

ROUGH DRAFT

"The first requirement of a sound body of law," Justice Holmes wrote, "is, that it should correspond with the actual feelings and demands of the community."¹ Yet, the law of policing has had difficulty incorporating the feelings, demands, perspectives, and needs of ordinary people. This is largely because, especially after the Warren Court's criminal procedure "revolution,"² the task of directly regulating the police has belonged almost exclusively to the courts.³ Courts are keen to understand the experiences of litigants that are relevant to the case, but there is no direct mechanism for learning the feelings and demands of community members in general. Legislative and administrative rulemaking processes provide somewhat better avenues for incorporating community voices, but to date, those have been overlooked or avoided in the area of police regulation.⁴

Although scholars have long questioned whether judicial review is best suited to regulate police for decades,⁵ only recently has there been sustained questioning of the hyper-constitutional approach of police regulation. Some have argued that courts are poorly equipped to guide the use of new technologies of surveillance.⁶ Some have claimed that the judicial incapacity to manage policing is not only about their inability to fully reckon with new technology, and have suggested that courts pull back from directing the work of officers and push policymakers to pass legislation, initiate public rulemaking, and create avenues for civilian oversight to more effectively and democratically regulate the police.⁷ Some have pointed out that police officers' daily work is guided by federal statutes that are rarely viewed as part of policing law,⁸ while

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Richard C. Raymond,2013-05-01 This nine chapter book narrates a writing centered approach to the teaching of literature and literary research As the title suggests the book also embraces a thematic approach to reading and writing about twentieth century American literature focusing on the grounds for hope in an age of despair The first five chapters explore in detail the teaching of the twentieth century American literature course at the University of Pristina in Kosovo where the author served as Fulbright Professor of American Literature in the spring semester of 2012 Throughout these chapters narrate students in class interactions to illustrate writing to learn strategies for teaching the literature Chapter six then follows the same cohort of 22 students as they learned to ground their literary research in their own questions about American and Balkans narratives of oppression and liberty of despair and hope The last three chapters document the responses of students and their professors to this American theme of liberty and hope as seen through the Balkans lenses of ethnic violence and emerging republican government Specifically chapter seven focuses on students participation in a blog featuring Balkans literature that explores the same issues of liberty and justice examined in the American literature they have read Chapter eight then celebrates student writing the fruit of the writing to learn strategies narrated in earlier chapters Finally chapter nine narrates professors and students responses gathered through surveys and interviewing to questions about their country s violent past and the value of literary study in preparing citizens to shape a new republic

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