

LAW & SOCIETY 101
INTRODUCTION TO LAW & SOCIETY
Philadelphia University

Syllabus

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I Mission

Society has been defined as an organized group of persons associated together for religious, benevolent, cultural, scientific, political, patriotic, or other purposes. The interesting question that arises is who or what institution writes the rules by which the society operates. Our mission will be to examine the source, motivations, power relations and interactions of those who attempt to write these rules and regulations that control and power society. We will start our journey with the question of how and why individuals follow the rules, thus creating a society instead of a state of chaos. We will then study the conflict and cooperation between secularism and religion on topics ranging from creationism vs. evolution to birth control and gender politics. We will then study the nature and purpose of criminal and civil law and how it establishes and determines how and why certain behaviors and activities are acceptable or condemned as illegal. Our study will range from the death penalty and its defenses, to civil commitment, criminalization of prostitution, pornography and recreational drugs. Finally, we will analyze how law creates the ground rules and the playing field for business and commerce within society. Our topics will include analyzing whether and how law should regulate corporations and whether or not tort law interferes with or encourages the efficient and safe practice of medicine. The prevailing purpose of the class is to teach the concept that the existence of a society is based on the balancing, cooperation, inter-play and contradictions inherent in the battles between many different interests competing to create a working society by controlling the citizens within.

II Topics of Study with Assignments

A) **The Art of Control**

Week of: 8/23 & 8/30

Readings:

Foucault Discipline and Punish (PDF on BB)

The Milgram Experiment

Assignments:

Come to Class 8/25 with a list of 10 ways you are being watched

Out of class experiment to be discussed in class

Scenario 1 Milgram (*Students presenting all question and scenarios in this and following topics to be assigned by BB*)

Summary:

In this section we will exam Michel Foucault's classic philosophical treatise, *Discipline and Punish*. (You will be reading the summary version of this work.) Foucault was concerned with issue of how citizens of civilized societies are controlled. We will discuss how and why the impetus of control in the Western world evolved from external sources to internal sources. We will examine how the official governmental definition, imposition and enforcement of "delinquency" and/or of "normality" became the effective means of controlling the individual. We will also study the concept of the "panopticon," or in other words, surveillance and how this concept has increased as a source and tool of power

B) The Battle for Control of the Mind

Week of 9/6 & 9/13

Readings: (In order presented: all on BB)

Irons on religion.pdf

Edwards v.pdf

creationism.pdf

creationism2.pdf

Establish.pdf

Establish2.pdf

Assignments Scenario 1-7 Creationism Section.pdf

Summary:

In this section we will study the age-old and ongoing battle between secular and religious institutions for control of the individuals mind . One of the crucial battles that has been and continues to be fought is in the area of the teaching of creation story. Where, when and whether Darwin's theory of evolution and/or the Bible's story of Adam and Eve is taught continues to be litigated in courts throughout the nation. Critical to our analysis is the impetus history, purpose and interpretation of the Establishment and Free Exercise clauses of the first amendment of the Constitution,

C) The Battle for Control of the Body: Part A – Sex

Week of 9/20

Readings birth-control.pdf

Assignments: Questions 1 & 2

Summary:

In this section we will explore the growth of the right of privacy in American law and society and how this was/is intertwined with gender politics. We will study the Comstock laws

and how they dictated the availability of birth control devices and indeed sexuality in America . We will follow Margaret Sanger's journey to reverse the Comstock laws and give women the right to control their own bodies. We will discover how this battle, not only greatly affected the relationship between men and women, and women and society, but rather how law established the individual's right to control their own body and their sexual choices. In general we will discover that sometimes the law relinquishes control to the individual.

D) **The Battle for Control of the Body: Part B - Torture/Death**

Weeks of 9/27-10/11

Readings:

BalancedPolitics.org - Terrorist Prisoner Torture (Pros & Cons, Arguments).pdf
death.pptx

death penalty pro&con.pdf

Ethics of Torture.pptx

Is There a Torturous Road to Justice.pdf

Neuroscience_Torture Doesn't Work and Here's Why - Newsweek.pdf

Torture Doesn't Work - The Daily Beast.pdf

Video page is <http://www.videojug.com/interview/arguments-for-the-death-penalty-2>

Assignments: Scenarios 1a&b and 2a&b

Summary:

In this section we will explore the boundaries of how far the state should and does actually control its citizen's bodies. Since the ultimate control over an individual is the power of life or death, we will examine the death penalty; its purpose, efficacy and morality. We will, next examine the issue of torture and how far a State can go to protect its citizens and what is the cost of this type of security. In a time where the United States is at war with two countries and the threat of terrorism is paramount, this issue is critical to the discourse concerning criminal justice and civil rights.

E) **Control by Commitment**

Weeks of 10/18 & 10/25

Readings:

Civil Commitment Can It Be A Tool Of Repression.pdf

Commitment Abuse .pdf

commitment in ussr.pdf

Involuntary Commitment Control by Confinement.pdf

Psychology as an defense.pdf

Assignments: Commitment Scenarios 1-6

Summary:

In this section we will explore how the state controls its citizens by exploiting and dominating the discourse regarding the definitions of "delinquency" and "normality". These concepts, which we initially examined in the first section regarding Foucault theories, will be further explored. We will discover how this state in communist Russia and China used and abused the concept of civil commitment, by labeling an individual as a deviant, as a method of not only controlling that individual but others as well who were fearful of being institutionalized. Intrinsic to this issue is the interaction between the fields of psychiatry and the institutions of government. We will learn that the individual and/or the institution which defines the discourse of normality is the entity that maintains significant power.

F) The Battle for Control of Morality

Weeks 11/1 & 11/8

Readings:

victim less crimes.pdf

Morality & the Law

Legality of Prostitution

Marijuana legality Assign.

Marijuana Legality

Prostitution Support for Legality.pdf

Assignments

Scenarios for the Battle for Control of Morality 1-4.pdf

G) The Control of Business

Weeks 11/15-end

Readings:

IBM and the Holocaust

IBM and Auschwitz

Law and Medicine.pdf

The Gulf of Mexico Oil Spill.pdf

The Social Responsibility of Business is to Increase its Profits.pdf

unsafe at any speed.pdf

Morality in business pdf

Assignments

Scenarios for Control of Business 1 & 2

Summary:

In this section we will examine the controversy regarding the extent, if any, of government's intervention into business. The pendulum swings between laissez-faire and government control of business by either regulation or ownership has marked the discourse in the Industrial Revolution. We will explore whether government should be involved in the regulation of business and what are the arguments on both sides. Our analysis will include the classic Ralph Nader crusade against the Chevrolet Corvair vehicle which led to government regulation through the creation of strict product liability law of this legendary dangerous vehicle. We will analyze

the purpose of a corporation when we look at IBM's relationship to the Holocaust by providing an effective database for murder to the Nazi regime. We will debate whether a corporation's interest should only be in profits or do they have a greater moral responsibility to society. We will also examine the events leading to the recent British Petroleum oil spill in the waters of the Gulf and what the effect of government regulation could or should be in the oil industry.

III Course Requirements

D. Final Paper

The final exam in this course will be a 6-8 page research based (double spaced 12 point Arial font) essay based upon any topics covered in class or related to topics covered in class. One paragraph summary of your paper is due on 10/25/2010 for my review and approval. The paper is due 30 days before the scheduled final day for this class. I will offer you my suggestions for revisions and corrections no later than 10 days after your initial paragraph summary is filed and strongly encourage you revise the paper with my suggestions and the help of writing tutors. I encourage a personal meeting to go over the paper before you hand it in. See grading rubric in the Course Info section on Black Board for further in depth grading instructions.

E Short Essay Midterm

There will be a short essay midterm. Your answers will require no more than three to five sentences.

F. Scenarios

Students will be responsible for presenting two scenarios during the semester. The scenarios, which are listed under each topic in Black Board, focus on controversial issues regarding the topic at hand. These scenarios, most often, will request the presenter to set forth his or her own opinion based upon the readings for that section. **You must cite** to the relevant readings during the oral presentation. You do not have to submit anything in writing. Note the presentation should be no less than 10 minutes long but no longer than 15 minutes long. During your presentation you are encouraged to engage the class by asking them questions and by responding to their independent inquiries. The purpose of these presentations is to recognize the controversy inherent in many of our topics so that they are fully and adequately discussed in class.

G. Chapter presentations.

Each student will be responsible for summarizing four written articles for class discussion. Those articles are the required readings for all the students listed under course documents for each topic. The student selected for each reading will be listed in Black Board under assignments. Your job is to present a summary of the author's findings regarding the issue at hand. Your

presentation should be no longer than 10 to 15 minutes. The presentation will not be a speech, but rather discussion oriented. You are expected to know your chapter inside out so that you can be relied upon as the expert on that chapter as we question it during class time. In your summary you are give the issue presented and the author’s findings and you must understand and inform the class how the author arrived at their findings and what evidence they relied upon.

IV Sources

Except for the required books, all other sources for “Topics of Study” listed above are present on the Black Board web (BB) site for download under the “Modules” section. Further, all assignments for position & character pieces, will be posted on BB under the “Assignment” section.

V Grading

Grades will be based on the number system of zero to 100. The following equals the distribution of scores:

- 2 **Oral Scenarios** worth a maximum of ten points per paper equaling20 points total
- 4 **Oral position** Chapter presentations20 total points
- Midterm essay test worth a maximum of20 total points
- Final six page essay worth a maximum of20 total points
- Class participation, attendance and in class work worth a maximum of20 total points

Total available points.....100

In line with the school of Liberal Arts policy, the following grading scale will be used:

- A 93-100 points C 73-76 points
- A- 90-92 points C- 70-72 points
- B+ 87-89 points D+ 67-69 points
- B 83-86 points D 63-66 points
- B- 80-82 points D- 60-62 points
- C+ 77-79 points F 0-59 points

VI Course Policies

Academic integrity: I draw your attention to the University's policy on plagiarism as outlined in the student handbook. Plagiarism is illegal in the world outside college, and will not be tolerated in the academic world either. College-level writing frequently requires you to use a variety of sources. In this course, you will often use evidence from books, articles, and electronic resources to support points in your papers. If however, you use language, ideas, or information from another source without properly giving credit to that source, you have plagiarized. You must learn to cite sources correctly and to include footnotes. Any idea that is not your own must be cited (including those from class readings), giving the author and the page number (or website and date access), even if you do not quote the author. If you do not quote directly, you must learn to paraphrase the words of the author properly as well as providing correct documentation for his or her idea. Any papers that contain plagiarism will receive a zero. In addition, a letter documenting the incident may be placed in the students file in the office of the Assistant Dean of Academic Affairs. Plagiarism may also result in a failing grade for the course or the student may be reported to the student conduct committee. Plagiarism is a serious academic offense that can result in expulsion from the university. Be sure you have read and understand the Philadelphia University academic integrity policy, available in the student handbook.

VII E-Mail Policy

I will rely very heavily on e-mail communication and will only correspond to your university address. You must check your E-mail every day.

You are required to use the university e-mail account to communicate with me and other students. You may be required to submit assignments to me via e-mail and you will be asked to use blackboard. Make sure your university e-mail account is in working order.

VIII Attendance

Your required work will incorporate ideas discussed in class, rather than asking you to repeat back what you have learned in the readings. Therefore, students who do not come to class on a regular basis are in serious danger of failing. If you come to class late, it is your responsibility to

make sure I have marked you present. However, students who repeatedly come late to class will be marked as absent.

IX Participation

To do well and keep pace, it is essential you meet deadlines and carefully consider what you read and write. Preparation for meaningful participation is required for all course activities. Please be aware that this course is a working seminar. This means that everyone must come to class having read the assigned readings, prepared to discuss them fully, raise questions and perhaps to rethink the issues involved. The class is interactive and not lecture-based; most of your learning will come from ideas you exchange with your fellow students. By joining this class, you are making a commitment to participate fully.

X Technology Statement

Please be considerate and make sure that for each class you have turned off your cell phone, pagers, all types of “berries” and other potential distracting gadgetry. **THERE IS ABSOLUTELY NO TEXT/TWITTER MESSAGING OR PHONE CALLS ALLOWED DURING CLASS.** I bold and underline this because I mean it!!

Please note: the Syllabus and Assignments are subject to Change