

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 Kristjansson](#)

[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: [Tyrann 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: [Justin Crowe](#), [Matthew Tokeshi](#)

[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 Cassidy](#)
[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