

# **Sociology of Law**

## **Sociology/Legal Studies/Law 641, Spring 2016**

Time: 9:30-10:45am, Tuesday/Thursday

Location: Van Vleck B239

Instructor: Professor Sida Liu

Office: 8142 Sewell Social Sciences

Office Hours: 2:00-4:00pm, Wednesday

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Teaching Assistant: Nathan Shelton

Office: 7102 Sewell Social Sciences

Office Hours: 11:00am-12:00pm, Thursday (or by appt.)

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### **COURSE DESCRIPTION**

This course introduces the major theories and empirical studies on various aspects of law through the lens of social science. It shows how law works in the real world, or what socio-legal scholars call “law in action.” “Law in action” is different from “law on the books” in that it emphasizes the social, political, cultural, and historical *contexts* of law rather than legal doctrines, statutes, or judicial decisions. It is those contexts that constitute the core elements of this course.

The course material is appropriate for both advanced undergraduates and graduate/law students, although the expectations in reading and exams will be higher for the latter than for the former. We begin by introducing the classical and contemporary theories of the sociology of law and then proceed to various themes of “law in action.”

### **REQUIREMENTS**

The course is designed as a combination of lectures and section meetings (no sections meetings for law students). Careful reading before lectures and active participation in section meetings are both important. Please communicate with the instructor and/or the teaching assistant if you become ill or emergencies arise so that we will be aware of your circumstances. Reading and class participation account for 10% of your final grade.

The first mid-term exam is an in-class exam scheduled on **February 16, 2016 (Tuesday)**. Both the second mid-term exam (**March 10-17, 2016**) and the final exam (**May 5-12, 2016**) are one-week take-home exams in the format of essay questions. Out of a concern for fairness to all students, there will be no make-up exams except in the case of documented extreme illness. Please mark your calendar now with the exam times so that

you can ensure your attendance. Each mid-term exam accounts for 25% of your final grade. The final exam accounts for 40% of your final grade.

Grading scale (for undergraduate students):

A	=	92-100
AB	=	88-91
B	=	82-87
BC	=	78-81
C	=	70-77
D	=	60-69
F	=	0-59

## **READINGS**

The course has no textbook. All the readings are available in PDF format at Learn@UW. After logging in to the course website, please click on the “Materials” button and then select “Content”. All the readings are in the “Readings” folder.

You are expected to do the readings BEFORE every class as lectures will be based on the assumption that you have completed the assigned readings. Lack of reading is likely to generate serious difficulties in understanding the lectures and cause major problems for you in the exams.

## **LECTURES**

For your convenience in taking notes and reviewing course materials, PowerPoint will be used in the lectures. The instructor will upload every week’s PowerPoint slides to Learn@UW after the Thursday lecture. Please note that the PowerPoint slides are only brief outlines of the lectures, so note taking is still very important for you to do well in the exams.

Attendance of lectures is crucial in the sense that exams will be based on both lectures and assigned reading materials. You are responsible for all lecture materials and for any announcements made in class, whether or not you are present. If you miss a class, you should ask a classmate to review their notes from that day. If you have to miss classes for a prolonged period due to serious illness, you should speak to the instructor and the teaching assistant as soon as possible. Please do not arrive late to class as it is disruptive both to the instructor and to your classmates. Repeated tardiness will result in a lower grade. Meanwhile, if you must leave early in a class, please speak to the instructor before the lecture to ask for permission. Otherwise please do NOT pack your things or leave the classroom until the lecture is over. If any emergency arises during the lecture, please raise your hand and inform the instructor.

## **OFFICE HOURS**

The instructor's office hours are 2:00-4:00pm on Wednesday. The teaching assistant's office hours are 11:00am-12:00pm on Thursday with additional time available by appointment, typically on Thursday afternoons. You should contact the teaching assistant first with questions about course logistics, but please feel free to come by during the instructor's office hours 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.

## **ACCOMMODATIONS**

Students with particular needs that might affect participation, coursework, or examination environment should inform the instructor and the teaching assistant about those needs within the first two weeks of the semester. We rely on the McBurney Disability Resource Center to determine what reasonable academic accommodations a student may require. Students who request accommodations must master all requirements, skills, knowledge, and academic standards of the course. Students who request relief for religious observances should also notify the instructor and the teaching assistant within the first two weeks of the semester.

## **READING SCHEDULE**

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

#### **January 19 (Tuesday)**

Course introduction – no reading.

#### **January 21 (Thursday)**

Macaulay, Stewart. 1984. "Law and the Behavioral Sciences: Is There Any There There?" *Law & Policy* 6: 149-187.

Macaulay, Stewart. 1987. "Images of Law in Everyday Life: The Lessons of School, Entertainment, and Spectator Sports." *Law & Society Review* 21: 185-218.

### **Week 2: Law in Classical Social Theories**

#### **January 26 (Tuesday)**

Tamanaha, Brian. 2001. *A General Jurisprudence of Law and Society*. Oxford and New York: Oxford University Press. (pp. 11-50)

#### **January 28 (Thursday)**

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

### **Week 3: Critical Legal Studies**

#### **February 2 (Tuesday)**

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

Foucault, Michel. [1975] 1977. *Discipline and Punish: The Birth of the Prison*, trans. A. Sheridan. New York: Vintage Books. (pp. 73-131)

**February 4 (Thursday)**

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

**Week 4: Legal Consciousness and Legal Pluralism**

**February 9 (Tuesday)**

Ewick, Patricia, and Susan S. Silbey. 1998. *The Common Place of Law: Stories from Everyday Life*. Chicago: University of Chicago Press. (pp. 15-53)

Merry, Sally E. 1990. *Getting Justice and Getting Even: Legal Consciousness among Working-Class Americans*. Chicago: University of Chicago Press. (pp. 110-133)

**February 11 (Thursday)**

Silbey, Susan S. 2005. "After Legal Consciousness." *Annual Review of Law and Social Science* 1: 323-368.

Merry, Sally E. 1988. "Legal Pluralism." *Law & Society Review* 22: 869-896.

**Week 5: Mid-term Exam I**

**February 16 (Tuesday)**

First mid-term exam – no reading.

**February 18 (Thursday)**

Galanter, Marc. 1974. "Why the 'Haves' Come Out Ahead: Speculations on the Limits of Legal Change." *Law & Society Review* 9: 95-160.

**Week 6: Law in Courts and Organizations**

**February 23 (Tuesday)**

Felstiner, William, Richard Abel, and Austin Sarat. 1981. "The Emergence and Transformation of Disputes: Naming, Blaming, and Claiming..." *Law & Society Review* 15: 631-654.

**February 25 (Thursday)**

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. 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.

**Week 7: Legal Mobilization**

**March 1 (Tuesday)**

Scheingold, Stuart A. [1974] 2004. *The Politics of Rights: Lawyers, Public Policy, and Political Change*. Ann Arbor, MI: University of Michigan Press. (pp. 83-148)

McCann, Michael. 1994. *Rights at Work: Pay Equity Reform and the Politics of Legal Mobilization*. Chicago: University of Chicago Press. (pp. 92-137)

**March 3 (Thursday)**

Epp, Charles R. 1996. "Do Bills of Rights Matter? The Canadian Charter of Rights and Freedoms." *American Political Science Review* 90: 765-779.

Marshall, Anna-Maria, and Daniel C. Hale. 2014. "Cause Lawyering." *Annual Review of Law and Social Science* 10: 301-320.

**Week 8: Legal Change**

**March 8 (Tuesday)**

Chambliss, William J. 1979. "On Lawmaking." *British Journal of Law and Society* 6: 149-171.

McCann, Michael, William Haltom, and Anne Bloom. 2001. "Java Jive: Geneology of a Judicial Icon." *University of Miami Law Review* 56: 113-178.

**March 10 (Thursday)**

Halliday, Terence C., and Bruce G. Carruthers. 2007. "The Recursivity of Law: Global Norm-Making and National Law-Making in the Globalization of Corporate Insolvency Regimes." *American Journal of Sociology* 111: 1135-1202.

**Week 9: Mid-term Exam II**

**March 15 (Tuesday)**

In-class video: *The Road to Brown*

**March 17 (Thursday)**

Second mid-term exam – no reading.

----- **Spring Break** -----

**Week 10: Law as a Social Space**

**March 29 (Tuesday)**

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

**March 31 (Thursday)**

Liu, Sida. 2015. "Law's Social Forms: A Powerless Approach to the Sociology of Law." *Law & Social Inquiry* 40: 1-28.

**Week 11: The Legal Profession**

**April 5 (Tuesday)**

Heinz, John P. and Edward O. Laumann. 1982. *Chicago Lawyers: The Social Structure of the Bar*. New York and Chicago: Russell Sage Foundation and American Bar Foundation. (pp. 127-176)

**April 7 (Thursday)**

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.

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

**Week 12: Legal Compliance**

**April 12 (Tuesday)**

Weisberg, Robert. 2005. "The Death Penalty Meets Social Science: Deterrence and Jury Behavior Under New Scrutiny." *Annual Review of Law and Social Science* 1: 151-170.

Schultz, Mark F. 2006. "Fear and Norm and Rock & Roll: What Jambands Can Teach Us About Persuading People to Obey Copyright Law." *Berkeley Technology Law Journal* 21: 651-728.

**April 14 (Thursday)**

Tyler, Tom. 1998. "Public Mistrust of the Law: A Political Perspective." *University of Cincinnati Law Review* 66: 847-875.

**Week 13: Law and the State**

**April 19 (Tuesday)**

Kagan, Robert A. 1991. "Adversarial Legalism and American Government." *Journal of Policy Analysis and Management* 10: 369-406.

Feeley, Malcolm M. [1979] 1992. *The Process Is the Punishment: Handling Cases in a Lower Criminal Court*. New York: Russell Sage Foundation. (pp. 62-93)

**April 21 (Thursday)**

Dezalay, Yves, and Bryant Garth. 2002. *The Internationalization of Palace Wars: Lawyers, Economists and the Transformation of Latin-American States*. Chicago: University of Chicago Press. (pp. 198-219)

Liu, Sida, and Terence C. Halliday. 2011. "Political Liberalism and Political Embeddedness: Understanding Politics in the Work of Chinese Criminal Defense Lawyers." *Law & Society Review* 45: 831-865.

**Week 14: Law and Development**

**April 26 (Tuesday)**

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.

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

**April 28 (Thursday)**

Halliday, Terence C., and Pavel Osinsky. 2006. "Globalization of Law." *Annual Review of Sociology* 32: 447-470.

**Week 15: Law and Globalization**

**May 3 (Tuesday)**

Flood, John. 2007. "Lawyers as Sanctifiers: The Role of Elite Law Firms in Business Transactions." *Indiana Journal of Global Legal Studies* 14: 35-66.

Liu, Sida. 2013. "The Legal Profession as a Social Process: A Theory on Lawyers and Globalization." *Law & Social Inquiry* 38: 670-693.

**May 5 (Thursday)**

Merry, Sally E. 2003. "Constructing a Global Law-Violence against Women and the Human Rights System." *Law & Social Inquiry* 28: 941-977.