

SOCIOLOGY OF LAW
SOCIOLOGY/LEGAL STUDIES/LAW 641
University of Wisconsin
Tuesdays and Thursdays, 9:30-10:45
Canvas URL: <https://canvas.wisc.edu/courses/111294>

Professor Joseph Conti
8112B William H. Sewell Social Science
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COURSE DESCRIPTION

This course examines major theoretical perspectives and social science research on the relationship between law and society. It explores how societal change affects law and legal institutions, how legal change affects society, the roles and institutions of the formal legal system in the United States, and the processes of disputing and legal mobilization. The course is designed to expose students to how social scientists study and think about law and legal institutions. The course material is appropriate for advanced undergraduates, graduate students and law students.

Learning objectives. This course is designed to achieve the following instructional objectives designated by the Department of Sociology:

Critically Evaluate Published Research. Sociology graduates will be able to read and evaluate published research as it appears in academic journals and popular or policy publications.

Communicate Skillfully: Sociology majors write papers and make oral presentations that build arguments and assess evidence in a clear and effective manner.

Critical Thinking about Society and Social Processes: Sociology graduates can look beyond the surface of issues to discover the "why" and "how" of social order and structure and consider the underlying social mechanisms that may be creating a situation, identify evidence that may adjudicate between alternate explanations for phenomena, and develop proposed policies or action plans in light of theory and data.

See Things from a Global Perspective: Sociologists learn about different cultures, groups, and societies across both time and place. They are aware of the diversity of backgrounds and experiences among residents of the United States. They understand the ways events and processes in one country are linked to those in other countries.

Substantively, this class surveys the literature on the sociology of law. Students will:

- Identify central claims or arguments in complex readings.
- Assess empirical support for those claims
- Build facility in comparing and contrasting, orally and in writing, those arguments with primary theoretical and empirical approaches to what law is, where it comes from, and how it works in practice identified in the first unit of the class.

This is a three-credit course. This class meets for two 75-minute class periods each week over the fall semester and carries the expectation that students will work on course learning activities

(reading, writing, problem sets, studying, etc) for about 3 hours out of classroom for every class period.

Assignments – PLEASE READ CAREFULLY: the required assignments are different depending on whether you are an undergraduate, graduate or law student. For graduate students, this class is intended to serve as background to the field rather than as a full-fledged graduate seminar. This table outlines the basic requirements for each type of student:

| | Undergraduate | Law | Graduate |
|------------------------------|----------------------|--------------|--------------------------------|
| Research paper | Not Required | Not Required | 20-25 pages |
| Reading interrogations | 5 | 5 | 5 |
| Analysis memo | Not required | Required | Not required |
| In-Class Exams | Required | Required | Not required |
| Attendance and Participation | Required | Required | Required |
| Additional Readings | Not required | Not required | At least one per class session |

Research Paper: *Graduate students* will be expected to write either a research paper (20-25 pages) or a literature review (15-20 pages) focusing on a topic or debate within the field. Graduate students are strongly encouraged to discuss their topic with me well in advance of the due date. *This assignment is due the last day of class.*

Analysis memo: *Law students only:* The Law school requires law students enrolled in this course to complete an assignment in addition to that required for undergraduates. To satisfy that requirement, you will be expected to write a brief addressing the topic of the role of social science in legal decision-making. Focusing on a specific case of your choosing (though, *these must be approved by the instructor*), you will consider whether or how social science research informed the decision and how greater use of social science, or use of different social science approaches, in legal decision-making would affect the outcomes of court processes. To be clear, this is not a legal analysis per se, but a critical examination of the interface between law and social science as applied in the chosen case. Law students are strongly encouraged to discuss their topic with me well in advance of the due date. *This assignment is due the last day of class.*

Reading interrogations: Each class session, a set of students in the class will prepare short written “interrogations”, 150-300 words long, engaging some theme or problem in the reading. These interrogations should NOT be summaries or exegeses of the texts; nor should they be mini-essays with extended commentaries on the readings. The point is to pose focused questions that will serve as the basis for class discussion. As you do the reading, think about an issue that you really want discussed and clarified, and then formulate an interrogation to set up that discussion. While you will need to explicate each question you pose – that is, lay out what you see are the issues in play in the question, explain what you mean by it, etc. – you do not need to stake out a position with respect to the issues you raise (although you can do this if you want to). The important thing is to pose a clear question that you want to discuss. It is entirely appropriate for questions to focus on ideas, arguments, or passages that you do not understand. It often turns

out that questions mainly concerned with asking for clarification of some obscure formulation in the reading provoke especially good discussions in the class. What you should avoid is a list of unelaborated questions or mere summarization.

- Students will write 5 interrogations over the course of the semester.
- Students submitting interrogations will lead-off class discussion of those readings.
- Students should post their interrogations to the discussion board at Learn@UW no later than 3pm on the day before class. There are no exceptions or make-up for late interrogations.
- All students will read the interrogations prior to class.
- Please contact me *immediately* if you have a scheduling conflict.

The due dates for reading interrogations are noted in the lecture and reading schedule below. The capital letters (A through E) correspond to the letter assigned to you on the first day of class.

EXAMS: *Undergraduates and Law students* will take the exams.

- The first midterm will be given on October 11 during the regular class period.
- The second midterm will be given on November 13 during the regular class period.
- The final exam will be held during the final exam period. The location will be announced. Alternative arrangements will be made for third year JD students. The final exam will be comprehensive.

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. Use of cell phones or other internet/data-enabled devices will be prohibited during exams, including for purposes of time keeping. Please make other arrangements.

ATTENDANCE & PARTICIPATION

Attendance at lecture is required. 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.

Grading: This is the grading scale employed in the class:

| | |
|--------------|-------------------|
| A = 94%-100% | C = 70%-77% |
| AB = 88%-93% | D = 60%-69% |
| B = 83%-87% | F = 59% or below. |
| BC = 78%-82% | |

****Law students are subject to the Law School's grading curve****

Undergraduates: Final grades will be based on:

- Five reading interrogations: 5 percent (1% each)
- Attendance and Participation: 30 percent
 - Includes various informal writing assignments
- Examinations 1 and 2: 40 percent (20% each)

- Final examination: 25 percent

Graduate Students

- Research paper: 80 percent
- Attendance, participation, and additional readings: 15 percent
- Five reading interrogations: 5 percent

Law Students

- Five reading interrogations: 5 percent
- Attendance and participation: 30 percent
- Exams: 45 percent (15% each)
- Analysis memo: 20 percent

ASSIGNED READINGS

The schedule and topic of readings appears at the end of this Syllabus. Readings are due on the date of the lecture with which they correspond. All readings are required. Other readings may be assigned and assigned readings may be omitted in the interest of time, or in response to current events or class interest. Readings listed on the syllabus under the heading of “additional readings” are not required for undergraduates or law students.

Graduate students should meet with me as soon as possible to determine an exact reading schedule based on the additional readings. A more extensive reading list is available that would be useful in preparation for the preliminary exam in the Sociology of Law.

The required readings are available in two formats (you do not need both):

- Electronic reader available (for free) from the course learn@UW website
- A paper reader for sale at the L&S Copy Center in Sewell Social Science Building

Course Website: The Learn@UW website for the course will house the course syllabus and related documents, the digital version of the reader, dropbox, and announcements.

Accommodations. Please send the instructor an email by the end of the second week of the course if you are eligible for special arrangements or accommodations for testing, assignments, or other aspects of the course. Accommodations are provided for students who qualify for disability services through the [McBurney Center](#). Their website has detailed instructions about how to qualify: <http://www.mcburney.wisc.edu>. Provide a copy of your accommodations request (VISA) to the instructor by the end of the second week of class. We try to reserve rooms and proctors by the third week in class, so we must know of all accommodations by then.

If you wish to request a scheduling accommodation for religious observances, send an email by the end of the second week of the course stating the specific date(s) for which you request accommodation; campus policy requires that religious observances be accommodated if you make a timely request early in the term. See the university’s [web page](#) for details: <https://kb.wisc.edu/page.php?id=21698>

Academic honesty. As with all courses at the University of Wisconsin, you are expected to follow the University's rules and regulations pertaining to academic honesty and integrity. The standards are outlined by the [Office of the Dean of Students](https://students.wisc.edu/student-conduct/academic-integrity) at <https://students.wisc.edu/student-conduct/academic-integrity>

According to University of Wisconsin Statute 14, academic misconduct is defined as:

- seeks to claim credit for the work or efforts of another without authorization or citation;
- uses unauthorized materials or fabricated data in any academic exercise;
- forges or falsifies academic documents or records;
- intentionally impedes or damages the academic work of others;
- engages in conduct aimed at making false representation of a student's academic performance;
- assists other students in any of these acts.

For a complete description of behaviors that violate the University's standards as well the disciplinary penalties and procedures, please see the Dean of Students [website](https://students.wisc.edu/student-conduct/academic-integrity): <https://students.wisc.edu/student-conduct/academic-integrity>. If you have questions about the rules for any of the assignments or exams, please ask your instructor.

Departmental notice of grievance and appeal rights. The Department of Sociology regularly conducts student evaluations of all professors and teaching assistants near the end of the semester. Students who have more immediate concerns about this course should report them to the instructor or to the chair, 8128 Social Science (raymo@wisc.edu).

Other Business:

- Late papers are not accepted except at the discretion of the Instructor and Section Instructor.
- If laptops, cell phones, or other devices prove distracting in class, they will be banned.

READING AND TOPIC SCHEDULE

Note that assignments are subject to change in response to class pace, interest and events. Changes will be announced in lecture. It is your responsibility to keep apace of any changes made. Not all the readings will be covered in lecture. Readings not covered in lecture, however, are still your responsibility, and may appear on exams.

| Week 1 | | Group |
|---------|--------------|-------|
| Sept. 6 | Introduction | NONE |

Week 2

| UNIT 1: Theoretical Foundations | | |
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| Key Questions: | | |
| What is the relationship between custom and law? | | |
| What is the relationship between social structure and law? | | |
| What is the relationship between power and law? | | |
| Broadly speaking, what is the relationship between the forms and practices of law and different social orders? | | |

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| Sept. 11 | Law and Custom | A |
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- Kidder, Robert L. 1983. "The Origins of Law: Custom." Pp. 36-57 in *Connecting Law and Society*. Englewood Cliffs, NJ: Prentice-Hall.
- Sumner, H.G. 1996, [1940]. "Folkways and Mores". Pp. 50-54 in *The Sociology of Law*, by Treviño, A. Javier. New York: St Martin's Press.
- Bohannan, Paul. 1965. "The Differing Realms of the Law." *American Anthropologist*, New Series, Vol. 67, No. 6: 33-42.
- Cohen, Julius, Reginald A. Robson and Alan P. Bates. 2007 [1958]. "Parental Authority: The Community and the Law." Pp. 251-3 in Macauley, Stewart, Lawrence M. Friedman and Elizabeth Mertz (Eds.) *Law in Action: A Socio-legal Reader*. New York: Foundation Press.
- Cooperrider, Luke. 2007 [1959]. "Review of Cohen, Robson & Bates." Pp. 253-7 in Macauley, Stewart, Lawrence M. Friedman and Elizabeth Mertz (Eds.) *Law in Action: A Socio-legal Reader*. New York: Foundation Press.

Additional Readings:

- Tamanaha, Brian. 2001. "Law and Society in Western Legal Theory," pp. 11-50 in *A General Jurisprudence of Law and Society*. Oxford: Oxford University Press.

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| Sept 13 | Law and Social Structure I | B |
|---------|-----------------------------------|----------|

- Trevino, A. Javier. 1996. "The Durkheimian Perspective." Pp. 233-53 in *The Sociology of Law*. New York: St Martin's Press.
- Durkheim, Emile. [1972]. "The Forms of Social Solidarity." Pp. 123-40 in *Emile Durkheim: Selected Writings*, edited by Anthony Giddens. Cambridge: Cambridge University Press.

Additional readings:

- Durkheim, E. (2014). *The Division of Labor in Society*. Simon and Schuster. (Book I).
- 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. (Read chapters 1, 2, and 3).

Week 3

| | | |
|---------|------------------------------------|----------|
| Sept 18 | Law and Social Structure II | C |
|---------|------------------------------------|----------|

- Kidder, Robert L. 1983. "The Origins of Law: Structure." Pp. 58-82 in *Connecting Law and Society*. Englewood Cliffs, NJ: Prentice-Hall.
- Schwartz, Richard. 1954 [1995]. "Social Factors in the Development of Legal Control: A Case Study of Two Israeli Settlements." Pp. 171-85 in *Law and Society: Readings on the Social Study of Law*, edited by Stewart Macaulay, Lawrence M. Friedman and John Stookey. New York: W.W. Norton and Company.

Additional Readings:

- Parsons, Talcott. 1962. "The Law and Social Control," pp. 56-72 in Evan, W. (ed.), *Law and Sociology: Exploratory Essays*. New York, Free Press of Glencoe.

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|---------|--------------------------------------|----------|
| Sept 20 | Law, Ideology and Class Power | D |
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- Kidder, Robert L. 1983. "The Origins of Law: Conflict, the Critical Perspective." Pp. 83-110 in *Connecting Law and Society*. Englewood Cliffs, NJ: Prentice-Hall.

Additional Readings:

- Hunt, A. (1985). "The Ideology of Law: Advances and Problems in Recent Applications of the Concept of Ideology to the Analysis of Law." *Law & Society Review*, 19(1), 11-37.
- Cain, Maureen. 1974. "The Main Themes of Marx' and Engels' Sociology of Law." *British Journal of Law and Society* 1: 136-148.
- Stone, Alan. 1985. "The Place of Law in the Marxian Structure-Superstructure Archetype." *Law & Society Review* 11: 577-588.

Week 4

| | | |
|---------|--------------------------|----------|
| Sept 25 | Law as Domination | E |
|---------|--------------------------|----------|

- Chambliss, W.J. 1964 [1996]. "A Sociological Analysis of the Law of Vagrancy". Pp. 373-80 in *The Sociology of Law*, by Trevino, A. Javier. New York: St. Martin's Press.
- Turk, Austin T. 1976. "Law as a Weapon in Social Conflict." *Social Problems*, Vol. 23, No. 3: 276-91.
- Thompson, E.P. 1975. "The Rule of Law." Pp. 258-269 In *Whigs and Hunters: The Origin of the Black Act*. New York: Pantheon Books.

Additional readings

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

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|---------|------------------------------------|----------|
| Sept 27 | Max Weber' Sociology of Law | A |
|---------|------------------------------------|----------|

- Weber, Max. [1978]. "The Basis of Legitimacy," "The Three Pure Types of Authority," "Legal Authority: the Pure Type," and "Legal Authority: the Pure Type, Continued." Pp. 212-223 in *Economy and Society*. Berkeley: University of California Press.

Additional Readings:

- Ewing, Sally. 1987. "Formal Justice and the Spirit of Capitalism: Max Weber' Sociology of Law." *Law & Society Review* 21: 488-512.
- Deflem, Mathieu. 2008. "Max Weber on the Rationalization of Law." Pp. 37-55 in *Sociology of Law: Visions of a Scholarly Tradition*, Cambridge: Cambridge University Press.

Week 5

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| Oct 2 | Max Weber: Rationalization of Law and Markets | B |
|-------|--|----------|

- Rheinstein, Max (ed). 2007 [1954]. "Max Weber on Law in Economy and Society." Pp. 162-70 in Macauley, Stewart, Lawrence M. Friedman and Elizabeth Mertz (Eds.) *Law in Action: A Socio-legal Reader*. New York: Foundation Press.

Additional Readings

- Swedberg, Richard. 1998. "The Economy and Law." Pp. 82-107 in *Max Weber and the Idea of Economic Sociology*. Princeton: Princeton University Press.
- Trubek, David M. 1972. "Max Weber on Law and the Rise of Capitalism." *Wisconsin Law Review* 1972: 720-753.

Oct 4

Micro-Foundations of Legal Decision-Making: Why Obey?

C

- Gibbs, Jack. 1985. "Deterrence Theory and Research." Pp. 87-90 in Melton, Gary B. (ed.) *Law as a Behavioral Instrument*. Nebraska Symposium on Motivation, Volume 33. Lincoln: University of Nebraska Press.
- Schultz, Mark F. 2006. "Fear and Norms and Rock & Roll: What Jambands Can Teach Us About Persuading People to Obey Copyright Law." Pp. 431-66 in Macauley, Stewart, Lawrence M. Friedman and Elizabeth Mertz (Eds.) *Law in Action: A Socio-legal Reader*. New York: Foundation Press.

Additional Readings:

- Tyler, T. R. (2006). *Why People Obey the Law*. Princeton University Press. (parts I, II, V).
- 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.
- Conti, J. A. (2016). "Legitimacy Chains: Legitimation of Compliance with International Courts Across Social Fields." *Law & Society Review*, 50(1), 154-188.

Week 6

Oct 9

From American Legal Realism to Law and Society

D

- Treviño, A. Javier (1996) "Chapter 3: The Sociological Movement in Law," pp. 55-75 in *The Sociology of Law*. New York: St Martin's Press.
- Friedman, L. M. (1986). "The Law and Society Movement." *Stanford Law Review*, 763-780.

Additional Readings:

- Holmes, O. W. (1897). The Paths of the Law, 10 *Harvard Law Review*, 457.
- Pound, R. (1908). Mechanical Jurisprudence. *Columbia Law Review*, 8(8), 605-623.
- Llewellyn, K. N. (1930). "A Realistic Jurisprudence--The Next Step." *Columbia Law Review*, 30(4), 431-465.

Pick at least one of the following:

- Erlanger, H. S., Garth, B., Larson, J. E., Mertz, E., Nourse, V., & Wilkins, D. B. (2005). Is It Time for a New Legal Realism?. *Wisconsin Law Review*, 2005(2), 335-363.
- Trubek, D. (1990). Back to the Future: The Short, Happy Life of the Law and Society Movement. *Florida State University Law Review* 18(1), 1-56.
- Garth B, Sterling J. 1998. From legal realism to law and society: reshaping law for the last stages of the social activist state. *Law Soc. Rev.*32(2):409–72
- Seron, C., Coutin, S. B., & White Meeusen, P. (2013). Is There a Canon of Law and Society?. *Annual Review of Law and Social Science*, 9, 287-306.

Oct 11

Midterm 1

Week 7

Unit 2: Legalized Disputing

Key Questions:

- Why do some conflicts become *legal disputes*, but not others?
- How and why do people use the law?
- What roles do lawyers play?
- What are the various modes of dispute resolution?
- How do social advantages and disadvantages matter in dispute resolution?

Oct 16

Legal Consciousness

E

- Ewick, Patricia, and Susan S. Silbey. 1998. "The Common Place of Law" and "The Social Construction of Legality." Pp. 15-53 in *The Common Place of Law: Stories from Everyday Life*. Chicago: University of Chicago Press.

Additional Readings:

- Silbey, Susan S. 2005. "After Legal Consciousness." *Annual Review of Law and Social Science* 1: 323-368.
- Merry, S. E. (1990). *Getting Justice and Getting Even: Legal Consciousness Among Working-Class Americans*. University of Chicago Press.(Chapters, 1, 3, 7, 8).

Oct 18

Social Construction of Legal Disputes

A

- Felstiner, William, Richard Abel, and Austin Sarat. 1981. "The Emergence and Transformation of Disputes: Naming, Blaming, and Claiming....," *Law & Society Review* 15: 631-654.
- Sarat, Austin and William F. Felstiner. 1995. "Reconstructing the Past, Imagining the Future: Defining the Domain of Relevance in Lawyer-Client Interaction." Pp. 26-52 in *Divorce Lawyers and Their Clients*. New York: Oxford.

Additional Readings:

- Miller, R. E., & Sarat, A. (1980). "Grievances, Claims, and Disputes: Assessing the Adversary Culture." *Law & Society Review*, 525-566.
- Bumiller K. 1987. "Victims in the shadow of the law: a critique of the model of legal protection." *Signs: Journal of Women Culture and Society*. 12(3): 421-39

Week 8

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| Oct 23 | How the Haves Come Out Ahead | B |
|--------|-------------------------------------|----------|

- Galanter, Marc. 1974. "Why the 'Haves' Come Out Ahead: Speculations on the Limits of Legal Change." *Law & Society Review* 9 (1):95-160. [Read 95-135, skim the rest]

Additional readings:

- Albiston, Catherine. 1999. "The Rule of Law and the Litigation Process: The Paradox of Losing by Winning." *Law & Society Review* 33: 869-910.

| | | |
|--------|--|----------|
| Oct 25 | Bargaining in the Shadow of the Law | C |
|--------|--|----------|

- Mnookin, Robert & Lewis Kornhauser. 1995 [1979]. "Bargaining in the Shadow of the Law: The Case of Divorce." Pp. 111-119 in *Law and Society: Readings on the Social Study of Law*, edited by Stewart Macaulay, Lawrence M. Friedman and John Stookey. New York: W.W. Norton and Company.
- Erlanger, Howard, Elizabeth Chambliss & Marygold S. Melli. 1995 [1987]. "Participation and Flexibility in Informal Processes: Cautions From the Divorce Context." Pp. 119-128 in *Law and Society: Readings on the Social Study of Law*, edited by Stewart Macaulay, Lawrence M. Friedman and John Stookey. New York: W.W. Norton and Company.

Additional Readings

- Erlanger, H. S., Chambliss, E., & Melli, M. S. (1987). Participation and Flexibility in Informal Processes: Cautions From the Divorce Context. *Law & Society Review*, 21(4), 585-604.
- Suchman, Mark C., and Mia L. Cahill. 1996. "The hired gun as facilitator: Lawyers and the suppression of business disputes in Silicon Valley." *Law & Social Inquiry* 21(3): 679-712.

Week 9

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| Oct 30 | Lawyers and the Legal Profession | D |
|--------|---|----------|

- John Sutton, "The Transformation of Legal Practice in the Late Twentieth Century." Pp. 253-77 in *Law/Society: Origins, Interactions, and Change* by John R. Sutton. Thousand Oaks, CA: Pine Forge.
- Schieber, Noam. An Expensive Law Degree, and No Place to Use It." *New York Times*, June 17, 2016. <http://www.nytimes.com/2016/06/19/business/dealbook/an-expensive-law-degree-and-no-place-to-use-it.html?_r=0>

Additional Readings:

- 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.

- 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.

| | | |
|-------|---------------------------------------|----------|
| Nov 1 | Court and Litigation Processes | E |
|-------|---------------------------------------|----------|

- Leo, Richard A. 1996. "Miranda's revenge: Police interrogation as a confidence game." Pp. 58-72 in Macauley, Stewart, Lawrence M. Friedman and Elizabeth Mertz (Eds.) *Law in Action: A Socio-legal Reader*. New York: Foundation Press.
- Sudnow, David. 1965. "Normal Crimes: Sociological Features of the Penal Code in a Public Defender Office." *Social Problems*, Vol. 12, No. 3: 255-276. [Read 255-64, skim the rest]
- Blumberg, Abraham S. 1995 [1967]. "The Practice of Law as a Confidence Game: Organizational Cooptation of a Profession." Pp. 63- 79 in *Law and Society: Readings on the Social Study of Law*, edited by Stewart Macaulay, Lawrence M. Friedman and John Stookey. New York: W.W. Norton and Company.
- Feeley, Malcolm M. 1982. "Plea Bargaining and the Structure of the Criminal Process." *Justice System Journal* 7: 338-54.

Additional Reading

- Feeley, Malcom M. [1979] 1992. *The Process is the Punishment: Handling Cases in a Lower Criminal Court*. New York: Russell Sage Foundation.

Week 10

| | | |
|-------|--------------------------------|----------|
| Nov 6 | Disputing Beyond Courts | A |
|-------|--------------------------------|----------|

- Macaulay, Stewart. 1963. "Non-contractual relations in business: A preliminary study." *American Sociological Review* 28(1): 55-67.
- Ross, H. Laurence. 1995 [1980]. "Settled Out of Court: The Social Process of Insurance Claims Adjustment." Pp. 92-7 in Macauley, Stewart, Lawrence M. Friedman and Elizabeth Mertz (Eds.) *Law in Action: A Socio-legal Reader*. New York: Foundation Press.
- Mather, Lynn, Craig A. McEwen, and Richard J. Maiman. 1995 [2001]. "Divorce Lawyers at Work: Varieties of Professionalism in Practice." Pp. 100-9 in Macauley, Stewart, Lawrence M. Friedman and Elizabeth Mertz (Eds.) *Law in Action: A Socio-legal Reader*. New York: Foundation Press.

Additional Readings:

- Moore, S. F. (1973). "Law and Social Change: the Semi-Autonomous Social Field as an Appropriate Subject of Study." *Law & Society Review*, 7(4), 719-746.
- Ellickson, Robert C. (1986), "Of Coase and Cattle: Dispute Resolution Among Neighbors in Shasta County," *Stanford Law Review*, 38:623-687

Nov 8

Law and Organizations

B

- Edelman, L.B., C. Uggen, and H.S. Erlanger. 1999. "The Endogeneity of Legal Regulation: Grievance Procedures as Rational Myth." *American Journal of Sociology* 105 (2): 406-54.

Additional readings:

- Edelman, L. B. (1992). "Legal Ambiguity and Symbolic Structures: Organizational Mediation of Civil Rights Law." *American Journal of Sociology*, 1531-1576.
- Sutton, J. R., Dobbin, F., Meyer, J. W., & Scott, W. R. (1994)." The Legalization of the Workplace." *American Journal of Sociology*, 944-971.

Week 11

Nov 13

Midterm 2

Unit 3: Legal Change

Key Questions:

- What is the relationship between social change and legal change?
- What social factors influence lawmaking?
- How do legal rights matter?
- How valuable are legal rights?

Nov 15

Lawmaking

C

- Vago, S. (2015). "Lawmaking," Pp. 159-69 in *Law and Society*. Routledge.
- Grattet, R., & Jenness, V. (2001). The Birth and Maturation of Hate Crime Policy in the United States. *American Behavioral Scientist*, 45(4), 668-696.

Additional Readings

- McCammon, H., Campbell, K., Granberg, E., & Mowery, C. (2001). How Movements Win: Gendered Opportunity Structures and U.S. Women's Suffrage Movements, 1866 to 1919. *American Sociological Review*, 66(1), 49-70. Retrieved from <http://www.jstor.org/stable/2657393>
- Jenness, V., & Grattet, R. (1996). The Criminalization of Hate: A Comparison of Structural and Polity Influences on the Passage of "Bias-Crime" Legislation in the United States. *Sociological Perspectives*, 39(1), 129-154.
- Block-Lieb, S., & Halliday, T. C. (2017). *Global lawmakers: International organizations in the crafting of world markets*. Cambridge University Press.

Week 12

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|--------|---------------------------|----------|
| Nov 20 | Legal Mobilization | D |
|--------|---------------------------|----------|

- Macauley, Stewart, Lawrence M. Friedman and Elizabeth Mertz (Eds.). 2007. "'Great Man' Models and the question of 'Lag'". Pp. 186-9 in *Law in Action: A Socio-legal Reader*. New York: Foundation Press
- John Sutton, "Voting Rights and School Desegregation." Pp 163-84 in *Law/Society: Origins, Interactions, and Change* by John R. Sutton. Thousand Oaks, CA: Pine Forge.

Additional readings:

- 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.

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| Nov 22 | Thanksgiving | |
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Week 13

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| Nov 27 | Myth of Rights | E |
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- Rosenberg, Gerald. N. 2006. "Tilting at Windmills: Brown II and the Hopeless Quest to Resolve Deep-Seated Social Conflict Through Litigation." *Law & Inequality*. 24: 31-46.
- McCann, Michael. 1992. "Reform Litigation on Trial." *Law & Social Inquiry* 17: 715-743.

Additional Readings

- 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)

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| Nov 29 | Limits of Legal Action | A |
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- Friedman, Lawrence M., and Jack Ladinsky. 1967. "Social Change and the Law of Industrial Accidents." *Columbia Law Review* 67(1): 50-82.
- Albiston, Catherine. R. 2005. "Bargaining in the shadow of social institutions: Competing discourses and social change in workplace mobilization of civil rights." Pp. 542-65 in Macauley, Stewart, Lawrence M. Friedman and Elizabeth Mertz (Eds.) *Law in Action: A Socio-legal Reader*. New York: Foundation Press.

Additional Readings:

- Nadler, Janice. 2005. "Flouting the Law." *Texas Law Review* 83: 1399-1441.
- Friedman, Lawrence (1975), "The Deterrence Curve," in *The Legal System: A Social Science Perspective*. New York, NY: Russell Sage

Week 14

Unit 4: Law and Globalization

Key Questions:

- Is law universal or plural?
- How do legal concepts and practices spread?
- Is there such a thing as transnational or global law?
- Do legal exports lead to economic development?
- What gives "international law" its law-like character?

Dec 4

Legal Pluralism, Local and Global

B

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

Additional Readings:

- Tamanaha, Brian Z. (2008). "Understanding Legal Pluralism: Past to Present, Local to Global." *Sydney L. Rev.*, 30, 375.
- Halliday, T. C. and Gregory Shaffer (2015). *Transnational Legal Orders*. Cambridge University Press. (Introduction, Conclusion, plus at least one substantive chapter).

Dec 6

Law and Development

C

- 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.

Additional Readings

- Trubek, D. M., & Santos, A. (Eds.). (2006). *The New Law and Economic Development: a Critical Appraisal*. Cambridge University Press. (Chapters 1 and 2).
- Rajagopal, B. (2003). *International Law from Below: Development, Social Movements and Third World Resistance*. Cambridge University Press. (Chapters 1, 2, 7).

Week 15

Dec 11

Transnational Law in Action

D

- Karen J. Alter. 2006. "Private Litigants and the New International Courts." *Comparative Political Studies*. 39: 22-49.
- Conti, Joseph A. 2008. "The Good Case: Decisions to Litigate at the World Trade Organization." *Law & Society Review* 42(1): 145-182.

Additional Readings:

- 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.

- Halliday, T. C., & Shaffer, G. (Eds.). (2015). *Transnational legal orders*. Cambridge University Press. [Introduction and conclusion]

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| Dec 13 | Lawyers in Global Legal Fields | E |
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- Dezalay, Yves and Bryant Garth, 2008. “Law, Lawyers, and Empire.” Pp. 718-59 in *The Cambridge History of Law in America*, edited by Michael Grossberg and Christopher Tomlins. Cambridge: Cambridge University Press.
- Quack, Sigrid. 2007. “Legal Professionals and Transnational Law-Making: A Case of Distributed Agency.” *Organization* 14(5):643–66.

Additional Readings:

- Dezalay, Y., & Garth, B. G. (1998). *Dealing in Virtue: International Commercial Arbitration and the Construction of a Transnational Legal Order*. University of Chicago Press. (Chapters 1, 2, 3, 6, 13, 14)
- Liu, Sida. 2013. “The Legal Profession as a Social Process: A Theory on Lawyers and Globalization.” *Law & Social Inquiry* 38: 670-693.