main point of this book according to the authors?

Ch. 2

1. What is it that lawyers do to revictimize rape victims in cross examinations?
2. What are the five ways that lawyers manipulate to control witnesses?
3. Think back on the rest of the materials that we covered this semester. Where might have language played a more important role than you first thought? Explain.

A23 – December 13 – Law and Language in the Context of Disputes

John Conley & William O’Barr, *Just Words: Law, Language & Power* (2005)

Read Chapter 3: The Language of Mediation pp. 39-59

Questions to consider when reading:

Ch. 3

1. How does mediation disempower women?
2. What does the macrodiscourse of mediation teach us about the power of language in legal settings?
3. What does the microdiscourse of mediation teach us about the power of language in legal settings?
4. Are mediators neutral?
5. Is mediator bias systematic?
6. Do you think some of the dispute resolution systems that we covered earlier in the class from all over the world are biased against disempowered communities like minorities and women? Why? Why not?

**A24 – December 15 – Law and Society and Law and Language/
Conclusion to Course**

John Conley & William O’Barr, *Just Words: Law, Language & Power* (2005)
Read Chapter 8: Conclusion pp. 129-40

Questions to consider when reading:

1. Where does legal language come from? Do you buy the connection to early childhood? Why? Why not?
2. How does what you learn about conflict resolution as a child relate to how you resolve conflict as an adult? Is this customary law?
3. How do lawyers learn legal discourse?
4. Do the findings from this book have a policy impact? Can it have a policy impact?
5. How does this book bridge sociolinguistics and law and society?
6. Give some reflection to some of the things that you learned from taking this course.

Arrive Honolulu, Hawaii – December 16

A25 – December 18 FINAL EXAM (in class exam)

Arrive San Diego, California – December 23

FORMAL REQUIREMENTS

1. **ATTENDANCE AND PARTICIPATION (25%):** This course will be run as a seminar rather than a lecture course. Therefore, all seminar participants will be expected to play an active role in weekly class meetings. Attend all classes, carefully complete all reading assignments and participate in class discussions. Reading materials will be used to guide discussions, class lectures, and other activities. Therefore, it is imperative that you stay on schedule with the readings. *The single most important thing that you can do to succeed in this course is to not fall behind in reading the material.* Your grade will reflect your degree of preparation for, and active participation in, class discussions—both the quantity and quality of your comments.

With each article that we read, a different student will be assigned to be a “lead discussant” for discussing the material in that article. Lead discussants can pose questions regarding the reading material, offer comments and impressions of the article, criticize the article, or tie the reading to earlier material that we’ve covered. Of course, just because a student is not a lead discussant does not mean that the student is not required to participate. The “lead discussant” merely guarantees that someone will initiate the discussion. I will facilitate the discussion, pose additional questions of my own, and at times call on you to participate.

Please keep in mind that the course may touch on sensitive, controversial or personal topics over the course of the semester. It is critical that we respect one another’s thoughts, and address comments to the ideas and arguments, not to the person. Discussions should be productive, respectful and appropriate. Students must inform their instructors prior to any unanticipated absence and take the initiative to make up missed work in a timely fashion. Instructors must make reasonable efforts to enable students to make up work which must be accomplished under the instructor’s supervision (e.g., examinations, laboratories). In the event of a conflict in regard to this policy, individuals may appeal using established CSU procedures.

2. **FIELD CLASS (20%):** Attend and participate in our course Field Class, and complete the assigned paper reporting and reflecting on the Field Class experience, required of all class members. Please see “Field Class and Assignment” below for more details.
3. **MIDTERM (15%):** The midterm will be in class and require you to answer 1 to 3 short answer questions on the material that we have covered thus far.
4. **FINAL EXAM (40%):** The final exam will be an in-class exam. You will be asked to answer somewhere between one to four questions about issues that we have covered during the course. In preparation, I suggest that you reflect on what you have learned about law and society and in particular, how law shapes society and how society shapes law.

FIELD WORK

Semester at Sea field experiences allow for an unparalleled opportunity to compare, contrast, and synthesize the different cultures and countries encountered over the course of the voyage. In addition to the one field class, students will complete independent field assignments that span multiple countries.

Field Class attendance is mandatory for all students enrolled in this course. Do not book individual travel plans or a Semester at Sea sponsored trip on the day of your field class.

Field Classes constitute at least 20% of the contact hours for each course.

Field Class and Assignment

The Field Class for this course will take place on Thursday, 12 October, in Cape Town, South Africa.

Class Title: Apartheid and Truth and Reconciliation in South Africa

Field Class and Assignment

In the course of our day, our class will visit Robben Island. The tour guides for Robben Island are former political prisoners that used to be incarcerated in this prison. They are very knowledgeable about the Island's multi-layered history. Because the tours are run by former prisoners, students could talk to the former prisoners about the Truth and Reconciliation Commission and their perspectives about the post-apartheid regime in light of the readings we will have discussed in class. The tour will guide us through the history of the prison, including viewing Nelson Mandela's prison cell.

For the second portion of our day, we will visit The Institute for Justice and Reconciliation. We would visit the facility and all the materials in the facility in addition to hopefully having an opportunity to talk with board and staff members about the truth and reconciliation process.

The class assignment for the day would be to try to gain as much of a sense as possible of the situation of oppression under apartheid that Nelson Mandela and the other freedom activists had to overcome, and also to appreciate all the conditions, legal and physical, under which they carried out their successful struggle. We will have covered a lot of material on the Truth and Reconciliation Commission and the purpose of punishment (retribution, punitive, restoration, reconciliation). Our field class would provide an experiential component that will magnify the power of the material that we read and the documentary that we watched.

Field Class Learning Objectives:

1. Understand apartheid and oppressive regime that Nelson Mandela and other freedom activists endured
2. To appreciate the legal and physical conditions freedom activists experienced
3. Examine what truth, justice and reconciliation means for South Africans (the people and the government)

Minimum final length: Students will prepare a 3-4 pages, double-spaced paper specifically relating to their field class experience. Field Lab is worth 20% of course grade.

METHODS OF EVALUATION / GRADING SCALE

The following Grading Scale is utilized for student evaluation. Pass/Fail is not an option for Semester at Sea coursework. Note that C-, D+ and D- grades are also not assigned on Semester at Sea in accordance with the grading system at Colorado State University (the SAS partner institution).

Pluses and minuses are awarded as follows on a 100% scale:

<u>Excellent</u>	<u>Good</u>	<u>Satisfactory/Poor</u>	<u>Failing</u>
97-100%: A+	87-89%: B+	77-79%: C+	Less than 60%: F
93-96%: A	83-86%: B	70-76%: C	
90-92%: A-	80-82%: B-	60-69%: D	

There are a total of 100 points possible for the course. You can easily keep track of your grade as it matches up with the above scale.

LEARNING ACCOMMODATIONS

Semester at Sea provides academic accommodations for students with diagnosed learning disabilities, in accordance with ADA guidelines. Students who will need accommodations in a class, should contact ISE to discuss their individual needs. Any accommodation must be discussed in a timely manner prior to implementation. A memo from the student's home institution verifying the accommodations received on their home campus is required before any accommodation is provided on the ship. Students must submit this verification of accommodations pre-voyage as soon as possible, but no later than two months prior to a voyage to academic@isevoyages.org.

STUDENT CONDUCT CODE

The foundation of a university is truth and knowledge, each of which relies in a fundamental manner upon academic integrity and is diminished significantly by academic misconduct. Academic integrity is conceptualized as doing and taking credit for one's own work. A pervasive attitude promoting academic integrity enhances the sense of community and adds value to the educational process. All within the University are affected by the cooperative commitment to academic integrity. All Semester at Sea courses adhere to this Academic Integrity Policy and Student Conduct Code.

Depending on the nature of the assignment or exam, the faculty member may require a written declaration of the following honor pledge: "I have not given, received, or used any unauthorized assistance on this exam/assignment."

RESERVE BOOKS AND FILMS FOR THE LIBRARY

FILMS:

Facing the Truth (documentary) USA 1 hr and 45 mins. 2010.

ELECTRONIC COURSE MATERIALS

ARTICLE TITLE: Spain's Legal System Only Fit for 'Chicken Thieves'

SOURCE: *The Local*

DATE: October 22, 2014

AUTHOR: William Festiner, Richard Abel, Austin Sarat

ARTICLE/CHAPTER TITLE: The Emergence and Transformation of Disputes

JOURNAL/BOOK TITLE: *The Social Organization of Law*

PUBLISHER: Oxford University Press
ISBN #: 9780195330342
DATE: April 1, 2004
PAGES: 99-103

AUTHOR: J.F. Holleman
ARTICLE TITLE: Trouble-Cases and Trouble-Less Cases in the Study of Customary Law and Legal Reform
JOURNAL TITLE: *Law & Society Review*, Vol. 7, No. 4
DATE: Summer, 1973
PAGES: 585-591, 600-605

AUTHOR: Martin Chanock
ARTICLE TITLE: Neither Customary nor Legal African Customary Law in an Era of Family Law Reform
JOURNAL TITLE: *International Journal of Law & the Family*, Vol. 3
DATE: 1989
PAGES: 72-87

AUTHOR: Janine Ubink
ARTICLE TITLE: Tenure Security: Wishful Policy Thinking or Reality? A Caes from Peri-Urban Ghana
JOURNAL TITLE: *Journal of African Law*, Vol. 51
DATE: 2007
PAGES: 215-219 (Provides good overview of the article), 219-228 (Skim for the major points), 228-248 (Read closely)

AUTHOR: Mahmood Mamdani
ARTICLE TITLE: Amnesty or Impunity? A Preliminary Critique of the Report of the South African Truth and Reconciliation Commission of South Africa
JOURNAL TITLE: *Diacritics*, Vol. 32, No. 3, 4
DATE: Autumn, Winter 2002
PAGES: 32-59

AUTHOR: Lauren B. Edelman and Mark C. Suchman
ARTICLE TITLE: When the 'Haves' Hold Court: Speculations on the Organizational Internalization of Law
JOURNAL TITLE: *Law & Society Review*, Vol. 33
DATE: 1999
PAGES: 941-944, 960-976

AUTHOR: Hamber, et al.
ARTICLE TITLE: Telling It Like It Is...: Understanding the Truth and Reconciliation Commission from the Perspective of Survivors
JOURNAL TITLE: *Psychology in Society (PINS)*
DATE: 2000
PAGES: 18-40

ARTICLE: Environmental Stress in Mauritius
SOURCE: http://iels.intnet.mu/stresses_mau.htm
DATE: November 4, 2011

ARTICLE: Sustaining beauty in Mauritius
SOURCE: BBC News, <http://news.bbc.co.uk/2/hi/africa/7010212.stm>
DATE: September 25, 2007
Pages: 2 pages

AUTHOR: Etienne Sinatambou
CHAPTER TITLE: The Approach of Mixed Legal Systems: The Case of Mauritius
BOOK TITLE: *Environmental Damage in International and Comparative Law*, Michael Bowman & Alan Boyle (eds.)
PUBLISHER: Oxford University Press
ISBN #: 9780199255733
DATE: December 5, 2002
PAGES: 271-279

AUTHOR: Sonia Faleiro
ARTICLE: The Unspeakable Truth About Rape in India
NEWSPAPER: *New York Times*
DATE: January 1, 2013
PAGES: 2 pp.

AUTHOR: Colleen Curry
ARTICLE: How India is Fixing its Rape Culture – and Why There’s Still a Long Way to Go
SOURCE: *Vice News*
DATE: June 24, 2015
PAGES: 3 pp.

AUTHOR: Priya Virmani
ARTICLE: India needs meaningful change to its justice system.
SOURCE: The National (<http://www.thenational.ae/opinion/comment/india-needs-meaningful-change-to-its-justice-system>)
DATE: December 28, 2015
PAGES: 2 pp.

ARTICLE: Dropping the scales: Overburdened yet overactive, India’s courts are failing to do justice
SOURCE: The Economist (<http://www.economist.com/news/asia/21699156-overburdened-yet-overactive-indias-courts-are-failing-do-justice-dropping-scales>)
DATE: May 21, 2016
PAGES: 2 pp.

AUTHOR: James Ross
ARTICLE: Burma’s Push for Freedom is Held Back by Its Institutionally Corrupt Courts

SOURCE: *The Guardian*
DATE: March 30, 2012
PAGES: 3 pp.

AUTHOR: Lynette Chua
ARTICLE TITLE: Negotiating Social Norms and Relations in the Micromobilization of Human Rights: The Case of Burmese Lesbian Activism
JOURNAL TITLE: *Law & Social Inquiry*, Vol. 41
DATE: 2016
PAGES: 643-665

AUTHOR: John Gillespie
ARTICLE TITLE: Exploring the Limits of the Judicialization of Urban Land Disputes in Vietnam
JOURNAL TITLE: *Law & Society Review*, Vol. 45
DATE: 2011
PAGES: 241-247, skim 247-257, 258-272

The Law & Society Reader II, Erik Larson and Patrick Schmidt (eds.)
PUBLISHER: NYU Press
ISBN #: 9780814770818
DATE: May 2014
PAGES: 232-239, 253-260

AUTHOR: Fu Hualing and Richard Cullen
ARTICLE TITLE: Weiquan (Rights Protection) Lawyering in Authoritarian State: Building a Culture of Public Interest Lawyering
JOURNAL TITLE: *China Journal*
DATE: 2008
PAGES: 111-127

AUTHOR: Abe Maskai
CHAPTER TITLE: "The Internal Control of a Bureaucratic Judiciary: The Case of Japan"
BOOK TITLE: *Law in Many Societies: A Reader*, Lawrence M. Friedman, Rogelio Perez-Perdomo and Manuel A. Gomez (eds.)
PUBLISHER: Stanford University Press
ISBN #: 9780804763738 (cloth); 9780804763745 (paper)
DATE: 2011
PAGES: 19-26

AUTHOR: Margalit Fox
ARTICLE TITLE: Beate Gordon, Long-Unsung Heroine of Japanese Women's Rights, Dies at 89
JOURNAL TITLE: *The New York Times*
DATE: January 1, 2013
PAGES: 1-4

AUTHOR: Frank Upham

BOOK TITLE: *Law and Social Change in Japan*
PUBLISHER: Harvard University Press
ISBN #: 9780674517875
DATE: October 1989
PAGES: 16-27

AUTHOR: Robert Kidder and Setsuo Miyazawa
ARTICLE TITLE: "Long Term Strategies in Japanese Environmental Litigation"
JOURNAL TITLE: *Law & Social Inquiry*, Vol. 18
DATE: 1993
PAGES: 605, 610-612 (starting with "The Kojoshi Case")

AUTHOR: (professor provides)
ARTICLE TITLE: The Common Law and Civil Law Traditions
JOURNAL TITLE: None
DATE: none
PAGES: 1 page

AUTHOR: (professor provides)
ARTICLE TITLE: Legal Research Guide: Customary Law in Africa
JOURNAL TITLE: Library of Congress
DATE: none
PAGES: 2 pages