

Anthropology 151
Winter 2008
Dr. George Westermarck

Office: OC 328
Hrs: MWF 10:30
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LAW AND SOCIETY

Course Objectives

This course examines law and society from a cross-cultural perspective, with topics ranging from the role of tradition and custom in the law to the nature of the legal profession. A primary objective of the course is to understand legal processes within cultural and social contexts broader than the legal institutions themselves. The approach taken is interdisciplinary, combining works drawn largely from anthropology, but also using studies by other sociolegal scholars. Given that the course also is intended to satisfy the university's World Cultures and Societies requirement, this objective is met through a number of case studies taken from non-Western societies. Equally significant, however, is encouraging the student to re-examine the nature of law and the legal system in her/his own society, and here our approach is to critically analyze a number of controversial legal issues.

Student Evaluation

Student evaluation will be based on class participation (5%), written assignments (40%), quizzes (5%), a midterm examination (25%), and a final examination (25%).

- Class participation scores will be based on attendance, preparation, discussion groups, class discussion, in-class writing and the timely completion of assignments.
- Written assignments will include a law clinic attorney interview, a courtroom observation and short reflections on legal issues from texts. A separate description of the written assignments will be distributed in class. **Late papers: - 5% per day.**
- six short quizzes will be given on a non-scheduled basis through the quarter. Quizzes will be based on the assigned reading for the class period and will be taken from discussion questions posted in class during the previous class period. The **best** five quiz scores will be counted towards the student's grade. **No Make-up quizzes will be given.**
- The midterm exam will cover all course material for Weeks 1 - 4 and the final exam will cover all course material for Weeks 6-10. Exams will be a combination of short answer and essay questions. **Make-up examinations only will be given in cases of serious illness (i.e., with medical documentation).**

Each requirement is valued at 4 points for each percentage point for a total of 400 possible course points. Final grades are based on the total accumulation of points during the quarter.

Final grades are assigned in the following way:

A = 94-100% (372-400)	C = 74-76 (296-307)
A- = 90-93 (360-371)	C- = 70-73 (280-295)
B+ = 87-89 (348-359)	D+ = 67-69 (268-279)
B = 84-86 (336-347)	D = 64-66 (256-267)
B- = 80-83 (320-335)	D- = 60-63 (240-255)
C+ = 77-79 (308-319)	

Academic Integrity: "The University is committed to academic excellence and integrity.

Students are expected to do their own work and to cite any sources they use. Engaging in any form of academic dishonesty, such as plagiarism, cheating or other acts generally understood to be dishonest by faculty or students in an academic context will subject students to disciplinary action. A student guilty of dishonest acts may receive a grade of F for the course. They will be reported to the Office of Student Life, and may be immediately dismissed from the University” (SCU Undergraduate Bulletin and Community Handbook).

Disability Accommodation Policy: “To request academic accommodations for a disability, students must contact Disability Resources located in The Drahmman Center in Benson, in room 214, (408) 554-4111; TTY (408) 554-5445. Students must register with Disability Resources and provide documentation of a disability prior to receiving academic accommodations.”

Reading and Texts

Reading selections are indicated for each week by the letters found in the parentheses after each text listed below. Selections which are indicated with an (a) should be completed for Monday classes, selections with a (b) should be read for Wednesday meetings, and selections indicated with a (c) should be finished for Friday. Additional required readings may be distributed in class or assigned on ERES.

- A. Dorthy Bracey **Exploring Law and Culture**. Waveland, 2006 (ELC)
- B. Sally F. Moore (ed.) **Law and Anthropology**. Blackwell, 2006 (LA)
- C. Laura Engendorf (ed.) **The Legal System: Opposing Viewpoints**. Gale, 2003 (LS)
- D. Lawrence Rosen **The Anthropology of Justice: Law as Culture in Islamic Society**. Cambridge, 1989 (AJ)
- E. Erin Moore **Gender, Law, and Resistance in India**. Arizona, 1998 (GLR)

Course Outline and Reading Assignments

1. Jan 7 - 11 **What is Law? A Sociolegal Perspective**
 - b. ELC: 1; LA: Genl Intro, 3- 4
 - c. ELC: 2; LA: 5-7
2. Jan 14 - 18 **Culture of Law**
 - a. LA: Sect II Intro, 8-9; AJ: Pref, 1
 - b. LA: 10 - 12
 - c. LS 1: 1-2; ELC: 3
3. Jan 21- 25 **Law, Class and Community**
 - a. Holiday: Martin Luther King, Jr. Day
 - b. **Community Law Center Meeting**; LA: Sect. III Intro, 15
 - c. LS 1: 3-4; ELC: 7; AJ: 2
4. Jan 28 - Feb 1 **Religion and the Law**
 - a. ELC: 5; AJ 3

- b. LA: 16
 - c. LS 2: 1 - 2; AJ: 4
5. Feb 4 - Feb 8 **Midterm Review & Exam**
- a. Review
 - b. Midterm Examination: Feb 6
 - c. Film: “Keep Her Under Control: Law’s Patriarchy in India”
6. Feb 11 - Feb -15 **Legal Pluralism**
- a. ELC: 6; LA: Sect. III.C Intro., 28
 - b. LA: 17; GLR: 1
 - c. ER: “Plea Bargaining”; ELC: 4; GLR: 2
7. Feb 18 - Feb 22 **Legal Domination and Resistance**
- a. Holiday: President’s Day
 - b. **Plea Bargaining Simulation**
 - C. ELC: 8, GLR: 3; LA 23
8. Feb 25 - Feb 29 **Gender and the Law**
- a. LS 2: 3-4; LA: 19; GLR: 4
 - b. **Guest Lecture: Dr. Mary Hegland (Dept. of Anthropology);**
 - c. LS 2: 5-6; LA: 21; GLR: 5-6
9. Mar 3 - Mar 7 **The Legal Profession**
- a. GLR: 7 - 8; ER: D. Friedrichs “The Legal Profession”
 - b. GLR: 9; ER: J.S. Gandhi “A Sociological Portrait of the Indian Legal Profession”
 - c. **Law Class Simulation: Prof. Gary Neustadter (SCU Law)**
10. Mar 10 - Mar 14 **Law, Social Change and Globalization**
- a. LS 4: 1-2; ELC: 9, Epilogue
 - b. LA: 20, 25
 - c. Course Review and Course Evaluation
 - **Final Examination: Monday, March 17, 1:30-3:30**