Law and Politics in Multicultural Democracies

Instructor: Dr. Ofrit Liviatan

Working Remotely:
E-mail: oliviatan@gov.harvard.edu
Day/Time: Mondays 3-5pm EST
Location: Zoom Link on Seminar’s Website

Office Hours:
Wednesdays 3-5pm
Location:
Dr. Liviatan’s Personal Meeting Room
https://harvard.zoom.us/j/7284615842

Seminar’s Description:
The seminar aims to introduce students to the political function of the legal process in the governance of cultural diversity. With ethno-cultural diversification challenging political coexistence across the world, law and courts have become pivotal players in democratic governance. The seminar will provide a forum for thinking about law from a critical, sociological perspective rather than a purely legalistic approach. Drawing on examples from the USA, Western Europe, Canada, India, Northern Ireland and Israel, the seminar will introduce major questions at the intersection of law, politics and culture, such as: (1) Why is the legal process inherently political? (2) What happens when ideas of “rights” and “liberties” conflict with one another? (3) How is law mobilized and deployed by different agents and actors (judges, legislators, activists, etc.)? (4) Is the legal system a feasible vehicle to resolve conflicts? and (5) Under what conditions is it possible to use law to change society?

Seminar’s Organization –
Our exploration of the intersection of law, politics and culture will proceed in three parts. The first component of the seminar will focus on a theoretical introduction to the role of law in the governance of diversity and consider the leading debates on multiculturalism, the nature of law and its role in democratic societies. In the second part we will delve into
the relationship between constitutionalism and democracy, the distinct features of the judicial process across different legal systems and the ability of courts to bring about social and political change. The final part of the seminar will be dedicated to a critical examination of the disparity between “law in books” and “law in action” by way of case-study analysis of controversies over abortion, religious symbols in the public square, the treatment of minorities and other topics. Through these examples we will also explore law’s impact as a mechanism of conflict-resolution.

**Seminar Objectives and Learning Goals:**

(i) Gaining an in-depth understanding of the relationship between law and politics.

(ii) Developing oral presentation skills.

(iii) Creating a community of learners through instructor-student/s and peer-to-peer formal as well as informal engagement.

**Requirements and Expectations:**

(1) Each student is expected to zoom-attend all class sessions, frequently contribute to class discussion, prepare all the readings prior to each session, attend office hours as much as possible, actively participate in two group presentations, and watch one full-length motion picture (135 minutes) assigned for Session XI in addition to the regular readings. Be sure to allow plenty of time to complete all the assigned work and to give materials adequate attention, otherwise you will find it difficult to keep up with the seminar’s themes, substantively contribute to class discussion, or complete the group assignments (see below).

(2) On class attendance and participation - our class will meet through the Zoom online conference system, but we will adopt the same rules and norms as in a physical classroom. You are expected to take notes, participate frequently by asking and answering questions as well as taking part in class exercises, and wear classroom-ready clothing. For everyone’s benefit, please join the seminar in a quiet place, and ideally with a desktop/laptop and a physical notebook on which to take your class notes. Turn on your video, and close browser tabs not required for participating in class.

(3) As part of our peer-to-peer engagement, two group assignments are scheduled on October 5th and November 2nd. The readings assigned for these sessions as part of the syllabus are intended to provide you with a solid foundation to start your collaborative research. This is just your start, and toward successfully completing these group assignments you are expected to conduct independent research as a group and work collaboratively toward and during the class presentation.

(4) On office hours - office hours are intended to maintain our ongoing communications and interactions beyond the class sessions. Please approach them as your space as much as mine to provide feedback, share your thoughts and ask questions of me and of your classmates. The office hours on October 21st would be dedicated to individual discussion of your paper topic. Following the group presentations, office hours will be dedicated to reflecting on your collaborative work. As part of the seminar’s community building goal, the office hours on
November 11th and on November 18th would be dedicated to sharing your final project work-in-progress with the rest of the class. Finally, we have two special office hours planned: (i) on September 16th Prof. Susanna Siegel (https://philosophy.fas.harvard.edu/people/susanna-siegel) will join us to discuss “Plato and Cancel Culture;” (ii) on September 23rd the Harvard Librarian Ms. Sarah DeMott will provide a tailored introduction to Harvard Library intended to assist you in your research assignments. All office hours will meet in my personal meeting room: https://harvard.zoom.us/j/7284615842.

(5) Each student will submit a term paper (15-20 double-spaced pages) by Thursday, December 3rd, at noon. Students may write on a topic of their choosing relevant to the interaction of law and politics, upon prior agreement with me. To jumpstart your term paper, you will begin to discuss it with me on the week of September 28th as part of an individual meeting. A one-paragraph statement of your topic is due by Monday, October 19th that we will then discuss together as part of the weekly office hours on October 21st. Setting you toward the successful completion of the final paper, for our office hours on November 11th and November 18th you will have the opportunity to share with your peers an outline of your in-progress final paper. The purpose is to assist you in refining your ideas toward a formal submission of your final paper, but also to bring us together as a group beyond classroom time. Thus, the outline should introduce the topic, state the thesis/research question, and preview the relevant literature, data, research design and your preliminary conclusions. Finally, you are most welcome to utilize additional office hours slots or schedule an individual meeting with me anytime to discuss your work-in-progress or chat beyond the classroom.

(6) Your final paper should be doubled spaced with 1” margins on all sides, 12 pt fonts and submitted via email as a simple Word Document. Sources should be accurately cited. Please consult the section on “Citing Your Sources” in the seminar’s online Library Guide. You are free to follow your preferred citation style as long as you are systematic. All work on your final paper should be entirely your own and must use appropriate citation practices to acknowledge the use of books, articles, websites, lectures, discussions, etc., that you have consulted to complete your assignment.

**Grading and Assessment:**
The final grade will be calculated as follows:
Regular attendance and active participation – 20%
Term Paper – 70%
Two Group Assignments – 10% (5% each).
Late submission of assignments will result in grade deduction – ½ letter grade for every 24 hours.

**Office Hours:**
My weekly office hours are Wednesday 3-5pm EST. Students are encouraged to make use of my office hours as much as needed. Office hours could be used as individual time
with me toward clarifications, testing and developing possible ideas for the term paper or for any other matter. If the designated office hours are full/inconvenient, I will gladly make appointments at other times. In addition, office hours will offer us an additional synchronous time to interact with each other, but also for you to connect with your peers.

**Academic Integrity:**
As part of the Seminar you are responsible for individual and collective Work. Discussion and the exchange of ideas are essential to academic work. For the two group assignments in this seminar, you are encouraged to consult and collaborate with your classmates toward and during these group presentations. Moreover, you may find it useful to discuss and consult with your classmates on the choice of paper topics and to share sources. However, in accordance with the Harvard honor system (and the integrity of scholarship more generally), you should ensure that any written work you submit for evaluation as part of your final paper is an individual product that reflects your own research and writing, reasoning and conclusions. You must also adhere to standard citation practices in this discipline and properly cite any books, articles, websites, lectures, etc., that have helped you with your collaborative and individual work. If you received any help with your writing (feedback on drafts etc., from peers), you must also acknowledge this assistance. In addition with the tailored library session scheduled on September 23rd a research guide, specifically designed to help students with their research for this class, is available on the Seminar’s website.

**Readings:**
Links to all readings are available as electronic links in the Seminar Canvas’ Calendar on their due date.

**Schedule of Meetings:**

- **August 20th 1-2pm - Shopping Week Office Hours held in my personal Meeting Room:** [https://harvard.zoom.us/j/7284615842](https://harvard.zoom.us/j/7284615842)

**Session I - (September 2nd) The Challenges of Multiculturalism**

Duncan Ivison, “Introduction: Multiculturalism as a Public Ideal” in Duncan Ivison, ed., *The Ahsgate Research Companion to Multiculturalism* (Routledge, 2016), **Read: pp. 5-16.**


September 7th: Labor Day - no class.

Session II (September 14th) - The Functions of Law in Society


First group assignment will be discussed in class.

Wednesday, September 16th 3-5pm – Special Office Hours Session with Prof. Susanna Siegel, Edgar Pierce Professor of Philosophy, Harvard University (https://philosophy.fas.harvard.edu/people/susanna-siegel) on “Plato and Cancel Culture.”

Session III (September 21st) - Constitutionalism vs. Democracy: The Counter-Majoritarian Dilemma

Federalist Papers # 78.

University Press, 1977), 82-130.


Wednesday, September 23rd 3-5pm – Special Library Session with Ms. Sarah DeMott (email: sarah_demott@harvard.edu).

Your access to the library is available but different than in previous years. Toward your work on class presentations and your final paper, this special session will acquaint you with working/accessing materials that you will independently search for as part of your two group presentations and final paper.

Monday, September 28th is Yom Kippur – No in-Person Class, Session IV is conducted as individual meetings with me over the week.

We will use our individual meeting to get to know one another better, but also to jumpstart your thinking about the final project. Sign up slots are available on Seminar’s Calendar, but if these pre-assigned timeslots don’t work for you, please send me an email and I will gladly find an alternative. Your scheduled meeting will take place in my personal meeting room: https://harvard.zoom.us/j/7284615842

Session V (October 5th) – Group Presentations: Contemplating Constitutional Review Comparatively

As initial set of references for your collaboration, the following sources are linked to Canvas:


Kent Roach, *The Supreme Court on Trial: Judicial Activism or Democratic Dialogue* (Toronto: Irwin Law, 2001)


**Wednesday, October 7th – Post-Presentation Reflection Office Hours.**

**Monday, October 12th: No Class on Columbus Day /Indigenous Peoples’ Day.**

**Session VI (October 19th) - The Impact of Judicial Review on Policy Making**


**Second Group Presentation will be Discussed in Class.**
Paper Topic (one paragraph) due by email.

Wednesday, October 21st – Paper Topic Discussion Office Hours

Session VII (October 26th) - Constitutional Review in Practice

Wisconsin v. Yoder 406 U.S. 205 (1972)


Read: pp. 44-53; 86-88; 97-100.

Read: pp. 855-873; 898-912.

Session VIII (November 2nd) – Group Presentations: The Abortion Debate in Practice

As initial set of references for your collaboration, the following sources are linked to Canvas:


**Wednesday, November 4th - Post-Presentation Reflection Office Hours.**

**Session IX (November 9th) – Religious Symbols in Public Spaces**


*Lautsi and Others v. Italy* [2011] (Application no. 30814/06) European Court of Human Rights.

*R (Begum) v. Headteacher and Governors of Denbigh High School* [2006] UKHL 15 (Great Britain).

**Wednesday, Nov 11th – Sharing your Final Paper Outlines Office Hours**

**Session X (November 16th) - Law, Politics, Gender and Religion**


The Muslim Women (Protection of Rights on Divorce) Act, 1986 (India).


Wednesday, Nov 18th – Sharing your Final Paper Outlines Office Hours

Session XI (November 23rd) – The Function of Law in Deeply Divided Societies: Northern Ireland and Israel

Film: In the Name of the Father 1993 (135 minutes).


Session XII (November 30th) – Conclusion: Law in Books vs. Law in Action


Term Paper due on Thursday, Dec. 3rd by noon. Please email me your paper in a simple word document. Late submission will result in grade deduction.