

**San José State University**  
**Department of Political Science**  
**POLS 120: Law and Society, Spring 2021**

**Instructor:** Dr. Sara Benson

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**Class Days/Time:** This is a fully asynchronous course with no live meeting times.

**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 an interdisciplinary law and society approach to the study of legal history and legal status. 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. *In the process, we will examine identity formation, structural inequality, challenges to inequality in law and society, as well as legal and social interactions among differently situated groups. Students will also engage ideas about diversity and justice as we work to understand legal institutions and processes.* 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.

Passage of the Writing Skills Test (WST) or ENGL/LLD 100A with a C or better (C- not accepted), and completion of Core General Education are prerequisites for SJSU Studies courses like this one. Completion of, or co-registration in, 100W is strongly recommended. A minimum aggregate GPA of 2.0 in GE Areas R, S, & V shall be required of all students.

### **Course Format**

This is a fully online course. All of your work in this course will be submitted using Canvas and you will need to be logged in to your SJSU Zoom account in order to access the lecture videos.

This means that you will need to have regular access to a computer and a stable internet connection. You may be able to rent equipment on campus through SJSU's [Equipment Loan Program](https://www.sjsu.edu/learnanywhere/equipment/index.php) available for students (<https://www.sjsu.edu/learnanywhere/equipment/index.php>).

### **Course Learning Outcomes (CLOs)**

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). It has a writing requirement of 3,000 words. Students are strongly encouraged to satisfy GE Areas R, S, and V with courses from departments other than the major department. Completion of, or co-registration in, a 100W course is strongly recommended. A minimum aggregate GPA of 2.0 in GE Areas R, S, & V shall be required of all students.

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

CLO 1: Read and think critically about 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 relation to US legal institutions.

CLO 3: Describe and analyze major trends in the history, theory, and practice of law (and law in relation to society) including legal realism, LatCrit, critical race theory, critical legal studies, and the subfield of punishment and society.

### **GE Learning Outcomes (GELOs)**

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 (CLO 1, 2, 3/GELO 1, 4)
2 discussions (500 words); 2 mapping exercises (250 words) = 750 words total	
4 Reading Quizzes	25% of course grade (CLO 2/GELO 2, 3)
250 words total	
Midterm Exam	25% of course grade (CLO 1, 2/GELO 1, 2)
1500 words	
Final Exam	25% of course grade (CLO 1, 3/GELO 3, 4)
1500 words	

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

#### 2 Discussion Posts and 2 Mapping Exercises

These short assignments are designed to get you thinking critically about law, society, and identity as you engage the law's relationship to in/equality. For each of the two discussion posts, post thoughtful and informal accounts of approximately 250 words: how do the key ideas of critical race theory, critical legal studies, critical realism, and LatCrit overlap in how they understand identity, equality, and diversity? What did you find most interesting and/or intriguing in these readings on equality, diversity, and justice? Always be affirming and respectful in communications with other students.

The mapping exercises, which require you to synthesize information, will help you prepare for quizzes and exams by visually representing how various authors have understood the law's relationship to identify and inequality. The two mapping exercises combined will require that students write approximately 250 words.

#### Reading Comprehension Quizzes

These quizzes (a combination of multiple choice and short essay questions) 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 6 short essay questions. You will write one page in response to each of the six short essay questions. You will take the exam via the course Canvas page and should use your notes and materials as you craft your answers. Your task is to explain the key concept addressed in the question, refer to and cite course readings where appropriate, and then explain how the concept is connected to the larger themes of the course. Anything less than six pages of substantive writing will not be considered passing work.

## Final Exam

The final is cumulative and comprehensive. *Because this is an exam, you should not use outside sources.* You will write one page in response to each of the six short essay questions. You will take the exam via the course Canvas page and should use your notes and materials as you craft your answers. Your task is to explain the key concept addressed in the question, refer to and cite course readings where appropriate, and then explain how the concept is connected to the larger themes of the course. Anything less than six pages of substantive writing will not be considered passing work.

## **Grading Policy**

**No extra credit is available.**

## **Grading Scale**

93 to 100	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](http://www.sjsu.edu/senate/docs/S16-9.pdf) (<http://www.sjsu.edu/senate/docs/S16-9.pdf>), relevant university policy concerning all courses, such as student responsibilities, academic integrity, accommodations, dropping and adding, consent for recording of class, etc. and available student services (e.g. learning assistance, counseling, and other resources) are listed on the [University's Syllabus Information web page](https://www.sjsu.edu/curriculum/courses/syllabus-info.php) at <https://www.sjsu.edu/curriculum/courses/syllabus-info.php>. Make sure to visit this page to review and be aware of these university policies and resources.

*Please review the information about university policies on plagiarism, 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.

## **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](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.*

Week	Date	Topics, Readings, Assignments, Deadlines
1	2/1	<p><u>Introduction to Law and Society</u></p> <p><i>Readings:</i> Austin Sarat and Thomas R. Kearns, “Writing History and Registering Memory in Legal Decisions and Legal Practices: An Introduction”</p> <p><i>Assignments:</i> Watch Lecture on Canvas (<i>make sure to also log in to your Zoom account!</i>)</p>
2	2/8	<p><u>Legal Realism and the Limits of the Law</u></p> <p><i>Readings:</i> Mark Galanter, “Why the Haves Come out Ahead: Speculations on the Limits of Legal Change”</p> <p><i>Assignments:</i> Watch Lecture on Canvas Reading Quiz</p>
3	2/15	<p><u>Critical Race Theory</u></p> <p><i>Readings:</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”</p> <p><i>Assignments:</i> Watch African American Legends: Derrick Bell WATCH FROM BEGINNING TO 10:50 <a href="https://www.youtube.com/watch?v=RJydWvF1AQQ">https://www.youtube.com/watch?v=RJydWvF1AQQ</a> Watch Derrick Bell: A Biography <a href="https://www.youtube.com/watch?v=FqVQAhiCOnQ">https://www.youtube.com/watch?v=FqVQAhiCOnQ</a></p>
4	2/22	<p><u>Racial Realism and Multiple Consciousness</u></p> <p><i>Readings:</i> Derrick Bell, “Racial Realism” Patricia Williams, selection from <i>The Alchemy of Race and Rights</i> Naomi Murakawa, “Law’s Strange Allure” Read Angela Y. Davis, “Keynote Address” (1991) Read Mari Matsuda, “When the First Quail Calls”</p> <p><i>Assignments:</i> Reading Quiz</p>

5	3/1	<p><u>The Development of Legal Institutions in the United States</u>  <i>Readings:</i>  Read Cheryl Harris, “Whiteness as Property”  Watch Cheryl Harris, “Whiteness as Property: A Twenty Year Appraisal”  Watch from 23:34 to 32:35:  <a href="https://www.youtube.com/watch?v=cRVI4I7e0R0">https://www.youtube.com/watch?v=cRVI4I7e0R0</a></p> <p><i>Assignments:</i>  <b>Mapping Exercise Due</b></p>
6	3/8	<b>Midterm Exam</b>
7	3/15	<p><u>Legal Borderlands</u>  <i>Readings:</i>  Mary Dudziak and Leti Volpp, “Legal Borderlands”  Read Rebecca Bohrman and Naomi Murakawa, “Remaking Big Government: Immigration &amp; Crime Control in the U.S”  Kelly Lytle Hernandez, “Persecuted Like Criminals”</p> <p><i>Assignments:</i>  Reading Quiz</p>
8	3/22	<p><u>Punishment and Society</u>  <i>Texts:</i>  Paul Rucker’s “Proliferation”  <a href="https://www.youtube.com/watch?v=ySH-FgMljYo">https://www.youtube.com/watch?v=ySH-FgMljYo</a>  David Garland, “Sociological Perspectives on Punishment”</p> <p><i>Assignments:</i>  Discussion Post Due  Reading Quiz on Garland</p>
9	3/29	<b>Spring Break</b>
10	4/5	<p><u>Are Prisons Obsolete?</u>  Angela Y. Davis, <i>Are Prisons Obsolete?</i>  Discussion Post Due on Paul Rucker’s “Proliferation” and/or Sandow Birk’s Paintings</p>
11	4/12	<p><u>The 13<sup>th</sup> Amendment and the Gothic Architecture of Civil Death</u>  Mapping Exercise Due</p>
12	4/19	<p><u>Civil Death and Legal Status</u>  <i>Ruffin v. Commonwealth [of Virginia] 1871</i></p>
13	4/26	<p><u>Death Penalty Jurisprudence</u>  Watch Video Lecture on Canvas  Watch <i>Execution of Czolgosz, with Panorama of Auburn:</i>  <a href="https://www.loc.gov/item/00694362">https://www.loc.gov/item/00694362</a>  Discussion Post</p>

<b>14</b>	<b>5/3</b>	<u>The Death Penalty and Habeas Law</u> 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"
<b>15</b>	<b>5/10</b>	<u>Solitary Confinement</u> Watch Lecture on Guenther Read Guenther
<b>16</b>	<b>5/17</b>	<u>Course Closing</u>

*\*Final Exam Due on Canvas by Thursday, May 20<sup>th</sup> at 11:59 pm.*