Description: This course explores law’s connections to politics, society, culture, and justice. It has two units: the nature of law, and law & justice. There are no formal prerequisites but some grounding in social studies is assumed. This course is required to earn a Certificate in Law & Society at UH (see http://www.politicalscience.hawaii.edu/undergraduate/lawsoc.html). Students are expected to come to class every day and to do all of the readings and assignments. There will be occasional pop quizzes in class.

The main learning objective for this course is to help students develop the ability to think clearly and independently about law-related issues. Students will: (1) learn several definitions and functions of law; (2) learn how and why law succeeds and fails; (3) learn how law has changed in American history; (4) learn how law employs and controls violence; and (5) learn how law promotes and impedes justice.

Grades: Grades will be based on how many points you earn. 90-100 points is an A, 80-89 a B, 70-79 a C, 60-69 a D, and 59 or fewer an F. There will be two exams: the first will be worth 50 points and the second will be worth 30 points. In addition, quizzes, assignments, and class participation will account for 20 points (100 points total).

Plagiarism: The UH Manoa Student Conduct Code states, “Plagiarism includes but is not limited to submitting, in fulfillment of an academic requirement, any work that has been copied in whole or in part from another individual's work without attributing that borrowed portion to the individual; neglecting to identify as a quotation another's idea and particular phrasing that was not assimilated into the student's language and style or paraphrasing a passage so that the reader is misled as to the source; submitting the same written or oral or artistic material in more than one course without obtaining authorization from the instructors involved; or ‘drylabbing,’ which includes obtaining and using experimental data and laboratory write-ups from other sections of a course or from previous terms.” It is each student's responsibility to learn about plagiarism and how to avoid it. Ignorance of the rules or saying “I forgot” or “I made a mistake” are not valid excuses. NOTE: Plagiarism or cheating of any kind will result in an F for the course.

Kokua: If you have a documented disability, I am willing to work with you and the KOKUA Program (Office for Students with Disabilities) to ensure reasonable accommodations to your situation. KOKUA tel 808-956-7511 & office QLC013.

Books (required)


UNIT 1: THE NATURE of LAW - DEFINITIONS, FUNCTIONS, and FAILURES

WEEK 1: 2 WAYS LAW CAN FAIL: CAPITAL PUNISHMENT in the USA & JAPAN


WEEK 2: WHAT IS (the) LAW?


WEEK 3: LAW and the CONTROL of CORPORATIONS


WEEK 4: LAW and DISCRETION


WEEK 5: LAW in AMERICAN HISTORY

9. Lawrence Friedman (2002), Law in America: A Short History (ch.1-4, pp.1-72); see also “Lawrence Friedman Study Questions” (Q. 1-14), on Laulima


WEEK 6: LAW in AMERICAN HISTORY, continued

11. Lawrence Friedman (2002), Law in America: A Short History (ch.5-7, pp.73-184); see also “Lawrence Friedman Study Questions” (Q. 15-30), on Laulima


13. Floyd Abrams, The Soul of the First Amendment (Yale, 2017), chapter II, pp.35-58, free speech comparisons between the USA and other countries, on Laulima

WEEK 7: LAW & VIOLENCE: POLICING


16. Franklin E. Zimring, “Mario Woods’s Unnecessary Death” (San Francisco Chronicle, 12/9/2015, on the Mario Woods case in S.F.), at https://www.sfchronicle.com/opinion/article/Mario-Woods-unnecessary-death-6686745.php. *Also, watch video (1.5 minutes), at https://www.youtube.com/watch?v=ij5TZuohoRg


WEEK 8: LAW & VIOLENCE: PLEA BARGAINING and IMPRISONMENT


WEEK 9: LAW & VIOLENCE: CITIZEN PARTICIPATION as JURORS and VICTIMS


*WEEK 10: NO CLASS - TAKE-HOME EXAM 1 (50 points): get on 10/18 & return on 10/30
UNIT 2: LAW & JUSTICE

WEEK 11: MISCARRIAGES OF JUSTICE


25. Jennifer Thompson, “I Was Certain, but I Was Wrong”, at https://www.nytimes.com/2000/06/18/opinion/i-was-certain-but-i-was-wrong.html. *Also, watch video “Eyewitness”, on “60 Minutes” (June 16, 2011, 15 minutes), about the Jennifer Thompson and Ronald Cotton rape case in North Carolina, at https://www.youtube.com/watch?v=-2oDRfj0vME


WEEK 12: CRIME & JUSTICE (no class on Tuesday 11/6 b/c of Election Day)


WEEK 13: RAPE & JUSTICE in JAPAN


31. Watch video, “Sore demo Boku wa Yatte Inai” [“I Just Didn’t Do It”], directed by Suo Masayuki (released in 2007, 144 minutes), at https://www.youtube.com/watch?v=8jsHQpAP0vM. *Note: this film is based on a true story; see Koizumi Tomoki, Kanojo wa Uso o Tsuite Iru (Bungei Shunju, 2006)
WEEK 14: RAPE & JUSTICE in the USA

32. Jon Krakauer, Missoula: Rape and the Justice System in a College Town (2015), parts 1-3, ch.1-16, pp.1-188

33. Watch documentary video, “The Hunting Ground” (Director Kirby Dick, 2015, 104 minutes). Note: Lois Tom of UHM Sinclair Library ordered DVD on 8/7/2018; at Amazon.com, rental is $3.99 and purchase is $12.99; see https://www.amazon.com/Hunting-Ground-Kirby-Dick/dp/B014TVIJ4Q

WEEK 15: RAPE & JUSTICE in the USA, continued

34. Jon Krakauer, Missoula: Rape and the Justice System in a College Town (2015), parts 4-6, ch.17-32, pp.189-349


*WEEK 16: EXAM 2 (details TBA, 30 points)
SUPPLEMENTARY READINGS on LAW, POLITICS, & SOCIETY


Berger, Peter, Invitation to Sociology: A Humanist Perspective (Anchor Books, 1963). See especially p.143 on “bad faith” ➔ “to pretend something is necessary that in fact is voluntary”


Chemerinsky, Erwin, The Case Against the Supreme Court (Penguin, 2015)


Frank, Jerome, Courts on Trial: Myth and Reality in American Justice (1949), especially Chapter III “Facts Are Guesses” (pp.14-36), and Chapter VI “The ‘Fight’ Theory versus the ‘Truth’ Theory” (pp.80-102)


Gladwell, Malcolm, “The Engineer’s Lament” (The New Yorker, May 4, 2015), on two ways of thinking about automotive safety, https://www.newyorker.com/magazine/2015/05/04/the-engineers-lament

Goffman, Alice, On the Run: Fugitive Life in an American City (University of Chicago, 2014)


Holiday, Ryan, Conspiracy: Peter Thiel, Hulk Hogan, Gawker, and the Anatomy of Intrigue (Portfolio, 2018), about free speech, privacy, and the media (relate to Berger on “bad faith”)


King, Samuel P., and Randall M. Roth, Broken Trust: Greed, Mismanagement, & Political Manipulation at America’s Largest Charitable Trust (University of Hawaii Press, 2006)

Legal Reasoning: Selected Cases - to illustrate the doctrine of stare decisis, five court cases showing the evolution of judicial opinion on domestic violence in North Carolina from 1862 to 1874, with an excerpt on “precedent” from Karl Llewellyn’s The Bramble Bush (1930), pp.275-284 (Fall 1991 UCB reader)
Litman, Leah, “How Trump Corrupts the Rule of Law”,

MacDougall, Ian, “Empty Suits: Defamation Law and the Price of Dissent” (Harper’s Magazine, March 2018, pp.43-51), on “strategic lawsuits against public participation” (SLAPPs)


Packer, Herbert, “Two Models of the Criminal Process” (UPLR, 1964, pp.1-68),
https://scholarship.law.upenn.edu/penn_law_review/vol113/iss1/1/

Peterson, Matt, “Is Obama’s Drone War Moral? The Ethics of Defensive Killing”,
https://www.theatlantic.com/international/archive/2016/08/obama-drone-morality/496433/

Sala, Ilaria Maria, “Abortion in Italy, a Right Wronged”,

https://www.nytimes.com/2012/12/31/opinion/lets-give-up-on-the-constitution.html


Sokolove, Michael, “How One Lawyer’s Crusade Could Change Football Forever”,


Stern, Gerald M., The Buffalo Creek Disaster (Vintage, 1976 and 2008)


Yanklowitz, Rabbi Shmuly, “Do Animals Have Legal Rights?” (March 28, 2016), at
https://www.huffingtonpost.com/rabbi-shmuly-yanklowitz/does-animals-have-legal-r_b_9548908.html

Young, Kathryne M., “Everyone Knows the Game: Legal Consciousness in the Hawaiian Cockfight” (Law & Society Review, September 2014, pp.499-530),