|  |  |
| --- | --- |
| SOC/CJS 321 Law, Society and Social Science | Cliff Donn  |
| Fall 2019 | Office R-415 Ext. 4467  |
| web.lemoyne.edu/~donn/class/soc321/soc321.htm | E-mail donn@lemoyne.edu |

TOPICS: This course will deal with issues related to the law, legal systems and legal practitioners.  The material presented presumes you have had some social science coursework, either SOC 101, CJS 101 or another course (approved by the instructor) that provides a background in the methodology of social science and a course in statistics. It will be a significant advantage if you have had a course in research methods such as SOC/CJS 201.

SOURCES: The textbook in this course will be The Law & Society Reader II, (2014) edited by Erik Larson and Patrick Schmidt (referenced on the reading list below as LS). A variety of other readings will be required. Most of these will be on reserve at the Falcone library but a few may be provided in class or linked to the course web page.

REQUIREMENTS: Course requirements are discussed in detail on the course home page and all changes will be noted there. The syllabus and the course home page are the official sources of all information regarding course requirements and students are required to be familiar with the policies stated in those.

All students will take a comprehensive final examination during the exam week. There will be a quiz on the text book reading material for each topic and an extra credit “quiz” on the non-text book reading material several times as well. There will also be a simulated Supreme Court case presentation (which is explained in greater detail on the course web page).  Finally, each student will maintain a journal to record news stories and features in the media about law and legal issues.  The journals will be collected four times during the semester.  Part of each class period in which the journals are collected will be devoted to students presenting journal entries in class and explaining how they relate to the concepts studied in the course. For details on the journal assignment and what is expected, see the link on the course home page.

**You must complete all assigned work on time in order to receive a passing grade in the course**. Unless otherwise noted, all assignments are due at the beginning of the class period when due. Assignments submitted even a few moments later will not be accepted for credit under any circumstances but they still must be submitted or you cannot pass the course.

Regular class attendance and participation in class discussion are expected. Students who attend class and are prepared for discussion on a daily basis can expect these facts to be reflected in their grades. The inverse is also true.  You should only take this class if you expect to be able to attend all of the class sessions.  You should expect that missing more than one session for any reason will have a negative impact on your grade. Therefore students should not make nonemergency appointments of any kind that require them to miss all or part of a class period. In particular, students are not permitted to leave early or return late from Columbus Day weekend or Thanksgiving Break.

**Cell phones (and other electronic devices) must be turned off during class (not set to vibrate)**. Students are not allowed to leave class to receive or make phone calls or text messages during class. If you anticipate an emergency telephone call on some particular day that necessitates your leaving your phone on, tell the instructor before class begins.

If you have a documented disability and wish to seek accommodation, please contact the instructor about that matter during the first two weeks of the semester.

STUDENT LEARNING OBJECTIVES: Upon successful completion of the course, the CJS/SOC 321 student will be able to:

         Use terminology and vocabulary related to law and to legal issues

         Be able to articulate and explain different sides of debates and controversies related to law as well as to articulate her/his own position and explain the empirical bases for the various positions

         Locate data and information relevant to understanding and explaining legal issues and the controversies surrounding them

GRADING: The grading scale used for all assignments in this class will be as indicated in the table below. "Plus" grades are used but "minus" grades are not normally assigned in this class. Grades are not curved and therefore there is no fixed percentage of students who will achieve any particular grade on any specific assignment or for the course as a whole.

|  |  |
| --- | --- |
| Percentage of Total Available Points | Letter Grade Equivalent Range |
| 80 and above | A |
| 70-79.5 | B |
| 60-69.5 | C |
| 55-59.5 | D |
| 54.5 and below | F |

CLASS SCHEDULE: Please use this schedule to plan your reading which should be done before the relevant class.

|  |  |
| --- | --- |
| Course Topics | Dates |
|   |   |
| 1. Introduction | Aug 27,29, Sep 3 |
| 2. Nature of Law and Legal Systems  | Sep 5,10 |
| 3. Theoretical Perspectives on Legal Systems  | Sep 12,17 |
| 4. Organization of the Law  | Sep 19,24 |
| 5. How Law is Made  | Sep 26, Oct 1,3  |
| 6. Law and Social Control  | Oct 8,10 |
| 7. Law and Dispute Resolution  | Oct 17,22 |
| 8. Law and Social Change  | Oct 24,29,31  |
| 9. Attorneys and the Legal System  | Nov 5,7 |
| 10. Researching Law in Society  | Nov 12 |
| 11. Summary and Conclusions | Dec 3,5 |

CLASS ACTIVITIES

|  |  |
| --- | --- |
| Activities | Dates |
|   |   |
| Journals | Sep 17, Oct 10, 29 , Nov 12 |
| Quizzes | Sep 5,12,19,26, Oct 8,17,24, Nov 5,12 |
| Case Presentations  | Nov 14,19,21,26 |
| Final Examination  | Monday, December 9, 2019, 9:00-11:30 a.m.  |

EXPECTATIONS:

WHAT I EXPECT FROM YOU

I expect that you will come to class each day on time, having done the reading assignment and prepared to participate by asking and answering questions and by expressing your opinions. I expect that you will ask questions about anything you don't understand. I expect that assignments will be done and turned in on time and that they will reflect the best work you can do. I expect that you will contact me if you are having any problems in the course or if you are having personal problems which may affect your performance in the course. Overall, I expect you to work hard at getting the most out of this course that you possibly can. In accordance with the policies of the New York State Department of Education which accredits Le Moyne College, you can expect to be assigned two to three hours of outside work for each hour of class time in the course.

Regular attendance and class discussion are an integral part of this course. If you unavoidably have to miss a class you should make sure that you get the class material from your classmates.

WHAT YOU CAN EXPECT FROM ME

You can expect that I shall come to class on time each day having thought about and prepared the material. You can expect that I shall answer your questions to the best of my ability and that your opinions will be heard with respect. You can expect that your assignments and exams will be graded carefully and returned in a timely manner and that you will be given an explanation of why you receive the grades you receive. You can expect that I shall make time to see you if you need to see me and that I shall keep regular office hours.

WHAT WE SHOULD EXPECT FROM EACH OTHER

A serious commitment to learning and a serious effort toward that end.

READING LIST

1. **Introduction**

         Read the United States Constitution

2. **Nature of Law and Legal Systems**

     Albiston, “The Rule of Law and the Litigation Process: The Paradox of Losing by Winning,” LS

         Mertz, “A New Social Constructionism for Sociolegal Studies,” LS

         Toobin, “The Solace of Oblivion: In Europe the Right to be Forgotten Trumps the Internet,” The New Yorker, September 29, 2014

**Optional**:

         Donohue and Wolfers, "The Death Penalty: No Evidence for Deterrence," The Economists' Voice, April 2006

         Robinson, Darley & Carlsmith, "The Ex Ante Function of the Criminal Law," Law and Society Review, V.35, 2001

        Frohmann, “Convictability and Discordant Locales: Reproducing Race, Class and Gender Ideology in Prosecutorial Decisionmaking,” LS

3. **Theoretical Perspectives on Legal Systems**

         Beckett and Hoffman, “Challenging Medicine: Law, Resistance, and the Cultural Politics of Childbirth,” LS

        Calavita, “Blue Jeans, Rape, and the ‘De-Constitutive’ Power of Law,” LS

         Donohue, "Allocating Resources among Prisons and Social Programs in the Battle Against Crime," The Journal of Legal Studies, V.27, n.1, January 1998

**Optional**:

         Roth, "Workers' Rights in the United States," Perspectives on Work, V.5 n.1

        Obasogie, “Do Blind People See Race? Social, Legal and Theoretical Considerations,” LS

4. **Organization of the Law**

         Grossman, Kritzer and Macaulay, “Do the ‘Haves’ Still Come Out Ahead?” LS

        Zackin, “Popular Constitutionalism’s Hard When You’re Not Very Popular: Why the ACLU Turned to the Courts,” LS

         Hay, Schleifer and Vishny, "Toward a Theory of Legal Reform," Harvard University, August 1995

**Optional**:

         Stigler, "The Sizes of Legislatures," Journal of Legal Studies, V.5, n.1, January 1976

        Talesh, “The Privatization of Public Legal Rights: How Manufacturers Construct the Meaning of Consumer Law,” LS

5. **How Law is Made**

         Grattet and Jenness, “The Reconstitution of Law in Local Settings: Agency Discretion, Ambiguity, and a Surplus of Law in Policing of Hate Crimes,” LS

        Sohoni, “Unsuitable Suitors: Anti-Miscegenation Laws, Naturalization Laws, and the Construction of Asian Identities,” LS

         Aviv, “A Reporter at Large: The Takeover – Senior Citizens Are Losing Their Assets and Their Autonomy to a Hidden System,” The New Yorker, October 9, 2017

**Optional**:

         Autor, Donohue, and Schwab, "The Cost of Wrongful-Discharge Laws," The Review of Economics and Statistics, V.88, n.2, May 2006

         Ponzetto and Fernandez, "Case Law versus Statute Law: An Evolutionary Comparison," Journal of Legal Studies, V.37, n.2, June 2008

         Saffer and Grossman, "Beer Taxes, the Legal Drinking Age, and Youth Motor Vehicle Fatalities," Journal of Legal Studies, V.16, n.2, June 1987

        Boyle and Preves, “National Politics as International Process: The Case of Anti-Female Genital Cutting Laws,” LS

6. **Law and Social Control**

         Parker, “The ‘Compliance’ Trap: The Moral Message in Responsive Regulatory Enforcement,” LS

        Tyler and Boeckmann, “Three Strikes and You Are Out, but Why? The Psychology of Public Support for Punishing Rule Breakers,” LS

         Toobin, "Death in Georgia: The High Price of Trying to Save an Infamous Killer's Life," The New Yorker, February 4, 2008

**Optional**:

         Vasi and Strang, "Civil Liberty in America: The Diffusion of Municipal Bill of Rights Resolutions after the Passage of the USA PATRIOT ACT," American Journal of Sociology, V.114, n.6, May 2009

         Owens, "More Time, Less Crime?" Estimating the Incapacitative Effect of Sentence Enhancements," The Journal of Law and Economics, V.52, n.3, August 2009

         Harel and Klement, "The Economics of Stigma: Why More Detection of Crime May Result in Less Stigmatization," Journal of Legal Studies, V. 36, n.2, June 2007

         Donohue, "Did Miranda Diminish Police Effectiveness?" Stanford Law Review, V.50, n.4, April 1998

         Brinig, Jogerst, Daly, Schmuch, & Dawson, "Elder Abuse Law," Journal of Legal Studies, V.33, 2004

         Sherman, Smith, Schmidt & Rogan, "Crime, Punishment, and Stake in Conformity: Legal and Informal Control of Domestic Violence," American Sociological Review, V.57, n.5, October 1992

         Grattet, Jenness & Curry, "The Homogenization and Differentiation of Hate Crime Law in the United States, 1978 to 1995: Innovation and Diffusion in the Criminalization of Bigotry," American Sociological Review, V.63, n.2, April 1998

        Edelman, Erlanger and Lande, “Internal Dispute Resolution: The Transformation of Civil Rights in the Workplace,” LS

        Marshall, “Idle Rights: Employees’ Rights Consciousness and the Construction of Sexual Harassment Policies,” LS

        Heimer, “Competing Institutions: Law, Medicine and Family in Neonatal Intensive Care,” LS

        Merry, “Rights, Religion, and Community: Approaches to Violence against Women in the Context of Globalization,” LS

7. **Law and Dispute Resolution**

         Coglianese, “Litigating within Relationships: Disputes and Disturbance in the Regulatory Process,” LS

         Hadfield, “Framing the Choice between Cash and the Courthouse: Experiences with the 9/11 Victim Compensation Fund,” LS

         Hebdon and Stern, "Do Public Sector Strike Bans Really Prevent Conflict," Industrial Relations, July 2003

**Optional**:

         Kelly and Ramsey, "Assessing and Communicating Social Science Information in Family and Child Judicial Settings: Standards for Judges and Allied Professionals," in Family Court Review, V.45, n.1, January 2007

         Wilkinson-Ryan and Baron, "The Effect of Conflicting Moral and Legal Rules on Bargaining Behavior: The Case of No-Fault Divorce," Journal of Legal Studies, V.37, n.1, January 2008

         Donohue and Ho, "The Impact of Damage Caps on Malpractice Claims: Randomization Inference with Difference-in-Differences," Journal of Empirical Legal Studies, V.4, n.1, March 2007

         Mechoulan, "Divorce Laws and the Structure of the American Family," Journal of Legal Studies, V. 35, 2006

         Spier, "The Dynamics of Pretrial Negotiation," The Review of Economic Studies, V.59, n.1, January 1992

         Donn - "Alternative Impasse Procedures in the Public Sector," Labor Law Journal, August 1981

         McEwen, Laumann, Nelson and Michelson, “Lawyers, Mediation, and the Management of Divorce Practice,” LS

         Lovell, “Justice Excused: The Deployment of Law in Everyday Political Encounters,” LS

         Dezalay and Garth, “Merchants of Law as Moral Entrepreneurs: Constructing International Justice from the Competition for Transnational Business Disputes,” LS

8. **Law and Social Change**

         Keck, “Beyond Backlash: Assessing the Impact of Judicial Decisions on LGBT Rights,” LS

         Nielson, “Situating Legal Consciousness: Experiences and Attitudes of Ordinary Citizens about Law and Street Harassment,” LS

         Donohue and Levitt, "The Impact of Race on Policing and Arrests," Journal of Law and Economics, V.44, n.2, October 2001

**Optional**:

         Jacobs and Tope, "The Politics of Resentment in the Post-Civil Rights Era: Minority Threat, Homicide, and Ideological Voting in Congress," American Journal of Sociology, V.112, n.5, March 2007

         Edelman, "Legal Ambiguity and Symbolic Structures: Organizational Mediation of Civil Rights Law," The American Journal of Sociology, V.97, n.6, May 1992

       Kagan, Thornton, and Gunningham, “Explaining Corporate Environmental Performance: Does Regulation Matter?” LS

         Seron, Van Ryzin, Frankel, and Kovath, “The Impact of Legal Counsel on Outcomes for Poor Tenants in New York City’s Housing Court: Results of a Randomized Experiment,” LS

         Gibson, “Truth, Reconciliation, and the Creation of a Human Rights Culture in South Africa,” LS

         Kirkland, “Think of a Hippopotamus: Rights Consciousness in the Fat Acceptance Movement,” LS

         Steinman, “Legitimizing American Indian Sovereignty: Mobilizing the Constitutive Power of Law through Institutional Entrepreneurship,” LS

9. **Attorneys and the Legal System**

         Dinovitzer and Garth, “Lawyer Satisfaction in the Process of Structuring Legal Careers,” LS

         Heinz, Laumann, Nelson, and Michelson, “The Changing Character of Lawyers’ Work: Chicago 1975-1995,” LS

         Blumberg, "The Practice of Law as Confidence Game: Organizational Cooptation of a Profession, Law and Society Review, V.1, n.2, June 1967

**Optional**:

         King, Johnson and McGeever, "Demography of the Legal Profession and Racial Disparities in Sentencing," Law & Society Review, V.44, n.1, March 2010

         Chiang, "Revisiting the Debate over Attorney's Contingent Fees: A Behavioral Analysis," Journal of Legal Studies, V.39, n.1, January 2010

         Tiller and Smith, "The Strategy of Judging: Evidence from Administrative Law," Journal of Legal Studies, V.31, January 2002

         Hajjar, “Cause Lawyering in Transnational Perspective: National Conflict and Humane Rights in Israel/Palestine,” LS

10. **Researching Law in Society**

        Garth and Sterling, “From Legal Realism to Law and Society: Shaping Law for the Last Stages of the Social Activist State,” LS

         Moran, “What Counts as Knowledge? A Reflection on Race, Social Science and the Law,” LS

**Optional**:

         Landes and Posner, "The Economics of Presidential Pardons and Commutations," Journal of Legal Studies, V.38, n.1, January 2009

         Lott and Mustard, "Crime, Deterrence and the Right-to-Carry Concealed Handguns," Journal of Legal Studies, V.26, n.1, 1997

         Black and Nagin, "Do Right-to-Carry Laws Deter Violent Crime," Journal of Legal Studies, V.27, n.1, January 1998

11. **Summary and Conclusions**

         Donohue, "The Final Bullet in the Body of the 'More Guns, Less Crime' Hypothesis," Criminology and Public Policy, V.2, n.3, July 2003