

SYLLABUS: SOCIOLOGY 349

LAW AND SOCIETY

SPRING 2017

Course Overview


Instructor

Instructor: PROFESSOR CATHERINE LEE

Email address: clee@sociology.rutgers.edu

Office hours: Mondays 2:00 – 3:00 p.m.

Course Delivery

This course is fully online. To access the course, please visit sakai.rutgers.edu . For more information about course access or support, contact the Sakai Help Desk via email at sakai@rutgers.edu or call 848-445-8721.

Course Description

This course is an introduction to the study of the relationship between law and society from a sociological perspective. It is NOT a prep course for the LSAT or law school. (If you think you're interested in attending law school, you may feel differently about that idea after taking this course!) Instead, my goal for the course is for you to learn what law or *the law* is; where it comes from; who the actors and institutions that create it are; and what roles, if any, it plays in shaping social change. Most importantly, I want you to learn that law and its relationship to society is shaped by social, economic, and political opportunities and constraints.

We will begin with an introduction to different theories of what law is and varying perspectives on how to study it. Law is not one simple *thing*. We can think of law as a social process or a social institution. Thus, we will investigate how the structure and meaning of law are created in the very social process of administering or *doing* law. As a social institution, we can explore the different players involved and will consider the roles that courts, juries, lawyers as a profession, and legal education play in shaping law's relationship to society. In the final section of the course, we will examine the connection between law and social change. To what extent can law generate or shape social change? The opportunities and limits for change are guided in part by how we conceptualize legal notions of right and wrong as well as morality. We will see how such constructs are conceptualized. We'll follow with a few examples of how law can affect as

well as reflect social change by exploring abortion and reproductive rights; school desegregation; voting rights; and affirmative action. In each of these examples of legal contest, we'll see that the larger context of society—social, economic, and political—have been crucial for social change.

Prerequisites

Sociology 101 and one course from following: Sociology 311, 312, 313, or 314.

Important Dates

The course begins on 1/17/2017 and ends on 5/01/2017, and the last day to drop the course without a "W" grade is 1/24/2017.

Course Learning Objectives

By the end of this course, students should successfully be able to:

- Describe the role of law from a sociological perspective
- Explain and critique major legal actors and institutions
- Explain law's relationship to social change
- Articulate, defend, and reflect critically on varying points of view held by those from differing positions within society.

Course Materials

This will be a challenging course. You will read journal articles and book chapters written by leading scholars. This means that you may have to go over the materials more than once. On average, you are responsible for 80 to 100 pages of reading per week, sometimes more. Please remember that I am available to assist you if you are having difficulties understanding the materials.

Most materials are available online on Sakai. In addition, you should purchase the following books:

Calavita, Kitty. 2016 (2nd edition). *Invitation to Law and Society: An Introduction to the Study of Real Law*. Chicago: University of Chicago Press.

Harr, Jonathan. 1996. *A Civil Action*. New York: Vintage.
(Used copies are cheap and readily available for purchase online.)

Sutton, John. 2000. *Law/Society: Origins, Interactions, and Change*. Thousand Oaks: Sage.

Technology Requirements

Baseline technical skills necessary for online courses

- Basic computer and web-browsing skills
- Navigating Sakai

Technology skills necessary for this specific course

- Live web conferencing using Adobe Connect

Required Equipment

- Computer: current Mac (OS X) or PC (Windows 7 or newer) with high-speed internet connection
- Webcam: built-in or external webcam, fully installed
- Microphone: built-in laptop or tablet mic or external microphone

Required Software

- Document editor (Microsoft Word, Google Doc, etc.)
- PDF viewer (Adobe, Preview, etc.)
- Web browser

Assessment

Assignment Summary

Below are the required assignments and the percent value of each assignment for determining your course grade. Please refer to the course schedule (below) for additional details.

Assignment	Percent
Weekly Memos (Due Monday 5 p.m.)	15
Forum Discussion (1 st post due Tuesday 5 p.m.; 2nd or final post by Thursday 5 p.m.)	25
Midterm (Due 3/10 @ 5 p.m.)	20
Paper (Due 5/1 @ 5 p.m.)	20
Final Exam (5/5 @ 5 p.m.)	20
Total	100

Assignment Overview

Weekly Memos

- Submit weekly memo on Sakai (Assignments) by Monday at 5 p.m. No memo is due in weeks 1, 9, and 15. I will not accept late memos. You do not need to watch the week's video lecture or any assigned film prior to writing the memo though doing so may be helpful.
- Memos should be about one-half to one page in length. Memos can be brief syntheses of the weekly readings and raise questions for further discussion. Memos can also be reviews of a current event that is related to the week's topic.
- Memos are graded pass/fail. To receive full credit, you MUST demonstrate that you did ALL of the readings by citing and discussing them.

Forum Discussion

- Post at least twice to the forum discussion each week (except weeks 1, 8, and 9). This is the bare minimum. Many of you may want to post several more times. First post is due Tuesday at 5 p.m. Second or final post is due by Thursday at 5 p.m.
- I will post questions related to the week's topic. You must provide one substantive post addressing the question and at least one other post responding either to my comment or another student's comment and/or post.
- First (substantive) post should be at least one paragraph long (around 100 words). Second post should be at least 2-3 sentences long.
- You will be graded by how well your posts critically engage the topic and discussion by other students and me. A detailed grading rubric is available on Sakai (Support and Policies).

Paper

- You must write a 5 to 6-page paper, not including references. Find a current topic related to law and social change. Critically explain the opportunities and constraints for change through law. I will provide more details of the assignment in March. Paper is due May 1 at 5 p.m.

Midterm and Final Exams

- Midterm and final exams include short answer and essay questions. Midterm exam questions will be available March 8 at 9 a.m. Completed exam is due March 10 at 5 p.m. Final exam questions will be available May 3 at 9 a.m. Completed exam is due May 5 at 5 p.m.
- Exam grades will be determined by how well course materials, including readings, lectures, and films, are incorporated into the answers.

Grading Criteria for Assignments

	Percent
Clear and logical statements; explanation and/or examples provided to support ideas; shows insight; complete references; submitted on time	100
Clear statements with appropriate explanations or examples	90
Clear statements with some explanation or examples	80
Some unclear statements or incorrect explanations or examples	70
Confusing, lacks explanation or reasoning. Not proofed for wording, punctuation, and other grammatical errors	60 or lower

Grading Scale

(Source: Rutgers standard undergraduate grade scale)

Grade	Range
A	90 – 100
B+	85 – 89
B	80 – 84
C+	75 – 79
C	70 – 74
D	60 – 69
F	Below 60

Student Participation Expectations

Because this is an online course, your attendance is based on your online activity and participation. The following is a summary of everyone's expected participation:

- **Logging in:** **AT LEAST TWICE PER WEEK**
Be sure you are logging in to the course on Sakai each week, including weeks with holidays or weeks with minimal online course activity. (During most weeks you will probably log in many times.) If you have a situation that might cause you to miss an entire week of class, discuss it with me *as soon as possible*.
- **Time Commitment**
To be successful in this course, you should plan to dedicate approximately 10-12 hours per week.
- **Office hours**
Office hours are optional. I encourage you to “see” me during at least one.
- **Participating in Forum Discussions:** **2 OR MORE TIMES PER WEEK**
As participation, each week you can expect to post at least **two times** as part of our substantive class discussion on the week's topics.

Discussion and Communication Guidelines

The following are my expectations for how we should communicate as a class. Above all, please remember to be respectful and thoughtful.

- **Writing style:** While there is no need to participate in class discussions as if you were writing a research paper, you should remember to write using good grammar, spelling, and punctuation. Informality (including an occasional emoticon) is fine for non-academic topics. Please also refrain from using all CAPITAL LETTERS, as this is often interpreted as shouting.
- **Tone and civility:** Let's maintain a supportive learning community where everyone feels safe and where people can disagree amicably. Remember that sarcasm doesn't always come across online. Treat your instructor and fellow students with respect at all times, and in all communications.
- **Citing your sources:** When we have academic discussions, please cite your sources to back up what you say. (For the textbook or other course materials, list at least the title and page numbers. For online sources, include a link.)
- **Backing up your work:** Consider composing your academic posts in a word processor, where you can save your work, and then copying into the Sakai discussion.

DEPARTMENT OF SOCIOLOGY'S DIVERSITY STATEMENT

The Rutgers Sociology Department strives to create an environment that supports and affirms diversity in all manifestations, including race, ethnicity, gender, sexual orientation, religion, age, social class, disability status, region/country of origin, and political orientation. We also celebrate diversity of theoretical and methodological perspectives among our faculty and students and seek to create an atmosphere of respect and mutual dialogue. We have zero tolerance for violations of these principles and have clear and respectful procedures for responding to such grievances.

Support and Policies

Late Work

I will not accept late work without an approved excuse. Approved excuses include a medical excuse or family emergency that can be properly documented (e.g., doctor's note or police report). Please email me ASAP to discuss any missed assignments.

Faculty Feedback and Response Time

I am providing the following list to give you an idea of my intended availability throughout the course. (Remember that you can email sakai@rutgers.edu or call 848-445-8721 if you have a technical problem.)

Grading and Feedback

For large weekly assignments, you can generally expect feedback within **7 days**.

E-mail

I will reply to e-mails within **24 hours on school days**. Always put "Soc 349" in the subject line.


Forum Discussion

I will check and reply to messages in the forum discussion every 24 hours mid-day during the week (NOT weekends).

Seek Help Early

If you are having difficulties keeping up with the class, please contact 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 talk to me.

Academic Integrity




The consequences of scholastic dishonesty are very serious. Please review the [Rutgers' academic integrity policy](#) .

Academic integrity means, among other things:





- Develop and write all of your own assignments.
- Show in detail where the materials you use in your papers come from. Create citations whether you are paraphrasing authors or quoting them directly. Be sure always to show source and page number within the assignment and include a bibliography in the back.
- Do not fabricate information or citations in your work.
- Do not facilitate academic dishonesty for another student by allowing your own work to be submitted by others.

If you are in doubt about any issue related to plagiarism or scholastic dishonesty, please discuss it with your instructor.


Other sources of information to which you can refer include:

- [Rutgers' Academic Integrity website](#) 
- [Code of Student Conduct](#) 
- [Eight Cardinal Rules of Academic Integrity](#) 

Academic Support Services

- Rutgers has a variety of resources for academic support. For more information, check the [Academic Support website](#) .
- Rutgers has Learning Centers on each campus where any student can obtain tutoring and other help. For information, check the [Learning Center website](#) .
- Rutgers also has a Writing Center where students can obtain help with writing skills and assignments. Learn more at the [Writing Center website](#) .
- Many library resources are available online. Assistance is available through phone, email, and chat. For information, check the [Rutgers Libraries website](#) .

Rutgers Health Services

- Rutgers Health Services is dedicated to health for the whole student body, mind and spirit. It accomplishes this through a staff of qualified clinicians and support staff, and delivers services at a number of locations throughout the New Brunswick-Piscataway area. For more information, check the [Rutgers Health Services website](#) .

Accommodations for Accessibility

Requesting accommodations

Rutgers University welcomes students with disabilities into all of the University's educational programs. In order to receive consideration for reasonable accommodations, a student with a disability must contact the appropriate disability services office at the campus where you are officially enrolled, participate in an intake interview, and provide documentation. More information can be found in the [Documentation Guidelines](#) section of the [Office for Disability Services](#) website.

If the documentation supports your request for reasonable accommodations, your campus's disability services office will provide you with a Letter of Accommodations. Please share this letter with your instructors and discuss the accommodations with them as early in your courses as possible. To begin this process, please complete the [Registration Form](#) on the [Office for Disability Services](#) website.

Go to the [Student section of the Office of Disability Services](#) website for more information.

Accessibility and Privacy Links

Accessibility Statements

[Sakai](#)

Privacy Policies

[Sakai](#)

Course Schedule and Deadlines

I. LAW AND ITS RELATIONSHIP TO SOCIETY

Week 1: January 17-20

Introduction: What is law? Who makes law? How should we study law?

- **Reading:**
 - ✓ John Sutton (2000) *Law/Society*, chapter 1
- **Assignments:** Read syllabus and introduce yourself in Forum

Week 2: January 23-27

Introduction: What is law? Who makes law? How should we study law? (cont'd)

- **Readings:**
 - ✓ Kitty Calavita (2010) *Invitation to Law and Society*, chapter 2
 - ✓ John Sutton (2000) *Law/Society*, chapters 2-4
- **Assignments:** Memo and Forum Discussion Posts

Week 3: January 30 – February 3

The common place of law and multiple legal orders: Types and families of law

- **Readings:**
 - ✓ Kitty Calavita (2010) *Invitation to Law and Society*, chapters 3, 5-6
- **Assignments:** Memo and Forum Discussion Posts

II. LAW AS SOCIAL PROCESS AND INSTITUTION

Week 4: February 6-10

Law as social process – civil side: What is a civil dispute? What are legal culture and dispute processing? How can the law resolve disputes?

- **Readings and Optional Film:**
 - ✓ Felstiner, Abel, and Sarat (1995) “The emergence and transformation of disputes: naming, blaming and claiming” in *Law & Society Reader*
 - ✓ Jonathan Harr (1995) *A Civil Action*, skim 1st half (definitely read chapters 1-4)
 - ✓ Optional Film: *A Civil Action*
- **Assignments:** Memo and Forum Discussion Posts

Week 5: February 13-17

Law as social institution – courts and juries: Are plaintiffs and defendants equal before the law?

- **Readings:**
 - ✓ Marc Galanter (1995) “Why the Haves Come Out Ahead” *Law and Society Reader*
 - ✓ Jonathan Harr (1995) *A Civil Action*, skim 2nd half (definitely read “The Negotiation”)
 - ✓ Selections from *The New York Times*
- **Assignments:** Memo and Forum Discussion Posts

Week 6: February 20-24

Law as social process – crime and punishment: What is a crime? How does our criminal justice system operate? Focus on disparities in policing

- **Readings and Video:**
 - ✓ Kitty Calavita (2010) *Invitation to Law and Society*, chapter 4
 - ✓ Adam Gopnik (2012) “The Caging of America: Why do we lock up so many people?”
 - ✓ Michelle Alexander (2010) “The Color of Justice”
 - ✓ Selections from *The New York Times*
 - ✓ Video Clip: “Driving While Black”
- **Assignments:** Memo and Forum Discussion Posts

Week 7: February 27 – March 3

Law as social process – crime and punishment (cont'd): Focus on the death penalty

- **Readings and Film:**
 - ✓ Ogletree and Sarat (2006) *From Lynch Mobs to the Killing State*
 - ✓ Ogletree and Sarat (2012) *Life without Parole*
 - ✓ Selections from *The New York Times*
 - ✓ Film: “Race to Execution”
- **Assignments:** Memo and Forum Discussion Posts

Week 8: March 6-10

Law as social institution – lawyers and the legal profession: How are legal education and the legal profession changing? Should you go to law school?

- **Readings:**
 - ✓ John Sutton (2000) *Law/Society*, chapters 8-9
 - ✓ Selections from *The New York Times*
- **Assignments:** Memo only – NO Forum Discussion Posts
 - Midterm – Due March 10 at 5 p.m.

Week 9: March 13-17

Spring Break!

III. LAW AND SOCIAL CHANGE

Week 10: March 20-24

Law and social change: How do we conceptualize rights? Are there different forms of rights?

- **Readings:**
 - ✓ Kitty Calavita (2010) *Invitation to Law and Society*, chapter 7
 - ✓ John Sutton (2000) *Law/Society*, chapter 5
 - ✓ Anna-Maria Marshall (2003) "Injustice, Frames, Legality, and the Everyday Construction of Sexual Harassment"
- **Assignments:** Memo and Forum Discussion Posts

Week 11: March 27-31

How is law used to define morality? Law and social change: abortion and reproductive rights

- **Readings and Film:**
 - ✓ N. E. H. Hull, Peter Charles Hoffer. (2010) *Roe v. Wade: The Abortion Rights Controversy in American History*, chapter 4
 - ✓ Selected newspaper articles
 - ✓ Film: "The Last Abortion Clinic"
- **Assignments:** Memo and Forum Discussion Posts

Week 12: April 3-7

How does law support or reflect cohesion? Law and social change: school desegregation

- **Readings:**
 - ✓ Stuart A. Scheingold (1974) *The Politics of Rights: Lawyers, Public Policy, and Political Change*
 - ✓ John Sutton (2000) *Law/Society*, pp. 163-69; 174-84
 - ✓ Selected newspaper articles
- **Assignments:** Memo and Forum Discussion Posts

Week 13: April 10-14

Can law remedy inequalities? Law and social change: Voting rights

- **Readings:**
 - ✓ John Sutton (2000) *Law/Society*, pp. 169-74
 - ✓ Selections from *The New York Times*
- **Assignments:** Memo and Forum Discussion Posts

Week 14: April 17-21

Can law remedy inequalities? Law and social change: Affirmative Action

- **Readings:**
 - ✓ Randall Kennedy (2015) *For Discrimination: Race, Affirmative Action, and the Law*
 - ✓ Selections from *The New York Times*
- **Assignments:** Memo and Forum Discussion Posts

Week 15: April 24-28

Conclusion

- **No Readings**
- **Assignments:** Forum Discussion Posts
 - Paper Due May 1 at 5 p.m
 - Final Exam Due May 5 at 5 p.m