

San José State University
Department of Political Science
POLS 120: Law and Society, Fall 2018

Instructor:	Sara M. Benson
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Office Hours:	Monday/Wednesday 10:15-11:45
Class Days/Time:	Monday/Wednesday 1:30 – 2:45
Classroom:	DMH 149a

Course Description

Social and philosophical foundations of law and legal systems and development of legal institutions in various cultures. Anglo-American law and administration of justice in the U.S. emphasized. *GE Area: S*

The course takes a law and society approach to the study of legal history and legal status. Students will examine the legal status of citizens, criminals, prisoners, and immigrant detainees. Against the backdrop of the theory and practice of constitutional law, students will engage the concepts of equality and inequality before the law, tracing the roots of these concepts historically and currently. Students will be evaluated not on the frequent expression of opinion, but on a demonstrated and textually grounded knowledge of the legal aspects of these issues. Student success in this course depends on an active engagement with course materials.

Course Goals and Learning Outcomes

Course Learning Outcomes (CLO)

This course is designed for political science majors and fulfills the Area S component of the General Education curriculum (Self, Society & Equality in the U.S.) Assignments are designed to meet the General Education requirements and the writing requirement of 3,000 words (through a paper on law and society as an approach and a paper on a substantive topic of the student's guided choice).

Upon successful completion of this course, students will be able to:

CLO 1: Read and respond to law and legal thinking using a range of primary and secondary texts.

CLO 2: Understand the major contributions of law and society as an historical approach to the study of equality and inequality in the United States.

CLO 3: Describe and analyze major trends in the history of law (and law in relation to society) including ideas about legal status, citizenship, and belonging as they evolved over the course of the nineteenth and twentieth centuries.

GE Learning Outcomes (GELO)

The General Education Critical Thinking goals for this course include the following:

GELO1: Students will be able to describe how identities are shaped by cultural and societal influences within contexts of equality and inequality.

GELO2: Students will be able to describe historical, social, political, and economic processes producing diversity, equality, and structured inequalities in the U.S.

GELO3: Students will be able to describe social actions which have led to greater equality and social justice in the U.S.

GELO4: Students will be able to recognize and appreciate constructive interactions between people from different cultural, racial, and ethnic groups within the U.S.

Department Learning Outcomes

Breadth Students should possess a broad knowledge of the theory and methods of the various branches of the discipline.

Application Students should be able to apply a variety of techniques to identify, understand, and analyze domestic and international political issues and organizations.

Disciplinary methods Student should be able to formulate research questions, engage in systematic literature searches using primary and secondary sources, have competence in systematic data gathering using library sources, government documents, and data available through electronic sources, should be able to evaluate research studies, and should be able to critically analyze and interpret influential political texts.

Communication Skills Students should master basic competencies in oral and written communication skills and be able to apply these skills in the context of political science. This means communicating effectively about politics and/or public administration, public policy, and law.

Citizenship Students should acquire an understanding of the role of the citizen.

Required Texts/Readings

All required readings for this course are posted to Canvas in the “Files” tab in the left column.

Course Requirements, Assignments, Grading Policy

Assignment One: Law and Society Paper	25% of course grade
Assignment Two: Argumentative Essay (2 drafts, 10% and 15% respectively)	25% of course grade
Assignment Three: Midterm Exam	25% of course grade
Assignment Four: Final Exam	25% of course grade

Assignment One: Law and Society Paper (CLOs 1, 2 and GELO 1)

This assignment is designed to introduce students to law and society as an approach. This essay should be no less than five pages and organized by a central question of the student's choosing from a list of prompts. The number of required readings that must be cited will be discussed in class. Be sure to revise, proofread, and copyedit.

Assignment Two: Argumentative Essay (2 drafts, worth 10% and 15% respectively) (CLO 3)

This assignment requires that students compose an argument that reflects deep thinking and an attention and engagement with the literature. This means that you must engage the course materials and cite them properly. Students will choose a topic from a list of prompts about social and legal trends and ideas about the status of disenfranchised groups. Students will be graded on the composition of the argument and the introduction of evidence. A grading rubric will be discussed in class when the prompts are distributed.

Assignment Three: Midterm Exam (GELOs 2, 3)

The midterm examination will take place in class. Students will be asked to identify key terms and cases, and to discuss the meaning and significance of each.

Assignment Four: Final Exam (CLO 1, GELOs 1, 4)

The final exam will have the same format as the midterm. It will be cumulative and comprehensive. There will be no make-ups for the exam.

Grading Policy

No late papers will be accepted.

97-100	A+
93-96	A
90-92	A-
87-89	B+
83-86	B
80-82	B-
77-79	C+
73-76	C
70-72	C-
63-69	D
60-62	D-
<60	F

University Policies

Per University Policy S16-9, university-wide policy information relevant to all courses, such as academic integrity, accommodations, etc. will be available on Office of Graduate and Undergraduate Programs' [Syllabus Information web page](http://www.sjsu.edu/gup/syllabusinfo/) at <http://www.sjsu.edu/gup/syllabusinfo/>. *Please review the information about university policies on plagiarism, which may result in a failing grade. Faculty members are required to report all infractions to the office of Student Conduct and Ethical Development.*

Success in this course is based on the expectation that students will spend, for each unit of credit, a minimum of 45 hours over the length of the course (normally 3 hours per unit per week with 1 of the hours used for lecture) for instruction or preparation/studying or course related activities including but not limited to internships, labs, clinical practica. Other course structures will have equivalent workload expectations as described in the syllabus.

Classroom Protocol

Students should attend all class meetings and participate in class exercises, assignments and discussions. During class time, we work collectively to read widely in the field of law and society. Your cell phone should not ring. You should not text under the desk. You do not need your computer. Please bring your course materials, a notebook, and a pen to class. Late arrivals are inappropriate. If you absolutely must enter late, please be prepared to enter quietly and without disruption. Please be respectful of your colleagues during class discussions and exams.

Political Science Departmental Writing Policy and SJSU Writing Center

Students of political science should develop the ability to write in clear, grammatical English. Spelling and grammar count. Students must take care that appropriate citations are used. Direct quotations must be so indicated with quotation marks and a specific reference to the page in the source from which it was taken. Failure to cite your sources constitutes academic misconduct which carries with it serious sanctions. A tutorial on citations is available at the library website at http://www.sjlibrary.org/services/literacy/info_comp/citing.htm.

For assistance with writing, please see me or visit the SJSU Writing Center located in Clark Hall, Suite 126. In addition to one-on-one tutoring services, the Writing Center also offers workshops every semester on a variety of writing topics. To make an appointment, visit the Writing Center website at <http://www.sjsu.edu/writingcenter>.

Political Science 120: Law and Society

S. Benson, Fall 2018

The schedule is subject to change with fair notice.

Date	Topics, Readings, Assignments, Deadlines
Wednesday, August 22	Course Opening
Monday, August 27	<u>Introduction to Law and Society</u> Austin Sarat and Thomas R. Kearns, “Writing History and Registering Memory in Legal Decisions and Legal Practices: An Introduction,” in <i>History, Memory, and the Law</i>
Wednesday, August 29	<u>The Limits of the Law</u> Mark Galanter, “Why the Haves Come out Ahead: Speculations on the Limits of Legal Change”
Monday, September 3	Campus Holiday. Happy Labor Day.
Wednesday, September 5	<u>Approaches</u> Naomi Murakawa, “Law’s Strange Allure” Derrick Bell, “Racial Realism”
Monday, September 10	<u>Methods</u> Patricia Williams, selection from <i>The Alchemy of Race and Rights</i> Cheryl Harris, “Whiteness as Property”
Wednesday, September 12	Law and Society Paper Prompts Distributed Discussion of Paul Rucker’s “Proliferation” (exhibit screening in class)
Monday, September 17	<u>Punishment and Society</u> David Garland, “Sociological Perspectives on Punishment” Naomi Murakawa, “Freedom from Fear”
Wednesday, September 19	<u>Punishment and Society</u> David Garland, “The Problem of the Body in Modern State Punishment” Law and Society Paper Due via Canvas
Monday, September 24	Film Screening: <i>13th</i>

Date	Topics, Readings, Assignments, Deadlines
Wednesday, September 26	Film Screening: <i>13th</i>
Monday, October 1	<u>The Law and the Body</u> Colin Dayan, “Held in the Body of the State,” in <i>History, Memory, and Law</i>
Wednesday, October 3	<u>Punishment and Society</u> <i>Ruffin v. Commonwealth [of Virginia] 1871</i>
Monday, October 8	<u>Death Penalty Jurisprudence I</u> Austin Sarat, “Recapturing the Spirit of <i>Furman</i> ”
Wednesday, October 10	<u>Death Penalty Jurisprudence II</u> Scott Christianson, “Envisioning the Lethal Chamber”
Monday, October 15	<u>The Problem of Due Process</u> Philip R. Reilly, “Involuntary Sterilization in the United States”
Wednesday, October 17	<u>Historicizing the Law</u> <i>Buck v. Bell</i> Study Guide Distributed
Monday, October 22	Midterm Review
Wednesday, October 24	Midterm Exam
Monday, October 29	No Class. Instructor at Conference.
Wednesday, October 31	<u>Spatial Arrangements</u> Amanda Armenta, “Who Polices Immigration?” Rebecca Bohrman and Naomi Murakawa, “Remaking Big Government: Immigration & Crime Control in the U.S.” Kelly Lytle Hernandez, “Persecuted Like Criminals”
Monday, November 5	<u>Citizenship and Socialization</u> Terry Allen Kupers, “Supermax Isolation” Lisa Guenther, “The Living Death of Solitary Confinement”
Wednesday, November 7	Haney, C. (2008). “A culture of harm: Taming the dynamics of cruelty in supermax prisons. (PDF)” Distribution of Argumentative Essay Prompts
Monday, November 12	No Class. Campus Holiday. Veteran’s Day.

Date	Topics, Readings, Assignments, Deadlines
Wednesday, November 14	Craig Haney and Philip Zimbardo, "The Past and Future of U.S. Prison Policy: Twenty-Five Years after the Stanford Experiment"
Monday, November 19	<i>Film Screening: Stanford Prison Experiment</i>
Wednesday, November 21	<i>Film Screening: Stanford Prison Experiment</i> Argumentative Essay Drafts Due
Monday, November 26	BBC Documentary (20 minutes) and collective comparative analysis
Wednesday, November 28	Film Analysis (questions distributed in class)
Monday, December 3	Writing Workshop (reverse outlining and topic sentences)
Wednesday, December 5	Argumentative Essay Final Drafts Due via Canvas Final Exam Distributed
Monday, December 10	EXAM REVIEW

Final Exam: Wednesday, December 12 (12:15-2:45)