

## *Seminar in Social Functions of Law*

### Course Syllabus

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*Note: e-mail is the best way to reach me outside of class*

**Office Hours:** Mon., Wed. 9:15-10:30 AM

Wed., 3:00-5:30 PM

**Class Meeting Times and Location:** Wednesday, 5:30 - 8:15 p.m., MacQuarrie Hall (MH) 510

**Course Description:** This course critically examines the structure and functioning of law and the court system in the United States, with particular attention to the role of law in settling disputes, exerting social control, establishing norms, regulating behavior, and promoting equality. Significant attention is also given to the phenomenon of “legal consciousness,” or how ordinary people think about and use the law, to law’s unintended consequences, and to how the media shape social perceptions of the law. As a graduate seminar, the course’s emphasis is on reading, discussion, and oral and written analysis. A significant part of your grade is based on class participation, so it will be essential for you to keep up with reading, attend class regularly, and contribute to class discussions. Prerequisite: Graduate standing.

**Required Texts:** available in paperback through Spartan Books (on campus & online), Roberts Bookstore, and Amazon.com. Used copies should be available from at least one of these sellers.

1. Abel, Richard L. (Ed.). (1995). *The Law and Society Reader*. New York: New York University Press.
2. Feeley, Malcolm M. (1992). *The Process is the Punishment: Handling Cases in a Lower Criminal Court*. New York: Russell Sage Foundation.
3. Haltom, William, & McCann, Michael. (2004). *Distorting the Law: Politics, Media, and the Litigation Crisis*. Chicago: The University of Chicago Press.
4. Merry, Sally Engle. (1990). *Getting Justice and Getting Even*. Chicago: The University of Chicago Press.

**Student Learning Objectives:** Successful completion of this course will enable students to appreciate, describe and critique the various roles law plays in society, including its functions of dispute settlement, regulating and controlling the behavior of individuals and organizations, sanctioning misbehavior, and promoting equality and justice. Upon successful completion students will also be able to analyze how ordinary citizens and institutional actors develop and

mobilize their own conceptions of the law, and the role of mass media and political debate in shaping popular perceptions of law's role(s) in society.

### **Course Requirements and Grading**

**During class, make sure cell phones (or pages) are off or silent.**

**Participation:** You are responsible for keeping up with the assigned reading and being prepared to discuss it in class. Active participation in class will count for 15% of your grade. Each week, two students will be responsible for leading the discussion of that week's reading. Before class, everyone is required to submit five discussion questions based on that week's readings. These may be emailed, faxed, or dropped off in person **by 3:00 PM** on the day of class. Late submissions will not be accepted.

You may earn up to 5 points per class for participation. This includes both weeks we are discussing the assigned reading and weeks when students are presenting their own work. Five points will be awarded to students who participate fully each week. "Moderate" participation (a few comments or questions made, or students who participate considerably but arrive more than 15 minutes late or leave more than 15 minutes early) will be awarded three points. "Minimal" participation will be awarded one point. Students who are completely silent or are absent will receive no participation points.

During weeks when we are discussing reading assignments, on-time submission of five written questions will earn 3 points per class.

**Papers:** Three papers are required for this course: one on *disputing or social control*; one on *norms, regulation, equality or legal consciousness*; and one on *law and the media/litigiousness*. Each paper should be approximately 8 pages of text (no more than 10), typed and double-spaced, in 12-point font and black ink, with standard 1-inch margins and references in APA style. Students must hand in *original* papers for this class. Copies of papers completed in previous classes, or papers largely adapted from previous classes, are unacceptable and if submitted, will be considered a violation of academic integrity.

The questions guiding each paper will be developed jointly by the instructor and students during the first two weeks of the seminar on the topics under consideration. Each student must select a different topic. In the remaining weeks before the paper is due, students will undertake library research and generate a minimum of 4 additional recent (within the past five years), directly relevant, *scholarly* articles or books on the topic. These recent articles can be theoretical, policy, practice-oriented, or research studies and must be directly related to the questions under consideration. Each of the three papers must show the capacity to undertake a literature review for the purpose of critical analysis of the questions under consideration, using both classical and contemporary readings. (Copies of the recent articles obtained from library research must be attached as an appendix to each paper.) If you are writing a paper on the history of a certain legal practice or phenomenon, your scholarly sources need not be "recent" as defined above.

As this is a graduate seminar, the students and instructor share responsibility for the success of the learning experience. The expectation is that each student is able to initiate a literature search and write a review of the relevant material. Any student who has a concern about the content, format and quality of this undertaking is invited to bring in a draft to me during office hours one week prior to the date the paper is due for my comments and suggestions.

*Note on paper formats and grading:* page numbering begins on the first page of text (your cover page, if you use one, is *not* page 1, and your bibliography does *not* count as a page of “text”). Papers that are too short or too long, including papers using 1.5 or triple spacing instead of double spacing, will be penalized. I will endeavor to return your papers the week following their submission. However, in some cases it may take two weeks to return papers, because I want to provide each student with written comments. Attached to this syllabus is the evaluation and scoring rubric I will use to grade your papers.

**Presentations:** On the dates your papers are due, you will give a brief presentation to the class on your topic, and distribute a *one-page* summary to the rest of the class and the instructor. Your written summary may be in outline or narrative form, and may be single-spaced if you choose. Use *10-point font or larger* for your summaries, and be sure to include your *name and topic*. The length of your presentations will depend on the number of students enrolled in the class, but plan on ten minutes to allow time for questions. Please *practice* your presentations: you need to cover your main points clearly and concisely, and you will be cut off if you talk for too long. Thus, to get a good grade for your presentation, you can’t “wing it.” You may simply do an oral presentation, or you may bring in overheads or Power Point displays.

*Note on presentations:* The ability to distinguish the essential elements of an argument or analysis from more minor, supporting points is extremely valuable in both academic and professional settings, and is one that too few people have mastered, as you probably know from sitting through long staff meetings, training sessions, scholarly talks, and the like. Developing or honing this skill is one thing you will be doing in this class. That is, oral and written summaries should cover the *main* points, rather than *every* point, you discuss in your paper. Oral and written summaries will be evaluated on your ability to identify and summarize the main points in these brief formats.

**Grades:** Expressed in percentages, grades will be based on the following: class participation 15%, first paper 20%, second paper 20%, third paper 25%, first presentation 5%, second presentation 5%, third presentation 10%. Expressed in points, grades will be calculated as follows:

Class Participation:	5 points possible per class x 15 classes =	75 points possible
Reading Questions:	3 points possible per class x 11 classes =	33 points possible
Papers 1 and 2:	144 points possible per paper x 2 papers =	288 points possible
Presentations 1 and 2:	36 points possible x 2 presentations =	72 points possible
Paper 3:		180 points possible
Presentation 3:		<u>72 points possible</u>
Total		720 total points possible

Your third paper and presentation are worth more not because they are more important than the others, but because I expect your writing and speaking skills to improve over the semester based on the feedback you receive on the first two. If you work hard on these skills and heed my comments, I believe you should be rewarded on the third assignment.

Your grades at the end of the semester will be curved (your performance is measured against the other students in the class). The student with the most points will set the standard for the highest "A" grade. From there, grades will be calculated as follows:

Grades as % of highest total score:	93-100% A	83-86% B	73-76% C	0-59% F
	90-92% A-	80-82% B-	70-72% C-	
	87-89% B+	77-79% C+	60-69% D	

**Students with disabilities:** If you need course adaptations or accommodations because of a disability, or if you need special arrangements in case the building must be evacuated, please see me as soon as possible. University policy (Presidential Directive 97-03) requires that students with disabilities must register with SJSU's Disability Resource Center (DRC) to establish a record of their disability. The DRC will work with you to determine the disability, document it, and determine the services and accommodations necessary for your success. The DRC may also contact me to determine the types of consideration necessary. Students must register with the Center during the first three weeks of the semester. The DRC website: <http://www.drc.sjsu.edu/>

**Cheating and plagiarism:** I have zero tolerance for plagiarism and other forms of cheating. Your own commitment to learning, as evidenced by your enrollment at San José State University, and the University's Academic Integrity Policy, require you to be honest in all your academic course work. In accordance with University policy, students caught cheating or plagiarizing will both *fail the entire course and be reported to the University Judicial Affairs Officer*. If you are working (or planning to work) in the criminal justice field, be aware that reports of cheating will go on your academic record and thus will be discovered by employers' background investigations of job candidates. If you are unclear as to what constitutes plagiarism, consult the university policy (URL is below). If you still aren't sure, talk to me. If you're writing a paper and think something might be plagiarism, assume it is. Graduate students are especially presumed to know what constitutes plagiarism. Knowing the law of plagiarism and other forms of academic honesty is your responsibility. Ignorance of the law is no excuse.

For more information on what constitutes cheating and plagiarism, take the SJSU Library tutorial at <http://tutorials.sjlibrary.org/plagiarism/index.htm>

See the university's policy on academic dishonesty at <http://www.sjsu.edu/leap/plagiar.htm>

## **Course Outline, Reading Assignments, and Exams**

Week 1. Wednesday August 24: Introduction to course.  
*No reading assignment*

### **I. Law and Disputing**

Week 2. Wednesday August 31: The Uses of Law in Settling Disputes  
*Read for class:* Abel, Chapters 1-4

### **II. Law and/as Social Control**

Week 3. Wednesday September 7: Social Control through Criminal Justice  
*Read for class:* Abel, Chapters 5-9

Week 4. Wednesday September 14: Case Study: Doing Justice? Law in Action  
*Read for class:* Feeley, Preface, Intro, Chapters 1-5

Week 5. Wednesday September 21: Case Study, conclusion  
*Read for class:* Feeley, Chapters 6-9

Week 6. Wednesday September 28: Student Presentations - Paper #1 Due  
*No reading assignment*

### **III. Law, Norms, Regulation, and Equality**

Week 7. Wednesday October 5: Law's Role in Setting Normative and Practical Expectations  
*Read for class:* Abel, Chapters 10-13

Week 8. Wednesday October 12: Law and Equality/Inequality  
*Read for class:* Abel, Chapters 14-17

### **IV. Legal Consciousness**

Week 9. Wednesday October 19: Introduction to Legal Consciousness; Case Study  
*Read for class:* Abel, Chapters 18, 19; Merry, Chapters 1-3

Week 10. Wednesday October 26: Case Study, Conclusion  
*Read for Class:* Merry, Chapters 4-8

Week 11. Wednesday November 2: Student Presentations - Paper #2 Due  
*No reading assignment*

## V. Law and/in the Media

Week 12. Wednesday November 9: Is America Excessively Litigious?

*Read for class:* Haltom & McCann, Chapters 1-3

Week 13. Wednesday November 16: Litigiousness, continued

*Read for class:* Haltom & McCann, Chapters 4-6

**[Wednesday November 23: No Class - Happy Thanksgiving!]**

Week 14. Wednesday November 30: Litigiousness, conclusion

*Read for class:* Haltom & McCann, Chapters 7-8

Week 15. Wednesday December 7: Student Presentations - Paper #3 Due

*No reading assignment*

Week 16. Wednesday December 14: Course Conclusion & Evaluation - Film and Discussion

*No reading assignment, but class **will** meet per SJSU rules*

## Evaluation and Scoring Rubric for JS 205 Papers

	Excellent (22-24 pts)* (27-30 pts)**	Good (19-21 pts)* (24-26 pts)**	Fair (15-18 pts)* (19-23 pts)**	Poor/Unacceptable (0-14 pts)* (0-18 pts)**
Statement of the Issue	Clear and thorough	Accurate but less thorough	Tangential, confusing or incomplete statement of the issue	Missing or incomprehensible statement of the issue
Reasoning and Argumentation	Reasoning is logical and comprehensive; argument considers alternative or competing viewpoints, evidence or analysis	Reasoning skips a few logical steps; argument considers a few of the most obvious counterpoints or data	Reasoning only presents the main points, or is not logically organized; argument considers one or two competing points but dismisses them too quickly	Essential steps in reasoning omitted or contradictory points introduced without explanation; competing evidence overlooked
Support for Argument	Examples and data are appropriate, sufficient, and persuasive	Good use of examples and data overall, but some claims unsupported	Examples, data or references for key points are missing	Data and references lacking; argument is based on anecdote, opinion, or questionable sources
Analysis/Synthesis	Writing synthesizes main ideas of several sources	Writing presents only a loose or general synthesis of ideas	Analysis is based on or dominated by main idea of one source, or paper reads like a summary of readings rather than a synthesis of them	Key concepts/ideas/sources missing, or are discussed but not linked to other elements of the paper
Conclusion	Appropriate in scope, summarizes main points of paper, considers limitations of arguments or data and/or discusses directions for future research	Conclusion is logical but looser, not fully supported by body of paper; limitations of arguments or data not considered	Conclusion extremely general, vague, or too broad	Conclusion missing or completely unsupported by body of paper
Overall Presentation	No or extremely few and minor writing and grammatical errors; references are in APA style	Writing and grammar acceptable overall, but contains a few significant errors; 1-2 APA errors in references	Writing and grammar problems throughout paper; 3+ APA errors in references	Writing and grammar significantly impede comprehension of writer's ideas and arguments; APA style completely missing in references; references missing

\* scoring for papers #1 and 2

\*\* scoring for paper #3