

**RUTGERS: The State University of New Jersey**  
Department of Sociology, Davison Hall, 26 Nichol Avenue, New Brunswick, NJ 08901

## ***Law & Society***

01:920:349, Spring 2016, Tue/Thur 5:35 – 6:55pm

*Location:* Hickman Hall, Room 211 on Cook/Douglass

*Instructor:* Portia Allen-Kyle

*Office:* Davison Hall, Room 119

*Office Hours:* Tuesdays 4:00 – 5:00pm

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# Introduction

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The purpose of this course is to examine the nature and purpose of law and its relationship to specific social constructions of reality. As such, this course will serve as an introduction to the sociological study of law and society. We will be doing this from a variety of theoretical approaches, but especially those rooted in that of Durkheim, Marx, and Weber. At the conclusion of this course, students should have an understanding of the multiple meanings of key terms such as law, society, legal systems, social control, etc. It is also the goal of this course to explore answers to the following questions:

- What are the social dimensions of law?
- How useful is law in resolving disputes?
- What is the relationship between law and social change?
- To what extent can law be used to reduce crime and address other social problems?
- To what extent does our legal system reflect and/or promote social inequality?
- To what extent does the jury live up to its democratic ideals?

As topics in law and society can be politically charged and sensitive subjects, this course classroom will function as a safe space where students should feel free to share their opinions and ask questions. Each of us has a unique perspective on the social dynamics of law and how these dynamics affect our experiences. We will be discussing a number of touchy subjects, and so students will be expected to proactively try not to offend or be offended. Listening with an open mind and engaging in critical but respectful dialogue will help to create an environment of mutual understanding that is conducive to learning.

# Course Objectives

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It is the objective of this course that students be able to do the following at the conclusion of this course:

1. Describe the emergence and purpose of law according to various theorists
2. Understand the theoretical approaches to analyzing, evaluating, and critiquing law and legal institutions
3. Identify and discuss the legal implications of critical social issues within society
4. Articulate, defend, and reflect critically on varying points of view held by those from differing positions within society

## RU Academic Policies

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### *Academic Integrity Policy*

As an academic community dedicated to the creation, dissemination, and application of knowledge, Rutgers University is committed to fostering an intellectual and ethical environment based on the principles of academic integrity. Academic integrity is essential to the success of the University's educational and research missions, and violations of academic integrity constitute serious offenses against the entire academic community. This academic integrity policy is designed to guide students as they prepare assignments, take examinations, and perform the work necessary to complete their degree requirements.

For the full Academic Integrity Policy, please see

[http://academicintegrity.rutgers.edu/files/documents/AI\\_Policy\\_9\\_01\\_2011.pdf](http://academicintegrity.rutgers.edu/files/documents/AI_Policy_9_01_2011.pdf)

### *Resources on Plagiarism*

For a 20 minute interactive tutorial on Plagiarism and Academic Integrity, go to

<http://www.scc.rutgers.edu/douglass/sal/plagiarism/intro.html>

The library also provides tips about how to take notes so that you don't plagiarize by accident.

[http://www.libraries.rutgers.edu/avoid\\_plagiarism](http://www.libraries.rutgers.edu/avoid_plagiarism)

### *Academic Accommodations Policy*

Students requiring accommodations for a documented disability should follow the procedures outlined at <http://disabilityservices.rutgers.edu/request.html>. Rutgers' full disability policy and procedures can be found at <http://disabilityservices.rutgers.edu/>. For more information on Academic Support Programs, visit <http://lrc.rutgers.edu/>

## *Policy on Electronic Devices in the Classroom*

Students are not to use any electronic device at any time without the expressed consent of the professor. This policy covers cell phones, laptop computers, or any other device the use of which constitutes a distraction to the professor or to the other students in the class, as determined by the professor. When the professor designates a time during which laptop computers may be used, they are only to be used at the discretion of the faculty member and in accordance with the learning goals of the course; visiting sites which the professor deems to be inconsistent with these goals is forbidden.

Professors have the latitude to develop specific and reasonable policies to deal with violations of these general policies as they see fit. For more extreme cases of classroom disruption, see the Rutgers University Code of Conduct [http://studentconduct.rutgers.edu/files/documents/UCSC\\_2013.pdf](http://studentconduct.rutgers.edu/files/documents/UCSC_2013.pdf).

## Class Format & Expectations

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This course will rely primarily on lectures and discussions. You are required to come to class having done the readings, prepared to participate in the discussion. The lectures are not meant to supplant the readings, but instead are meant to clarify the readings and present additional material related to them. If you must miss a class, you are to get the notes from a classmate. This course will also rely on various film clips; any film clip shown in class is material that you could be tested on.

I will periodically email announcements in addition to posting them online at our Sakai site. **It is your responsibility to keep up with your email, as you are responsible for all information I announce via email and Sakai.**

**NOTE:** The syllabus for this course is tentative and may FREQUENTLY change, as readings and discussions are fine-tuned based on relevant current events. Readings for this class will be assigned by topic, and not per specific class session. It is *strongly suggested* that you complete these readings before the unit begins so that we can discuss them as needed in class. On average, each class will cover about 15-20 pages of reading (at the most, with very few exceptions). This course will also rely heavily on current events; accordingly it is suggested that you keep abreast of happenings in the news worldwide. I will fill you in on current events and developments as they pertain to each unit or topic as needed, and may also include a newspaper article (or similar resource) as a part of the readings.

## *Attendance*

Students are expected to attend all classes; if you expect to miss one or two classes, please use the University website <https://sims.rutgers.edu/ssra/> to indicate the date and reason for your absence.

**Please note:** I expect you to attend class and to be on time. You are responsible for all materials discussed in lecture. Attending class regularly will help maximize your chances of doing well in the course. Further, do not email me asking for the material that was covered during the class you missed unless the absence is excused; it is your responsibility to get the notes from a classmate. If you are

absent more than 4 times without an approved excuse (e.g., death in the family, hospitalization, etc.), I will deduct half of a letter grade from your final grade (e.g., more than 4 absences will bring a grade from a B+ to a B). Only work that is missed during an excused absence will be available to make up.

### ***Tardiness***

Please arrive on time for class. Tardiness is disruptive to me and to your fellow students. If you are repeatedly late to class (i.e., late to class more than 4 times), I will deduct half of a letter grade from your final grade (e.g., more than 4 late class arrivals will bring a grade from a B+ to a B).

### ***Office Hours and Extra Help***

I will hold office hours on Tuesday evenings from 4pm to 5pm. If you cannot make it to office hours during this time please contact me so that we may set up an appointment. If you are having difficulties keeping up with the class, please come to office hours or make an appointment to meet with me as soon as possible. I can help you to read more effectively, take better class notes, and comprehend the materials more fully. Please do not wait until the end of the semester to come talk to me.

**Please note:** If you have any issue that is unique to you as an individual, that is an appropriate issue to come to office hours for discuss. Do not approach me with these issues before or after class sessions.

### ***Policy on Emails***

Email to the professor should be treated like a business letter and should include the following: an informative subject line, an appropriate salutation and signature, proper grammar, and professional tone and content. Please see this guide for further examples

<http://web.wellesley.edu/SocialComputing/Netiquette/netiquetteprofessor.html>. Emails will be answered within two business days.

### ***Grades***

Grades are not given, they are earned. Thus, all grades you earn are reflective of the effort you put forth. Grades are also not based on need. If you need to receive a certain grade in this course, make note of the points you need in order to earn such a grade and then put forth the effort to do so. Any curve to grades will be done on a class-wide basis, and is up to the discretion of the professor. Incompletes will only be given under very limited circumstances and must be discussed with the professor by the first class meeting after Spring Break. **NO EXCEPTIONS WILL BE MADE.**

## **Texts and Required Reading Materials**

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While the majority of readings will be available for download from Sakai, there is a required book for the course that is available from the campus bookstore or from online sources such as amazon.com.

- Steven Barkan. 2009. *Law & Society, An Introduction*. Upper Saddle River, NJ: Pearson.

# Assignments

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## *Quizzes - 40%*

Students will be given two short, multiple choice and short answer quizzes throughout the course of the semester, which will be worth 20% each. These quizzes will evaluate your understanding of all of the course materials, including lectures, discussions, and readings. The quizzes will also test your ability to integrate these materials. Make-up quizzes will be permitted only for documented excused absences. These quizzes will be given in class and will take place on the following dates:

Quiz 1: **February 23rd**

Quiz 2: **March 31st**

## *Class Participation - 10%*

As this class will rely on a combination of lectures and discussions, the completion of the readings and subsequent contribution to class discussions is essential for your success in the course. Your class participation grade will be comprised of your attendance and your participation in discussions. Perfect attendance with no (meaningful) contribution to the class discussion will not garner full points. Conversely, contributions to the class discussions with infrequent or sporadic attendance will also not earn full points. **Please see policy on attendance, stated above.**

## *In-Class Group Facilitation – 10%*

Each group will be required facilitate two (2) discussions amongst the class during a regular class session throughout the semester. This presentation should demonstrate the familiarity and expertise of group members on your chosen topic, and relate back to the readings and themes discussed during that particular unit of the course. *The facilitation should not merely regurgitate or summarize the context of the text and assigned readings, your group will lose points for re-teaching text material* (i.e., providing more background than necessary to understand the presentation). Instead, your presentation should take the theme of the unit and identify the theme in action using real-world examples to launch discussion. This exercise will likely require that group members meet on their own outside of class. If the group would like the class to read a particular article or watch a short video for their discussion (outside of class), that material must be submitted to the professor for dissemination by 5pm at least 4 days prior to the class session (5pm Friday for Tuesday's class sessions, and 5pm Sunday for Thursday class sessions). (Please note: videos that total 7 minutes or more should be submitted in advance for students to watch outside of class). Each group will be required to submit a summary of the facilitation goals for their session and any PowerPoint or presentation materials, including list of discussion questions to be used during the facilitation session and topics to be discussed. **This should be submitted to the professor BEFORE the presentation, by 3pm on the day of the presentation. In-class group facilitations will run for the last half hour of the class session assigned.**

## ***Final Examination– 40%***

The final exam will be a culmination of all of the topics covered during the class. The exam is cumulative and will contain both multiple choice and short answer questions. **Your final exam will be held on Wednesday, May 11 from 4:00 – 7:00pm.** You are responsible for ensuring that you are available to take the exam, *no substitute exam arrangements will be provided unless they fall within the conflict scheduling exceptions.* See also <http://finalexams.rutgers.edu/>

# Readings

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Below is a schedule of the readings for the semester, which may be “fine tuned” as the semester proceeds. I will keep you abreast of any changes via Sakai, including a specific schedule of readings.

## **Section I – Introduction and Background on Theory and Concepts**

### *Week 1 (1/17) & 2 (1/24): An Introduction*

What is law? What is society? How do the disciplines of both law and sociology approach their subject matter? What are some of the social theories behind the sociology of law?

To Be Discussed: Weber, Marx & Durkheim

#### *Readings*

- Barkan - Ch. 1
- Durkheim – *Mechanical and Organic Solidarity*
- Chaudhry – *The Promise and Paradox of Max Weber’s Legal Sociology*
- Anleu – *Law in Classical Social Theory*

### *Week 3 (1/31): Understanding Law & Society*

How does the law help society function? Can they exist separately? What is the role of power in the creation of law and the functioning of society?

TBD: Functionalism, Conflict Theory

#### *Readings*

- Barkan - Ch. 2
- Talcott Parsons – *The System of Modern Societies*
- Ralf Dahrendorf – *Social Structure, Group Interests, and Conflict Groups*
- Fisk & Gordon – “Law As...”: *Theory and Method in Legal History (skim)*

## Section II – Laws and the Legal System

### *Week 4 (2/7): Families of Laws & Types of Laws*

Are there different types of laws? What makes them different? What is the intent of these different types of laws?

#### *Readings*

- Barkan - Ch. 3

### *Week 5 (2/14): Legal Culture & Dispute Processing*

How does the law help to resolve disputes?

#### *Readings*

- Barkan - Ch. 4
- Miller & Sarat – Grievances, Claims, and Disputes

### *Week 6 (2/21): Courts & Juries*

What is the role of courts and juries?

#### *Readings*

- Barkan - Ch. 9
- Excerpt from Carter’s Scottsboro – ch. 2, “In an Alabama Courtroom”

#### *Film*

- Twelve Angry Men

### *Week 7 (2/28) & 8 (3/6): Crime, the Prison System, and the Death Penalty*

What are some of the sociological explanations of crime? What are some characteristics of our modern penal system?

TBD: Criminological theories, criminal justice system, punishment and the death penalty

#### *Film*

- Race to Execution

#### *Readings*

- Michael Foucault – Biopolitics and the Carceral Society
- Excerpt from Ogletree & Sarat – Introduction & ch. 6 “Stereotypes, Prejudice, and Life-and-Death Decision Making: Lessons from Laypersons in an Experimental Setting”

## Section III – The Force and Function of Law

### *Week 9 (3/20) & 10 (3/27): Law, Morality & Social Control*

How does the law reflect or impose morals? How does the law help to maintain order and control over populations?

TBD: Parental responsibility laws and curfew ordinances

#### *Film*

- Motherhood on Trial

#### *Readings*

- Barkan - Ch. 5

### *Week 11 (4/3) & 12 (4/10): Law & Social Change*

What is social cohesion? How can the law be used to fuel social change?

TBD: Same-sex marriage, school desegregation

#### *Readings*

- Barkan - Ch. 6

### *Week 13 (4/17) & 14 (4/24): Law & Inequality*

How does the law help to perpetuate/remedy inequalities?

TBD: Affirmative action, voting rights, police brutality, racial inequality, and structural inequality

#### *Film*

- No Justice, No Peace

#### *Readings*

- Barkan - Ch. 7
- Excerpt from Alexander – “The Color of Justice”