

## Law and Society Political Science 3271

University of Colorado-Boulder

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Office Hours: Mondays, Tuesdays, and Fridays 12-1  
(also by appointment)

## Zoom Meeting

<https://cuboulder.zoom.us/j/96440970550?pwd=bTE5OTBIN1A3UitER2VVM3h5ekMrUT09>

Meeting ID: 964 4097 0550

Passcode: 3271

## Teaching philosophy

I believe that far too often, students are unfairly graded for things they were supposed to have learned before they come to college (or this class). Moreover, I believe that there is too much emphasis on knowledge. I have learned from past experience, that I have overestimated the logical skills students bring with them (this is documented in STEM education research). Having studied the prevalence of various logical errors systematically, I have been recreating all my courses to ensure that students are presented with the opportunity to practice these skills.

For these reasons, there are aspects to my courses that students are not used to.

1. I use specifications grading so that students can choose their strengths. This means that your grade is based on “point accumulation” rather than “percent correct.” You can choose which assignments you do. There are around 60,000 points possible, but you only need 35,000 points to get an A.
  - o This increases complexity but also maximizes fairness and learning. Don’t want to do a final project? Don’t want to take the exams? Don’t want to work in a group? Great. You can still earn an A.
2. I do not have students write essays in exams; instead, I teach students to identify common logical errors in an essay that I write.
3. There is no memorization, though I do test for learning course material in what I consider to be a creative way. All exams and quizzes are open note, open book, and open internet. yet, despite the “True/False” type of test, students score an average of a B.

## Texts and recommended texts

To keep costs down, there are no required texts for this course; all readings and videos are posted in the Canvas course. Some recommended texts that students in the past have loved include:

[Amy Bach, Ordinary Injustice](#)

[Alex Karakatsanis, Usual Cruelty](#) (proceeds go to support civil rights litigation)

# Course outline

## Module 1: The logic of evidence and inference

Day 1 (Mon Aug 7): Thinking logically: Thinking ethically, causally, and systemically

### Watch before or after class

[Logical fallacies YouTube](#)

[More logical fallacies YouTube](#)

[Five fallacies about race](#)

[\(purpose is less to learn about race and racism and more to understand examples of systemic, ecological, and individualistic fallacies\)](#)

### Read: Griswold excerpt

### In class: lecture

Kinds of statements

Logical fallacies

Logic of legal interpretation

Day 2 (Tues, Aug 8): Thinking causally, ethically, and legally: What causes people's differing reactions to injustice or violence? What are the ethics of punishment?

### Reading

Javeline and Baird: Surprisingly non-violent aftermath in Beslan

Gruber, #MeToo and Mass Incarceration

Beccaria, On Crime and Punishment

### Daily short assignment for Aug 7<sup>th</sup>

Be today's Beccaria. Declare a new set of ethics regarding one aspect of our political, socio-economic, or legal system.

### Daily short assignment for August 8<sup>th</sup>

Identify a logical fallacy that you observe – one that might go unnoticed (not an obvious one). This might be from the news, or one of your friends, or something you watched or read. And make sure it is the type of logical fallacy that could be easily missed even by a smart person.

In class: lecture

Logic of U.S. law: rights, liberties, and privacy

Understanding legal analysis: Griswold and the right to privacy

## Major assignment: Due August 9th 5pm

Policy brief (group white paper) **topic**: a few sentences describing the policy you want to brief, so that I can give you timely feedback on suggested scholarly literature and workability.

1000 points for completion, upon completion of the final brief.\* [Here is the Canvas link.](#)

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\* These points are freebie points for having a topic this far in advance, but they are not to be given away for students or groups who do not complete the final brief.

Day 3 (Wed, Aug 9): Thinking systemically: Cultural creation and accidents of history: how does a culture get created or changed?

**Watch**

[YouTube 8:04-37:37: The story of Vice President Henry Wallace](#)

**Reading**

Two Colorado's: What happened on deliberation day?

Weingast: [The Political Foundations of the Rule of Law](#)

Gibson [Mass Opposition to the Soviet Putsch of August 1991](#)

**Daily short assignment**

Describe an example from your own life when you either 1) noticed a cultural change, or 2) when you questioned (or were afraid to question) a cultural norm?

In class: lecture

Jared Diamond's argument: Guns, germs, and steel

Why would anyone ever share power? The (real) "game of thrones."

What is a policy brief? Examples.

**Module 2: Society**

Day 4 (Thurs, Aug 10): What in human nature causes social inequality?

**Reading**

Huo, et al. Social identity and justice concerns

Reading: Baird, Political psychology of the support for political violence

**Daily short assignment**

Reflect on a time in which feeling threatened socially dampened your (or another's) sense of compassion.

In class: lecture

What do humans want? The philosophical history of the ideas of justice, freedom, legality, and human nature.

Example of discussion leading.

Day 5 (Fri, Aug 11): The roots of social dominance

**Reading**

Wilkerson, *Caste* excerpts, pages 1-109

**Daily short assignment**

What did you find most surprising in Wilkerson's *Caste*?

In class:

Discussion leader(s)

**Major assignment: Due August 11th 9am**

[Logic quiz Canvas link](#)

[Note that if you want to practice this, check out this list of statements in this Canvas page.](#)

Day 6 (Mon, Aug 14): Why is culture so “sticky”?

### Reading

*Deep Roots: Excerpts*

Karakatsanis What is a crime? Excerpt of Usual Cruelty

### Watch

[YouTube 16:28-35:00: The ten nations of the United States](#)

### In class:

Discussion leader(s)

### Daily short assignment

How does the Deep Roots reading connect to (pick one):

- 1) the importance of the policy briefs?
- 2) Rousseau's argument connecting freedom to social dominance?
- 3) the examples in which there was a cultural shift (e.g., the rule of law "game of thrones," the Soviet putsch).

## **Major assignment: Due August 14th 5pm**

Policy brief (group white paper) outline and annotated bibliography.

An outline of the brief, with the 8-12 sources, correctly placed in the outline and summarized.

1000 points for completion, upon completion of the final brief.\*

[Here is the assignment prompt and Canvas Link.](#)

[Here is the Canvas link.](#)

## **Module 3: Law and punishment**

Day 7 (Tues, Aug 15): Policing

### Reading

Vitale, The End of Policing

or

[The Ferguson DOJ report.](#)

or

[The Baltimore DOJ report](#)

### Daily short assignment

What are the ethics of policing? What are possible solutions to the problems in policing? Like the discussion about Beccaria, what would be the optimal structure of the police, given that the police cannot be responsible for all the ills of society.

### In class:

[Guest Speaker: Emily Van Doren, Longmont Police](#)

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\* These points are freebie points for having a topic this far in advance, but they are not to be given away for students or groups who do not complete the final brief.

Day 8 (Wed, Aug 16): Prosecutors and defense attorneys

**Reading**

Van Cleve, Crook County, Excerpts  
Greenhouse [“Cops are stupid and prosecutors are smart,”](#)  
Dervan, Bargained Justice

**Daily short assignment**

What could be done to reform our systems of legal defense? What policies could assist with prosecutorial misconduct?

**In class:**

Discussion leader(s): Victoria Calton

Day 9 (Thurs, Aug 17): Punishment (Class only 9-10:30; take practice exam)

**Reading**

**Everyone:**

Bridge at Andau, Chapter about prison guards in Soviet Union-backed Hungary (1956)

**Then either this**

McLeod, Prison abolition

**or these four shorter pieces**

Haney, Restricting the Use of Solitary Confinement  
Henrichson and Delaney, Cost of prisons  
Lacey, Soskice, and Hope, Comparative Penal Policy  
Denmark prisons

**Daily short assignment**

What would society have to look like if the U.S. decided to have no prisons, or to have a prison system similar what they have in Denmark?

**In class:**

Discussion leader(s): Sawyer Peele

**Major assignment: Due August 17th 9pm**

Practice final “essay” exam

[Note that you can practice this with an example from another class with no consequence to your grade. Here is the Canvas Link.](#)

Day 10 (Fri, Aug 18): Go over practice essay exam

**Reading**

None

**Daily short assignment**

None

**In class:**

Policy briefs

**Major assignment: Due August 21<sup>st</sup> 9am**

Policy briefs

**Module 4: Law economics**

Day 11 (Mon, Aug 21): Corporate harm

**Reading**

[Stout: Debunking the Shareholder Myth](#)

or

[DuPont's Poisoning of Parkersberg, WV](#)

or

[Watch "The Devil We Know:" a Netflix documentary about Dupont](#)

**Daily short assignment**

What could be done to reform our system of corporate responsibility?

**In class:**

Discussion leader(s)

Policy briefs

Day 12 (Tues, Aug 22): Legislation and litigation

**Reading**

[Oreskes and Conway, Merchants of Doubt, excerpts](#)

**Watch**

[McDonald's Hot Coffee Case](#)

**Daily short assignment**

Create a policy that could be an alternative for litigation. Explain why it will work, including potential pitfalls.

**In class: Lecture**

Why the Supreme Court cannot make liberal economic policy

Policy briefs

Day 13 (Wed, Aug 23): Everyday indignities

Michener, *Fragmented Democracy*, excerpt

[Money, Race and Success: How Your School District Compares, New York Times](#)

**Daily short assignment**

Reflect on a time that you were treated with disrespect by an authority figure. How has it had an impact on your thinking today?

**In class: lecture**

Economic mobility

Policy briefs

**Final exam August 24th 9am-12pm**

**Major assignment: Due August 25<sup>th</sup> 9am**

[White paper Canvas link](#)

# Assignment descriptions

## Brief description of final projects

There are two kinds of projects:

- Group projects: policy brief with accompanying research paper, called a “white paper.”
- Individual projects: policy brief
  - Note: If you do an individual policy brief or group policy brief and white paper, it is expected that you will present your project (it is a 5 minute presentation and you may be the one presenting or you may be helping to prepare the presenter). I am happy to hear reasons for exceptions to the rule that your grade will include the presentation.

Generally, policy briefs and accompanying research papers address the ethics of the current state of affairs of some policies, with a discussion of harms and harm reduction of various policy alternatives. You should discuss alternatives, recommendations, and evidence for your position. What are some mechanisms for policy change?

The final written briefs and white papers are not due until after the final exam.

## Point breakdowns for assignment types

### **4,500 points total for my assessment of the quality of your classroom participation**

If you cannot attend the class synchronously, you can turn in your prepared reflections on the readings by email, for 300 points per day (1,200 maximum points available asynchronous participation).

### **12,000 points total for daily discussions\***

Moderate a Canvas discussion: post something and respond to responses. If at least three other students respond to your question, and you respond to them, you can get up to 1,000 points each day for a total of 6000 points

You can reflect on contemporary events, related to any topic of “law and society,” discussions with students outside of class, on class topics or anything having to do with law and society.

Or you can post your “Daily short assignments” in the online discussion to discuss your reflection with others.

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\* You can receive a maximum of 12,000 points for discussions.



## **3,600 alternatively a total for responding to others' posts**

If you don't want to begin a discussion, respond to other student's questions are 100 points for a total of 3 responses, for a total of 300 points per day.

## **6000 points for "Essay" Final exam**

I write the essay. You **identify errors**. I make factual mistakes that you should know from the class (you have access to your notes, but you won't have time to look everything up, so this is your incentive to learn and follow the material from the class). I also make logical mistakes. You will have to identify whether a list of "potential critiques" are valid. They are either valid or not, and it is tested in the form of True/False. There is an example exam in the section in Canvas, Quizzes—> Practice quizzes.

Individuals can create and present policy briefs, without the 15-20 page research paper

## **6000 points for Logic quiz and Practice essay exam (3000 each; grade is percent correct)**

Note that there are also practice examples of each for no credit on Canvas, so you can practice with no consequence for your grade. These are completely optional.

Logic quiz: Friday, August 11<sup>th</sup> – Monday (due Monday August 14<sup>th</sup>)

Practice exam due August 17th 9pm

## **12,000 points for participation in group projects**

Note that policy briefs (whether group or individual) must be presented in class.

Presentation is recorded as part of grade.

**2,000 extra points for turning in topic and outline by the due date.**

Note: For group projects, the entire group will receive a grade.

Then, each group member will "grade" one another's efforts, according to a four-number grade.

3: This person contributed significantly to the excellence of the project. This project would not have been as good without this person's efforts.

2: This person contributed, mostly came to meetings, and mostly did all the work for the group.

1: This person came to meetings occasionally and contributed but in ways that did not significantly affect the quality of the project.

0: this person contributed nothing, with the exception of attending one or two meetings. The rest of the group did the project without this person.

Students may average their grades, such as giving a group member a 1.7 or a 2.5.

This grade will be averaged, and then the following calculation will take place to calculate an individual member's grade of the final project

Average assessment	Resulting impact on final grade: individual group members will receive...
0-.5	a total of 0 points for the group project.
.5-1.5	50% of the total points for the project.
1.5-2.5	the total project grade, out of 12,000 points.
2.5 -3	<b>an additional</b> 20% of the total group grade.

# Grade breakdown summary table

Points	Assignment type
<b>Daily preparation</b>	
<b>4,500</b>	My assessment of your participation, including pre- and post- lecture quizzes.
<b>9,600</b>	Daily short assignment (400 points each), graded for thoughtfulness. <sup>†</sup>
<b>Social learning</b>	
<b>3,500</b>	Serving as a discussion leader during class. <sup>‡</sup>
<b>2,400</b>	Tutoring dyad, or participation in a daily study group (200 points per group work summary)
<b>12,000</b>	Moderating online Canvas discussions, 1,000 per day
<b>or</b>	
	3,600 (300 per day)      Responding to others' posts
<b>Exams, quizzes, and practice exams</b>	
<b>3,000</b>	Logic quiz (percent correct)
<b>3,000</b>	Practice "essay" exam (percent correct)
<b>6,000</b>	Final Exam
<b>2,000</b>	Final reflection
<b>Final project</b>	
<b>12,000</b>	Group projects, white paper and policy brief
<b>or</b>	
	8,000      Individual policy briefs
<b>2,000</b>	Turning in topic and outline by due date
<b>60,000</b>	

## Some fine print

Canvas is irritating in that it assumes percents, so it will calculate how many points you have, but will estimate your final score incorrectly. (It might say 35,000 points as a B- even though it should be an A.

I do not calculate scores before the end of the semester.

You must keep track of your points.

<sup>†</sup> Note you can post your short assignment as a Canvas discussion to moderate a discussion, increasing this assignment to a total of 1,400 points, as long as three people respond, and you respond to each of them).

<sup>‡</sup> Note: You must sign up for August 11, 14, 16, or 17. You must send me discussion questions before class. You are the professor that day and will moderate the class discussion for at least 45 minutes.

The following is the grade breakdown.

<b>Grade you receive</b>	<b>if you score at least</b>
<b>D</b>	12,000
<b>C-</b>	15,000
<b>C</b>	17,000
<b>C+</b>	19,000
<b>B-</b>	21,000
<b>B</b>	24,000
<b>B+</b>	28,000
<b>A-</b>	32,000
<b>A</b>	35,000

# Syllabus Statements

## Classroom Behavior

Both students and faculty are responsible for maintaining an appropriate learning environment in all instructional settings, whether in person, remote or online. Those who fail to adhere to such behavioral standards may be subject to discipline. Professional courtesy and sensitivity are especially important with respect to individuals and topics dealing with race, color, national origin, sex, pregnancy, age, disability, creed, religion, sexual orientation, gender identity, gender expression, veteran status, political affiliation or political philosophy. For more information, see the [classroom behavior](#) policy, the [Student Code of Conduct](#), and the [Office of Institutional Equity and Compliance](#).

## Requirements for COVID-19

As a matter of public health and safety, all members of the CU Boulder community and all visitors to campus must follow university, department and building requirements and all public health orders in place to reduce the risk of spreading infectious disease. The CU Boulder campus is currently mask-optional. However, if public health conditions change and masks are again required in classrooms, students who fail to adhere to masking requirements will be asked to leave class, and students who do not leave class when asked or who refuse to comply with these requirements will be referred to Student Conduct and Conflict Resolution. For more information, see the policy on classroom behavior and the Student Code of Conduct. If you require accommodation because a disability prevents you from fulfilling safety measures related to infectious disease, please follow the steps in the “Accommodation for Disabilities” statement on this syllabus.

If you feel ill and think you might have COVID-19 or if you have tested positive for COVID-19, you should stay home and follow the [further guidance of the Public Health Office](#) regarding how long to stay in isolation. If you have been in close contact with someone who has COVID-19 but do not have any symptoms and have not tested positive for COVID-19, you do not need to stay home.

## Accommodation for Disabilities

If you qualify for accommodations because of a disability, please submit your accommodation letter from Disability Services to your faculty member in a timely manner so that your needs can be addressed. Disability Services determines accommodations based on documented disabilities in the academic environment. Information on requesting accommodations is located on the [Disability Services website](#). Contact Disability Services at 303-492-8671 or [dsinfo@colorado.edu](mailto:dsinfo@colorado.edu) for further assistance. If you have a temporary medical condition, see [Temporary Medical Conditions](#) on the Disability Services website.

## **Preferred Student Names and Pronouns**

CU Boulder recognizes that students' legal information doesn't always align with how they identify. Students may update their preferred names and pronouns via the student portal; those preferred names and pronouns are listed on instructors' class rosters. In the absence of such updates, the name that appears on the class roster is the student's legal name.

## **Honor Code**

All students enrolled in a University of Colorado Boulder course are responsible for knowing and adhering to the [Honor Code](#). Violations of the Honor Code may include, but are not limited to: plagiarism, cheating, fabrication, lying, bribery, threat, unauthorized access to academic materials, clicker fraud, submitting the same or similar work in more than one course without permission from all course instructors involved, and aiding academic dishonesty. All incidents of academic misconduct will be reported to Student Conduct & Conflict Resolution ([honor@colorado.edu](mailto:honor@colorado.edu)); 303-492-5550). Students found responsible for violating the [Honor Code](#) will be assigned resolution outcomes from the Student Conduct & Conflict Resolution as well as be subject to academic sanctions from the faculty member. Additional information regarding the Honor Code academic integrity policy can be found on the [Honor Code website](#).

## **Sexual Misconduct, Discrimination, Harassment and/or Related Retaliation**

CU Boulder is committed to fostering an inclusive and welcoming learning, working, and living environment. University policy prohibits sexual misconduct (harassment, exploitation, and assault), intimate partner violence (dating or domestic violence), stalking, protected-class discrimination and harassment, and related retaliation by or against members of our community on- and off-campus. These behaviors harm individuals and our community. The Office of Institutional Equity and Compliance (OIEC) addresses these concerns, and individuals who believe they have been subjected to misconduct can contact OIEC at 303-492-2127 or email [cureport@colorado.edu](mailto:cureport@colorado.edu). Information about university policies, [reporting options](#), and support resources can be found on the [OIEC website](#).

Please know that faculty and graduate instructors have a responsibility to inform OIEC when they are made aware of any issues related to these policies regardless of when or where they occurred to ensure that individuals impacted receive information about their rights, support resources, and resolution options. To learn more about reporting and support options for a variety of concerns, visit [Don't Ignore It](#).

## **Religious Holidays**

Campus policy regarding religious observances requires that faculty make every effort to deal reasonably and fairly with all students who, because of religious obligations, have conflicts with scheduled exams, assignments or required attendance.

See the [campus policy regarding religious observances](#) for full details.