

San José State University
Department of Political Science
POLS 120: Law and Society, Fall 2020

Instructor: Dr. Sara Benson

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Class Days/Time: Mondays, 1:30 – 2:45
Join URL: <https://sjsu.zoom.us/j/93330606001>

Office Hours: Mondays, 10:30 – 11:30 via Zoom
<https://sjsu.zoom.us/j/91088094738>
Password: 306955

Course Description

Social and philosophical foundations of law and legal systems and development of legal institutions in various cultures. Anglo-American law and administration of justice in the U.S. emphasized. *GE Area: S*

The course takes a law and society approach to the study of legal history and legal status. Students will examine the legal status of citizens, the criminally accused, prisoners, and immigrant detainees. Against the backdrop of the theory and practice of constitutional law, students will engage the concepts of equality and inequality before the law, tracing the roots of these concepts historically and currently. 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 course materials.

Course Format

This is an online course with a synchronous component. All of your work in this course will be done using Zoom or Canvas. You will need to have regular access to Canvas and Zoom and a stable internet connection to be successful in this course.

Course Goals and Learning Outcomes

Course Learning Outcomes (CLO)

This course is designed for political science majors and fulfills the Area S component of the General Education curriculum (Self, Society & Equality in the United States). Assignments are designed to meet the General Education requirements and the writing requirement of 3,000 words (through a paper on law and society as an approach).

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

CLO 1: Read and respond to law and legal thinking using a range of primary and secondary texts.

CLO 2: Understand the major contributions of law and society as an historical approach to the study of equality and inequality in the United States.

CLO 3: Describe and analyze major trends in the history of law (and law in relation to society) including ideas about legal status, citizenship, and belonging as they evolved over the course of the nineteenth and twentieth centuries.

GE Learning Outcomes (GELO)

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

GELO1: Students will be able to describe how identities are shaped by cultural and societal influences within contexts of equality and inequality.

GELO2: Students will be able to describe historical, social, political, and economic processes producing diversity, equality, and structured inequalities in the U.S.

GELO3: Students will be able to describe social actions which have led to greater equality and social justice in the U.S.

GELO4: Students will be able to recognize and appreciate constructive interactions between people from different cultural, racial, and ethnic groups within the U.S.

Department Learning Outcomes

The Department of Political Science has the following goals in mind for this course:

Breadth Students should possess a broad knowledge of the theory and methods of the various branches of the discipline.

Application and Disciplinary Methods Students should be able to formulate research questions, engage in systematic literature searches using primary and secondary sources, evaluate research studies, and critically analyze and interpret influential political texts. Students should be able to apply these techniques to identify, understand, and analyze domestic and international political issues and organizations.

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 in local, state, national, and global contexts and appreciate the importance of lifelong participation in political processes.

Required Texts/Readings

All required readings for this course are posted on Canvas.

Course Requirements, Assignments, Grading Policy

4 Discussion Posts/Mapping Exercises	25% of course grade (GELO 2, 4, CLO 3)
4 Reading Quizzes	25% of course grade (CLO 2, GELO 1)
Midterm Exam	25% of course grade (CLO 1, 2, GELO 1, 2)
Final Exam	25% of course grade (CLO 1, 3, GELO 2, 3)

This course has a writing requirement of 3,000 words.

Discussion Posts and Mapping Exercises

These assignments are worth 5 points each and designed to get you thinking critically about law, society, and popular culture. You are encouraged to use an informal or first person writing voice as you think about the questions in the guidelines on Canvas. These assignments will help you develop stronger reading comprehension and synthesis skills. These exercises (each a paragraph or page in length—see guidelines for details) will in turn help prepare you for quizzes and exams. Always be affirming and respectful in communications with other students.

Reading Quizzes

These quizzes are designed to help you identify key concepts and arguments within the readings and to begin to see conversations across texts. See Canvas for due dates.

Midterm Exam

The midterm exam is comprised of multiple choice and short essay questions. You may also be asked to identify quotes and unpack them. You will take the exam via the course Canvas page and should use your notes and materials as you craft your answers.

Final Exam

The final is a take home essay exam that is cumulative and comprehensive. Students will write in response to three prompts using a minimum of nine readings from the course. Attach a works cited or references page to the end of your document. *Because this is an exam, you should not use outside sources.* EACH response should be a minimum of 2 pages (making the whole exam at least 6 pages). Anything less than six pages of substantive writing will not be considered passing work.

Grading Policy

No extra credit is available.

Grading Scale

97 to 100	A plus
93 to 96	A
90 to 92	A minus
87 to 89	B plus

83 to 86	B
80 to 82	B minus
77 to 79	C plus
73 to 76	C
70 to 72	C minus
63 to 69	D
60 to 62	D minus
less than 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 on Zoom. If you have to miss class for any reason, you can view (not download) the lecture component of the course on the Canvas page. These videos will be posted within 48 hours of the live class. I will record the lecture components of the class (when I am speaking), but not Q&As or class discussions (when you are speaking). You can view but not download these videos because they remain protected by the instructor's copyright, and students are prohibited by university policy (S12-7) from recording, distributing, or posting any part of these videos. Students who violate this policy can be referred to Student Conduct.

You are required to use your full name as your Zoom name and there will be days of discussion when you will want to have your camera on. Consider sitting in front of empty wall space to minimize distractions for others when you are on camera. Be professional in choosing your background. Please do your best to also minimize background noise. When I am lecturing and you are taking notes, you can turn your camera on or off as you please. You will always be on mute by default so be mindful of unmuting yourself if you have a question. You may also ask me questions during lecture using the chat feature of Zoom. Note that I can see all "private" exchanges in the chat feature and that they become part of the official transcript of the class. Finally, always be respectful of your colleagues during class discussions.

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.

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 120: Law and Society, Fall 2020

The schedule is subject to change with fair notice.

Date	Topics, Readings, Assignments, Deadlines
Week 0	Course Opening
Week 1	<p><u>Introduction to Law and Society</u> <i>Read for Monday, August 24:</i> Austin Sarat and Thomas R. Kearns, “Writing History and Registering Memory in Legal Decisions and Legal Practices: An Introduction”</p> <p><i>Wednesday, August 26:</i> No work assigned.</p>
Week 2	<p><u>Legal Realism and the Limits of the Law</u> <i>Read for Monday, August 31:</i> Mark Galanter, “Why the Haves Come out Ahead: Speculations on the Limits of Legal Change”</p> <p><i>Write for Wednesday, September 2:</i> Reading Quiz</p>
Week 3	<p><i>Monday, September 7:</i> No Live Lecture (Campus Holiday, Labor Day)</p> <p><u>Critical Race Theory</u> <i>Read and View for Wednesday, September 9</i> Read Berta Hernandez-Truyol, Angela Harris, and Francisco Valdés, “Beyond the First Decade: A Forward-Looking History of LatCrit Theory, Community and Praxis” Read Patricia Williams, “Tribute to Derrick Bell” Watch African American Legends: Derrick Bell WATCH FROM BEGINNING TO 10:50 https://www.youtube.com/watch?v=RJydWvF1AQQ Watch Derrick Bell: A Biography https://www.youtube.com/watch?v=FqVQAhiCOnQ</p>

Date	Topics, Readings, Assignments, Deadlines
Week 4	<p><u>Racial Realism</u> <i>Monday, September 14</i> Derrick Bell, “Racial Realism” Patricia Williams, selection from <i>The Alchemy of Race and Rights</i> Naomi Murakawa, “Law’s Strange Allure”</p> <p><u>Multiple Consciousness as Jurisprudential Method</u> <i>Wednesday, September 16</i> Read Angela Y. Davis, “Keynote Address” (1991) Read Mari Matsuda, “When the First Quail Calls” Reading Quiz</p>
Week 5	<p><u>The Development of Legal Institutions in the United States</u> <i>Monday, September 21</i> Read Cheryl Harris, “Whiteness as Property” Watch Cheryl Harris, “Whiteness as Property: A Twenty Year Appraisal” Watch from 23:34 to 32:35: https://www.youtube.com/watch?v=cRVl4I7e0R0 <i>Wednesday, September 23</i> Mapping Exercise Due (post a photo of your work)</p>
Week 6	<p><i>Monday, September 28</i> Exam Review <i>Wednesday, September 30</i> Midterm Exam</p>
Week 7	<p><u>Legal Borderlands</u> <i>Monday, October 5</i> Mary Dudziak and Leti Volpp, “Legal Borderlands” <i>Wednesday, October 7</i> Read Rebecca Bohrman and Naomi Murakawa, “Remaking Big Government: Immigration & Crime Control in the U.S” Kelly Lytle Hernandez, “Persecuted Like Criminals” Reading Quiz</p>
Week 8	<p><u>Punishment and Society</u> <i>Monday, October 12</i> Discussion of Paul Rucker’s “Proliferation” (exhibit screening in class) https://www.youtube.com/watch?v=ySH-FgMljYo <i>Wednesday, October 14</i> David Garland, “Sociological Perspectives on Punishment” Reading Quiz on Garland</p>

Date	Topics, Readings, Assignments, Deadlines
Week 9	<p><u>Are Prisons Obsolete?</u> Monday, October 19 Angela Y. Davis, <i>Are Prisons Obsolete?</i></p> <p>Wednesday, October 21 Discussion Post Due: Choose Paul Rucker’s “Proliferation” OR Sandow Birk’s Paintings</p>
Week 10	<p><u>The Thirteenth Amendment</u> Monday, October 26 Film Screening: 13th</p> <p>Wednesday, October 28 Mapping Exercise Due (post a photo of your work)</p>
Week 11	<p><u>The Legal Status of Prisons and Prisoners</u> Monday, November 2 Film Screening: 13th</p> <p>Wednesday, November 4 Watch Lecture Video on Canvas—Prison Legal Studies Movement Read Guenther on Solitary Confinement</p>
Week 12	<p><u>Civil Death</u> Monday, November 9 <i>Ruffin v. Commonwealth [of Virginia] 1871</i></p> <p>November 11 (<i>Campus Holiday, Veteran’s Day</i>)</p>
Week 13	<p><u>Death Penalty Jurisprudence</u> Monday, November 16 Austin Sarat, “Recapturing the Spirit of <i>Furman</i>” David Garland, “The Problem of the Body in Modern State Punishment” Scott Christianson, “Envisioning the Lethal Chamber”</p> <p>Wednesday, November 18 Watch Video Lecture on Canvas Watch <i>Execution of Czolgosz, with Panorama of Auburn</i>: https://www.loc.gov/item/00694362 Discussion Post</p>

Date	Topics, Readings, Assignments, Deadlines
Week 14	<u>Prisons and Democracy</u> Monday, November 23 Film Screening: <i>The Last Graduation</i> Wednesday, November 25 (Campus Holiday)
Week 15	<u>Institutions and Power/Law, Punishment, Society</u> Monday, November 30 <i>The Stanford Prison Experiment</i> (BBC) Wednesday, December 2 Watch Lecture Video on Canvas: SPE Read Haney and Zimbardo
Week 16	<u>Course Conclusion</u> <i>Monday, December 7</i> Exam Review

Final Exam: Tuesday, December 15 by 9:30 am