

## **Socio-Legal Studies Sociology 930, Fall 2012**

Time: 3:30-5:25pm, Tuesday  
Location: Social Sciences 6304  
Instructor: Professor Sida Liu  
Office: 3460 Sewell Social Sciences  
Office Hours: 10:00am-12:00pm, Wednesday  
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### **COURSE DESCRIPTION**

This course is a graduate-level seminar that focuses on the deep reading and intensive discussion of major socio-legal theories and empirical studies. We begin by the classical and contemporary theories of the sociology of law and then proceed to various topics of law and society research, including legal consciousness, legal pluralism, court and litigation, legal profession, law and development, legal mobilization, and the globalization of law.

### **REQUIREMENTS**

Reading is at the heart of this seminar. Please make sure you complete the assigned readings before coming to every class. For each week, one student is responsible for presenting the readings and raising a series of questions for discussion. The class discussion is organized around those questions as well as other questions that the instructor or the students raise in the classroom. Reading and class participation account for 40% of the final grade.

Besides reading and class participation, the only requirement of the course is a final paper. This can be either a research paper investigating an empirical or theoretical issue, or a paper that integrates and critically discusses some of the course readings. For Ph.D. students, a research paper that aims at thesis or publication is highly recommended. A one-page outline of the paper is due at class on **November 20 (Tuesday)**. The deadline for the final paper is 5:00pm on **December 21 (Friday)**. The final paper accounts for 60% of the final grade.

### **READINGS**

The course has no textbook, and the instructor has tried to assign as many electronic readings as possible, but given the nature of the law and society field, several books will still be assigned as required readings. It is expected that you buy some of these books and use them extensively during the semester and in your later research work. The required books are also on reserve in the Social Science Reference Library (8432 Social Sciences Building). Here is a list of the books:

- Dezalay, Yves, and Bryant G. Garth (eds.). 2002. *Global Prescriptions: The Production, Exportation, and Importation of a New Legal Orthodoxy*. Ann Arbor: University of Michigan Press.
- Ewick, Patricia, and Susan S. Silbey. 1998. *The Common Place of Law: Stories from Everyday Life*. Chicago: University of Chicago Press.
- Feeley, Malcom M. [1979] 1992. *The Process is the Punishment: Handling Cases in a Lower Criminal Court*. New York: Russell Sage Foundation.
- Foucault, Michel. [1975] 1977. *Discipline and Punish: The Birth of the Prison*, trans. A. Sheridan. New York: Vintage Books.
- Luhmann, Niklas. 2004. *Law as a Social System*, trans. K. A. Ziegert, eds. F. Kastner, R. Nobles, D. Schiff, and R. Ziegert. Oxford: Oxford University Press.
- Merry, Sally E. 1990. *Getting Justice and Getting Even: Legal Consciousness among Working-Class Americans*. Chicago: University of Chicago Press.
- Scheingold, Stuart A. [1974] 2004. *The Politics of Rights: Lawyers, Public Policy, and Political Change*. Ann Arbor, MI: University of Michigan Press.
- Santos, Boaventura de Sousa. 2002. *Toward a New Legal Common Sense* (2<sup>nd</sup> edition). London: Butterworths.
- Tamanaha, Brian. 2001. *A General Jurisprudence of Law and Society*. Oxford and New York: Oxford University Press.
- Weber, Max. 1978. *Economy and Society*, eds. G. Roth and C. Wittich. Berkeley and Los Angeles: University of California Press. (Volume 2)

All the other readings are available in electronic format at Learn@UW. After logging in to the course website, please click on the “Content” button at the upper-left corner of the webpage. All the readings are in PDF format under the “Readings” folder.

## OFFICE HOURS

The instructor’s office hours are 10:00am-12:00pm on Wednesday. Please feel free to come by to discuss course issues, career questions, or anything else. If you cannot come to the regular office hours due to conflicts of schedule, please email to make an appointment and find another time to meet.

## READING SCHEDULE

### **Week 1: Course Introduction**

#### **September 4 (Tuesday)**

Course introduction – no reading.

### **Week 2: Law and Society Theories: An Overview**

#### **September 11 (Tuesday)**

Tamanaha, Brian. 2001. *A General Jurisprudence of Law and Society*. Oxford and New York: Oxford University Press. (Chapters 1-5)

### **Week 3: Max Weber's Sociology of Law**

#### **September 18 (Tuesday)**

Weber, Max. 1978. *Economy and Society*, eds. G. Roth and C. Wittich. Berkeley and Los Angeles: University of California Press. (Volume 2, Chapter VIII)

Trubek, David M. 1972. "Max Weber on Law and the Rise of Capitalism." *Wisconsin Law Review* 1972: 720-753.

Ewing, Sally. 1987. "Formal Justice and the Spirit of Capitalism: Max Weber's Sociology of Law." *Law & Society Review* 21: 488-512.

Feldman, Stephen. 1991. "An Interpretation of Max Weber's Sociology of Law: Metaphysics, Economics, and the Iron Cage of Constitutional Law." *Law & Social Inquiry* 16: 205-248.

### **Week 4: Law as an Instrument of Domination**

#### **September 25 (Tuesday)**

Cain, Maureen. 1974. "The Main Themes of Marx' and Engels' Sociology of Law." *British Journal of Law and Society* 1: 136-148.

Chambliss, William. 1975. "Toward a Political Economy of Crime." *Theory and Society* 2: 149-170.

Turk, Austin. 1976. "Law as a Weapon in Social Conflict." *Social Problems* 23: 278-291.

Stone, Alan. 1985. "The Place of Law in the Marxian Structure-Superstructure Archetype." *Law & Society Review* 11: 577-588.

Bourdieu, Pierre. 1987. "The Force of Law: Toward a Sociology of the Juridical Field." *The Hastings Law Journal* 38: 805-853.

### **Week 5: Law as a Functional System**

#### **October 2 (Tuesday)**

Luhmann, Niklas. 2004. *Law as a Social System*, trans. K. A. Ziegert, eds. F. Kastner, R. Nobles, D. Schiff, and R. Ziegert. Oxford: Oxford University Press. (Choose at least 6 of the 12 chapters to read)

### **Week 6: Critical Theories of Law**

#### **October 9 (Tuesday)**

Foucault, Michel. [1975] 1977. *Discipline and Punish: The Birth of the Prison*, trans. A. Sheridan. New York: Vintage Books.

Trubek, David M. 1984. "Where the Action Is: Critical Legal Studies and Empiricism." *Stanford Law Review* 36: 575-622.

- Trubek, David M., and John Esser. 1989. "Critical Empiricism in American Legal Studies: Paradox, Program, or Pandora's Box?" *Law & Social Inquiry* 14: 3-52.
- Frazier, Patricia A., and Jennifer S. Hunt. 1998. "Research on Gender and the Law: Where Are We Going, Where Have We Been." *Law & Human Behavior* 22: 1-16.
- Harris, Angel P. 1994. "Forward: The Jurisprudence of Reconstruction. Symposium: Critical Race Theory." *California Law Review* 82: 741-785.

### **Week 7: Legal Consciousness**

#### **October 16 (Tuesday)**

- Ewick, Patricia, and Susan S. Silbey. 1998. *The Common Place of Law: Stories from Everyday Life*. Chicago: University of Chicago Press.
- Merry, Sally E. 1990. *Getting Justice and Getting Even: Legal Consciousness among Working-Class Americans*. Chicago: University of Chicago Press.
- Silbey, Susan S. 2005. "After Legal Consciousness." *Annual Review of Law and Social Science* 1: 323-368.

### **Week 8: Legal Pluralism**

#### **October 23 (Tuesday)**

- Merry, Sally E. 1988. "Legal Pluralism." *Law & Society Review* 22: 869-896.
- Moore, Sally Falk. 1973. "Law and Social Change: The Semi-autonomous Social Field as an Appropriate Subject of Study." *Law & Society Review* 7: 719-746.
- Santos, Boaventura de Sousa. 1992. "State, Law, and Community in the World System: An Introduction." *Social & Legal Studies* 1: 131-142.
- Tamanaha, Brian. 2001. *A General Jurisprudence of Law and Society*. Oxford and New York: Oxford University Press. (Chapter 7)

### **Week 9: Court and Litigation: Patterns**

#### **October 30 (Tuesday)**

- Galanter, Marc. 1974. "Why the 'Haves' Come Out Ahead: Speculations on the Limits of Legal Change." *Law & Society Review* 9: 95-160.
- Edelman, Lauren B., and Mark C. Suchman. 1999. "When the 'Haves' Hold Court: Speculations on the Organizational Internalization of Law." *Law & Society Review* 33: 941-991.
- Albiston, Catherine. 1999. "The Rule of Law and the Litigation Process: The Paradox of Losing by Winning." *Law & Society Review* 33: 869-910.
- Kinsey, Karyl A., and Loretta J. Stalans. 1999. "Which 'Haves' Come Out Ahead and Why? Cultural Capital and Legal Mobilization in Frontline Law Enforcement." *Law & Society Review* 33: 993-1023.
- Conti, Joseph. 2010. "Learning to Dispute: Repeat Participation, Expertise, and Reputation at the World Trade Organization." *Law & Social Inquiry* 35: 625-662.

### **Week 10: Court and Litigation: Processes**

#### **November 6 (Tuesday)**

- Feeley, Malcom M. [1979] 1992. *The Process is the Punishment: Handling Cases in a Lower Criminal Court*. New York: Russell Sage Foundation.
- Felstiner, William, Richard Abel, and Austin Sarat. 1981. "The Emergence and Transformation of Disputes: Naming, Blaming, and Claiming..." *Law & Society Review* 15: 631-654.

Trubek, David M., Austin Sarat, William L. F. Felstiner, Herbert M. Kritzer, and Joel B. Grossman. 1983. "The Costs of Ordinary Litigation." *UCLA Law Review* 31: 72-127.

### **Week 11: Legal Profession: Social Structure and Work**

#### **November 13 (Tuesday)**

Galanter, Marc, and Thomas M. Palay. 1990. "Why the Big Get Bigger: The Promotion-to-Partner Tournament and the Growth of Large Law Firms." *Virginia Law Review* 76: 747-811.

Laumann, Edward O. and John P. Heinz. 1979. "The Organization of Lawyers' Work: Size, Intensity, and Co-Practice of the Fields of Law." *American Bar Foundation Research Journal* 4: 217-246.

Heinz, John P., Edward O. Laumann, Robert L. Nelson, and Ethan Michelson. 1998. "The Changing Characters of Lawyers' Work: Chicago in 1975 and 1995." *Law & Society Review* 32: 751-776.

Sarat, Austin, and William L. F. Felstiner. 1986. "Law and Strategy in the Divorce Lawyer's Office." *Law & Society Review* 20: 93-134.

Flood, John. 1991. "Doing Business: The Management of Uncertainty in Lawyers' Work." *Law & Society Review* 25: 41-72.

### **Week 12: Legal Profession: Politics**

#### **November 20 (Tuesday)**

Scheingold, Stuart A. [1974] 2004. *The Politics of Rights: Lawyers, Public Policy, and Political Change*. Ann Arbor, MI: University of Michigan Press.

Rueschemeyer, Dietrich. 1986. "Comparing Legal Professions Cross-Nationally: From a Profession-Centered to a State-Centered Approach." *American Bar Foundation Research Journal* 11: 415-446.

Johnson, Terence J. 1982. "The State and the Professions: Peculiarities of the British." Pp. 186-208 in *Social Class and the Division of Labour*, eds. A. Giddens and G. McKenzie. Cambridge: Cambridge University Press.

Halliday, Terence C. 1999. "Politics and Civic Professionalism: Legal Elites and Cause Lawyers." *Law & Social Inquiry* 24: 1013-1060.

### **Week 13: Law and Development**

#### **November 27 (Tuesday)**

Trubek, David M. 1972. "Toward a Social Theory of Law: An Essay on the Study of Law and Development." *Yale Law Journal* 82: 1-50.

Trubek, David M., and Marc Galanter. 1974. "Scholars in Self-Estrangement: Some Reflections on the Crisis in Law and Development Studies in the United States." *Wisconsin Law Review* 1974: 1062-1102.

Merryman, John Henry. 1977. "Comparative Law and Social Change: On the Origins, Style, Decline, and Revival of the Law and Development Movement." *American Journal of Comparative Law* 25: 457-491.

Tamanaha, Brian Z. 1995. "The Lessons of Law-and-Development Studies." *American Journal of International Law* 89: 470-486.

Chua, Amy L. 1998. "Market, Democracy, and Ethnicity: Toward a New Paradigm for Law and Development." *Yale Law Journal* 108: 1-107.

Garth, Bryant G. 2002. "Building Strong and Independent Judiciaries Through the New Law and Development: Behind the Paradox of Consensus Programs and Perpetually Disappointing Results." *DePaul Law Review* 52: 383-400.

### **Week 14: Legal Mobilization**

#### **December 4 (Tuesday)**

Zemans, Frances Kahn. 1983. "Legal Mobilization: The Neglected Role of the Law in the Political System." *American Political Science Review* 77: 690-703.

Burstein, Paul. 1991. "Legal Mobilization as a Social Movement Tactic: The Struggle for Equal Employment Opportunity." *American Journal of Sociology* 96: 1201-1225.

Edelman, Lauren B., Howard Erlanger, and John Lande. 1993. "Internal Dispute Resolution: The Transformation of Civil Rights in the Workplace." *Law & Society Review* 27: 497-534.

Silbey, Susan, and Patricia Ewick. 2003. "Narrating Social Structures: Stories of Resistance to Legal Authority." *American Journal of Sociology* 108: 1328-1372.

Albiston, Catherine. 2005. "Bargaining in the Shadow of Social Institutions: Competing Discourses and Social Change in Workplace Mobilization of Civil Rights." *Law & Society Review* 39: 11-50.

McCann, Michael. 2006. "Law and Social Movements: Contemporary Perspectives." *Annual Review of Law and Social Science* 2: 17-38.

### **Week 15: Law and Globalization**

#### **December 11 (Tuesday)**

Halliday, Terence C., and Pavel Osinsky. 2006. "Globalization of Law." *Annual Review of Sociology* 32: 19.1-19.24.

Trubek, David M., Yves Dezalay, Ruth Buchanan, and John R. Davis. 1994. "Global Restructuring and the Law: Studies of the Internationalization of the Legal Fields and the Creation of Transnational Arenas." *Case Western Law Review* 44: 407-498.

Santos, Boaventura de Sousa. 2002. *Toward a New Legal Common Sense* (2<sup>nd</sup> edition). London: Butterworths. (Chapters 5-6)

Dezalay, Yves, and Bryant G. Garth (eds.). 2002. *Global Prescriptions: The Production, Exportation, and Importation of a New Legal Orthodoxy*. Ann Arbor: University of Michigan Press. (Choose at least 4 of the 11 chapters to read)

Liu, Sida. In press. "Legal Profession as a Social Process: A Theory on Lawyers and Globalization." *Law & Social Inquiry*, forthcoming.