

**The University of Texas at El Paso, Department of Political Science
College of Liberal Arts**

**Law and Society
(POLS 3322 / CRN 27940)**

Spring 2020, Second Session
Online through Blackboard

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Office Hours

Virtually, by appointment, see Blackboard course homepage.

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.

Disclaimer

This syllabus may be changed at any time at the discretion of the instructor.

Course Goals and Overview

Where does law come from? How does law become meaningful in society? Does law shape society or does society shape the law? What methods can scholars use to study the relationship between law and society? Does scholarly research in law and society have an impact on public policy formation?

This class will help students understand the social setting of legal phenomena. It begins by introducing students to theories about the relationship 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. Students will examine the role of the law in solving local and international disputes, its role in creating change and the role of the legal profession within society. It considers that popular culture about law (films, television shows, songs, novels, etc.) is an important mechanism by which societies make sense of law.

Ultimately, students will write an essay arguing for a law school for El Paso (the city, though it is the sixth largest in Texas, does not have a law school. That's a problem. Why? You will explore why in your essay.

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 society in the Western world.

Be able to analyze, compare and argue over different scholarly approaches to the study of law and society.

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.

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 and book 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: Position paper on the need for a law school for El Paso.

Global awareness: Examining how the United States legal system affects society at home and abroad.

Problem solving: Multiple choice tests, essay on law school for El Paso, book reviews.

Social responsibility: examining in depth the way law affects society and vice versa.

Required readings

The *required* texts for this course are:

Steven Vago and Steven E. Barkan , *Law and Society* Eleventh edition (Routledge/Taylor and Francis, 2018).

Paperback ISBN: 9781138720923

Jonathan Harr, *A Civil Action* (Vintage, 1996).

Paperback ISBN: 9780679772675

It is also available in Kindle (via Amazon).

Lydia Alix Fillingham, *Foucault for Beginners* (Writers and Readers Publishing, 2007).

Paperback ISBN: 9780863161605

It is also available in Kindle (via Amazon).

The schedule of classes includes a list of the assigned readings required for this course.

Suggested additional readings

College and university students read **newspapers** on a regular basis.

No, you shouldn't be reading TV news websites. If I read you quoting CNN, Fox, or MSNBC (among others) I will stop reading. It's as simple as that. You must learn what sources sensible people discuss and what sources they do not discuss. This is **not** a comment about politics; this is a comment about depth and rigor. (Trust me on this issue: I often work for television news!)

For human rights related coverage around the world, try reading *The Guardian Weekly*, a weekly newspaper selected from the best stories of *The Guardian*, a British newspaper. (Disclaimer: I write for *The Guardian*.) The newspaper is left of center

The *GW* is available at the UTEP library in a paper copy. (It is not available online through the library.)
http://encore.utep.edu/iii/encore/record/C_Rb1894456_Sguardian%20weekly_Orightresult_X5?lang=eng_suite=cobalt

The Guardian, the mother paper of the *GW*, is available for free online.
<https://www.theguardian.com/international>

If you want to read right of center, try the *Wall Street Journal*. It is available through the UTEP library, too.
<https://0-search-proquest-com.lib.utep.edu/publication/10482>

Grading Scheme

Note well: If you do not take the midterm, the final, submit an essay or the chapter reviews of Harr's *A Civil Action*, you will fail this course. Discussion board submissions and tests are also required.

Do not test me on these requirements. You have been advised.

Tests (30 points each)

Seven, due weekly, after reading textbook, Vago and Barkan. 210 points

Discussion board (30 points each)

Seven, due weekly. 210 points

Midterm

150 points

Final

150 points

Position Paper

150 points

One: on El Paso's need for a law school.

Book Review

130 points

Harr, *A Civil Action*.

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

Descriptions of graded work

I do not accept late work. This is a non-negotiable requirement.

TESTS

After you do the assigned readings for a given week, you will take the test (which will have a total of 30 questions per week). For tests 1 through 5 the questions come from the textbook, Vago and Barkan; for tests 6 and 7 the questions come from the material presented for that week. You should submit your answers to the tests by Sunday,

EXAMS

There are two exams for the course. Questions are based on the textbook, Vago and Barkan. 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 from Monday through Friday of two specific weeks to complete the exam upon 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.

POSITION PAPER ON THE NEED FOR A LAW SCHOOL FOR EL PASO

One of the key purposes of this course is to introduce you to how law affects society and vice versa. An important part of this goal is to help you develop the analytical skills necessary to grasp the dynamics of systematically studying political phenomena. Given this objective, you will write an essay that is a position paper on the need for a law school for El Paso. The instructions for the essay task are provided on the course website.

BOOK REVIEW

You will write a review of Jonathan Harr’s *A Civil Action* focusing on how the book reveals to you the relationship between law and society. The book review is **not** a summary. The book review will be three pages in length, double spaced, Times New Roman.

DISCUSSION POSTS/CLASS PARTICIPATION

I anticipate that many of the topics/questions we will discuss will relate to *Foucault for Beginners*. It is **especially** important that you begin to consider what Foucault meant by *power*.

Each week, you will submit (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 for a given week by Sunday, 11:00pm (MT) of that week to receive credit for your participation. No late submissions will be accepted for discussion posts. Class participation via discussion posts is part of your final grade.

Check Blackboard for the instruction about the three-paragraph format. If you do not use a three-paragraph format for your discussion posts I will not read them and you will be graded zero.

It is a requirement that you comment on other students’ submissions on the discussion

I do not appreciate having to point out requirements to you that are on the syllabus.

This is a college level class and you are university students. Write with the **curiosity** of university students. I am more interested in doubts and the questions you raise rather than providing concrete answers. You will learn that educated people are able to express doubt and uncertainty in an intelligent way. Nothing bores me more than students who think they have all the answers. You don't. You haven't read enough. If you had, there wouldn't be a need for you to do a Bachelors degree.

If you are unclear as to what university-level writing should be like, go to the writing center or contact them by email for assistance.

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 the lecture notes. Exams will cover material from the readings, lectures, 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 me. I 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. When e-mailing me, **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.

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. 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.

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

Online Etiquette and Effective Communication Policy

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 I 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.

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

I 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 my records, you should e-mail me 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.*

Please do not ask me 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.). I am 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. I encourage 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

I strongly suggest 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 me (ptimmons2@utep.edu) your back-up document.

COURSE SCHEDULE AND TASKS – WEEKS AT A GLANCE*

NB: You should start to read Harr, *A Civil Action* and Fillingham, *Foucault for Beginners* as soon as possible.

Week 1: 03/16 to 03/22

Carefully read the syllabus

- Review the posted materials in “Welcome and Course Introduction”
- Introduce yourself to the class via “Student introductions”

In Week 1 module: do the required readings

- Take the test
- Submit a post to the discussion board and comment on another student’s post

Week 2: 03/23 to 03/29

In Week 2 module: do the required readings, and:

- Take the test
- Submit a post to the discussion board and comment on another student’s post

Week 3: 03/30 to 04/05

In Week 3 module: do the required readings, and:

- Take the test
- Submit a post to the discussion board and comment on another student’s post

Law School for El Paso Position Paper due on Friday, April 3 @ 11:00pm (MT).

Week 4: 04/06 to 04/12

In Week 4 module: do the required readings, and:

- Take the test
- Submit a post to the discussion board and comment on another student’s post

Midterm Exam – will be activated on Monday, April 06 @ 11:00am and due on Friday, April 10th @ 11:00pm (MT).

Week 5: 04/13 to 04/19

In Week 5 module: do the required readings, and:

- Take the test
- Submit a post to the discussion board and comment on another student’s post

Week 6: 04/20 to 04/26

In Week 6 module: do the required readings, and:

- Submit a post to the discussion board and comment on another student's post.

Book review on Jonathan Harr, *A Civil Action*, due on Friday, April 24 at 11pm MT.

Week 7: 04/27 to 05/03

In Week 7 module: do the required readings, and:

- Take the test
- Submit a post to the discussion board and comment on another student's post

Final Exam - will be activated on Monday, April 27 @ 11:00am and due on Friday, May 1 @ 11:00pm (MT).

***The designated time zone for the submission of all course assignments and tasks is Mountain Time (MT).**