

San José State University
Department of Justice Studies
JS12-02, Introduction to Legal Studies, Spring 2018

Course and Contact Information

Instructor:	John Halushka, Ph.D.
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Office Hours:	Tuesday and Thursday 1:30pm-2:30pm and by appointment
Class Days/Time:	Tuesday and Thursday 3:00pm-4:15pm
Classroom:	MacQuarrie Hall 520

Course Description

The course presents historical and modern perspectives of the theories and structures of law, and provides an overview of the economic and sociological challenges to law making. This course also examines the nexus between law, social change, and dispute resolution.

The course covers five main areas of law and society research: (1) Theories of jurisprudence and the sociology of law; (2) Constitutional law and social change; (3) Criminal law and mass imprisonment; (4) Civil law and the politics of tort reform; and (5) International law and human rights. In each of these areas of study, our goal is to combine legal analysis with empirical social science research to better understand how law shapes social and political institutions, and in turn, how these institutions shape how laws are created, interpreted, and enforced. 3 Units.

Course Goals

This course is designed to introduce students to the social scientific study of law. Drawing on a variety of theoretical and methodological perspectives, the goal of this course is to teach students how to think and write critically about law, legal institutions, legal actors, and the reciprocal relationship between law and society.

Justice Studies Department Reading and Writing Philosophy

The Department of Justice Studies is committed to scholarly excellence. Therefore, the Department promotes academic, critical, and creative engagement with language (i.e., reading and writing) throughout its curriculum. A sustained and intensive exploration of language prepares students to think critically and to act meaningfully in interrelated areas of their lives—personal, professional, economic, social, political, ethical, and cultural. Graduates of the Department of Justice Studies leave San José State University prepared to enter a range of careers and for advanced study in a variety of fields; they are prepared to more effectively identify and ameliorate injustice in their personal, professional and civic lives. Indeed, the impact of literacy is evident not only within the span of a specific course, semester, or academic program but also over the span of a lifetime.

Course Learning Outcomes (CLO)

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

- CLO 1: Demonstrate a general understanding of the fundamental influences society has on the law.
- CLO 2: Demonstrate knowledge of legislative, administrative and judicial law making, as well as a general understanding of the law-making processes.
- CLO 3: Develop an understanding of methods for analyzing the legal and social controls and dispute resolution.
- CLO 4: Understand the various aspects of the legal profession and methods for legal research.
- CLO 5: Students should read, write, and contribute to discussion at a skilled and capable level.

Required Texts/Readings

Textbook

M. Alexander (2012) *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. The New Press. ISBN-13: 978-1-59558-643-8

W. Haltom and M. McCann (2004) *Distorting the Law: Politics, Media, and the Litigation Crisis*. University of Chicago Press. ISBN-13: 978-0226314648

M. Lippman (2015). *Law and Society* (1st edition). Sage Publications. ISBN-13: 978-1-4129-8754-7

Other Readings

Weekly Course Readings (Provided on Canvas)

Library Liaison

Silke Higgins, silke.higgins@sjsu.edu, (408) 808-2118
<http://libguides.sjsu.edu/justicestudies>

Course Requirements and Assignments

SJSU classes are designed such that in order to be successful, it is expected that students will spend a minimum of forty-five hours for each unit of credit (normally three hours per unit per week), including preparing for class, participating in course activities, completing assignments, and so on. More details about student workload can be found in University Policy S12-3 at <http://www.sjsu.edu/senate/docs/S12-3.pdf>.

- **Weekly Writing Assignments**

Students will be assigned weekly reading and writing assignments. All reading assignments must be completed *before* class. Writing assessments must be turned in during Thursday class sessions, or as instructed. For each writing assignment, students will write a short essay discussing the week's readings. Essay should be a maximum of 500 words or 2 pages (12-point font, Times New Roman, double-

spaced). Each essay will consist of a summary and reaction to the themes discussed in the week's readings. (CLO 1, 2, 3, 4 & 5)

- **Quizzes**

Students will complete a total of 13 quizzes throughout the semester. Each quiz will be administered at the end of each Thursday class session and will cover key terms and concepts from the week's readings and lectures. (CLO 1, 2, 3, 4 & 5)

- **Final Examination**

Students will complete a cumulative final examination. The exam will consist of short-answer and essay-based questions covering key terms and concepts from readings and class discussion. (CLO 1, 2, 3, 4 & 5)

Date: Friday, May 18

Time: 2:45pm-5:00pm

Location: MacQuarrie Hall 520

- **Participation**

Your active participation in class discussions and other activities is essential not only for your own academic development, but also for that of your peers.

Students will be assigned to work in groups and are expected to participate in an informed, professional and respectful manner. Participation credit will be rewarded in response to student preparedness and politeness in class. (CLO 1, 2, 3, 4 & 5)

In this class we will discuss controversial topics such as racism, sexism, homophobia, and socioeconomic inequality. When discussing such topics, disagreement will be inevitable, and this is okay. However, it is important to remember to respect the opinions of your fellow classmates. The following behaviors will NOT be tolerated: using raised voices or derogatory language; behaving in an intimidating way; dominating the conversation by not giving others fair opportunity to participate; or ridiculing another person for his or her ideas.

NOTE that University policy F69-24 at <http://www.sjsu.edu/senate/docs/F69-24.pdf> states "Students should attend all meetings of their classes, not only because they are responsible for material discussed therein, but because active participation is frequently essential to insure maximum benefit for all members of the class. Attendance per se shall not be used as a criterion for grading."

Grading Policy

Final grades will be evaluated as follows:

Weekly Writing Assignments: 30%

Quizzes: 30%

Final Exam: 30%

Participation: 10%

Grading Scale

+/- Grading: This course will be using the +/- system on final grades based on the following percentages:

A (100-93)

A- (92-90)

B+ (89-87)
B (86-83)
B- (82-80)
C+ (79-77)
C (76-73)
C-(72-70)
D+ (69-67)
D (66-63)
D- (62-60)
F (59 and below)

PLEASE NOTE: Extra credit opportunities might be available throughout the semester upon the exclusive discretion of the instructor.

Note: “All students have the right, within a reasonable time, to know their academic scores, to review their grade-dependent work, and to be provided with explanations for the determination of their course grades.” See University Policy F13-1 at <http://www.sjsu.edu/senate/docs/F13-1.pdf> for more details.

Classroom Protocol

Attendance/Punctuality

Regular attendance and punctuality are encouraged. Students who are routinely inattentive, or who choose not to contribute to in-class discussion and activities, will be noted and may result with up to 10% (one letter grade) deducted from the final grade.

Late Assignments

Late assignments will not be accepted and no assignment may be submitted via email. If you cannot attend class, please make arrangements with a classmate to turn in written assignments.

Cell Phones/Texting

Please put your cell phones on “silent” during class and do not answer calls or respond to text messages during class. Responding to calls or texts during class not only distracts you from the discussion, it also distracts other students and the instructor.

If you use a laptop, you may only use it for note-taking purposes. If I find that students are using their laptops for any other purposes besides note taking (e.g. checking email, chatting with friends, using social media) I will ban the use of laptops in class.

Routine phone calls, texting or other online activity during class will be noted and may result with up to 10% (one letter grade) deducted from the final grade.

University Policies

Dropping and Adding

Students are responsible for understanding the policies and procedures about add/drop, grade forgiveness, etc. Refer to the current semester’s Catalog Policies section at <http://info.sjsu.edu/static/catalog/policies.html>. Add/drop deadlines can be found on the current academic year calendars document on the Academic Calendars webpage at http://www.sjsu.edu/provost/services/academic_calendars/. The Late Drop Policy is available at <http://www.sjsu.edu/aars/policies/latedrops/policy/>. Students should be aware of the current deadlines and

penalties for dropping classes. Information about the latest changes and news is available at the Advising Hub at <http://www.sjsu.edu/advising>.

Consent for Recording of Class and Public Sharing of Instructor Material

University Policy S12-7, <http://www.sjsu.edu/senate/docs/S12-7.pdf>, requires students to obtain instructor's permission to record the course and the following items to be included in the syllabus:

- “Common courtesy and professional behavior dictate that you notify someone when you are recording him/her. You must obtain the instructor's permission to make audio or video recordings in this class. Such permission allows the recordings to be used for your private, study purposes only. The recordings are the intellectual property of the instructor; you have not been given any rights to reproduce or distribute the material.”
- “Course material developed by the instructor is the intellectual property of the instructor and cannot be shared publicly without his/her approval. You may not publicly share or upload instructor generated material for this course such as exam questions, lecture notes, or homework solutions without instructor consent.”

Academic Integrity

Your commitment, as a student, to learning is evidenced by your enrollment at San Jose State University. The University Academic Integrity Policy S07-2 at <http://www.sjsu.edu/senate/docs/S07-2.pdf> requires you to be honest in all your academic course work. Faculty members are required to report all infractions to the office of Student Conduct and Ethical Development. The Student Conduct and Ethical Development website is available at <http://www.sjsu.edu/studentconduct/>

Never present another's argument as your own. Reliable sources for all assertions should be cited in the American Psychological Association (APA) format. Detection of plagiarism will result with NO CREDIT earned for the assignment.

Campus Policy in Compliance with the American Disabilities Act

If you need course adaptations or accommodations because of a disability, or if you need to make special arrangements in case the building must be evacuated, please make an appointment with me as soon as possible, or see me during office hours. Presidential Directive 97-03 at http://www.sjsu.edu/president/docs/directives/PD_1997-03.pdf requires that students with disabilities requesting accommodations must register with the Accessible Education Center (AEC) at <http://www.sjsu.edu/aec> to establish a record of their disability.

Accommodation to Students' Religious Holidays

San José State University shall provide accommodation on any graded class work or activities for students wishing to observe religious holidays when such observances require students to be absent from class. It is the responsibility of the student to inform the instructor, in writing, about such holidays before the add deadline at the start of each semester. If such holidays occur before the add deadline, the student must notify the instructor, in writing, at least three days before the date that he/she will be absent. It is the responsibility of the instructor to make every reasonable effort to honor the student request without penalty, and of the student to make up the work missed. See University Policy S14-7 at <http://www.sjsu.edu/senate/docs/S14-7.pdf>.

Student Technology Resources

Computer labs for student use are available in the Academic Success Center at <http://www.sjsu.edu/at/asc/> located on the 1st floor of Clark Hall and in the Associated Students Lab on the 2nd floor of the Student Union. Additional computer labs may be available in your department/college. Computers are also available in the

Martin Luther King Library. A wide variety of audio-visual equipment is available for student checkout from Media Services located in IRC 112. These items include DV and HD digital camcorders; digital still cameras; video, slide and overhead projectors; DVD, CD, and audiotape players; sound systems, wireless microphones, projection screens and monitors.

SJSU Peer Connections

Peer Connections, a campus-wide resource for mentoring and tutoring, strives to inspire students to develop their potential as independent learners while they learn to successfully navigate through their university experience. You are encouraged to take advantage of their services which include course-content based tutoring, enhanced study and time management skills, more effective critical thinking strategies, decision making and problem-solving abilities, and campus resource referrals.

In addition to offering small group, individual, and drop-in tutoring for a number of undergraduate courses, consultation with mentors is available on a drop-in or by appointment basis. Workshops are offered on a wide variety of topics including preparing for the Writing Skills Test (WST), improving your learning and memory, alleviating procrastination, surviving your first semester at SJSU, and other related topics. A computer lab and study space are also available for student use in Room 600 of Student Services Center (SSC).

Peer Connections is located in three locations: SSC, Room 600 (10th Street Garage on the corner of 10th and San Fernando Street), at the 1st floor entrance of Clark Hall, and in the Living Learning Center (LLC) in Campus Village Housing Building B. Visit Peer Connections website at <http://peerconnections.sjsu.edu> for more information.

SJSU Writing Center

The SJSU Writing Center is located in Clark Hall, Suite 126. All Writing Specialists have gone through a rigorous hiring process, and they are well trained to assist all students at all levels within all disciplines to become better writers. 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 or to refer to the numerous online resources offered through the Writing Center, visit the Writing Center website at <http://www.sjsu.edu/writingcenter>.

SJSU Counseling Services

The SJSU Counseling Services is located on the corner of 7th Street and San Fernando Street, in Room 201, Administration Building. Professional psychologists, social workers, and counselors are available to provide consultations on issues of student mental health, campus climate or psychological and academic issues on an individual, couple, or group basis. To schedule an appointment or learn more information, visit Counseling Services website at <http://www.sjsu.edu/counseling>.

CASA Student Success Center

The Student Success Center in the College of Applied Sciences and Arts (CASA) provides advising for undergraduate students majoring or wanting to major in programs offered in CASA Departments and Schools. All CASA students and students who would like to be in CASA are invited to stop by the Center for general education advising, help with changing majors, academic policy related questions, meeting with peer advisors, and/or attending various regularly scheduled presentations and workshops. If you are looking for academic advice or even tips about how to navigate your way around SJSU, check out the CASA Student Success Center. Location: MacQuarrie Hall (MQH) 533 - top floor of MacQuarrie Hall. Contact information: 408.924.2910. Website: <http://www.sjsu.edu/casa/ssc/>. The CASA Student Success Center also provides study space and laptops for checkout.

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Course Schedule

Introduction

Week 1

Thursday, January 25 – Introduction and Course Overview

- Syllabus

Week 2

Tuesday, January 30 – Approaches to Defining Law

- Matthew Lippman – “An Introduction to Law and Society”
 - *Law and Society*, pp. 1-27

Thursday, February 1 – Law and Society: Consensus vs. Conflict Perspectives

- Matthew Lippman – “An Introduction to Law and Society”
 - *Law and Society*, pp. 27-41
- **ESSAY DUE**
- **QUIZ**

Theories of Law and Justice

Week 3

Tuesday, February 6 – Natural Law and Legal Positivism

- Matthew Lippman – “Theories of Law and Justice”
 - *Law and Society*, pp. 43-54

Thursday, February 8 – Legal Realism and Sociological Jurisprudence

- Matthew Lippman – “Theories of Law and Justice”
 - *Law and Society*, pp. 54-60
- **ESSAY DUE**
- **QUIZ**

Week 4

Tuesday, February 13 – Critical Legal Studies, Critical Race Theory, and Feminist Jurisprudence

- Matthew Lippman – “Theories of Law and Justice”
 - *Law and Society*, pp. 60-66, 415

Thursday, February 15 – Review and Discussion

- Catch up on assigned readings if behind
- **ESSAY DUE**
- **QUIZ**

Constitutional Law and Social Change

Week 5

Tuesday, February 20 – The Structure and Function of the U.S. Federal and State Courts

- Matthew Lippman – “The Structure and Function of Courts, Legislatures, and Administrative Agencies”
 - *Law and Society*, pp. 68-96

Thursday, February 22 – The Structure and Function of Legislatures and Administrative Agencies

- Matthew Lippman – “The Structure and Function of Courts, Legislatures, and Administrative Agencies”
 - *Law and Society*, pp. 96-112
- **ESSAY DUE**
- **QUIZ**

Week 6

Tuesday, February 27 – The Civil Rights Movement and the Supreme Court: The Road to *Brown*

- *Dred Scott v. Sanford* (1857)
 - Canvas
- *Plessy v. Ferguson* (1896)
 - Canvas
- *Brown v. Board of Education of Topeka*
 - Canvas
- Video: *The Road to Brown*
 - Canvas

Thursday, March 1 – Assessing the Impact of *Brown*

- Matthew Lippman – “The Impact of Law on Society”
 - *Law and Society*, pp. 365-376, 399-406
- **ESSAY DUE**
- **QUIZ**

Week 7

Tuesday, March 6 – The Affirmative Action Debate

- National Conference of State Legislatures – “Affirmative Action: Overview”
 - Canvas
- National Conference of State Legislatures – “Affirmative Action: Court Decisions”
 - Canvas
- Vann R. Newkirk II – “The Myth of Reverse Racism”
 - Canvas

Thursday, March 8 – Abortion and Same Sex Marriage

- Matthew Lippman – “The Impact of Law on Society”
 - *Law and Society*, pp. 377-387
- **ESSAY DUE**
- **QUIZ**

Criminal Law and Mass Incarceration

Week 8

Tuesday, March 13 – The Structure and Function of U.S. Police and Criminal Courts

- Matthew Lippman – “Law Enforcement”
 - *Law and Society*, pp. 113-118
- Matthew Lippman – “Criminal Courts”
 - *Law and Society*, pp. 241-261

Thursday, March 15 – Criminal Justice and Racial Inequality: The New Jim Crow?

- Michelle Alexander – “Introduction”
 - *The New Jim Crow*, pp. 1-19
- **ESSAY DUE**
- **QUIZ**

Week 9

Tuesday, March 20 – Racism and Social Control: From Slavery to Mass Incarceration

- Michelle Alexander – “The Rebirth of Caste”
 - *The New Jim Crow*, pp. 20-58

Thursday, March 22 – The War on Drugs and Communities of Color

- Michelle Alexander – “The Lockdown”
 - *The New Jim Crow*, pp. 59-96
- **ESSAY DUE**
- **QUIZ**

Week 10

SPRING RECESS – NO CLASS

Week 11

Tuesday, April 3 – Racial Inequality in an Era of Colorblindness

- Michelle Alexander – “The Color of Justice”
 - *The New Jim Crow*, pp. 97-139

Thursday, April 5 – Violent Crime and the Black Community

- James Forman, Jr. – “Racial Critiques of the New Jim Crow”
 - Canvas
- **ESSAY DUE**
- **QUIZ**

Civil Law and the Politics of Tort Reform

Week 12

Tuesday, April 10 – Dispute Resolution in the U.S.

- Matthew Lippman – “Dispute Resolution”
 - *Law and Society*, pp. 211-225

Thursday, April 12 – Civil Litigation in American Pop Culture

- William Haltom and Michael McCann – “The Social Production of Legal Knowledge”
 - *Distorting the Law*, pp. 1-32
- **ESSAY DUE**
- **QUIZ**

Week 13

Tuesday, April 17 – The Politics of Tort Reform in the U.S.

- William Haltom and Michael McCann – “Pop Torts”
 - *Distorting the Law*, pp. 33-72

Thursday, April 19 – Civil Litigation: Myth vs. Reality

- William Haltom and Michael McCann – “In Retort”
 - *Distorting the Law*, pp. 73-112
- **ESSAY DUE**
- **QUIZ**

Week 14

Tuesday, April 24 – Media Portrayals of Civil Litigation

- William Haltom and Michael McCann – “Full Tort Press”
 - *Distorting the Law*, pp. 147-182

Thursday, April 26 – Case Study: The McDonald’s Hot Coffee Case

- William Haltom and Michael McCann – “Java Jive”
 - *Distorting the Law*, pp. 183-226
- **ESSAY DUE**
- **QUIZ**

International Law and Human Rights

Week 15

Tuesday, May 1 – What Are Human Rights?

- Matthew Lippman – “International Human Rights and International Crime”
 - *Law and Society*, pp. 462-497

Thursday, May 3 – Are Human Rights Universal?

- Thomas M. Franck – “Are Human Rights Universal”
 - Canvas
- Ellen Wiles – “Headscarves, Human Rights, and Harmonious Multicultural Society: Implications of the French Ban for Interpretations of Equality”
 - Canvas
- **ESSAY DUE**
- **QUIZ**

Week 16

Tuesday, May 8 – Transitional Justice

- International Center for Transitional Justice – “What is Transitional Justice?”
 - Canvas

- Paul van Zyl – “Dilemmas of Transitional Justice: The Case of South Africa’s Truth and Reconciliation Commission”
 - Canvas

Thursday, May 10 – Final Exam Review

Final Exam

Date: Friday, May 18

Time: 2:45pm-5:00pm

Location: MacQuarrie Hall 520