

Fall 2016  
Political Science 660  
Introduction to sociolegal scholarship

Prof. Jon Goldberg-Hiller  
[hiller@hawaii.edu](mailto:hiller@hawaii.edu)

This course is designed as an introduction to the scope and intensity of sociolegal inquiry and social jurisprudence. Although this syllabus cannot be fully synoptic, I have chosen central themes in the discipline and books that represent the edges of scholarly inquiry. Topics include the politics of civil rights, law and racial hierarchy, colonial and indigenous legality, law and rhetoric, the aesthetics of law, and the relationship of law to biopolitics.

Students are expected to complete all readings prior to class and to prepare a three minute oral presentation orienting the seminar to your interpretation of the reading, and raising a couple of issues or questions that we can consider during our discussions. A final seminar paper is required, and will form the bulk of the assessment.

WEBSITE:

**Unfortunately necessary boilerplate:** Students are cautioned against **plagiarism**. Plagiarism is taking another person's words or ideas without crediting them. Anything cut and pasted from a website without quotation marks and proper citation is plagiarism. Copying anything from a book or journal without quotation marks and proper citation is plagiarism. Submitting a paper (or significant parts of a paper) to two different courses is considered plagiarism as well. Plagiarism is cheating, the equivalent of academic theft. Because trust and attribution are central to the current nature of the academic profession, there is no excuse for plagiarism. Turning in a paper with plagiarized parts will result in a failing grade for the course. For UHM policies on plagiarism, see <http://www.catalog.hawaii.edu/about-uh/campus-policies1.htm>

**Disability Access:** This class is open to all students. If you are a student with a documented disability, please talk to me about ways to make the class accessible to you. You should also contact the KOKUA office at 956-7511. It is located on the ground floor of the Student Services Center.

***NOTE: THIS IS PRELIMINARY AND I'M CERTAIN TO CHANGE THIS. YOU CAN LET ME KNOW WHAT YOU MIGHT WISH TO SEE INCLUDED AND I WILL TRY TO TAILOR THE SYLLABUS ACCORDINGLY***

Week 1: Introduction.

Week 2: The Sociolegal Imagination

**Reading:** Dayan, Colin. *The Law Is a White Dog: How Legal Rituals Make and Unmake Persons*. Princeton N.J.: Princeton University Press, 2011.

Week 3: Rights, consciousness, struggle

**Reading:** Scheingold, Stuart A. *The Politics of Rights : Lawyers, Public Policy, and Political Change*. 2nd ed. Ann Arbor: University of Michigan Press, 2004.

**Additional texts for further thought:**

- McCann, Michael. *Rights at Work: Pay Equity Reform and the Politics of Legal Mobilization*. Chicago: University of Chicago Press, 1994.
- Ewick, Patricia, and Susan Silbey. *The Common Place of Law: Stories from Everyday Life*. Language and Legal Discourse. Chicago: University of Chicago Press, 1998.
- Engel, David M, and Frank W Munger. *Rights of Inclusion : Law and Identity in the Life Stories of Americans with Disabilities*. Chicago Series in Law and Society. Chicago: University of Chicago Press, 2003.
- Nielsen, Laura Beth. "Situating Legal Consciousness: Experiences and Attitudes of Ordinary Citizens about Law and Street Harassment." *Law & Society Review* 34, no. 4 (January 1, 2000): 1055–90. doi:10.2307/3115131.
- Matsuda, Mari. "Law and Culture in the District Court of Honolulu, 1844-45: A Case Study of the Rise of Legal Consciousness." *American Journal of Legal History* 32 (1988).

Week 4: Imagining Civil Rights

**Reading:** Murakawa, Naomi. *The First Civil Right: How Liberals Built Prison America*. Oxford University Press, 2014.

**Additional texts for further thought:**

- Dudziak, Mary L. *Cold War Civil Rights : Race and the Image of American Democracy*. Politics and Society in Twentieth-Century America. Princeton, N.J.: Princeton University Press, 2000.
- Skrentny, John. *The Minority Rights Revolution*. Cambridge: Belknap Press of Harvard University, 2002.
- Epp, Charles R. *The Rights Revolution : Lawyers, Activists, and Supreme Courts in Comparative Perspective*. Chicago: University of Chicago Press, 1998.
- Goluboff, Risa L. *The Lost Promise of Civil Rights*. Harvard University Press, 2007.
- Lovell, George I. *This Is Not Civil Rights: Discovering Rights Talk in 1959 America*, 2012.

Week 5: Racism and the law I

**Reading:** Alexander, Michelle. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. The New Press, 2010.

**Additional texts for further thought:**

Cover, Robert M. ["Nomos and Narrative."](#) *Harv. L. Rev.* 97 (1983): 4–68.

Cover, Robert M. ["The Bonds of Constitutional Interpretation: Of the Word, the Deed, and the Role."](#) *Georgia Law Review* 20 (1986): 815.

Cover, Robert. ["Violence and the Word."](#) *Yale Law Journal* 95 (1986): 1601.

Week 6: Racism and law II

**Reading:** Obasogie, Osagie. *Blinded by Sight: Seeing Race Through the Eyes of the Blind*. Stanford, California: Stanford Law Books, 2013.

Week 7: Sexuality, rights, violence

**Reading:** Spade, Dean. [\*Normal Life: Administrative Violence, Critical Trans Politics and the Limits of Law\*](#). 11.6.2011 edition. Brooklyn, NY: South End Press, 2011.

**Additional texts for further thought:**

- Yoshino, Kenji. *Covering: The Hidden Assault on Our Civil Rights*. 1st ed. New York: Random House, 2006.
- Barbin, Herculine, and Michel Foucault. *Herculine Barbin: Being the Recently Discovered Memoirs of a Nineteenth-Century French Hermaphrodite*. Translated by Richard McDougall. New York: Vintage Books, 2010.
- Kirkland, Anna. *Fat Rights: Dilemmas of Difference and Personhood*. New York University Press, 2008.
- Goldberg-Hiller, Jonathan. *The Limits to Union: Same-Sex Marriage and the Politics of Civil Rights*. 1st Pbk. Ed. Ann Arbor: University of Michigan Press, 2004.
- Goldberg-Hiller, Jonathan. "Do Civil Rights Have a Face?: Reading the Iconography of Civil Rights." In *Queer Mobilizations: LGBT Activists Confront the Law*, edited by Scott Barclay, Mary Bernstein, and Anna-Maria Marshall, 231–56. New York: New York University Press, 2009.
- Rosenberg, Gerald N. *The Hollow Hope: Can Courts Bring about Social Change?*. Chicago: University of Chicago, 1991.
- Glendon, Mary Ann. *Rights Talk: The Impoverishment of Political Discourse*. New York: Free Press, 1991.

Week 8: Biopolitics, the law, and the emergency

**Readings:**

- Honig, Bonnie. *Emergency Politics: Paradox, Law, Democracy*. Reprint. Princeton University Press, 2009.
- Derrida, Jacques. "Force of Law: The 'Mystical Foundation of Authority.'" *Cardozo Law Review* 11 (1990): 912.

#### Week 9: Law/Space

- **Reading:** Braverman, Irus, Nicholas K. Blomley, David Delaney, and Alexandre Kedar, eds. *The Expanding Spaces of Law: A Timely Legal Geography*. Stanford, California: Stanford Law Books, an imprint of Stanford University Press, 2014.

##### **Additional texts for further thought:**

- Oliver, Melvin, and Thomas Shapiro. *Black Wealth/White Wealth: A New Perspective on Racial Inequality*. New York: Routledge, 1995.

#### Week 10: Law and the Other

**Reading:** Parker, Kunal M. *Making Foreigners: Immigration and Citizenship Law in America, 1600-2000*. 1 edition. New York, NY: Cambridge University Press, 2015.

#### Week 11: Human rights/Global rights

**Reading:** Massoud, Mark Fathi. *Law's Fragile State: Colonial, Authoritarian, and Humanitarian Legacies in Sudan*. Cambridge University Press, 2014.

##### **Additional texts for further thought:**

- Merry, Sally Engle. *Human Rights and Gender Violence: Translating International Law into Local Justice*. Chicago Series in Law and Society. Chicago: University of Chicago Press, 2006.
- Merry, S. E. *Human Rights and Gender Violence: Translating International Law into Local Justice*. New Ed. Chicago University Press, 2005.
- Darian-Smith, Eve. *Laws and Societies in Global Contexts: Contemporary Approaches*. Cambridge ; New York: Cambridge University Press, 2013.

#### Week 12: Transnational Legal Imagination

##### **Readings:**

- Engel, David M., and Jaruwan Engel. *Tort, Custom, and Karma: Globalization and Legal Consciousness in Thailand*. Stanford Law Books, 2010.
- Heyer, Katharina. "[The ADA on the Road: Disability Rights in Germany.](#)" *Law & Social Inquiry* 27 (2002): 901

Week 13: Law and Settler Colonialism

**Reading:** Weizman, Eyal. *Hollow Land: Israel's Architecture of Occupation*. Verso, 2007.

**Additional texts for further thought:**

- Barker, Joanne. *Native Acts: Law, Recognition, and Cultural Authenticity*. Duke University Press, 2011.
- Barker, Joanne, ed. *Sovereignty Matters: Locations of Contestation and Possibility in Indigenous Struggles for Self-Determination*. Contemporary Indigenous Issues. Lincoln: University of Nebraska Press, 2005.
- Darian-Smith, Eve. *New Capitalists: Issues of Law, Politics and Identity Surrounding Casino Gaming on Native American Land*. Belmont, California: Wadsworth Publishing Co Inc, 2003.

Week 14: Indigenous law

**Reading:** Black, C. F. *The Land Is the Source of the Law: A Dialogic Encounter with Indigenous Jurisprudence*. London; New York: Routledge, 2011.

**Additional texts for further thought:**

- Borrows, John. *Drawing out Law: A Spirit's Guide*. Toronto: University of Toronto Press, 2010.
- Borrows, John. *Canada's Indigenous Constitution*. Toronto: University of Toronto Press, 2010.
- Borrows, John. *Recovering Canada: The Resurgence of Indigenous Law*. University of Toronto Press, 2002.

Week 15: Law and rhetoric

**Reading:** Constable, Marianne. *Our Word Is Our Bond: How Legal Speech Acts*. Stanford: Stanford Law Books, 2014.

**Additional texts for further thought:**

- Foucault, Michel. *Fearless Speech*. Semiotext(e) (Foreign Agents), 2001.