



Law and Society (POLS 3322 CRN 24204)

(The El Paso Law School Section)

The Department of Political Science and Public Administration

University of Texas at El Paso

Law and Society

(POLS 3322 / CRN 24204)

Spring 2023

Hybrid course: In person teaching on Wednesdays, and online activities through Blackboard at other times, including Monday's assigned course time (which is asynchronous).

Wednesdays, Quinn Hall 206, 4.30pm to 5.50pm.

Dr. Patrick Timmons, B.A. (Hons), M.Phil., Ph.D., LL.M.

Email: ptimmons2@utep.edu

Office: Benedict 304

Office Hours

Tuesdays, 1pm to 2.30pm MT, virtually, and by appointment.

TEACHING ASSISTANT:

E-mail:

Office: Benedict Hall TA Office, First Floor

Office House: To be filled in: _____

Catalog Description

An examination of the legal-judicial arrangements in the Western world and particularly the United States, with emphasis on the interaction of legal systems with society.

Course Goals and Overview

This class helps students learn and understand the social setting of legal phenomena. In the class, we consider the following questions, and seek answers to them using readings, audio recordings, and films as source materials and evidence:

- What is law? What is society?
- What are the relationships between law and society?
- What is a norm? Where do norms come from?
- How do laws become meaningful in societies?
- Do laws shape societies or do societies shape the law?
- What methods do scholars use to study the relationships between laws and societies?
- Does scholarly research in laws and societies have an impact on public policy formation?

The course begins by introducing students to theories about the relationships between law and society.

It proceeds with an examination of the formal making of the law in a social setting through institutions and moves to consider the function of the law as a tool of social control, with significant examination of Michel Foucault's contribution to the study of power and governance, including examining sovereignty, state killing and governmentality.

Students will examine the role of the law in solving disputes, its role in creating change and the role of the legal profession within society. The course incorporates the assumption that popular culture about law (films, television shows, songs, novels, etc.) is an important mechanism by which societies make sense of laws.

This course is unique in that we dedicate a significant portion of the class to thinking about the civil law in the United States. Unlike the other section of this class which is dedicated to studying violence in an intercultural context, and the way in which the law shapes and responds to the terrain of violence in the borderlands, this class considers the role civil law plays in addressing harms, mostly environmental, how to assign responsibility for environmental harm using the courts, and the way in which civil law environmental cases are often celebrated after the fact in the media, and primarily in feature films.

The source material for this class to focus in depth on the civil law as a response to environmental damage is Jonathan Harr's *A Civil Action*. While we will not read this highly-recommended book, we will watch its feature film dramatization, with both stories (book and film) portraying the effects of toxic dumping to water sources in Massachusetts, and how the law, or at least one lawyer, responded to the families who suffered from drinking contaminated water.

Course Modality and Coursework Due Dates

This class is hybrid – which means that between 50 to 85% of the class will be conducted online as activities (readings, lectures, viewings, tests, discussion boards and exams).

We will meet each week in person on Wednesdays at our assigned time from 4.30pm to 5.50pm in Quinn Hall 206.

Our other assigned class meeting time is on Mondays at the same time as Wednesday. The course professor and students will not actually “meet” online together at that time – so consider the online part of the class as asynchronous.

The due dates for most of the coursework (tests and discussion boards), will mostly fall on Mondays at 11pm MT. This is so you can think of the assigned Monday class time as the time when it would be good to complete any given week’s assigned written work.

Office Hours: Benedict 304, Tuesdays, 1.00pm to 2.30pm

I will hold regular office hours every Tuesday in person on campus in my office in Benedict 304 from 2pm to 4pm. I can also hold office hours by appointment, and by Zoom, should you wish.

Learning Outcomes

After the completion of this course, students should have the following skills or knowledge:

- Have an understanding of the relationship between legal actors and societies in the Western world.
- Be able to analyze, compare and argue over different scholarly approaches to the study of law and society.
 - Be able better to define the concepts of "norm", "law", "society", and "power."
 - Have a developed understanding of how scholarly research in law and society issues can inform and advance the goals of public policy formation.
 - Be adroit in understanding the importance of popular culture in shaping/capturing orientations towards law.
 - Be aware that in the United States, the language of universal human rights is aspirational and has almost no basis in legal fact.

UTEP EDGE ADVANTAGE

You can learn about UTEP Edge, here: <https://www.utep.edu/edge/about/index.html>

This class fulfills the following targeted UTEP Edge Advantage skills:

- Communication: Discussion boards, position paper, book and film reviews.
- Confidence: Multiple choice tests to give you a deeper understanding of the textbook.
- Critical thinking: Relationship of law to society, partly based on Foucault.
- Entrepreneurship: thinking about what the absence of a law school in El Paso means for the relationship of law to society in the region.
- Global awareness: Examining how the United States legal system affects society at home and abroad, with especial attention paid to the “War on Terror” and Guantánamo Bay.
- Problem solving: tests, discussion boards, essay, book review, film review.
- Social responsibility: examining in depth the way law affects society and vice versa.

Required readings

The *required* texts for this course are:

Kitty Calavita, *Invitation to Law and Society: An Introduction to the Study of Real Law*. University of Chicago Press.

ISBN: 9780226296586

* This title is required.

Erik Larson and Patrick Schmidt eds, *The Law and Society Reader II*. New York University Press.

ISBN: 9781479878734

*This title is required.

Lydia Alix Fillingham, *Foucault for Beginners*. Steerforth Press.

ISBN: 9781934389126

*This title, by the same author, is available from a couple of different publishers, and also via Amazon Kindle.

John Lewis, *March*. (Three volumes). Top Shelf Productions.

ISBN: 9781603093958

**This ISBN is for the three-volume box set. The volumes are individually available, too.

*** Available via UTEP Library Digital Reserves.

Jérôme Tubiana (Author) and Alexandre Franc (Illustrator), *Guantánamo Kid: The True Story of Mohammed El-Gharani*. Self Made Hero Publishers, 2019.

ISBN: 978-1910593660

* Available via UTEP Library Digital Reserves

Jonathan Harr, *A Civil Action*. Penguin Random House, 1996.

ISBN-13: 9780679772675

ISBN-10: 0679772677

* Highly recommended but not required.

Films

The films we watch in this class are usually available through UTEP's Library Subscription to Kanopy or Swank or Films on Demand, or other providers, and these will be available to you at no charge, but you will have to log into the library through your UTEP account.

It may be the case that a film may only be available via Amazon.com. If that is the case, then you will have to rent or purchase it via Amazon.com. It may also be the case that a film is only available via Netflix. Once again, accessing Netflix comes with a cost.

Grading Scheme

To receive a C or better in this class, all work is required. Unless you hand in all work required for this class, your grade is in jeopardy.

Tests

x 4 @ 50 points each test 200 points

Discussion boards

x 4 @ 50 points each discussion board 200 points

Midterm

100 points

Final

100 points

A Law School for El Paso? (Scholarly Essay)

100 points

Book Review

150 points

x1 about Jonathan Harr's *A Civil Action*.

Film Review

x1 about any of the films shown for this class, but not *Rashomon*, nor *A Civil Action*. Suggested title would likely be *Hot Coffee*.

150 points

Total: 1,000 points

The total point score is then divided by 10 to provide a percentage. The letter grades break down in the following way:

% Letter

≥ 89.50 A

79.50-89.49 B

69.50-79.49 C

59.50-69.49 D

≤ 59.49 F

Note well. Failure to submit **any** assignment, including submitting an incomplete assignment, may result in failing the class.

Descriptions of graded work

Late work is unacceptable. You are advised to contact the instructor *before* the due date if, for any reason, you are going to submit late work.

TESTS

There are four tests in this class. The tests are designed to ensure you do the reading, and that you are comprehending what you read. You should submit your answers to the tests by Monday, 11:00pm (MT) each week. The tests are open book and are administered via Blackboard.

EXAMS

There are two exams for the course. Questions are usually based on the textbook by Vago, but will include questions about the other material, too. The exams will be “open book” so that you will be able to have all support materials you think are necessary to answer the exam questions. The exams will be

administered via Blackboard. You will have a **few days from Monday of two specific weeks** to complete the exams upon their activation.

The exams are to be taken individually—it is **not allowed to discuss the exam questions with the classmates or anyone else**. Please refer to the section on “Academic Integrity” below to review the university and instructor policies on cheating, collusion, and plagiarism.

Make-up exams

Make-up exams will be given *only* in the case of a *documented* emergency (see “excused absences” below). Note that make-up exams may be in a different format than the original exam and may require more intensive preparation. If you miss a test and your absence is not considered excused, you will receive a zero on the test. This policy will be strictly enforced.

A Law School for El Paso? Scholarly Essay

You will write a scholarly on the proposition that El Paso needs a law school. This piece of work is a key opportunity for you to demonstrate that you can subject a timely issue to scholarly scrutiny. What research points to the fact that El Paso needs a law school? Is the status quo defensible?

That is, should El Paso continue without a law school? Why would state and local leaders be hesitant to advocate for a law school for El Paso, but not for a pharmacy school at UTEP, or a dental school at EPCC, or a medical school at Texas Tech in El Paso?

BOOK and FILM REVIEWS

You will write a review of Jonathan Harr’s *A Civil Action*, focusing on how the book helps reveal to you the relationship between law and society, especially in terms of civil liability for harm. **The book review is not a summary**. The book review will be three pages in length, double spaced, Times New Roman, 12 points. There will be instructions on how to complete a book review on the class Blackboard page.

You will also write a film review about any of the films we watch for the class (except *Rashomon* or *A Civil Action*), with similar guidelines as those of the book review.

DISCUSSION POSTS/CLASS PARTICIPATION

There are four opportunities in this class to discuss the material for a particular module in a written format. A discussion board requires the following from you:

- (1) a discussion post in response to a guided question (minimum of 250 words and maximum of 500 words); and,
- (2) respond to at least one of your classmates’ post (minimum of 100 words and maximum of 500 words).

Be sure to submit your discussion post and response to your peers in a week when a discussion board is due by Monday, 11:00pm (MT) of that week to receive credit for your participation.

Some suggestions for successful posts:

Write with the curiosity of university students.

The instructor is more interested in doubts and the questions you raise rather than providing concrete answers. The expression of doubt and uncertainty is a skill and something to be practiced and developed.

You are strongly encouraged to use the UTEP Writing Center for assistance in drafting all written work, including discussion boards, book and film reviews, and the essay.

I expect everyone to actively participate in class and do so in a positive and appropriate way (see the “Online Etiquette and Effective Communication” section below). Keep in mind that class participation is more than just completing the scheduled assignments and taking exams—you should be willing to ask and answer questions and contribute intellectually to class debates via online discussion posts.

Before posting a discussion, you should complete the assigned readings and go over your notes of those readings. Exams will cover material from the readings, and our online discussions, so doing just one or the other will leave you at a disadvantage.

Full credit for a discussion post is reserved only for those that follow the online etiquette and effective communication rules below.

COURSE/INSTRUCTOR POLICIES

E-Mail Protocol

UTEP e-mail is the best way to contact the instructor: ptimmons2@utep.edu. Please do not try to contact the instructor via the Blackboard messaging function.

Please **only** email the instructor from your UTEP email account. ***The instructor cannot respond to emails from non-UTEP accounts.***

When e-mailing me **from your UTEP account**, please **put the course number in the subject line**. In the body of your e-mail, clearly state your question. At the end of your e-mail, be sure to put your first and last name, and your university identification number.

The instructor will make every attempt to respond to your e-mail within 24-48 hours of receipt during weekdays. I will respond to weekend messages by Monday at the latest.

Online Etiquette and Effective Communication

It is essential that the **utmost respect and professionalism** be adhered in all exchanges between class members. This is a political science course and we will be discussing at times sensitive and controversial topics.

Please avoid any unnecessary arguments with other class members, such as political polemical arguments (e.g., negative partisan talking points targeting those of opposing ideological perspectives or particular political figures) or even worse, personal attacks on others for having different views.

No inappropriate behavior will be tolerated.

Unprofessional conduct will be dealt with swiftly through the University and it is at the professor's full discretion to have a student dropped from the course for any inappropriate behavior.

Online Etiquette and Effective Communication Policy

Please carefully read the following rules for online etiquette and effective communication:

Language: Given the absence of face-to-face clues, written text can easily be misinterpreted. Avoid the use of strong or offensive language, all capital letters, and the excessive use of exclamation points. If you feel particularly strongly about a point, it may be best to write it first as a draft and then to review it, before posting it, in order to remove any strong language.

Respect: A web-based classroom is still a classroom, and comments that would be inappropriate in a regular classroom are likely to be inappropriate in a Web-based course as well. Treat your professor and your fellow students with respect. Remember that members of the class and the instructor will be reading any postings.

Be Forgiving: If someone states something that you find offensive, mention this directly to the professor in an email. Remember that the person contributing to the discussion is also new to this form of communication. What you find offensive may quite possibly have been unintended and can best be cleared up by the professor.

This is Permanent: Think carefully about the content of your message before contributing it. Once sent, there is no taking it back. When reacting to someone else's message, address the ideas, not the person. Post only what anyone would comfortably state in a face-to-face situation.

Treat your professor and your fellow students with respect.

Edit Your Work: The grammar, spelling, and punctuation of a message are part of the grading criteria – you should not expect your professor and peers to decode misspelled words or poorly constructed sentences. It is a good practice to compose and check your comments in a word-processor before posting them.

Test for Clarity: Messages may often appear perfectly clear to you as you compose them but turn out to be perfectly obtuse to your reader. One way to test for clarity is to read your message aloud to see if it flows smoothly and if you can read it to another person before posting it, even better.

Follow the Parameters/Stick to the Point: Follow the posting requirements and parameters set up by your professor. Contributions to a discussion should have a clear subject header, and you need to stick to the subject. Don't waste others' time by going off on irrelevant tangents. Also keep in mind that no credit will be received for yes/no answers. Posts should justify positions and provide specific examples. Students must demonstrate that they have read the assignment and their classmates' comments carefully and thoughtfully.

Read First, Write Later: Don't add your comments to a discussion before reading the comments of other students unless the assignment specifically asks you to. Doing so is tantamount to ignoring your fellow students and is rude. Comments related to the content of previous messages should be posted under them to keep related topics organized, and you should specify the person and the particular point you are following up on.

Excused Absences and Excuse for Late Work

The instructor will excuse absences and late work **only** when a student participates in an official university-recognized activity, observes a recognized religious holiday of her/his faith that happens to coincide with a class session or due date for an assignment, is called to and participates in active military service for a reasonably brief period, or confronts a medical emergency.

To be excused, you must notify me *in writing* **prior** to the date of absence.

That said, in cases where advance notification is not feasible (e.g. a medical emergency), you must provide notification **as soon as possible** following your absence.

Such notification must include an explanation of why notice could not be sent in advance.

You must also provide satisfactory documentation verifying the reason for the absence. In case of an illness, a doctor's note is the proper documentation required.

*For the instructor's records, you should e-mail **a scanned copy** of the documentation that verifies the reason for your absence (if you don't have access to a scanner, you can take a photo of the documentation). Documentation that is not provided in a timely manner will not be accepted.*

You must also provide satisfactory documentation verifying the reason for the absence.

Please do not ask the instructor to excuse absences for minor illnesses or scheduling conflicts (e.g. sports practices, play rehearsals, meetings, conferences, appointments with other professors or advisors, student teaching, having your cable installed, having a bad headache, etc.).

The instructor is aware that students have other interests and obligations, but you should nevertheless make this class a priority. If you are likely to have recurring conflicts, please take another course that better fits your schedule.

See academic regulations in UTEP Undergraduate Catalogue for a list of excused absences:

<http://catalog.utep.edu/undergrad/academic-regulations/curriculum-and-classroom-policies/>.

According to UTEP Curriculum and Classroom Policies,

“When, in the judgment of the instructor, a student has been absent to such a degree as to impair his or her status relative to credit for the course, the instructor may drop the student from the class with a grade of “W” before the course drop deadline and with a grade of “F” after the course drop deadline.”

Academic Integrity

Academic dishonesty is prohibited and is considered a violation of the UTEP Handbook of Operating Procedures. It includes, but is not limited to cheating, collusion, and plagiarism.

Cheating may involve copying from or providing information to another student and possessing unauthorized materials during a test.

Collusion involves collaborating with another person to commit any academically dishonest act. One example of collusion is preparing a discussion entry for another person or having someone prepare a discussion entry for you. The instructor encourages students to study together and work collectively; however, working together to write any part of a written assignment, research paper, and/or exam is collusion.

Plagiarism is commonly defined as passing off the ideas, works, writing, etc., of another person as your own. Accordingly, you are committing plagiarism if you copy the work of another person and turn it in as your own work, even if you have the permission of that person. Be aware, just as the internet has made it easier to find material, it has also made it easier to trace the source of any written work. If you are unsure whether a citation is required, err on the side of caution and provide one.

Any act of academic dishonesty attempted by a UTEP student is unacceptable and will not be tolerated.

Violations will be taken seriously and will be referred to the Dean of Students Office for possible disciplinary action. Students may be suspended or expelled from UTEP for such actions. Refer to the Office for Student Conduct and Conflict Resolution at <https://www.utep.edu/student-affairs/osccr/index.html>.

Copyright Statement for Course Materials

All materials used in this course are protected by copyright law.

The course materials are only for the use of students currently enrolled in this course and only for the purpose of this course. They may not be further disseminated.

Americans with Disabilities Act (ADA)

The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. If you require specific accommodations and support services, please contact the Center for Accommodations and Support Services (CASS). Please keep in mind that accommodations need to be requested at least two weeks (or a month if advance planning, such as the acquisition of books-on-tape, is required) prior to the beginning of the semester. Here is the contact information for CASS: web: <http://sa.utep.edu/cass/>; phone: (915) 747-5148; fax: (915) 747-8712; e-mail: cass@utep.edu; location: UTEP Union Building East Room 106.

SOFTWARE REQUIREMENTS

You will need the following software on your computer to efficiently work in this course (your computer may already have some of these programs installed):

☒ **Adobe Acrobat Reader.** To get this program, go

to <https://acrobat.adobe.com/us/en/products/pdf-reader.html> and follow the instructions.

☒ **Adobe Flash Player.** To get this program, go to <https://get.adobe.com/flashplayer/> and follow the instructions.

☒ **QuickTime Player.** To get this program, go to <http://www.apple.com/quicktime/download/>

and follow the instructions.

☒ **Microsoft Office.** If you do not have a word-processing software, go to <https://my.apps.utep.edu>. Using My.Apps interface, UTEP students can access most software offered in student computer labs (including Microsoft Office) from their personal computing devices. Students can use any laptop, tablet, or smartphone with an Internet connection and use the software from anywhere at any time. For more information, go to <http://admin.utep.edu/Default.aspx?tabid=73740> and follow the instructions.

UTEP TECHNICAL SUPPORT

The University of Texas at El Paso offers complete technical information and Help Desk support at: <http://issweb.utep.edu/techsupport/>.

ALTERNATE MEANS OF SUBMITTING WORK IN CASE OF TECHNICAL ISSUES

The instructor strongly suggests that you save all your work (answers to discussion points, quizzes, exams, and essays) in a separate Word document as a back-up in case there is a technical issue with the course website, network, and/or your computer.

This way, you will have evidence that you completed the work and will not lose credit.

If you are experiencing difficulties submitting your work through the course website, you can always email the instructor (ptimmons2@utep.edu) your back-up document. However, this is just to prove you completed the assignment. The instructor will ask you to resolve your technology issues and submit the assignment via Blackboard once they are resolved.

COVID-19 ACCOMMODATIONS

For those of us (I include myself in this comment) who might confront difficulties because of COVID-19, I want to reassure you that I will be flexible and understanding.

There are policies and procedures in place for the possibility that you might go to campus.

You are required to follow these policies and procedures for the safety of our UTEP community, and residents of Ciudad Juárez/El Paso.

Please do not come to campus if you are sick. Please email me if you are sick.

COURSE SCHEDULE AND TASKS – WEEKS AT A GLANCE*

NB: You should start to read Fillingham, *Foucault for Beginners* as soon as possible. It will take a while to digest the ideas.

Week #	Dates	Module Title	Reading/Viewing	Assignment(s)
1	01/17 to 01/23	Introduction: What do we see when we look?	<i>Rashomon</i> , dir. by Akira Kurosawa (film), available via link through Blackboard.	Personal introduction Syllabus Test
2	01/24 to 01/30	Introduction: Why is seeing <u>not</u> believing?	What is a fact? What is evidence? What is interpretation? What is theory?	Listen: George Orwell, “A Hanging,” link available via Blackboard.
3	01/31 to 02/06	First Steps in Law and Society	Calavita, <i>Invitation</i> . Read: “Introduction.”	Test #1
4	02/07 to 02/13	Types of society, types of law (theoretical issues)	Calavita, “Chapter 2: Types of Society, Types of Law.” Required viewing: <i>Michel Foucault: Beyond Good and Evil</i> , BBC documentary, 1993. Available via YouTube, with closed captioning available, link through Blackboard.	Discussion board #1
5	02/14 to 02/20	Law in the Everyday, Everywhere	Calavita, “Chapter 3: Law in the Everyday, Everywhere.”	Test #2

6	02/21 to 02/27	The Color of Law	Calavita, "Chapter 4: The Color of Law." And, Fillingham, <i>Foucault for Beginners</i> .	Watch: <i>A Civil Action</i> .
7	02/28 to 03/06	Many Laws, Many Orders	Calavita, "Chapter 5: Many Laws, Many Orders."	Discussion board #2
8	03/07 to 03/13	The Talk vs. The Walk of Law	Calavita, "Chapter 6: The Talk vs. The Walk of Law."	Mid-term exam
9	03/13 to 03/17	Spring Break	Catch up or get ahead!	READ
10	10/18 to 10/24	Law and Social Justice	Calavita, "Chapter 7: Law and Social Justice." Read: Walker, <i>The Black Panther Party</i> .	View: <i>I am Not Your Negro</i>
11	10/25 to 10/31	Reflecting on Law's Image	Calavita, "Chapter 8: Reflecting on Law's Image." Read: Walker, <i>The Black Panther Party</i> .	Essay: Does it matter for the relationship between law and society that El Paso does not have a law school?
12	11/01 to 11/07	Researching Law and Society	Calavita, "Chapter 9: Conclusion."	Test #3
13	11/08 to 11/14	Law and Inequality in an (Un)changing America	Walker, <i>The Black Panther Party</i> .	Discussion board #3
14	11/15 to 11/21	Law and Inequality in the U.S. South and West	Resisting the Legality of Racial Oppression Walker, <i>The Black Panther Party</i> .	View: <i>Selma</i> .
15	11/22 to 11/28	Law and Inequality in the Texas Borderlands	Resistance or adaptation? The fight for justice in Texas' <i>colonias</i> .	Discussion board #4

				Book review due
16	11/29 to 12/01	Exporting U.S. Injustice: The "War on Terror," or, why can't Americans speak the language of human rights?	Tubiana et al., <i>Guantánamo Kid</i> .	Test #4 Film review due.
Finals Week	05/08 to 05/12	Final Exam	All materials for class.	Final exam, via Blackboard

Please don't forget to evaluate the course! Your instructor and UTEP value your assessment!