

LAW AND SOCIETY (SOC CDB325)

Francis Carleton

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Class: TTH, 8-9:15 a.m., MAC 225

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Office Hours:

T & Th, 1:30-3; W, 10-11:30 & 1-2

And by appointment

Fax: 465-2791

Course Objectives

The study of law in society requires a thorough examination of the complex linkages between the law and the society within which it exists. This course is designed to explore the dynamic and complex connections between law and society within the United States through a consideration of legal theory (ways to think about the law), various methods of constitutional interpretation, and several substantive legal issues centered around fundamental civil rights and liberties. We will also consider the distinct limits on the ability of the law to effect social change, and ponder alternative methods of achieving social progress (however one might define this most contested of concepts). The substantive issues that we will explore include racial discrimination and equality, abortion, affirmative action, and the death penalty. In short, the easy issues about which few people disagree! I hope to lead a thoughtful exploration of the many ways in which the law is affected by society and how society itself is at least somewhat responsive to changes in the law. I also hope to highlight the potential gap between the theory and practice of law and politics.

Student Responsibilities

Your performance in this class will be based on three examinations. You will also be expected to attend class on a regular basis and contribute to classroom discussions. I will also take into account class attendance and participation (more on this below). Each of the exams will count for one third of the final course grade.

My attendance and participation policy is as follows: I will take attendance on a semi-regular

basis. Students with two or fewer absences will receive no grade penalty. Students with three or four absences will have their final grade reduced by 5%. Students with five absences will have their grade reduced by 10%. Students with six or more absences will receive an “F” for the course. Students who make consistently meaningful and thoughtful contributions to classroom discussions will receive additional, positive consideration when I am determining final grades. Students who make random, loud comments that are unrelated to what we are talking about in class, or students who wear their hats in the classroom, or students who read the newspaper during classroom discussions—these people, if people you insist on calling them, will be openly ridiculed by the instructor.

The grading scale in effect for this course is as follows: 0-59=F (how could this have happened?); 60-69=D; 70-77=C; 78-82=B/C; 83-87=B; 88-92=A/B; 93-100=A (you rock the Casbah).

Students with any sort of a disability should contact Disability Services, located in SS 1500, tel. 465-2841.

I also have a policy on plagiarism: Using someone else’s ideas or phrasing or representing those ideas or phrasings as your own, either on purpose or through carelessness, is a serious academic offense. Any student found to have engaged in plagiarism will receive an “F” for that assignment, with no possibility of a “redo.”

Required Textbooks

Hugh Bedau, Debating the Death Penalty (2004)

Charles Ogletree, All Deliberate Speed (2004)

Gerald Rosenberg, The Hollow Hope (1991)

Course Outline

Topic One: **Law and Social Change: An Introduction**

Readings: M.L. King, “Letter From Birmingham City Jail” (On the Internet)

Thoreau, “Civil Disobedience” (On the Internet)

Walzer, “The Obligation to Disobey the Law” (On Reserve)

Bohman, "The Moral Costs of Political Pluralism" (On Reserve)

Topic Two: **The Federal Courts and Social Change: A Brief Consideration**

Readings: Rosenberg, introduction and chptr. one

Topic Three: **The Federal Courts and Racial Equality: A First Cut**

Readings: Rosenberg, chptrs. 2-5 & 12

EXAMINATION ONE

Topic Four: **Jim Crow: A Preface to Brown v. Board of Education**

Readings: Ogletree, chptrs. 6 & 7

Topic Five: **Brown and its Immediate Aftermath**

Readings: Ogletree, chptrs. 1, 2, 8, 9

Topic Six: **Brown Twenty Years Later: Trouble Brewing**

Readings: Ogletree, chptrs. 3-5, 10 & 11

Topic VII: **The 1980's and Beyond: Brown's Challenges**

Readings: Ogletree, chptrs. 12-18

EXAMINATION TWO

Topic Eight: **Abortion and Women's Rights: What Role for the Courts?**

Readings: Rosenberg, chptrs. 6-9

Topic Nine: **The Death Penalty: Legal, Empirical and Philosophical Considerations**

Readings: Bedau, entire book

FINAL EXAMINATION