

CRJ 714 Proseminar on Law and Criminal Justice Theory

Class Syllabus – Fall 2016

Thursday 11:30am-2:15pm

Instructor:

Office Location:

Office Hours: M & W 12:30-2:20pm; R 10-11:20

Email:

Telephone number:

COURSE DESCRIPTION

This seminar is designed to introduce students to the major theories, theorists, and theoretical paradigms within the disciplines of law and society, and criminal justice. It identifies and defines major types of theories in law and society (e.g., sociological jurisprudence, legal realism, law as social engineering) and criminal justice (e.g., organizational and individual behavioral theories, institutional theory), reviews the strengths and weakness of each of the main theoretical perspectives, and illustrates the basic elements necessary to construct and/or test a theory. Examples of theory integration will also be discussed.

LEARNING OBJECTIVES

Upon successful completion of this course, students will be able to:

- Identify and define the major theories and theorists in law and society and criminal justice
- Describe the social and historical contexts in which these theories were formulated
- Discuss the operationalization of major theoretical concepts in empirical assessments
- Critically analyze the strengths and weaknesses of major theories
- Assess and develop criminal justice policies grounded in specific theoretical paradigms

REQUIRED READINGS

Black, D. (2010). *The Behavior of Law*. Special Edition. Emerald.

Gottfredson, M.R. and Gottfredson D.M. (1988). *Decision Making in Criminal Justice – Toward the Rational Exercise of Discretion*. Second Edition. New York: Plenum Press.

Kraska, P.B. and Brent, J.J. (2011). *Theorizing Criminal Justice – Eight Essential Orientations*. Second Edition. Waveland Press.

Tyler, T.R. (2006). *Why People Obey the Law*. Princeton, NJ: Princeton University Press.

All other required readings are available on WebCampus. For details refer to the Course Schedule and Assignments section of this syllabus.

The UNLV library (<http://www.library.unlv.edu/>) has various online databases that are useful for conducting further research on issues related to this class, particularly for the research paper. The following databases are most relevant and useful for this class: 1) Criminology–ASageFull-TextCollectoin; 2) Lexis-NexisAcademicFullText; and 3) Scholar.google.com

COURSE SCHEDULE AND ASSIGNMENTS

The Chronology of class sessions, lecture topics, assigned readings, and assignment deadlines is provided below. These days are tentative and subject to change.

DATE	READINGS
9/1	<p><u>Introduction: Theories on Law and Criminal Justice</u></p> <p>Duffee, D.E. and Maguire, E.R. (2007). Criminal Justice Theory – Explaining the Nature and Behavior of Criminal Justice. NY: Routledge. Pages 1-22.</p>
9/8	<p><u>Perspectives on Law</u></p> <p>1) <u>Early Thinkers about Law</u></p> <p>Walsh, A. and Hemmens, C. (2014). Law, Justice and Society. NY: Oxford University Press. Pages 11-26.</p> <p>2) <u>Natural Law, Legal Positivism, Categorical Imperative, and Utilitarianism</u></p> <p>Lippman, M. (2015). Law and Society. Sage. Pages 44-67.</p> <p>Bedau, H.A. (1983). Bentham’s Utilitarian Critique of the Death Penalty. Journal of Criminal Law and Criminology 74:1033-1065.</p> <p><i><u>How to write a dissertation PART I -- Completing your dissertation without tears</u></i> (be ready to share your thoughts with the class)</p> <p><u>Assignment 1 due</u></p>
9/15	<p><u>Sociological Jurisprudence and Legal Realism</u></p> <p>Pound, R. (1912). The Scope and Purpose of Sociological Jurisprudence, III Sociological Jurisprudence. Harvard Law Review: 25:489-516.</p> <p>Singer, J.W. (1986). Legal Realism Now. California Law Review 76:465-544 [496-503].</p> <p>Obergefell v. Hodges (06/26/2015) Supreme Court. Pages 1-18.</p>

	<p>Lave, T.R. (2012-2013). Shoot to Kill: A Critical Look at Stand Your Ground Laws. Miami Law Review 67:827-860.</p> <p><u>How to write a dissertation PART II – Dissertations provided by the Writing Center at UNV –Chapel Hill</u> (be ready to share your thoughts with the class)</p>
9/22	<p><u>Law and social control</u></p> <p>Black, D. (2010). The Behavior of Law. Pages 1-121.</p> <p>Greenberg, D.F. 1983. Donald Black’s Sociology of Law: A Critique. Law and Society Review 17:337-368</p> <p>Roberts, A. and Lyons, C.J. (2009). Victim-offender racial dyads and clearance of lethal and nonlethal assaults. Journal of Research in Crime and Delinquency 46:301-326.</p> <p><u>How to write a dissertation PART III – Dissertation guide workbook</u> (chapter 2 The Literature Review, pages 5-8; while going over the short version of the guide, if you have any questions, you may refer to the complete Dissertation Guide Workbook online) (Be ready to work on the worksheet in class)</p> <p><u>Assignment 3 due</u></p>
9/29	<p><u>Legal Structure and Culture</u></p> <p>Friedman, L.M. (1969-1970). Legal Culture and Social Development. Law and Society Review, 4:29-44.</p> <p>Boyle, E.H. and Preves, S.E. (2000). National Politics as International Process: The Case of Anti-Female Genital-Cutting Laws. Law and Society Review 34:703-738</p> <p>Foote, D.H. (1991). Confessions and the Right to Silence in Japan. Ga. Journal of International and Comparative Law 21:415-488.</p> <p>Bibas, S. (2004). Plea Bargaining outside the Shadow of Trial. Harvard Law Review 117: 2463-2547. <u>(PAGES 2469 – 2496 Part I Structural Distortions)</u></p> <p><u>How to write a dissertation PART IV – Dissertation guide workbook</u> (chapter 1 Introduction, pages 1-4).</p> <p><u>Assignment 4 due</u></p>
10/6	<p><u>Presentation (1) – Law and Society Theory</u> <u>(Send the class one reading related to your research one week prior to your presentation)</u></p>

	<p><u>PowerPoint document and paper title, abstract and outline due</u></p>
10/13	<p><u>Criminal Justice Theory</u></p> <p>Bernard, T.J. and Engel, R.S. (2001). Conceptualizing Criminal Justice Theory. Justice Quarterly 18:1-30</p> <p>Feeley, M.M. (1983). Court Reform on Trial – Why Simple Solutions Fail. New Orleans, LA: Quid Pro Books. Chapter 6 Impediments to Change (121-130)</p> <p>Kraska, P.B. and Brent, J.J. (2011). Theorizing Criminal Justice – Eight Essential Orientations. Chapter 1 Criminal Justice Theory: It’s Time to Ask Why (pages 1-30); Chapter 3 Criminal Justice as a System (pages 45-92)</p>
10/20	<p><u>Legitimacy, Compliance and Procedural Justice</u></p> <p>Tyler, T.R. (2006). Why People Obey the Law. Princeton, NJ: Princeton University Press.</p> <p>Kaiser, K.A. and Holtfreter, K. (2016). An Integrated Theory of Specialized Court Programs: using Procedural Justice and Therapeutic Jurisprudence to Promote Offender Compliance and Rehabilitation. Criminal Justice and Behavior 43:45-62</p> <p><u>Assignment 5</u> <u>due Paper draft 1 due</u></p>
10/27	<p><u>Media and Criminal Justice</u></p> <p>Kraska, P.B. and Brent, J.J. (2011). Theorizing Criminal Justice – Eight Essential Orientations. Chapter 6 Criminal Justice as Socially Constructed Reality (pages 151-194)</p> <p>Burns, R. and Crawford C. (1999). School Shootings, the Media, and Public Fear: Ingredients for a Moral Panic. Crime, Law and Social Change 32:147-168.</p> <p>Beale, S.S. (2006). The News Media’s Influence on Criminal Justice Policy: How Market-Driven News Promotes Punitiveness. William and Mary Law Review 48:397-481.</p> <p><u>Assignment 6 due</u></p>
11/3	<p><u>Criminal Justice Process Theories</u></p> <p>Kraska, P.B. and Brent, J.J. (2011). Theorizing Criminal Justice – Eight Essential Orientations. Chapter 4 Criminal Justice as Crime Control vs. Due Process (pages 93-116)</p>

	<p>Findley, K.A. (2009). Toward a new paradigm of criminal justice – How the innocent movement merges crime control and due process. University of Wisconsin Law 1-41.</p> <p>Foote, D.H. (1992). The Benevolent Paternalism of Japanese Criminal Justice. California Law Review 80:317-390.</p> <p>Bibas, S. (2004). Plea Bargaining outside the Shadow of Trial. Harvard Law Review 117: 2463-2547.</p> <p><u>Assignment 7</u> <u>due Paper draft 2 due</u></p>
11/10	<p><u>Discretion – Theory on Rational Exercise of Discretion</u></p> <p>Kraska, P.B. and Brent, J.J. (2011). Theorizing Criminal Justice – Eight Essential Orientations. Chapter 2 Criminal Justice as Rational/Legalism (pages 31-44)</p> <p>Gottfredson, M.R. and Gottfredson D.M. (1988). Decision Making in Criminal Justice – Toward the Rational Exercise of Discretion. Second Edition. New York: Plenum Press. Chapters 1-6 and Chapter 10</p> <p><u>Assignment 8 due</u></p>
12/1	<u>Exam</u>
12/8	<p><u>Presentation 2 - Criminal Justice Theory and Application</u></p> <p><u>Send the class one reading related to your research one week prior to your presentation.</u></p>
12/16	<u>PowerPoint document and Paper due</u>

EVALUATION AND GRADING POLICY

Students are expected to complete the following tasks to earn a grade in this course. Detailed requirements and due dates are stated in the Course Schedule and Assignments section of this course syllabus.

1.Assignments: To help you understand core concepts, questions pertaining to specified readings will be made available via Webcampus at least one week prior to the due date of each assignment. You are asked to answer the questions based on these readings and turn them in before the beginning of class on the day that they are due.

2.Class participation: Class attendance and participation will be part of your grade. You are expected to review the readings and complete the assignment before each class. You are also expected to contribute to class discussion and complete the worksheet during the

class. These assignments will help you think critically about the course material and will also help you prepare for course exams.

3.Exam: The exam will consist of essay questions that require students to 1) describe a particular theory or theoretical paradigm; 2) assess the strengths and weaknesses of the theory; 3) compare and contrast competing theories or paradigms; and 4) explain a particular phenomenon/case/behavior using a particular theory or paradigm.

4. Presentation and Paper: **Two in-class presentations are scheduled.** See instructions on presentation and paper for details.

Grading scale:

A=93% or better; A-=90-93%; B+=87% or better; B=84%-86%; B-=80%-83%; C+=77% or better; C=74%-76%; C-=70%-73%, etc.

There are a total of 800 points possible in this class.

Assignment	Number of Assignment	Points for each assignment	Total Points for each assignment
Assignments	8 (2 graded)	80	160
Class participation	2	20	40
Exam	1	300	300
Presentation	2	50	100
Paper	1	200	200

The Facione and Facione Holistic Critical Thinking Scoring Rubric (1994) will be used to grade written assignments in this class. It involved four levels of proficiency (A, B, C, and D with pluses and minuses). Written assignments that do not follow the instructions, for example, answers did not address the questions, failed to meet the length requirement substantially, will result in a lower grade.

Level A	Consistently does all or almost all of the following: Accurately interprets evidence, statements, graphics, questions, etc. Identifies the salient arguments (reasons and claims) pro and con. Thoughtfully analyzes and evaluates major alternative points of view. Draws warranted, judicious, non-fallacious conclusions. Justifies key results and procedures, explains assumptions and reasons. Fair-mindedly follows where evidence and reasons lead.
Level B	Does most or many of the following: Accurately interprets evidence, statements, graphics, questions, etc. Identifies relevant arguments (reasons and claims) pro and con. Offers analyses and evaluations of obvious alternative points of view. Justifies some results or procedures, explains reasons. Fair-mindedly follows where evidence and reasons lead.
Level C	Does most or many of the following: Misinterprets evidence, statements, graphics, questions, etc. Fails to identify strong, relevant counter-arguments.

	Ignores or superficially evaluates obvious alternative points of view. Justifies few results or procedures, seldom explains reasons. Regardless of the evidence or reasons maintains or defends views based on self-interest or preconceptions.
Level D	<u>Consistently does all or almost all of the following:</u> Offers biased interpretations of evidence, statements, graphics, questions, information, or the points of view of others. Fails to identify or hastily dismisses strong, relevant counter-arguments. Ignores or superficially evaluates obvious alternative points of view. Argues using fallacious or irrelevant reasons, and unwarranted claims. Regardless of the evidence or reasons, maintains or defends views based on self-interest or preconceptions. Exhibits close-mindedness or hostility to reason.

UNLV POLICIES

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. Plagiarism is 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://studentconduct.unlv.edu/misconduct/policy.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. Additional information can be found at: <http://www.unlv.edu/provost/copyright>

Disability Resource Center (DRC) – The UNLV Disability Resource Center (SSC-A 143, <http://drc.unlv.edu/>, 702-895-0866) provides resources for students with disabilities. If you feel that you have a disability, please make an appointment with a Disabilities Specialist at the DRC to discuss what options may be available to you. If you are registered with the UNLV Disability Resource Center, bring your Academic Accommodation Plan from the DRC to me during office hours so that we may work together to develop strategies for implementing the accommodations to meet both your needs and the requirements of the course. Any information you provide is private and will be treated as such. To maintain the confidentiality of your request, please do not approach me before or after class to discuss your accommodation needs.

Religious Holidays Policy – Any student missing class quizzes, examinations, or any other class or lab work because of observance of religious holidays shall be given an opportunity during that semester to make up missed work. The make-up will apply to the religious holiday absence only. It shall be the responsibility of the

student to notify the instructor **within the first 14 calendar days of the course for fall and spring courses (excepting modular courses), or within the first 7 calendar days of the course for summer and modular courses**, of his or her intention to participate in religious holidays which do not fall on state holidays or periods of class recess. For additional information, please visit:

<http://catalog.unlv.edu/content.php?catoid=6&navoid=531>.

Transparency in Learning and Teaching—The University encourages application of the transparency method of constructing assignments for student success. Please see these two links for further information:

<https://www.unlv.edu/provost/teachingandlearning>

<https://www.unlv.edu/provost/transparency>

Incomplete Grades - The grade of I – Incomplete – can be granted when a student has satisfactorily completed all course work up to the withdrawal date of that semester/session but for reason(s) beyond the student’s control, and acceptable to the instructor, cannot complete the last part of the course, and the instructor believes that the student can finish the course without repeating it. A student who receives an I is responsible for making up whatever work was lacking at the end of the semester. If course requirements are not completed within the time indicated, a grade of F will be recorded and the GPA will be adjusted accordingly. Students who are fulfilling an Incomplete do not register for the course but make individual arrangements with the instructor who assigned the I grade.

Tutoring and Coaching - The Academic Success Center (ASC) provides tutoring, academic success coaching and other academic assistance for all UNLV undergraduate students. For information regarding tutoring subjects, tutoring times, and other ASC programs and services, visit <http://www.unlv.edu/asc> or call 702-895-3177. The ASC building is located across from the Student Services Complex (SSC). Academic success coaching is located on the second floor of the SSC (ASC Coaching Spot). Drop-in tutoring is located on the second floor of the Lied Library and College of Engineering TEB second floor.

UNLV Writing Center – One-on-one or small group assistance with writing is available free of charge to UNLV students at the Writing Center, located in CDC-3-301. Although walk-in consultations are sometimes available, students with appointments will receive priority assistance. Appointments may be made in person or by calling 895-3908. The student’s Rebel ID Card, a copy of the assignment (if possible), and two copies of any writing to be reviewed are requested for the consultation. More information can be found at: <http://writingcenter.unlv.edu/>

University Library

Students may consult with a librarian on research needs. For this class, the subject librarian is Susie Skarl (https://www.library.unlv.edu/contact/librarians_by_subject). UNLV Libraries provides resources to support students’ access to information. Discovery, access, and use of information are vital skills for academic work and for successful post-college life. Access library resources and ask questions at <https://www.library.unlv.edu/>.

Rebelmail – By policy, faculty and staff should e-mail students' Rebelmail accounts only. Rebelmail is UNLV's official e-mail system for students. It is one of the primary ways students receive official university communication such as information about deadlines, major campus events, and announcements. All UNLV students receive a Rebelmail

account after they have been admitted to the university. Students' e-mail prefixes are listed on class rosters. The suffix is always @unlv.nevada.edu. **Emailing within WebCampus is acceptable.**

Final Examinations – The University requires that final exams given at the end of a course occur at the time and on the day specified in the final exam schedule. See the schedule at: <http://www.unlv.edu/registrar/calendars>.

Critical thinking

A definition

Critical thinking is a capacity to work with complex ideas whereby a person can make effective provision of evidence to justify a reasonable judgment. The evidence, and therefore the judgment, will pay appropriate attention to the context of the judgment... The fully developed capacity to think critically relies on an understanding of knowledge as constructed and related to its context (relativistic) and it is not possible if knowledge is viewed only in dualistic or absolute manner (i.e. knowledge as a series of facts).

(Moon, 2007, p. 38)

So, what does it mean?

- It involves making a judgment and developing an argument
- The judgment/argument is based on evidence
- The evidence should be appropriate and well considered
- It takes account of the context within which the ideas are explored
- Critical thinking implies that knowledge is not right or wrong or simply a given set of facts

Examples of when one might engage in critical thinking

1. Reviewing and evaluating someone else's argument
 - The argument is presented through a series of ideas that lead to a conclusion
 - This could be in an essay, a research paper, an academic text, etc...
 - The critical thinking process here is to review the elements and process of the argument, the quality of the conclusion and the process of reaching it.
 - It evaluates the relevance and quality of the work
2. Development of an argument
 - The argument is constructed by the critical thinker, through presentation of evidence and a line of reasoning that leads to a valid conclusion
 - The presentation of the argument is important (the structure of the writing, clear expression, signposting, appropriate language)
 - This process is used in essay writing, research reports and dissertations as well as presentations

The shifts in deepening critical thinking

Superficial critical thinking	↔	Deep critical thinking
<ul style="list-style-type: none"> • Description of the surface issues • Undefined structure with little focus • Absence of argument and comparison • Dealing with surface characteristics of the words and ideas • Descriptive text in which questions are raised • Not noticing or not dealing with emotional aspects of the issue • Giving unjustified opinion as conclusion • One dimensional account • Drift from idea to idea • No reflection 		<ul style="list-style-type: none"> • Identification and evaluation of all the issues leading towards the required outcomes • Structure that is focused and purposeful • Presence of argument/comparison • Deeper consideration of the meaning of words • Analytical text in which there is a response to questions raised • Noticing and dealing with the emotions in relation to the issue • Presentation of a considered conclusion based on evidence provided • Recognition of other points of view • Persistent and systematic dealing with selected issues and topics • Critical reflection

This document is adapted from Moon (2007) 'Critical thinking: a Workshop handout