

Spring 2012 **POLITICAL SCIENCE 40**
Introduction to Law and Society
Visiting Professor Glenn Smith (gsmith@cwsl.edu)
Wednesdays, 5 P.M. to 7:50 P.M. # , Room 104

BASIC COURSE INFORMATION

COURSE FOCUS

This course provides a broad introduction to the study of law as a social institution and its relations to other institutions in society. The focus will be less on the substance of law (legal doctrine and judicial opinions) than on the process of law – how legal rules both reflect and shape basic social values and their relation to social, political, and economic conflicts within society.

Our exploration of the complicated, interconnected relationship between law and society will proceed in three basic stages:

- I. An Introduction to Law, Its Social Context, and the Interaction Between Law and Society (Pre-Midterm: a brief Week 1 lecture; Week 2 and first part of Week 3: via Friedman's book)
- II. Contraception and Abortion as a "Case Study" of the Law/Society Interaction (Pre- and Post-Midterm; latter part of 3rd Week through 7th or 8th Week)
- III. Other Privacy Case Studies (Post-Midterm; last two or three weeks)

COURSE FORMAT

The class is conducted "modified law school" style; sessions will mainly involve a class discussion of questions based on assigned materials. At times I will lecture; student volunteers may play the roles of advocates or judges from time to time.

You are expected to do the assigned reading for each session and to come to class prepared to engage in a lively discussion. We will have FUN!

[NOTE: You will get more out of class – and contribute more to class – by attending as many of the class sessions as you can. However, to accommodate students who occasionally miss class due to illness or other important and unavoidable conflicts, I intend to podcast class sessions.]

READINGS AND SYLLABI

The required texts for the class are as follows:

1. Friedman, LAW IN AMERICA: A SHORT HISTORY (Oct. 2004)
2. Hull & Hoffer, ROE V. WADE: THE ABORTION RIGHTS CONTROVERSY IN AMERICA: A HISTORY (Second Edition 2010)
3. I will likely require you to purchase one additional short course reader containing copyrighted materials
4. From the course website (see below): You will also need to download for use in class (and, if you wish, during open-book exams) more than fifty pages of handouts, excerpts from leading court cases, and other public-domain materials.

Please bring the appropriate text(s) to each class.

Two or three Assignment Syllabi will be provided. The first Syllabus, distributed in class on the first class day (Wednesday, April 4th) and posted thereafter on the Class Webpage (see below), provides assignments through the Midterm. Subsequent syllabi, covering post-midterm assignments, will be distributed in later class sessions.

EXAMS

There will be an **in-class “mini-midterm,”** during the first half (i.e., the first hour and a half, or less) of the class **on Wednesday, May 9th** (the sixth class week). After a break, a second portion of class will cover new material.

An **in-class final exam** will take place **on Wednesday, June 6th** (the tenth class week. (The exam will be the only activity during this class.) This in-class final exam substitutes for the exam scheduled during finals week. Thus: **THERE WILL NOT BE A FINAL EXAM DURING THE DESIGNATED FINAL-EXAM TIME SLOT FOR THE COURSE** (Friday, June 15th., from 7-10).

IMPORTANT: PLEASE LOOK AT YOUR SCHEDULE IMMEDIATELY, and ensure that you will be able to take in-class exams during the sixth and tenth week. I REGRET THAT I WILL BE UNABLE TO GIVE MAKEUP EXAMS TO ACCOMMODATE SCHEDULING PROBLEMS.

Both examinations will pose short-answer questions, in the format illustrated through a separate handout and in-class elaboration. Both exams will be open book / open note. The midterm will be half as long as the final, and is therefore worth 30% of total course

points; the final is worth 60%. The final will be cumulative, with emphasis on materials not tested on the midterm.

ADDITIONAL “SHORT PAPER” ASSIGNMENT

The third graded requirement for the course (worth 10% of your grade, and graded on a Check-plus/Check/Check-minus/Fail basis) is that you write a “short paper” based on a “contemporary media report” of your choosing which raises course themes in the context of a proposal or controversy about privacy *other than abortion rights*. As explained more fully in a separate handout, you will find a general-informational media report (i.e., a story in a newspaper, magazine, newsletter, online database, etc.) and write a brief analysis, in response to specific prompts, of how the report raises issues about the interaction between law and society.

The short paper can be turned in (1) in person to the course TA, during any class session or (2) electronically any time until 10 pm on Friday, June 15th.

EXTRA-CREDIT (DEBIT?) OPPORTUNITIES

Grades for P Sc 40 will be determined by scores on the midterm and final exam (weighted to reflect their relative value) and the short paper, as indicated above – *except that*

- (1) Occasionally you will be required to turn in “informal written responses” to assigned reading and discussion questions. Failure to complete and turn in “acceptable” responses to these questions can lower your course grade; and
- (2) If your combined score is close to the cutoff point between two grade categories you are eligible to be “bumped up” to the higher grade category based on improvement on the final exam

CLASS WEBPAGE ACCESS INSTRUCTIONS

Visit my law-school website (“www.cwsl.edu”). (2) Click on “Meet the Faculty.” (3) On the alphabetical list, click on “Glenn C. Smith”. (4) Click on “Class Webpages” (at right of page) or scroll down to find the icon for “Political Science 40 (Law and Society), Spring 2012.”

MY AVAILABILITY

***For UCSD office hours (SSB 363):

--Before Wednesday, April 18th: By appointment (gsmith@cwsl.edu)

--Starting Wednesday, April 18th: *Wednesdays, 2:00 P.M. to 4:30 P.M.*

***For “virtual office hours,” or to arrange office hours -- including downtown in my law school office -- at a mutually convenient time other than regular UCSD office hours, email me at gsmith@cwsl.edu. [Please INCLUDE A REFERENCE TO “P SC 40” in the subject line, so that I will know your message is not spam.]

***For law-school-planning questions: Past experience indicates that some of the students in this course plan to attend law school after graduation. As a full-time law professor guest teaching this course, I am committed to serving such students by providing general counseling about law school and legal careers, arranging visits to law school classes taught by others at my home institution, and in appropriate cases writing law-school letters of recommendation. (Please note that I am not recruiting students to law school in general—it is not for everyone—or to my law school in particular. In fairness, I simply wish to make sure all potentially interested students know of my policy on this. Please also note that the one area in which I am NOT a useful resource is questions about the procedures and dynamics of the law-school *admission* process...)

**In appropriate cases, I am also willing to write recommendation letters for graduate study, UCDC internships, foreign study, and other related opportunities.

Please do not hesitate to contact me if I can be of any assistance to you!

FIRST SYLLABUS (FOR PHASE I and most of PHASE II)

(Assignments for first five weeks of classes; through February 10th midterm)

- References to “Friedman” are to Friedman, *LAW IN AMERICA: A SHORT HISTORY* (2004)
- References to “Hull” are to N.E.H. Hull & P. Hoffer, *ROE V. WADE: THE ABORTION RIGHTS CONTROVERSY IN AMERICAN HISTORY* (2001)
- “Smith” references are to separately paginated handouts prepared by Professor Smith, handed out in class, and posted on the P Sc 40 Website.

I. An Introduction to Law, Its Social Context, and the Interaction Between Law and Society

[▼▼▼ *DISCUSSED IN CLASS #1 LECTURE, 4/4...PLEASE “SKIM READ,” IN LIGHT OF LECTURE, BEFORE CLASS #2]*

A. A General Construct: A First-Night Introduction: American Law and Its Social Context

Friedman, Chapter 1

[▼▼▼ PLEASE READ FOR FOR CLASS #2, 4/11...]

B. The Law/Society Interaction in Action: *Examples from Prominent Domains of American Law*

Smith, pp. RD-1 & RD-2 (“Reading and Discussion Questions” on the Interaction Between Law and Society)
Friedman, Chapter 2, 3 or 4 (depending upon first letter of student last names)
Friedman, Chapters 5 & 6

[▼▼▼ PLEASE READ FOR CLASS #3, 4/18...]

C. Law and Society in the 21st Century

Friedman, Chapter 7

II. A Deeper Exploration of the Law/Society Relationship (with more attention to Law’s Response) in The Specific, Highly Controversial Context of Reproductive Rights and Privacy

[▼▼▼ PLEASE ALSO READ FOR CLASS #3, 4/18...]

A. The Interaction of Law and Society in the Abortion-Rights Context: Context and the Early Legal/Social History

Hull, Introduction and Chapter 1

[▼▼▼ PLEASE READ FOR CLASS #4, 4/25...]

B. The Law/Society Relationship from 1900 to the Eve of *Roe v. Wade*

Hull, Chapters 2 & 3

[▼▼▼ PLEASE READ FOR CLASS #5, 5/2...]

C. From *Roe* to *Casey*: Social and Judicial Reactions to Expanded Abortion Rights and the Resulting Partial Retrenchment

Smith, RW-1 through RW-____ (excerpts from *Roe v. Wade*)
Hull, Chapters 5 & 6

[NOTE: After the May 9th midterm, we will explore more modern legal and social developments relating to the law of abortion...]