CRJ420/620: Jurisprudence

COURSE DESCRIPTION:
CJ420 is a capstone course in law and society intended to expose students to a variety of perspectives on legal theory and the behavior of law. These perspectives can be used, *inter alia*, to analyze and understand the operations and problems of criminal and civil justice. The course is interdisciplinary in nature and emphasizes critical review and analysis of law in a heterogeneous liberal democracy. Special emphasis will be placed on students developing and presenting their own ideas on the legal ramifications of society's defining, processing, and treatment of perceived deviance. This course would be of special value to individuals considering careers in law or policy formulation.

Prerequisites for Capstone courses are junior or senior standing and completion of all General Education courses that build Core Objectives 1-3 and satisfy Core Objectives 4-8. This course will satisfy Core Objective 13 of the Silver Core Curriculum:

CO 13. Integration and Synthesis:
Students will be able to integrate and synthesize Core knowledge, enabling them to analyze open-ended problems or complex issues.

Capstone courses are intensive experiences in critical analysis designed to broaden students' perspectives beyond their culture or discipline and provide an opportunity for integration of previous courses in the major and core curriculum. These readings and questions are intended to present a variety of tough issues about the role of law in a pluralistic society. A fundamental purpose of a capstone course is to assist students in honing the skills described in Core Objectives 1 and 3:

CO 1 Effective Composition and Communication. Students will be able to compose written, oral, visual, and other forms of discourse for a variety of scholarly, professional, and creative purposes.

CO3 Critical Analysis & Use of Information. Students will be critical consumers of information, able to engage in systematic research processes, frame questions, read critically, and apply observational and experimental approaches to obtain information.

In addition, a capstone satisfying CO 13 must integrate at least one of the core objectives 9-12. This course will integrate CO 10:

CO10. Diversity and Equity: Students will develop a set of cognitive, affective, and behavioral skills and characteristics that support effective and appropriate attentiveness to and analysis of diversity and equity. Students will demonstrate an understanding of diversity through courses that focus on topics such as race, ethnicity, gender, sexuality, religion, physical ability, language, and/or social class with an emphasis on the analysis of equity. Students will apply and evaluate approaches or modes of inquiry used to analyze diversity and equity and the social barriers to these goals.

STUDENT LEARNING OUTCOMES - On completion of this course, students will be able to
* describe legal theory from various perspectives or points of view, such as legal positivism, natural law, sociological jurisprudence
* utilize a variety of perspectives on legal theory to analyze issues and problems of criminal and civil justice in history and contemporary society.
* critically review and analyze law and its operation in a heterogeneous liberal democracy with a focus on issues of diversity or equity, such as race, class/labor, gender. (CO 10)
* integrate and synthesize knowledge of law and legal process with diverse and even conflicting perspectives on law to address problems in contemporary society (CO 13)

PROFESSOR’S EXPECTATIONS:
Active, vocal participation is a must! As you must be here to participate, missing four classes will result in the loss of 20 points, each subsequent absence will incur the loss of additional points.

COURSE OBJECTIVES:
*There is only one exam, a midterm, in this class so students must be willing to put exceptional effort into their papers and presentations in order to display their ability to integrate diverse and often conflicting ideas into clear, cogent perspectives.
*Students will learn several analytic techniques (Blackian and Hohfeld/Marsh Analysis for example) and apply them to the complex dilemmas of the political and legal world in semi-Socratic discourse.
*Students, working in groups, will develop meaningful solutions to some of the intractable problems which face the contemporary world and present those solutions to the critical review of the class.

REQUIRED READINGS:
Additional reading materials and handouts will be available on webcampus

COURSE REQUIREMENTS:
1. Minimum 15 page paper (20 pages for graduate students)**--------------------------- 200 points
2. Group presentation, 3 to 5 students ***--------------------------------------------- 100 points
3. Midterm, essay (graduate students will do take-home essays) ------------------------ 100 points
4. Class participation****------------------------------------------------------------- 100 points

TOTAL 500 points

GRADING:
Undergraduate:B450-500 = A; 400-449 = B; 350-399 = C; 300-349 = D.
Graduate:B460-500=A; 400-459 = B; 350-399 = C; do not even think of lower!

POLICIES AND RESOURCES
Policy on Audio and Video Recording Under department policy, classes may not be videotaped in any form, and if you wish to audiotape a class, you must notify the instructor and obtain their permission. Surreptitious or covert video-taping of class or unauthorized audio recording of class is prohibited by law and by Board of Regents. The Board of Regents policy states: This class may be videotaped or audio recorded only with the written permission of the instructor. In order to accommodate students with disabilities, some students may be given permission to record class lectures and discussions. Therefore, students should understand that their comments during class may be recorded.
**Disability Services:** Any student with a disability needing academic adjustments or accommodations should contact the Disability Resource Center (Thompson Building, Suite 101; phone 784-6000).

**Academic Success Services:** Your student fees cover usage of the Math Center (784-443 or [www.unr.edu/mathcenter](http://www.unr.edu/mathcenter)), Tutoring Center (784-6801 or [www.unr.edu/tutoring-center](http://www.unr.edu/tutoring-center)), and University Writing Center (784-6030 or [http://www.unr.edu/writing-center](http://www.unr.edu/writing-center)). These centers support your classroom learning; it is your responsibility to take advantage of their services. Keep in mind that seeking help outside of class is the sign of a responsible and successful student.

**Academic Dishonesty**
High ethical standards are essential to the legitimate functioning of our legal and criminal justice systems; so too, must they be expected of students anticipating careers in those systems or related fields. Compliance with all University & Department policies & rules regarding attendance, conduct, and academic honesty is required.

Academic dishonesty includes cheating in all forms as well as plagiarism. Students are expected to personally write and complete all assignments/exams/papers which are attributed to them by name. Any violation of university policy on academic dishonesty will not be tolerated. Violations can and will result in discipline which may range from a zero for the assignment to failing the course or other discipline as provided under university policy and procedures. For more detail on the definition of academic dishonesty and disciplinary policies and procedures, visit the Office of Student Conduct website.

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**CLASS SCHEDULE:**

**Part 1** --- Introduction, law and society in historical perspective.

**Part 2** --- Black, *Behavior of Law*. We will begin with chapter 1 of Black and follow the order of the text.

**Midterm**

**Part 3** ©The Hohfeld/Marsh Analysis©Power and Duty

--- Dicey=s perspective on legal change


**Part 4** --- Group Presentations: The exact dates for these parts will be developed in class

**Draft Papers due Oct 15**

**Final PAPERS due the first class in December.** Late papers lose 10 points per day!

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*Readings: The Behavior of Law.* This text will be covered in chapter order. Black=s text has highlighted summations of his theoretical perspective, i.e., Alaw varies directly with stratification.@ When called on in class, my expectation is that the student will:

* Give a brief summation of what this means (easy, the explanation is usually right beneath),
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* Give an example from something learned in the core or major,
* Give an example from some contemporary social, legal or moral issue.

I will keep a record of each student's responses on your note card. Evaluation is on a 0 - 10 basis. I will be looking for clarity and ability to relate theory to practice. This is part of your participation grade. It is expected that each student will be called on at least twice during the rest of the semester. It is also expected that other students will join in.

**Politics of Law**: When called on it is expected that the student will answer one of three questions:
1. Develop a continuum which reflects the range of points in the reading; then point out where you think the writer is at on that continuum. Finally, overlay the continuum with a bell curve which you think represents population perspective on the issue(s) in the reading.
2. Do an analysis of the reading from one of the perspectives developed in class. For example, what unprovable assumptions about law and justice (absolute, equity, due process); and/or assumptions about human nature/behavior (deterministic, free will, result) are being put forth. Consider, and explain whether paradigmatic shifts are the article focus (common in historical pieces).
3. Utilizing a Blackian and/or Hohfeld/Marsh analysis to explain what changes, if any, are being proposed/made in right/duty relationships or direction of law. If appropriate, go backwards in time and explain what historical changes in right/duty relationships were made to reach the current status quo on the issue.

Evaluation will be on a 0-10 basis. Clarity and the application of theory to concept are being looked at here. Consider in your responses: These are tough questions to perhaps intractable problems. The idea here is to draw out some depth of analysis. **Whether I agree with your idea(s) is completely irrelevant to your grade!** In this vein, I encourage probing student questions about student answers/comments---and my own questions/comments.

**Do not get discouraged!** All this is not as hard as it may seem. Only answers that indicate a nonreading/thinking about the assignment will be rated poor. It is suggested that students prepare their answers on a note card. There are no prohibitions against forming study groups and pooling your answers. It is, however, an ethical violation to use the work of others if you do not contribute (effort, not money).

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**Paper Intellectual Requirements:**
Because this course is multidisciplinary does not mean that it lacks procedural direction, that, >anything goes.= A Feeble, feelie papers spouting words about how things >should be= are not adequate for a high grade. **You must analyze!** Try asking yourself these questions:
* Am I writing anything new to myself?
* What is my paradigm base?
* Historically, is this an old/new problem and/or an old./new answer?
* Does my thesis/conclusion create more problems then it solves?

Quite simply, excellence is required. Sixty percent of the grade comes from content. Twenty percent comes from structure and organization. **Twenty percent of the grade comes from mechanics.** There is no excuse for failure in this last area for a college graduate in the age of computers. In content I look for depth. In structure and organization I look for ability to communicate. In mechanics I look for **hard work.** Use the Writing Center. Use peer review. But, do not be afraid to trod strange new lands. Above all things I value students who are willing to take a stance that is clearly their own.

**Technical Requirements:**
The paper must be at least 15 **full** pages of double spaced type. There is no limit on upper length. If the
paper is only 15 pages the last word better end on the very last line of the page. Title pages, bibliographies, and charts do not apply toward page count. Type must be no larger than 12 point (10CPI) and margins must be 1” on all sides. **Do not play games with spacing between paragraphs, etc.** However, I strongly encourage the use of headings or subtitles and sub-subtitles.

**Style:**  
You may use any style (APA, Chicago, ALA) but be correct and consistent in your use. One exception to style is my requirement regarding the citation of case and statute law. **The only acceptable way to cite a case is: Jones v. U.S. (222 S.Ct 331 [1983]).** In short, I want the full citation in the text immediately following the use of the case name. I do not want to be searching for the court and year information in a table of cases. If you are quoting a specific passage from a case you must also cite the page number, i.e., *Jones v. U.S.* (222 S.Ct 331:339 [1983]). If you are using the case name more than once you do not need to again give the full citation. For example, you can write, *A* Further, in *Jones* the court majority related that ....@. It is important that you italicize, underline, or boldface case names. In the same manner, when citing a specific statute, use its title, i.e., *The Antiterrorism and Effective Death Penalty Act of 1996* (18 U.S.C. Sec. 2254) and place the citation immediately after it.

**Caveat:**  
One thing to consider in choosing a paper topic is the potential breadth of the subject. The broader the subject the more difficult it is to meaningfully write about in a few short pages (yes, 15 pages is short). Thus, a paper on the drug war probably cannot be done in 15 pages. A paper on the history of the war, or, a specific law, i.e., *The Omnibus Crime Act of 1988* is much narrower and easier to handle. Narrowness of scope, however, is not an excuse for ignoring important points. If you are not going to discuss a particular point on a subject, tell the reader why. It is ok to say, *A*While issue A exists, it is beyond the scope of this writing because .....@. It is not ok just to ignore the issue because it is inconvenient to your argument. It also makes me think you may not have done your research. Finally, as a general rule, do not write papers in the first person and unless you have a specific reason don’t use contractions in an academic paper. Refer to the Writing Standards hand out often and use the Graduate Teaching Assistant assigned to help you with your paper! **THERE WILL BE A BEST PAPER AWARD!**  

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**Group Presentation:** There are several purposes for the group project. Among them is that >playing well with others= is a highly prized skill. There are few positions that do not require group work, committee work is a fact of life for most people. The group project topics will be drafted by the instructor and assignment to a group will be by drawing. Grading of presentation will be based on: 1. Preparation (40 points); 2. Presentation (40 points); and 3. Style (20 points).

A key point of the exercise is coming to grips with complex issues and developing a workable solution that can be >sold.= **THERE WILL BE A BEST GROUP PROJECT AWARD AND THE GROUP WINNING THAT AWARD WILL RECEIVE 50 BONUS POINTS.**

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**Participation:** To carry out the both the letter and the spirit of a capstone course students must be constantly prepared to discuss the readings. Students will be called on to discuss the readings. Individual note cards will be kept on each student upon which the instructor will keep a record of the quality of the student’s responses and general impressions as to the student’s class participation.
Class participation involves more than just responding to questions. High scores in this area will come from student initiative that reflects critical analysis of complex problems. Because students in this course come from various disciplines they are encouraged to give their disciplinary perception(s) of the issues brought forth in this class. We will generally follow the order in the outline. The emphasis placed on the various sections (and thus time) will be determined by class participation. Be prepared, read ahead!

Participation is a large part of your grade. While it is a sad thing, as capstone courses get larger it is more difficult to do personal evaluation, to provide a seminar experience. Responses are not unstructured free-for-alls! You must answer the designated question(s) about the readings. You are free to add anything you so desire. But, answer the question(s) first. Your responses are graded on an average to truly outstanding basis. There will be no less-than-average evaluations unless I believe that you have not done the reading/thinking and are just winging it. Answering the question(s) has more to do with learning to use the critical thinking techniques than with the actual answer. Higher grades, and points, will come from answering all parts of the question. While two or three points may not seem like much; remember it only takes 1 point to be on the right or wrong side of a grade cutoff.

It is anticipated (hoped?), that students not called on any particular day will show that they have done the reading/thinking by critiquing the developing analysis. This can be done on the reading as a whole or on a specific question. This is your chance (and mine) to again personalize this course into a seminar experience. Particularly incisive and insightful questions and perspectives about the reading will be awarded on the spot with bonus points (you must come up after class to make sure I enter them). If you do not get bonus points on the spot, do not get discouraged. Experience tells me less than a third will. If you think that you have been treated unjustly, come up after class, or see me later in my office, and argue why your comments(s) deserved bonus points.

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