

CJ 301
Law in Society
Spring 2009

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Time: Monday, 4:00 – 6:40
Room: PSFA 310
Schedule No. 00650

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Office Hours: Mondays 10:00 – 1200 and by appointment

Course Description:

What is law? Law is pervasive in contemporary society—in both obvious and subtle ways. Law defines life, death, citizenship, property, marriage, and other important aspects of human existence. But law also influences practically all interactions between individuals that live in social groups, even private and relatively trivial relations such as the ways we are allowed to talk to each other, treat our pets, ingest substances, or have sex. Moreover, law is *the* key organizing tenet of western liberal democracies like the United States—meaning that, in a sense, ‘law *is* America.’

This course is an overview of the theoretical study of law. We begin with a discussion of the American legal system, including a review of the main subjects taught in American law schools. We then turn to a survey of the classical social theorists of law and society—Emile Durkheim, Karl Marx, and Max Weber. We then discuss some of the major movements in legal studies during the last century, such as Legal Realism, Critical Legal Studies, Feminist Jurisprudence, and Postmodernism. In the third part of the course, we study an important, contemporary socio-legal text that analyzes one prominent feature of the American legal landscape—capital punishment. Along the way, we will pay special attention to major themes in legal studies, namely the law’s separateness (or ‘autonomy’) from other social institutions, the relationship of law to the political economy, and the relationship between ‘law on the books’ and ‘law in action.’

At the end of this course, students will be able describe and explain the key classic and contemporary theoretical frameworks in the study of law and society.

Prerequisites: CJA 200, CJA 301, and completion of all lower division preparation for the major courses.

Required Readings:

Feinman, Jay M. (2006) *Law 101: Everything you Need to Know about the American Legal System*. Oxford University Press.

Milovanovic, Dragan (2003). *An Introduction to the Sociology of Law*. Criminal Justice Press.

Sarat, Austin (2002). *When the State Kills: Capital Punishment and the American Condition*. Princeton: Princeton University Press.

Additional readings may be assigned and videos will be shown periodically throughout the semester

Exams and papers:

1. Two 20 pt. multiple choice exams (total of 40 pts). Any material covered in the readings, class discussions, or videos is fair game.
2. Three sets of Court Notes (up to 10 points each, for a possible total of 30 pts). Your Court Notes will be 2-3 pages of observations of court proceedings (these can be handwritten). When you attend court to observe each day, take notes of your impressions of the scene. Prior to your court visit, I will provide you with a handout with details on what your Notes should include.

3. One 6 - 8 page paper, due on the date of the final exam (30 pts). In this paper, you will:
 - a. Choose a current event involving law (e.g., the 'Santa Claus Killer' or the recent passage of Proposition 8, etc.);
 - b. Collect at least 3 media articles (e.g., the *Los Angeles Times* or *Rolling Stone*, etc.) covering the case you chose;
 - c. Analyze the media sources thematically to examine the ways in which the legal issue in your case was depicted through media coverage;
 - d. Collect at least 3 academic peer-reviewed or law review articles focusing on theoretical legal issues;
 - e. Apply the theories discussed in your journal articles to your case study.

Definition of an academic peer-reviewed journal (from Wikipedia):

An academic journal is a peer-reviewed periodical in which scholarship relating to a particular academic discipline is published. Academic journals serve as forums for the introduction and presentation for scrutiny of new research, and the critique of existing research. Content typically takes the form of articles presenting original research, review articles, and book reviews. In academia, professional scholars typically make unsolicited submissions of their articles to academic journals. Upon receipt of a submitted article manuscript, the journal editor (or editors) determines whether to reject the submission outright or begin the process of peer review. In the latter case, the submission becomes subject to anonymous peer-review by outside scholars of the editor's choosing. The number of these peer reviewers (or "referees") varies according to each journal's editorial practice — typically, no fewer than two, and usually at least three outside peers review the article. The editor(s) uses the reviewers' opinions in determining whether to publish the article, return it to the author(s) for revision, or to reject it. Even accepted articles are subjected to further (sometimes considerable) editing by journal editorial staff before they appear in print. Typically, because the process is lengthy, an accepted article will not be published until months after its initial submission, while publication after a period of several years is not unknown. The peer-review process is considered critical to establishing a reliable body of research and knowledge. Scholars can be expert only in a limited area of their fields; they rely upon peer-reviewed journals to provide reliable, credible research upon which they can build subsequent, related research.

Definition of law review (from Wikipedia):

A law review is a scholarly journal focusing on legal issues, normally published by an organization of students at a law school or through a bar association.. Law reviews should not be confused with non-scholarly

publications such as the *New York Law Journal* or *The American Lawyer*, which are independent, professional newspapers and news-magazines that cover the daily practice of law. The primary function of a law review is to provide a vehicle for academic publishing in the field of law. The vast majority of law review articles are written by law professors, although it is not uncommon to find articles written by judges and legal practitioners as well. Many law reviews also publish articles written by law students, normally called "notes" and "comments." Law review articles serve an important purpose in that they express the ideas of legal experts with regard to the direction the law should take in certain areas. Such writings have proven influential in the development of the law, and have frequently been cited as persuasive authority by the United States Supreme Court and other courts throughout the United States. Law Reviews also provide necessary background research to legal practitioners. Student-written articles in particular, which may not be able to influence judicial opinions to the same extent as professionally written articles, add to the legal discourse primarily by providing concise and well-researched background material on distinct legal issues or particularly important cases. Almost every major American law school publishes at least one law review, and some schools have several. Generally, one law review at each major law school, sometimes referred to as the law school's "main" or "flagship journal", publishes articles dealing with all areas of law. This journal is normally named after the law school (e.g., the *Stanford Law Review*, or the *Wisconsin Law Review*). Other journals publish only articles that focus on a specific area of law, such as international law, environmental law, or human rights (e.g., the *Duke Journal of Gender Law & Policy*, the *Cornell International Law Journal* or the *North Carolina Journal of Law and Technology*). These are often referred to as "specialty law journals" or "satellite journals." There are also a small number of journals focusing on statutory, regulatory, and public policy issues (e.g., the *Journal of Legislation* or the *NYU Journal of Legislation & Public Policy*).

Library access to academic articles will be demonstrated in class, but you can always visit a librarian for guidance on how to obtain academic articles. Examples of acceptable journals include (but you can use *any* peer-reviewed or law review journal):

Criminology
Journal of Criminal Law & Criminology
Theoretical Criminology
Critical Criminology
Law & Society Review
Punishment & Society
Law & Social Inquiry
Law & Human Behavior
Harvard Law Review
Yale Law Review

California Law Review
University of Pennsylvania Law Review

Paper Requirements:

- No less than six (6) and no more than eight (8) pages
- Size-12 font
- Page-numbered
- Double spaced
- One inch margins
- Consistent citation format throughout (such as APA)
- Separate references page at the end

Turning in your paper:

- A *hard copy* of the paper is due on 5/18/09
- I will not accept emailed papers
- You have the option of either:
 - i. Submitting an electronic copy of your paper to blackboard (to be explained)
 - ii. Submitting hard copies of ALL your sources with your paper

[paper template]

Name
Class
Date

Paper Title

Introduction

Introduce and explain your interest in the case you chose. Introduce the basic themes of both the media depictions of the case and the academic articles that you apply to the case.

Media Depictions

Using at least three sources, describe how the media explained the case.

Academic Articles

Using at least three academic articles, apply one or more discussions of legal issues to the case you chose.

Discussion

Compare and contrast the media depictions of your case with the academic analyses.

Conclusion

References

List all your references

Grading:

Grades are based on the number of points you accumulate on the exams and the paper, which have the maximum potential of 100. Grades will be assigned according to the following scale:

93-100 = A
90-92 = A-
87-89 = B+
83-86 = B
80-82 = B-
77-79 = C+
73-76 = C
70-72 = C-
67-69 = D+
63-66 = D
60-62 = D-
Below 60 = F

Protocol:

Attendance to all classes is expected. If you have a legitimate emergency, please email me before class. This is especially important if an emergency prevents you from taking one of the exams. I will do my best to accommodate any student with a legitimate emergency, but I cannot reschedule exams for students with non-emergency conflicts (such as work, family gatherings, vacations, etc.).

Assignments and participation: Readings are to be completed *prior* to class. This class will be conducted as 'socratically' as possible (given the materials), which means that I will call on students during every class session. Think of the reading assignments as our common base of knowledge and be prepared to speak at length in class about it.

Classroom decorum: Please silence your cell phones during class. Please do not walk out of class until we are done for the day. Please come to class on time and do not leave early unless you absolutely must. We will take a break every class. Please do not play around on the internet during class (e.g., no partypoker.com or facebook.com or whatever is cool lately). Participation and lively discussion are expected but please be respectful to your classmates and the professor.

Professor contact: I will do my best to respond to all reasonable emails, but cannot respond to last minute, late night requests. I will not conduct 'virtual office hours' nor discuss class materials in detail in email. Please try to see me during scheduled office hours or make an appointment.

Plagiarism and cheating: Do not plagiarize or cheat. Doing so is shameful, and if you get caught, you will face serious academic consequences. There is a good definition of plagiarism on this SDSU website: <http://www.sa.sdsu.edu/hc/plagiarism.pdf>.

Schedule (subject to change):

Date	Topics	Readings/Assignments
1/26/09	Introduction	Introduction Hand out Syllabus
2/2/09	The American Legal System	Feinman 1 – 3 <i>60 Minutes</i>
2/9/09	Criminal Law	Feinman 8 – 9
2/16/09	<i>When Kids Get Life</i>	<i>When Kids Get Life</i>
2/23/09	Classic Sociology of Law	Milovanovic 1 – 3
3/2/09	Sociolegal Studies	Milovanovic 4
3/9/09	Exam 1	Exam 1
3/16/09	State Killing and Revenge	Sarat 1 – 3
3/23/09	State Killing and Law	Sarat 4 – 6
3/30/09	NO CLASS – Spring Break	NO CLASS-Spring Break
4/6/09	<i>Dead Man Walking</i>	<i>Dead Man Walking</i>
4/13/09	The Cultural Life of Capital Punishment	Sarat 7 – 9
4/20/09	NO CLASS – COURT VISITS	NO CLASS – COURT VISITS
4/27/09	Library instruction Paper writing workshop	Library instruction Paper writing workshop
5/4/09	Review and catch up	Review and catch up
5/11/09	Final Exam	Final Exam
5/18/09	Papers Due Court Notes Due	Papers Due Court Notes Due