

SOC 419 – SOCIOLOGY OF LAW

TUESDAY / THURSDAY – 1:30-2:45PM

Horticultural Building 117

TUESDAY / THURSDAY – 4:30-5:45PM

Mechanical Engineering 1052

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Hours: Tuesday / Thursday (3-4pm & appt)

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“Law is a massive, vital presence in the United States. It is too important to be left to the lawyers”
– Lawrence Friedman (1986)

“Every cobbler thinks leather is the only thing, and for better or worse, I am a sociologist.”
– C. Wright Mills (1959)

Course Description

This course explores the sociological study of law and legal institutions. At its most elementary level, the sociology of law is dedicated to studying the legal behavior of human groups. It investigates how factors outside the law – such as politics, the economy, organizations, intergroup relations, gender, or race – influence the nature and functioning of law. In this course, we will address questions such as: Why do societies have law? What is the relationship between law and social norms and values? Is everyone equal under the law or does the law provide more resources to some social groups than to others? Why do people obey the law, and why do we punish law breakers? Is law created for the common good, or a vehicle for conflict and oppression?

The course is divided into three major sections. The first part of the class focuses on a brief introduction to legal sociology as well as the classical sociological approaches to law and legal change. Part II examines the interactions between individuals and the legal system, with a particular emphasis on courtroom actors (judges, attorneys, witnesses, jurors) and how they are influenced by their social relationships and other ‘extra-legal’ factors. The final section explores how law is mobilized and the impact of law on social change, with specific emphasis on the civil rights movement.

Required Texts:

Stewart Macaulay, Lawrence Friedman, and Elizabeth Mertz. 2007. *Law in Action: A Socio-Legal Reader*. New York: Foundation Press.

- This will be the main text for our course, however, there will be other required readings throughout the semester uploaded to BlackBoard. **All readings that are not in *Law in Action* are on Blackboard in their corresponding weeks.**

Course Requirements:

Your grade for this course is based on two exams and two papers.

Paper I	25%
Midterm Exam	25%
Paper II	25%
Final Exam	25%

Exams: There will be two exams in this course. You are responsible for all material from lectures (including media) and the assigned readings for the exams. The exams will be some combination of multiple choice, short answer, and essay questions. The exams will not technically be cumulative, but there are concepts that will carry over from the previous parts of the course for which you will be responsible. There will be *no makeup exams* without a valid, documented excuse (see policies).

Course Essays: Essay 1 will be handed out in class on Tuesday February 10th and will be due at the beginning of class on Tuesday, February 24th. Essay 2 will be handed out in class on Thursday April 2nd and will be due at the beginning of class on Thursday, April 16th. Late papers will be deducted one full letter grade per day unless there is a valid, documented excuse (see policies).

Paper Requirements: Each essay should be **5-7 pages** long (*double-spaced*) with 11 or 12 point Times New Roman font, 1” margins, stapled w/ name on each page. Do not use a cover sheet or plastic report cover. The primary goal of these essays is to demonstrate your knowledge of the sociology of law, and how the theories and topics discussed throughout the course apply to specific issues. Essays will be evaluated primarily on the quality of their *sociological* arguments; therefore, you should take care to explicitly incorporate theoretical approaches drawn from the course material and to cite relevant sociological evidence wherever possible. Your primary objective should be to show how an understanding of the sociology of law helps inform the topic and debates discussed in the essay question(s); arguing for or against specific policy initiatives should be of only secondary importance.

- I encourage students who would like help with their writing to visit the Writing Lab at Purdue (<https://owl.english.purdue.edu/writinglab/>).

Course Policies and Friendly Reminders

- Attendance. Attendance is not mandatory, but you will be highly disadvantaged by missing class. There is valuable information given during lecture that is not in the assigned readings and you are expected to know lecture material for the exams. Please also make every effort to be on time for class, as students entering late can be distracting to both teaching and learning. More on university attendance policies can be found here: <http://www.purdue.edu/odos/services/classabsence.php>.
- Classroom Civility. The study of legal issues requires discussing sensitive and often controversial topics that may be uncomfortable for some students. I encourage both good discussions and critical assessment of issues, however, I require that students will respect their peers and inflammatory remarks will be dealt with accordingly. Purdue University is committed to fostering diversity and inclusion and welcomes individuals of all ages, religions, sex, sexual orientations, races, nationalities, languages, military experience, disabilities, family statuses, gender identities and expressions, political views, and socioeconomic statuses. Please respect the different experiences, beliefs and values expressed by everyone in this course. Behaviors that threaten, harass, discriminate or that are disrespectful of others will not be tolerated. Inappropriate behaviors will be addressed with disciplinary action, which may include being referred to the Office of the Dean of Students. Please visit Purdue’s Nondiscrimination policy for more information: http://www.purdue.edu/purdue/ea_eou_statement.html
- Plagiarism/Academic Integrity. Purdue University’s policy on academic integrity can be found at: <http://www.purdue.edu/odos/aboutodos/academicintegrity.php>. Specifically, Purdue prohibits “dishonesty in connection with any University activity. Cheating, plagiarism, or knowingly furnishing false information to the University are examples of dishonesty.” [Part 5, Section III-B-2-a, *University Regulations*] Furthermore, the University Senate has stipulated that “the commitment of acts of cheating, lying, and deceit in any of their diverse forms (such as the use of substitutes for taking examinations, the use of illegal cribs, plagiarism, and copying during examinations) is dishonest and must not be tolerated. Moreover, knowingly to aid and abet, directly or indirectly, other parties in committing dishonest acts is in itself dishonest.” [University Senate Document 72-18, December 15, 1972]. Examples of academic dishonesty can be found at the above website. *Behavior consistent with*

cheating is grounds for failure of an exam. *I will absolutely not tolerate any form of academic dishonesty in this course, and will take evidence of such misconduct to the appropriate departmental and University authorities.*

- **Disability Access Statement.** Purdue encourages qualified people with disabilities to participate in its programs and activities and is committed to the policy that all people shall have equal access to programs, facilities, and admissions without regard to personal characteristics not related to ability, performance, or qualifications as determined by University policy or by state and federal authorities. Any student who feels he or she may need an accommodation based on the impact of a disability needs to contact the Disability Resource Center first (see <http://www.purdue.edu/drc>), and then contact me privately to discuss your specific needs. If you have permission to take the exams at the Testing Center, which must be proved with the proper documentation, you are *required* to notify me one week in advance of *each* exam.
- **Computers, phones, and electronics:** Do not receive or make calls or texts during class and please silence cell phones. Cell phones can be a major distraction for instructors and other students. Laptops can be highly advantageous, but must be used appropriately. All activities on laptops during class time must be related to the class. No headphones are allowed at any time. A general rule for use of electronics is please be considerate of others' learning.
- **GRADING:** While you may get a higher grade based on the performance of the class as a whole (commonly known as a "curve"), at the following cutoffs, you are guaranteed to receive at least the corresponding grade:

Grading Scale-

Total Percent	Grade	Total Percent	Grade
97-100	A+	77-79.9	C+
93-96.9	A	73-76.9	C
90-92.9	A-	70-72.9	C-
87-89.9	B+	60-69.9	D
83-86.9	B	≤ 59.9	F
80-82.9	B-		

- **Two important notes:**
 - It is VERY important that you do the readings and participate in class. The class size is ideal for generating good discussions and I will count on you all to be able to speak knowledgeably about course materials.
 - Finally, it is important that YOU stay on top of issues as it relates to the class. The worst thing you can do is come to me at the end of the semester and bring up issues that happened weeks and months earlier.

COURSE SCHEDULE

Date	Lecture	Required Readings
Section I: Introduction; Sociological Theories of Law		
Key Questions:		
Broadly speaking, what is the relationship between law and society?		
What is the relationship between culture and law?		
What is the relationship between social structure and law?		
Is law a tool for domination?		
What is the Law & Society Movement?		
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<u>Week 1</u>		
Jan. 13 th	Introduction	No readings
Jan. 15 th	What is the Sociology of Law?	Sutton Ch. 1
<u>Week 2</u>		
Jan. 20 th	Durkheim's Sociology of Law & Punishment	Sutton Ch. 2 (pp. 25-26; 31-46) skim Erikson (pp. 137-159)
Jan. 22 nd	Critiquing Durkheim	Sutton Ch. 2 (pp. 46-60)
<u>Week 3</u>		
Jan. 27 th	Conflict Theory: A Marxian Perspective	Sutton Ch. 3 (pp. 61-72); Chambliss (1964)
Jan. 29 th	Critiquing Marx	Sutton Ch. 3 (pp 77-86; 92-98) Manza and Uggen Ch. 2
<u>Week 4</u>		
Feb. 3 rd	Weber's Sociology of Law & Punishment	Sutton Ch. 4 (pp. 99-102; 114-132)
Feb. 5 th	Weber's Legacy on Punishment	Ulmer and Kramer (1996)
<u>Week 5</u>		
Feb. 10 th & 12 th	The Sociological Movement in Law	Treviño (pp. 55-75)
<i>Essay 1 will be handed out in class on Tuesday February 10 and will be due on Tuesday, February 24.</i>		
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Section II: Legal Actors		
Key Questions:		
Why do people obey the law?		
What roles do various actors play in the legal system?		
How do those roles diverge from what the formal model would predict?		
How do juries make decisions?		
How do judges make decisions?		

Week 6

Feb. 17 th	Why do People Obey the Law? - Deterrence	<i>Law in Action</i> (pp. 369-389)
Feb. 19 th	Why do People Obey the Law? - Legitimacy	<i>Law in Action</i> (pp. 466-486)

Week 7

Feb. 24 th	How Impartial are Judges?	<i>Law in Action</i> (pp. 729-731; 752-789) * skim 757-777
Feb. 26 th	How do Juries Decide?	Ellsworth (pp. 322-329) Film: <i>Inside the Jury Room</i>

Week 8

March 3 rd	What do Lawyers Do?	<i>Law in Action</i> (pp. 138-141) Kritzer (p. 144-49); Frohmann (p. 284-92)
March 5 th	The Legal Profession	Sutton (pp. 253-277) King et al. (pp. 1-3; 5-7; 25-28)

Week 9

March 10 th	Review for Midterm	No readings
March 12 th	Midterm Exam	
March 17 th & 19 th	SPRING BREAK	

Section III: Legal Disputes and Legal Change

Key Questions:

- What is the process through which legal disputes emerge?**
 - How and why to people mobilize (or not) the law?**
 - Are some groups better at mobilizing the law?**
 - Can legal change effectively bring about social change?**
 - How do legal rights matter?**
 - How valuable are legal rights?**
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Week 10

March 24 th	Legal Mobilization	Felstiner et al. (99-104); Hadfield (2008)
March 26 th	Civil and Criminal Dispute Resolutions	Mnookin and Kornhauser (pp. 111-116) Sudnow (1965)

Week 11

March 31 st	Who Wins Legal Disputes?	<i>Law in Action</i> (pp. 684-686) Seron et al. (pp. 150-155)
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April 2nd

Film: *Justice for Sale*

Essay 2 will be handed out in class on Thursday April 2 and will be due on Thursday, April 16.

Week 12

Legal Action

April 7th

Voting and School Desegregation

Sutton (pp. 154-184)

April 9th

Film: *The Road to Brown*

Week 13

April 14th & 16th

The Limits of Legal Action

Law in Action (pp. 565-614)

Week 14

April 21st & 23rd

Rights in a Time of National Emergency

Korematsu v. U.S. (1944); **Cole** (2003)

Week 15

April 28th

Catch Up Day

April 30th

Review for Final Exam

Final Exam: Date & Time (TBD)