Sociology of Law
Legal Studies 184 (Fall 2012)
Tuesdays & Thursdays 11:00-12:30

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COURSE DESCRIPTION
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.

COURSE REQUIREMENTS

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<thead>
<tr>
<th>Section Participation</th>
<th>20%</th>
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<tr>
<td>Short Essay 1</td>
<td>15%</td>
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<td>Short Essay 2</td>
<td>20%</td>
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<tr>
<td>Midterm</td>
<td>20%</td>
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<td>Final</td>
<td>25%</td>
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COURSE MATERIALS
Gerald N. Stern, *The Buffalo Creek Disaster* (for discussion section)
bspace = Course Readings (available through the course bspace page)

ASSIGNED READINGS
Readings are listed by date on the syllabus and can be found either in the Macaulay, Friedman, & Mertz text or the course readings on bspace. It is important that you keep up with the required reading and you may 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.

DISABILITY ACCOMMODATIONS
If you have a disability that may require accommodations please speak to your GSI early in the semester (i.e. in the first two weeks) to make arrangements.
TARDINESS
Please do not arrive late to class as it is disruptive both to me and to your classmates. Repeated tardiness will result in a lower grade.

CELL PHONES
Please turn off cell phones during lecture and section meetings; this includes text messaging. In addition, cell phones may not be used in any way during exams, including as a watch or time keeper, so plan ahead. Failure to comply with this policy will result in a lower grade.

EXAMS
The midterm is Tuesday, October 16 during the regular class period. The final exam is Wednesday, December 12 from 9 AM – 10:30 AM. Out of a concern for fairness to all students, there will be no make-up exams except in the case of extreme illness documented by a physician. Please mark your calendar now with the exam times so that you are sure that you can be there. If you cannot, you should not take the course this semester.

Exams will consist of some combination of short answer, multiple choice, and essay questions. The midterm exam will cover Units I and II. The final exam will focus on Units III and IV, but may also include concepts from Units I and II. All exams will begin promptly at the beginning of the class or exam period, and will end at the end of the class or exam period. Students who arrive late must still turn their exams in at the end of the class or exam period. Exams will be closed book and closed notes. Although this should be obvious, it bears stating explicitly: cheating on exams will result in a failing grade for the course.

SHORT ESSAYS
Essay 1 will be handed out in class on Thursday September 6 and will be due at the beginning of class on Thursday, September 20. Essay 2 will be handed out in class on Thursday October 18 and will be due at the beginning of class on Thursday, November 15. 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 (11:10 AM) on which it is due, you will receive zero points for the essay.

ATTENDANCE
Attendance is required in the sense that 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 videos 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 required to attend section meetings; 20% of your grade is based on section attendance and participation. If you must miss class for a prolonged period due to serious illness, you should speak to your GSI or to me as soon as possible.

OFFICE HOURS
My office hours will be Thursdays, 2:00 PM – 4:00 PM. Sign-up sheets are posted outside my office; you are welcome to drop in during open time slots if there are any. You should contact your GSI first with questions about course logistics, but feel free to come by during my office hours to discuss course materials or questions, career questions, or anything else. I would prefer that you not drop by my office except during office hours; if you cannot come to my regular office hours please make an appointment. I may on occasion need to change or cancel office hours due to administrative commitments and will provide as much notice as possible of any changes.
August 23: Introduction to 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?

August 28: Law and Custom (Cultural Perspective)


August 30: Law and Social Structure (Structural Perspective)


**September 4: Law and Social Class (Conflict Perspective)**


**September 6: Law as Ideology (Constitutive Perspective)**


*Essay 1 will be handed out in class on Thursday September 6 and will be due at the beginning of class on Thursday, September 20.*

**September 11: The Development of Contemporary Sociology of Law**

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


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*

September 13: 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 [bspace].


September 18: Informal Civil Disputing – Bargaining


September 20: Disputing and Dispute Mobilization in Schools

Guest Lecturers: Professors Calvin Morrill and Michael Musheno on *Youth Conflict: Culture and Control in a Multiethnic Urban High School* (book in progress)

*Essay 1 due at the beginning of class. (No reading assignment)*
September 25: Disputing and Dispute Mobilization in Communities


September 27: Power in Litigation and Alternative Dispute Resolution


Film: Justice for Sale

October 2: Corporate Power and Dispute Resolution


Film: Hot Coffee

October 4: The Buffalo Creek Disaster

Stern, Gerald, *The Buffalo Creek Disaster* (finish reading)

Film: Buffalo Creek Revisited

October 9: The Micro-Politics of Disputes

Guest Lecturers: Calvin Morrill & Kelsey Mayo

October 11: Review

October 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?

October 18: Lawyers and Social Stratification


Essay 2 will be handed out in class on Thursday October 18 and will be due at the beginning of class on Thursday, November 15.

October 23: How Impartial are Judges?

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


October 25: Juries as Social Conscience

Phoebe C. Ellsworth, “Are Twelve Heads Better Than One” Chapter 39 (pp.322-329) in Sarat, The Social Organization of Law. [bspace]***


Film: Inside the Jury Room

October 30: The Limits of Regulation - Individuals


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


November 1: 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?

November 6: Law and Social Change


November 8: Courts as Institutions of Social Change


Film – The Road to Brown

November 13: The Rights Debate


**November 15: Class and Legal Consciousness**


*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 [bspace]

**November 20: Race, Law, and Intersectionality**


**November 22: Thanksgiving (No Class)**

**November 27: Law and Social Movements**


**November 29: Review**

**FINAL EXAM: Wednesday December 12, 9 AM – 10:30 AM** (Note, the official schedule for this class is 8 AM – 11 AM, but we will only use 90 minutes, beginning at 9 AM). Check for location of final exam.