

**University of South Carolina**  
**CRJU 577: Law & Criminal Justice Problems**  
**Spring 2008**  
**MWF, 10:10-11:00**

**Professor:** *John D. Burrow, J.D., Ph.D.*  
**Office:** *Currell, Room 108*  
**Office Hours:** *Thursday, 10-12 noon (and by appointment).*  
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**Graduate Assistant:** **Brett Boggs**

**Course Objectives:**

This course will examine the nexus between social and criminal justice related problems from a legal perspective. The need for such a course is grounded in the belief that the criminal justice system can best be understood by observing contemporary social problems through the lens of the law.

This course will not be taught from the perspective of a Sociology of Law class. That is, emphasis will not be placed on the foundations of law and social/legal institutions. Nor will this course focus on law as a political process wherein the mobilization of groups as a response to social and legal policy is the dominant orientation. Finally, this course is not designed to focus on the sources of law or provide comparisons of the civil and common law traditions. Rather, this course is designed specifically to provide a forum wherein students can understand the criminal justice process and its major components through the study of actual criminal cases. In this manner, students will be able to gain a broader understanding not only of the impact of social issues on the development of the law but also develop an appreciation for how the law can be used to effect social change in society.

To this end, this course has the following objectives

1. To distinguish between core legal and criminal justice concepts
2. To explore the evolution of social and criminal justice policy through the law
3. To understand how the law acts as both sword and shield
4. To understand how lawbreaking can provide the impetus for social and legal change
5. To gain an understanding of whether there can be legal solutions to social problems

**Required Textbook:**

A textbook will not be required for this class. Instead, all course materials will be posted to the **Blackboard** at least a week in advance of all lectures. In addition to the readings assigned for the class, students will be required to read material from a variety of sources including Supreme

Court decisions and law reviews. This material will be used primarily so that students will be able to distinguish the law in action versus law on the books.

**Course Requirements:**

Undergraduates

Exam #1:	100 pts
Exam #2:	100 pts
Exam #3	100 pts
Research Paper:	50 pts
<u>Participation:</u>	<u>50 pts</u>
<b>Total:</b>	<b>400 pts</b>

Graduate students

Exam #1:	100 pts
Exam #2:	100 pts
Exam #3	100 pts
Research paper #1:	50 pts
Research paper #2:	50 pts
<u>Participation:</u>	<u>50 pts</u>
<b>Total:</b>	<b>450 pts</b>

**Instructional Delivery:**

This course will be structured around a hybrid lecture/seminar format. The instructor will lecture for approximately one half of the allotted class time and the remainder of time will be devoted to the discussion of issues contained in the readings. All students will be expected to read and fully participate in all class discussions. All such class discussions will account for approximately 50 points towards students' final grades.

**Requirements for Graduate Students:**

All graduate students who take this class for credit will be required to write a paper of approximately 20-25 pages in length. Graduate students will be asked to specifically trace the origins of a selected criminal statute or law (such as Rape Shield Laws) and discuss its significance in light of contemporary legal challenges. In addition, the paper should address the implications of the statute or law for criminal justice practitioners and policy makers.

**Attendance and Participation:**

In accordance with university policy, class attendance is mandatory of all students. Attendance will be taken at the discretion of the professor. A grade penalty will be imposed for excessive absences, whether excused or unexcused. **This penalty may result in a full letter grade reduction in the final course grade.** The University of South Carolina has adopted the 10% rule relative to class attendance (See page 21 of the Undergraduate Catalogue). The grade penalty policy that is used in this class conforms to these guidelines. Also, I reserve the right to ask students to leave the classroom due to perennial tardiness.

*All grades are final. As a general policy, I do not round grades up or down.*

**Extra Credit:** *There will not be any extra credit assignments given by the professor. Nor will I consider assigning additional work for students whose academic performance proves to be inadequate to satisfy the requirements of the class.*

**Class Conduct:** It is imperative that students come to class prepared and on time. Disruptions to either the professor or other students will not be tolerated. Disruptions include but are not limited to talking during lecture, reading newspapers/magazines, etc. Students who encounter problems getting to class on time should contact me in advance.

In addition, it is important that students not cause disruptions by bringing cell phones, pagers, and beepers to class. I will ask the student to leave the classroom if such disruptions occur (**See 5.18 of Student Code of Conduct**).

**Academic Integrity:** In order to promote an atmosphere conducive to learning, this class will adhere to the principles espoused in the Carolinian Creed, USC Student Handbook and Policy Guidelines. Plagiarism and cheating will not be tolerated under any circumstance. This class will adhere to the principles outlined in the **Carolina Community Student Policy Manual**. Additional information about this policy can be found in the Code of Academic Responsibility.

Plagiarism, as defined by the Blacks Law Dictionary, means the act of appropriating the literary composition of another, or parts of passages of his writings, or the ideas or language of the same, and passing them off as the product of one's own mind. Given this definition, plagiarism in any form will not be tolerated in any form. All such allegation of plagiarism will be handle by the appropriate university offices.

### Course Outline

**Note- All court cases and articles from law journals will be posted to the Blackboard. Students will not need to obtain material from either the Law Library or Thomas Cooper Library**

Date	Issue		Readings for the week, Part 1
Week 1 Jan 14-18	<b>Homicide</b>		Raphael Sealey. (1983) Athenian Courts for Homicide. Pp.275-296  Charles Moylan (2002). A brief history of criminal homicide. Pp. 1-26
Week 2 Jan 21-25	<b>Homicide, continued</b>		David McCord (2002). A year in the life of death. 53 South Carolina Law Review 249.

Week 3 Jan 28- Feb 1	<b>The Born alive Rule</b>  <b>and</b>  <b>The Year and a day Rule</b>		Kole and Kadetsky (2002). The Unborn Victims of Violence Act. 39 Harvard Journal on Legislation 215.  Donald Walther (1992). Taming a Phoenix. Pp. 1337-1361
Week 4  Feb 4-8	<b>Physician Assisted suicide</b>		John Alesandro, Physician assisted Suicide and New York Law  Paul Weithman (1999). Of Assisted Suicide and the Philosopher's Brief. Pp. 548-578
Week 5	<b>Exam 1</b>	<b>Wednesday, Feb 13</b>  <b>Friday, Feb 15</b>	<b>Paper Topics Due</b>
Week 6  Feb 18- 22	<b>Sex Offenders</b>		Sara Steen (2001). Contested Portrayals. Pp. 325-350  Adam Shajnfeld (2006). Reforming Non-punitive Responses
<b>Week 7</b>  <b>Feb 25- 29</b>	<b>Sex Offenders, continued</b>		Lieb, Quinsey, & Berliner (1998) Sexual Predators and Social Policy. Pp. 43-114
Week 8  Mar 3-8	<b>Statutory Rape</b>		Britton Guerrina (1998). Mitigating Punishment for Statutory Rape. Pp. 1251- 157
Week 9  Mar 9- 16		<b>Spring Break- No Classes</b>	

Week 10 Mar 17-21	<b>Statutory Rape, continued</b>		Michelle Oberman (1994). Turning Girls into Women. Pp. 15-79  Kay Levine (2006). No Penis, No Problem. Pp. 357-404
Week 11	<b>Exam 2</b>	<b>Wednesday, March 26</b>  <b>Friday, March 28</b>	<b>Proposed Bibliography Due</b>
Week 12 Mar 31-Apr 4	<b>Women, Drugs, and the War on Drugs, Part I</b>		Denise Kandel (1991). Social Demography of Drug Abuse. Pp. 365-414  Peter Scharg (2002). A Quagmire for Our Time. Pp. 286-298
Week 13 Apr 7-11	<b>Women, Drugs, and the War on Drugs, Part II</b>		Mosher and Yanagisako (1991). Public Health, Not Social Welfare. Pp. 278-323  Stephen Easton (2002). Everybody Knows It, But Its True. Pp.
Week 14 Apr 21-25	<b>Women, Drugs, and the War on Drugs, Part III</b>	<b>Research Papers Due- April 25, 2008</b>	Nancy Campbell (1999). Regulating Maternal Instinct. Pp. 895-923  Charles Whitehead (2000). Shooting Ourselves in the Foot
Week 15 Apr 28	<b>Women, Drugs, and the War on Drugs, Part IV</b>		
Week 16	<b>Final Exam</b>		<b>Friday, May 2 9:00 AM</b>