

POLS 308-OL: INTRODUCTION TO LAW

Summer 2015, Term I

Online through Lander University Blackboard



Professor: Dr. Lucas McMillan
Office: Carnell Learning Center M63

Phone: 864-388-8275
E-mail: smcmillan@lander.edu

E-mail is the preferred way to reach me, and I will respond quickly. Students are welcome to leave messages for me on my office phone, but I may not be as quick to return them. I am happy to make appointments to speak with students over the phone.

COURSE DESCRIPTION: This course is at the intersection of law, politics, and society. It strives to introduce students to learning about the law, society and social change, and the American judicial system. The course examines how courts work, how the law affects society and evolves over time, looks at such issues as race and gender, and also introduces students to comparative law since national courts are increasingly taking a global perspective.

Catalog Description: Various approaches to law, including philosophical, sociological, political, and historical; elements of legal reasoning; institutions, functions, and effects of law in America.

RATIONALE FOR THE COURSE

You may be enrolled in this course for one of several reasons:

- as a course for your criminal justice emphasis within the sociology major
- as a course for your minor in pre-law
- as an elective course for your major or minor in political science
- as a general elective course to learn about the interaction of U.S. law and American society, engage as a citizen, and/or develop your personal orientation toward politics.

COURSE OBJECTIVES:

From this course, students should develop:

- an understanding of the philosophical origins of law and justice and the institutional structures of the American legal system
- an understanding of the U.S. Constitution, judicial procedures, and the law as a mechanism for social control
- an understanding of how the law interacts with society, with application to topics of race, the family, and class
- improved skills in reading comprehension, critical thinking, and written communication

LANDER UNIVERSITY POLICIES

STUDENTS' CLASSROOM RESPONSIBILITIES:

All Lander students will...

- read and follow their professors' syllabi, including course guidelines and procedures, to be prepared for class
- check their Lander e-mail accounts daily and check Blackboard daily for class announcements, assignments, etc.
- be aware of each professor's absence and tardy policies

- communicate concerns about classes to their professors, including asking for clarification if the student does not understand an assignment or expectations
- be courteous to peers, professors, and the learning environment, avoiding the following disruptive classroom behaviors: sleeping, inappropriate talking, inappropriate laptop use, rudeness, doing homework for other classes, text messaging, or answering cell phones
- not give, use, or receive unauthorized aid in academic activities because these are serious violations of academic integrity
- know and accept the consequences of committing plagiarism, which could include receiving a failing assignment grade, failing the course, or being suspended from the University.

CELL PHONE POLICY: Cell Phones are to be turned off before entering the class and shall remain off for the duration of the class. If there is an extenuating circumstance which requires the cell phone to be on during a class, the student must obtain permission prior to the class from the instructor to leave the phone on vibrate. Cell phones are not to be visible or used at any time, especially during quizzes or exams. Each instructor reserves the right to further restrict use of cell phones in class and to determine the consequences of not following this policy.

ACADEMIC HONOR CODE AND PLAGIARISM: Lander University is reliant upon all members of its academic community to maintain proper standards of honesty. You are responsible for understanding the possible consequences of violating Lander's Academic Honor Code. I will strongly uphold the Academic Honor Code and any evidence of academic dishonesty or plagiarism will result in my pursuit of the *strongest* punishment—i.e. failing the course—under the guidelines explained in the [Lander University Student Handbook](#).

STUDENTS WITH DISABILITIES: If you have now or develop during this semester a physical or learning disability and you want me to make reasonable accommodations for that, you must contact the Lander University [Student Wellness Center](#) at 388-8885 or studentwellness@lander.edu. Once the Wellness Center has received appropriate documentation, they will inform your instructors. *Students with documented disabilities are required to talk with the instructor to review their requests for accommodation so that both parties can be clear.*

INCLEMENT WEATHER: I encourage you not to risk traveling to campus if weather conditions are hazardous and prevent safe travel. If you miss a class due to travel conditions and the University is not closed you are responsible for all material covered in class during your absence. Whenever classes are canceled, Lander will inform local TV and radio stations. In addition information will be posted at the [Lander website](#). A recorded message will also be provided at 864-388-8000.

SPECIFIC COURSE INFORMATION

REQUIRED READINGS

- Walsh, Anthony, and Craig Hemmens. 2014. *Law, Justice, and Society: A Sociolegal Introduction*. 3rd ed. New York: Oxford University Press.
- All assigned articles, essays, and web material posted on Lander Blackboard (Bb).

The textbook is available at The Bearcat Shop. All other readings are posted on Blackboard.

The textbook's list of student-friendly legal websites is found on page 423.

GRADING

▪ Internet Research Assignment & Quizzes	15%	(each 3%)
▪ Reflection Paper (2 pages) on you and the law	5%	
▪ Class Participation (Online Discussions)	25%	
▪ Mid-Term Exam	20%	
▪ Essay (6-7 pages)	15%	
▪ Final Exam	20%	

Students are graded on the level of understanding they demonstrate. In all written assignments students should answer questions completely, providing facts and evidence, and constructing sound arguments that provide analysis and show critical thinking. Below is a breakdown of grades by percentage of points earned on assignments:

▪ A	90-100%	excellent understanding
▪ B	80-89%	good understanding
▪ C	70-79%	satisfactory understanding
▪ D	60-69%	poor understanding
▪ F	below 60%	marginal understanding



Four online quizzes will be given about once a week to assess how well students are grasping major course topics. They will usually consist of five questions covering main topics from assigned readings for the week or previous class material. If a student misses the opportunity to take an online quiz, a grade of zero is given. A fifth quiz will be given to replace the student's lowest grade on Quizzes 1-4. ****Posted through the Quizzes & Tests toolbar on Blackboard.**

A **Short Reflection Paper** asks students to write about their own perception of the law and law enforcement to better recognize their feelings about the U.S. legal system. This two page paper is meant to stir thoughts about how citizens' perceptions matter in terms of how they approach and work with law enforcement and interpret courts' decisions. No research is required; only self-examination and reflection. More information is on a guidelines sheet **posted in the Assignments toolbar on Blackboard.**

An **Internet research assignment** asks students questions about the U.S. court system and top-level officials using official government websites, reliable media websites, and websites of professional associations. This assignment is meant to stimulate students' interest in using the Internet as a research tool. ****Posted in the Assignments toolbar on Blackboard.**

The **Essay** assignment asks student to choose a research topic based around a case heard before the Supreme Court of the United States. Students will pick a case that has to do with some major issue or aspects of American society and social relations in consultation with the professor. The student will then use the textbook, course readings, and independent research to see how this case affected (or is affecting) American society. Students should explain the issue(s) in the case, how the justices ruled on the constitutional questions, and how American society was affected. Students will conduct research from books, magazines, and other academic and journalistic sources. The professor will provide suggestions to the class in both general terms and on specific topics. The essay must be between 1300 and 1500 words long and will be graded on content, organizational structure and grammar, and on the use of evidence to support the arguments presented. Essays must be written originally and exclusively for this class and

those not citing sources in a bibliography/ references list *and* providing in-text citations will lose two letter grades. *Students who plagiarize will fail this course.* More information is on a guidelines sheet **posted in the Assignments toolbar on Blackboard.**

A **mid-term exam** and a **final exam** will consist of some multiple-choice questions, short answer questions, and essay-style questions. Exams will be cumulative and should display a mastery of information and concepts from assigned readings and class discussions. All students are required to take the Final Exam. ****Posted in the Quizzes & Tests toolbar in Blackboard.**

CLASS PARTICIPATION & COURSE EXPECTATIONS:

Students are expected to complete assigned readings and participate in online class discussions at least *three times each week*. It is vital that students actively engage in online class discussions because it will help you (and others) to better understand the material. Participation in online discussions also counts 25% of the course grade. In order to have good discussions and debates, students will be required to participate in online discussions by certain times each week: first post by Wednesday at midnight, second post by Friday at midnight and third post by Sunday at midnight. This will ensure that students can respond to other students' postings.

The professor provides **PowerPoint slides for each chapter** (available from the Course Information page on Blackboard) so that students can have a way to organize course material, hear explanations of concepts, and are provided with relevant examples (either historical, contemporary or hypothetical) about how readings relate to current issues in American law, politics, and society. I will occasionally send e-mails to students' accounts with announcements or reminders. Therefore, students should check their Lander e-mail accounts *daily*.

ATTENDANCE

- Students are expected to look at all class materials on Blackboard (monitored by the professor) and actively participate in online discussions at least *three times* each week. Students are responsible for all coursework—PowerPoint presentations, readings, websites, announcements, and assignments.
- After not participating in two full weeks of class, a student's final grade will be lowered five points per subsequent participation absence.

LATE POLICY & MAKE-UP ASSIGNMENTS:

- Students will be allowed to take make-up exams or turn in assignments late without penalty *only* in cases of extraordinary circumstances such as an illness or family emergency. Students should make every effort to inform the professor about such circumstances *before* the day of the scheduled exam or when assignment deadline.
- In these causes, the burden of proof rests with the student, and the decision to give a make-up exam is within the professor's discretion.
- Written assignments must be e-mailed to the professor.
- Assignments turned in after the deadline (without a prior approved excuse from the professor) will receive a zero.

MY TEACHING PHILOSOPHY

The law and its interaction with American politics, society, and culture is a subject that is constantly in the news, but not always adequately understood. An appreciation for American legal history and knowledge about the actors and processes involved in creating laws and interpreting laws will build greater understanding for the purposes of the judiciary, how it works, and how American society has been impacted by courts and judges. I seek to create an

environment in which students will rigorously examine the readings and apply current events to the topics we consider. While reading, students should ask themselves these questions:

- *What are the major themes or purposes of this writing?*
- *What is the argument and how compelling is it?*
- *What relevant historical events and concepts apply?*
- *How can current events relate?*

IMPORTANT DATES TO REMEMBER

- | | |
|------------------------------------|-----------------------------------|
| ▪ Online Quizzes | Weekly (except during test weeks) |
| ▪ Short Reflection Paper due | Monday, May 25, at midnight |
| ▪ Internet research assignment due | Wednesday, May 27, at midnight |
| ▪ Mid-Term Exam | Wednesday, June 3, 8:30-10:00pm |
| ▪ Essay due | Monday, June 15, at midnight |
| ▪ Final Exam | Thursday, June 25, 8:30-10:30pm |
-

COURSE SCHEDULE*

(Bb) = posted on Lander Blackboard

*Subject to change with notice by the professor. Chapters are in the Walsh & Hemmens book.

PART I:

FOUNDATIONS OF THE LAW AND THE AMERICAN LEGAL SYSTEM

Week 1: Course Introduction, Law 101, the Law's Function and Purpose

Monday, May 18– Friday, May 22

Course Introduction and “How This Course Will Work” document (Bb)

Chapter 1 – Law: Its Function and Purpose, pp. 1-27

What is law? Six primary characteristics of culture and their relationship to law; Early thinkers on the law, Sociological perspectives of law; Consensus vs. conflict and the law

Chapter 2 – Justice and the Law, pp. 28-56

What is justice and where does it come from? Legal realism; The rule of law; Justice, the law, and Packer's models of criminal justice

Bump, Philip. 2015. “What America Will Look Like in 2050, in 4 Charts.” *The Washington Post*. April 3. [[Web](#)]

Eckholm, Erik. 2015. “Eroding Freedom in the Name of Freedom.” *The New York Times*. Mar. 31. A1. [[Web](#)] (Bb)

Take **Quiz 1** between May 21 – 25 (the deadline is later since Monday is Memorial Day)

Short Reflection Paper due on Monday, May 25, at 12 midnight

Week 2: How Laws are Made; Federal and U.S. State Courts; America's Prisons

Monday, May 25 – Friday, May 29

Internet Research Assignment due on Wed., May 27 at 12 midnight

Chapter 3 – Making Law, pp. 57-86

Appendix A: The Constitution of the United States, pp. 407-422 [[skim](#) for imp. sections]

Common law; Sources of law; Sources of individual rights; The Constitution and Bill of Rights; Judicial review; Amending the U.S. Constitution

Chapter 4 – Federal and State Courts, pp. 87-111

Jurisdiction; U.S. District Courts, U.S. Courts of Appeal, The Supreme Court of the United States; State courts; Juries and selection; Judges, prosecutors, and defense attorneys; legal profession

Woodruff, Betsy. 2014. “Bipartisan Prison Reform.” *National Review*. Jan. 20. [[Web](#)]

Pew Research Center. 2015. “Views of Supreme Court Little Changed as Major Rulings Loom.” April 20. [[Web](#)]

Take **Quiz 2** between May 28 – 31

PART II:

CRIMINAL LAW, FAMILY LAW, SOCIAL CONTROL, & SOCIAL CHANGE

Week 3: Criminal Procedure; Contract and Family Law; Same-Sex Marriage

Monday, June 1 – Friday, June 5

Mid-Term Exam on Wednesday, June 3 from 8:30 to 10:00pm

Chapter 6 – Criminal Procedure, pp. 136-152, 159-160

Purpose and sources of criminal procedure law; the Fourth Amendment, search, and seizure; Arrests; Right to counsel during interrogations

Chapter 7 – Civil and Administrative Law, pp. 164-167; 176-182; 192-193

Differentiating criminal and civil law; Contract law; Family law; Who can marry whom? Debates about same-sex marriage and civil unions

Chapter 10 – The Limits of Social Control, pp. 255-261

What is a vice crime? Homosexuality and the law

Barnes, Robert. 2015. “Justices Kennedy and Scalia and Their Divide on Gay Rights.”

The Washington Post. April 26. [[Web](#)]

Liptak, Adam. 2015. “Gender Bias Issue Could Tip Chief Justice Roberts into Ruling for Gay Marriage.” *The New York Times*. April 29. [[Web](#)] (Bb)

[the web version has two graphics]

CBS News. 2015. “Same-Sex Marriage.” April 28. (Video – 3 min., 37 sec.) [[Web](#)]

CBS News. 2015. “How Could Same-Sex Marriage Affect 2016?” April 26. (Video – 6 min., 21 sec.) [[Web](#)]

Week 4: The Law, Social Control, and Social Change

Monday, June 8 – Friday, June 12

Chapter 9 – The Law and Social Control, pp. 224-251

What is social control and how is the law a mechanism for it? Social control and the criminal justice system; Plea bargaining; Debates about capital punishment

Chapter 10 – The Limits of Social Control, pp. 261-280

Prostitution and commercialized vices; Pornography; Abortion; Illicit drugs

Chapter 11 – Law, Social Change, and the Class Struggle, pp. 284-300

What is social change and how does the law cause it? Social movements and the law; The U.S. Supreme Court, social change, and class struggle

Badger, Emily. 2015. “The Terrible Loneliness of Growing up Poor in Robert Putnam’s America.” *The Washington Post*. Mar. 6. [[Web](#)]

National Public Radio. 2015. “Bowling Alone’ Author Tackles the American Dream.” Mar. 7. (Radio interview – 6 min., 55 sec.). [[Web](#)]

Take Quiz 3 between June 11 – 14

PART III: **RACE AND THE LAW AND COMPARATIVE LAW**

Week 5: Social Change, Class Struggle, Race and the Law

Monday, June 15 – Friday, June 19

Essay due on Monday, June 15 at 12 midnight

Chapter 11 – Law, Social Change, and the Class Struggle, pp. 300-313

The 14th Amendment and business interests; Social justice, equality, and freedom; The U.S. Supreme Court’s role in inducing social change; Activism of the Warren and Burger courts

Liptak, Adam. 2013. “How Activist is the Supreme Court?” *The New York Times*, Oct. 13. [[Web](#)] (Bb) [see the graphic [here](#)]

Chapter 13 – Racial Minorities and the Law, pp. 347-366

African Americans and the law; Amistad case; the Dred Scott case; Jim Crow laws and segregation; Civil rights movement; American Indians and the law; Asian-Americans and the law, the Korematsu case of Japanese internment camps

CBS News. 2015. “FBI Director James Comey Discusses Racial Bias in Law Enforcement.” Feb. 12. (Video – 3 min., 23 sec.). [[Web](#)]

CBS News. 2014. “Police Chiefs on Race Relations.” Dec. 11. (Video – 5 min., 44 sec.). [[Web](#)]

CBS News. 2014. “Michael Brown and Eric Garner: The Police, Use of Force, and Race.” Dec. 10. (Video – 2 min., 21 sec.) [[Web](#)]

The National Museum of American History, Smithsonian Institution. 2015. “A More Perfect Union: Japanese Americans and the U.S. Constitution.” [[Web](#)]

Check out one of the following resources:

StreetLaw.org. 2015. “*Korematsu v. United States* (1944): Japanese Internment, Equal Protection.” [[Web](#)]

Konkoly, Tony. 2015. "Famous Dissents: *Korematsu v. United States* (1944)." PBS: The Supreme Court. [\[Web\]](#)
Center for Asian American Media. 2014. "Exploring the Japanese American Internment Through Film & the Internet." [\[Web\]](#)

Take Quiz 4 between June 18 – 21

Week 6: Comparative Law Across the World; Final Exam

Monday, June 22 – Thursday, June 25

Chapter 14 – Comparative Law, pp. 379-404

The four traditions: Common Law, Civil Law, Socialist Law, Islamic Law; the convergence of systems in the age of globalization

Liptak, Adam. 2015. "On Same-Sex Marriage, Justices are Asked to Look Abroad." *The New York Times*. April 7. A13. [\[Web\]](#) (Bb)

Final Exam on Thursday, June 25 from 8:30-10:30pm