

**San José State University**  
**Department of Political Science**  
**POLS 20: Controversial Legal Issues, Spring 2018**

<b>Instructor:</b>	Sara M. Benson
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<b>Office Hours:</b>	Monday/Wednesday 12:00 – 1:30
<b>Class Days/Time:</b>	Monday/Wednesday 3:00 – 4:15
<b>Classroom:</b>	ENG 327
<b>GE/SJSU Studies Category:</b>	Critical Thinking/A3

**Course Description**

Basic concepts in critical thinking as demonstrated in legal reasoning and analysis of contemporary legal issues.

This is a writing intensive course designed to introduce students to critical thinking, and to major concepts and controversies in legal studies and constitutional law. The course takes a law and society approach and therefore is grounded in a close reading of primary and secondary sources, including case law, social theory, and film. Students will learn critical thinking skills by focusing on the puzzle of torture's presence in democratic societies. Students will examine various methods of reasoning in order to think about controversies regarding the legal status of detainees in the global war on terror, and consider socio-historical and legal perspectives on the relationship between states and citizens. 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 the course materials.

**Course Goals and Learning Outcomes**

**Course Learning Outcomes (CLO)**

*This course is designed for political science majors and fulfills the Critical Thinking (A3) component of the General Education curriculum. Student success in this course is dependent on an active engagement with course materials. Students will write a minimum of 6,000 words about law through the various assignments (4,000 in revised, final draft form). The writing requirement is met by a midterm exam and two critical thought assignments (a 5-7 page essay on legal borderlands and a 9-page take-home). These assignments are designed to meet the General Education requirements.*

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

CLO 1: Read and respond to law and legal thinking using critical thinking and reasoning skills.

CLO 2: Understand the major legal questions of debates about torture and democracy.

### **GE Learning Outcomes (GELO)**

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

GELO1: Students should be able to distinguish between reasoning (explanation, argument) and other types of discourse (description, assertion).

GELO2: Students should be able to identify, analyze, and evaluate different types of reasoning.

GELO3: Students should be able to find and state crucial unstated assumptions in reading.

GELO4: Students should be able to evaluate factual claims or statements used in reasoning, and evaluate the sources of evidence for such claims.

GELO5: Students should be able to demonstrate an understanding of what constitutes plagiarism.

GELO6: Students should be able to evaluate information and its sources critically and incorporate selected information into his or her knowledge base and value system.

GELO7: Students should be able to locate, retrieve, organize, analyze, synthesize, and communicate information of relevance to the subject matter of the course in an effective and efficient manner.

GELO8: Students should be able to reflect on past successes, failures, and alternative strategies.

### **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**

#### **Readings Posted on Canvas**

##### **Textbooks**

Darius Rejali, *Torture and Democracy* ISBN: 0691143331

George Orwell, *1984* (any edition will do)

## Course Requirements, Assignments, Grading Policy

Assignment One: Legal Borderlands Paper	25% of course grade
Assignment Two: Presentation on Torture and Democracy	25% of course grade
Assignment Three: Midterm Exam	25% of course grade
Assignment Four: Final Exam	25% of course grade

Assignment One: Legal Borderlands Paper CLO1 and GELO 1, 5  
This assignment is designed to introduce students to the practice of critical reading and writing. This essay should be no less than five pages and organized by a central question of the student's choosing. Suggested topics include the meaning of appurtenance, the problem of legal disposition, or the promise of Executive Order 13492. Alternative topics and the number of required readings that must be cited will be discussed in class (which means that *information literacy and correct citational practice* are an important part of this assignment). Be sure to revise, proofread, and copyedit.

Assignment Two: Presentation CLO 2 and GELO 3, 4  
This assignment is comprised of a group presentation during class. Students will sign up to present on specific chapters of *Torture and Democracy* at the beginning of the term and should plan to meet with their group to prepare and coordinate. The assignment will be graded on the conciseness of the chapter descriptions and the quality of the presentation. Please let me know if you would like to use electronic equipment.

Assignment Three: Midterm Exam CLO 1 and GELO 6, 7  
The midterm examination will take place in class. Students will be asked to identify key terms and discuss the meaning and significance of each. A study guide will be distributed one week before the exam. There will also be a review session.

Assignment Four: Final Exam CLO 1, 2 and GELO 2, 8  
The final exam will be comprised of three take-home essays, each 3 pages in length (making the full exam nine pages in length). The exam is cumulative and comprehensive.

### 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 contained above, 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. 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](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 20: Controversial Legal Issues

S. Benson, Spring 2018

*The schedule is subject to change with fair notice.*

## Course Schedule

Date	Topics, Readings, Assignments, Deadlines
Wednesday, January 24	Course Opening
Monday, January 29	What is Critical Thinking? What is Information Literacy?
Wednesday, January 31	<u>Finding Fact and Opinion in Critical Reading</u> Mak and Youssef (available at <a href="http://www.thedailybeast.com/articles/2015/08/09/he-s-keeping-half-of-gitmo-locked-up-against-the-white-house-s-wishes.html">http://www.thedailybeast.com/articles/2015/08/09/he-s-keeping-half-of-gitmo-locked-up-against-the-white-house-s-wishes.html</a> ) Klaidman (available at <a href="http://www.thedailybeast.com/congress-cooperates-obama-pushes-hard-and-closing-gitmo-has-a-chance">http://www.thedailybeast.com/congress-cooperates-obama-pushes-hard-and-closing-gitmo-has-a-chance</a> )
Monday, February 5	<u>Thinking Through Puzzles</u> Abolishing GITMO and the Politics of Torture
Wednesday, February 7	<u>Critical Thinking &amp; Primary Documents</u> Executive Order 13492 (on Canvas in "Files")
Monday, February 12	<u>Summary versus Analysis and the Study of Sovereignty and Jurisdiction</u> Amy Kaplan, "Where is Guantánamo?" (Canvas) Mary Dudziak and Leti Volpp, "Legal Borderlands: Law and the Construction of American Borders" (Canvas)
Wednesday, February 14	<u>Legal Exceptionalism</u> Avery Gordon, "The United States Military Prison" (Canvas)
Monday, February 19	<u>States of Exception</u> Georgio Agamben, "The State of Exception as a Paradigm of Government" (Canvas)
Wednesday, February 21	Film Screening: <i>Ghosts of Abu Ghraib</i> (available at <a href="https://www.youtube.com/watch?v=FGpaOp6_I7M">https://www.youtube.com/watch?v=FGpaOp6_I7M</a> ) ***WARNING: This film contains graphic images of the photographs from Abu Ghraib, and we will skip over graphic portions of the film***
Monday, February 26	Discussion of <i>Ghosts of Abu Ghraib</i> and <i>Torture and Democracy</i> Presentation Assignments <b>LEGAL BORDERLANDS PAPER DUE</b>

<b>Date</b>	<b>Topics, Readings, Assignments, Deadlines</b>
Wednesday, February 28	<u>Torture &amp; the Law</u> U.S. Bill of Rights (Canvas) Torture Convention (Canvas) Detainee Treatment Act (Canvas)
Monday, March 5	<u>Torture &amp; the Law</u> U.S. Bill of Rights (Canvas) Torture Convention (Canvas) Detainee Treatment Act (Canvas)
Wednesday, March 7	Continued discussion of presentations on <i>Torture and Democracy</i>
Monday, March 12	Continued discussion of presentations on <i>Torture and Democracy</i>
Wednesday, March 14	<b>EXAM REVIEW</b>
Monday, March 19	<b>EXAM REVIEW</b>
Wednesday, March 21	<b>MIDTERM EXAM</b>
Monday, March 26	<b>Spring Break.</b>
Wednesday, March 28	<b>Spring Break.</b>
Monday, April 2	Presentation Preparation
Wednesday, April 4	Presentation Preparation
Monday, April 9	<i>Torture and Democracy</i> (read from beginning of book to page 31)
Wednesday, April 11	Darius Rejali, <i>Torture and Democracy</i> (class presentations)
Monday, April 16	Darius Rejali, <i>Torture and Democracy</i> (class presentations)
Wednesday, April 18	Darius Rejali, <i>Torture and Democracy</i> (class presentations)
Monday, April 23	Darius Rejali, <i>Torture and Democracy</i> (class presentations)

<b>Date</b>	<b>Topics, Readings, Assignments, Deadlines</b>
Wednesday, April 25	<i>Torture and Democracy</i> Wrap-up
Monday, April 30	<i>1984</i>
Wednesday, May 2	<i>1984</i>
Monday, May 7	<i>1984</i>
Wednesday, May 9	<i>1984</i> <b>*Final Exam Distributed</b>
Monday, May 14	<b>EXAM REVIEW</b>

**Final Exam: Thursday, May 17, 12:15-2:30**