

SOCIOLOGY 349

LAW AND SOCIETY

01:920:349:90

SPRING 2023

Instructor

Instructor: PROFESSOR CATHERINE LEE

Email via Canvas

Office hours: Fridays 1:00 – 2:00 p.m. and by appointment

Welcome!

Welcome to Sociology 349! After nearly three years of the pandemic, I know our energy and patience are being tested regularly. I hope that we can all be a little kinder and more understanding as we spend the next several months together. I encourage you to pace yourself and to stick to the schedule as best as you can. I will understand when that may be difficult for you. Likewise, I ask that you be patient with me and your fellow classmates as well. While I do not anticipate the need to make any changes, I will do so if necessary and will provide ample notice.

Please don't hesitate to email me via Canvas with any questions or concerns. I look forward to meeting you!

Course Delivery

This course is mostly asynchronous online. This means that you can access the course materials and submit your work remotely. Apart from occasional live meetings (always recorded, details below), we will not meet "in sync." There are regular course assessments and deadlines. To access the course, please visit <https://canvas.rutgers.edu/>. For more information about course access or support, contact the OIT Help Desk via email at help@oit.rutgers.edu or call 833-OIT-HELP.

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 in teaching 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 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 in law. We'll follow with a few examples of how law can create as well as reflect social change by exploring the battles over abortion and reproductive rights; school desegregation; same-sex marriage, 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 01/17/2023 and ends on 04/28/2023. The last day to drop the course without a "W" grade is 01/26/2023.

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

NOTE: If you are on academic probation, need a particular grade, have a specific goal, or want me to know about any accommodations I can make to help you succeed, please meet with me early in the first two weeks of the course. Similarly, please see me to discuss any concerns, questions, or goals you might have about the assignments as early as possible.

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. Remember, we may all struggle a little bit when we are learning something new. **On average, you are responsible for 50 to 100 pages of reading per week, sometimes more** (range is big because of a book you will read, which you can get through quickly). Please remember that I am available to assist you if you are having difficulties understanding the materials.

Most materials are available online on Canvas. I've tried to keep the cost of materials for the course to zero. Unfortunately, the book by Kitty Calavita is not available online through Rutgers Libraries. You can purchase it through Amazon and other online retailers for under \$20. The book by Jonathan Harr can be found readily at most public libraries. Check to see if your local library has an electronic copy. A scanned e-copy is available through Rutgers Libraries. You can also find inexpensive used copies for under \$5 online.

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.

Technology Requirements

- Baseline technical skills necessary for online courses
- Basic computer and web-browsing skills
- Navigating Canvas

Recommended Equipment

- Computer: current Mac (OS X) or PC (Windows 7 or newer) with high-speed internet
- Webcam: built-in or external webcam
- 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

This is a writing intensive course. Please be aware that 75% of your grade is determined by your work on a semester-long research paper. Below are the required assignments and the percent value of each assignment for determining your course grade. Additional details below.

Assignment	Percent
Exit Tickets (Throughout semester, announced weekly)	5
Two Memos (One in Week 4, 6, or 7 AND One in Week 5 or 8)	20
Final Paper (Details below)	75
Total	100

Assignment Overview

Each week:

- 1) Do the readings
- 2) Attend online lecture or watch the recording and other films or video clips
- 3) Complete exit ticket, submit a memo, or turn in parts of the research paper.

Weekly Readings

- You are responsible for reading all of the assigned materials. I encourage you to read before attending/watching the lecture. However, some of you may prefer to flip the order.

Weekly Lectures and Other Videos and Podcasts

- Each week, I provide lectures, films, video clips, and podcasts that cover the week's topics. View these materials before you begin your assignments. Slides associated with the lecture are available for download each week.
- In some weeks there will be a live online lecture. I will announce them in advance. You are NOT required to attend these lectures. Video recordings will always be available. Live lectures are an opportunity for you to meet me and your classmates.

Exit Tickets

- Most weeks, you'll need to complete a short task after the readings and/or lecture.

Memos

- Submit TWO memos on Canvas Assignments by **Sunday at 11:59 pm in Week 4, 6, OR 7 AND in Week 5 or 8.**
- Memo should be about 800 words/two pages in length. I will provide a prompt for the assignment. Be sure to discuss the course materials in your memo. A detailed grading rubric is available on Canvas.

Research Paper

You will write an eight to ten-page research paper, crafted in four smaller pieces then synthesized into a longer final essay. The two memos you write in the first half of the semester will also help you to put together the final essay. I will provide feedback and support so that you can complete this project. In addition, you will meet with a Rutgers librarian about how to conduct library research (2/13 @ 11 am). I'll provide detailed prompts for each stage of the assignment. A brief description along with due dates are summarized below. **All research paper written assignments are due at 12 pm on the due date.**

Video Shoutout

For assignments #2-5, you will submit a video recording of yourself, describing in your own words what you have written. These recordings are not graded but are required. Additional details will be provided. **Video recordings are due at 1 pm on the due date.**

#	Due	Title	Description	Submit*	Percent**
1	1/30	Topic	Submit your topic for approval. No grade but approval required.	200-400 words with 5 references	NA
2	2/27	Historical Background	What is the social problem? Who or what suffered, was under attack, or still facing discrimination?	800-1000 words	15
3	3/27	Legal History	What is the law? What are the major legislations and/or legal decisions that have tried to address the problem?	800-1000 words	15
4	4/17	Proposed Legal Action/Policy	What can be done to safeguard change? Identify at least one proposed action (legislation, lawsuit, etc.)	800-100 words	15
5	5/08	Final Essay	How is social change possible through law?	3000-4000 words	30

* 400 words is about one double-spaced page, 12-pt Times font.

** Research paper accounts for 75% of the total course grade.

Late Work

All assignments have deadlines. Please do your best to stick to the schedule so that I can provide timely feedback and you can stay on track. Please email me if you are falling behind.

I will grade late assignments with prior approval only and will assess a late penalty when appropriate.

Grading Criteria for Assignments

Detailed rubrics for discussions and writing assignments are available on Canvas.

	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

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

Expectations and Policies

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 Canvas 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, **plan to dedicate approximately 10 hours per week**.
- **Office hours**
I encourage you to see me if you have any questions or concerns. Please email me if you'd like to meet but cannot attend a scheduled office hour.

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 classmates and me 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 course readings and other course materials, list at least the author's name and/or 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 before copying and pasting into a Canvas assignment.

Faculty Feedback and Response Time

I am providing the following information to give you an idea of my intended availability throughout the course. (Remember that you can email help@oit.rutgers.edu or call 833-OIT-HELP if you have a technical problem with Canvas).

Grading and Feedback

For large weekly assignments, you can generally expect feedback within **10 days**.

E-mail

Email me via Canvas. I will reply to messages within **24 hours on school days**.

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](#) and [Code of Student Conduct](#).

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.
- Do not fabricate information or citations in your work.
- Do not use AI text generators.
- 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 me.

Student Support

Academic Support Services

- [Rutgers has Learning Centers](#) on each campus where any student can obtain tutoring and other help.
- Rutgers also has a [Writing Center](#) where students can obtain help with writing skills and assignments.
- Many [Rutgers Library](#) resources are available online. Assistance is available through phone, email, and chat.

Rutgers Health Services

- Rutgers Health Services is dedicated to health for the whole student body, mind, and spirit. For more information, check the [Rutgers Health Services website](#).

Accommodations for Accessibility

Requesting accommodations

Rutgers University welcomes students with disabilities into all the University's educational programs. 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.

Additional Sociology Department Resources

Undergraduate advising hours with Undergraduate Director Prof Jeffrey Dowd

Email: ug-dir@sociology.rutgers.edu

Prof Dowd's Office Hours via [Zoom](#): Thursdays 12:00 – 2:00 p.m.

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.

COURSE SCHEDULE

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 ONLINE Discussion

***** Live Introductory Meeting on Wednesday 1/18 @ 2 pm (Meeting Recorded) *****

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

***** Research Paper #1 (Proposal) DUE Monday 1/30 @ 12 pm *****

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

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*
- **Assignment:** Memo 1 at the end of Week 4, 6, OR 7 – DUE Sunday @ 11:59 pm

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”)
 - ✓ Select news articles
- **Assignment:** Memo 2 at the end of Week 5 OR 8 – DUE Sunday @ 11:59 pm

*** RU Library Research Meeting w/Librarian Triveni Kuchi via Zoom on Monday 2/13 @ 11 am (Meeting Recorded) ***

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”
 - ✓ Select newspaper articles
 - ✓ Video Clip: “Driving While Black”
- **Assignment:** Memo 1 at the end of Week 4, 6, OR 7 – DUE Sunday @ 11:59 pm

*** Research Paper #2 (Historical Background) DUE Monday 2/27 @ 12 pm ***

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*
 - ✓ Select newspaper articles
 - ✓ Film: “Race to Execution”
- **Assignment:** Memo 1 at the end of Week 4, 6, OR 7 – DUE Sunday @ 11:59 pm

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
 - ✓ Select news articles
- **Assignment:** Memo 2 at the end of Week 5 OR 8 – DUE Sunday @ 11:59 pm

III. LAW AND SOCIAL CHANGE**Week 9: March 13-17**

Spring Break!

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
 - ✓ Select news articles

***** Research Paper #3 (Legal History) DUE Monday 3/27 @ 12 pm *****

Week 11: March 27-31

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

- **Readings and Film:**
 - ✓ Ziegler, Mary. (2020) *Abortion and the Law in America: Roe v Wade to the Present*, select chapters.
 - ✓ Select news articles
 - ✓ Film: "The Last Abortion Clinic"

Weeks 12: April 3-7

How does law support or reflect cohesion? Law and social change: school desegregation and same-sex marriage

- **Readings:**
 - ✓ John Sutton (2000) *Law/Society*, pp. 163-69; 174-84
 - ✓ Select news articles

Week 13: April 10-14

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

- **Readings:**
 - ✓ John Sutton (2000) *Law/Society*, pp. 169-74
 - ✓ Select news articles

***** Research Paper #4 (Policy Proposal) DUE Monday 4/17 @ 12 pm *****

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*
 - ✓ Select news articles

Week 15: April 24-28*Conclusion*

- **Readings:**
 - ✓ Select news articles

***** Research Paper #5 (Final Essay) DUE Monday 5/08 @ 12 pm *****