



The University of Texas at El Paso, Department of Political Science

The College of Liberal Arts, University of Texas at El Paso

Law and Society

(POLS 3322 / CRN 35921)

Summer 2021

July 6, 2021 to August 22, 2021

Date of final exam exam: August 23, 2021 through August 27, 2021

Online through BlackBoard

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Email: ptimmons2@utep.edu

Office Hours

By appointment on Wednesdays from 12pm to 1pm Mountain Time.

Please send me an email on Tuesday to say you want to meet on Wednesday from 12pm to 1pm Mountain Time. I am only available for meeting at this specific time. We meet via Zoom.

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

The course 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, with significant examination of Michel Foucault's contribution to the study of power.

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 law.

Early in the course students submit a position paper supporting the creation of a law school for El Paso (the city, though it is the sixth largest in Texas, does not have a law school despite repeated attempts -- the third and most recent attempt just failed again -- to convince the Legislature to establish one). Is that a problem? Yes and no. Why? The answers to those questions are for you to explore in your essay.

The essay is your opportunity to think about El Paso's society, and what the absence or presence of a law school tells us about El Paso as a society. It is very important to recognize, too, that while El Paso has more than 20 law enforcement agencies, and thousands of law enforcement officers, such agencies or a career in one is not, in *stricto sensu*, a career in the law...

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.

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: Position paper on 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

It is also available as an E-book.

John Lewis, *March*. Three volumes. Box set ISBN: 9781603093958

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 weekly assigned readings required for this course will be released to you via Blackboard in the given week's module. However, you should read *March* as soon as possible.

Grading Scheme

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

Note well: Failure to submit any assignment, including submitting an incomplete assignment may result in failing the class or withdrawal from the class.

Tests (30 points each)

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

Discussion board (50 points each)

Four, due periodically, after reading textbook, Fillingham, *Foucault for Beginners*, or, John Lewis, *March*. 200 points

Midterm 150 points

Final 150 points

Position Paper 150 points

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

Book Review 140 points

John Lewis, *March*. (Three volumes).

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

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. Even if you miss the due date for an assignment you are still required to submit the missing work.

I do not award passing grades to students who are missing *any* work at the end of the class.

WEEKLY TESTS

After you do the assigned readings for a given week, you will take the test (which will have about 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, 11:00pm (MT) each week.

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 **a few days from Monday 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.

The exams are designed to consolidate your knowledge of material presented in the textbook. This class is an offering in public law and the permanent, full-time faculty in the Department of Political Science at the University of Texas at El Paso require that this class prepares you factually for the intricacy and complexity associated with grounded legal analysis.

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 the relationship between law and society.

This issue may not be one you have given much thought to. However, it is important to be able to evaluate and understand how El Paso operates with so many law enforcement agencies and agents without a law school.

Given this objective, you will write an essay that is a position paper on why El Paso needs a law school.

The instructions for the essay task are provided on the course website on Blackboard.

BOOK REVIEW

You will write a review of John Lewis's *March* (in three volumes) focusing on how the books reveal to you the relationship between law and society.

The book review is not a summary.

You will likely find this task challenging if you have never read reviews of books, films, TV series, or art and museum exhibits. (My favorite reviewer is Anthony Lane of the *New Yorker* who reviews films. Lane has often saved me many, many hours avoiding bad movies, or has directed me to spend many, many hours watching great films!)

Part of the challenge of University scholarship is to expose oneself to new sources, and to new forms of writing. You can find book reviews in scholarly journals, many of which are available via the Library databases. If you do not know how to find a scholarly book review in the Library databases please contact a UTEP Librarian via the Library website. The librarians are here to help you and are delighted when students get in touch with them!

:)

The book review will be two 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.

DISCUSSION POSTS/CLASS PARTICIPATION

This is the central activity of the class and you will need to log into Blackboard several times during the week to participate effectively in the discussion board for each week.

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.

Class participation via discussion posts makes up a significant portion of your grade in this class.

Check Blackboard for the instruction about the three-paragraph format. **The instructor will not read your discussion post** if you do not use a three-paragraph format and the post will be returned to you with a **grade of zero** and an **instruction to resubmit your post**.

It is a requirement that you comment on other students' submissions on the discussion board. **The instructor will not read your discussion post** if you do not include at least one comment on another student's post, **you will receive a grade of zero**, and an **instruction to resubmit with a comment on another student's post**.

The instructor will not read your discussion post if you do not use a three-paragraph format and the post will be returned to you with a grade of zero and an instruction to resubmit your post.

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, essay, and reviews.

The instructor expects 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, please complete the assigned readings and go over your 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 the instructor: ptimmons2@utep.edu¹. 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.

One of the best ways to develop your voice as a scholar at the University is to focus on writing about sources. All of your writing should be anchored in sources you have read, viewed or listened to. You are not being graded on how well you write about your personal experiences or things that seem right or wrong to you.

You are being invited to engage in source-based analysis as scholars.

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.

¹<mailto:ptimmons2@utep.edu>

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.

Use the sources, keep first person to a minimum: You should anchor all of your writing in an analysis of the course material. You are, with emphasis, not being asked to use yourself as a source. You should only use the first person (I or we) if you can connect the source material with your own experience or outlook.

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: ²cass@utep.edu; ³location: UTEP Union Building East Room 106.

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.

²<http://sa.utep.edu/cass/>

³<mailto:cass@utep.edu>

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

Students are not permitted on campus when they have a positive COVID-19 test, exposure or symptoms.

Even though this class is 100 percent online, you may decide to go to campus to use the library or other facilities.

If you visit campus, you **must** comply with campus safety procedures.

COVID-19 PRECAUTIONS

You must STAY AT HOME and REPORT if you (1) have been diagnosed with COVID-19, (2) are experiencing COVID-19 symptoms, or (3) have had recent contact with a person who has received a positive coronavirus test.

Reports should be made at screening.utep.edu.

If you know of anyone who should report any of these three criteria, you should encourage them to report. If the individual cannot report, you can report on their behalf by sending an email to COVIDaction@utep.edu⁴.

For each day that you attend campus—for any reason—you must complete the questions on the UTEP screening website (screening.utep.edu) prior to arriving on campus.

The website will verify if you are permitted to come to campus.

Under no circumstances should anyone come to campus when feeling ill or exhibiting any of the known COVID-19 symptoms.

⁴<mailto:COVIDaction@utep.edu>

If you are feeling unwell, please let me know as soon as possible.

Students are advised to minimize the number of encounters with others to avoid infection.

Wear face coverings when in common areas of campus or when others are present.

Students who refuse to wear a face covering and follow preventive COVID-19 guidelines will be subject to disciplinary action according to Section 1.2.3 Health and Safety and Section 1.2.2.5 Disruptions in the UTEP Handbook of Operating Procedures.

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>⁵ and follow the instructions.⁶

☐ **Adobe Flash Player.** To get this program, go to <https://get.adobe.com/flashplayer/>⁷ and follow⁸ 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 most⁹ 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>¹⁰ and follow the instructions.¹¹

⁵<https://acrobat.adobe.com/us/en/products/pdf-reader.html>

⁶<https://acrobat.adobe.com/us/en/products/pdf-reader.html>

⁷<https://get.adobe.com/flashplayer/>

⁸<https://get.adobe.com/flashplayer/>

⁹<https://my.apps.utep.edu/>

¹⁰<http://admin.utep.edu/Default.aspx?tabid=73740>

¹¹<http://admin.utep.edu/Default.aspx?tabid=73740>

UTEP TECHNICAL SUPPORT

The University of Texas at El Paso offers complete technical information and Help Desk support at: <http://issweb.utep.edu/techsupport/>.¹²

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-up¹³ 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.

COURSE SCHEDULE AND TASKS – WEEKS AT A GLANCE*

NB: You should start to read Fillingham, *Foucault for Beginners* and John Lewis, *March* (three volumes) as soon as possible.

Week 1: 07/06 to 07/11

Read the syllabus. Take the syllabus test before Thursday, July 8th at 11pm MT. *you must **not** proceed to the rest of the class without taking the syllabus test.* The syllabus test will be available by 5pm MT on Tuesday July 6.

- Review the posted materials in “Welcome and Course Introduction.”
 - Listen to audio file of George Orwell's essay, "A Hanging" and listen to professor's brief commentary.
 - Introduce yourself to the class via “Student introductions” with original contribution due on Thursday, Thursday July 8th by 11pm MT, and comment to another student due by Saturday, July 10th by 11pm MT.

In Week 1 module: do the required readings

¹²<http://issweb.utep.edu/techsupport/>

¹³<mailto:ptimmons2@utep.edu>

- Take the weekly test, submit by Sunday at 11pm MT.

Week 2: 07/12 to 07/18

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

- Take the weekly test by Sunday at 11pm MT.
- Submit a post to the discussion board and comment on another student's post by Sunday at 11pm MT.

Week 3: 07/19 to 07/25

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

- Take the weekly test by Sunday at 11pm MT.
- Submit a post to the discussion board and comment on another student's post.

Week 4: 07/26 to 08/01

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

- Take the weekly test by Sunday at 11pm MT.

Law School for El Paso Position Paper due on Sunday, August 1 @ 11:00pm (MT).

Midterm Exam – will be activated on Monday, July 26th @ 11:00am and due on Friday, July 30th @ 11:00pm (MT).

Week 5: 08/02 to 08/08

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

- Take the weekly test by Sunday at 11pm MT.
- Submit a post to the discussion board and comment on another student's post by Sunday at 11pm MT.

Week 6: 08/09 to 08/15

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

- Take the weekly test by Sunday at 11pm MT.

Book review on John Lewis, *March* (three volumes), is due on Friday, August 13 at 11pm MT.

Week 7: 08/16 to 08/22

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

- Take the weekly test by Sunday, August 22nd at 11pm MT.
- Submit a post to the discussion board and comment on another student's post by Sunday August 22nd at 11pm MT.

Final Exam – will be activated on Monday, August 23 @ 11:00am and due on Friday, August 27 @ 11:00pm (MT).

PLEASE NOTE THAT THE FINAL EXAM IS DUE AFTER THE FALL 2021 SEMESTER HAS BEGUN! PLEASE DO NOT GET CAUGHT OUT BY THIS COINCIDENCE!

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

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