Course Description
This course explores the tensions, contradictions, and mutual dependencies that characterize the relations between law, science, and technology in America. It contextualizes the interactions of law, science, and technology in relation to wider transformations in US culture and society. It examines how ideas of evidence, expertise, and public reason have evolved over the past half-century in response to such phenomena as the rise of environmentalism, the risk society, race and gender activism, and the genetic and information revolutions. “Law” is broadly construed in this course to include the activities of legislatures, regulatory agencies, and courts. “Science” correspondingly is used as a cover term for both scientific discoveries and technological innovations. Throughout, the course seeks to understand how the law’s tacit assumptions and explicit rules connect the power and authority of science and technology to those of other social institutions, such as the state, the market, and expert professional bodies. Students are expected to learn how law, science, and technology work together to reproduce and sustain deep-seated cultural commitments to particular forms of evidence and reasoning, particular notions of liberty, and particular understandings of what constitutes a well-ordered society.

Readings:
The recommended textbook for the course, available at the Harvard Coop, is:
Additional required readings will be posted on the course iSite. Required texts will also be placed on reserve in the library.

Requirements:
1. (20%) Attendance and participation. (This requirement will be adjusted depending on how many students are in the course and whether sections are held.)
2. (20%) Mid-term examination (in class)
3. (20%) Short issues paper (8 pgs.) on topic(s) to be announced
4. (40%) Final examination.

Collaboration Policy
Discussion and the exchange of ideas are essential to academic work and professional practice in law and science. Throughout this course, you are encouraged to discuss the readings and your responses to them with your classmates and to share ideas. However, you should ensure that any written work you submit for evaluation is the result of your own research and writing and reflects your own approach to the topic. You must also adhere to standard citation practices in the social sciences and humanities and properly cite any books, articles, websites, lectures, etc. that have helped you with your work. If you received substantial help with your writing (e.g., written feedback or extensive editorial help on drafts, etc.), you must also acknowledge this assistance.
COURSE OUTLINE AND READINGS

PART I: INTRODUCTION
After introducing the syllabus and requirements, the first week maps the intersections of science and law, showing how pervasively these institutions affect our lives. Several common narratives about the relations between law, science and technology are discussed, showing what is problematic about them and laying out the case for a more nuanced approach.

January 28: Course Overview and Requirements

PART II: LAW’S KNOWLEDGE
This section addresses the construction of expertise and evidence in science and law, tracing the law’s attempts to establish reliable facts as a prerequisite for delivering justice. Particular attention is paid to case law dealing with the admissibility of expert testimony. Decisions on fingerprinting and DNA fingerprinting illustrate the law’s capacity to make as well as unmake expertise. Disputes about evidence are seen as sites of struggle for authority between legal and scientific ways of knowing.

January 30: The Rise of the Expert

February 4: Evidence and Expertise
Frye v. United States, 293 F. 1013 (D.C. Cir. 1923).

February 6: Judicial Gatekeeping

February 11: The Fingerprints of Law
February 13: DNA: The Infallible Identifier


February 18: *** NO CLASS PRESIDENTS’ DAY ***

February 20: Eyewitnessing

Rodney King video, http://www.youtube.com/watch?v=SW1ZDiXiuS4

February 25: Judicial Vision


PART III: MAKING A RATIONAL SOCIETY

In democratic societies, law is frequently invoked to enforce limits on executive (and in the US legislative) power. That power includes the state’s uses and abuses of science and technology. This section looks at the role of law in shaping the rules and discourses of political participation in America, including citizens’ freedom to hold beliefs that are incompatible with scientific knowledge and the state’s duty to act in accordance with scientific evidence under law.

February 27: Inclusion and Exclusion


March 4: Law, Science, and Religion


March 6: Risk and Reason


**March 11: Objectivity**


**March 13:** ***MIDTERM EXAMINATION (IN CLASS)***

**March 18 & 20:** ***NO CLASS SPRING BREAK***

**PART IV: BIOLOGY UNDER LAW**

We are at one and the same time biological citizens, enjoying certain liberties because of advances in the life sciences and technologies, and citizens enabled and constrained by law. This section examines how the law has responded to changing definitions of life, death, and reproduction, as well as to new forms of human behavior associated with these changes.

**March 25: Choosing Death**


The Terri Schiavo Story [video], Part 3, Christian TV Channel, [http://www.youtube.com/watch?v=TsHHuILulZ4](http://www.youtube.com/watch?v=TsHHuILulZ4).

**March 27: Regulating Reproduction: Who Decides?**


**April 1: Naturalizing Assisted Reproduction**


**April 3: Limits of Reproductive Freedom**


PART V: LAW AT THE FRONTIERS OF SCIENCE AND SOCIETY

This section looks at the law’s role in reestablishing social order when settled expectations are destabilized through novel objects, practices, and relationships emerging around science and technology. Through topics ranging from research misconduct to intellectual property, the section considers how social norms are co-produced along with dominant understandings of the possibilities and limits of science and technology.

April 8: Research Misconduct

April 10: The Mind in Science and Law

April 15: Privacy

April 17: Invention, Innovation, and Property

April 22: Whose Body?
Moore v. Regents of the University of California, 51 Cal.3d 120 (Cal. 1990).
April 24: Owning the Matter of Life
Association for Molecular Pathology et al. v. USPTO and Myriad Genetics, USCA Federal Circuit, August 16, 2012 [excerpts].

April 29: Global Asymmetries

May 1: Law, Science, and Public Values