SOCIOLOGY OF LAW
SOCIOLOGY/LEGAL STUDIES/LAW 641 – Spring 2012
University of Wisconsin
William H. Sewell Social Science, RM 5106
Tuesdays and Thursdays, 11:00-12:15

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Phone: 262-4866 (email preferred)

Teaching Assistant
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8144 William H. Sewell Social Science
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Office hours: Mondays, 12-1, Tuesdays 12:30 to 1:30, and by appointment.

COURSE DESCRIPTION
This course examines major theoretical perspectives and social science research on the relationship between law and society. It explores how societal change affects law and legal institutions, how legal change affects society, the roles and institutions of the formal legal system in the United States, and the processes of disputing and legal mobilization. The course will not teach you how to be a lawyer or prepare you for law school. It is designed to expose students to how social scientists study and think about law and legal institutions. The course adopts a “law in action” approach to studying law that focuses on the social, political, economic, and cultural contexts of law rather than a “law on the books” approach that would emphasize a formal or doctrinal approach to understanding law. The course material is appropriate for advanced undergraduates and graduate/law students.

COURSE REQUIREMENTS
Students are expected to: 1) attend and participate in all lectures; 2) attend and actively participate in all section meetings; 3) complete all required readings; 4) complete two midterms and a final exam, on the dates they are administered; 5) complete any exercises, whether written or oral, assigned by the professor or by the teaching assistant in discussion section.

COURSE TEXTS
All readings are required. The textbook is available from the University Bookstore (711 State Street):


Additional readings are available for download through the course learn@UW website.
ASSIGNED READINGS
The schedule and topic of readings appears at the end of this Syllabus. Readings are due on the date of the lecture with which they correspond. All readings are required. Additional readings may be assigned and assigned readings may be omitted in the interest of time, or in response to current events or class interest.

WORKLOAD
This is a four-credit course. The reading load averages 67 pages per week, with some weeks as high as 100 pages. Students are expected to complete all of the reading and to spend roughly ten hours per week outside of class focusing on this material. Students should budget ample time to master the readings, synthesize notes, and review materials regularly.

EXAMS
• The first midterm will be given on February 23 during the regular class period.
• The second midterm will be given on March 29 during the regular class period.
• The final exam is May 15, 2012 from 12:25 to 2:25. The location will be announced.

Out of a concern for fairness to all students, there will be no make-up exams except in the case of documented extreme illness. Please mark your calendar now with the exam times so that you are sure that you can be there. If you cannot, you should not take the course this semester.

Exams will consist of some combination of short answer, multiple choice, and essay questions. The first mid-term exam will cover Unit 1; the second will cover Unit 2 and the first half of Unit 3. The final exam will be comprehensive.

All exams will begin promptly at the beginning of the class or exam period, and will end at the end of the class or exam period. Students who arrive late must still turn their exams in at the end of the class or exam period. Use of cell phones or other internet/data-enabled devices will be prohibited during exams, including for purposes of time keeping. Please make other arrangements.

ATTENDANCE & PARTICIPATION
Attendance of lecture is required. Exams will be based on both lecture and assigned reading materials. You are responsible for all lecture materials and for any announcements made in class, whether or not you are present.

There will be no additional screenings of videos presented during the semester. If you miss class, you should ask a classmate to review their notes from that day.

You are required to attend section meetings; 15% of your grade is based on section attendance and participation. If you must miss class for a prolonged period due to serious illness, you should speak to your TA or to the professor as soon as possible.
LECTURES
For your convenience in taking notes and reviewing course materials, PowerPoint will be used in the lectures. I will upload each week’s PowerPoint slides to Learn@UW after the Thursday lecture. Please note that the PowerPoint slides are only brief outlines of the lectures, so note taking is still very important for you to do well in the exams.

Please do not arrive late to class as it is disruptive both to the instructor and to your classmates. Repeated tardiness will result in a lower grade. Meanwhile, if you must leave early in a class, please speak to the instructor before the lecture to ask for permission. Otherwise please do NOT pack your things or leave the classroom until the lecture is over. If any emergency arises during the lecture, please raise your hand and inform the instructor.

GRADES
Your Final grade will be determined based on the following weights.

- Section Attendance & Participation: 15%
- First Midterm: 20%
- Second Midterm: 30%
- Final Exam: 35%

This is the grading scale employed in the class:
- A = 94-100, AB = 88-93, B = 83-87, BC = 78-82, C = 70-77,
- D = 60-69, F = 59 or below.

OTHER BUSINESS
- If you require alternative arrangements for classes or exams due to a disability or religious observances, please speak with me, or your TA, as soon as possible. I rely on the McBurney Disability Resource Center to determine what reasonable academic accommodations a student may require. Students who request accommodations must master all requirements, skills, knowledge, and academic standards of the course.

- If laptops, cell phones, or other devices prove distracting in class, they will be banned.

**Academic Misconduct**
Naturally, academic misconduct of any sort will not be tolerated. If you have any questions about what constitutes academic misconduct generally, you must consult [http://www.wisc.edu/students/saja/misconduct/UWS14.html](http://www.wisc.edu/students/saja/misconduct/UWS14.html) before proceeding in this course. Also, read the statement on academic misconduct posted on the learn@UW website. You are expected to be familiar with these guidelines before you submit any written work in this course. *Lack of familiarity with these rules in no way constitutes an excuse for acts of misconduct.* Any instance of cheating, plagiarism, or other misconduct will be dealt with strictly according to university policy, and severe penalties will be recommended to the Dean of Students.
READING AND TOPIC SCHEDULE
Note that assignments are subject to change in response to class pace, interest and events. Changes will be announced in lecture. It is your responsibility to keep pace of any changes made. Not all the readings will be covered in lecture. Readings not covered in lecture, however, are still your responsibility, and may appear on exams.

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<th>Week 1</th>
<th>24-Jan</th>
<th>Introduction</th>
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<td>UNIT 1: Theoretical Foundations</td>
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<td>Key Questions:</td>
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<td>What is the relationship between custom and law?</td>
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<td>What is the relationship between social structure and law?</td>
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<td>What is the relationship between power and law?</td>
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<td>Broadly speaking, what is the relationship between law and society?</td>
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<tr>
<th>26-Jan</th>
<th>Cultural models</th>
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<tr>
<td></td>
<td><em>Law in Action</em>, pp. 251-60</td>
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<td>Week 2</td>
<td>31-Jan</td>
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<td><strong>Max Weber</strong></td>
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| 2-Feb |
| **Max Weber II** |
| Law in Action, pp. 162-86 |

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<th>Week 3</th>
<th>7-Feb</th>
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<td><strong>Law and Structure I</strong></td>
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| 9-Feb |
| **Law and Structure II** |
| Week 4  
| 14-Feb | **Conflict Models: Law and Power**  
| 16-Feb | **Conflict Models II**  
| Week 5  
| 21-Feb | **The Origins of the Law & Society Movement**  
REVIEW: *Law in Action*, pp. 186-195 (summary of approaches to society's influence on law)  |
| 23-Feb | **Midterm Exam 1**  |
## UNIT 2: Legal Actors

**Key Questions:**
- What roles do various actors play in the legal system?
- How do those roles diverge from what the formal model would predict?
- How do juries make decisions?

| Week 6 | 28-Feb | **Adversarial Legalism**  
*Law in Action*, pp. 125-140; 652-681 |
| --- | --- | --- |
| 1-Mar | **Judges**  
*Law in Action*, pp. 752-777 |
| Week 7 | 6-Mar | **Juries**  
In Class Video: *Inside the Jury Room* |
| 8-Mar | **Lawyers and the legal profession II**  
*Law in Action*, pp. 789-827 |
### Unit 3: Disputing and Legal Mobilization

#### Key Questions:
- What is the process through which disputes emerge?
- How and why do people mobilize (or not mobilize) the law?
- What are the various modes of dispute resolution?
- How do social advantages and disadvantages matter in dispute resolution?

#### Week 8
**13-Mar**

**Legal Mobilization**  

**15-Mar**

**How the Haves come out Ahead**  

#### Week 9
**20-Mar**

**Legal Consciousness**  

**22-Mar**

**Civil Dispute Resolution**  
*Law in Action*, pp. 75-115

#### Week 10
**27-Mar**

**Criminal Dispute Resolution**  

*Law in Action*, pp. 31-75

**29-Mar**

**Midterm Exam 2**
### Week 11
**10-Apr**

**Bargaining in the Shadow of the Law**  
*Law in Action*, pp. 861-888  


### Week 12
**12-Apr**

**Legal Endogeneity**  

*Law in Action*, pp. 521-528

**17-Apr**

**Why Obey?**  
*Law in Action*, pp. 367-74; 431-466

**19-Apr**

**Legitimacy and Authority**  
*Law in Action*, pp. 486-515

### Key Questions:

**Unit 4: Legal Change**

What is the relationship between social change and legal change?  
How do legal rights matter?  
How valuable are legal rights?  
What is the relationship between power and global law and legal regimes?  
How does law operate beyond the state?
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<th>Week 13</th>
<th>Legal Action</th>
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<td>In-Class Video: <em>The Road to Brown</em></td>
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<th>26-Apr</th>
<th>Limits of Legal Action</th>
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<td><em>Law in Action</em>, pp. 195-213; 541-565</td>
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<th>Week 14</th>
<th>Myth of Rights</th>
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<tr>
<td>1-May</td>
<td><em>Law in Action</em>, pp. 565-614</td>
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<th>3-May</th>
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