

Sociology of Law

Sociology 641, Fall 2010

Time: 9:30-10:45am, Tuesday/Thursday

Location: Social Sciences 5106

Instructor: Professor Sida Liu

Office: 3460 Sewell Social Sciences

Office Hours: 11:00am-12:00pm, Tuesday/Thursday

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COURSE DESCRIPTION

This course introduces the major theories and empirical studies on various aspects of law through the lens of social science. It is not a class for you to get prepared for law school. Instead, it might weaken your beliefs in the law by showing you how it works in the real world – that is what socio-legal scholars call “law in action.” “Law in action” is different from “law on the books” in that it emphasizes the social, political, cultural, and historical *contexts* of law rather than legal doctrines, statutes, or judicial decisions. It is those contexts that constitute the core elements of this course.

The course material is appropriate for both advanced undergraduates and graduate/law students, although the expectations in reading and exams will be somewhat higher for the latter than for the former. We begin by introducing the classical and contemporary theories of the sociology of law and then proceed to various themes of “law in action,” including the structure of the legal system, legal change, legal actors, legal consciousness, legal culture, the implementation of law, and the globalization of law.

REQUIREMENTS

The course is designed as a combination of lectures and section meetings. Careful reading before lectures and active participation in section meetings are both important. Please communicate with the instructor and/or the teaching assistant if you become ill or emergencies arise so that we will be aware of your circumstances. Reading and class participation account for 10% of the final grade.

An in-class mid-term exam is scheduled on **October 19, 2010 (Tuesday)**. 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 can ensure your attendance. If you cannot attend the mid-term, you should not take the course this semester. The mid-term accounts for 40% of your final grade. The final exam is scheduled at **10:05am – 12:05pm on December 17, 2010 (Friday)**. It accounts for 50% of your final grade.

Both exams consist of some combination of multiple choices, short explanation of concepts and essay questions. 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.

READINGS

The course has only one (big!) textbook (*Law in Action: A Socio-Legal Reader*), which is available for purchase at the University Bookstore. You are required to get the book if you take this course.

Stewart Macaulay, Lawrence Friedman, and Elizabeth Mertz. 2007. *Law in Action: A Socio-Legal Reader*. New York: Foundation Press.

All the other readings are available in electronic format at Learn@UW. After logging in to the course website, please click on the “Content” button at the upper-left corner of the webpage. All the readings are in PDF format under the “Readings” folder. Please note that the electronic readings are NOT optional and they will be tested in both the mid-term and the final together with the textbook. Due to the limited amount of readings outside the textbook, no paper-based course reader will be provided for this class, but you are welcome to print out the electronic readings at any time.

You are expected to do the readings BEFORE every class as lectures will be based on the assumption that you have completed the assigned readings. Lack of reading is likely to generate serious difficulties in understanding the lectures and to cause major problems for you in the exams.

LECTURES

For your convenience in taking notes and reviewing course materials, PowerPoint will be used in the lectures. The instructor 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.

Attendance of lectures is crucial in the sense that 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. If you miss a class, you should ask a classmate to review their notes from that day. Similarly, you are required to attend section meetings. If you have to miss classes for a prolonged period due to serious illness, you should speak to the teaching assistant or the instructor as soon as possible.

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.

OFFICE HOURS

The instructor's office hours are 11:00am-12:00pm on Tuesdays and Thursdays. The teaching assistant's office hours are 11:00am-1:00pm on Wednesdays. You should contact the teaching assistant first with questions about course logistics, but please feel free to come by during the instructor's office hours to discuss course issues, career questions, or anything else. If you cannot come to the regular office hours due to conflicts of schedule, please email to make an appointment and find another time to meet.

ACCOMMODATIONS

Students with particular needs that might affect participation, coursework, or examination environment should inform the instructor and the teaching assistant about those needs within the first three weeks of the semester so we reasonably can accommodate those needs properly. The instructor relies 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. Students who request relief for religious observances also should notify the instructor and the teaching assistant within the first three weeks of the semester.

READING SCHEDULE

Week 1: Course Introduction

September 2 (Thursday)

Course introduction – no reading.

Week 2: Classical Theories of Law and Society

September 7 (Tuesday)

Montesquieu. [1748] 1989. *The Spirit of the Laws*, ed. A. M. Cohler, B. C. Miller, and H. S. Stone. Cambridge and New York: Cambridge University Press. (pp. 3-71, 112-128)

September 9 (Thursday)

“Max Weber on Law in Economy and Society.” *Law in Action*, pp. 161-186. (Chapter 3, III)

Week 3: Contemporary Theories of Law and Society

September 14 (Tuesday)

Bourdieu, Pierre. 1987. “The Force of Law: Toward a Sociology of the Juridical Field.” *The Hastings Law Journal* 38: 805-853.

September 16 (Thursday)

Luhmann, Niklas. 2004. *Law as a Social System*, trans. K. A. Ziegert, ed. F. Kastner, R. Nobles, D. Schiff, and R. Ziegert. Oxford: Oxford University Press. (pp. 76-141)

Week 4: The Formal Legal System in Operation

September 21 (Tuesday)

Law in Action, pp. 31-100. (Chapter 2, III, A-C)

September 23 (Thursday)

Law in Action, pp. 100-141. (Chapter 2, III, D-F, IV, V)

Week 5: The Structure of the Legal System

September 28 (Tuesday)

Law in Action, pp. 651-686. (Chapter 5, I, II, A-B)

September 30 (Thursday)

Law in Action, pp. 686-728. (Chapter 5, II, C, read (5.4) and (5.6) only)

Week 6: Legal Change: General Theories

October 5 (Tuesday)

Law in Action, pp. 186-195. (Chapter 3, IV, A, 1)

Halliday, Terence C., and Bruce G. Carruthers. 2007. “The Recursivity of Law: Global Norm-Making and National Law-Making in the Globalization of Corporate Insolvency Regimes.” *American Journal of Sociology* 111: 1135-1202. (read pp. 1138-1153 only)

October 7 (Thursday)

Law in Action, pp. 213-285. (Chapter 3, IV, A, 2-4, B, read (3.4), (3.5), (3.9) and (3.10) only)

Week 7: Legal Change: Case Studies

October 12 (Tuesday)

Law in Action, pp. 285-365. (Chapter 3, V, read (3.11) and (3.13) only)

October 14 (Thursday)

In-class video: *The Road to Brown*

Week 8: Legal Actors: Judges

October 19 (Tuesday) – MIDTERM EXAM

In-class midterm exam – no reading.

October 21 (Thursday)

Law in Action, pp. 729-777. (Chapter 5, III, A, read (5.8) and (5.9) only)

Silbey, Susan S. 1981. "Making Sense of the Lower Courts." *The Justice System Journal* 6: 13-27.

Week 9: Legal Actors: Lawyers

October 26 (Tuesday)

Law in Action, pp. 789-827. (Chapter 5, III, B, 1)

October 28 (Thursday)

Law in Action, pp. 827-857, 921-947. (Chapter 5, III, B, 2-3, read (5.12) and (5.15) only)

Week 10: Legal Consciousness

November 2 (Tuesday)

Ewick, Patricia, and Susan S. Silbey. 1998. *The Common Place of Law: Stories from Everyday Life*. Chicago: University of Chicago Press. (pp. 15-53)

November 4 (Thursday)

Merry, Sally E. 1990. *Getting Justice and Getting Even: Legal Consciousness among Working-Class Americans*. Chicago: University of Chicago Press. (pp. 110-133)

Silbey, Susan S. 2005. "After Legal Consciousness." *Annual Review of Law and Social Science* 1: 323-368.

Week 11: Obeying the Law

November 9 (Tuesday)

Law in Action, pp. 367-466. (Chapter 4, I, II, A-B, read (4.1), (4.2), (4.3) and (4.6) only)

November 11 (Thursday)

Law in Action, pp. 466-520. (Chapter 4, II, C)

Week 12: Implementing the Law

November 16 (Tuesday)

Felstiner, William, Richard Abel, and Austin Sarat. 1981. "The Emergence and Transformation of Disputes: Naming, Blaming, and Claiming..." *Law & Society Review* 15: 631-654.

Law in Action, pp. 520-565. (Chapter 4, III, A-C)

November 18 (Thursday)

Law in Action, pp. 565-650. (Chapter 4, III, D-E, read (4.15) and (4.17) only)

Week 13: Legal Pluralism

November 23 (Tuesday)

Merry, Sally E. 1988. "Legal Pluralism." *Law & Society Review* 22: 869-896.

November 25 (Thursday) – THANKSGIVING, NO CLASS

Thanksgiving holiday – no reading.

Week 14: Law, Culture, and History

November 30 (Tuesday)

Law in Action, pp. 949-985. (Chapter 6, I-III, skip (6.1))

December 2 (Thursday)

Law in Action, pp. 985-1019. (Chapter 6, IV-V, skip (6.4))

Week 15: Law and Globalization

December 7 (Tuesday)

Halliday, Terence C., and Pavel Osinsky. 2006. "Globalization of Law." *Annual Review of Sociology* 32: 447-470.

December 9 (Thursday)

Dezalay, Yves, and Bryant Garth. 2002. *The Internationalization of Palace Wars: Lawyers, Economists and the Transformation of Latin-American States*. Chicago: University of Chicago Press. (pp. 198-219)

Liu, Sida. 2008. "Globalization as Boundary-Blurring: International and Local Law Firms in China's Corporate Law Market." *Law & Society Review* 42: 771-804.

Week 16: Course Review

December 14 (Tuesday)

Law in Action, pp. 1-30. (Chapter 1; Chapter 2, I and II)

----- **Final Exam: 10:05am – 12:05pm, December 17, 2010 (Friday)** -----