

Prof. Deborah K. King
107 Silsby Hall

Office Hours: Mon. 3:30-5 pm
Wed. 4:00-5:00 pm;
by appointment

SOCY 50
SOCIOLOGY OF LAW
Winter 2013 - 11 Hour

In a cheap horror movie that was popular a while back, the world was invaded by some sort of living goo from outer space that spread relentlessly, gobbling up absolutely everything in its path. Some of the cries of alarm about the American legal system picture law as a phenomenon very much like this blob from outer space, growing relentlessly and swallowing up billions of dollars and whole social institutions as it spreads. . . . The machinery is breaking down. There is a "crisis" on our hands.

Lawrence Friedman, *Total Justice*

This course is an effort at demystifying the law through a survey of important perspectives and topics in the sociological study of law. Our focus will be the United States legal system. The five main course objectives are: 1) to gain an understanding of the nature and variety of legal problems; 2) to examine various social, political and economic factors that may explain actions of selected legal institutions such as the police, lawyers, courts and prisons, 3) to assess the intended and unintended consequences of legal actions; 4) to review selected theoretical approaches to the study of law; and 5) to engage in a critical discussion about the role of law in contemporary U. S. society.

Throughout the term we will use the representations of law in popular culture and parables as mechanisms for illuminating the hidden, ambiguous and contradictory dynamics of law, legal institutions, actors and practices. We'll also consider how various representations of the law inform & misinform our knowledge of the law as well as shape our legal consciousness. We will focus on the organization and professional socialization of police and lawyers, public beliefs about and expectations of the law, and social inequalities in legal rules, decisions and outcomes; etc.

Required Books at the Wheelock Bookstore

Ewick, Patricia & Silbey, Susan S. 1998. *The Common Place of Law: Stories from Everyday Life*. Chicago: University of Chicago Press

Forell, Caroline A. and Matthews, Donna A. 2000. *Law of Her Own: The Reasonable Woman as a Measure of Man*. New York: New York University Press

Harr, Jonathan. 1996. *A Civil Action*. New York: Vintage Books

Leo, Richard. 2009. *Interrogation: Police Interrogation and American Justice*. Cambridge, MA: Harvard University Press

Select one of the following:

Kimes, Martha. 2008. *Ivy Briefs: True Tales of a Neurotic Law Student*. New York: Atria Books.

Turow, Scott. 1997. *One L: The Turbulent True Story of a First Year at Harvard Law School*. New York: Warner Books

Additional required readings: Articles, images & other materials are posted in "Assigned Readings" folder on Blackboard or on reserve in the Jones Media Center.

A number of Law-Related Online Resources are posted in the "Links" Folder on Blackboard.

COURSE REQUIREMENTS

Regular attendance is expected and participation will be to your advantage. Please come to class having completed the assigned readings and prepared to engage actively and critically in our explorations. Comments, questions, critiques of the assigned readings as well as relevant examples from current events (i. e. follow the news) and popular discourse are welcome. I will not take attendance, and assume that as adults you will be responsible for your own education. Students who are absent (due to illness, inter-collegiate athletics, religious observances, employment interviews, etc.) should secure the lecture notes, handouts, etc. from other class members. Also please notify me in advance, when possible, of any absences

Class members are expected to demonstrate their mastery of course materials through several formats. These will constitute the following requirements, and their percentage of the final course grade:

30% Midterm examination

The in-class, midterm examination will consist of an essay question and may include identifications or short answers. It will cover readings, lectures, discussions, videos, guest presentation, and any required special events.

15% An Exercise in Analyzing Law in Society

Each student will complete an exercise in the use of the sociological imagination. Detailed descriptions of each option will be posted on Blackboard

20% Portfolio of Socio-Legal Post-Its

Completion of 4 socio-legal post-its, which are brief (1-2 page), critical essays on themes and issues emerging from the readings or are related to extracurricular lectures/programs. You will be able to select from among 8-10 options that will be scheduled throughout the term. Topics may include: the hidden curriculum at law school, law and social change, "Don't Ask, Don't Tell," civil rights movement, law and the supernatural, policing and the reasonable person standard, or personal encounters with the law,

You must complete two post-its no later than Monday, January 31st, with a mandatory post-it on "Encounters with the Law" for class discussion on January 21st. The remaining two post-its should be submitted no later than Monday, February 28th. Detailed descriptions of each option will be posted on Blackboard.

35% Final Project (approx. 8-10 pages)

Topics and guidelines will be posted on Blackboard.

COURSE POLICIES

Honor Principle Academic work is simultaneously a collaborative and an independent enterprise. Consulting with others and using their questions, ideas, findings, and interpretations are integral parts of intellectual inquiry. The laborious, critical and creative work of developing one's own understandings is equally important. In this course, you will have opportunities to engage in both endeavors; and it is essential that you maintain the integrity of each. All class members are encouraged to discuss readings, lectures and other course materials with one another. There may be an opportunity for a team or group project that will require cooperation and a collective product. However the mid-term examination, post-its, and the final project must be your own independent work (unless otherwise approved) in which you appropriately cite the intellectual ideas and products of others.

Acknowledgements & Citations Pay close attention to your citations of the intellectual and creative ideas, writings, images and products of others (including other class members, readings, films, government reports, art work, lectures, etc.). Learning how to cite appropriately the idea, words and work of others is a critical skill for academic as well as other professional fields. Always use a comprehensive reference book on acknowledging sources and/or

COURSE POLICIES

the links provided on Blackboard. *The Chicago Manual of Style* is the primary one used in sociology, although the APA guide is also acceptable. You should also feel free to consult me before submitting work that you think might be improperly cited.

Students' Religious Observance Some may wish to take part in religious observances that occur during this academic term, but which may conflict with your participation in this course. Before the end of the second week of the term, please send me an email detailing the occasion, date and the specific course responsibility that may be affected.

Submission Deadlines The submission of assignments is expected on the indicated "due date" during that day's class meeting (unless otherwise stated). Requests for late submission or make-up examinations should be made prior to the due date. And will be handled on a case-by-case basis. Please note that the grade on non-approved, late submissions will be penalized.

Missed Classes As responsible adults, class members should notify the instructor of any anticipated absences. Repeated absences, without documented evidence of illness or family emergency, will adversely affect your grade. In the event that you miss a class for whatever reason, you are responsible for getting the lecture notes from another student. As a general policy, I do not make my lecture notes available. I trust that members of the class will be cooperative in sharing their notes, realizing that you might be in a similar position one day.

Make-up Exam Students with valid reasons are entitled to make-up the midterm examination. However, such arrangements are only available for students who inform me at least 48 hours *prior* to the original exam date.

Note for Students who Speak English as a Second Language Students who speak English as a second language are encouraged to meet with the professor during the first two weeks of the term to discuss any academic assistance or accommodations you may require.

Note for Students with Disabilities and Special Concerns Students with learning or other disabilities as well as chronic health conditions that may disrupt your studies are encouraged to meet with the professor during the first two weeks of the term to discuss any academic assistance or accommodations you may require. *All discussions will remain confidential, although the Student Disabilities Coordinator or other college officials may be consulted.*

Classroom Etiquette: We will cover some complex and controversial subjects. Understandably, disagreement and debate are welcome and integral parts of the learning process. Please extend respect to all members of the class in terms of your verbal and nonverbal communications, listen attentively to their questions and comments as you would the lectures, and offer your informed observations and criticisms in a constructive manner.

Electronic Devices Cell phones, iPods, MP3s, Blackberrys, Bluetooths, etc. must be turned-off and put away during class sessions. Laptop computers and notepads should only be used for note taking. Web browsing, handling email or working on non-course related matters are discouraged. Please obtain prior approval from the instructor, if you have a medical and/or learning-related need

Email Policy Course assignments, examinations and research papers should not be submitted by blitz or email (unless otherwise instructed). Please note that I typically read and answer my blitz mail once a day during the week (i. e. Mon. – Fri.), but not necessarily according to any schedule. As a rule, I am not accessible via email during the weekends.

Schedule of Course Readings, Assignments & Related Events

PART I LAW AS A SOCIOLOGICAL PHENOMENON

Wed., Jan. 5 Course Overview

Kafka, Franz. 1987. "Before the Law" Also a chapter in *The Trial*, translated by Edwin and Willa Muir, originally published posthumously in 1925. (on Blackboard - Assigned Readings)

Fri., Jan. 7 What is Law?: Sociological Questions from Jurisprudential Decisions

Fuller, Lon. 1949. "The Case of the Spelucean Explorers," *Harvard Law Review*, v62 n4 February: 616--645 (on Blackboard - Assigned Readings)

CNN Wire Staff. "Chilean Miners Waited for Death." November 18, 2010 (on Blackboard Assigned Readings)

View: The Miners: A Tour of Their Surroundings (on Blackboard)

View: "Rescued from a Chilean Mine - The Big Picture." *Boston Globe*, October 13, 2010 (on Blackboard)

Mon., Jan. 10 What is Law?: (Dis)Order and Unintended Consequences of Formal Rules

Currie, Elliot. 1968. "Crimes Without Victims: Witchcraft and Its Control in Renaissance Europe." *Law and Society Review* v3 n1: 7-28 (on Blackboard - Assigned Readings)

Wed., Jan. 12 What is Law?: The Rule(s) of the Powerful

Chambliss, William. 1964. "A Sociological Analysis of the Law of Vagrancy," *Social Problems*, v12 Summer: 67-77 (on Blackboard)

Fri., Jan. 14 Law as Everyday Experiences & Expectations

Ewick, Patricia and Silbey, Susan. 1998. *The Common Place of Law: Stories from Everyday Life*. Preface, Part I, Chaps. 1 - 3

Sun., Jan. 16

DIANE NASH

The famed student leader of the Civil Rights Movement activism in Nashville
Keynote speaker for the MLK Community Celebration

2:00 pm
Rollins Chapel

Mon., Jan. 17 MLK Observance – No class meeting

Wed., Jan. 19 Before, With and Against the Law

Ewick and Silbey, *The Common Place of Law*, Part II – Chaps. 4 – 6

Other Readings - TBA (on Blackboard)

Fri., Jan. 21 Constructing Legal Consciousness for Social Change

Ewick and Silbey, *The Common Place of Law*, Part III – Chaps. 7 & 8

PART II

WAR AGAINST CRIME: ORDER, JUSTICE & PUNISHMENT

Mon., Jan. 24

Police Organizational Culture and the Control of Crime

Leo, Richard. 2009. *Interrogation: Police Interrogation and American Justice*. Cambridge, MA: Harvard University Press. Introduction plus Chaps. 1 & 2

Herbert, Steve. 1998. "Police Subculture Reconsidered," *Criminology* v36 n2 May: 343-369 (on Blackboard)

Van Maanen, John. 1978. "The asshole," in *Policing: A View from the Streets* edited by P.K. Manning and J. Van Maanen. New York: Random House, 221-238. (on Blackboard)

Optional: _ Rural Policing

View slide show: Lebanon, NH Police Department – At Work

View slide show: Tour of Lebanon, NH Police Department

Wed., Jan. 26

What the Public Knows?: Representing Crime Fighting on TV

Wilson, Christopher P. 2005. "Let's Work Out the Details": Interrogation and Deception in Prime Time," *Journal of Criminal Justice and Popular Culture*, Volume 12, Issue 1 Online journal URL: (on Blackboard)

Eschholz, Susan; Mallard, Matthew and Flynn, Stacey. 2003/2004. "Images of Prime Time Justice: A Content Analysis of "NYPD Blue" and "Law & Order," *Journal of Criminal Justice and Popular Culture*, Volume 10 Issue 3, Online journal URL: <http://www.albany.edu/scj/jcipc/index10.html> (on Blackboard)

Fri., Jan. 28

How the Law Knows: Police Tactics and Getting to the Truth

Leo, *Interrogation*, Chaps. 3 - 5

Fri., Jan. 28

"Waiting for 'Superman'"

7:30pm ~ Spaulding Auditorium

Oscar-winning director of *An Inconvenient Truth* delivers a deeply personal exploration of the current state of public education in the US.

Mon., Jan. 31

What the Law Knows: Misplaced Culpability & Wrongful Convictions

Leo, *Interrogation*, Chaps. 6 – 8 plus Conclusion

Cole, Simon. 2009. "Cultural Consequences of Miscarriage of Justice," *Behavioral Sciences & the Law*, v27 n3: 431 - 449 (on Blackboard)

Glance through: *The Innocence Project* (on Blackboard)

Optional viewing: "Picking Cotton," C-SPAN, March 20, 2009 (1 hour, 6 minutes)

Jennifer Thompson-Cannino and Ronald Cotton talked about the book they co-wrote, *Picking Cotton: Our Memoir of Injustice and Redemption* (St. Martin's Press, 2009). The book recounts how an innocent man came to be convicted and the legal struggle to free him.

- Wed., Feb. 2** **"To Protect and Serve": The Impossible Mandate**
 Chappell, Allison T. and Lanza-Kaduce, Lonn. 2010. "Police Academy Socialization: Understanding the Lessons Learned in a Paramilitary-Bureaucratic Organization," *Journal of Contemporary Ethnography* April 2010 39: 187-214 (on Blackboard)
- Chevigny, Paul. 2002. "Conflict of Rights and Keeping Order," *Criminology & Public Policy*, v2 n1 November: 155-160 (on Blackboard)
- Greene, Judith A. 1999. "Zero tolerance: A case study of police policies and practices in New York City" *Crime and Delinquency*; v45 n2 April: 171-187 (on Blackboard)
- Manning, Peter. 2001. "Theorizing policing: The drama and myth of crime control in the NYPD," *Theoretical Criminology* Vol. 5(3): 315-344 (on Blackboard)

Fri., Feb. 4 **No new readings**

Mon., Feb. 7 **MIDTERM EXAMINATION**

PART III WHAT LAW HAS TO DO WITH JUSTICE?

- Wed., Feb. 9** **". . .Let No Man Put Asunder": The Social Functions of a Legal Contract called Marriage**
 Jacob and Wilhelm Grimm. 1857. "Little Snow-White," translated by D. L. Ashliman (on Blackboard) or *Snow White Website* by Kay E. Vandergrift (on Blackboard)
- Gallagher, Maggie. 2004. "Rites, Rights and Social Institutions: Why and How Should Law Support Marriage," *Notre Dame Journal of Law, Ethics & Public Policy* v18: 225-24? (on Blackboard)
- Smith, Miriam. 2005. "The Politics of Same-Sex Marriage in Canada and the U. S." *PS: Political Science & Politics*, v38 n2 April: 225-228 (on Blackboard)
- Lupiaa, Arthur; Krupnikova, Yanna; Levinea, Adam Seth; Pistona, Spencer and Von Hagen-Jamar, Alexander. 2010. "Why State Constitutions Differ in their Treatment of Same-Sex Marriage," *The Journal of Politics* v72: 1222-1235 (on Blackboard)

Fri., Feb. 11 **No class meeting ~ Winter Carnival**

- Mon., Feb. 14** **Is Justice Blind?: Gender, Violence, & the Reasonable Person Standard**
 Forell, Caroline A and Matthews, Donna A. 2000. *Law of Her Own: The Reasonable Woman as a Measure of Man*, New York: New York University Press. Foreword, Introduction, Chaps. 1 - 4

Mon. Feb. 14

Reading Obama: Dreams, Hopes, and the American Political Tradition
 James Kloppenberg D'73
 Charles Warren Professor of American History, Harvard University
 4 PM ~ Filene Auditorium

- Wed., Feb. 16** **The Social Constructions of Reasonableness**
 Forell and Matthews, *Law of Her Own*, Chaps. 5 – 8

Fri., Feb. 18

What's Love Got To Do With It?: Desire v. Dominance

Forell and Matthews, *Law of Her Own*, Chaps. 9 – 12

Week of Feb. 18

WOMEN IN CIVIL RIGHTS MOVEMENT

Women of Student Non-violent Coordinating Committee (SNCC) featured in the new book *Hands on the Plow*

PART IV

A TOURNAMENT OF LAWYERS

Mon., Feb. 21

Everything I Needed to Know I Learned in Law School

Read one of the following:

Kimes, Martha. 2008. *Ivy Briefs: True Tales of a Neurotic Law Student*. New York: Atria Books. Author's Note plus Chaps. 1- 6

Turow, Scott. 1997. *One L: The Turbulent True Story of a First Year at Harvard Law School*. New York: Warner Books. pp: 1 -155

Wed., Feb. 22

The Hidden Curriculum

Granfield, Robert & Koenig, Thomas. 1992. "The Fate of Elite Idealism: Accommodation and Ideological Work at Harvard Law School" *Social Problems* 30 4 Nov. 1992: 315-331 (on Blackboard)

Kimes, *Ivy Briefs*, Chaps. 7 -12 plus Epilogue
or
Turow, *One L*, pp. 156 - 276

Fri., Feb. 25

No class meeting today

Mon. Feb. 28

Litigation, Deep-Pockets & Justice

Harr, Jonathan. 1996. *A Civil Action*. New York: Vintage Books, pp. 1 - 146

Felstiner, William; Abel, Richard and Sarat, Austin. 1980-81. "The Emergence and Transformation of Disputes: Naming, Blaming and Claiming," *Law and Society Review* v15 n2: 630-354 (on Blackboard)

Wed. Mar. 2

Power, Greed, and Illegalities

Harr, *A Civil Action*, pp. 149 - 290

Mar. 2

Michael McConnell

Professor of Law and Director of Stanford Constitutional Law Center
4:30pm ~ 3 Rockefeller Center

The Stephen Volk '57 Lecture ~ Sponsored by Legal Studies Faculty Group & DLA

Fri., Mar. 4

Is Justice Being Served?

Harr, *A Civil Action*, pp. 293 – 492.

Faber, Daniel R. and Krieg, Eric J. 2005. "Unequal Exposure to Ecological Hazards 2005: Environmental Injustices in the Commonwealth of Massachusetts." Unpublished manuscript. "Executive Summary," "What Can Be Done?: Policy Recommendations for Addressing Environmental Injustice in the Commonwealth and "Methodology" pp.: 1-11,54-59, and iii-vi (on Blackboard)

Fri., Mar. 4

Jones, Lynn. 2006. "The Haves Come Out Ahead: How Cause Lawyers Frame the Legal

System for Movements” in *Cause lawyers and Social Movements*, edited by Austin Sarat and Stuart A. Scheingold. Chicago: University of Chicago Press, 182-196 (on Blackboard)

Mon., Mar. 7 No new readings

Wed., Mar. 9 **Course Overview**

TUESDAY, MARCH 15, 2011

Final assignment due no later than 10:00 a.m.

**Please submit a hard copy of your Final in either 111 Silsby or 107 Silsby.
Submissions via email, snail mail or fax will not be accepted or graded.**