

# POLS 4499-02: Law & Society

## Fall 2016

Department of Political Science  
Idaho State University

### 1 Instructor Information

Shane A. Gleason, PhD  
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Office Hours: Mondays: 1:00pm to 3:00pm,  
Tuesdays 1:00pm to 2:00pm  
and by appointment  
Class Location: Rendezvous 106  
Course Time: 10:00 to 10:50 MWF

### 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 readings, 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 and short synthesis 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 fifty 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.

## 4 Requirements

### Text

There is one required book, which the majority of our readings will come from. Other readings and podcasts 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 the first reading 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

### Assessment<sup>1</sup>

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

- Exams: 35 points
  - Research Paper Assignment: 30 points
  - Synthesis Paper: 15 points
  - Quizzes: 10 points
  - Participation: 10 points
1. **Exams (30 points)**—There are two exams, the first is worth 20 points and the second is worth 15 points. 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.

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

3. **Synthesis Paper (15 points)**— It is possible to dive deeper into a number of the topics we discuss over the course of the semester and draw upon other readings to make a more complete account of any given topic. Select one of the topics listed on the Synthesis Paper handout (available on Moodle) and connect that reading to other relevant readings *and* the listed supplementary reading. More details can be found on the Synthesis Paper Supplement.
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 10:00AM 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 be 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 and also must be uploaded to Turnitin.com. 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 5% 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**

Monday August 22– Introduction to the Course

- *No readings*

### **The Role of Law in Society**

Wednesday August 24– What is the Law?

- Lippman: Chapter 1

### **How Should We Think About Law?**

Friday August 26– Theories of Law

- Lippman: Chapter 2

Monday August 29– Theories of Law (cont)

- Lippman: Chapter 2

## The Players

Wednesday August 31– Courts

- Lippman: Chapter 3 (69-96)

Friday September 2– Judicial Preferences

- Baum, Lawrence. 1994. “What Judges Want: Judges’ Goals and Judicial Behavior.” *Political Research Quarterly*. 47: 749-768. (M)

Monday September 5– **NO CLASS LABOR DAY**

Wednesday September 7– Can Courts Bring About Change?

- Selections from: Rosenberg, Gerald N. 1991. *The Hollow Hope: Can Courts Bring About Social Change?* University of Chicago Press. (M)
- McCann, Michael. 2006. “Law and Social Movements: Contemporary Perspectives.” *Annual Review of Social Science*. 2: 17-38. (M)

Friday September 9– Library Research Tutorial

- *No readings: Class meets in Library 212*

Monday September 12– Social Movements

- Balkin, Jack M. 2005. “How Social Movements Change (or Fail to Change) the Constitution: The Case of the New Departure.” *Suffolk University Law Review*. (M)

Wednesday September 14– Social Movements (cont.)

- 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)

Friday September 16– Legislatures

- Lippman: Chapter 3 (96-123)

Monday September 19– The Executive & The Police

- Samuels: Chapter 9 (M)

Wednesday September 21– Policing Styles on Los Angeles’ Skid Row

- Embedded. “When It Comes to Policing LA’s Skid Row, What Tactics Work?” *WNYC Radiolab*. April 21, 2016. (AUDIO)

Friday September 23– The Often Overlooked Juries

- Lippman: Chapter 8

Monday September 26– Race & Juries in Practice

- More Perfect. “Object Anyway” *WNYC Radiolab*. July 16, 2016. (AUDIO)

Wednesday September 28– Lawyers

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

Friday September 30– Cause Lawyers

- More Perfect. “The Imperfect Plaintiffs.” *WNYC Radiolab*. June 28, 2016. (AUDIO)

Monday October 3– Not By a Movement Alone

- Adams, Tony. 2008. “Frames of Homosexuality: Comparing *Los Angeles Times* Coverage of California’s 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)

Wednesday October 5– Law as Social Control

- Lippman: Chapter 9

## Civil Rights Movement

Friday October 7– Perspectives on the Civil Rights Movement

- Thurmond, Strom. 1956. “The Southern Manifesto.” *Congressional Record*. (M)
- Selections from: Lewis, John. 1999. *Walking With the Wind: A Memoir of the Movement*. Mariner Books: New York. (M)

Monday October 10– Civil Rights Movement from the Government Perspective

- George Wallace’s 1963 Inaugural Speech (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)

Wednesday October 12– Race & Politics Today

- Solorzana, Daniel, Miguel Ceja, and Tara Yosso. 2000. “Critical Race Theory, Racial Microaggressions, and Campus Racial Climate: The Experiences of African American College Students.” *Journal of Negro Education*. 69: 60-73. (M)
- Garcia, Jennifer Jee-Lyn and Mienah Zulfacar Sharif. 2015. “Black Lives Matter: A Commentary on Racism and Public Health.” *American Journal of Public Health*. 105: 27-30. (M)

Friday October 14– Black Lives Matter

- Yancy, George and Judith Butler. 2015. “What’s Wrong With ‘All Lives Matter?’” *New York Times*. January 12, 2015. (M)

## Women’s Rights

Monday October 17– From the Ballot Box to the Equal Rights Amendment

- Samuels: Chapter 12 (291-306) (M)
- Kretschmer, Kelsey and Jane J. Mansbridge. “Campaigning for the Equal Rights Amendment and Liberal Feminism” (M)



## Wednesday October 19– The Abortion Debate

- Excerpts from: Epstein, Lee and Thomas Walker. 2016. *Constitutional Law for a Changing America: Civil Rights & Liberties*. (M)
- Only Human. “One Doctor’s Mission: Safe Abortions in the South.” *WNYC Radio*. February 2, 2016. (AUDIO)

## Friday October 21– Rape Culture

- Hayes, Rebecca M., Rebecca L. Abbott, and Savannah Cook. 2016. “It’s Her Fault: Student Acceptance of Rape Myths on Two College Campuses.” *Violence Against Women*. XX: 1-16. (M)
- Barber, Kristen and Kelsey Kretschmer. 2013. “Walking Like a Man?” *Contexts*. 12: 40-45. (M)

## Monday October 24– Case Study on the Brock Turner Sexual Assault Sentencing

- Fuller, Thomas. 2016. “Court Papers Give Insight Into Stanford Sex Assault.” *New York Times*. June 12, 2016. (M)
- Turner, Brock. 2016. “Brock Turner’s Letter to Judge Aaron Presky.” (M)
- Turner, Dan. 2016. “Brock Turner’s Father’s Letter to Judge Aaron Presky.” (M)
- Various. 2016. “Excerpts from Character References for Brock Turner to Judge Aaron Presky.” (M)
- Anonymous. 2016. “Brock Turner’s Victim’s Letter to Judge Aaron Presky.” (M)

## Wednesday October 26– Bringing It All Together: Intersectionality

- Hancock, Ange-Marie. 2007. “When Multiplication Doesn’t Equal Quick Addition: Examining Intersectionality as a Research Paradigm.” *Perspectives on Politics*. 5: 63-79. (M)

**GLBT Rights**

## Friday October 28– Gay Rights and Their Predictors

- Enacarnacion, Omar G. 2014. “Gay Rights: Why Democracy Matters.” *Journal of Democracy*. 25: 90-104. (M)
- Sherkat, Darren E., Kylan Mattias De Vries, and Stacia Creek. 2010. “Race, Religion, and Opposition to Same-Sex Marriage.” *Social Science Quarterly*. 91: 80-98. (M).

## Monday October 31– GLBT Discrimination and Its Impact

- Levitt, Heidi M. et al. 2009. “Balancing Dangers: GLBT Experience in a Time of Anti-GLBT Legislation.” *Journal of Counseling Psychology*. 56: 67-81. (M)
- Green, Emma. 2016. “Can States Protect LGBT Rights Without Compromising Religious Freedom?” *The Atlantic*. January 6, 2016 (M)

## Wednesday November 2– Transgender Rights

- Norton, Aaron T. and Gregory M. Herek. 2013. “Heterosexuals’ Attitudes Toward Transgender People: Findings from a National Probability Sample of U.S. Adults.” *Sex Roles*. 68: 738-753. (M)
- Only Human. “I’d Rather Have a Living Son Than a Dead Daughter.” *WNYC Radiolab*. August 2, 2016. (AUDIO)

## The Immigration Debate

Friday November 4– Immigration: Myths & Realities

- Hainmueller, Jens and Daniel J. Hopkins. 2014. “Public Attitudes Toward Immigration.” *Annual Review of Political Science*. 17: 225-249. (M)
- Valentino, Nicholas A., Ted Brader, and Ashley E. Jardina. 2013. “Immigration Opposition Among U.S. Whites: General Ethnocentrism or Media Priming of Attitudes About Latinos?” *Political Psychology*. 34: 149-166. (M)

Monday November 7– How the Immigration Process Works

- Embedded. “Inside A Georgia Immigration Court, One Man Fights to Stay With His Family.” *WNYC Radiolab*. April 28, 2016. (AUDIO)

Wednesday November 9– Post-Election Discussion

- *No readings, but glance over both the Clinton and Trump campaign websites and pay attention to the news coverage on election day.*

Friday November 11– **MIDTERM EXAM**

- *Be sure to bring a blue book to class.*

## Native Americans

Monday November 14– A Legal and Cultural History of Native Americans

- Snipp, C. Matthew. 1992. “Sociological Perspectives on American Indians.” *Annual Review of Sociology*. 18: 351-371. (M)

Wednesday November 16– Broken Promises

- Only Human. “Medicine and Mistrust on Native American Reservations.” *WNYC Radiolab*. May 10, 2016. (AUDIO)

## Economics, Class & Legal “Know-How”

Friday November 18– Economic Resources & The Law

- 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)

Monday November 21– **NO CLASS: FALL BREAK**

Wednesday November 23– **NO CLASS: FALL BREAK**

Friday November 25– **NO CLASS: FALL BREAK**

Monday November 28– Naming, Blaming, & Claiming

- Felstiner, William L.F., Richard L. Abel, and Austin Sarat. 1980-1981. “The Emergence and Transformation of Disputes: Naming, Blaming, and Claiming...” *Law & Society Review*. 15: 631-654. (M)

## Political Violence

Wednesday November 30– Vigilante Justice

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

Friday December 2– Liberation or Welfare? Dissent in the Animal Rights Movement

- Readings from the Animal Rights Movement (M)

## The Death Penalty

Monday December 5– Racial Factors in the Death Penalty

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

Wednesday December 7– Cruel and Unusual?

- Justices Marshall & Scalia on Constitutional Interpretation (M)
- More Perfect. 2016. “Cruel and Unusual.” *WNYC Radiolab*. June 2, 2016. (AUDIO)

Friday December 9– Catch-Up Day

- *Class may or may not meet.*

**Final Exam: Monday December 12 10:00 to 12:00pm in our normal classroom**