

CALIFORNIA STATE UNIVERSITY FULLERTON
Division of Politics, Administration and Justice
Spring, 2012

Political Science 375-01
Law, Politics and Society
Section: 14595
UH 248
MW 4-5:15

Donald J. Matthewson, PhD
UH 514

dmatthewson@fullerton.edu

(657) 278-3354

Office Hours: MW: 2:30-4 TTH: 1-2:30, 4-5:30

Course Description and Overview:

The title of this course suggests that law, politics, and society are somehow related. That is to say that we cannot understand one without consideration of the others. As Friedrich Hayek has pointed out, “law in the sense of enforced rules of conduct is undoubtedly coeval with society. Only the observance of common rules makes the peaceful existence of individuals in society possible.” An important distinction arises from Hayek’s comments, namely that law is both evolutionary and constructed. This distinction will become important as we discuss the origins, formulation and impact of the law. Both the origins and formulation of the law influence whether or not the law is viewed as legitimate, and certainly legitimacy influences compliance with the law. In order to accomplish the objectives of this course we will need to consider the political and social influences on the construction of the law, and on the other side, the impact of the law on the political and social system.

Political Science 375:

- Assumes that the student has completed PS 100 or its equivalent.
- Is an appropriate pre-law course.
- Fulfills a breadth requirement for the Political Science Major.
- Is a prerequisite to senior-level political science courses that take up law-related topics.
- Serves other majors, such as Criminal Justice, for which it is part of a “correlated curriculum.”

Students who successfully complete Political Science 375 will develop an understanding of:

1. The nature of law and legal analysis.
2. The work of lawyers, judges, jurors, legislators and other legal actors.

3. The relationship between the study of law and political philosophy.
4. The relationship of law within political and economic processes, social norms, and community values.
5. Law as a political tool for seeking advantage, domination or liberation.

In addition the student will pursue *implications and explorations in the Social Sciences* thus fulfilling general education learning objectives including:

1. Understand broad, unifying themes in the social sciences from cross-disciplinary perspectives.
2. Solve complex problems that require social scientific reasoning.
3. Relate the social sciences to significant social problems or to other related disciplines.
4. Practice and develop writing skills, mandated by general education learning objectives.

Disability Statement: *If you have a disability or special need for which you are or may be requesting an accommodation, please inform me and contact the Disabled Student Services Office, located in University Hall 101, as early as possible in the term. For more information, the Disabled Student Services Office can be reached by calling (657) 278-3117 or visit their website at www.fullerton.edu/disabled_services/. Confidentiality will be protected.*

Classroom Protocol:

1. During class all electronic equipment must be disabled, including laptops and cell-phones.
2. Please come to class prepared to ask questions and discuss the readings.
3. Be respectful of the points of view of other students, but do not be afraid to engage in argumentation and debate.
4. Please try to be on time. It is disrespectful to both the professor and other students if you are late.

Academic Honesty:

I encourage cooperation and collaborative learning. However, all written work must be your own. The CSUF catalogue states that “Plagiarism is defined as the act of taking the specific substance of another and offering it as one’s own without giving credit to the source. When sources are used, acknowledgement of the original author or source must be made following standard scholarly practice.” Plagiarism includes lack of proper citations as well as the purchasing of papers from a service or another student. If you are ever uncertain, please ask.

GRADES:

1. Each student will write one unprompted thought paper of about 1500 words. These papers are not designed to be research projects nor are they simply literature review exercises. The objective is for you to extract and reflect upon a central issue, problem, or concept that emerges from the class reading and discussion. For example: What is the significance of the

conservative legal movement? How has it influenced key court decisions? How would your critique its major tenets? It is up to you to select a problem or issue. It might be best to check with me. In some instances you might need to consult secondary sources. It is always advisable, for example, to see what other scholars have said about the research we are considering, whether in book reviews or other lengthy articles.

2. You must demonstrate an understanding of the central issue the author or authors raise and you must be able to explicate the argument methodology employed by the author.
3. What is troubling about the issue you have selected? Why is the issue important?
4. Take a position on the question or research that you have decided to review. Defend your position in the form of an argument. Attempt to develop your own critique. Your purpose is to think critically about the scholarship that you are reviewing. One question always to ask yourself: is the theory or scholarship that you are reviewing important only in a narrow academic sense or does it have important implications for society as a whole?

This paper will be worth 20 points.

II. The final paper should consist of about 3000 words and will be due on the last day of class. You will be required to write on a specific question. There will be no “in-class” final.

This paper will be worth 30 points.

III. During the semester each student will be required to submit 4 reading reflections. These should be about 500 words and are due anytime before the end of the 4th, 8th, 12th and 15th weeks. You may choose which readings you will write on. The paper should present a brief overview of the reading and some critical comments.

Reading reflections are worth 20 points.

IV. Response to Class Questions:

During the course of the semester I will, on occasion, raise a question in class that students will be required to respond to by email within eight hours. These responses should be no more than 10-150 words.

Response will be worth a total of 20 points.

V. Attendance, preparation for class and participation can often be a deciding portion of your final grade. More than three absences will reduce your grade one full letter.

Attendance and Participation are worth 10 points.

90-100 = A

80-89 = B

70-79=C

Course Outline and Schedule:

- I. Law and American Society
Reading Due: Stephen Vincent Benet, *The Devil and Daniel Webster*
- II. Law and Justice
Reading Due: Sandel, Michael. 2009. *Justice*. New York: Farrar, Straus and Giroux.
- III. The Supreme Court as a National Policy Maker.
Reading Due: Baum, Lawrence. 2010. *The Supreme Court*. Washington, D.C.: CQ Press.
- IV. Constitutional Interpretation.
Reading Due: Breyer, Stephen. 2005. *Active Liberty, Interpreting our Democratic Constitution*. New York: Knopf.
- V. The First Amendment.
Reading Due: Shiffrin, Steven. 2009. *The Religious Left and Church-State Relations*. New Jersey: Princeton.

March 9: Paper #1 Due.

- VI. Fourteenth Amendment.
Reading Due: MacKinnon, Catharine. 2006. *Are Women Human?* Cambridge: Belknap Press.
- VII. Criminal Justice and the Constitution.
Reading Due: Stuntz, William J. 2011. *The Collapse of American Criminal Justice*. Cambridge: Belknap Press.
- VIII. The Conservative Legal Movement.
Reading Due: Teles, Steven M. 2008. *The Rise of the Conservative Legal Movement*. Princeton: Princeton University Press.
- IX. Critique of the Conservative Legal Movement.
Reading Due: Chemerinsky, Erwin. 2010. *The Conservative Assault on the Constitution*. New York: Simon and Shuster.

May 18: Final Paper Due

Reading Reflections Due: February 17, March 16, April 20 and May 11.