

SOC 350 Sociology of Law
Sp 2018, Tu Th Fr 1:00–1:50
Tarbuton Hall 111

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Hours: Tu Th Fr 12:00–12:50

The law in its majestic equality forbids the rich as well as the poor from sleeping under bridges, begging in the streets, and stealing bread. – Anatole France, novelist and poet, *The Red Lily* (1894)

Course Description

This course introduces students to the sociological study of law. We will see how the sociology of law is situated within the larger interdisciplinary field of legal scholarship and how it differs in particular from traditional jurisprudence. We will also explore the practical relevance of the sociology of law for legal reformers seeking to correct perceived flaws in the system. Other topics include the evolutionary origins of morality and law; formal versus informal varieties of social control; the history of the police; the professional socialization of law school students; and contemporary legal controversies concerning the insanity defense, immigration policy, drug use and abuse, gun control, campus speech codes, religious expression, and capital punishment.

Course Materials

All the readings in this course are accessible online via Emory's Woodruff Library. There is also a Canvas course site that you will want to check on a weekly basis. The Canvas site serves as a distribution center for overheads used in class lectures, study guides for exams, and miscellaneous messages from me to the class.

Course Requirements

Your letter grade in the course will be based on attendance, two papers, and three exams. Details follow.

Attendance. At the beginning of each class, attendance will be taken by either calling roll or passing a roll sheet around for you to sign. If you are absent less than four times during the semester, you will receive all 10 points allocated for attendance. Points start being deducted at the fourth absence: If you are absent 4x, then 4 points will be deducted from your attendance grade; 5x equals 5 points deducted, and 6x equals 6 points deducted, and so on, up to 10 points. If you arrive late, you are considered absent and should not sign the roll sheet, nor should you sign the roll sheet or answer roll call for other students because doing so would violate Emory's honor code. Note

that you have up to three absences without any deduction. Use these (if you use them at all) for sick days, family emergencies, job interviews, etc. If you have perfect

attendance – zero absences – then not only will you receive all 10 attendance points, you will also get two bonus points added to your total points earned in the course.

Papers. The two papers give you an opportunity to summarize and critique selected course readings. These two papers are worth 10 points apiece. Each one will be 7-8 pages in length, double-spaced, and organized according to the format below:

- (a) What are the main points of the reading? Devote roughly half the paper to summarizing the key arguments or claims being made.
- (b) Bearing in mind the distinction drawn in class between empirical and normative statements (“what is” versus “what ought to be”), what is the tone of the reading – are the authors primarily empirical or are they primarily normative, or maybe a bit of both? Illustrate your answer by quoting four or five different passages from the reading.
- (c) What did the authors need to do to improve the piece? For example, was it logical and persuasive? Was the empirical evidence sufficient to support their claims? Were counterarguments considered and refuted? Criticize constructively, as if you are providing helpful feedback to fellow scholars. But don’t shy away from harsh criticism if they deserve it!
- (d) Finally, what was the most interesting or surprising part of the reading?

A complete set of paper instructions, including due dates, will be posted on the Canvas site for the course.

Exams. There will be two shorter exams and one comprehensive final exam, each one a combination of multiple choice, fill in the blank, and short essay questions. The two shorter exams each contribute 20 percent toward your final grade, and the comprehensive final exam is worth 30 percent. Study guides will be provided at least one week in advance of each exam.

Summarizing the above, your course grade will be calculated as follows:

| | |
|-------------|------------|
| Attendance | 10% |
| Paper #1 | 10% |
| Paper #2 | 10% |
| Exam #1 | 20% |
| Exam #2 | 20% |
| Final exam | 30% |
| <hr/> TOTAL | <hr/> 100% |

Honor Code Policy

All assignments and attendance checks are to be completed in line with the Honor Code of Emory University. If you are unfamiliar with the code, take time to read it here:

<http://catalog.college.emory.edu/academic/policies-regulations/honor-code.html>

By submitting work in this course, you are pledging that your work reflects *academic honesty*, i.e., you have not lied, cheated, plagiarized or done anything to gain unfair academic advantage for yourself or anyone else. Violations of the honor code will be referred to the Honor Council (see Article 1 at above link).

Classroom Environment

Please refrain from chatting with friends during class, note passing, entering late, and leaving early. If you know that you will be leaving class early, inform me in advance, sit near the door, and leave as quietly as possible. Cell phones must be turned off or muted in class.

Due Dates and Late Policy

For papers: The paper assignments will be posted on Canvas, with due dates announced at time of posting. Each day that a paper is late results in the deduction of one full letter grade. **For exams:** The exam dates are indicated on the schedule below. No make-up exams can be given unless in cases of documented emergency.

OAS Statement

If you have a disability-related need for academic adjustments in this course and you are registered with Emory's Office of Accessibility Services (OAS), please see me as soon as possible to arrange accommodations.

Weekly Schedule of Topics and Readings

Keeping up with the readings is essential for getting the most out of the course. Class lectures and discussion will be much more meaningful if you come prepared. Note: The below schedule may change if circumstances warrant. I will of course alert you to any changes.

The schedule begins on the following page.

Schedule of Topics and Readings

Week of 1-15. Preliminary Questions: What is law? When and why did law arise? Is law necessary for social order?

Thursday

First day of class on Thursday, January 18

Friday

“Introduction” by Steven Vago (from *Law and Society*, 9th edition)

Week of 1-22. Preliminary Questions (continued)

Tuesday

“Any Animal Whatever: Darwinian Building Blocks of Morality in Monkeys and Apes” by Jessica Flack and Frans de Waal (from *Journal of Consciousness Studies*)

“Building Blocks of Legal Behavior: The Evolution of Law” by Margaret Gruter and Monica Gruter Morhenn (from *Evolutionary Origins of Morality: Cross-Disciplinary Perspectives*)

Thursday

“Theoretical Perspectives” by Steven Vago (from *Law and Society*, 9th edition) – read pp. 39-54

Friday

“Theoretical Perspectives” by Steven Vago (from *Law and Society*, 9th edition) – read pp. 55-76 (from “Sociolegal Theorists” onward)

Week of 1-29. Main Bodies of Law

Tuesday

“Crime and Criminal Law” by Anthony Walsh and Craig Hemmens (from *Law, Justice, and Society: A Sociolegal Introduction*, third edition)

Thursday

“Civil and Administrative Law” by Anthony Walsh and Craig Hemmens (from *Law, Justice, and Society: A Sociolegal Introduction*, third edition)

Friday

“What is Delinquency and How Does It Differ From Adult Crime?” by Robert Agnew (from *Juvenile Delinquency: Causes and Control*)

Week of 2-5. Law and the Larger Universe of Conflict Management; Discretion and Discrimination in the Law

Tuesday

“Stratification” by Donald Black (from *The Behavior of Law*)

Thursday

“Morphology” by Donald Black (from *The Behavior of Law*)

Friday

“The Delegalization of Society” by Donald Black (from *Sociological Justice*)

Week of 2-12. Discretion and Discrimination (continued); Unintended Consequences of Law

Tuesday

No readings – see course packet pages on “Two Models of Law” and “Eliminating Discrimination in the American Legal System”

Thursday

“Prostitution: Facts and Fictions” by Ronald Weitzer (from *Contexts*)

Friday

“Incarceration and Social Inequality” by Bruce Western and Becky Pettit (from *Daedalus*)

Week of 2-19. Mentally Ill Offenders and the Insanity Defense

Tuesday

“Mentally Ill Persons in the Criminal Justice System: Some Perspectives” by H. Richard Lamb et al. (from *Psychiatric Quarterly*)

Thursday

“Insanity Verdict on Trial” by Scot Lilienfeld and Hal Arkowitz (from *Scientific American*)

“Overlapping Universe: Understanding Legal Insanity and Psychosis” by Zachary Torry and Stephen Billick (from *Psychiatric Quarterly*)

Friday

First exam on Friday, Feb. 23

Week of 2-26. Legal Control of Drugs

Tuesday

“Moral Entrepreneurs” by Howard Becker (from *Constructions of Deviance*)

“The Social Construction of Drug Scares” by Craig Reinerman (from *Constructions of Deviance*)

Thursday

“Race In America’s First War on Drugs” by Doris Marie Provine (from *Unequal Under Law: Race in the War on Drugs*)

Friday

“Negro Cocaine Fiends, Mexican Marijuana Smokers, and Chinese Opium Addicts: The Drug Menace in Racial Relief” by Doris Marie Provine (from *Unequal Under Law: Race in the War on Drugs*)

Week of 3-5. Immigrant Crime and Incarceration; Introduction to Free Speech and the First Amendment

Tuesday

“Undocumented Immigration and Rates of Crime and Imprisonment: Popular Myths and Empirical Realities” by Rubén G. Rumbaut (from *The Role of Local Police: Striking a Balance Between Immigration Enforcement and Civil Liberties*)

Thursday

“On Immigration and Crime” by Ramiro Martinez, Jr. And Matthew T. Lee (from *Criminal Justice 2000: The Changing Nature of Crime*)

Friday

“Schenck v. United States: Defining the Limits of Free Speech” by Joshua Waimberg (from *Constitution Daily*)

“Seriously, Why is Free Speech Important Again?” by Greg Lukianoff (from *Unlearning Liberty: Campus Censorship and the End of American Debate*)

Week of 3-12. Spring Break (no classes held)

Week of 3-19. The 1st Amendment (continued): Music and Religion

Tuesday

“Legal Control of Music: The Case of Rock and Rap” by Nancy Heitzeg (from *The Social Organization of Law*)

Thursday

“The Dover Ruling” (Kitzmiller v. Dover Area School District), by Judge John Jones (**NOTE:** You will be reading selected excerpts from this 139-page ruling, starting with pp. 1-35; these are the opening sections that set up the major issues of the case and the relevant case law)

Friday

“The Dover Ruling” continued (**NOTE:** read the section titled "Whether ID is science" on pp. 64-89, and then read pp. 130-139, starting with the section titled "Defendants presented no convincing evidence ...")

Week of 3-26. Gun Control and the Second Amendment

Tuesday

Second exam on Tuesday, March 27

Thursday

“The Commonplace Second Amendment” by Eugene Volokh (from *New York University Law Review*)

“Gun by Gun” by Glenn Harlan Reynolds (from *Legal Affairs*)

Friday

“Guns and Gun Control in History” by Philip Cook and Kristin Goss (from *The Gun Debate: What Everyone Needs to Know*)

Week of 4-2. Capital Punishment

Tuesday

“Arbitrariness and Discrimination Under Post-Furman Capital Statutes” by William Bowers and Glenn Pierce (from *The Social Organization of Law*)

Thursday

“The Death Penalty and Racism: The Times Have Changed” by Charles Lane (from *The American Interest*)

Friday

“Guilty Until Proven Innocent: Conviction Orientation, Racial Attitudes, and Support for Capital Punishment” by Robert L. Young (from *Deviant Behavior*)

Week of 4-9. Police

Tuesday

“Coppers” by Luc Sante (from *Low Life: Lures and Snares of Old New York*)

Thursday

“The History of Policing” by Carol Archbold (from *Policing: A Text/Reader*)

Friday

“Police Misconduct” by Gene Scaramella, Steven Cox, and William McCamey (from *Introduction to Policing*)

Week of 4-16. Police (continued); Lawyers

Tuesday

“The Downside of Police Discretion” by Douglas W. Perez (from *The Paradoxes of Police Work*)

Thursday

“Law Schools and Legal Education” by Howard Abadinsky (from *Law and Justice: An Introduction to the American Legal System*)

Friday

“The Legal Profession and the Practice of Law” by Howard Abadinsky (from *Law and Justice: An Introduction to the American Legal System*)

Week of 4-23. Lawyers (continued)

Tuesday

“Rambo Litigators: Emotional Labor in a Male-Dominated Job” by Jennifer L. Pierce (from *Gender Trials*)

Thursday

“On the Popular Image of the Lawyer” by Robert C. Post (from *California Law Review*)

“Democracy, Freedom, Justice, Law? What's All This?” (editorial, from *The Economist*)

Friday

Last day of class on Friday, April 27; catch-up and final exam review

**Final exam on Wednesday, May 9,
9:00 – 10:30 AM, in our regular room (Tarbutton 111)**