

San José State University
Department of Political Science
POLS 20: Controversial Legal Issues, Spring 2020

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| Instructor: | Sara M. Benson |
| Office Location: | Clark Hall 406G |
| Email: | sara.benson@sjsu.edu |
| Office Hours: | Monday/Wednesday 10:15-11:45 |
| Class Days/Time: | Monday/Wednesday 7:30-8:45 |
| Classroom: | DMH 160 |
| GE/SJSU Studies Category: | Critical Thinking/A3 |

Course Description

Basic concepts in critical thinking as demonstrated in legal reasoning and analysis of contemporary legal issues.

This is a writing intensive course designed to introduce students to critical thinking, and to major concepts and controversies in legal studies and constitutional law. The course takes a law and society approach and therefore is grounded in a close reading of primary and secondary sources, including case law, social theory, and film. Students will learn critical thinking skills by focusing on the puzzle of torture's presence in democratic societies. Students will examine various methods of reasoning in order to think about controversies regarding the legal status of detainees in the global war on terror, and consider socio-historical and legal perspectives on the relationship between states and citizens. 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 the course materials.

Course Goals and Learning Outcomes

Course Learning Outcomes (CLO)

This course is designed for political science majors and fulfills the Critical Thinking (A3) component of the General Education curriculum. Student success in this course is dependent on an active engagement with course materials. Students will write a minimum of 6,000 words about law through the various assignments (4,000 in revised, final draft form). The writing requirement is met by a midterm exam and two critical thought assignments (a 5-7 page essay on legal borderlands and a 9-page take-home). These assignments are designed to meet the General Education requirements.

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

CLO 1: Read and respond to law and legal thinking using critical thinking and reasoning skills.

CLO 2: Understand key legal questions in debates about torture and democracy.

GE Learning Outcomes (GELO)

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

GELO 1: Students should be able to locate and evaluate sources, through library research, and integrate research through appropriate citation and quotation.

GELO 2: Students should be able to present effective arguments that use a full range of legitimate rhetorical and logical strategies to articulate and explain their positions on complex issues in dialogue with other points of view.

GELO 3: Students should be able to effectively locate, interpret, evaluate, and synthesize evidence in a comprehensive way in support of one's ideas.

GELO 4: Students should be able to identify and critically evaluate the assumptions in and the context of an argument.

GELO 5: Students should be able to effectively distinguish and convey inductive and deductive patterns as appropriate, sequencing arguments and evidence logically to draw valid conclusions and articulate related outcomes (implications and consequences).

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

Readings Posted on Canvas

Textbooks

Darius Rejali, *Torture and Democracy* ISBN: 0691143331

Course Requirements, Assignments, Grading Policy

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|---|---------------------|
| Assignment One: Legal Borderlands Paper | 25% of course grade |
| Assignment Two: Presentation on Torture and Democracy | 25% of course grade |
| Assignment Three: Midterm Exam | 25% of course grade |
| Assignment Four: Final Exam | 25% of course grade |

Assignment One: Legal Borderlands Paper

CLO1 and GELO 1, 3

This assignment is designed to introduce students to the practice of critical reading and writing. This essay should be no less than five pages and organized by a central question of the student's choosing. Suggested topics include the meaning of appurtenance, the problem of legal disposition, or the promise of Executive Order 13492. Alternative topics and the number of required readings that must be cited will be discussed in class (which means that *information literacy and correct citational practice* are an important part of this assignment). Be sure to revise, proofread, and copyedit.

Assignment Two: Presentation

CLO 2 and GELO 3, 4

This assignment is comprised of a group presentation during class. Students will sign up to present on specific chapters of *Torture and Democracy* at the beginning of the term and should plan to meet with their group during certain class sessions to prepare and coordinate. Although the overall structure of the presentation is up to the group, the assignment will be graded based on the following: 1) knowledge of the material; 2) thematic organization rather than summary; 3) a polished and practiced presentation; 4) audience engagement. Please let me know if you would like to use electronic equipment.

Assignment Three: Midterm Exam

CLO 1 and GELO 3, 4, 5

The midterm examination will take place in class. Students will be asked to identify key terms and discuss the meaning and significance of each. When appropriate, students should reference specific readings from the course. A study guide will be distributed one week before the exam.

Assignment Four: Final Exam

CLO 1, 2 and GELO 2, 3

The final exam will be comprised of three take-home essays, each 3 pages in length (making the full exam nine pages in length). The exam is cumulative and comprehensive.

Grading Policy

No late papers will be accepted.

Grading Scale

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|-----------|---------|
| 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>.

POLS 20: Controversial Legal Issues, Spring 2020

The schedule is subject to change with fair notice.

| Date | Topics, Readings, Assignments, Deadlines |
|---------------------------|--|
| Monday, January 27 | Course Opening |
| Wednesday, January 29 | What is Critical Thinking? What is Information Literacy? |
| Monday, February 3 | <u>Finding Fact and Opinion in Critical Reading</u> *Please bring computers or tablets to class* Mak and Youssef, available at http://www.thedailybeast.com/articles/2015/08/09/he-s-keeping-half-of-gitmo-locked-up-against-the-white-house-s-wishes.html) Klaidman, available at https://www.thedailybeast.com/congress-cooperates-obama-pushes-hard-and-closing-gitmo-has-a-chance |
| Wednesday, February 5 | <u>Finding Fact and Opinion in Critical Reading</u> *Please bring computers or tablets to class* |
| Monday, February 10 | <u>Critical Thinking & Primary Documents</u> Executive Order 13492 (on Canvas in “Files”) |
| Wednesday, February 12 | <u>Summary versus Analysis</u> Amy Kaplan, “Where is Guantánamo?” (Canvas) |
| Monday, February 17 | <u>Sovereignty versus Jurisdiction</u> Mary Dudziak and Leti Volpp, “Legal Borderlands: Law and the Construction of American Borders” (Canvas) |
| Wednesday, February 19 | LEGAL BORDERLANDS PAPER DUE |
| Monday, February 24 | <u>Legal Exceptionalism</u> Avery Gordon, “The United States Military Prison” (Canvas) |
| Wednesday, February 26 | <u>States of Exception</u> Georgio Agamben, “The State of Exception as a Paradigm of Government” (Canvas) |
| Monday, March 2 | <u>States of Exception</u> Georgio Agamben, “The State of Exception as a Paradigm of Government” (Canvas) |

| Date | Topics, Readings, Assignments, Deadlines |
|------------------------|---|
| Wednesday, March 4 | Film Screening: <i>Ghosts of Abu Ghraib</i> (available at https://www.youtube.com/watch?v=FGpaOp6_I7M) ***WARNING: This film contains graphic images of the photographs from Abu Ghraib, and we will skip over graphic portions of the film*** |
| Monday, March 9 | Presentation Assignments and Discussion Discussion of <i>Ghosts of Abu Ghraib</i> and <i>Torture and Democracy</i> |
| Wednesday, March 11 | <u>Torture & the Law</u> U.S. Bill of Rights (Canvas) Torture Convention (Canvas) Detainee Treatment Act (Canvas) |
| Monday, March 16 | <u>Torture & the Law</u> U.S. Bill of Rights (Canvas) Torture Convention (Canvas) Detainee Treatment Act (Canvas) |
| Wednesday, March 18 | EXAM REVIEW |
| Monday, March 23 | EXAM REVIEW |
| Wednesday, March 25 | MIDTERM EXAM |
| Monday, March 30 | Spring Break. |
| Wednesday, April 1 | Spring Break. |
| Monday, April 6 | <i>Torture and Democracy</i> (read from beginning of book to page 31) |
| Wednesday, April 8 | Presentation Preparation |
| Monday, April 13 | Presentation Preparation |
| Wednesday, April 15 | Presentation Preparation |
| Monday, April 20 | Darius Rejali, <i>Torture and Democracy</i> (class presentations) |
| Wednesday, April 22 | Darius Rejali, <i>Torture and Democracy</i> (class presentations) |

| Date | Topics, Readings, Assignments, Deadlines |
|---------------------|---|
| Monday, April 27 | Darius Rejali, <i>Torture and Democracy</i> (class presentations) |
| Wednesday, April 29 | Darius Rejali, <i>Torture and Democracy</i> (class presentations) |
| Monday, May 4 | Popular Culture Assignment and Timed Writing |
| Wednesday, May 6 | <i>1984</i> (Excerpt posted on Canvas) Final Exam Distributed |
| Monday, May 11 | EXAM REVIEW |

***Final Exam due Thursday, May 14 no later than 9:30am**