Legal Studies 184: Sociology of Law
Course Syllabus
Fall 2014

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Email: hberk@law.berkeley.edu
Office Hours: Tuesdays 11:30 – 1:30 p.m., or by appointment
Lectures: Tuesdays & Thursdays 2:00 – 3:30 in Leconte Room 3

Graduate Student Instructors: John Bliss and Asad Rahim

I. Course Description and Objectives:

This course explores sociological understandings of law and legal institutions. We will address questions such as: Why do societies have law? What is the relationship between law and social norms or values? Is law a mechanism for coordinating human activity toward the common good, or a vehicle for conflict and oppression? Why do people obey the law, and why do people punish lawbreakers? When does law stabilize society, and when does law promote social change? Is everyone equal under the law or does the law provide more resources to some social groups than to others? Although sociological perspectives are emphasized, this course takes an interdisciplinary approach that also includes psychology, political science, and legal scholarship. It also considers gender, race, class, and other critical perspectives.

Note that I will lecture during our class meetings, but may periodically ask questions and invite some group discussion. Therefore, please come to class having read and considered the material in advance of each lecture. Your own experience depends, of course, on a personal motivation to learn and engage with the themes of this course. I am most interested in supporting your curiosity for the subject matter, your insights, and critical thoughts about it, which you will explore more deeply during your discussion sections. I strive to bring to the classroom my utmost openness, enthusiasm, commitment, and sensitivity. I would like the relationship to be reciprocal.

II. Required Materials

Law in Action: A Socio-Legal Reader, by Macaulay, Friedman & Mertz (2007)
The Buffalo Creek Disaster, by Gerald Stern (1976, 2008)
Course Reader, available at Copy Central (2576 Bancroft Way)
All materials in the reader will also be uploaded and available on our bCourses website.

Readings are listed by date on the syllabus and can be found either in the Macaulay, Friedman, & Mertz text (listed below as “MF&M”) or in the course reader/on bCourses (listed below as “bCourses”). It is important that you keep up with the required reading and you may even want to read a bit ahead. From time to time additional readings may be assigned, and/or assigned readings may be omitted. Readings marked with an asterisk (*) are recommended only.
**III. Course Assessment and Grading**

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Weight</th>
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<tbody>
<tr>
<td>Short Essay (4-5 pages)</td>
<td>20%</td>
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<tr>
<td>Midterm Exam</td>
<td>25%</td>
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<tr>
<td>Final Exam</td>
<td>35%</td>
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<tr>
<td>Participation and Attendance</td>
<td>20%</td>
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*Attendance in lecture and participation in discussion sections are expected, assessed, and rewarded, and vastly increase the quality and the overall enjoyment of the course!*

Essays and exams will be based on both lecture and assigned reading materials. You are responsible for all lecture materials and for any announcements made in class, whether or not you are present. Also, **there will be no additional screenings of the films presented throughout the semester.** If you miss class on one of these days you should ask a classmate to review their notes from that day. **You are also required to attend section meetings; 20% of your grade is based on participation and attendance.** If you must miss lecture or section for a prolonged period due to serious, documented illness or other emergent problem, you should speak with your GSI or to me as soon as possible.

**Tardiness:** It is important we all arrive on time. Arriving to class late is disruptive to both me and to your classmates. Repeated tardiness will result in a lower grade.

**Policy and Thoughts on Assignments and Grading:** Good readers make good writers, thinkers, and professionals. All of the assigned readings are mandatory unless specified below as “optional,” designated with an asterisk (*). Optional readings may be used to supplement required materials when drafting your short essays. Required readings form the basis for the assignments and exams you are asked to complete, demonstrating that you have read and thoughtfully considered the material in light of lectures. More importantly, however, is your personal motivation to learn and discuss class concepts and themes. If you are lured to the park on a sunny day, by all means enjoy! *But,* may I suggest you bring your books and a pen or your computer along with you?

**Short Essays:** A short essay assignment will be handed out in class on Tuesday, September 16 and will be due at the beginning of class on Tuesday, September 30. With the exception of documented extreme illness, **late essays will not be accepted!** If you do not hand in an essay to your GSI by the beginning of the class period (2:10 p.m.) on which it is due, you will receive zero points for the essay. Generally, if a personal matter prevents you from meeting course deadlines, you must speak with me sufficiently in advance of that deadline, except in the case of a genuine medical or other emergency.

**Important:** cell phones may not be used in any way during class, including texting, and may not be used in exams, including as a watch or timekeeper, so plan ahead. We will also keep time for you on the chalkboard during exams. Failure to comply with this policy will result in a lower grade. **Review page 12 on courtesy, and my use of technology in the classroom policy.**
IV. Course Schedule and Reading Assignments

*Note: The schedule and assignments below are subject to modification.*

Thurs Aug 28: Introduction to the Course

**UNIT I: THE SOCIAL CONTEXT OF LAW**

**QUESTIONS FOR THIS UNIT:**
- Broadly speaking, what is the relationship between law and society?
- More specifically, how is law:
  a) a reflection of culture;
  b) a reflection of social structure;
  c) a tool of domination; or
  d) a form of hegemonic control?
- What is the difference between law as instrumental and law as constitutive?
- What is the Law and Society Movement?

Tues Sept 2: Law and Custom (Cultural Perspective)


Thurs Sept 4: Law and Social Structure (Structural Perspective)


Tues Sept 9: Law and Social Class (Conflict Perspective)


Thurs Sept 11: Law as Ideology (Constitutive Perspective)


Tues Sept 16: The Development of Contemporary Sociology of Law

MF&M, Chapter 1, pp. 1-18.


Essay 1 will be handed out in class on Tuesday September 16 and will be due at the beginning of class on Tuesday, September 30.

UNIT II: DISPUTING

QUESTIONS FOR THIS UNIT:

➢ What is the process through which disputes emerge?
➢ How and why do people mobilize (or not mobilize) the law?
➢ What are the various modes of dispute resolution?
➢ How do social advantages and disadvantages matter in dispute resolution?

Begin reading Gerald Stern: The Buffalo Creek Disaster
Thurs Sept 18: Legal Mobilization -- Disputes as Social Constructs


Hadfield, Gillian “Framing the Choice Between Cash and the Courthouse: Experiences with the 9/11 Victim Compensation Fund” Law and Society Review 2008, 42(3)645-682 [bCourses].


Tues Sept 23: Informal Civil Disputing – Bargaining


Thurs Sept 25: Disputing, Politics, and Inequality – A Case Study

Film: Justice for Sale (on Citizens United)

Tues Sept 30: Disputing and Dispute Mobilization in Communities


Essay 1 due at the beginning of class.

Thurs Oct 2: Power in Litigation and Alternative Dispute Resolution


Tues Oct 7: Corporate Power and Dispute Resolution


Film: Hot Coffee

Thurs Oct 9: The Buffalo Creek Disaster

Stern, Gerald, The Buffalo Creek Disaster (finish reading/class discussion)

Tues Oct 14: Midterm Review

Thurs Oct 16: Midterm Exam (in class)

UNIT III: LEGAL ACTORS AND SOCIAL INEQUALITY

QUESTIONS FOR THIS UNIT:

- 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, lawyers, and juries help to perpetuate or constrain social inequality and social change?

Tues Oct 21: Lawyers and Social Stratification


Herbert M. Kritzer, “The Justice Broker,” Chapter 21 (pp.144-149 in in Sarat, The Social Organization of Law. [bCourses]


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Thurs Oct 23: How Impartial are Judges?

Introduction to section on judges, MF&M: 729-731.


Tues Oct 28: Juries as Social Conscience


Film: *Inside the Jury Room*

Thurs Oct 30 and Tues Nov 4: The Limits of Regulation - Individuals


* Milgram, Stanley (1978), *Obedience to Authority: An Experimental View* [excerpt and notes in MF&M:508-515].


**Thurs Nov 6: The Limits of Regulation - Organizations**


**UNIT IV: LAW, INEQUALITY, AND SOCIAL CHANGE**

**QUESTIONS FOR THIS UNIT:**

- What is the relationship between social change and legal change?
- How do legal rights matter?
- How valuable are legal rights?
- How do class, race, and gender matter in the legal system?

**Tues Nov 11: Veteran’s Day Holiday (No Class)**

**Thurs Nov 13: Law and Social Change**


Tues Nov 18: Courts as Institutions of Social Change


Film – The Road to Brown

Thurs Nov 20: The Rights Debate


Tues Nov 25: Gender, Law, and the Construction of Family

Kristin Luker, “Motherhood and Morality in America,” Chapter 8 (pp. 192-215) in Abortion and the Politics of Motherhood (1984) [bCourses]

Susan Markens, “Moral Conundrums and Menacing Ambiguities,” Chapter 3 (pp. 77-101) in Surrogate Motherhood and the Politics of Reproduction (2007) [bCourses]

Jeanne Flavin, “Bad Mothers: Incarcerated Women’s Ties to Their Children,” Chapter 7 (pp. 139-163) in Our Bodies, Our Crimes: The Policing of Women’s Reproduction in America (2009) [bCourses]

*Naomi Cahn, “Reproducing Dreams,” Chapter 10 (pp. 147-158) in Goodwin, Baby Markets (2010) [bCourses]

*Carmel Shalev, “Women’s Economic Being,” end of Chapter 8 (pp. 152-166) In Birth Power (1989) [bCourses]

Thurs Nov 27: Thanksgiving Holiday (No Class)

Tues Dec 2: Class and Legal Consciousness // Race, Law, and Intersectionality

White, Lucie E., “Subordination, Rhetorical Survival Skills, and Sunday Shoes” Chapter 28 (pp. 222-242 in Sarat, The Social Organization of Law. [bCourses]


*Austin Sarat, “…The Law is All Over”: Power, Resistance and the Legal Consciousness of the Welfare Poor. 2 Yale Journal of Law and the Humanities 343-379 [bCourses]


Thurs Dec 4: Law and Social Movements (Final Lecture)


Tues Dec 9: Final Review Session (Last class meeting/RRR Week)

FINAL EXAM: TUESDAY DECEMBER 16 from 9:00-11:00 a.m. (Note, the official schedule for this class is 8-11 a.m., but we will only meet for two hours, beginning PROMPTLY at 9 a.m.). Check for location of final exam, which will also be announced in class.

V. A Word About Essays and Academic Dishonesty

All essays are to be typed and should include a bibliography or works cited page of the readings used. You may include either footnotes or citation to the author and page number within the text of your essay. For example, you might write: Some critics assert that pornography represents, and thus perpetuates the subordination of women, even though the acts are pictorial (MacKinnon, 26-27). You may cite either the page number of the document as formatted by the reader, or use the original document's pagination.
Please make sure to use a readable font (ones used in advertisements and for most "design" type projects are typically not great for formal essays). Font size should be 12 point, in a professional font style. Essays are to be double-spaced, and should have 1-inch margins. All work is to be stapled, and no plastic covers or folders are necessary.

Since there are various components to the writing process, I'll expect that you take the time to revise and proofread your essays. These are separate tasks. Essays that contain numerous errors in proofreading will be returned to you without an evaluation. You will need to fix these errors and re-submit the paper to your GSI.

**You may not plagiarize under any circumstances.** Plagiarism is stealing or passing off as one’s own the ideas or words of another, or using a creative production by another person without properly citing its source. If you are unclear as to what constitutes plagiarism, you should speak to us about it, and immediately review *Academic Honesty: A Guide for Students*, prepared by the Office of Student Conduct, which provides information on academic integrity and social conduct at UC Berkeley.

You may access the Code of Student Conduct online at: http://students.berkeley.edu/uga/conduct.asp

Remember, ignorance of the law is no excuse!

**VI. Office Hours**

I maintain an open-door communication policy. Office hours are an opportunity for you to ask questions about the material that may not be clear from lecture following section discussions, or to express insights or challenges you are having in the class and your journey as a student of legal studies and other related majors. If you cannot make my office hours, please contact me about scheduling an appointment.

**VII. Grade Dispute Policy**

If you wish to dispute grades on an essay or exam, you must do so in writing, clearly identifying each issue that you dispute and your rationale for why the grade should be reconsidered. Grade disputes must be submitted to your GSI first. Please be aware that we may lower, as well as raise grades, after reviewing essays and exam responses.

**VIII. Email Policy and bCourses**

Please reserve emails for urgent communications or administrative concerns. Please bring substantive questions to my office hours. Email is not an appropriate forum for substantive questions, which requires a conversation. I typically respond to emails within 24 hours.

I intend to send group announcements via email through bCourses. I may also post general announcements and add resources to bCourses, so please check our bCourses page twice a week to ensure you are up-to-speed on class communications.
IX. Accommodation Policy

Please contact your GSI as soon as possible if you need any special accommodation for this class. If you require accommodations, be prepared to provide us with a copy of your accommodation letter.

Some associated campus resources:

Disabled Students Program (DSP): http://dsp.berkeley.edu

Campus Access Guide: http://acads.chance.berkeley.edu/CAG

X. Courtesy, Technology Policy, Participation, Etc.

Cell phones, texts, chatting online, and web surfing are annoying distraction. Please turn off all devices before entering class! Looking at PDF versions of the reading or taking notes in a word processing program are acceptable uses of the computer. Looking at sports scores, Facebook, or OK Cupid are not! I will ask you to leave class if I observe you texting or using the computer for these inappropriate purposes.

Separately, since I have professional background in conflict management, I realize that each of us has a unique communication style. Some of you may feel concerned or anxious about speaking in class in front of your professor, GSI, or your peers. While I acknowledge this is a reality for you, I ask that you view participation in section as an opportunity to expose yourself to a different way of being – a way you are likely to regularly encounter after you complete your time as a student at Cal. Often shy students make insightful comments when they muster up the courage to speak.

XI. Additional Writing Resources

Purdue Online Writing Lab (OWL) link: http://owl.english.purdue.edu/

UC Berkeley Student Learning Center link: http://slc.berkeley.edu/general/index.htm