

FALL 2013 HONORS SEMINAR SYLLABUS
LEGAL STUDIES PROGRAM
Legal Studies H195A
Wednesdays 10-12pm
Dean's Seminar Room (215B), Boalt Hall

Instructor: Professor Michael Musheno
mmusheno@law.berkeley.edu
Tuesdays, 1-3pm and by appointment
2240 Piedmont Avenue, Room 202

Honors Teaching Fellow: Christina S. Carbone
stevenscl@gmail.com
OH: Wednesdays, 1-3pm or by appointment
2240 Piedmont Avenue, Room 114

Course Description

We welcome you to a writing- and research-intensive 4-unit graded seminar designed to guide you in the development and completion of an honors thesis research proposal. We will meet in class for two hours on Wednesdays and introduce you to the conduct of socio-legal inquiry and a wide variety of relevant social science, humanities, and legal research methodologies. While there will be lectures and presentations, we will work substantially in a seminar environment where exchange among us will be a key feature of the learning process.

This seminar is the first part of the Legal Studies Honors Program with Legal Studies H195B following it. In the Spring Semester, Honors students in H195B will work independently under the supervision of a Legal Studies/Berkeley Law School faculty member, write an honors thesis, and ultimately, when the thesis is judged to be of honors-quality, receive departmental honors at graduation. The grading criteria for the course are listed below. Students must pass H195A in order to be eligible to enroll in H195B and for departmental honors. At the end of the Spring semester, all students are expected to present their research at the 2014 Legal Studies Undergraduate Research Conference hosted by Berkeley Law.

You should expect to undertake substantial work outside of class in the forms of targeted readings related to your project, identifying a research question, organizing your research strategy, and completing assignments that will lead to your honors thesis proposal. Students should expect to work approximately twelve hours per week on this class and continue at that level through the spring to the completion of your honors thesis. All students in this class will receive extensive written and verbal feedback on their assignments.

Grading

The grading for the course is outlined in the table immediately below. Descriptions of and requirements for each of these major, take-home assignments are at the end of the syllabus.

	Assignment Name	Percentage of Final Grade
1	Thesis Topic & Research Questions	10%
2	Literature Review	10%
3	Statement of Anticipated Methods	10%
4	Preliminary Research Proposals & Abstracts	20%
5	Final Research Proposals & Abstracts	50 %

Grading Philosophy: Each assignment will be evaluated on a number of criteria, including:

- Articulation of a socio-legal research idea, topic, and question
- Conciseness and clarity in writing
- Precision and sophistication of ideas
- Logical progression and connectivity between different segments of the proposal
- Ability to identify and deal with research limitations
- Thoroughness in researching relevant theory, methods, and existing literatures

As the goal of this course is to progress from an original idea to a completed proposal, credit will be given for demonstrated growth and improvement across assignments. Thus, grading is weighted towards the final product.

Assignments

All assignments are due on the date indicated on the syllabus in Microsoft Word only. Assignments will be reviewed and returned by the following class. Unless otherwise indicated, assignments must be submitted via e-mail to each of us by the beginning of the class period for which they are due. *Grades on late assignments will be lowered one step, e.g. A to A-, B to C+, etc., for each 24 hours they are late.*

Readings

You must secure a copy of Russell K. Schutt, *Investigating the Social World: The Process and Practice of Research* (7th ed. 2012). Copies have been ordered at the University Bookstore. It will serve as a guidebook for you in developing your research project. We do choose a number of short required readings from this text and many supplemental readings are drawn from this book as well. All other readings and supporting documents will be available on the course website on bSpace or by following the links listed on this syllabus. The required course readings are not substantial. At the same time, you are required to complete these readings before the class period

for which they are listed. Much of the reading you do this semester will be related to the library research you carry out related to your research project.

Schedule of Classes

Class 1: Course Introduction & What Do We Mean by Developing a Research Proposal?

Wednesday, September 4

In- Class Presentations:

1. Introductions – Musheno, Carbone, and Legal Studies Honors Seminar Participants
2. Discussion of a Legal Studies Research Proposal (Musheno)
3. Discussion about Research Ethics (Carbone)

Reading:

1. Sally Maitlis, “What Do You Care About? Studying What I Love,” in Arene Carles and Jane E. Dutton, eds., *Research Alive: Exploring Generative Moments in Doing Qualitative Research*, Copenhagen Business School Press (2011), 75-77.
2. One legal studies honors research proposal.

Supplemental:

1. Russell K. Schutt, *Investigating the Social World: The Process and Practice of Research*, Pine Forge Press (7th ed. 2012), Chapter 2, pp. 51-58 (Social Research Proposals); Chapter 3 (Research Ethics and Philosophies), pp. 63-83.

Assignment: **Pre-Survey** [Email to Prof. Musheno and Christina by 5pm Monday, September 2nd]

Class 2: Legal and Socio-Legal Scholarship

Wednesday, September 11

In-Class Presentation: Musheno and Carbone

Readings:

1. Summary of *Terry v. Ohio*
2. Richman, D. (1998). Terry and the fourth amendment: The process of terry-lawmaking. *St. John's Law Review*, 72, 1043-1051.
3. Gau, J. M. & Brunson, R. K. (2010). Procedural justice and order maintenance policing: A study of inner-city young men's perceptions of police legitimacy. *Justice Quarterly*, 27, 255-279.
4. Russell K. Schutt, *Investigating the Social World*, Chapter 1.

Supplemental:

1. Calavita, Kitty. *Invitation to Law and Society: An Introduction to the Study of Real Law*. Chicago: University of Chicago Press, 2010, Chs. 1, 8.

In-Class Assignment: Read introduction and/or abstract of all theses proposals in the resources tab of Honors bspace. Note what topics you are drawn to. Read one and be prepared to discuss its significance to you in class.

Class 3: Research Topics & Questions

Wednesday, September 18

In-Class Presentations:

1. Introduction to Research Topics and Questions
2. Guest speakers: Chase Burton, Nicole Lindahl

Readings:

1. Russell K. Schutt, *Investigating the Social World*, Appendix A
2. Russell K. Schutt, *Investigating the Social World: The Process and Practice of Research*, Pine Forge Press (7th ed. 2012), Chapter 2, pp.27-29 (Social Research Questions).

Supplemental:

1. Berg, Bruce, *Qualitative Research Methods for the Social Sciences*, Allyn & Bacon, 2006, Chapters. 1,2
2. Lipson, Charles, *How to Write a BA Thesis*. University of Chicago Press, 2005, pp. 23,24, 66-77.
3. Russell K. Schutt, *Investigating the Social World*, Appendix B.

Class 4: Workshop 1

Wednesday, September 25

In-Class Assignment: Bring 3-5 potential research questions for discussion.

Class 5: Doing a Literature Review

Wednesday, October 2

In-Class Presentation: Musheno and Carbone

Readings:

1. Sample Literature Reviews (bspace).

Supplemental:

1. Russell K. Schutt, *Investigating the Social World: The Process and Practice of Research*, Pine Forge Press (7th ed. 2012), Chapter 2, pp. 29-37 (Social Research Foundations).

2. Kristin Luker, *Salsa Dancing into the Social Sciences*, Harvard University Press, 2008, Ch. 5 & Ch. 7.
3. Library Guides (bspace website under “Library Resources” folder)

Major Assignment Due: #1 Thesis Topic and Research Questions

Class 6: Research Design
Wednesday, October 9

In-Class Presentation: Musheno and Carbone

Readings:

1. Russell K. Schutt, *Investigating the Social World*, Chapter 2, pp. 39-47; Chapter 6, pp.171-193.

Supplemental:

1. Russell K. Schutt, *Investigating the Social World: The Process and Practice of Research*, Chapters 5 and 7
2. Kristin Luker, *Salsa Dancing Into the Social Sciences*, Cambridge, Harvard University Press, 2008, Ch. 3.

Class 7: Quantitative Research Methods and Surveys
Wednesday, October 16

In-Class Presentation: Su Li and Ryan Copus

Readings:

1. Russell K. Schutt, *Investigating the Social World: The Process and Practice of Research*, Pine Forge Press (7th ed. 2012), Chapter 4 (Conceptualization and Measurement), pp. 93-134; Chapter 8 (Survey Research), pp. 229-279.

Supplemental:

1. Russell K. Schutt, *Investigating the Social World: The Process and Practice of Research*, Pine Forge Press (7th ed. 2012), Chapter 14 (Quantitative Data Analysis), pp. 445-491.

Class 8: Qualitative Field Research and Interview Methods

Wednesday, October 23

In-Class Presentation: Musheno, Kelsey Mayo

Readings:

1. Russell K. Schutt, *Investigating the Social World: The Process and Practice of Research*, Pine Forge Press (7th ed. 2012), Chapter 9 (Qualitative Methods), pp. 280-319.

Supplemental:

1. Musheno, Michael C. and Susan Ross, *Deployed: How Reservists Bear the Burden of Iraq*. Ann Arbor: University of Michigan Press, 2009 (Paperback Edition), pp. 1-14, 149-159, 183-191, Appendices A & B
2. Musheno, Michael C. and Susan Ross. "Deployed Interview Protocol."
3. Russell K. Schutt, *Investigating the Social World: The Process and Practice of Research*, Pine Forge Press (7th ed. 2012), Chapter 10 (Qualitative Data Analysis), pp. 320-357; Chapter 13, pp. 430-441 (Content Analysis).

Major Assignment Due: #2 Literature Review

Class 9: Historical & Comparative Research

Wednesday, October 30

In-Class Presentation: Mina Barahimi Martin, Alexandra Havrylyshyn

Reading:

1. Russell K. Schutt, *Investigating the Social World: The Process and Practice of Research*, Pine Forge Press (7th ed. 2012), Chapter 12, pp. 387-407.

Supplemental:

1. Aaron Kupchik, *Homeroom Security: School Discipline in an Age of Fear*, New York University Press, Ch. 2.
2. Martha Howell & Walter Prevenier, *From Reliable Sources: An Introduction to Historical Methods*, Ithaca, NY: Cornell University Press, 2003, pp. 69-118.

Class 10: Normative Approaches

Wednesday, November 6

In-Class Presentation: Adam Hill, Katie Heard

Readings:

1. David Thacher, “*The Normative Case Study*,” *The American Journal of Sociology*, vol. 111, no. 6 (2006), pp. 1631–1676

Class 11: Workshop 2
Wednesday, November 13

In-Class Assignment: Bring 1-3 sentence description of current problem in your research and be prepared to discuss.

Major Assignment Due: #3 Statement of Anticipated Research Method(s)

Class 12: Dealing with Research Challenges
Wednesday, November 20

In-Class Presentations: Brent Nakamura

No Class on Wednesday, November 27

Major Assignment Due: # 4 Preliminary Research Abstracts &Proposals (Due Dec. 1st)

Class 13: Student Research Proposal Presentations I
[Dec. 3, 5-7pm; JSP Seminar Room]

In-Class Presentation: Honors Seminar Students

Readings: Legal Studies Honors Student Abstracts and Draft Research Proposals

Class 14: Student Research Proposal Presentations II
[Dec. 4, 5-7pm; JSP Seminar Room]

In-Class Presentation: Honors Seminar Students

Readings: Legal Studies Honors Student Abstracts and Draft Research Proposals

Major Assignment Due: #5 Final Research Proposals [Deadline Dec. 18]

Assignment #1

Thesis Topic and Research Questions

Due: Oct. 2 via e-mail to Professor Musheno and Christina Carbone

File Name: [Last Name]_AssignmentOne_[DateOfSubmission]

Document Format: MS Word, 1.5 Spacing, left-aligned, submit as attachment

Citation Format: APA (American Psychological Association *or* MLA (Modern Language Association) (please be consistent)

Please put your name on the assignment itself in the top left corner of the document

Assignment Objective:

1. To develop a narrative statement of your preliminary research topical area;
2. To develop a research question and/or begin narrowing down a list of research questions;
3. To write about and describe any difficulties you are encountering in the process of converting your research topic to a research question

Assignment Description: First, provide a narrative statement about the scope, direction and boundaries of your research topic, including what has drawn you to this particular topic. Second, write up a “Preliminary Socio-Legal Research Question” (or “Questions”) and a narrative about the path that has led you to this point. Third, describe any challenges you may be facing in shaping your research question, specifying any roadblocks and obstacles along the way in terms of your library research and interactions with others about your project, including us.

As always, and this is especially important at this stage in the research process, the more thought and effort you put into this preliminary research question (and in particular to the topic/issues section below) up front the more you’ll get back from us in valuable feedback.

Assignment Product: 4 word-processed pages (1.5 spacing with standard margins).

Research Question(s): Write out your research question(s) and provide a narrative of the pathway that has led you to it. If you are contemplating several research questions pertaining to one or more topics, include them all. Remember to contemplate a research question that you can answer in the time you have to research and write your thesis (it should be manageable) and one that you feel will build knowledge, theoretically and/or policy wise (it should be important).

Research Challenges: What challenge(s) you are still encountering with respect to shaping your project, defining a research question, and/or researching the topic? What factors are you considering in choosing a research question?

Research Question Examples:

1. “Is there some mentalité or idea structure that could explain why the juvenile justice system was created, seemingly with tensions between retribution and rehabilitation, and why these tensions were overlooked? Could changes in mentalité help explain why after seven decades, the legal conception of juvenile justice was dramatically revised?”
2. “How did heightened security measures in Arizona after 9/11 affect the undocumented migrant population in the state?”
3. “How did the concept of the supermax prison emerge in the United States, and how did this emergence shape penological discourse and punishment practice?”
4. “Do California state drug control efforts aimed at disrupting long-term relationships between dealers and addicts lead to distortions in cocaine and heroin purity?”
5. “How are inter-district transfers realized in practice in officially closed-border but contiguous school districts? How do these practices align with state educational policy and underlying theories about the socio-spatial dynamics of education?”
6. “What were some of the reasons behind reforming California’s divorce laws in the 1960s? How do California’s current divorce laws affect low-income women seeking divorce? What are some implications of such effects?”
7. “What are the current consumer protection policies and practice in the automobile industry in China? How are Chinese consumers protected at the current stage? If consumers are not adequately protected under the current consumer protection policies and practice, how can it be explained given China’s uniqueness in its economic and political systems?”
8. “How does the incarceration of parents and guardians affect the everyday lives of teenagers from these families?”

Assignment #2

Literature Review

Due: Oct. 23 via e-mail to Professor Musheno and Christina Carbone

File Name: [Last Name]_AssignmentTwo_[DateOfSubmission]

Document Format: MS Word or Equivalent, 1.5 Spacing, left-aligned, submit as attachment

Citation Format: APA *or* MLA (please be consistent)

Please put your name on the assignment itself in the top left corner of the document

Assignment Objective: To draft the first portion (or more) of your literature review.

Assignment Description: Provide a draft of the first portion (or more) of your literature review. Your literature review should be five pages or more. Please feel free to write more if you wish. Please note that the actual structure of the review, *e.g.* any headings and subheadings, depends on the theories and works with which you are engaging and will differ from student to student.

Examples of various literature reviews are available on the class bSpace site (Resources LiteratureReviewExamples) and as are previous Highest Honors theses, which also include literature reviews (Resources Example_Highest_Honors_Theses).

Your literature review should be arranged in such a way to logically address the following questions (note: while sectioning off may be appropriate for some project, these questions should not be listed as section headers):

1. What theory/theories will you be using, challenging, and/or augmenting in your thesis?
2. *How* does the theory you describe account for (or fails account for) the case(s) or ideas you're examining? What are the gaps in the theories/literatures you're addressing?
3. What are the key/seminal works relevant to your thesis (both in terms of examining the particular case(s) you are studying and the theories you're working with)?
4. *How* does your research, based on the works you've cited and examined above, address the theoretical or empirical shortcomings you've just identified?

Assignment Product: At least five word-processed pages following the formatting instructions in the document header. *You must include a works cited page in APA or MLA format as detailed above. Please **do not** include an annotated bibliography.*

Assignment #3

Statement of Anticipated Methods

Due: Nov. 13 via e-mail to Professor Musheno and Christina Carbone

File Name: [Last Name]_AssignmentThree_[DateOfSubmission]

Document Format: MS Word or Equivalent, 1.5 Spacing, left-aligned, submit as attachment

Citation Format: APA *or* MLA (please be consistent)

Please put your name on the assignment itself in the top left corner of the document

Assignment Objective: To provide a preliminary statement of your anticipated research method(s) and, in doing so, to draft your methodology section.

Assignment Description: Drawing from the seminar sessions/readings on inquiry and methods (classes 6-11), other methods/inquiry classes you have taken, the review of the methods section of a completed honors thesis, and interactions with Professor Musheno/ Christina/GSIs/other faculty advisors, explain what design and method(s) you anticipate using. If your project is philosophical and/or theoretically-oriented, explain the theoretical bent of your inquiry (e.g., social and moral theories of justice) and what texts (e.g., cases, archives, writings of theorists) will anchor your project.

In your discussion, please address why you chose your method over others, what are the strengths of your method, what are the limitations of your method, and, if you are in a position to comment on this issue, please describe and/or attach any survey, interview, or other instruments you will be using. This section and any attachments should be a first step on the way to the methodology section in your thesis.

Assignment Product: **Word-processed pages** following the formatting instructions in the document header. *You must include a works cited page in APA or MLA format as detailed above. Please **do not** include an annotated bibliography.*

Assignment #4

Preliminary Research Proposals & Abstracts

Due: Dec. 1 via e-mail to Professor Musheno, Christina Carbone, and assigned discussants

File Name: [Last Name]_PreliminaryProposal_[DateOfSubmission]

Document Format: MS Word or Equivalent, 1.5 Spacing, left-aligned, submit as attachment

Citation Format: APA *or* MLA (please be consistent)

Please put your name on the assignment itself in the top left corner of the document

Assignment Objective: To provide a first draft of your preliminary research proposal, including an abstract, an introduction that establishes the topic and your research question/s, a literature review, methodology/logic of inquiry section, a preliminary timeline of your research and thesis writing process, and any anticipated/hypothesized findings.

Assignment Description: Your assignment is to write up a Preliminary Research Proposal, which must incorporate the items listed below. There is no page limit to the proposal but you should write no less than six 1.5 spaced pages. At the beginning of your preliminary proposal you must include an abstract of 100-300 words (please do *not* exceed 300 words). A guide to abstract formatting and example abstracts is below.

Additionally, in preparation for your class presentation, each of you will be assigned discussants who will have read your revised research proposals and will be ready with a question or two on your research. Christina will notify you of your discussants and their e-mail addresses. You must send your preliminary research proposal to them by the due date indicated above.

Elements of Preliminary Research Proposal:

- I. **Abstract**
- II. **Introduction (to topic and research question/s)**
- III. **Literature Review**
- IV. **Methodology/Logic of Inquiry**
- V. **Preliminary Thesis Research & Writing Timeline**
- VI. **Anticipated Findings**
- VII. **Works Cited**

Assignment Product: Six or more (preferably more) word-processed 1.5 spaced pages. *You must include a works cited page in APA or MLA format as detailed above. Please **do not** include an annotated bibliography.*

Abstract Formatting

An abstract is a 100-300 word summary of your preliminary research proposal and thesis. It is intended to provide a reader (even one unfamiliar with your subject area) with a brief overview of your research and specifically what you're examining, your (anticipated) findings, and the importance of your research.

Example Abstracts:

Lenin Beltran Imali, "Raising Arizona: How 9/11 Gave Rise to a Police State in Arizona," *Legal Studies Senior Honors Thesis* (2011)

After the passage of the *Support Our Law Enforcement and Safe Neighborhoods Act*, also known as Senate Bill 1070 (SB 1070), allegations claiming that Arizona had turned into a "police state" came in droves. The allegations came from everywhere—from reputable news sources (the *New York Times*) down to political bloggers (*The Atlantic's* Andrew Sullivan)—all demonizing the state for yet another harsh and unforgiving attempt at implementing anti-immigrant policy at the state level. However, these allegations had been made against Arizona before the passage of SB 1070. This project attempted to decipher whether or not there is evidence to give credence to the existence of an Arizona "police state." What was discovered in the process was significant evidence of a physical and political climate that employs extreme policing methods in the name of stemming the flow of undocumented migrants across the Arizona-Mexico border and, more importantly, that all these developments that created said climate arose or were escalated after September 11, 2001. This work presents five findings in relation to this conclusion: the rise in police presence, the rise of policies criminalizing the undocumented, the rise in the detention/prison complex, the rise of influential extremist anti-immigrant groups, and the rise in migrant deaths in post-9/11 Arizona.

Chase Burton, "Spare the Cell, Spoil the Child: Early History and Philosophy of American Juvenile Justice," *Legal Studies Honors Thesis* (2011).

Scholarship has long recognized that the juvenile justice system was founded with a tension between the benevolent welfare concern for youth and its harsh, punitive realities – a system born out of and shaped by contradiction. The system is usually described as dominated by

the benevolent *parens patriae* philosophy in its early years, transitioning over time to a more punitive orientation. Against this backdrop, courts generally denied that there was a punitive facet of juvenile justice and treated it as characterized entirely by *parens patriae*, until the Supreme Court suddenly acknowledged the system's punitive underpinnings in *In re Gault*.

I explore the 'how' and 'why' of the early history of juvenile justice from a philosophical and structural standpoint. The self-representations of early juvenile courts and other juvenile justice practitioners reveal that the system modern scholars describe as having both benevolent and punitive facets was understood instead as harmonious, or at least, not in direct tension. Juvenile justice practitioners in the early years were aware of the similarities between industrial schools and prisons, but that relationship did not pose a serious problem to the philosophy of juvenile justice. Courts repeatedly designated the system as non-punitive, almost universally shutting down legal resistance movements against juvenile justice. How did juvenile justice emerge carrying these tensions, and why was that state of affairs accepted as consistently benevolent? Furthermore, why did courts go so far as to deny that there were punitive aspects to juvenile justice, and why was this position revised seventy years later?

I draw upon court cases, institutional records, and sociolegal texts on delinquency to construct a story of American juvenile justice and its changes from 1899 to 1967. I argue there are three mentalités at work in early juvenile justice: Puritanical philosophy, Enlightenment concepts of criminology and rationality, and an expansion of governmental rationality and authority. These ideas, as well as their interaction and relative shifts over time, help explain the seemingly contradictory juvenile justice system and the rise of a legalistic rights concern after the 1940s, which created a tension resolved by *Gault*.

Assignment #5

Final Research Proposals & Abstracts

Due: Dec. 18 via e-mail to Professor Musheno and Christina Carbone

File Name: [Last Name]_PreliminaryProposal_[DateOfSubmission]

Document Format: MS Word or Equivalent, 1.5 Spacing, left-aligned, submit as attachment

Citation Format: APA *or* MLA (please be consistent)

Please put your name on the assignment itself in the top left corner of the document

Assignment Objective: To write a final Research Proposal.

Assignment Description: Your assignment is to revise your Preliminary Research Proposal and write a Final Research Proposal, which must incorporate the items listed below. There is no page limit to the proposal but you should write no less than six 1.5 spaced pages. **Please note you must include the name of your advisor(s) on the title page of your Final Research Proposal (as indicated below).**

Elements of Preliminary Research Proposal:

- I. **Title Page/Name of Advisor**
- II. **Abstract**
- III. **Introduction (Topic, Research Question and Sub-Questions)**
- IV. **Literature Review**
- V. **Methodology/Logic of Inquiry**
- VI. **Preliminary Thesis Research & Writing Timeline**
- VII. **Anticipated Findings**
- VIII. **Works Cited/References (not annotated bibliography)**

Assignment Product: Six or more (preferably more) word-processed 1.5 spaced pages. *You must include a works cited page in APA or MLA format as detailed above. Please **do not** include an annotated bibliography.*