

SPRING 2007

HISTORY 297W: LEGAL HISTORY OF THE UNDERREPRESENTED IN AMERICA

R 2:00-4:30pm

STORRS 011

Instructor: Dominic DeBrincat

Office: Wood Hall 212

Office Hours: T 12:30-1:30pm, R 9:30-10:30am; Or by Appointment

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Course Description

While studies in American legal history often focus on the manly legal fraternity and the institutions it established, this course will examine the role of the law as it affected (and was created by) underrepresented Americans. Weekly readings and assignments will ask students to consider legal relationships and developments relating to those not typically treated as empowered to direct such changes - including women, free and enslaved African-Americans, Native Americans, immigrants, and children. Course requirements will include an extensive research paper and class presentations. *This course satisfies the History Major's Distribution Requirement for Group C.*

Course Texts

- Michael Grossberg, *A Judgment for Solomon: The D'Hauteville Case and Legal Experience in Antebellum America*
- Rennard Strickland, *Fire and the Spirits: Cherokee Law from Clan to Courts*
- Michael J. Bazylar, *Holocaust Justice: The Battle for Restitution in America's Courts*
- Roger Daniels, *Guarding the Golden Door: American Immigration Policy and Immigrants since 1882*
- Kevin Boyle, *Arc of Justice: A Saga of Race, Civil Rights, and Murder in the Jazz Age*
- Kate Turabian, *A Manual for Writers of Term Papers, Theses, and Dissertations*, 6th ed.
- Various Online Articles, posted on Web-CT

Course Objectives

- To find primary sources relevant to a research topic and locate such primary sources in their historical contexts.

- To read and analyze primary sources closely for multiplicities of meaning, ambiguity, ambivalence, and points of view.
- To construct an original interpretation of the past in argumentative and narrative forms.
- To contextualize your own interpretation of history with others by referring to the historiography on that topic.
- To develop your ability to draft essays with clear theses, unified arguments, logical evidentiary progression, and clean grammatical mechanics.
- To develop your confidence and ability to express yourself as a historian and critical thinker in a university classroom environment.

Course Requirements

Research Project: The focal point of this course will be a 15-18-page revised essay which will be the product of your own original historical research. The subject matter can be one of your choice, but it must fall within this course's subject scope: the legal history of underrepresented Americans. In its final form, this paper should be of such a high quality that you could either submit it to a scholarly journal for publishing consideration or submit it as a writing sample for an application to a prospective academic/professional program. I must approve your research topic before you begin. Assignment details are on Web-CT. In the course's final weeks, each of you will give a well-organized 10 minute in-class oral presentation based on your research essay and its related findings and arguments.

Historiography Paper: You will draft a 4-5-page essay that explores the varied ways historians (and perhaps scholars from other disciplines) have approached your selected topic. This essay should give you a better understanding of the *history of* your historical subject. Note: You will incorporate a distilled version of this essay in your major research paper.

Facilitation Paper: For each of the five weeks we read an assigned monograph, I will ask a panel of students to become "experts" on the book. As an expert, you should approach the readings as if you would be directing that class period's discussion. To focus this expertise, you will write a 2-page paper beginning with a selected passage from the assigned reading (no longer than one paragraph) with which you would begin a class discussion on the book - as if you were responsible for facilitating class discussion that day. Your brief paper should explain why you would open class with the passage, and the intellectual and analytical direction in which you would hope to direct in a discussion of the book. As suggestions, you might explore key themes that must be discussed, test the author's stated or implied arguments/thesis, or unpack a particularly difficult or ambiguous passage. This paper will be due in my mailbox by 3:00pm on the Tuesday before our discussion of the assigned reading.

*Note on Essays: Each written assignment will maintain the same format: 8 ½ x 11 size paper, Courier or Times style font (12 pt), black ink, double-spaced, with one inch margins all around. To receive full

credit, you must turn in your essay at the beginning of class the day that it is due. If you have some problem meeting the deadline, please contact me as far in advance as possible.

Peer Review: I will randomly assign each of you to serve as one of your classmate's "Peer Reviewer." For the major research paper, you must submit a clean copy of your draft to your peer reviewer. As a reviewer, you must critically proofread, edit, analyze, and constructively critique your classmate's papers. (Mere token marks or suggestions will not suffice.) After reading your peer's paper, you must attach typed comments - global and specific - to help your colleague improve the quality of his or her work. You must return this marked paper to the respective author within 5 days of receiving it. When you as the author submit your final revised product to me at the semester's end, you must give me at least four items:

- 1) Original draft [with my marked comments on it]
- 2) Your marked "peer reviewed" draft
- 3) Your historiography paper (or a copy)[with my marked comments on it]
- 4) Clean final revised draft.

Class Participation: Because history is the examination of events, ideas, and change, the key to understanding and appreciating history fully is to study it through open discussion. Furthermore, the best way to learn how to approach and examine historical resources is to share research experiences and brainstorm/troubleshoot together when possible. Therefore, attendance is mandatory and I will expect you to come to each class period prepared, alert, and eager to contribute to the day's objective.

Grading

Research Paper (First Draft Due 4/12/07; Final Draft Due 5/3/07): 40%

Historiography Paper (Due 3/22/07): 20%

Facilitation Paper (Varying Deadlines): 10%

Oral Presentation: 10%

Class Participation: 20%

*Note on Grading: If you fail the "W" portion of this class, you cannot pass this course. Failing the "W" portion includes (but is not limited to) getting an individual grade of "F" on the Research Paper, a cumulative grade of "F" on the Research Paper and Historiography Paper, failure to complete either essay, or egregious plagiarism on any written assignment (see below under General Cautions).

General Cautions

1. Teachers at the University of Connecticut (including myself) have been astounded by the alarming increase in cheating, academic dishonesty, and plagiarism on writing assignments. If at any point I determine that you have appropriated or adopted any portion of text or idea from an Internet website or unauthorized source without proper and accurate citation, I will dismiss you from the course, submit an "F" for your course grade, and file the violation with the Dean. Here you have the opportunity to experiment with your own writing, so take advantage of this freedom to express *your* ideas - not some Internet hack's.
2. You must bring to each class those assigned readings that we are scheduled to discuss.
3. If you miss class for any reason, it is *your* responsibility to find out what assignments and course instructions you have missed.
4. Under no circumstances will I accept your work by electronic transmission.
5. If you don't like to read and prepare for class, this is NOT the course for you. If credits and graduation are more important to you than studying and learning legal history, then please choose a different course. There are many history majors who are anxious to fill your spot.

Final Thoughts

Please use all resources available to you on campus or nearby. Visit my office hours or email me with concerns or questions. Meet with your classmates to exchange papers. Familiarize yourself with the library, the Dodd Center, and local research repositories. Also, drop by The Writing Center for other perspectives on writing.

The Writing Center

Main Office: CLAS 159

Phone: 486-2143

Alternate Locations: Library, CUE, Young

www.writingcenter.uconn.edu

The Writing Center is a nice resource for helping you organize, draft, and sharpen your papers. You can drop in, but appointments are strongly recommended. I receive a notice telling me if you visited The Writing Center and what you worked on, so give me reason to brag to my colleagues.

If you have any special needs, disabilities, or language difficulties (ESL), please give me early notice so that I can make accommodations.

Most important, if you have any concerns about the class or your progress in the course, COME SEE ME. I am eager to meet with you on any matter - so either call, email, or visit me in my office. It is my pleasure and duty to make sure you're developing as a student historian and as an academic thinker and writer, so please let me make this happen for you.

ASSIGNMENT SCHEDULE FOR HISTORY 297W

Week 1 - 1/18/07: Introduction to Course, Resources, and Source Analysis

Week 2 - 1/25/07: Transformation in Nineteenth-Century American Family Law

-Read: Grossberg, *Judgment for Solomon*

-Source Discussion: Cases and Statutes

Week 3 - 2/1/07: Native Americans, Generations of Conflict, and the Laws of the Lands

-Read: Strickland, *Fire and the Spirits*

-Source Discussion: Personal Papers/Interviews

Week 4 - 2/8/07: Jewish Families, American Courts, and International Contexts

-Read: Bazyler, *Holocaust Justice*

-Source Discussion: Diaries

Week 5 - 2/15/07: Folding Lady Liberty's Arms

-Read: Daniels, *Guarding the Golden Door*

-Source Discussion: Newspapers

Week 6 - 2/22/07: Historiography Day

-Read: Robert W. Gordon, "J. Willard Hurst and the Common Law Tradition in American Legal Historiography" *Law & Society Review*, Vol. 10 (Autumn, 1975), 9-55. (On Web-CT)

-Read: Barbara Y. Welke, "Willard Hurst and the Archipelago of American Legal Historiography," *Law and History Review*, Vol. 18 (Spring, 2000), 197-204. (On Web-CT)

-Skim: Lawrence W. Levine, "The Unpredictable Past: Reflections on Recent American Historiography," *American Historical Review*, Vol. 94 (June, 1989), 671-679. (On Web-CT)

-In-Class Group Project: Creating and Presenting a Mini-Historiography

Week 7 - 3/1/07: Racialized Justice in the Twentieth-Century North

-Read: Boyle, *Arc of Justice*

Week 8 - 3/8/07: The History of the Underrepresented in New Spain and its Luxury Resorts

-No Classes: Spring Recess

Week 9 - 3/15/07: Class Does Not Meet

*Students Working on Historiography Essay; Personal/group meetings with me are welcome.

Week 10 - 3/22/07: Source Day

-Bring: Turabian, *Manual for Writers*

-Source Discussion: Each student brings a document/source from his/her research, preferably one that the student finds rare, uniquely interesting, or troublesome (Time Permitting)

*DUE: Historiography Essay

Weeks 11 & 12 - 3/29/07 & 4/5/07: Class Does Not Meet

*Students Working on Research Paper; Personal/group meetings with me are welcome.

Weeks 13-15 - 4/12, 19, 26/07: Oral Presentations

*DUE 4/12/07: Research Paper Drafts

Final Research Paper Due no later than Thursday, May 3, 2007, by 3:00pm

*Either drop it off at my office (in hand or slide it under my door), or put it in my mailbox.

**Please Note: I reserve the right to alter the syllabus as I see fit at any point during the term.*