CRJ 704-001 Proseminar on Law and Social Control  
Spring 2007  
TTh 11:30am-12:45pm  
WRI C305  
Karu Hangawatte

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Office Hours: TTh 10-11:15am (walk-in), W 10am-12:30pm (by appointment)  
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Texts:  

Course Outline

Objectives: This course will survey and critically analyze the literature concerning social and ethical foundations of law, the impact of various systems of law upon social systems and vice versa, and the function of law in society. It will provide a broad theoretical background against which to explore social policies that pertain to the definition and enforcement of law. It will examine how these policies have been and are presently affected by social change. The theories and policies that support the present system of law will be assessed with a view to finding how things could be. We will examine various constructions and utilizations of law regarding how people perceive, treat and affect one another in social systems. The course would integrate data from the fields of law, social science and humanities.

The main objective of this course is to provide advanced criminal justice students with an in-depth understanding of the interactions between the social policies, the law and the criminal justice process from a law and social control perspective. What is the function of law? Is it social control or enhancing liberties and freedoms? Do these purposes contradict with each other? Is criminal justice policy research influenced by the same assumptions about human and social behavior that underlie the Anglo-American law? Are they driven by the same social objectives? Do the objectives of the justice system contradict the objectives of the law?

Structure: The first two to three weeks I will introduce some basic jurisprudential, ethical and sociological concepts underlying the Anglo-American law. Each week, from the fourth through the fifteenth, one or two students will be asked to make brief oral presentations of the assigned readings and to lead a discussion on the topic for that week. I will provide discussion questions for each topic. The readings are from the texts. Students must research their topics and add to the readings. I will try to accommodate students’ choices of topics as far as possible. However, each student will be required to share responsibility for organizing and managing class discussion during one of the scheduled class periods.

Teaching and learning are reciprocal parts of an interactive process. In essence, we have responsibilities that will contribute to making this class a meaningful educational experience. It is my responsibility to come to class prepared; share information with you in an intelligible manner; direct you to resources which will help you fulfill your class assignments and prepare you for the examinations; ensure that the classroom is a place where we are free to respectfully acknowledge each others opinions; facilitate discussion; and return your work with comments in a timely fashion. I feel it is your responsibility to also come to class prepared having read the material we will cover in class that day, ask questions, thoughtfully participate in class discussions and class exercises, and complete your assignments and specified and turn them in on time.
I believe that successful students are responsible and active, have educational goals, ask questions, learn that a student and professor make a team, don’t consistently sit in the back of the classroom (minimize classroom distractions that interfere with learning), take good notes, understand that actions affect learning (your personal behavior affects your feelings and emotions which in turn can affect learning), talk about what they are learning, come to class regularly and on time, want to learn from, and respect, other students as well as the professor, and are good time managers.

If either of us fails to live up to these standards, this interaction will break down and our educational process will become more difficult.

**Grading:** I'm tired of giving out grades, so you'll have to earn them. You can earn your grades by completing the following tasks. Grading will be by contract. Every student must attend class regularly and demonstrate through participation in class discussions that the student has read the required material. You can enhance your grade by bringing in and sharing stories from the news that reflect the week's readings.

"**C**" or better: In addition to attendance and participation, the student must make a brief oral presentation of the required readings and lead the classroom discussion on a given topic. I will assign the topics and readings to each student. The oral presentation must summarize the main points of the assigned reading. You may use displays, audio/video aids or Power Point to highlight your presentation. If you prefer you may simply write a rap or other song or a poem that teach about the class material, and lead the class in singing/reciting it.

"**B**" or better: In addition to the above, the student must submit a mid-term paper and a term paper. I will provide the topic for the midterm paper. The term paper can be on a topic of your choice that pertains to the class material. The papers must be typewritten, double-spaced, and at least 10 pages. There must be a title page and a one-page summary. Include the class, term, student number, the subject/topic, sub topics, and its estimated number of words. It is necessary to analytically integrate material from the readings and classroom discussions as well as student's own research into both papers. The final draft of the paper is due in class on or before Thursday, May 3rd.

"**A**": The papers will be graded by me and those who submit papers of "satisfactory quality" will qualify to receive a grade of A provided that the student has satisfied all of the above conditions.

The term must be submitted on or before the last day of class. No extension of time will be granted. I will announce the date when the mid-term paper is due.

**Cheating**

If any student is suspected of cheating on an assignment (including plagiarism from a person, book, journal, the web or someone else's work without acknowledging the sources of the material) the student will receive a grade of "F" or your case will be turned over to the University Code Officer who will determine if there has been an ethics violation and the appropriate penalty. There will be no exceptions to this policy.

**Term Paper**

The paper should be organized more or less as follows:

- Introduction (Why is it important to write about your topic)

- Background (history and controversy that led to the mandate, legal precedents, or how it came to exist)

- Analysis (what does it mean when examined from the different theoretical perspectives that you have learned in class)
- Effect/Conclusion (how is the law enforced, who benefits, unintended consequences)

At least six references are required. Two may be popular media (media stories or quotes on public controversy or the law), at least three must be scholarly (journal) or statistical sources. Class texts do not count, though they list many useful references in endnotes.

Please attach a one-page summary at the beginning of the paper. The final draft of the paper is due in class on or before Thursday, May 3rd.

The term paper is meant to demonstrate your knowledge of the course materials as well as your ability to do some independent research. This means that you are required to support your assumptions and conclusions by reference to some materials in addition to the contents of the assigned reading. The word length is quite short so a sensible balance should be struck between references and text. Above all, displaying understanding of the issues -- and using quotes and references to support your points -- is what is required. Incorrect factual statements suggest that you are not familiar with the material.

The course outline gives suggestions as to further reading so build your essay from there. A relevant and interesting quote can add a lot to an essay. Also, if you do not have space in the text to deal with a related issue -- but feel it is important to mention -- put it in a footnote. Any cases or texts mentioned must have a reference. Quotes should have the correct page number. Where you do not quote someone directly, but merely refer to (or implicitly incorporate) his or her ideas, you must also footnote: do not plagiarize.

There is no need to include a bibliography if you have given the full reference in the endnotes or footnotes (and no need to repeat it each time in subsequent references). Please use endnotes or footnotes.

Re style of references, the rule is consistency: all references should follow the same style.

Your essay should be written in a clear, straightforward manner. It should have a logical structure, organized around a clear argument. Start with a short introduction setting out your understanding of the question and what you intend to do. Then deal with each relevant point/argument in turn (you can use a sub-heading for each point if you wish) and provide a conclusion. The aim is to write a critical, well-informed discussion of the topic under consideration.

Avoid writing a essay which is a simple description of the subject matter (i.e. “Everything I Know about Privacy”); you do not have the space to provide detailed facts, etc. If you state in the introduction what you intend to argue (what the main issues are), it will help to keep you focused. Make a relevant argument (and do not contradict yourself) and use your sources in an interesting and distinctive way. The content of an essay is obviously the most important factor but style is also important: make the essay clear, well written, polished.

Do not leave the writing of your essay to the last minute. The secret of good essay writing is to reread and revise it (which is why we ask for word processed rather than handwritten work). Print out a draft of your essay before the deadline and read over it several times marking the text. Correct it and leave it for a few days. Return to it and read it afresh; you will immediately recognize how it can be improved again. When you are happy with it -- you feel that you have answered the question and it is clear and well written -- do a spell check and then submit it. This effort clearly shows in the final version and can make the difference with borderline marks.

Ideas for the Term Paper:

1. You may research and discuss one form of legal inequality, how it came to exist (e.g., what enabled it to occur in the first place), and a plan of action you would use to eradicate it (or at least reduce its impact). You may make a collage using pictures from magazines or other sources to
highlight your facts. Make sure to include a paragraph explaining your artwork and its significance.

2. Sometimes law enables change, and sometimes law makes change difficult. Find an example of each type of law in the news and describe how it affects society. You may use laws from the past or the present. Please attach a copy of the news stories or articles from which you gained your information. First, describe an example of a law that you feel represents an instance of law inhibiting social change and preserving the status quo. How is the law helping to preserve things the way they are (i.e., preventing change)? What situation or state of affairs in society is being preserved? Then, describe an example of a law that you feel represents an instance of law helping social change to occur. How is the law contributing to social progress? What situation or state of affairs in society is being changed (i.e., why do you see the change as social progress?)

3. You may examine a legal mandate--a state or federal law, local ordinance, administrative regulation, or court decision of the student's choice. The paper should examine the history and controversy that led to the mandate, who favored and opposed it and their arguments, how the mandate is enforced, and whose interests ultimately were served by it. The mandate chosen can range from a local ordinance (restrictions on nude dancing in municipalities) to a U.S. Supreme Court decision, or even an unsuccessful attempt at changing the law (such as the marijuana initiative). Originality of analysis will be rewarded. For this reason, choosing a well-hashed mandate, such as Roe v Wade or Bush v Gore, about which it is hard to say anything new, is not recommended. You may also observe a mandate in progress (i.e., city council meeting on proposed ordinance) or in effect (a court hearing), and/or briefly interview qualified sources (a council member, lobbyist) and cite the meeting as one of your sources.

4. You may obtain some firsthand experience with events, organizations, and individuals that live the interaction between law and society. Spend at least 8 to 10 hours gaining some firsthand experience in a situation where law impacts society or society impacts the law. The write-up should consist of two parts. In part one, you should describe what you did (including where and when you went, who you talked with or observed, how much time you spent in the field, and provide me with the name, address, email (if possible), and phone number of a person I can contact to verify your experience). In part two of the assignment, you should react to and evaluate what you experienced by making specific references to what has been discussed in class, in the textbook, and other scholarly material.

**SCHEDULE**

<table>
<thead>
<tr>
<th>Week</th>
<th>Topic</th>
<th>Reading</th>
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<tbody>
<tr>
<td>1 (1/16)</td>
<td>Orientation</td>
<td>Friedrichs, Ch.1</td>
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<tr>
<td>1 (1/18)</td>
<td>The Nature of Law and Its Foundations</td>
<td>Friedrichs, Ch.4</td>
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<tr>
<td>2 (1/23 &amp; 25)</td>
<td>The Nature of ... (continued)</td>
<td>Review above reading</td>
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<tr>
<td>3 (1/30 &amp; 2/1)</td>
<td>Other Theoretical Perspectives</td>
<td>B.et al, Pp. xiii –xi; Friedrichs, Chs.2, 3, 5 &amp; 6</td>
</tr>
<tr>
<td>4 (2/6 &amp; 8)</td>
<td>Other Theoretical Perspectives</td>
<td>Review above reading</td>
</tr>
<tr>
<td>5 (2/13 &amp; 15)</td>
<td>Lawmaking</td>
<td>B.et al, Chs.1-7; Friedrichs, Ch.9</td>
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<tr>
<td>6 (2/20 &amp; 22)</td>
<td>Lawmaking</td>
<td>Review above reading</td>
</tr>
<tr>
<td>7 (2/27 7 3/1)</td>
<td>Lawmaking</td>
<td>Review above reading</td>
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8 (3/6 & 8) Law and Social Control Friedrichs, Ch.8

SPRING RECESS (3/12 – 3/18)

9 (3/20 & 22) Discretionary Justice B. et al, Chs.8-10
10 (3/27 & 29) The Legal Profession Friedrichs, Ch.7

B. et al, Chs.11-13

11 (4/3 & 5) The Jury B. et al, Chs.14-17
12 (4/10 & 12) The Jury Review above reading

13 (4/17 & 19) Dispute Resolution B. et al, Chs.18-20

14 (4/24 & 26) Law and Social Change Friedrichs, Ch.10

15 (5/01) The Future of Law B. et al, Chs.21-24

5/03 Term Paper Due

DISCLAIMER STATEMENT

Academic Misconduct – “Academic integrity is a legitimate concern for every member of the campus community; all share in upholding the fundamental values of honesty, trust, respect, fairness, responsibility and professionalism. By choosing to join the UNLV community, students accept the expectations of the Academic Misconduct Policy and are encouraged when faced with choices to always take the ethical path. Students enrolling in UNLV assume the obligation to conduct themselves in a manner compatible with UNLV’s function as an educational institution.”

An example of academic misconduct is plagiarism: “Using the words or ideas of another, from the internet or any source, without proper citation of the sources.” See the “Student Academic Misconduct Policy” (approved December 9, 2005, located at <http://studentlife.unlv.edu/judicial/misconductPolicy.html>).

Classroom Policies / Rules – It is a faculty member’s discretion and prerogative to determine what is and is not acceptable behavior in his or her classroom (i.e., late arrival, wearing hats). Also, classroom occupants are at the discretion of the instructor (per UNLV General Counsel). Please refer to the Student Conduct Code, Sections III.K. and L. relating to “disrupting” the classroom and/or university operations. See <http://studentlife.unlv.edu/judicial/student.html>.

Copyright –

The University requires all members of the University Community to familiarize themselves and to follow copyright and fair use requirements. YOU ARE INDIVIDUALLY AND SOLELY RESPONSIBLE FOR VIOLATIONS OF COPYRIGHT AND FAIR USE LAWS. THE UNIVERSITY WILL NEITHER PROTECT NOR DEFEND YOU NOR ASSUME ANY RESPONSIBILITY FOR EMPLOYEE OR STUDENT VIOLATIONS OF FAIR USE LAWS. Violations of copyright laws could subject you to federal and state civil penalties and criminal liability, as well as disciplinary action under University policies. To familiarize yourself with copyright and fair use policies, you are encouraged to visit the following website: <http://www.unlv.edu/committees/copyright/>.

Disability Resource Center (DRC) –

The Disability Resource Center (DRC) coordinates all academic accommodations for students with documented disabilities. The DRC is the official office to review and house disability documentation for students, and to provide them with an official Academic Accommodation Plan to present to the faculty if an accommodation is warranted. The DRC strongly encourages faculty to provide accommodations only if and when they are in receipt of said plan. Faculty should not provide students accommodations without being in receipt of this plan.
UNLV complies with the provisions set forth in Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, offering reasonable accommodations to qualified students with documented disabilities. If you have a documented disability that may require accommodations, you will need to contact the DRC for the coordination of services. The DRC is located in the Student Services Complex (SSC), Room 137, and the contact numbers are: VOICE (702) 895-0866, TTY (702) 895-0652, FAX (702) 895-0651. For additional information, please visit: <http://studentlife.unlv.edu/disability/>.

**Missed Class(es) / Student** – As a general rule, a student missing a class or laboratory assignment because of observance of a religious holiday shall have the opportunity to make up missed work. Students must notify the instructor of anticipated absences by the last day of late registration, January 22, 2007, to be assured of this opportunity. Faculty may give students an additional week, but are encouraged to set a clear deadline. NOTE: Students who represent UNLV at any official extracurricular activity shall also have the opportunity to make up assignments, but the student must provide official written notification to the instructor no less than one week prior to the missed class(es).