

POLS 230: Law in American Society, Fall 2013

Departments of Political Science
Southern Illinois University

1 Instructor Information

Shane A. Gleason
Email: sgleason@siu.edu
Office: Faner Hall 3169

Office Hours: Monday: 11:30-12:30,
Thursday 11:30-1:30,
and by appointment
Class Location: Quigley 0208
Course Time: 10:00-10:50 MWF

2 Course Description and Purpose

The purpose of this course is to explore the ways law shapes society and society shapes law. It takes as a starting point that the law does not exist in a vacuum, but is rather influenced by the surrounding context, including people, politics, and social institutions. During the first half of the course we will explore the actors, social forces, and governmental institutions that shape the law. In the second half of the class, we will take the contexts we explored in the first half of the class and apply them to distinct areas of law that are prominent in contemporary American society. Throughout the semester we will often employ case studies, where we take concepts we have discussed in class and apply them in order to highlight how the law impacts society.

Another primary purpose of this course is to improve your critical reading, writing, and organizational skills. Toward that end, the emphasis in the two exams is applying what we have covered in class to broader contexts. Additionally, writing is a critical skill that is important regardless of your major or eventual career. Accordingly, you will produce a group research paper that explores the law in the context of a contemporary political issue in light of the material we have covered. Feedback and direction will be provided on the research paper throughout the semester.

3 Course Format

This course is heavily readings based, from both the text book and supplemental materials available on D2L. While the class is technically lecture based, I find class is more fun when we have a discussion rather than me talking for fifty minutes. Please come prepared to discuss the readings. It is okay if you don't understand them fully, but please do ensure this, please come to class prepared to discuss the readings and with any questions you might have.

4 Requirements

Text

There is one required book, which the majority of our readings will come from. Other readings are posted on Desire to Learn and are noted on the course schedule.

The book is available at the bookstore, although it is available at a substantially lower rate online. In order to allow for shipping time, I have posted all of the first week's readings on Desire to Learn. After the first week, I expect you to have the book and bring it with you to class. The book is on reserve in the library, **however** I strongly urge you to purchase or rent it since the majority of our readings will come from the book.

1. Samuels, Suzanne. 2006. *Law, Politics, and Society*. Belmont, CA: Wadsworth Cengage. ISBN 978-0-618-37651-3

Assessment

This course is worth 100 points which are broken up over several different items

- Exams: 40 points
 - Writing Assignments: 35 points
 - Quizzes: 15 points
 - Participation and Attendance : 10 points
1. **Exams (40 points)**—There are two exams and each is worth 20 points. This is to say each exam is worth 2 letter grades, two letter grades. Exams will consist of short identification terms and essays and must be completed in a bluebook. **You must bring a bluebook to the exam.** I suggest you go to the bookstore and buy a few bluebooks at the start of the semester so you are not in any danger of not having one on exam day (They cost about 50 cents each). At least one week before each exam I will give you a study guide which lists several possible questions for the exam. A subset of those questions will appear on the actual exam. You should note that if you are unable to take the exam at the scheduled time, the make-up exam will be a separate research paper.
 2. **Writing Assignments (35 points)**—You will write a group research paper addressing a contemporary political issue in the context of law and society. The writing assignment will be broken up over several smaller assignments. Groups will be assigned based on shared interests in a topical area. For more information on the writing assignment please see the writing assignment handout which will be passed out on the first day of class and will also be available on D2L.
 3. **Quizzes (15 points)**— Periodically throughout the semester I will administer unannounced quizzes. These quizzes will be given at the start of class and will consist of multiple choice, true or false, fill in the blank, and/or short answer items. They can cover anything previously discussed in class or anything from that day's readings. Quizzes will be passed out at exactly 10:00AM and no quizzes will be passed out after that time, so it is important to arrive to class on time. While there is no set number of quizzes, I will take your top five quizzes over the course of the semester to compile your total quiz score (with each worth 3% of your final grade). Quizzes cannot be made up, therefore it is imperative you attend class regularly, read for class, and are on time for class.

4. **Participation and Attendance (10 points)**– Class is more fun when it is not just me talking and I will accordingly call on students to provide summaries of the readings. I am aware, however, that not everyone is an outgoing person that enjoys talking. To this end, I consider active listening to be participation.

Assessment Scale

A	100-90	B	89-80	C	79-70	D	69-60	F	59 or below
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5 Course Policies

Contacting the Instructor

I am happy to help you either via e-mail or during office hours. Of course, if my office hours do not fit your schedule let me know and we can schedule a meeting at a time that is more convenient. If you come to office hours you should come prepared; bring your book and notes and read the material in advance. If you contact me via e-mail I will respond within 48 hours, though in most cases it will be less than six hours. However, in any e-mail you must identify yourself and use proper format which consists of an opening (As simple as the recipient's name), a closing (as simple as your name), and a descriptive message subject. If you do not follow that convention or if you use Internet shorthand (ie: "u" instead of "you,") I will not reply to the message.

Make-up Exams and Assignments

To qualify for a make-up test a student must notify me of the absence in advance via e-mail and provide documentation. Make-up exams will be a written research paper.

Papers are due at the beginning of the class on the date indicated in the schedule. I will not accept e-mail copies or papers placed under my door. Please make hard copies of your briefs, do not be afraid to print out multiple rough drafts and revise them before turning them in. I do not accept excuses about dogs, computers, or traffic. Be responsible.

Academic Honor Code

Students are expected to uphold the Academic Honor Code published in Southern Illinois University-Carbondale's Student Conduct Code (Section II, Article A). Plagiarism is the most serious academic offense. Violations of this code can lead to failure of the course and a hearing with the university's judicial board to suspend you from the university.

Classroom Courtesy

Classroom courtesy is an essential component of creating an effective learning environment. All students have the right to learn without unnecessary distractions. These distractions include: cell phones, talking during lectures (unless recognized by the instructor), reading newspapers, falling asleep, etc. If you need a cell phone for emergency purposes, leave it on vibrate. Entering and leaving are also significant sources of distraction. It is your responsibility to be on time and to stay for the entire period. In circumstances where you need to leave early, tell the instructor beforehand.

Repeated disruptions of class will lead to a reduction in your final grade.

Most importantly, class discussions of law will include several sensitive topics which can lead to strong feelings and heated debate. Because this is a college classroom, all discussion must be respectful and scholarly. This is to say you must be respectful, in both content and tone, of diverse opinions and not make personal or partisan attacks.

Acceptable Comments

- are respectful of diverse opinions and open to follow up questions and/or disagreement
- are related to class and/or the course material
- focus on advancing the discussion about issues related to the course and/or course material rather than personal beliefs, and
- are delivered in normal tones and a non-aggressive manner.

Unacceptable Comments

- are personal in nature. This includes attacks on a person's appearance, demeanor, or political beliefs.
- include interrupting the instructor or other students. Raise your hand and wait to be recognized.
- often use the discussion to argue for political positions and/or beliefs. If political discussions arise, they must be discussed in a scholarly way (see above).
- may include using raised tones, yelling, engaging in arguments with other students and being threatening in any manner.
- include ignoring the instructor's authority to maintain the integrity of the classroom environment.

Emergency Procedures

Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC Emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, available on the BERT website, Department of Public Safety's website (disaster drop down) and in the Emergency Response Guidelines pamphlet. Know how to respond to each type of emergency.

Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency. The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.

Syllabus Change Policy

This syllabus is a guide for the course and is subject to change with advanced notice. These changes may come via e-mail. Make sure to check your university supplied email regularly. You are accountable for all such communications.

6 *Tentative* Course Schedule

A few notes about reading the course schedule:

- “*Samuels*” refers to the textbook
- “**D2L**” means that reading can be found on Desire to Learn
- You do not have to read the boxes that appear in text unless I specifically say so in class.

Course Introduction

Monday August 19– Introduction to the Course

- *No readings*

The Role of Law in Society

Wednesday August 21– What is the Law?

- *Samuels*: Chapter 1 (3-13) (12)

Friday August 23– Law in the United States: Criminal and Civil Law

- *Samuels*: Chapter 1 (14-27) (13)

How Should We Think About Law?

Monday August 26– Theories of Law

- *Samuels*: Chapter 2 (28-56) (28)

The Structure of Law

Wednesday September 4– The Structure of American Courts

- *Samuels*: Chapter 6 (135-168) (33)

Friday August 30– **NO CLASS APSA MEETING**

Monday September 2– **NO CLASS LABOR DAY**

Wednesday September 4– Why Courts?

- *Samuels*: Chapter 7 (169-182) (13)

Friday September 6– Why Courts? II

- *Samuels*: Chapter 7 (182-193) (11)

Not By Courts Alone: Institutional Actors in the Legal Process

Monday September 9: Enforcing the Law: The Executive

- Samuels: Chapter 9 (222-242) (20)

Wednesday September 11– Where Law Gets Made: The Legislature

- Samuels: Chapter 8 (194-221) (27)

Friday September 13– Judicial Activism?

- O'Brien: Readings on Judicial Activism **D2L**

Other Actors in the Law

Monday September 16– Law Enforcement

- Samuels: Chapter 10 (20)

Wednesday September 18– Lawyers

- Baum: Chapter 3 **D2L**

Friday September 20– Juries

- Bonsignore et al: Chapter 14 **D2L**

How the System Works

Monday September 23– Criminal Law

- Baum: Chapter 6 **D2L**

Wednesday September 25: Civil Procedure

- Baum: Chapter 7 **D2L**

Non-State Actors

Friday September 27 – Interest Groups

- Wasby **D2L**

Monday September 30 – Interest Groups II

- Collins **D2L**

Wednesday October 2– Participating From the Ground Up- The Civil Rights Movement

- Lewis **D2L**

Friday October 4– Federal Responses to the Civil Rights Movement

- Landsberg **D2L**

An Impartial Arbitrator?

Monday October 7 – Judicial Preferences

- O'Brien: Readings on Judicial Preferences **D2L**

Wednesday October 9– Robe On, Preferences Off?

- Gutgold **D2L**

Friday October 11– Implementing Decisions

- Marietta **D2L**
- Benesh and Martinek **D2L**

Monday October 14– **NO CLASS FALL BREAK**

Other Courts

Wednesday October 16– Trial Courts

- O'Brien: Readings on Trial Courts **D2L**

Friday October 18– Appellate Courts

- Baum: Chapter 8 **D2L**

Monday October 21– State Courts

- Bowman and Kearney **D2L**

Rejecting the Law: Political Violence

Wednesday October 23– Vigilante Justice

- Kirkpatrick **D2L**

Friday October 25– Liberation or Welfare? Dissent in the Animal Rights Movement

- Readings from the Animal Rights Movement **D2L**

Monday October 28– **MIDTERM EXAM**

- *Be sure to bring a blue book.*

Controversies In Law

Wednesday October 30– Race and Law

- Samuels: Chapter 11 (24)

Friday November 1– Who Benefits from Affirmative Action?

- Johnson **D2L**

Monday November 4– Equality and the Law

- Samuels: Chapter 13 (21)

Wednesday November 6– Case Study: “Equal” Justice Under the Law?

- Galanter D2L

Friday November 8 – Gender and Law

- Samuels: Chapter 12 (just 290-306)

Monday November 11– **NO CLASS VETERANS DAY**

Wednesday November 13– Strict Gender Equality Under the Law?

- Campbell **D2L**
- Thompson **D2L**

Friday November 15– Sexual Orientation and Law

- Samuels: Chapter 12: (just 306-313)
- Bowers v. Hardwick* **D2L**
- Video: “*Loving* and the Fight for Marriage Equality” **D2L**

Monday November 18– The Regulation of Private Sexual Conduct

- Cossman **D2L**

Wednesday November 20– Corporations and Law

- Samuels: Chapter 15 (19)

Friday November 22– Suing Big Business: Tobacco Litigation

- Derthick **D2L**

Monday November 25– Legal Change in Action: The Death Penalty

- Lutton **D2L**
- Statement from Governor Pat Quinn on Senate Bill 3539 **D2L**
- Video: Quinn on the Death Penalty **D2L**
- Video: Rick Perry on the Death Penalty **D2L**

Wednesday November 27– **NO CLASS THANKSGIVING HOLIDAY**

Friday November 29– **NO CLASS THANKSGIVING HOLIDAY**

Law In and Beyond the U.S.

Monday December 2– International Law

- Samuels: Chapter 5 (24)

Wednesday December 4– Foreign Systems of Law

- Samuels: Chapter 4 (24)

Friday December 6– Final Review (optional class)

- No readings

Final Exam: Thursday December 12 12:50 to 2:50pm in our normal classroom