

Sociology of Law

Sociology 641, Spring 2015

Time: 9:30-10:45am, Tuesday/Thursday
Location: Social Sciences 6104
Instructor: Professor Sida Liu
Office: 8142 Sewell Social Sciences
Office Hours: 10:30am-12:00pm, Wednesday
Phone: (608) 262-2082 (office)
Email: sidaliu@ssc.wisc.edu

Teaching Assistant: Maria J. Azocar
Office: 7102 Sewell Social Sciences
Office Hours: 11:00am-1:00pm, Tuesday
Email: mazocar@ssc.wisc.edu

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. 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.

Two mid-term exams are scheduled on **February 26, 2015 (Thursday)** and **March 26, 2015 (Thursday)**. 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. If you cannot attend the mid-term exams, you should not take the course this semester. Each mid-term exam accounts

for 25% of your final grade. The final exam is a one-week take-home exam in the format of essay questions. It 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 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 10:30am-12:00pm on Wednesday. The teaching assistant's office hours are 11:00am-1:00pm on Tuesday. 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 20 (Tuesday)

Course introduction – no reading.

January 22 (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 27 (Tuesday)

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

January 29 (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 3 (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 5 (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 10 (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)

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

February 12 (Thursday)

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

Week 5: Dispute Resolution

February 17 (Tuesday)

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

February 19 (Thursday)

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

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

Week 6: Law in the Workplace

February 24 (Tuesday)

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.

February 26 (Thursday)

First mid-term exam – no reading.

Week 7: Law as a Social Space

March 3 (Tuesday)

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

March 5 (Thursday)

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

Week 8: The Legal Profession

March 10 (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)

March 12 (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 9: Legal Change

March 17 (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: Genealogy of a Judicial Icon." *University of Miami Law Review* 56: 113-178.

March 19 (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 10: Video and Mid-term II

March 24 (Tuesday)

In-class video: *The Road to Brown*

March 26 (Thursday)

Second mid-term exam – no reading.

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

Week 11: Legal Compliance

April 7 (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 9 (Thursday)

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

Week 12: Law and the State

April 14 (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 16 (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)

Week 13: Legal Mobilization

April 21 (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)

April 23 (Thursday)

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

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 28 (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 30 (Thursday)

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

Week 15: Law and Globalization

May 5 (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 7 (Thursday)

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