

POLS 4499-02: Law & Society

Spring 2015

Department of Political Science
Idaho State University

1 Instructor Information

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Office Hours: Mondays: 11:00am to 1:00pm,
Tuesdays 1:00pm to 2:00pm
and by appointment
Class Location: Liberal Arts 328
Course Time: 9:00 to 10:15 TR

2 Course Description and Purpose

Law does not exist in a vacuum; rather it is influenced by the surrounding context, including people, politics, and social institutions. Of course, each society is also influenced by the laws it produces. This course explores this complex relationship in two major parts. First, we look at the actors, social forces, and governmental institutions that shape the law. In the second half of the class, we turn to the societal context to see how law and society interact in examples from contemporary 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 and vice versa.

A key component of this class are your critical reading, writing, and organizational skills. Toward that end, we will read several scholarly articles over the course of the semester in addition to the more conventional textbook, to help build your critical thinking skills. Additionally, the emphasis in the exams is applying what we have covered in class to broader contexts. Since writing is a critical skill that is important regardless of your major or eventual career, you will produce a group research paper that explores the law & society in the context of a contemporary political issue. 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 Moodle. While the class is technically lecture based, I find class is more fun when we have a discussion rather than me talking for seventy-five minutes. Please come prepared to discuss the readings and with any questions you might have. It is okay if you don't understand them fully, but 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 Moodle and are noted on the course schedule.

The book is available at the campus bookstore, although it is available at a *substantially* lower rate online. To this end, I provide the ISBN for the book below and have placed all of the first week's readings on Moodle to allow for shipping time. After the first week I expect you to have the book and bring it with you to class. Unfortunately, I will not be able to place the book on course reserve at the library.

1. Lippmann, Matthew R. 2015. *Law & Society*. Congressional Quarterly Press: Washington.

ISBN-10: 1412987547

ISBN-13: 9781412987547

Assessment¹

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

- Exams: 40 points
 - Research Paper Assignment: 30 points
 - “Speaker Series” Short Paper: 10 points
 - Quizzes: 10 points
 - Participation: 10 points
1. **Exams (40 points)**—There are two exams, each is worth 20 points. This is to say each exam is worth two letter grades. Exams will consist of short identification terms and essays and must be completed in a bluebook/greenbook. **You must bring a bluebook/greenbook to the exam.** I suggest you go to the bookstore and buy a few bluebooks/greenbooks 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. **Group Research Project (30 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. Rest assured, you will have the opportunity to evaluate your fellow students' contributions to the project to deter free riders. 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 Moodle.

¹This assessment scale only applies to undergraduates. Graduate students, please see the POLS 5599-02 Supplement for additional information.

3. **“Speaker Series” Short Paper (10 points)**— Over the course of the semester we will hear from five people active in the field of law and society. These guest speakers range from a federal judge to ISU’s assistant affirmative action director. At the start of the semester, you will sign up for whichever speaker is of the greatest interest to you. You will then write a brief (three to four page) paper synthesizing the speaker’s comments with material we have covered in class. Further information is available on the “Speaker Series” handout on Moodle.
4. **Quizzes (10 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 9:30AM and no quizzes will be passed out after that time, so it is important to arrive to class on time. There will be a total of seven quizzes; I will take your top five quizzes over the course of the semester to compile your total quiz score (with each worth 2% 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.
5. **Participation (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: 93-100	A-: 90-92	B+: 87-89	B: 83-86	B-: 80-82	C+: 77-79
C: 73-76	C-: 70-72	D+: 67-69	D: 63-66	D-: 60-62	F: <60

5 Course Policies

Contacting the Instructor

I am happy to help you via e-mail, telephone, and in person. I have several office hours posted, 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. You can call me on my office phone if you like, but e-mail may be faster if I am away from my desk. 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 in hard copy 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 do not be afraid to print multiple rough drafts and revise them before turning them in. I am happy to look at drafts and help you with crafting your final paper. I do not accept excuses about dogs, computers, or traffic. Be responsible.

Technology in the Classroom

I understand that laptops and tablets have become the primary means of note taking for many of you. To this end, you are welcome to bring those devices to class. *However*, I ask that you only use them for class purposes. So, you can take notes and view the readings, but please do not browse the Internet or update Facebook in class. The screens are distracting to those around you and takes away from learning. No cell phones are permitted to be out in class without first notifying me of a valid reason (i.e.: You're waiting on a phone call/ your kids are home alone).

Particularly with new technology, some students opt to record lectures to compliment their notes. If you wish to do so, please let me know before you record me. You are more than welcome to record, I just want to know when/if I am being recorded.

Extra Credit

The only extra credit I offer is a one point bonus on each writing assignment for going to the writing center. Since the research paper is split over multiple assignments, you can potentially increase your letter grade. If you do so, you can potentially get a 4% bump in your final grade.

Academic Honor Code

Academic integrity is the expected norm for all academic activity at ISU, and all members of the ISU community are expected to act in accordance with this principle. Academic integrity is the pursuit of scholarly activity in an open, honest, and responsible manner. Consistent with this expectation is an ISU code of conduct that all students should act with personal integrity, respect other students dignity, rights and property, and help create and maintain an environment in which all can succeed through the fruits of their efforts. Academic integrity includes a commitment not to engage in or tolerate acts of deception, falsification, or misrepresentation. Such acts of dishonesty violate the fundamental ethical principles of the University community and compromise the worth of the work completed by others.

Plagiarism is an act of academic dishonesty and shall be dealt with according to ISU policy. Plagiarism is any misrepresentation of another's work as your own. For example, copying portions of articles, papers, web pages, etc, or using portions of another person's work (either word for word or paraphrasing) without proper citations. If you have questions about plagiarism, please come talk to me, or refer to Plagiarism Statement written by the ISU Department of English and Philosophy: (<http://www.isu.edu/english/DeptDocs/PlagiarismStatement.pdf>).

I adhere to the University policy regarding academic misconduct and expect academic integrity. Academic misconduct will result in an "F" for the assignment, a possible "F" for the course, and the filing of charges with the University against the student involved. Academic misconduct includes, but is not limited to, taking credit for work done by others, cheating, and helping others to cheat.

I encourage students to study together and exchange ideas and information, but you must do your own work when taking exams and completing writing assignments. If you are unclear on this topic, please let me know. I am happy to discuss it further.

Students with Disabilities

ISU is committed to providing equal opportunity in education for all students. If you have a diagnosed disability or if you believe you have a disability physical, learning, hearing, vision, psychiatric etc.) that might require reasonable accommodation in this course, please contact the Disability Services Center, Rendezvous Building, Room 125 (282-3599) or on the web at <http://www.isu.edu/ada4isu>. It is the responsibility of students to contact instructors during the first week of each semester to discuss appropriate accommodations. Of course any communication with me about disabilities remains strictly confidential.

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.

Disclaimer

Since the law is a reflection of the society in which we live, we will cover several topics which some might consider disturbing. You have my assurance that I will do everything reasonably related to keeping these discussions academic, though the very subject matter may be disturbing to some.

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:

- “*Lippman*” refers to the required Lippman book
- “(M)” means that reading can be found on Moodle

Course Introduction

Tuesday January 13– Introduction to the Course

- *No readings*

The Role of Law in Society

Thursday January 15– What is the Law?

- Lippman: Chapter 1

Tuesday January 20– Theories of Law

- Lippman: Chapter 2

Making the Law Happen: Formal Institutions

Thursday January 22– Courts & Legislatures

- Lippman: Chapter 3

Tuesday January 27– The Executive & the Police

- Samuels: Chapter 9 (M)

- Mayer, Kenneth R. 1999. “Executive Orders and Presidential Power.” *Journal of Politics*. 61:445-466.

Making the Law Happen: The Actors

Thursday January 29— Judicial Preferences: Is Justice Blind?

- Lippman: Chapter 3 (97-113) (16)
- Baum, Lawrence. 1994. "What Judges Want: Judges' Goals and Judicial Behavior." *Political Research Quarterly*. 47: 749-768.

Tuesday February 3— Library Research Tutorial

- *Class meets in Library— exact room to be announced*

Thursday February 5— Perspectives on the Law: The Police

- Guest speaker: *Scott Marchand, Chief of Police, Pocatello Police Department*

Tuesday February 10— Perspectives on the Law: The Judiciary

- Guest speaker: *Judge N. Randy Smith: U.S. Circuit Court of Appeals for the Ninth Circuit*

Thursday February 12— Lawyers

- Lippman: Chapter 4: (125-127, 137-166)

Making Legal Change Happen: Formal and Informal Routes

Tuesday February 17— Criminal Law

- Lippman: Chapter 7

Thursday February 19— Perspectives on the Law: The Lawyers

- Guest Speaker: *Robert Eldredge, Public Defender for Powers County, Idaho*

Tuesday February 24— Alternative Dispute Resolution

- Lippman: Chapter 6

Thursday February 26— Law as Social Control

- Lippman: Chapter 9

Is Change Possible?

Tuesday March 3 – Can Courts Prompt Reform?

- Selections from: Rosenberg, Gerald. 1993. *The Hollow Hope: Can Courts Bring About Social Change?* University of Chicago Press: Chicago. (M)

Thursday March 5 – Social Movements

- Collins, Paul M. 2012. "Interest Groups and Their Influence on Judicial Policy." in *New Directions in Judicial Politics*. ed: Kevin T. McGuire. Routledge Press: New York. (M)
- McCann, Michael. 2006. "Law and Social Movements: Contemporary Perspectives." *Annual Review of Law and Social Science*." 2:17-38. (M)

Tuesday March 10 – “All Deliberate Speed”

- Selections from: Lewis, John. 1999. *Walking with the Wind: A Memoir of the Movement*. Mariner Books: New York. (M)
- Selections from: Landsberg, Brian K. 2007. *Free at Last to Vote: Alabama and the Origins of the Voting Rights Act*. University of Kansas Press: Lawrence, KS. (M)

Thursday March 12 – Social Movements in the 21st Century

- Vragna, Emily K., Leticia Bode, Chris Wells, Kevin Driscoll, and Kjerstin Thorson. 2013. “The Rules of Engagement: Comparing Two Social Protest Movements on Youtube.” *Cyberpsychology, Behavior, and Social Networking*. X: 1-8. (M)
- Selections from *Sociological Quarterly*’s symposium on Occupy Wall Street (M)

Tuesday March 17 – Political Violence

- Selections from Kirkpatrick, Jennet. 2008. *Uncivil Disobedience: Studies in Violence and Democratic Politics*. Princeton University Press: Princeton, NJ. (M)
- Selections from the Animal rights movement (M)

Thursday March 19– MIDTERM EXAM

- Please be sure to bring a bluebook to class

Tuesday March 24– NO CLASS: SPRING BREAK

Thursday March 26– NO CLASS SPRING BREAK

Law Beyond the U.S.

Tuesday March 31– Crafting Constitutional Orders

- Brown, Nathan. 2008. “Reason, Interests, Rationality, and Passion in Constitution Drafting.” *Perspectives on Politics*. 6:675-689. (M)
- Erdos, David. 2009. “Postmaterialistic Social Constituencies and Political Triggers: Explaining Bill of Rights Genesis in Internally Stable Advanced Democracies.” *Political Research Quarterly*. 62: 811-824. (M)

Thursday April 2– International Law

- Lippman: Chapter 12

Controversies in Law

Tuesday April 7– Race & Law

- Samuels: Chapter 11 (M)
- Unah, Issac. 2012. “Race and Death Sentencing.” in *New Directions in Judicial Politics*. ed: Kevin T. McGuire. Routledge Press: New York. (M)

Thursday April 9– Gender and Law

- Samuels: Chapter 12 (M)
- Snyders-Hall, R. Claire. 2010. "Third-Wave Feminism and the Defense of 'Choice'" *Perspectives on Politics*. 8:255-261. (M)

Tuesday April 14– Perspectives on the Law: Affirmative Action

- Guest Speaker: *Dr. Henry Evans, Assistant Director of the Office of Equal Opportunity, Affirmative Action and Diversity, Idaho State University*

Thursday April 16– Economic Resources & Law

- Samuels: Chapter 15 (19) (M)
- Galanter. Marc. 1974. "Why the 'Haves' Come out Ahead: Speculations on the Limits of Legal Change." *Law & Society Review*. 9:95-160. (**super edited** version) (M)

Tuesday April 21– Sexuality & Law

- Adams, Tony E. 2008. "Frames of Homosexuality: Comparing *Los Angeles Times* Coverage of Californias Proposition 6 (1978) and Proposition 8 (2008)." *Sexuality and Culture*. 17:213-228. (M)
- Kane, Melinda D. 2010. "You've Won, Now What? The Influence of Legal Change on Gay and Lesbian Mobilization, 1974-1999" *Sociological Quarterly*. 51: 255-277. (M)

Thursday April 23 – Native Americans & Law

- Cramer, Renee, Ann. 2006. "The Common Sense of Anti-Indian Racism: Reactions to Mashantucket Pequot Success in Gaming and Acknowledgement." *Law & Social Inquiry*. 31: 313-341. (M)

Tuesday April 27– Perspectives on the Law: Tribal Government

- Guest Speaker: *Angelo Gonzales, Executive Director of the Shoshone-Bannock Tribes*

Thursday April 30 – Graduate Student Presentations

- Attendance is tied to the final quiz grade

Final Exam: Thursday May 7 7:30 to 9:30am in our normal classroom