

SOC 350 Sociology of Law

Spring 2022, MW 11:30-12:45, White Hall 112

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Office Hours: MW 10:00-11:15 or by appt.



Course Description

Law has always received a great deal of attention from sociologists. Classical theorists such as Émile Durkheim and Max Weber pioneered the sociological study of law, and contemporary researchers continue to examine law's deep connection to both consensus and conflict in society. In this course we'll see how the sociology of law is situated within a larger interdisciplinary field of legal scholarship that includes the work of philosophers, historians, anthropologists, economists, and others. 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; formal versus informal social control; the history and culture of the police; the socialization of law school students; and current legal controversies regarding the insanity defense, drug policy, gun control, campus speech codes, religious expression, and capital punishment.

The main goals of this course are (1) to introduce you to the sociology of law and its subject matter, including criminal, civil, and administrative law; (2) develop your ability to apply sociological perspectives to analyze legal issues; and (3) encourage you to think critically about evidence and arguments put forward by sociolegal scholars.

Course Materials

All course materials are available online through Canvas. You will want to check the Canvas site at least once per week for new postings (e.g., overheads used in lectures, instructions for papers, study guides for exams, miscellaneous messages from me to the class).

All the readings for the course can be accessed online through *Library Course Reserves* on Canvas. See the "Schedule of Topics and Readings" later in this syllabus for the complete list of online readings.

Workload and Grading

Your grade will be based on two papers and three exams. Details follow.

Papers. There are two required papers. The first paper is relatively short (about 3 pages) and counts 10 percentage points toward your overall grade. This paper involves a content analysis of Bob Dylan’s folk song “The Lonesome Death of Hattie Carrol.” Content analysis is a type of archival research method that can be used to analyze films, books, advertisements, paintings, poetry, and other textual/visual materials. The goal of content analysis is to uncover underlying themes and messages in such materials. Here, you will conduct a brief content analysis of the lyrics in Dylan’s song, using sociological theory to guide your analysis. (By the way, Dylan is the most frequently cited musician by legal writers. Academics, judges, and lawyers cite his lyrics more than twice as much as the runner-up—the Beatles.)

The second paper is a bit longer (5-6 pages) and counts 15 percent toward your overall grade. This paper gives you the opportunity to summarize and critique some chapters from Doris Marie Provine’s book *Unequal under Law: Race in the War on Drugs*. The paper outline is below.

- (a) What are the main points of the reading? Summarize the key claims being made.
- (b) Bearing in mind the distinction between empirical versus normative statements (“what is” versus “what ought to be”), describe the tone of the reading—is the author mainly empirical or mainly normative, or perhaps both? Illustrate by quoting three or four sentences from the reading.
- (c) Can it be improved? For example, was the author clear and persuasive? Were counterarguments considered? Was the evidence sufficient to support the claims? Criticize constructively, as if you are providing helpful feedback to a fellow scholar.
- (d) Finally, what was the most interesting or surprising part of the reading?

More detailed instructions for both papers will be posted on Canvas.

Exams. Most of your grade in the course is based on three open book, 24-hour take home exams. Each exam is worth 25 percentage points. The exams will consist of short answer/essay questions. Detailed study guides will be provided at least three weeks in advance of each exam. The study guides are intended to make your reading and exam preparation more streamlined and manageable (if a topic is not listed on the study guide, it will not be on the exam).

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

Paper #1	10%
Paper #2	15%
Exam #1	25%
Exam #2	25%
Exam #3	25%
<u>TOTAL</u>	<u>100%</u>

Grading Scale. Letter grade ranges are shown below. Grades will not be rounded up at the end of the semester because all the graded work in this course is open book and take home. In other words, your grades are already “rounded up” by virtue of the nature of the work.

A	93-100	B+	87-89.99	C+	77-79.99	D+	67-69.99
A-	90-92.99	B	83-86.99	C	73-76.99	D	60-66.99
		B-	80-82.99	C-	70-72.99	F	0-59.99

Due Dates and Late Policy

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

Accommodations

If you have learning needs that may affect your grade, please consult the Department of Accessibility Services (DAS), and contact me as soon as possible to arrange accommodations. The DAS website is here: <https://accessibility.emory.edu/>

Other Course Policies

Attendance. Roll is not formally taken and there is no separate attendance grade, but attendance is expected. Exam questions are based equally on lectures and readings, so if you miss class, you will miss material that you’ll need for the exams.

Academic Conduct. Emory College has established an Honor Code that describes appropriate conduct with respect to academic honesty and plagiarism. Information on Emory’s Honor Code can be accessed here:

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

It is your responsibility to familiarize yourself with the policies and procedures of the university. Violations of the Honor Code will be referred to the Honor Council.

The schedule begins on the next page.

Schedule of Topics and Readings

Keeping up with the readings is essential for getting the most out of this (or any) course. Class lectures and discussion will be much more meaningful if you come prepared. Note: I reserve the right to change the schedule and other features of this syllabus if circumstances warrant.

Week of 1-10. Preliminary Questions: What is law? When and why did law arise? Is law necessary for social order?

Wednesday

First day of class on Wednesday, January 12

Week of 1-17. Preliminary Questions (continued)

Monday

MLK Holiday (no classes held)

Wednesday

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

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

Week of 1-24. Preliminary Questions (continued)

Monday

“Theoretical Perspectives” (pp. 39-62) by Steven Vago (from *Law & Society*, 9th edition)

Wednesday

“Theoretical Perspectives” (pp. 63-76) by Steven Vago (from *Law & Society*, 9th edition)

Week of 1-31. Main Bodies of Law

Monday

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

Wednesday

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

Week of 2-7. Law and the Larger Universe of Conflict Management; Discretion and Discrimination in the Law

Monday

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

Wednesday

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

Week of 2-14. Discretion and Discrimination (continued); Unintended Consequences of Law

Monday

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

Wednesday

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

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

First paper due on this day (Wednesday, February 16)

Week of 2-21. Insanity and Mental Illness

Monday

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

Wednesday

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

First exam posted on Canvas after Wednesday’s class (due in 24 hours)

Week of 2-28. Legal Control of Drugs

Monday

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

Wednesday

“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 3-7. Spring Break from March 7-11 (no classes held)

Week of 3-14. Free Speech and the First Amendment

Monday

“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*)

Wednesday

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

Second paper due on this day (Wednesday, March 16)

Week of 3-21. The First Amendment (continued): The Religion Clauses

Monday and Wednesday

“The Dover Ruling” (Kitzmiller v. Dover Area School District) by Judge John Jones
(**NOTE:** The complete 139-page ruling is posted on Course Reserves, but you only need to read the section titled “Whether ID is science” on pp. 64-89, and then pp. 130-139, starting with section titled “Defendants presented no convincing evidence ...”)

Second exam posted on Canvas after Wednesday’s class (due in 24 hours)

Week of 3-28. Gun Control and the Second Amendment

Monday

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

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

Wednesday

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

Week of 4-4. Capital Punishment

Monday

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

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

Wednesday

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

Week of 4-11. Police

Monday

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

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

Wednesday

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

Week of 4-18. Lawyers

Monday

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

Wednesday

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

Week of 4-25. Lawyers (continued)

Monday Last day of class on Monday, April 25

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

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

**Our take-home final exam will be due no later than
Wednesday, May 4 at 12 noon**