

THE SUPREME COURT AND AMERICAN TRIBALISM

INSTRUCTOR: PAUL VON BLUM

General Description and Objectives

For several decades, Americans have radically divided politically, socially, racially, and morally. These divisions can be properly described as tribal and many people are so entrenched in their groups that even basic conversations are almost impossible. Even mass media outlets are specifically directed to specific groups. During this time, the United States Supreme Court, the highest legal authority in the nation, has been a major institutional force in creating and perpetuating this tribal arrangement. This course will cover three of the most significant and controversial areas where the Court has been responsible for these divisions: **1. guns, 2. race, and 3. reproductive rights**. Historical context about the role of the Supreme Court and how its decisions affect public attitudes and actions will be provided at the outset. This is an interdisciplinary American studies course combining law, history, politics, sociology, psychology, and ethnic and gender studies.

GUNS

America is known throughout the world as a land of firearms. Approximately 400 million legal and illegal guns are owned in the United States. It is also a place where, tragically, mass murders occur regularly, often with assault weapons. In 2008, The Supreme Court held in the *Heller* decision that the Second Amendment of the U.S. Constitution (A well regulated militia, being necessary to the security of a free state, the right to keep and bear arms, shall not be infringed) guaranteed that the right was an *individual* right. I will briefly explain that decision and also explain the dissenting opinion arguing that the Amendment should only be a *collective* right (a militia) that does not guarantee individuals the right to bear arms and own guns. We will discuss the powerful tribal divisions on this topic in America, focusing especially on its historical, political, and psychological dimensions of gun ownership and use in America.

RACE

Race has been contentious even before America became independent in 1776. The modern civil rights movement from the mid 1950 to the early 1970s created major advances for African Americans and other minority groups, including

legal progress in the courts, especially at the Supreme Court. But more recently, a more conservative Supreme Court has reversed this progress. A major decision was *Shelby County versus Holder* in 2013, which held major portions of the Voting Rights Act of 1965 unconstitutional. This case halted and reversed Black voting rights in America and create substantial racial tension throughout the country. Other Supreme Court decisions on race, especially on affirmative action, also negatively affected minority communities. I will briefly explain these decisions in non-technical language. We will discuss these decisions in their broad social, historical, and psychological contexts, with particular attention to how they cause and aggravate racial tensions and reduce the opportunities for racial harmony and cooperation.

REPRODUCTIVE RIGHTS

Women have always sought to control their own bodies. Throughout most of U.S. history, abortion was illegal. Women nevertheless obtained abortions illegally, but there were serious dangers. Thousands of women died as a result of illegal abortions and other thousands were seriously injured, sometimes permanently. In 1973, the Supreme Court in *Roe v. Wade* made abortion legal as a matter of constitutional right in all 50 states. This decision divided America into groups, some enthusiastically praising then decision and some bitterly opposing it (“pro-choice” vs. “pro-life”). In 2022, the Supreme Court narrowly overruled *Roe v. Wade* in *Dobbs v. Jackson Women’s Health Organization*. That decision set off a political firestorm, generating mass protests throughout the land and legislation and elections that both restricted abortion access. and expanded abortion access. The issue is now decided in each of the individual 50 states. Once again, I will explain the decisions in non-technical language and also provide a brief history of abortion in America. This class unit will predominantly discuss how the *Dobbs* decision has intensified tribal divisions and how this controversy is a crucial feature of contemporary American political, social, emotional, and moral life.

Course Format

As in previous classes taught by the instructor, vigorous and regular discussion from students will be the norm.

Course Requirements 1. **ATTENDANCE:** Students are expected to be present for all the sessions, on time, and above all, to actively participate in class discussions.

2. **ASSIGNMENTS FOR CLASSES:** There are no readings or assignments to complete between class sessions throughout the week. 3. **FINAL PAPER:** This will be specified in greater detail once the course begins. Students will choose any topic relevant to the discussed course themes and submit a 3 double-spaced page essay by January 31, 2034.