

Law & Society  
SOCIOLOGY and LEGAL STUDIES 206  
Tuesdays and Thursdays, 9:30 – 10:50 am

**Professor**      **Laura Beth Nielsen**

Office Hours:

TH: 2:00 – 3:00 in Sociology (1808 Chicago Ave, 2<sup>nd</sup> Floor) &

FR: 9:00 – 11:00 in Legal Studies (620 Lincoln, 2<sup>nd</sup> floor)

Email: Please email me through Canvas only.

**Graduate Teaching Assistants:**

Zach Sommers

[z-sommers2014@nlaw.northwestern.edu](mailto:z-sommers2014@nlaw.northwestern.edu)

Angel Alfonso Escamilla Garcia

[AngelEscamillaGarcia2015@u.northwestern.edu](mailto:AngelEscamillaGarcia2015@u.northwestern.edu)

Alex Hobson

[alexhobson2014@u.northwestern.edu](mailto:alexhobson2014@u.northwestern.edu)

**Course Description:**

Law is everywhere. Law permits, prohibits, enables, legitimates, protects, and prosecutes citizens. Law shapes our day to day lives in countless ways. This course examines the connections and relationships of law and society using an interdisciplinary social science approach. As one of the founders of the Law and Society movement observed, “Law is too important to leave to lawyers.” Accordingly, this course will borrow from several theoretical, disciplinary, and interdisciplinary perspectives (such as sociology, anthropology, political science, critical studies, psychology) in order to explore the sociology of law and law’s role primarily in the American context (but with some attention to international law and global human rights efforts). The thematic topics to be discussed include law and social control; law’s role in social change; as well as law’s capacity to reach into complex social relations and intervene in existing normative institutions, organizational structures, and the like.

In this course you will: Develop critical reading, thinking, and writing skills; learn about the structure of the American legal system; employ an interdisciplinary approach to sociological studies; compare and contrast social science theories of law; and develop insight into the relationships between law and society

This is an interdisciplinary course: you are expected to draw on skills and experiences when reflecting on the material being discussed. **Read the newspaper** and bring questions and issues into the course discussions.

**Readings:**

1. A national newspaper **every day** during the quarter. This includes the *New York Times*, the *Wall Street Journal*, or the *Washington Post*.
2. A course reader available at Quartet Copy. Readings in the Course Reader are identified with [CR] in the list of assignments. I have linked the original versions of the articles.
3. Kitty Calavita's, Invitation to Law & Society: An Introduction to the Study of Real Law, (University of Chicago Press: 2010).

<b>Grades:</b>	Paper (due 11/8 at start of class)	25%
	Midterm (10/25 in class)	25%
	Final (12/8, 2 pm in classroom)	30%
	Section (attendance and participation)	10%
	Lecture (attendance and participation)	10%

**Paper:** There is one 5 page paper due on November 8<sup>th</sup> at the start of class. It is worth 25% of your grade.<sup>1</sup>

**Exams:** Check the dates now.<sup>2</sup> No makeups.

**Sections:** Mandatory. They meet 5 times. Attendance AND participation in section constitute 10% of your grade.<sup>3</sup>

**Lectures:** Ten percent of your grade will be based on lecture attendance and participation. We will use Top Hat <tophat.com> to measure. Be sure you get signed up.

**Email:** Email is out of control and is not a good way to try to reach me.<sup>4</sup> Come to my office hours or ask me in class.

- Please be present when you are here.<sup>5</sup>
- If your use of an electronic device is distracting me or your neighbors, I will ask you to put it away and I will be slightly grumpy about it.
- All class and section discussion will be **professional and polite** even (or especially) when we are discussing sensitive topics.
- Do not sell, give away, or otherwise make public the notes taken in my class.<sup>6</sup>
- Any student with a verified disability requiring special accommodation should speak to me and to the Office of Services for Students with Disabilities (847-467-5330) as early as possible in the quarter, preferably within the first two weeks of the course. All discussions will remain confidential.

---

<sup>1</sup> These will be submitted on paper (STAPLED together), printed on one side of the paper using Times New Roman 12 point font, double-spaced with 1 inch margins on all sides. READ this (seriously – read it).

<http://blogs.nd.edu/erin-mcdonnell/insiders-guide-to-college-writing/>.

<sup>2</sup> To be fair to all students, I will not give make-up exams or assignment extension without a documented illness. If you know now that you cannot make the midterm or final, then you should not take this course.

<sup>3</sup> There are five discussion sections during the quarter. Your attendance and participation are mandatory and constitute 10% of your grade. Why? Because part of the study of law is argumentation and rhetoric. Law is as oral as it is written. This is your chance to ask questions, play around with the arguments, and learn from each other. **BE SURE TO SIGN YOURSELF IN to get your points!**

<sup>4</sup> If you must email me, please do it through Canvas and know I am a slow responder. Also, you must read this essay first:

<sup>5</sup> This means come on time (you never know when I might take attendance), do not multi-task, use phones, tablets, computers only to access Top Hat and take notes stay until the end, refrain from reading the newspaper, checking e-mail, texting your buddies, playing scrabble, etc. (but if you think you can beat me at Scrabble outside class time – bring it on! [www.isc.ro](http://www.isc.ro) and my username is lbn23).

<sup>6</sup> Not on any of the various websites that facilitate this (or any other way that this is done). My lectures are my intellectual property and are not for sale unless I sell them.

## Class Meeting and Reading Schedule<sup>7</sup>

*\*\*Means it is optional but related enough to class that I am putting it on here*

### **Unit I: Introduction to Law and Society What are we doing here?**

#### **WEEK ONE – NO SECTION MEETINGS**

- TU 9/20 Introduction to Law and Society
- TH 9/22 Orin Kerr, "[How to Read a Legal Opinion: A Guide for New Law Students](#)," 11 *The Green Bag: An Entertaining Journal of Law* 2d. 51 (2007) [CR].
- Lon L. Fuller, "[The Case of the Speluncean Explorers](#)," 62 *Harvard Law Review* (1949) [CR].

#### **WEEK 2 – NO SECTION MEETINGS**

- \*\*M 9/26 *First Presidential Debate 8 pm central – debate watching party?*
- TU 9/27 Kitty Calavita, "Introduction" and "Law and Social Justice" from [Invitation to Law & Society: An Introduction to the Study of Real Law](#), University of Chicago Press, 2010, pages 1 - 9; and 116-147
- [Please listen to the Life of the Law podcast, "Marijuana Rules"](#)
- TH 9/29 Ojmarrah Mitchell and Michael S. Caudy, "[Examining Racial Differences in Drug Arrests](#)" *Justice Quarterly* (2015)
- ["The Injustice of Marijuana Arrests,"](#) *New York Times*

### **Unit II: Constitution Day 2016 "One Person, One Vote"**

#### **WEEK THREE: SECTIONS MEET**

- TU 10/4 [Evenwel v. Abbott](#), Slip op. 14-940 US Supreme Court, decided April 4, 2016
- Matt Ford, "[One Person, One Vote, Eight Justices](#)," *The Atlantic*, April 4, 2016 [CR]

---

<sup>7</sup> All of the readings are required and you should do them BEFORE you come to class on the date listed.

Garrett Epps, "[How a Challenge to Legislative Redistricting Backfired](#)," The Atlantic, April 4, 2016 [CR]

- TH 10/6 Class meets in the evening!  
CONSTITUTION DAY – Tom Saenz, General Counsel and of MALDEF and he was the person who conducted oral argument at the Supreme Court in the [Evenwal](#) (so called one-person-one-vote) case.

### **Unit III: Theoretical Foundations of Law and Society**

- \*\*SU 10/9 *Second Presidential Debate – Time TBD*

#### **WEEK FOUR: SECTIONS MEET**

- TU 10/11 Kitty Calavita, "Types of Society, Types of Law" from [Invitation to Law & Society: An Introduction to the Study of Real Law](#), University of Chicago Press, 2010, pages 10-30.

- TH 10/13 **Cultural Models of Law and Society**

Durkheim, "Crime and Punishment," in [The Division of Labor in Society](#) taken from Lukes and Scull, [Durkheim and the Law](#) (1983) pages 59 – 68 [CR]

[McDonnell, Terence E. 2010. "Cultural Objects as Objects: Materiality, Urban Space, and the Interpretation of AIDS Media in Accra, Ghana." \*The American Journal of Sociology\*. 115: 1800-1852.](#)

#### **WEEK FIVE: TH and FRI SECTIONS MEET**

- TU 10/18 **Structural Models of Law and Society**

John R. Sutton, "Law and the State: Max Weber's Sociology of Law," pages 99 – 114 of [Law/Society: Origins, Interaction, and Change](#) [CR]

[Wendy Espeland and Mitchell Stevens, "Commensuration as a Social Process," \*24 Annual Review of Sociology\* 313-343 \(1998\) \[CR\]](#)

- \*\*W 10/19 *Third Presidential Debate – Time TBD*

- TH 10/20 **Honor Models of Law and Politics (Hamilton Alert!)**

Joanne B. Freeman, "Duelling as Politics," chapter 5 in, [Affairs of Honor: National Politics in the New Republic](#)" p 159-198 [CR]

## EXTRA CREDIT OPPORTUNITY

**Joanne Freeman** will be at the Newberry Library in the evening talking about her book, “Cultures of Honor” which inspired the song, “10 Duel Commandments” from Hamilton, the musical. Extra Credit for attendees!

### WEEK SIX: (M, T, W SECTIONS MEET)

**TU 10/25 Conflict Models of the Relationship between Law and Society**

Cain and Hunt, “The State, Law, and Crime” from Marx and Engels on Law (1979) pages 153-159. [CR]

William Chambliss, “[A Sociological Analysis of the Law of Vagrancy,](#)” 12 Social Problems pp. 67-77 (1964). [CR]

Risa Goluboff, “For Integration? You’re a Vagrant,” Ch 4 of Vagrant Nation: Police Power, Constitutional Change, and the Making of the 1960s.

\*\*Gabel, Peter & Jay Feinman (1998), “Contract Law as Ideology,” pp. 497-510 in D. Kairys (ed.) The Politics of Law: A Progressive Critique. New York: Pantheon [CR].

**TH 10/27 IN-CLASS MIDTERM**

**Unit IV: Legal Conflicts as Social Constructs: Structures, Rules, and Roles**

### WEEK SEVEN

**TU 11/1 [Marc Galanter, “Why the Haves Come Out Ahead: Speculations on the Limits of Legal Change,” 9 Law & Society Review 95 – 124 and 149 – 151 \[CR\].](#)**

McCann, Haltom, and Bloom, “Java Jive: Genealogy of a Juridical Icon” excerpted in Law in Action: A Socio-Legal Reader (Sociolegal Foundations) [CR].

**TH 11/3 [Law and Strategy in the Divorce Lawyer's Office, Austin Sarat and William L. F. Felstiner](#)  
[Law & Society Review, Vol. 20, No. 1 \(1986\)](#)**

## WEEK EIGHT – SECTIONS MEET

- TU 11/8 !!PAPER IS DUE!! At the start of class**
- TU 11/8 [Goffman on the jury: Real jurors' attention to the "offstage" of trials., Rose, Mary R.; Diamond, Shari Seidman; Baker, Kimberly M., Law and Human Behavior, Vol 34\(4\), Aug 2010, 310-323.](#)**

LOTL

### **Unit V: Why do People Obey the Law?**

- TH 11/10 Theory 1: Deterrence**
- Lawrence Friedman, "The Deterrence Curve," excerpted in [Law in Action: A Socio-Legal Reader](#) (Foundation 2007). [CR]

## WEEK NINE – SECTIONS MEET

- TU 11/15 Theory 2: Conscience/Morality**
- Tittle and Rowe, "[Moral Appeal, Sanction, Threat, and Deviance: An Experimental Test](#)," 20 [Social Problems](#) 488 – 498 (1973) [CR].
- Amy Harmon & John Schwartz, "[Despite Suits, Music File Sharers Shrug Off Guilt and Keep Sharing](#)," [New York Times](#), September 19, 2003 [CR].
- TH 11/17 Theory 3: Legitimacy and Respect for Authority**
- Tom R. Tyler, and E. Allan Lind "Procedural Justice in Law I and II," and Implications from [The Social Psychology of Procedural Justice](#) (1988) pages 61 – 83; 93 – 112; and 217 – 220 [CR]
- [Adam Cohen, "Four Decades after Milgram, We're Still Willing to Inflict Pain," New York Times Dec. 29, 2008. \[CR\]](#)

### **Unit VI: Law in Everyday Lives (emphasis on public places)**

## WEEK TEN

**TU**      **11/22**      Kitty Calavita, “Law in the Everyday, Everywhere,” from Invitation to Law & Society: An Introduction to the Study of Real Law, University of Chicago Press, 2010, pages 30-50

Please listen to the Life of the Law Podcast, “[The Right to Beg](#)”

Laura Beth Nielsen, “[Situating Legal Consciousness: Experiences and Attitudes of Ordinary Citizens about Law and Street Harassment](#),” 34 Law & Society Review 1055 – 1089 (2000).

[Please listen to the Life of the Law, "Block Boss"](#)

[Tracey L Meares, "The Good Cop: Knowing the Difference between Lawful or Effective Policing and Rightful Policing - and why it matters," 54 William and Mary Law Review 1865-1886 \(2013\). \[CR\]](#)

OPTIONAL: Zach Goldhammer, “[The Whole World is Watching Ferguson](#)” The Atlantic, August 20, 2014

**TH**      11/24      THANKSGIVING – NO CLASS

**TH**      12/8      2 pm in class final (90 minutes)