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Law and Social Change, Fall '04

## Law and Social Change Syllabus

### **PAGS 103-1, LGST 103 (3 credits)**

Every society faces conflict and change. The law and its related institutions enable personal and social conflicts to be resolved in a controlled and basically non-violent manner. This course will survey the principal U.S. legal institutions and traditions to understand how to more effectively contribute to social change through these institutions. The course will be taught in a seminar format of one 3-hour session each week. There will be no prerequisites for the course.

The course will meet once a week for 15 weeks from 2:30- 5:30 on Wednesday in BC211. **This syllabus is a guide to what is expected in this course. It is “the law” regarding this course and ignorance of the law is no excuse. You should read this very carefully and refer to it as you prepare your assignments.**

The course text is Brown v. Board of Education by James T. Patterson. There may also be additional materials made available during the class at a minimal cost. Students are expected to do significant reading related to the Independent Project and to read all of the student papers from the course. There will be several books related to this course on reserve at the Lilly Library.

As with most courses, you will get out of this course what you put into it. If you just seek to meet the requirements of the course, you will be able to do so quite easily. You will pass, but you will walk away without much more than the credit. If you take the freedom this course offers as an opportunity to invest yourself in learning something YOU think is important, you will learn something about law and social change and take an important step toward becoming an effective life-long learner. This is my hope for you. I will probably be able to tell, and you will be graded accordingly.

### **Office Hours and Special Help**

I have found that students rarely use set office hours. However, I have also found that students often have questions that come up as part of a class. I will almost always be able to stay after class to discuss any issue that comes up. This is a good time to talk while the issue is fresh in your mind. I am also in my office, BC-217, most of the time. I am almost always available to meet and discuss any thing that is important to you. You may call for an appointment or just stop by.

No matter how well you write, everyone can become a better writer. I am available and anxious to give you my opinion and my suggestions on how you can improve your writing style as it relates to the persuasive style of writing relevant to this course. I encourage you to make an appointment with me or just stop by to discuss anything you

have written and my comments on it. This help will require your initiative, but I invite you to take advantage of offer.

## LAW AND SOCIAL CHANGE ASSIGNMENTS FOR FALL '04

### Independent Project:

Independent Project proposal, 2 pages due 9-8

Independent Project draft, for peer review, about 10 pages due 10-11 (Mon.)

Independent Project final paper, 10 pages due 11-3

Independent Project Class presentations, start 11-10

### Small Writing Assignments:

Man for All Seasons Essay, 3 pages, due 9-15

Brown Position Paper, 4 pages, due 10-20

Brief lengths and deadlines in most courts are absolute. An entire case can be thrown out if a deadline is missed by 5 minutes. All page limits in this course are maximum limits, excluding a title page, endnotes, appendices, and bibliography. Longer papers will be returned for editing. Assignments are due by 5:00 PM on the due date. Unless arrangements are made in advance, or there is an emergency, late papers will be marked down.

Grades will be made up as follows:

40% Independent project and project presentation

25% Class participation, including Brown discussion and quizzes.

25% Small writing assignments.

10% Final exam

Extra credit may be possible for field trips or special projects. In each class we will offer an opportunity to share a news report or personal observation of an example of the relationship between law and social change. The news story or incident, and a few comments about what it shows about the relationship between law and social change should be turned in after the information is shared with the class so you can receive extra credit.

### **Doing your own work and presenting your own ideas.**

Earlham has a good position and statement on academic integrity on page 20 of the Curriculum Guide. This course, and the grade you might receive, is not important enough to sacrifice your academic integrity. Most fundamentally, passing off anyone else's work or ideas as your own is plagiarism and is not acceptable.

## INDEPENDENT PROJECT

Your major assignment for this semester will be an independent project investigating some aspect of law you consider important and relevant to your life and work. This could be the examination of a general aspect of law like how have concepts like civil rights or human rights changed over time, what is the importance of the rule of law for economic development, what is the relationship between the legislature and the courts, or a comparison of the European civil law system and the British common law system. It can be an examination of a particular social movement that has been, or is, influenced by legal controversies. It can be an examination of important court cases like Miranda v. Arizona, Roe v. Wade, or the Scopes monkey trial or significant legislation like Title 9 regarding women's sports, the 1964 voting rights act, or the USA Patriot Act. Finally, it may include looking at a current or historical social issue or movement that has been or is being influenced by legal controversies. This could include immigration, asylum, environmental protection, gay rights, disability rights, prisoner rights, or nuclear policy or war protests within the context of the legal system. You will be expected to apply the principles and skills we are learning in class and develop this further in a particular area of interest with substantial independent research.

You should gather information on your subject from books and articles, from the Internet, and from the experience of people who work with the law and with the issue you are seeking to explore. Whenever possible, I want you to interview, personally or by phone, at least one person who has practical experience in advocacy in the subject you are studying. This can include lawyers, business people, educators, government and political leaders, diplomats, union leaders, police officers, lobbyists, activists, etc. If you cannot include a personal interview, include an appendix to your paper explaining your efforts to find such a person. Explain why you were unable to conduct the interview.

You should prepare this as a formal research paper, giving credit to the sources of your information. I expect at least five sources that contribute significantly to your paper and are cited directly in your paper. Your paper should be written in the style prescribed by the American Psychological Association Publication Manual. This is available in the reference section of the library and can be accessed through the library web site under citation help. When you help each other in your peer review groups, you should each check to be sure that each student is following these style guidelines.

You will begin this project by choosing a subject and preparing a good, careful, 1-2 page statement of the topic you want to cover, and how you plan to research and organize the topic. Whatever the general topic, I want you to focus your paper on a specific area of inquiry that will be manageable in 10 pages. I will respond to the project proposal making suggestions for modification and focus, if needed. The proposal should include where you are going to look for information, what kind of information you expect to find, and a list of any people you plan to interview. You can undertake a project individually or work together in pairs. No more than two students may work together on a single project. For a joint project, the paper should reflect the effort of two students, and it should be clear

which student is responsible for which part of the paper. Your presentation can be made jointly.

While you are working on your proposal, you should begin researching the subject. Once your proposal has been clarified and accepted, you should begin your major research. You should be looking for academic or popular articles, including newspaper accounts that discuss your subject. You should look in books and on Internet sites for both the theory and examples of your subject. Your paper should include at least five quotes, properly cited, from books, academic literature, or other sources. This paper is not just your opinion on some aspect of law. This is a research paper that will communicate what you have been able to find out about a particular aspect of law and social change. Make it rich with experience and examples. We will have a librarian help orient you to research tools that the library has. Learning how to use the library's new tools and the help of a reference librarian is an important part of this project. Your paper will not be as good as it could be if you do not begin work on this project in time to request help from a reference librarian.

This research should be put together in a high quality draft paper that takes a position or advocates some view of the law and social change. The draft should probably be longer than your expected final paper because an important part of editing is cutting back and reducing material you have gathered. This should be a well-written draft with spell-check and care taken for the organization and the use of headings, quotes, endnotes, and appendices. These rough drafts will be read and reviewed both for content and for writing style and clarity by your peer review group. Each of you are responsible to each person in your group to hem them produce their best possible paper. I will work with people individually regarding both content and writing skills, as requested. Most of your research should be completed by the time your draft is completed. Your quotes should be exact, checked, and properly cited. The only additional research should be something that you or your peer review group decides needs to be further researched or clarified.

Once your peer review is complete, you should begin final clarifying research and the final draft of your paper. Your final paper should be no more than 10 pages, 12pt, double-spaced. Endnotes, the title page, and the bibliography can be in addition.

### **FOCUS YOUR PROJECT ON LEARNING SOMETHING YOU WANT TO LEARN ABOUT LAW AND SOCIAL CHANGE**

You may pick any subject that you consider interesting and important to your own understanding of law and social change. I have listed some of the possibilities above, but you are not limited to this list. Think of something you really want to put in the time and effort to understand more fully.

This project is your opportunity to dig into a specific subject that is interesting and meaningful to you. As you do this you will probably find that many of the academic and popular concepts about law are confirmed. Record for yourself, and show the class what

significant concepts you have found confirmed by your special research. You may also find that some academic discussions, or popular understandings about law are not accurate. They don't seem true or useful. Use your research, and reason, to challenge those concepts and offer alternatives that give a better picture of the real world of law and social change.

You are each learning about a specialized area and the paper you are writing is not primarily for me, but for the class. We all want to understand what you have learned. Your paper should be descriptive, informative, and persuasive; advocating some view or position on what may be a controversial subject. You may want to make arrangements to offer your research and final paper to an advocacy group that is working on the issue you are researching. If you are not learning anything interesting about law and social change, come see me because you are on the wrong track.

I am available to discuss your projects and help you focus on exploring what is interesting to you. If you explore something that is genuinely interesting to you, it will be easy and fun to teach the class what you have learned.

## **PROJECT PRESENTATION**

Your presentation will be based on your paper and will be an opportunity for you to teach the class the exciting new information you have learned about law in your particular project. You may use role-plays, multi-media presentations, PowerPoint, movie clips, or any form of communication that will help you teach the class what you have learned. Each student will place a final copy of the paper you have prepared on a shared web site and each student will be expected to read each paper before the class presentation. You should not read your paper, but build on it, illustrate it, and make it interesting and exciting. You will have 10 minutes with 5 minutes for class questions or other class activity or involvement. Each person will receive feedback on her/his presentation from several members of the class and each class member will be responsible for offering feedback to several students.

The ability to present something you know and care about is an important skill in both law and social change. This presentation gives you the opportunity to develop skills that will be useful in contributing to social change.

### **Independent Project Objective:**

To provide an opportunity to combine the concepts and experiences of this class with the student's previous life experiences and with the results of research in a new area of interest of the student's choosing.

### **Purposes:**

1. To consolidate and deepen learnings of the class.
2. To give experience and confidence in the ability to engage in real life research that can help one understand a social issue and be more effective in accomplishing social change.

3. To provide the opportunity to strengthen presentations skills.
4. To give the benefit of this research and synthesis to the other members of the class.

### **Evaluation Criteria:**

There is great flexibility in how you write up and present this project. I will be using the following criteria to evaluate your projects:

#### Written Paper

1. Choice of an appropriate subject for research that is of personal interest.
2. The ability to organize a complex issue and present it in a clear, professional way.
3. Appropriate identification and integration of legal and social change concepts, including new concepts from research, into the analysis and presentation
4. Creativity in exploring as wide a view as possible of the issue chosen.
5. Language ability expressed in the paper including the proper use of words and grammar and whether the paper is proofread and professionally presented.

#### Oral Presentation

1. The creativity and effectiveness of the choice of the presentation format.
2. The ability to communicate clearly and precisely.
3. Professional presence and presentation, including appearance and body language.
4. Ability to identify and incorporate concepts of law and social change into the presentation.
5. The ability to actively involve the audience in the presentation and work with feedback and questions from the audience.

### **Brown Discussion and Class Participation**

Brown v. Board of Education is only one case that relates to only one issue of social change. However, this case illustrates many of the questions about the relationship of law and social change and gives us a common point of reference in this course as each student pursues differing interests. Reading and understanding our primary text, Brown v. Board of Education, is essential to understanding how our U.S. legal institutions work. It is also essential to considering what role significant court cases like Brown play in contributing to social change. Brown presents differing views on whether such legal battles contribute to social change or retard it. I will expect you to use some of the opinions and alternative views expressed in Brown to guide you in your own research and analysis of the role of law in the issue you choose to research.

Because Brown is so important I want to be sure that everyone reads it and understands it. To accomplish this, I will set up peer review groups that will provide assistance to each other in reviewing the Independent Project and Presentation. These groups will also be responsible for meeting together outside of class to prepare for a discussion of one section of Brown and to prepare a quiz on the important aspects of that section of the reading. The Brown presentation can take any creative form you choose, but should include in it somewhere a review of the most important points in that part of the book. It

also should include some lead in to a discussion of some of the observations or opinions of the author. I do not accept everything Patterson says about Brown and I hope that you will look at his opinions and what he chooses to report and not report in a critical way. Your group will have about ½ hour to present the key points and lead the discussion. All members of the groups should participate.

One aspect of leading your discussion will be a simple 10-question quiz on some important factual information or important opinions or observations from your section of the book. Your group will need to send this simple quiz to me by email the day before class and I will print out the quiz. It can be a combination of T/F questions, multiple choice, and one or two word fill in the blank questions. We will take the quiz at the beginning of the discussion and I will collect and grade them. The group preparing the quiz will be graded on the quality of their questions and the discussion and those taking the quiz will be graded on their answers and participation in the discussion.

I will also take attendance for each class and make notes on those who make contributions to the class discussions. This will generally contribute more to increasing your grade than to decreasing it. Although each student has the freedom to choose whether or not to attend class, I do not see how you can learn or demonstrate your knowledge of the material in this seminar class without regular attendance. This is particularly true of the material presented by students in their presentations. If you think you can learn what you need to learn about law and social change without class attendance, and do not want class participation to be part of your grade, you need to negotiate this with me early in the semester and you can propose an alternative learning plan. Otherwise, more than 3 absences without a good excuse, and a proposal to make up the learning, will result in a reduction in your grade.

## **Short Written Assignments for Law and Social Change**

### A Man for All Seasons Essay

What was the social change issue involved in this movie and how was it related to the law? What is the relationship of law with power? Does law exercise any power in social affairs, and if so, what is the source of its power or authority? Is the law a dependable protector against those who exercise other forms of power? What are its benefits, what are its limitations, what are the historical antecedents of the power that law carries? What does this movie and this man's life mean to you in your personal understanding of law and social change?

Please choose 1 or more questions from this list that seem important to you, or make up your own. Prepare a carefully written answer that makes use of the insights of the movie together with what you know or believe to be true about "the law." Communicate in clear and persuasive way something that you have learned, making useful references to scenes, statements, or principles from the movie.

The essay should be a well-written, professional paper. This means that you should have a meaningful title that gives the reader direction, and you should have thought about and organized what you are going to say. You should prepare at least one rough draft in the process, longer than your essay will be, and you should have read your final paper over aloud to yourself or someone else *exactly* as it is written to avoid obvious errors. You should spell check your paper to correct any obvious errors before you give it to me. The paper should be double-spaced, 12pt, and no more than 3 pages. It is not easy to say something important in 3 pages. Fluff is any statement, phrase, or sentence that really does not tell the reader anything useful or important about the points you are making in your essay. I expect you to work hard at reducing fluff. The papers are due on the date requested and there will be a reduction in your grade if the paper is late.

### Brown v. Board of Education Essay

The essay on Brown v. Board of Education should include material from the book by Patterson and the movie, The Road to Brown, as well as your own personal knowledge and experiences. You are expected to take a position in answering one or more of the questions posed by Patterson in the second and third paragraphs of page xxviii of his preface to Brown. You should have a clear thesis and your paper should include at least 5 quotes or references to either the book or movie to support your thesis.

The essay should be a well-written, professional paper. This means that you should have a meaningful title that gives the reader direction, and you should have thought about and organized what you are going to say. You should prepare at least one rough draft in the process, longer than your essay will be, and you should have read your final paper over aloud to yourself or someone else *exactly* as it is written to avoid obvious errors. You should spell check your paper to correct any obvious errors before you give it to me. The paper should be double-spaced, 12pt, and no more than 3 pages. It is not easy to say something important in 4 pages. Fluff is any statement, phrase, or sentence that really does not tell the reader anything useful or important about the points you are making in your essay. I expect you to work hard at reducing fluff. The papers are due on the date requested and there will be a reduction in your grade if the paper is late.

## Reading Expectations

Brown gives us an example of the connection between law and social change and a common understanding to which to refer as we consider other movements. It is therefore important that you read through this book and gain this basic knowledge as quickly as possible to help guide your own research and analysis of your Independent Project. At the very least, you should have completed the following readings for the following classes. You will have a short quiz on the material and will be expected to participate in a class discussion with examples, questions, and comments on this part of the book.

Preface, Ch. 1 & 2	for 9-8 class
Ch. 3 & 4	for 9- 15 class
Ch. 5 & 6	for 9-22 class
Ch. 7 & 8	for 9-29 class
Ch. 9 & 10	for 10-6 class

You also are expected to do significant additional reading as you research your particular project. Your final reading assignment for the last month of the course will be to carefully read each of the student papers prior to their class presentation.