

# Introduction to Law, Policy and Society

## Course Information

Meeting Time: Monday and Wednesday from 2:50 — 4:30.

Instructor: Christopher P. Mathias  
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Course Assistant: M.J. Motta  
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Office Hours: Monday from 4.40 – 5.40 and Wednesday from 1.45 – 2.45 and by appointment.

## Course Requirements and Grading Policy

- **Textbooks & Readings:**
  - *Foundations of the Law* by Bailey Kuklin and Jeffrey Stempel
  - Other readings are available on Blackboard.
- **Class Participation and Attendance: (10%)**
  - Attendance is more than merely being in class. Participation is crucial to success in this course. Each class will consist of discussion of the assigned materials and their relationship to law, policy, and society. It is the responsibility of each student to come to class prepared to discuss the readings and to participate in the discussion and other in-class assignments.
  - Over the course of the semester, you will be expected to attend office hours at least once.
- **3 Short Papers (5% each)**
  - These papers are short (3 pages, maximum) on assigned topics. Grading will be based on both content and presentation, including grammar.
- **Midterm Exam (30%)**
  - The exam will consist of a combination of short answer and essay questions. It will focus on the material in the half of the course. A solid understanding of the introductory concepts will be necessary for success on in the second half of the course.
- **Final Research Proposal and Outline (5%)**
- **Term Research Paper (40%)**
  - Students will pick a current topic or legal case and explain the interplay between law, policy and society. The topic can come from one of the course topics, but should not directly match one of the shorter paper assignments. Possibilities

include: civil rights, women's rights, corporate social responsibility, welfare reform, gay and lesbian rights, abortion, labor, disability rights, immigration, social security, health, environmental policy, etc. You will receive a handout explaining the specific requirements for the paper. The paper should be 9 - 13 pages in length, double-spaced with 1-inch margins. More information will be provided during the semester.

## LATE ASSIGNMENTS ARE REDUCED ONE LETTER GRADE FOR EVERY 24 HOURS LATE

### Academic Policies

- **Creating a HEALTHY and CONSTRUCTIVE Classroom Environment:** Students are expected to conduct themselves in an appropriate manner with respect for the opinions, ideas, values and thoughts of others.
- **Academic Rules:** The Northeastern University's Rules of Academic Honesty and Integrity apply to this course. The following is taken from the Academic Integrity Policy:

**Academic Honesty and Integrity Policy:** A commitment to the principles of academic integrity is essential to the mission of Northeastern University. The promotion of independent and original scholarship ensures that students derive the most from their educational experience and their pursuit of knowledge. Academic dishonesty violates the most fundamental values of an intellectual community and undermines the achievements of the entire University.

**Cheating:** Intentionally using or attempting to use unauthorized materials, information or study aids in any academic exercise.

**Fabrication:** Intentional and unauthorized falsification, misrepresentation, or invention of any information, data, or citation in an academic exercise.

**Plagiarism:** Intentionally or knowingly representing the words or ideas of another as one's own in any academic exercise without providing proper documentation of source by way of a footnote, endnote, or inter-textual note.

**Unauthorized Collaboration:** This refers to instances when students, each claiming sole authorship, submit separate reports which are substantially similar to one another. While several students may have the same source material (as in case write-ups), the analysis, interpretation, and reporting of the data must be each individual's.

For more information please see <http://www.northeastern.edu/osccr/academichonesty.html>

- **Disabilities:** Students attending Northeastern with documented disabilities are protected from discrimination and assured reasonable accommodations under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973. If anyone in this class has a documented disability and would like to discuss reasonable accommodations please see either of us or contact the Disability Resource Center (<http://www.access-disability-deaf.neu.edu/index.html>).

### Course Schedule and Readings

10 Jan.

**Introduction to Law, Policy and Society – Course and Syllabus Overview**

12 Jan.	<p style="text-align: center;"><b>Different Ways of Looking at Law: What is Jurisprudence?</b></p> <p><u>Readings:</u></p> <ul style="list-style-type: none"> <li>◆ Kuklin and Stempel, “Historical, Jurisprudential, and Multidisciplinary Influences on Law”, Chapter 6 from <u>Foundations of the Law: An Interdisciplinary and Jurisprudential Primer</u></li> </ul>
17 Jan.	<b>NO CLASS</b>
19 Jan.	<p style="text-align: center;"><b>Law and Society</b></p> <p><u>Readings:</u></p> <ul style="list-style-type: none"> <li>◆ Stewart Macaulay, “Law and the Behavioral Sciences: Is There Any There There?” <i>from</i> <u>Law and Policy</u> (1984)</li> <li>◆ John R. Sutton, “An Introduction to the Sociology of Law”, Chapter 1 <i>from</i> <u>Law/Society: Origins, Interactions, and Change</u> (2000)</li> </ul> <p style="text-align: center;"><b><u>Assignment 1 Due: Short Paper on Theories of Jurisprudence</u></b></p>
24 Jan.	<p style="text-align: center;"><b>Government Structure and its Impact on Law, Policy, and Society</b></p> <p><u>Readings:</u></p> <ul style="list-style-type: none"> <li>◆ Kuklin and Stempel, “American Governmental Structure: Its Impact on Law”, Chapter 4 from <u>Foundations of the Law: An Interdisciplinary and Jurisprudential Primer</u></li> <li>◆ James Madison, Federalist #51. (1787)</li> <li>◆ Alexander Hamilton, Federalist #78. (1787)</li> <li>◆ The Constitution of the United States of America. (1787)</li> </ul>
26 Jan.	<p style="text-align: center;"><b>Law and Economics</b></p> <p><u>Readings:</u></p> <ul style="list-style-type: none"> <li>◆ Kuklin and Stempel, “Law and Economics”, Chapter 2 from <u>Foundations of the Law: An Interdisciplinary and Jurisprudential Primer</u></li> <li>◆ Chapter 1 “An Introduction to Law &amp; Economics” from <u>Law &amp; Economics</u>, 5<sup>th</sup> Ed. Robert Cooter and Thomas Ulen.</li> </ul>
31 Jan.	<p style="text-align: center;"><b>Policy and the Policymaking Process</b></p> <p><u>Readings:</u></p> <ul style="list-style-type: none"> <li>◆ John W. Kingdon, <u>Agendas, Alternatives, and Public Policies</u>, 2<sup>nd</sup> Edition., Chapter 1 “How Does An Idea's Time Come?” - Selected Excerpts.</li> <li>◆ Carl E. Van Horn et al., “Politics and Public Policy”, Chapter 10, “Assessing American Public Policy”</li> </ul>
02 Feb.	<p style="text-align: center;"><b>Policymaking and the Influence of Law</b></p> <p><u>Readings:</u></p> <ul style="list-style-type: none"> <li>◆ W. E. Parmet and R. A. Daynard, “The New Public Health Litigation” <i>from</i> <u>Annual Review of Public Health</u> (2000)</li> <li>◆ Sherry F. Colb, “Why Suing McDonald's Could Be a Good Thing”</li> <li>◆ Jonathan Wald, “Lawyers Revise Obesity Lawsuit Against McDonald's”</li> <li>◆ NYC Dept. of Public Health Campaign</li> </ul>

07 Feb.	<p style="text-align: center;"><b>Policymaking: Balancing Individual Rights and Societal Needs</b></p> <p><u>Readings:</u></p> <ul style="list-style-type: none"> <li>◆ Benjamin Neidl, “The Lesser of Two Evils: New York’s New HIV/AIDS Partner Notification Law and Why the Right of Privacy Must Yield to Public Health” <i>from</i> <u>St. John’s Law Review</u> (1999)</li> </ul>
09 Feb.	<p style="text-align: center;"><b>LPS and the Death Penalty</b></p> <p><u>Readings:</u></p> <ul style="list-style-type: none"> <li>◆ <u>Callins v. Collins</u>, 510 U.S. 1141 (1994) (denying certiorari in death penalty case)</li> <li>◆ Michael L. Radelet and Marian J. Borg - “The Changing Nature of Death Penalty Debates” <i>from</i> <u>Annual Review of Sociology</u> (2000).</li> <li>◆ Adam Liptak, “Group Gives Up Death Penalty Work” <i>from</i> <u>The New York Times</u> (2010)</li> </ul>
14 Feb.	<p style="text-align: center;"><b>How Change Happens – Social Movements</b></p> <p><u>Readings:</u></p> <ul style="list-style-type: none"> <li>◆ James Madison, Federalist #10 (1787).</li> <li>◆ Verta Taylor, “Mobilizing for Change in a Social Movement Society” <i>from</i> <u>Contemporary Sociology</u> (2000)</li> </ul>
16 Feb.	<p style="text-align: center;"><b>Making Change Happen – Social Movements, Law and Policy</b></p> <p><u>Readings:</u></p> <ul style="list-style-type: none"> <li>◆ United States Congress, “The Defense of Marriage Act” (1995)</li> <li>◆ Thomas M. Keck, “Beyond Backlash: Assessing the Impact of Judicial Decisions on LGBT Rights” - <i>from</i> <u>Law &amp; Society Review</u> (2008)</li> <li>◆ <u>Baker v. Nelson</u>, 191 N.W.2nd 185 (Minn. 1971) <i>aff’d</i> 409 U.S. 810 (1972)</li> <li>◆ Catherine Rampell, “Does Policy Trail Public Opinion on Gay Rights?” <i>from</i> <u>The New York Times</u> (2009)</li> </ul>
21 Feb.	<p style="text-align: center;"><b>NO CLASS</b></p>
23 Feb.	<p style="text-align: center;"><b>Research Methods Day in the Library</b></p> <p style="text-align: center;"><b><u>Assignment #2 Due: Short Paper on Final Paper</u></b></p>
07 Mar.	<p style="text-align: center;"><b>Social Movements and Individual Rights</b></p> <p><u>Readings:</u></p> <ul style="list-style-type: none"> <li>◆ Joseph L. Lester, “Off to Elba! The Legitimacy of Sex Offender Residence and Employment Restrictions” <u>Akron Law Review</u> (2007)</li> <li>◆ Massachusetts General Laws Chapter 6, Section 178D. “Sex Offender Registry”.</li> <li>◆ “Homelessness Could Mean Life In Prison for Offender”, Shalia Dewain. <u>New York Times</u>, Aug. 3, 2007</li> <li>◆ “A Bridge Too Far”, Catharine Skipp and Arian Campo-Flores. <u>Newsweek Online</u>. July 25, 2009.</li> </ul>
09 Mar.	<p style="text-align: center;"><b>IN CLASS MIDTERM EXAM</b></p>
14 Mar.	<p style="text-align: center;"><b>International Law and Dispute Resolution</b></p> <p><u>Readings:</u></p> <ul style="list-style-type: none"> <li>◆ Chapter 1 “International Law as Law” <i>from</i> <u>Cases and Materials on International Law</u>, 4<sup>th</sup> Ed. D.J.</li> </ul>

	<p>Harris (Editor)</p> <ul style="list-style-type: none"> <li>◆ International Court of Justice</li> <li>◆ United Nations Website</li> <li>◆ President George W. Bush. “A Decade of Deception and Defiance.” Address to the United Nations General Assembly, Sept. 12, 2002</li> </ul> <p style="text-align: center;"><b><u>Assignment Due: Research Paper Proposal and Outline</u></b></p>
16 Mar.	<p style="text-align: center;"><b>Environmental and Energy Law &amp; Policy</b></p> <p><u>Readings:</u></p> <ul style="list-style-type: none"> <li>◆ Daniel Bodansky, “The Copenhagen Climate Change Conference: A Post-Mortem” (2010) [edited]</li> <li>◆ A Review of 2010 United Nations Climate Change Conference in Cancun, Mexico (in progress)</li> <li>◆ Department of Interior Press Release Regarding “Smart from the Start” Offshore Wind Initiative</li> <li>◆ Position on EPA’s Climate Rules by State  <a href="http://eenews.net/special_reports/climate_courts/">http://eenews.net/special_reports/climate_courts/</a> (login with NEU e-mail address; password is “NEU”)</li> </ul>
21 Mar.	<p style="text-align: center;"><b>LPS in the Final Frontier: Outerspace Law</b></p> <p><u>Readings:</u></p> <ul style="list-style-type: none"> <li>◆ Kendra Webb, “To Infinity and Beyond: The Adequacy of Current Space Law to Cover Torts Committed in Outer Space” <i>from</i> Tulane Journal of International and Comparative Law (2007)</li> <li>◆ PBS NewsHour Extra: “U.S. Military Intentions in Outer Space are Focus of U.N. Debate” (2008)</li> <li>◆ SPACE.com, “First Space Lawyer Graduates” (May 8, 2008)</li> <li>◆ SPACE.com, “China’s Anti-Satellite Test: Worrisome Debris Cloud Circles Earth” (February 2, 2007)</li> </ul>
23 Mar.	<p style="text-align: center;"><b>War &amp; Conflict</b></p> <p><u>Readings:</u></p> <ul style="list-style-type: none"> <li>◆ USC Title 18, Part 1, Chapter 118, Section 2441 “War Crimes”</li> <li>◆ David Leigh, “Who Commands the Private Soldiers?”</li> <li>◆ “Darfur Update: June 6, 2008” - Save Darfur</li> <li>◆ Sen. Robert Byrd, “We Stand Passively Mute”, Address on the floor the U.S. Senate (2003)</li> </ul>
28 Mar.	<p style="text-align: center;"><b>Human Trafficking</b></p> <p><u>Readings:</u></p> <ul style="list-style-type: none"> <li>◆ Trafficking Victim’s Protection Act</li> <li>◆ 2010 Trafficking in Persons Report – State Department – Pgs. 1-19; pg. 22</li> <li>◆ Everyone randomly pick a country that begins with the first letter of your last name at: <a href="http://www.state.gov/g/tip/rls/tiprpt/2010/">http://www.state.gov/g/tip/rls/tiprpt/2010/</a> and be prepared to discuss</li> </ul>
30 Mar.	<p style="text-align: center;"><b>Privacy, Surveillance, and Government Monitoring</b></p> <p><u>Readings:</u></p> <ul style="list-style-type: none"> <li>◆ Daniel J. Solove, “I’ve Got Nothing to Hide”</li> <li>◆ Maria Godoy, “Google Records Subpoena Raises Privacy Fears”</li> <li>◆ William Saletan, “Show Some Balls” - <i>from</i> Slate.com (2009)</li> </ul>
04 Apr.	<p style="text-align: center;"><b>The Regulation of Sexual Activity</b></p>

	<p><u>Readings:</u></p> <ul style="list-style-type: none"> <li>◆ Massachusetts General Laws, Chapter 272, “Crimes Against Chastity, Morality, Decency, and Good Order”</li> <li>◆ Kristin Fasullo, “Beyond Lawrence v. Texas: Crafting a Fundamental Right to Sexual Privacy”, 77 Fordham L. Rev. 2997 (2009)</li> </ul> <p style="text-align: center;"><b>Assignment #3 Due: Short Paper on American Law vs. International Law</b></p>
06 Apr.	<b>Drug Laws and Policy</b>
	<p><u>Readings:</u></p> <ul style="list-style-type: none"> <li>◆ National Drug Control Strategy, 2010 Highlights Report.</li> <li>◆ Robert W. Sweet, “Will Money Talk? The Case for a Cost-Benefit Analysis of the War on Drugs” from <u>Standord Law &amp; Policy Review</u> (2009)</li> </ul>
11 Apr.	<b>The Role of the Press and the Media in Law, Policy &amp; Society</b>
	<p><u>Readings:</u></p> <ul style="list-style-type: none"> <li>◆ Ralph Nader, “The Media: An Ongoing Non-Debate” from <u>Crashing the Party</u></li> <li>◆ William A. Gamson and Gadi Wolfsfeld, “Movements and Media as Interacting Systems”, Annals of the American Academy of Political and Social Science, Vol. 528 pp. 114-125 (1993)</li> </ul>
13 Apr.	<b>Polarization in the Polis and the Politicization of Rights</b>
	<p><u>Readings:</u></p> <ul style="list-style-type: none"> <li>◆ Cass Sunstein, “The Law of Group Polarization” from <u>Why Societies Need Dissent</u></li> <li>◆ Mary Ann Glendon. <u>Rights Talk</u>, selected excerpts</li> <li>◆ Nate Silver, “The Internet is Underrated: A Note on Activism, Populism, and Polarization at the End of the ‘Aughts’ from <u>FiveThirtyEight: Politics Done Right</u></li> </ul>
18 Apr.	In Class Presentations
20 Apr.	<p>In Class Presentations</p> <p style="text-align: center;"><b><u>Assignment Due: Term Research Paper</u></b></p>