State, Law and Politics in Society

L06.3565, G53.2356 and G62.1102

Furman Hall, Rm 110
Tuesdays: 4:05-5:55

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Description

This seminar is concerned with relationships between law and state power. One central theme is how law can usefully be viewed as autonomous from state political powers, even when it is enforced through state institutions and is an expression of state policies, as well as other interests in society. We examine a number of theoretical perspectives and methodological approaches in order to address this large question. We also turn to literatures on American Political Development and Comparative and Global Perspectives to ground, and analyze, state theory and law questions. Specifically, we work through: historical and comparative studies of law and state formation and development; scholarship on the institutional autonomy of the legal profession, administrative agencies, and the judiciary; and research on the mobilization of law by social movement. In all these areas we examine the political economy of law, its jurisprudential tendencies, trends and regimes.

Requirements:

1. Paper Requirements (70%)

JD or LLM students registered for 2 credits in the Law School are required to write 2 critical essays (8-12 pages each) focused on a set of problems about legal autonomy you develop and discuss with Professors Chevigny or Harrington in advance. The time-table for when papers are due will be posted on Blackboard. Each essay will count for 35% of your course grade.

JD students register for 2 credits plus 1 writing credit in the Law School and who are writing an “A Credit Paper” must follow the Law School rules on “A Credit Papers”. The production time-table that will be posted on Blackboard.
Graduate students registered for 4 credits in the Graduate School of Arts and Science may choose between:

1. Writing 2 critical essays (12-15 pages each) focused on either a set of questions about legal autonomy you develop and discuss with Professors Chevigny or Harrington in advance, OR an area of work we are studying in the seminar. Each essay will count for 35% of your course grade; or

2. Writing a research paper examining a problem concerning law’s relationship to state power (30-35 pages). The time-table for when papers are due will be posted on Blackboard.

2. Seminar Participation (30%)

Your verbal and written contributions are very important for each seminar and will be a factor in evaluating your performance (30% of your course grade). Each week you are required to submit 1-3 questions or themes, drawn from the readings, to Professors Chevigny and Harrington via email, no later than 6:00pm the Monday before Tuesday’s seminar.

Assigned Readings


All other assigned readings are on Blackboard under “Course Documents”.
Course Outline

Introductions:  Week 1, January 9th

I. The Modern State in Law and Society  

Week 2, January 16th  


Week 3, January 23rd  


Week 4, February 30th  


II. Political Economy and the Capitalist State  

Week 5, February 6th  


Week 6, February 13th


NO CLASS, Legislative Monday- February 20

Week 7, February 27th


- Cristina Rodriguez (2007), TBA.

III. Legal Ideology, Discourse and Narrative

Week 8, March 6th


NO CLASS, Spring Break Week - March 13

Week 9, March 20th


- Hurricane Katrina, TBA.

Recommended

Hunt and Klare
IV. Legal Practices of Political Development

Week 10, March 27th


Week 11, April 3rd


V. Plural Legalities and Circulating Legal Orders

Week 12, April 10th


- Regulatory Takings article, TBA.

Week 13, April 17th


VI. Governing ‘Predicaments’ Week 14, April 24th
