

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

Law & Society

Sociology 01:920:349, Fall 2015, Mon/Wed 7:15 – 8:35pm

Location: Heldrich Science Building, Room 204 on Cook/Douglass

Instructor: Portia Allen-Kyle

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Office Hours: By appointment

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Introduction

The purpose of this course is to examine the nature and purpose of law and its relationship to specific social constructions of reality and 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 of Durkheim, Marx, and Weber. At the conclusion of this course, students should have an understanding 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 how 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

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 theories
2. Understand the theoretical approaches to analyzing 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 different points of view held by those from differing positions within society

RU Academic Policies

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

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

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 mission of the college; visiting sites which the professor deems to be inappropriate to the needs of the class 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.

It is the policy of the professor to grade students based on the points that students earn and the effort they put forth. 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 last class meeting before Thanksgiving Break. Similarly, I do not allow students to opt for the F if they have earned a grade that they are dissatisfied with at the close of the semester. **NO EXCEPTIONS WILL BE MADE.**

Class Format

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 the readings. 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 absence reporting website <https://sims.rutgers.edu/ssra/> to indicate the date and reason for your absence. An email is automatically sent to me.

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. 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 Wednesday evenings from 5pm to 6pm. 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.

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.

Texts and Required Reading Materials

While the majority of readings will be available for download from Sakai, there are two required books for the course – one textbook and one trade paperback – that are available from the campus bookstore or from online sources such as amazon.com or textbooks.com. The required texts are as follows:

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

- David Garland. 2010. Culture of Control. Chicago: University of Chicago Press.

Assignments

Quizzes - 40%

Students will be given two short, multiple choice 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: **October 12th**

Quiz 2: **November 11th**

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.* This exercise will likely require that group members meet on their own outside of class time. 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 3 days prior to the class session (5pm Friday for Monday class sessions, and 5pm Sunday for Wednesday class sessions). Each group will be required to submit a summary of the facilitation goals for their session, 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 Monday, December 21st from 8:00 – 11:00pm. See also <http://finalexams.rutgers.edu/>**

Readings

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 & 2: 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: 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: 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: Legal Culture & Dispute Processing

How does the law help to resolve disputes?

Readings

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

Week 6: 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 & 8: 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

- Garland – Ch. 1 & 2
- 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 & 10: 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
- Garland – Ch. 7 & 8

Week 11 & 12: 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
- Garland – Ch. 4

Week 13 & 14: 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”
- TBD