



LAW AND SOCIETY JOURNAL
AT THE
UNIVERSITY OF CALIFORNIA,
SANTA BARBARA

VOLUME VII

2007-2008

EDITORS-IN-CHIEF

Erin-Kaye Flor

Charles Templeton

EDITORIAL BOARD

Angela Dellecese	Sara Mirtorabi
Kaelan Dickinson	Ursula Moran
Andrew Ditlevsen	Chelsea Pearson
Emily Germano	Carlos Perez
Erica Herczeg	Cody Salfen

FACULTY ADVISOR

Victoria Foreman

Law and Society Journal
at the University of California, Santa Barbara
2316 Girvetz Hall
University of California
Santa Barbara, CA 93106-4015

Website: www.LawandSocietyJournal.org
Email: LawandSocietyJournal@gmail.com

The *Law and Society Journal at the University of California, Santa Barbara* (ISSN: 1942-3152), is published annually by undergraduate students at UCSB under the leadership of the Law & Society Program faculty. The Law & Society Program is an interdisciplinary major that draws faculty from the humanities and social sciences; it utilizes both a theoretical and empirical approach to the understanding of law, with courses ranging from alternative dispute resolution to human rights. The Program is designed to explore topics relevant to current issues facing the community, the nation and the world. The *Law and Society Journal at UCSB* aims to be an interdisciplinary endeavor, seeking creative and original submissions from undergraduates of all majors and disciplines in order to gain a more comprehensive outlook on contemporary law in action within our society. The *Law and Society Journal at UCSB* is an undergraduate, peer-reviewed journal highlighting outstanding undergraduate scholarship that increases the body of knowledge in this field.

Selection Criteria

The *Law and Society Journal at the University of California, Santa Barbara* carefully considers all submissions of undergraduate scholarship received. Submissions are reviewed and considered anonymously, without regard to the author's name, major, political affiliation, race, color, national origin, religion, sex, physical abilities, age, ancestry, marital status, sexual orientation, prior publications, or pending publication offers. Works can be submitted no later than one academic calendar year from the author's commencement from UCSB. Publication in the *Law and Society Journal at UCSB* does not prohibit authors' submission to concurrent or future publication in other journals or publications, nor are previously published works in other journals or publications ineligible for publication in the *Law and Society Journal at UCSB*, permitting the prior publication allows.

Editorial Disclaimer

The opinions expressed in the material published in the *Law and Society Journal at the University of California, Santa Barbara* are those of the authors and do not in any manner reflect, nor are they intended to reflect, the opinions of other students at the University of California, Santa Barbara, the *Journal's* founders, editors, sponsors, UCSB faculty, staff, administration, or the Regents of the University of California. The *Law and Society Journal at UCSB* disclaims responsibility and liability for any statements of fact or opinion made by contributors. While some of the information in this publication pertains to legal issues, it is not legal advice. Moreover, due to the rapidly changing nature of law, and our reliance on information provided by outside sources, we make no warranty or guarantee concerning the completeness, accuracy, or reliability of the content. Furthermore, the materials printed on these pages by the *Law and Society Journal at UCSB* may be used solely for your own personal use, purposes of research or private study, criticism or review, only as permitted under the Copyright, Designs, and Patents Act, 1988. This publication may only be reproduced, stored, or transmitted, in any form or by any means, with the prior expressed written permission from the *Law and Society Journal at UCSB*.

LAW AND SOCIETY JOURNAL AT THE
UNIVERSITY OF CALIFORNIA, SANTA BARBARA

Letter from Chancellor Henry T. Yang	7
Acknowledgments	9
Contributors	10
Santa Barbara County Bar Foundation Paper Prize Awards	12
Editor's Note	13
<i>Restoring Power to the People: Problems with Voter Registration and Ideas for a More Participatory Democracy</i> Phillip Dawkins	15
<i>The Politics of Law: How Competing Politics Influence the Development of International Human Rights and Humanitarian Law</i> Sarika Sinha	33
<i>The Crisis of Global Governance</i> Nathalie Grun	43
<i>Legal Conceptions of Virtual Property: Should Virtual Property Be Afforded the Same Rights as Its Real-world Counter-part?</i> Katie Hollstrom	57
<i>Damage Control: A Glimpse Into Punitive Damage Reform</i> Phillip Dawkins	69

UNIVERSITY OF CALIFORNIA

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

SANTA BARBARA

Office of the Chancellor
Santa Barbara, CA 93106-2030
Phone: (805) 893-2231
Fax: (805) 893-8717
<http://www.chancellor.ucsb.edu>

Spring 2008

Dear Readers:

It is my pleasure to welcome you to the seventh annual edition of the *Law and Society Journal*, the first print and online law and society undergraduate publication in the nation.

This year, the *Journal* has done another superb job of highlighting the exciting work of undergraduate students at UC Santa Barbara in the discipline of law and society. The breadth and diversity of topics included in this and each edition of the *Journal* is impressive. The continued acceptance of the *Journal* into law libraries nationally and abroad speaks highly about the overall quality of submissions received by the *Journal* and its rigorous selection and editorial processes.

I am proud of this body of work produced by our undergraduates. I believe that the publication record of the student-run *Law and Society Journal* reflects the intellectual and leadership capabilities of the undergraduate student body at UC Santa Barbara.

I hope that you will join me in enjoying this publication. I wish the *Journal* continued success in the future.

Sincerely,

A handwritten signature in black ink that reads "Henry T. Yang". The signature is fluid and cursive, with the first name and last name clearly legible.

Henry T. Yang
Chancellor

ACKNOWLEDGMENTS

The *Law and Society Journal at UCSB* wishes to express its sincerest thanks to the following sponsors for their generous support.

DONORS

Office of the Chancellor, Henry T. Yang
Office of the Vice Chancellor for Student Affairs, Michael D. Young
The Santa Barbara County Bar Foundation
Bertiling and Clausen, LLP
Elk Grove Learning Center, Inc.
Coastal Hard Drives
Grime Consultancy
Alice P. Moran, DMD
Fe Lolita Germano
Dr. and Mrs. Felismeno Kintanar
UCSB Residence Halls Association

FUNDRAISING SPONSORS

UCSB Associated Students
Kaplan Test Prep and Admissions, Santa Barbara

SPECIAL THANKS

Victoria Foreman
Faculty Advisor, Law and Society Program
Lisa Hajjar
Department Chair and Professor, Law and Society Program
Kathy Murray
Business Officer, Law and Society Program
Cindy Cortez
Academic Advisor, Law and Society Program
Jim Petrini
Wilson Printing
Scott Tate
Wilson Printing

PRINTING

Wilson Printing

CONTRIBUTORS

Phillip Dawkins graduated from UCSB in June 2007 with a B.A. in Political Science and a minor in History. He received the Luis Leal Undergraduate Award for outstanding interdisciplinary achievement in the social sciences and the Chancellor's Award for Excellence in Undergraduate Research based on his exploration of the relationship between the Homeric epics and Bronze Age Greece. Phillip presented the resulting paper at an international history conference in Athens, Greece in December 2006. Beyond academics, he was a peer advisor, a member of the triathlon team, and the scuba club. This past year, UCSB nominated him for a Rhodes Scholarship. After deferring his enrollment to pursue a variety of interests, Phillip will be attending Harvard Law School this fall.

Nathalie Pozon Grun is a multi-ethnic woman of color majoring in Global Studies with a minor in German, focusing on the transnational interconnection of socio-political economics. Accepting a fellowship at the United International College in Zhuhai, China, she will graduate and move to China where she seeks to research China's emerging geopolitical role. Nathalie has collectively organized the University of California Women of Color Conference in 2005, and has raised awareness about sexual assault through the Women's Commission. She plans to attend graduate school and increase cross-cultural understanding by contributing to academia in the field of Global Studies.

Katie Hollstrom will graduate UC Santa Barbara with a B.A. in Law and Society and a minor in Spanish this spring. Originally from Palm Desert, California, Katie plans to move to Boston for an internship and study a third language while applying to Georgetown and New York University's international law programs. She hopes to attain her J.D. along with a Masters in International Affairs so that she can help draft treaties for the United Nations.

Sarika Sinha graduated from UCSB in June 2007 with a B.A. in Law and Society. As a Law and Society student, she co-led the Police and Community Rights Project, a student-organized initiative analyzing government and policing in Isla Vista, California. In the summer of 2006, she interned with the Institute for Policy Studies, where her interests in law and policy analysis further developed. She plans to pursue a graduate degree in these fields.

SANTA BARBARA COUNTY BAR FOUNDATION
PAPER PRIZE AWARDS

The Santa Barbara County Bar Foundation sponsors the *Journal's* annual paper prize competition. Every submission to the *Journal* is eligible for the paper prizes; first prize receives \$500, second prize \$200, and third prize \$100. After the submissions are chosen for publication, the Editorial Board selects paper prize award winners that exemplify outstanding undergraduate scholarship.

2007-2008
SANTA BARBARA COUNTY BAR FOUNDATION
PAPER PRIZE AWARD RECIPIENTS

FIRST PRIZE

RESTORING POWER TO THE PEOPLE: PROBLEMS WITH VOTER
REGISTRATION AND IDEAS FOR A MORE PARTICIPATORY DEMOCRACY
Phillip Dawkins

SECOND PRIZE

THE POLITICS OF LAW: HOW COMPETING POLITICS INFLUENCE THE
DEVELOPMENT OF INTERNATIONAL HUMAN RIGHTS AND
HUMANITARIAN LAW
Sarika Sinha

THIRD PRIZE

THE CRISIS OF GLOBAL GOVERNANCE
Nathalie Grun

EDITOR'S NOTE

The 2007-2008 year of the *Law and Society Journal at the University of California at Santa Barbara* signifies another achievement in the *Journal's* continuing legacy. As this year's Editors-in-Chief, we are greatly honored to present the seventh volume. We are delighted that the seventh installment of the *Journal* encompasses the spirit of pride and commitment established by the founding editors, advisor, and the subsequent six years of editorial boards and advisors that have come before us. Volume VII of the *Journal* is a testament to the collective efforts and skills of the UC Santa Barbara undergraduate community past and present. The *Journal* has earned its respected reputation as the first undergraduate publication of its kind, and more importantly, by continually challenging both editors and the UC Santa Barbara undergraduate community in research and academia.

The dedication and perseverance of a motivated Editorial Board, advisor, and university community were all vital components of yet another monumental year. Together, we succeeded by upholding the esteem founded by the *Journal's* past, without simply following in the wake of tradition. This year, we sought to broaden the perspective of Volume VII by incorporating the truly interdisciplinary scope of the field of Law and Society—extending the Editorial Board's membership to all majors at the university. Additionally, this year we were elated to have our honorable Chancellor Henry T. Yang extend his support and endorsement of the *Journal's* developing objectives and continuing vision. We are pleased to honor the persistent expansion of the *Journal's* readership, as our list of campuses and subscribers exceeds fifty law schools, which include Yale, New York University, Cornell, UC Berkeley, Northwestern, Stanford, and UCLA.

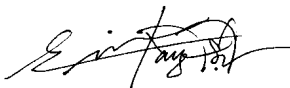
Our Editorial Board's incredible commitment and enduring enthusiasm to produce, cultivate, and encourage a provocative, yet diverse collection of undergraduate scholarship exhibits the complexity, as well as the versatility of issues that confront the global framework of our changing society. Volume VII investigates the intricacies of punitive damage reform, the complications of global governance, the difficulties surrounding voter registration in the United States, the legal implications of virtual property within on-line environments, and how politics impact humanitarian law and the formation of international human rights.

This year, with the support of the UCSB Residence Halls Association, the *Journal's* Editorial Board created an event to assist UC Santa Barbara undergraduate students interested in pursuing further legal education. To provide prospective applicants insight into the law school application process, members of the *Journal's* Editorial Board coordinated discussions with other support services on campus such as UCSB Career Services, professors, and academic counselors to help ensure that undergraduates at the university would be offered invaluable advice from an informed and experienced perspective. The *Journal* is proud to have provided the UC Santa Barbara undergraduate community with multiple informational sessions regarding law school admittance.

As an entirely student-operated endeavor, the *Journal* is self-sustaining and relies heavily on various fundraising activities to subsidize the publishing and operational costs incurred each academic year. Without the support of on-campus organizations and people such as Chancellor Henry T. Yang, Vice Chancellor for Student Affairs Michael D. Young, the Office of Student Life, and UCSB Associated Students, the *Journal* would be unable to continue to provide such a forum for undergraduate scholarship. We would also like to graciously thank the numerous individual organizations, businesses, and people for their enormous generosity and support.

To our Editorial Board: We wish to thank each of you for your active dedication, ambition, and uncompromising work ethic. This year's volume is a tremendous success that we achieved together and an endeavor we can all be proud of. Congratulations on setting your goals high, and refusing to settle for anything less.

With great honor and accomplishment, we present to you Volume VII of the *Law and Society Journal at the University of California at Santa Barbara*.



Erin-Kaye Flor



Charles Templeton

Editors-in-Chief