

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

Instructor:	Dr. Sara M. Benson
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Office Hours:	Monday/Wednesday 10:15-11:45
Class Days/Time:	Monday/Wednesday 9:00 – 10:15
Classroom:	DMH 160

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 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 in the “Files” tab in the left column.

Course Requirements, Assignments, Grading Policy

Assignment One: Law and Society Essay Exam	30% of course grade
Assignment Two: Midterm Exam	35% of course grade
Assignment Three: Final Exam	35% of course grade

Assignment One: Law and Society Exam

(CLOs 1, 2 and GELO 1)

This take-home essay exam is designed to get you thinking about law and society *as an approach*. Your exam should be no less than *5 double-spaced pages* and organized by a central question. You will choose this framing question from a list of prompts distributed in class. Please read the handout carefully and cite the required number of readings from the class. *Do not use outside sources*. You will be graded on both form and content. Be sure to revise, proofread, and copyedit.

Assignment Two: Midterm Exam

(GELOs 2, 3)

The midterm examination will take place in class. Students will be asked to identify key terms and cases, and to discuss the meaning and significance of each.

Assignment Four: Final Exam

(CLO 1, 3 GELOs 1, 4)

The final exam will have the same format as the midterm but will be cumulative and comprehensive. There will be no make-ups for the exam.

Grading Policy

No late papers will be accepted.

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, assignments and discussions. During class time, we work collectively to read widely in the field. Your cell phone should not ring. You should not text under the desk. You do not need your computer. Please bring your course materials, a notebook, and a pen to class. Late arrivals are inappropriate. If you absolutely must enter late, please be prepared to enter quietly and without disruption. Please be respectful of your colleagues during class discussions and exams.

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, Spring 2020

The schedule is subject to change with fair notice.

Date	Topics, Readings, Assignments, Deadlines
Monday, January 27	Course Opening
Wednesday, January 29	<u>Introduction to Law and Society</u> Austin Sarat and Thomas R. Kearns, “Writing History and Registering Memory in Legal Decisions and Legal Practices: An Introduction”
Monday, February 3	<u>The Limits of the Law</u> Mark Galanter, “Why the Haves Come out Ahead: Speculations on the Limits of Legal Change”
Wednesday, February 5	<u>Approaches</u> Derrick Bell, “Racial Realism” Law and Society Essay Prompts Distributed
Monday, February 10	Cheryl Harris, “Whiteness as Property”
Wednesday, February 12	Naomi Murakawa, “Law’s Strange Allure” Patricia Williams, selection from <i>The Alchemy of Race and Rights</i>
Monday, February 17	Thesis Statement and Citations Workshop
Wednesday, February 19	Law and Society Essay Due via Canvas
Monday, February 24	Discussion of Paul Rucker’s “Proliferation” (exhibit screening in class)
Wednesday, February 26	<u>Punishment and Society</u> David Garland, “Sociological Perspectives on Punishment”
Monday, March 2	<u>Punishment and Society</u> Angela Y. Davis, <i>Are Prisons Obsolete?</i>
Wednesday, March 4	Film Screening: <i>13th</i>

Date	Topics, Readings, Assignments, Deadlines
Monday, March 9	Film Screening: <i>13th</i>
Wednesday, March 11	<u>Punishment and Civil Death</u> <i>Ruffin v. Commonwealth [of Virginia] 1871</i>
Monday, March 16	<u>Death Penalty Jurisprudence</u> <i>Execution of Czolgosz, with Panorama of Auburn</i> (brief screening in class) Scott Christianson, “Envisioning the Lethal Chamber”
Wednesday, March 18	<u>Death Penalty Jurisprudence and Due Process</u> Austin Sarat, “Recapturing the Spirit of <i>Furman</i> ” David Garland, “The Problem of the Body in Modern State Punishment” Study Guide Distributed
Monday, March 23	Midterm Review
Wednesday, March 25	Midterm Exam
Monday, March 30	Spring Break.
Wednesday, April 1	Spring Break.
Monday, April 6	<u>The Problem of Due Process</u> Philip R. Reilly, “Involuntary Sterilization in the United States”
Wednesday, April 8	<u>Historicizing Law</u> <i>Buck v. Bell</i>
Monday, April 13	<u>Spatial Arrangements</u> Rebecca Bohrman and Naomi Murakawa, “Remaking Big Government: Immigration & Crime Control in the U.S.,” from <i>Global Lockdown</i> , Ed. Julia Sudbury (Routledge, 2004) Kelly Lytle Hernandez, “Persecuted Like Criminals”
Wednesday, April 15	<u>Citizenship and Isolation</u> Terry Allen Kupers, “Supermax Isolation,” from <i>Solitary</i> (UC Press, 2017) Lisa Guenther, “The Living Death of Solitary Confinement”

Date	Topics, Readings, Assignments, Deadlines
Monday, April 20	Haney, C. (2008). "A Culture of Harm: Taming the Dynamics of Cruelty in Supermax Prisons"
Wednesday, April 22	Craig Haney and Philip Zimbardo, "The Past and Future of U.S. Prison Policy: Twenty-Five Years after the Stanford Experiment"
Monday, April 27	<i>Film Screening: Stanford Prison Experiment</i>
Wednesday, April 29	<i>Film Screening: Stanford Prison Experiment</i> and class discussion
Monday, May 4	BBC Documentary (20 minutes) and collective comparative analysis
Wednesday, May 6	Final Exam Distributed and Review Part I
Monday, May 11	Review Part II

Final Exam: Monday, May 18 (7:15 – 9:30 AM)