JUSTICE AND LAW STUDIES (Div II)
Chair: Lecturer in Humanities Alan Hirsch

Advisory Committee

- Melissa J. Barry, Professor of Philosophy
- Justin Crowe, Chair of Leadership Studies and Professor of Political Science; affiliated with: Leadership Studies Program
- Sara Dubow, Associate Dean of the Faculty, Professor of History; affiliated with: History Department
- William M. Gentry, Professor of Economics; on leave Fall 2021
- Nimu Njoya, Lecturer in Political Science
- James L. Nolan, Chair and Washington Gladden 1859 Professor of Sociology
- Cheryl Shanks, Professor of Political Science

Justice and Law Studies is an interdepartmental program designed to give students a background in and framework for understanding the ways that philosophers, government officials, and others think about justice, and the related ways in which societies marshal power and implement law. This liberal arts program provides tools for thinking critically and arguing about what justice might entail, how it works in practice, and how rules, aspirations, laws, and norms evolve over time and in different parts of the world.

THE CONCENTRATION

The concentration in Justice and Law Studies consists of six courses: an interdisciplinary introductory course, four electives taken from at least two departments, and a senior seminar. Electives are listed below. Other courses, not listed below, may be approved by the Chair.

Students may declare a program concentration at any point during their academic career.

Senior Seminar

In 2018-19, the senior seminar will be *The Unwritten Constitution* taught by Professor Hirsch.

Electives

**AFR 132 / AMST 132 / PSCI 132(S) SEM Contemporary Africana Social and Political Philosophy**

  Taught by: Neil Roberts
  Catalog details

**AFR 318 / PSYC 334(F) SEM Defining and Disrupting the School-to-Prison Pipeline**

  Taught by: Kelsey Jones
  Catalog details

**AFR 476 / HIST 476 SEM CAPSTONE: Black Radicalism**

  Taught by: Shanti Singham
  Catalog details

**AMST 401(S) SEM Policing Nations: Indigenous Nations and the Carceral State**

  Taught by: Margaux L Kristiansson
  Catalog details

**ECON 374(F) TUT Poverty and Public Policy**

  Taught by: Lara Shore-Sheppard
  Catalog details

**ECON 470(S) SEM The Indian Economy: Development and Social Justice**

  Taught by: Anand Swamy
  Catalog details

**ENGL 407 / COMP 407 SEM Literature, Justice and Community**

  Taught by: Christopher Pye
  Catalog details

**ENVI 250 / STS 250(F) SEM Environmental Justice**

  Taught by: Laura Martin
  Catalog details

**ENVI 307 / PSCI 317(F) LEC Environmental Law**

  Taught by: David Cassuto
  Catalog details

**HIST 152 / WGSS 152 SEM The Fourteenth Amendment and the Meanings of Equality**

  Taught by: Sara Dubow
  Catalog details
HIST 158 / AFR 158(S) SEM North of Jim Crow, South of Freedom
  Taught by: Tyran Steward

Catalog details

HIST 167 / AFR 167 / AMST 167 SEM Let Freedom Ring? African Americans and Emancipation
  Taught by: Gretchen Long

Catalog details

HIST 456 / AFR 385 / AMST 456(S) SEM Civil War and Reconstruction
  Taught by: Charles Dew

Catalog details

INTR 322 / PSCI 313 / AFR 322 / AMST 322 SEM Race, Culture, Incarceration
  Taught by: TBA

Catalog details

INTR 343 / AFR 343 / AMST 343 / WGSS 343(S) TUT Representations of Racial-Sexual Violence from Enslavement to Emancipation
  Taught by: Joy James

Catalog details

PHIL 114(F) SEM Freedom and Society
  Taught by: Justin Shaddock

Catalog details

PHIL 119(S) SEM Justice, Democracy and Freedom: Plato with Footnotes
  Taught by: Jana Sawicki

Catalog details

PHIL 122(F, S) TUT Philosophical Approaches to Contemporary Moral Issues
  Taught by: Julie Pedroni

Catalog details

PHIL 228 / STS 228 / WGSS 228 LEC Feminist Bioethics
  Taught by: Julie Pedroni

Catalog details

PHIL 337(F) TUT Justice in Health Care
  Taught by: Julie Pedroni

Catalog details

PSCI 201(F, S) LEC Power, Politics, and Democracy in America
  Taught by: Matthew Tokeshi, Justin Crowe

Catalog details

PSCI 216 / LEAD 216(F) LEC American Constitutionalism I: Structures of Power
  Taught by: Justin Crowe

Catalog details

PSCI 217 / LEAD 217(S) LEC American Constitutionalism II: Rights and Liberties
  Taught by: Justin Crowe

Catalog details

PSCI 223 LEC International Law
  Taught by: Cheryl Shanks

Catalog details

PSCI 234(S) SEM Freedom
  Taught by: Mark Reinhardt

Catalog details

PSCI 332 TUT The Body as Property
  Taught by: Nimu Njoya

Catalog details

PSCI 334(S) SEM Theorizing Global Justice
  Taught by: Nimu Njoya

Catalog details

PSYC 349(S) SEM Psychology and Law
  Taught by: Stephanie Cardenas

Catalog details

PSYC 416(F) SEM Psychology of Nonviolence
  Taught by: TBA

Catalog details

REL 203 / JWST 101(F) SEM Judaism: Before The Law
  Taught by: Jeffrey Israel

Catalog details

REL 214 / PSCI 271 SEM Religion and the State
  Taught by: Jeffrey Israel

Catalog details

REL 243 / ARAB 243 / WGSS 243 / HIST 302(F) SEM Islamic Law: Past and Present
  Taught by: Saadia Yacoob

Catalog details
RUSS 331 / COMP 331 / ENGL 371 TUT The Brothers Karamazov
- Taught by: Julie Cassiday
Catalog details

SOC 218(S) LEC Law and Modern Society
- Taught by: James Nolan
Catalog details

WGSS 376 SEM Sex, Gender, and the Law in U.S. History
- Taught by: TBA
Catalog details

STUDY ABROAD
Students who study abroad should consult with the program chair to ensure that they can complete the requirements. Courses abroad may qualify as JLST electives if appropriate.

JLST 101 (F) Introduction to Justice and Law
This course will examine various aspects of America's legal system, including its historical and constitutional underpinnings; the processes of resolving disputes, e.g., trials, plea-bargaining, and civil settlement; and the roles of diverse participants in the system, e.g., judges, jurors, litigants, lawyers, and legislators. The course will emphasize the deeply interdisciplinary nature of law, exploring the law’s intersections with politics, history, economics, anthropology, statistics, psychology, philosophy, art, sports, science, religion, and cyberspace.

Class Format: lecture-discussion

Requirements/Evaluation: three papers, a final exam, and class participation; attendance is mandatory; Williams' honor code applies to all assignments

Prerequisites: none

Enrollment Limit: 40

Enrollment Preferences: first-years and sophomores

Expected Class Size: 40

Grading: yes pass/fail option, yes fifth course option

Distributions: (D2)

Fall 2021
LEC Section: 01 MWF 11:00 am - 12:15 pm Alan Hirsch

JLST 272 (S) Free Will and Responsibility (WS)

Cross-listings: PHIL 272 JLST 272

Secondary Cross-listing

Our practice of holding people responsible seems justified as long as their choices are free. But when does a choice qualify as free? Must it be unaffected by any outside influences? If so, freedom may seem impossible since we're all deeply influenced by factors ranging from the general laws of nature to specific features of our genetic endowment and social environment (including religion, political ideology, and advertising). These affect not only our particular choices but also, more fundamentally, who we are and what we value. The real question, then, seems to be whether, and how, free choice is possible amidst all of these influences. We'll attempt to answer this question by examining recent philosophical work on the nature of free will and responsibility.

Class Format: This tutorial will meet remotely by Zoom on a fixed weekly schedule agreed to by the instructor and participants.

Requirements/Evaluation: Five tutorial papers (5-6 pages in length) and five critiques (2-3 pages in length)

Prerequisites: one PHIL course

Enrollment Limit: 10

Enrollment Preferences: current and prospective Philosophy majors

Expected Class Size: 10
Grading: no pass/fail option, no fifth course option

Distributions: (D2) (WS)

This course is cross-listed and the prefixes carry the following divisional credit:
PHIL 272 (D2) JLST 272 (D2)

Writing Skills Notes: Students will write a tutorial paper (5-6 pages in length) every other week, and a peer critique (2-3 pages in length) in alternating weeks, evenly spaced throughout the semester. The instructor will provide timely comments on writing skills, with suggestions for improvement.

Attributes: PHIL Contemporary Value Theory Courses

Not offered current academic year

JLST 397 (F) Independent Study: Legal Studies
Legal Studies independent study. Open only under the supervision of a member of the Legal Studies Advisory Committee.
Grading: yes pass/fail option, yes fifth course option
Distributions: (D2)

Fall 2021
IND Section: 01 TBA Alan Hirsch

JLST 398 (S) Independent Study: Legal Studies
Legal Studies independent study. Open under the supervision of a member of the Legal Studies Advisory Committee.
Grading: yes pass/fail option, yes fifth course option
Distributions: (D2)

Spring 2022
IND Section: 01 TBA Alan Hirsch

JLST 401 (S) The Unwritten Constitution
"The eight thousand words of America's written constitution only begin to map out the basic ground rules that actually govern our land." So begins Akhil Amar's book America's Unwritten Constitution. Amar recasts the debate over whether America has a "living Constitution," a debate usually revolving around whether change in constitutional meaning requires resort to the formal amendment process or can be achieved through judicial interpretation. Amar supports the latter view, but proposes something far-reaching: history itself effectively amends the Constitution. Thus, for example, he argues that speeches by Martin Luther King and precedents set by George Washington, as well as the daily activities and assumptions of ordinary Americans, have become constitutional subtext requiring consideration when we interpret the Constitution. Is that notion convincing? Preposterous? A healthy way of understanding the inevitable intersection of law, history, and politics? A transparent excuse to read one's own views into the Constitution? Through a careful reading of Amar, and other important constitutional theorists, we will probe different ways of thinking about the supreme law of the land.

Requirements/Evaluation: three papers and class participation
Prerequisites: PSCI 216 or PSCI 217 (or consent of the instructor)
Enrollment Limit: 19
Enrollment Preferences: Justice and Law Studies concentrators
Expected Class Size: 19
Grading: yes pass/fail option, yes fifth course option
Distributions: (D2)

Spring 2022
SEM Section: 01 MWF 11:00 am - 12:15 pm Alan Hirsch
JLST 403 (S) Senior Seminar in Human Rights in International Politics and Law

Cross-listings: JLST 403  PSCI 420  PSCI 422

Secondary Cross-listing

The idea that all humans have rights simply because they are human-independent of anything they might do or achieve-has transformed local and international politics, probably permanently. This concept's place in international politics, its strengths and limitations, depend on how people use it. Beginning with the 18th-century's transatlantic movement to abolish slavery, we will examine international movements and institutions that have affected what human rights mean, to whom, and where. Readings draw on philosophy, history, sociology, and international relations, but as a political science class we emphasize politics. Who benefits from the idea of universal human rights? Who loses? How does this idea about individual value liberate and entrap? Does this idea ultimately reinforce American hegemony, or plant the seeds of a non-American order?

Requirements/Evaluation: three lead essays, three critique essays, and one final essay

Prerequisites: PSCI 202, senior standing, permission of instructor

Enrollment Limit: 18

Enrollment Preferences: PSCI majors, senior JLST concentrators; seniors

Expected Class Size: 18

Grading: yes pass/fail option, yes fifth course option

Distributions: (D2)

This course is cross-listed and the prefixes carry the following divisional credit:

JLST 403 (D2) PSCI 420 (D2) PSCI 422 (D2)

Attributes: PSCI International Relations Courses

Not offered current academic year

Winter Study ---------------------------------------------------------------

JLST 10 (W) Policing the Police

Public scrutiny of police activity has intensified in the wake of the high-profile killing of George Floyd. Attacks on law enforcement have also received much publicity. In this course, we will analyze current doctrines addressing police misconduct and potential avenues for future reform by using case law, articles, and films. We will begin by looking at the historical responses to police misconduct, including internal affairs investigations, private civil lawsuits, and criminal prosecution of individual officers. We will also examine the affirmative privileges provided to law enforcement, and the impact of these procedural protections on accountability. We will then explore current appeals for structural reform by examining recent federal investigations of police departments, including Oakland, CA and Ferguson, MO. Class will meet twice per week, and students will choose an aspect of the issues engaged with as a subject for their final research paper.

Requirements/Evaluation: 10-page paper

Prerequisites: none

Enrollment Limit: 15

Enrollment Preferences: sophomores and juniors

Grading: pass/fail only

Unit Notes: Samantha Soto is a civil rights and employment attorney whose practice includes advising police departments on discipline of officers and conducting investigations into discrimination claims. She is a graduate of Williams College and Columbia Law School.

Materials/Lab Fee: $15

Winter 2022

LEC Section: 01  TR 1:00 pm - 3:50 pm  Samantha A. Soto

JLST 17 (W) State Constitutions, State Courts, and Individual Rights

Cross-listings: JLST 17  PSCI 17

Secondary Cross-listing
Most people are familiar with the idea that the federal constitution, as interpreted by the U.S. Supreme Court, can serve as an important (albeit controversial) tool for protecting individual rights. Cases involving rights to same-sex marriage, abortion, and gun ownership are just a few recent examples of the U.S. Supreme Court and the federal constitution taking center stage in battles over individual rights. But there is another, equally important, source of individual rights that is sometimes overlooked and understudied: state constitutions. Each state has its own constitution, which may contain different rights and protections from those in the federal constitution. In this class, we'll take a look at the role of state constitutions and courts in protecting individual rights and influencing federal constitutional interpretation. From assessing the constitutionality of compelled sterilization to protecting citizens from unreasonable searches and seizures, we'll examine the interplay between state and federal courts and constitutions. To do this, we'll work through 51 Imperfect Solutions: States and the Making of American Constitutional Law, by Judge Jeffrey S. Sutton (class of 1983). As a final project, students will choose a legal issue, evaluate its chances of success under the federal constitution and their home state constitution (or state constitution of their choosing), develop a basic litigation strategy aimed at achieving their objectives, and present that evaluation and strategy to the class.

Requirements/Evaluation: final project or presentation
Prerequisites: none
Enrollment Limit: 15
Enrollment Preferences: by seniority
Grading: pass/fail only

Unit Notes: Susan Yorke is an appellate attorney in the Bay Area and teaches at Berkeley Law. Erin Lagesen is a judge on the Oregon Court of Appeals. Both Susan and Erin went to Williams, where they double majored in English and Mathematics.

Materials/Lab Fee: approximately $35 for books

This course is cross-listed and the prefixes carry the following divisional credit:
JLST 17 PSCI 17

Winter 2022
LEC Section: 01 Cancelled

JLST 99 (W) Independent Study: Legal Studies
Open to upperclass students. Students interested in doing an independent project (99) during Winter Study must make prior arrangements with a faculty sponsor. The student and professor then complete the independent study proposal form available online. The deadline is typically in late September. Proposals are reviewed by the pertinent department and the Winter Study Committee. Students will be notified if their proposal is approved prior to the Winter Study registration period.
Class Format: independent study
Grading: pass/fail only

Winter 2022
IND Section: 01 TBA Alan Hirsch