

SYLLABUS

Professor Ken Nuger
Pols 120: U. S. Law and Society
DMH 149a
3-4:15 T, TR
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POLITICAL SCIENCE 120: U.S. LAW AND SOCIETY

COURSE OBJECTIVES

This course examines the relationship between a democratic/capitalist, multicultural society and law. It integrates issues of justice, equality, liberty and political obligation with principles of democracy and capitalism to demonstrate how law and politics affect different socioeconomic groups in U.S. society. The course analyzes the effects of the growing chasm between the rich and poor and how political, economic, demographic and technological trends will affect different groups in the U.S. The course will compare elite and pluralistic theories of political participation and demonstrate how each theory may enhance or reduce social, political, legal and economic equality. The course will emphasize how law is used to foster economic and social bias and how law could be utilized to foster a just, multicultural legal, social and economic structure. Special attention is given to patterns of discrimination endemic in the United States and how law and policy can be shaped to alleviate patterns of discrimination based on but not limited to race, class, ethnicity, gender religion, age and sexual orientation.

STUDENT LEARNING OBJECTIVES

Students taking this course will better understand how social, historical and legal trends in U.S. society either foster or hinder equality in the United States. Students should understand how the following aspects of American society affect equality:

1. By studying concepts such as equality, freedom, justice, political obligation due process and equal protection, students will be able to understand how these basic ideological concepts can frame legislation that fosters more equal opportunity and less discrimination based on race, gender, class, sexual orientation, age or disability.
2. By studying major historical and legal trends of the 19th and 20th century, students will be able to understand how unjust social, economic and legal policies can be aimed at minority, disadvantaged and unpopular groups, condemning them to patterns of inequality and discrimination. For example, students will become familiar with how labor laws, voting laws and criminal justice policies can reduce equal opportunity and access of these targeted groups to the political and economic structures in the United States. Students will understand how government recruitment tends to favor elite groups and how, therefore, majoritarian democracy may unjustifiably be skewed against minority (broadly defined) rights.
3. By studying the major provisions of the constitution, especially the bill of rights and many later amendments, including but not limited to the 13th, 14th and 15th amendments, students will be able to understand how government and individuals interact in ways that can either increase or decrease the compassionate application of constitutional concepts, such as but not limited to due process, equal protection and the right to privacy and as well as how these concepts can protect the equal opportunities of people, regardless of their race, gender, age, sexual orientation or religious affiliation.
4. By studying current economic, political and social trends, students will be able to compare and better understand how these trends may hinder or help the economic opportunities of vulnerable groups in the United States. Students will be able to understand the symbiotic relationship between economic freedom and opportunity and political freedom and opportunity.

5. By utilizing a multistaged research paper process, and through utilizing minute summaries, quizzes, and the midterm examination, students will be given feedback on the quality of their writing, which helps students meet the writing requirements for this upper division, general education course.

6. By the end of the course, students will be able to appreciate how more complete access to equal educational opportunities leads to greater political and economic opportunity, thereby increasing political participation and minimizing a societal environment that perpetuates inequality and discrimination and fosters a morally and legally just multicultural democracy. Students will better understand how education and tolerance are related and therefore, how an educated society can lead to a more enlightened, tolerant society that embraces, rather than resists equal multicultural opportunity for all.

PLEASE PURCHASE THE FOLLOWING

Katznelson, et al, *The Politics of Power*

Schiller, Bradley, *The Economics of Poverty and Discrimination*, 10th ed.

Course reader on reserve and electronic reserve

GRADING

Inherently a vulgar subject but one with which we must all contend. The primary source of your evaluation will come from one midterm and one final examination; each worth 100 points. If you do not take the examination on its regularly scheduled day, you may take a makeup examination at a time agreeable to both of us. The makeup will be structured significantly different from the regularly scheduled exam in both form and difficulty so it would be in your best interests to take the regularly scheduled exam. In addition, you will be required to write a research paper approximately 10-12 pages in length worth 50 points. The paper is due no later than November 19th. However, please refer to the research paper assignment guidelines which identify two voluntary due dates; Tuesday, September 29th for an annotated bibliographic summary of your initial research sources and a second date, Thursday, October 29th to turn in your paper introduction and outline. These two assignments shall allow me to assess your progress and offer you suggestions on how to maximize your research efforts to meet the various student learning objectives. This multistage paper process will allow me to offer you feedback and suggestions to improve both your writing and research skills and help you use the research paper to more fully meet the non-writing student learning objectives of the course. Meeting these due dates will result in receiving up to 2 extra credit points for each due date, for a total of up to 4 extra points that will be added to the research paper's initial grade. If you do not hand in your finished paper by the due date, your paper will automatically receive a 10 point penalty. The last moment to turn in any late work for any credit is the end of our last regularly scheduled class. You may also earn or lose points based on your attendance. The details are outlined in the attendance section below. While not a tangible aspect to your final grade, thoughtful participation throughout the semester will allow me to assess your mastery of the course's student learning objectives and therefore, make it easier for me to give you the benefit of the doubt on your final grade, should it lie between two grades at the semester's end.

ATTENDANCE

Attendance will be recorded each day but you get 2½ weeks (five class days) of paid vacation (what a great deal!). For each day of class you miss after five absences, you will lose two points. If you use less than five absences in the semester, you will receive two extra points toward your final grade up to a total of ten extra points. For example, if you miss five days of class, you neither gain nor lose points. If you miss six classes, you lose two points, seven classes, four points, etc. If you miss only four classes, you earn two points; three classes, four points up to ten extra points. Not only is this a good way to encourage you to attend the greatest show on earth and earn points, just being in class regularly will help you better master the student learning objectives and do better on the exams.

MISCELLANEOUS GRAHDOO...

Please know that everything you read for the class and hear in lecture and discussion is fair game for our exams. Also note that much of what is discussed in lecture is material that you will not find in your readings. On another front, please try to not be tardy. Tardiness is generally rude and a disruption to the flow of the class. Of course an occasional tardiness may be inevitable but habitual tardiness will be so noted and hurt

your cause when your final grade is determined. Also, please keep all graded work. If there is any question about what you earned on an exam or paper, you can clear up the discrepancy by showing me the graded work in question. Finally, please turn off all electronic equipment like phones, pagers, etc., so they won't make disruptive sounds during class.

Accommodations: If you need accommodations because of a disability or if you wish to provide emergency medical information, please make an appointment to see me during my office hours as soon as possible.

General Education: This course meets the upper division Area S general education requirement, Self, Society and Equality in the United States.

Electronic slave devices. Please turn your cell phones or other electronic devices to off or to silent operation. If you are expecting an emergency call or page, and have to have the device on, please sit near the classroom door and as soon as your electronic slave device activates, quietly leave the room and tend to your business in the hall.

COMPUTER USE POLICY

Students who wish use their computers for word processing only may do so only in the front of the classroom. If I catch any student with any computer program opened that is not a word type processing program, even if a word processing program is also opened, you will earn a permanent membership to my shit list. If quantified, membership to my shit list gives you the privilege of losing at least 10 points from the total semester points you earned. Browsing, im'ing, emailing or any type of computer use for self amusement is rude to those sitting around and beside you. Serious students complain that those around them who use their computer for self amusement break their concentration. I'm really sorry to take such drastic and unpleasant action but the amount of rude computer users in class has really become a problem. WTF is up with that?

FINAL WORDS

You will be expected to conduct yourself in a mature, responsible, and most of all, creative manner. Ponder intensively! Question that with which you disagree! Never assume without understanding. As John Stuart Mill insightfully pleaded more than a century ago:

No one can be a great thinker who does not recognize, that as a thinker, it is his first duty to follow his intellect to whatever conclusions it may lead.

ACADEMIC DISHONESTY

This is a very disagreeable topic but one that all students must be cognizant of. If I catch any student cheating on any assignment, including the research paper, I will fail that student for the class and report the incident to the university, which could get your expelled from the university and have a permanent record of the incident on your academic transcripts. Especially be careful to cite all of your sources when you craft your research paper. Doing so is the best way to ensure that you will not put yourself in a position to be penalized for academic dishonesty. I cannot stress too much how easy it is to plagiarize a paper and how many students get caught for doing so. Don't let it be you.

GENERAL COURSE READINGS

A useful note...

You will notice a brief annotation summarizing the main points of each set of readings. They are intended to remind you try to be cognizant of the myriad ways the readings pontificate on the major area s student learning objectives.

The following is a rough estimate of the order of our readings. I do not attach dates to each reading because we may not be able to comfortably follow a preordained dateline of reading assignments.

However, the list below gives you a general idea of the order of our readings.

Unit One: Theoretical Foundations of American Democracy and Capitalism

Chs. 2, 3, 5 and 8 in the course reader, then
Ch. 4 in the course reader

This introductory unit is tailored to ground students with the basic conceptual framework to understand the ideals, processes and goals of democracy and capitalism. We explore the age old question, how self interested are human beings and how much governmental control is needed to get individuals to balance their self interest instincts with broader, community interests. We ask and answer, among other things, what is equality, what is liberty, what is justice, what is political obligation? What are the essential ingredients of a democratic society? Does the practice of democracy mirror the goals of it? If not, what and who are distorting the goals of democracy? We examine the tensions between the elites, who exert considerable control over policy making, and the masses, who often feel that elite interests are being selfishly and unfairly preserved while their rights and opportunities are being ignored or abused. We examine the development from a free market driven capitalistic society of the 1800's to a carefully regulated system of the 21st. century. We explore the ills of free market capitalistic forces, identify its victims and trace how modern capitalism more fully ensured that free market forces would not continue to exploit and discriminate in its quest to maximize profit. Finally, we examine the challenges the information based economy will pose for the United States and speculate about the conundrum of our era; that at the precise moment in history we all recognize the necessity of higher education, we have made its access an increasingly remote possibility for those mired in poverty. We consider the long term effects this will have on the opportunities of those with the necessary skills set and those without. We also recognize how these debilitating conditions of increasing globalization of market forces will place economic strains on the least educationally abled, which sadly, still is disproportionately made up of key racial minority groups.

Unit Two: The Ideological, Political and Economic Realities of governing the rich and the poor

Katznelson, Chs. 1, 2, 4, pages 118-129 in ch 5, pages 267-280 in ch 10
Chapter 3 (the second chapter 3 from another book) on Federalism in the course reader

This unit follows up the more philosophical/theoretical approach of the first unit with a more historical/political focus. We start by examining the contours of elite and mass public opinion and political participation. Who believes what about economics, politics, social policies and criminal justice policies? We examine why elites wield more political influence and what types of policies result from government and business that are effectively captured by elite interests. Who holds powerful private and public positions in the United States? What kinds of decisions have they made in U.S. history and how have those decisions affected equality and inequality in the United States. We examine how the upper strata of society has attempted to reduce mass political participation by exploring the effects of such antidemocratic measures as state sponsored literacy tests, poll taxes, grandfather clauses and white primaries. We examine the psychological and organizational factors that lead to higher or lower levels of political efficacy. We gain a snapshot of why minorities, especially African Americans have historically had discouraging levels of political participation. We identify other groups, such as women and chronicle their struggles for inclusion into the political process. Following this brief historical/political/legal snapshot, in a more contemporary setting, we examine the effects of the "Reagan Revolution," specifically focusing on how new federalism is affecting the opportunities of minorities. We discuss whether a reduced federal role in public policy will decrease patterns of equality that were developing at the federal level since the civil rights movements of the 50's and 60's. We also examine how the shrinking federal role of economic regulation is affecting the quality of life for those who occupy the bottom rungs of capitalism, again focusing on the specific groups of people that disproportionately comprise the bottom rungs. Is equality and justice losing out to capitalism's profit driven instincts? Indeed, is a return to a less regulated economy going to increase conditions of inequality. If so, who will be the victims? What will they be able to do about it? Finally, we muse about the effects of new federalism and whether state and local governments, as they are increasingly being called upon to do, will heed democracy's ideal better than they did a century ago to develop policies that respect and foster the dignity of all people, not just the powerful, privileged few.

Unit Three: The Economics of Poverty and Discrimination

Katznelson, pages 280-293 in ch 10.
Schiller, Chs. 1-3, 8-12

This unit explores the issues, especially economic issues, that surround conditions of poverty and discrimination. We shall examine who the underclass are, theories that may account for why they are the underclass and how culture and race, family size and structure, as well as discrimination in both education and the labor market foster gross economic inequalities for the underclass. We will pay close attention to the juxtaposition between poverty and discrimination and analyze how they reduce opportunities for those affected groups.

Unit Four: The Courts, Constitution, Civil Liberties and Civil Rights and Conditions of Inequality

Katznelson, ch 8
Chs. 13-14 in course reader on Civil Liberties and Civil Rights

This unit explores America's Courts and how key provisions of the United States Constitution affect conditions of equality, freedom and justice/due process. We focus on constitutional methodology to better understand how the constitution could be rationalized in a way that fosters conditions of equality. In doing so, we explore the nature of freedom that is stressed in the Bill of Rights, and equality that is alluded to some in the Bill of Rights but guaranteed more directly in the Civil War Amendments (13, 14, 15). We examine major historical trends that finally led up to the great civil rights explosion of the latter 20th century. We assess the successes and failures of discriminated peoples' quest for equality in its various political, legal, psychological and economic forms. Do gross, enduring conditions of inequality lead to a breakdown of social order? Does justice require some recognition of equality to ensure social stability and legitimize freedom? We will close the course by examining some potential policy directions that could reduce many of the systemic conditions that foster inequality and discrimination in our society.

Final Exam is scheduled for:

Thursday, December 10, 2:45-5 p.m.