

## SYLLABUS

Professor Ken Nuger  
Pols 120: U. S. Law and Society  
DMH 161  
9-10:15 and 1:30-2:45, M/W  
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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 19<sup>th</sup> and 20<sup>th</sup> 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 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup> 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 multistage 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, Ira, *The Politics of Power*, 6<sup>th</sup> Edition  
 Course readings 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 Monday, April 30<sup>th</sup> if you desire comments along with the grade or Monday, May 7<sup>th</sup> if you wish to receive only a grade. If you do not hand in your finished paper by the May 7<sup>th</sup> 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 on Monday, May 14<sup>th</sup>. 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 2 1/2 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, six classes, four points, etc. If you miss only four classes, you earn two points; three class, four points up to nine extra points for perfect attendance. 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.

#### COMMITMENT TO CORRECT WRITING

Students should develop the ability to write in clear, grammatical English. Spelling, grammar, paragraph and thematic development as well as appropriate attribution count. Direct quotations must be indicated with quotation marks and a specific reference to the page in the source from which it was taken. Even if you do not directly quote a source, ideas from other sources must also be referenced although quotation marks are not appropriate for paraphrased material. Failure to cite your sources constitutes plagiarism and this form of academic misconduct carries serious sanctions. Any student caught plagiarizing in this course will fail the class and be reported to the university which could lead to your expulsion from San Jose State with a permanent record on your transcripts indicating the reason for your expulsion. The university takes a very strong stance on academic dishonesty as evidenced by the following university policy:

“Your own commitment to learning, as evidenced by your enrollment at San José State University, and the University’s Academic Integrity Policy requires you to be

honest in all your academic course work. Faculty are required to report all infractions to the Office of Judicial Affairs. The policy on academic integrity can be found at (<http://info.sjsu.edu/static/catalog/integrity.html>).

If you need further assistance on how to appropriately cite the sources you use, a tutorial on citations is available on the library website at [http://www.sjlibrary.org/services/literacy/info\\_comp/citing.htm](http://www.sjlibrary.org/services/literacy/info_comp/citing.htm). If you believe your writing could benefit from some assistance, you may want to visit the SJSU writing center. It is staffed by professional instructors, graduate and undergraduate writing specialists who can help you improve your writing skills. The peer mentor center is also staffed with highly trained undergraduate students who similarly can help you with your writing. Finally the Learning Assistance Resource Center will similarly offer you guidance to help you improve the quality of your written work.

#### 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.

#### 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.

#### 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, 8 and 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 21<sup>st</sup>. 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 create debilitating challenges on the least educationally and economically accomplished.

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

Katznelson, Chs. 1, 2, 3, 4, pages 110-125

Chapter 3 on Federalism on reserve in Excerpt from Government, Calif. Edition

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 capitalism and democracy throughout much of the 20<sup>th</sup> century. 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. We explore what kinds of decisions they have made in U.S. history and how those decisions affected equality and inequality in the United States.

Midterm Examination

Unit Three: Politics, Economics and the effects of fiscal and monetary policy on American society

Katznelson, Chs 9, 10

The first major theme of this unit explores how government taxes and spends money and similarly, how accessible it makes money available to banks, businesses and citizens in its continuing efforts to create a stable, yet expanding economy. The second theme carefully examines who the winners and losers historically have been of these fiscal and monetary policies.

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

Katznelson, ch 8

Chs. 4 and 5 on reserve in Excerpts of Government, Calif. Edition.

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 interpreted 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 20<sup>th</sup> 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.