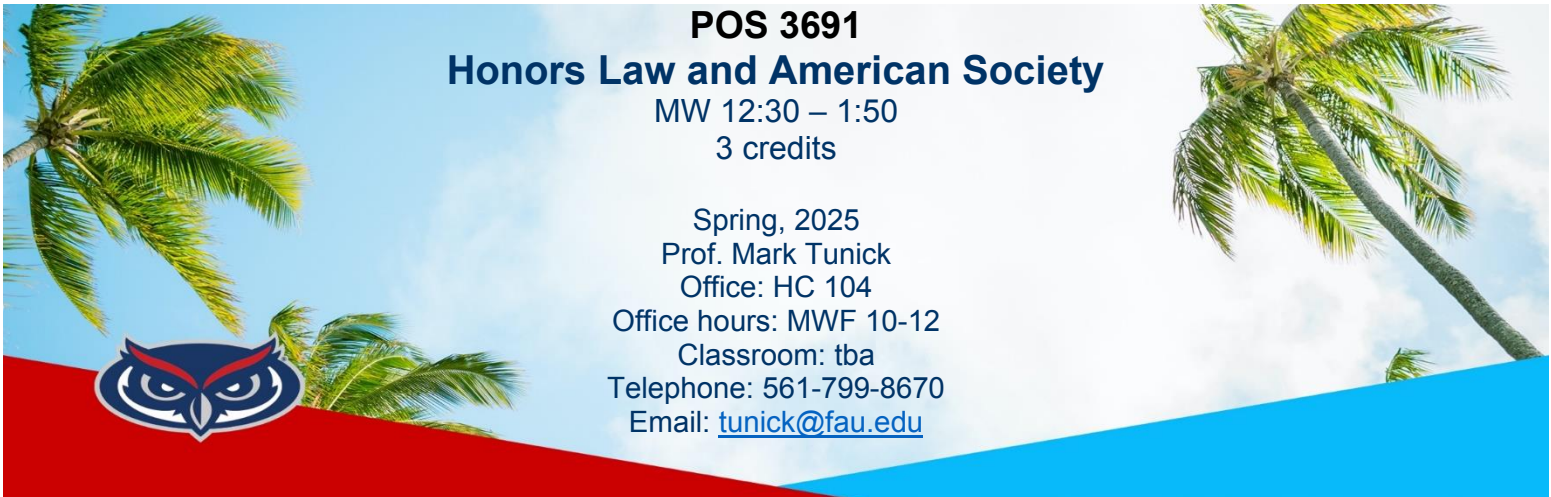
 <b>FLORIDA ATLANTIC UNIVERSITY</b>	<b>COURSE CHANGE REQUEST Undergraduate Programs</b>	UUPC Approval <u>10/7/24</u> UFS Approval _____ SCNS Submittal _____ Confirmed _____ Banner Posted _____ Catalog _____
	Department Political Science  College Honors College	
<b>Current Course Prefix and Number</b> POS 3691	<b>Current Course Title</b> Honors Law and American Society	
<i>Syllabus must be attached for ANY changes to current course details. See <u>Template</u>. Please consult and list departments that may be affected by the changes; attach documentation.</i>		
<b>Change title to:</b>  <b>Change prefix</b> From: _____ To: _____  <b>Change course number</b> From: _____ To: _____  <b>Change credits*</b> From: _____ To: _____  <b>Change grading</b> From: _____ To: _____  <b>Change WAC/Gordon Rule status**</b> Add <input type="checkbox"/> Remove <input type="checkbox"/>  <b>Change General Education Requirements***</b> Add <input checked="" type="checkbox"/> Remove <input type="checkbox"/> <small>*See <u>Definition of a Credit Hour</u>.</small> <small>**WAC/Gordon Rule criteria must be indicated in syllabus and approval attached to this form. See <u>WAC Guidelines</u>.</small> <small>***GE criteria must be indicated in syllabus and approval attached to this form. See <u>Intellectual Foundations Guidelines</u>.</small>	<b>Change description to:</b>     <b>Change prerequisites/minimum grades to:</b> POS 2041 or AMH 2010 or AMH 2020 or Permission of Instructor  <b>Change corequisites to:</b>    <b>Change registration controls to:</b>  Please list existing and new pre/corequisites, specify AND or OR and include minimum passing grade (default is D-).	
<b>Effective Term/Year for Changes:</b> Spring 2025	<b>Terminate course? Effective Term/Year for Termination:</b>	
<b>Faculty Contact/Email/Phone</b> Dr. Mark Tunick, tunick@fau.edu, 561-799-8670		
<b>Approved by</b> Department Chair <u>M. A. J. [Signature]</u> College Curriculum Chair <u>Terje Hill</u> College Dean <u>[Signature]</u> UUPC Chair <u>Korey Sorge</u> Undergraduate Studies Dean <u>Dan Meeroff</u> UFS President _____ Provost _____	<b>Date</b> <u>9/13/24</u> <u>9-13-2024</u> <u>9/13/24</u> <u>10/7/24</u> <u>10/7/24</u> _____ _____	

Email this form and syllabus to [mjenning@fau.edu](mailto:mjenning@fau.edu) seven business days before the UUPC meeting.

The banner features a background of palm trees against a blue sky. In the bottom left corner, there is a stylized owl logo in blue and red. The text is centered in the upper portion of the banner.

**POS 3691**  
**Honors Law and American Society**

MW 12:30 – 1:50  
3 credits

Spring, 2025  
Prof. Mark Tunick  
Office: HC 104  
Office hours: MWF 10-12  
Classroom: tba  
Telephone: 561-799-8670  
Email: [tunick@fau.edu](mailto:tunick@fau.edu)

## Course Description

An introductory course examining the cultural foundations of law in American society, including historical and contemporary uses of law, violence, and the conflict between individual freedom and government power.

This course is part of the Honors College Core, Social Science Group B.

## Instructional Method

In-Person. There is no remote option for this course.

## Prerequisites

POS 2041 or AMH 2010 or AMH 2020 or permission of the instructor. Students will benefit from some familiarity with the structure of the US government as laid out in the Constitution and developed in US history.

## Statement of why this course is an honors course

This course is an honors course because it draws on more challenging material than is typical in regular courses, including primary texts of court cases and social science research rather than secondary summaries of this material; requires students to connect the subject matter to multiple disciplinary approaches (political science, economics, history, psychology, literature, philosophy); and exams will have essay components requiring substantial critical thinking skills;

in addition, lectures will be combined with discussions to facilitate development of communication skills, and students will present a research project.

## **Statement of why this course is a core course (Social Sciences B)**

One purpose of core courses is to introduce students to different disciplinary approaches so they can make an informed choice of their major, and to develop skills that they will draw on in upper-level coursework. This course introduces students to how legal issues draw on work from multiple disciplines including economics, history, political science, psychology, literature, philosophy (and how the latter humanistic disciplines inform the social sciences). It also gives students the skills to conduct legal and social science research that they can make use of in whatever concentration they decide upon; and it gives them a foundation in the law that can be the groundwork for upper-level coursework in various disciplines such as psychology, economics, history, political science, anthropology, or sociology.

## **Course Objectives/Student Learning Outcomes**

Students will be expected (i) to learn the foundations of the US legal system including the structure of the dual court system, the function of the Constitution, the jury system and its rationale and limitations, the difference between private and public law, and be introduced to major areas of private law (contracts and torts); (ii) to acquire the ability to conduct legal and social science research, including using Westlaw, reading and briefing court cases, and critically evaluating social science research—and will demonstrate their proficiency by presenting a group research project; (iii) to learn the origins and limits of police powers, advantages and disadvantages of discretion in the law, and competing conceptions about the relation between law and morality; (iv) to understand how different disciplines—including political science, psychology, economics, history, philosophy, and literature—contribute to our understanding of law and its role in society.

## **Course Evaluation Method**

Grades will be based on: midterm (25 points), final (25 points), quizzes and short assignments (25 points), a legal research group project (15 points), and class participation (10 points), which will be based on contributions to class discussion. Students are expected to come to class prepared to discuss the reading listed for that class. For every unexcused absence beyond 2, your grade will be reduced by 1.5 points. Students should take notes of all the readings and class discussions. As an incentive to take good notes, for the exams you will be permitted to use any notes you authored, but you will not be permitted to have access to the readings or to notes not authored by you. Students will brief cases.

## **Course Grading Scale**

The default grading scale is 94-100 (A), 90<94 (A-), 87<90 (B+), 84<87 (B), 80<84 (B-), 77<80 (C+), 74<77 (C), 70<74 (C-), 67<70 (D+), 64<67 (D), 61<64 (D-), <61 (F). I may utilize a curve but only if doing so would yield a higher rather than a lower grade than what the student would earn using the default scale.

## **Policy on Makeup Tests, Late Work, and Incompletes**

Late work will be penalized. Students may not be penalized for absences due to participation in University-approved activities, including athletic or scholastics teams, musical and theatrical performances, and debate activities. Reasonable accommodation will be made for students participating in a religious observance. Grades of Incomplete ("I") are reserved for students who are passing a course but have not completed all the required work because of exceptional circumstances.

## **Classroom Etiquette Policy:**

To enhance and maintain a productive atmosphere for education, personal communication devices such as smartphones are to be disabled during class.

## **Attendance Policy**

Students are expected to attend all of their scheduled University classes and to satisfy all academic objectives as outlined by the instructor. Students are responsible for arranging to make up work missed because of legitimate class absence, such as illness, family emergencies, military obligation, court-imposed legal obligations or participation in University-approved activities. Examples of University-approved reasons for absences include participating on an athletic or scholastic team, musical and theatrical performances and debate activities. It is the student's responsibility to give the instructor notice prior to any anticipated absences and within a reasonable amount of time after an unanticipated absence, ordinarily by the next scheduled class meeting. Instructors must allow each student who is absent for a University-approved reason the opportunity to make up work missed without any reduction in the student's final course grade as a direct result of such absence.

## **Counseling and Psychological Services (CAPS) Center**

Life as a university student can be challenging physically, mentally and emotionally. Students who find stress negatively affecting their ability to achieve academic or personal goals may wish to consider utilizing FAU's Counseling and Psychological Services (CAPS) Center. CAPS provides FAU students a range of services – individual counseling, support meetings, and psychiatric services, to name a few – offered to help improve and maintain emotional well-being. For more information, go to <http://www.fau.edu/counseling/>

## **Disability Policy**

In compliance with the Americans with Disabilities Act Amendments Act (ADAAA), students who require reasonable accommodations due to a disability to properly execute coursework must register with Student Accessibility Services (SAS) and follow all SAS procedures. SAS has offices across three of FAU's campuses – Boca Raton, Davie and Jupiter – however disability services are available for students on all campuses. For more information, please visit the SAS website at [www.fau.edu/sas/](http://www.fau.edu/sas/).

## **Code of Academic Integrity**



Students at Florida Atlantic University are expected to maintain the highest ethical standards. Academic dishonesty is considered a serious breach of these ethical standards, because it interferes with the university mission to provide a high quality education in which no student enjoys an unfair advantage over any other. Academic dishonesty is also destructive of the university community, which is grounded in a system of mutual trust and places high value on personal integrity and individual responsibility. Harsh penalties are associated with academic dishonesty. For more information, see [University Regulation 4.001](#). Use of AI on any graded assignment is prohibited unless explicitly stated to the contrary by the instructor.

## Required Texts/Readings

The following 3 books have been ordered: Herman Melville, *Billy Budd*; Lynne Curry, *The DeShaney Case: Child Abuse, Family Rights, and the Dilemma of State Intervention (2007)*; and Adam Cohen, *Imbeciles: The Supreme Court, American Eugenics, and the Sterilization of Carrie Buck (2017)*. Other readings are in Canvas. Be sure to bring to each class the reading for that day's class as you will need to refer to it in class discussion.

**Schedule:** Specific topics and readings are listed in Canvas. Be sure to check Canvas regularly for updates.

### Introduction: Types of law, sources of law, researching the law

1/6 Introduction: Public vs Private law; reading the law; researching the law  
Rdg: *Fountainebleau Hotel v. Forty-Five Twenty-Five, Inc.*

#### I. Public Law

##### A. The U.S. Constitution

1/8 The U.S. legal system and U.S. Constitution  
Rdg: **U.S. Constitution**; DOJ, "Introduction to the Federal Court System"; Winkler, *We the Corporations*, ch. 1

##### B. Constitutional rights case study: 2<sup>nd</sup> Amendment:

1/13 Key Supreme Court cases: the 'collectivist' vs 'individualist' reading of the 2<sup>nd</sup> Amendment  
Rdg: *U.S. v. Miller* (307 U.S. 174, 1939); *Silveira v. Lockyer*, 312 F. 3d 1052 (2003); *District of Columbia v. Heller*, 554 US 570 (2008); *U.S. v. Rahimi* (2024).

1/15 The policy debate and social science research: what is the effect of gun control on crime?  
Rdg: Lott, *More Guns, Less Crime*, excerpts; Melinda Moyer, 'More Guns do not stop more crimes', *Scientific American* Oct. 1, 2017; and other excerpts.

1/20: No class: holiday

#### C. Police Powers

##### Origins and limits

1/22 Rdg; *Comm v. Tewkesbury*, 52 Mass. 55 (1846); *In re Goddard*, 33 Mass. 504 (1835); *Tanner v. Albion*, 5 Hill 121 (1843); *Munn v. Illinois*, 94 US 113 (1876); *Jacobson v.*

Commonwealth of Massachusetts, 197 US 11 (1905); West Coast Hotel Co. v. Parrish, 300 US 379 (1937); Williamson v. Lee Optical, 348 US 483 (1955)

### **Police powers during a pandemic**

1/27. Hickox v. Christie, 205 F. Supp. 3d 579 (2016); XPonential Fitness v Arizona, 2020 WL 3971908 (2020), Henry v Desantis (2020); County of Butler v. Wolf (2020); Antietam Battlefield KOA v Hogan (2020)

### **Does the state have the power to sterilize some citizens? Legal history of the Carrie Buck case**

1/29. Rdg: Adam Cohen, *Imbeciles: The Supreme Court, American Eugenics, and the Sterilization of Carrie Buck*

### **Does the state have an affirmative obligation to protect its citizens? The DeShaney Case**

2/3 Rdg: Deshaney v. Winnebago County Social Services, 489 US 189 (1989), excerpt

2/5 Rdg: Lynne Curry, The Deshaney Case

## **II. Law and morality**

2/10 Obligation to obey the law: interactive presentation (no required reading)

2/12 Is there a moral or legal duty to help others?

Rdg: A. D. Woosley, "A Duty to Rescue: Some Thoughts on Criminal Liability," Virginia Law Review 69 (7):1273-1300 (Oct. 1983); State v. LaPlante, 521 N.W. 2d 448 (1994)

For those interested: A.M. Rosenthal, Thirty-Eight Witnesses: The Kitty Genovese Case, available electronically through the FAU library.

2/17 Are children legally accountable for their behavior: psychological research applied to the law

Rdg: Elizabeth Scott and Laurence Steinberg, 'Blaming Youth' (2003)

### **2/19 Midterm**

### **III. The philosophy of law: What is law? How are laws different from other sorts of commands?**

Is discretion in interpreting law desirable or dangerous? Is law autonomous from politics?

2/24 The Speluncean Explorers and the nature of law

Rdg: Fuller, "The Case of the Speluncean Explorers," *Harvard Law Review* 62(4):616-45 (February, 1949).

2/26 Discretion in the law: should judges make exceptions to rules, or go beyond statutes to arrive at justice?

Rdg: People v. Davis, 286 N.Y.S. 2d 396 (1967); Riggs v. Palmer, 115 N.Y. 506 (1889); Atwater v City of Lago, 532 U.S. 318 (2001).

3/3 and 3/5: Spring break

3/10 Discretion in the law: Melville's Billy Budd

Rdg: Melville, Billy Budd

## **IV. Private Law**

## **A. Contracts**

3/12 Mills v. Wyman, 3 Pick. 207 (1826); Webb v. McGowin, 168 So. 196 (1936), Britton v. Turner, 6 N.H. 481 (1834); Garcia v. von Micsky, 602 F.2d 51 (1979); McDevitt v. Stokes, 192 S.W. 681 (1917)

3/17 Jacob and Youngs, Inc. v. Kent, 230 NY 239 (1921); Williams v. Walker-Thomas Furniture Co. (350 F. 2d 445, 1965); American Car Rental, Inc. v. Commissioner of Consumer Protection (273 Conn. 296, 2005); Henningsen v. Bloomfield Motors, Inc.(161 A.2d 69, 1960)

## **B. Torts**

3/19 Rdg: Zittrain, Torts (Part I):

Leichtman v WLW Jacor Communications, 92 Ohio App. 3d 232 (1994)(assault/batter re cigarette smoke); Hart v. Geysel, 294 P. 570 (1930)(consent as defense in boxing); Hackbart v. Cincinnati Bengals, 601 F. 2d 516 (1979)(consent); Barbara A. v. John G., 193 Cal Rptr 422 (1983)(deceit); Andrew v. United Airlines, 24 F. 3d 39 (1994)(negligence); Akins v Glen Falls City School Dist., 53 NY 2d 325 (1981)(negligence)

3/24 Rdg: Zittrain, Torts (Part II):

Einhorn v Seeby, 525 NYS 2d 212 (1988) (Duty to tenant); Kelly v. Gwinnell, 96 NJ 538 (1984) (Duty of party host); Benn v. Thomas, 512 NW 2d 537 (1994)(proximate cause); Torchia v Fisher, 95 NJ 43 (1983)(strict/absolute liability); Linegar v Armour of America, 909 P 2d 1150 (1990)(Product liability); Medina v. Louisville Ladder and Home Depot, 496 F. Supp. 2d 1324 (2007)(Products liability)

3/26 Economic approaches to tort law

Rdg: Kaplow and Shavell, 'Economic Analysis of Law', 2002.

## **V. Juries**

3/31 Are juries equipped to resolve complex disputes?

Film: Twelve Angry Men (1957, dir. Lumet) (96 minutes).

4/2 Rdg: Stephen J. Adler, The Jury: Disorder in the Court, excerpts

## **VI. Law and social change**

4/7 Is law an effective tool for social change? Political science research

Rdg: Gerald Rosenberg, The Hollow Hope

4/9. Law as an instrument of social change (continued)

## **VII. Group research project presentations**

4/14, 4/16, 4/21

## **Final Exam**