Sociology of Law

Sociology 3568-090   Fall Semester 2010

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Consultation: By Appointment

Course Description
A dominant theme among many sociologists, jurists, and philosophers is that a primary function of law is to bring about social change. To this end, sociology of law will be explored through both historic and modern perspectives emphasizing the contributions of theorists such as Durkheim, Marx, Weber, Aquinas, Rousseau, Hobbs, Hart, Rawls, and Dworkin. Specific issues to be addressed by the course include: (1) the evolution, functions, and forms of social control, (2) forms of legal thought as they relate to contemporary social and political order, (3) conditions that give rise to forms of social control and the staff of specialists that are its promoters, and (4) the degree of freedom and coercion existing in the form of law. Sociological conditions that give rise to major legal developments will be explored through key appellate and supreme courts cases. An additional emphasis of the course will be to investigate what role sociology and other social sciences should play in the process of making new laws and abolishing obsolete ones.
At the conclusion of the course the student should be able to:
  • Understand the focus of the sociology of law as distinguished from other areas of sociology
  • Explain the contributions made by specific classical and contemporary theorists to the study of the sociology of law.
  • Articulate how sociology influences case law and legal developments
  • Critically evaluate what role sociology and other social sciences should play to the judicial system

Class Format
The format of the class is based on an “online” learning style format. Course content includes assigned readings in the text and journal article on E-Reserve. Course material will be supplemented by online discussions and assignments.

Required Text
Friedrich D., Law in Our Lives: An Introduction 2 Ed; Oxford University Press

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1. INTRODUCTION
Making Sense of Law
Images of Law
The Celebration of Law
The Critique of Law
2. LAW: ITS MEANING AND LOGIC
The Orders of Law and Social Control
Universal Law
International Law and Regional Law
Federal Law
State Law
Local Law
Organizational Law
Community Law
Specific Definitions of Law
Origins of Law
Value/Consensus
Rational/Contract
Power/Coercion
Models of Law
Fundamental Dimensions of Law
Political Dimensions of Law
Dimensions of Legal Systems
Legal Reasoning
Constitutions and Constitutional Interpretation
Judicial Restraint
Judicial Interpretation
Judicial Activism
Philosophy Versus Action
Stare Decisis and the Rule of Precedent
Judicial Decision Making and Interpretation, in Sum

3. LAW, JUSTICE, AND THE MORAL ORDER
Justice and Law
Individual Justice and Social Justice
Procedural Justice and Substantive Justice
Justice and the Criminal Justice System
Law, Violence, and Justice
Law and Morality
Legalism, Morality, and Responsibility
Law and Morality: Philosophical Dimensions
Law and Morality in American History
Prohibition of Alcohol
Recent Controversies
Law and Religion
Conflicts
Doctrine Declaring Separation of Church and State
Contemporary Issues
Law and Interests

4. JURISPRUDENCE AND THE STUDY OF LAW
Jurisprudence
Schools of Jurisprudence
Traditional Schools of Jurisprudence
Natural Law
Legal Positivism
Historical/Cultural Jurisprudence
Utilitarianism
Sociological Jurisprudence
Legal Realism
Process Theory
Contemporary Schools of Jurisprudence
Law and Economics
Interpretive Jurisprudence
Critical Legal Studies
Critical Race Theory
Feminist Jurisprudence
Narrative Jurisprudence
Postmodern Jurisprudence

5. THE LAW AND SOCIETY MOVEMENT
Disciplines Contributing to the Law and Society Movement
Philosophy
Political Science
Economics
Psychology
The Origins of a Sociolegal Perspective
The Classical Greek Philosophers
European Social Philosophers
Founding Fathers of Sociology
Jurisprudential, Historical, and Anthropological Influences on Sociolegal Scholarship
The Sociology of Law and the
Law and Society Movement
A Positivist Approach
A Normative Approach
An Ideological Approach
Empirical Research and the Sociology of Law
Topics of Research
Status Differences
Acquiring Attitudes About Law
Rules of Law Versus Actual Practices
The Legal Profession
Comparative Studies

6. COMPARATIVE AND HISTORICAL PERSPECTIVES ON LAW AND SOCIETY
The Anthropological Perspective on Law
Indigenous Peoples and the Law:
The Case of American Indians
Indian Law
Taking Land and the Law
Tribal Sovereignty
The Comparative Perspective on Law
Civil Law
Common Law
Socialist Law
Sacred Law
The Historical Perspective on Law
Principal Influences on American Law
Slavery and the African-American Experience of Law
The Contextual Perspective on Law

7. THE LEGAL PROFESSION
A Brief History of the Legal Profession
Lawyers in America
Twentieth-Century Lawyers
The ABA
What Contemporary Lawyers Do
Lawyers' Ideological Orientations, and Pro Bono Work
A Comparative Perspective on the Legal Profession
The Stratification of the Bar and the Organization of Legal Practice
Strata
Organization
Lawyer-Client Relationships
Public Defenders and Appointed Counsel for Indigents
Women in the Legal Profession
Jobs and Money
Cultural Values and Styles
Work and Family
Legal Ethics
Law School Offerings
Conflicts of Interest
Adversarial Issues
Representing Social Pariahs
Counselor or Co-Offender?
Lying and Perjury
Other Ethical Issues
Disciplining Wrongdoers
Legal Education
Recent Changes
Critiques of Legal Education
The Critique of the Legal Profession
The Legal Profession in the Twenty-First Century

8. LEGAL INSTITUTIONS AND PROCESSES: AN OVERVIEW
Law and the Criminal Justice System
Defining Crime
The Police
The Courts
The Correctional System
Law and the Juvenile Justice System
Children's Character
Establishment of Juvenile Courts
Extension of Due Process Rights
Cycles of Harshness and Lenience
9. LEGAL CULTURE AND LEGAL BEHAVIOR
Legal Culture
American Legal Culture
American Legal Subcultures
Internal Legal Culture
Law, Community, and Identity
Law as Product: The Making of Laws
Public Demand and Moral Entrepreneurs
Lobbies
Judges and the Executive Branch
Law as Communication
Language and Ideology
Semiotics
The Media
Legal Narratives
Legal Socialization
Legal Behavior: Compliance and Discretion
Conformity
Obeying Evil Orders
Deterrence
Legitimation of the Legal System
Legitimating Law: The Case of South Africa

10. LAW IN FLUX: LAW AND SOCIAL CHANGE
Law As an Object of Social Change
Law as an Instrument of Social Change
Legal Reforms and Their Impact
Law and the Environment
Labor Law
Civil Rights Law
Women's Rights and the Equal Rights Amendment
Equal Opportunity and Affirmative Action
Domestic Violence and Child Abuse
Rape Law
Homosexuality and the Rights of Gay People
Victimless Crimes
Basic Trends in Law and Social Change in America
Regulatory Law
Due Process
Entitlements and Rights
Grading
The final grade will be based on three exams, online class assignments, and participation in online class discussions. Grading Scale: A (100-93) A- (92-90) B+ (89-87) B (86-83) B- (82-80) C+ (79-77) C (76-73) C- (72-70) D+ (69-67) D (66-63) D- (62-60) E (<60)

Lecture Topics

The Sources and Nature of Legal Authority

Sociology of Law, Sociology of Jurisprudence, and Philosophy of Law: A Comparison

The Legal system from a Marxian Perspective: The Rich Get Richer and the Poor Get Prison

Corporate Liability: The Case of the Exploding Ford Pinto

The Incarceration Binge: Forty Years of a Failed Policy


How Dangerous are Sex Offenders?

Tales from the Innocence Project: Death Row Offenders that were Exonerated

What’s Science Got to do with it? What Role Should Science Play in Supreme Court Decisions

Sociology of Law in the Twenty-First Century

Readings


**Special Accommodations**
I accordance with the American Disabilities Act (ADA), persons with disabilities requiring special accommodations to meet the expectations of the course are encouraged to bring this to the attention of the instructor as soon as possible. Written documentation of the disability should be submitted during the first week of the quarter along with the request for special accommodations. Contact the Center for Disabled Student Services (160 Union, 1-5020) to facilitate requests.

**Academic Honesty**
Unfortunately, academic dishonesty has become a serious problem on many campuses. The purpose for including the following statement is to prevent any misunderstanding about what constitutes academic dishonesty and what consequences will result if it is detected.
Academic honesty is expected. An act of academic dishonesty will result in a failing course grade of “E” and may result in a recommendation of additional disciplinary action. (The University of Utah Student Code provides for these sanctions and provides appeal rights.)

1. Cheating (as defined in Article XI of the Student Code) generally includes the giving or receiving of any unauthorized assistance on any academic work.
2. Plagiarism, as defined in Article XI of the Student Code, is “the appropriation of any other person’s work and the unacknowledged incorporation of that work in one’s own work offered for credit.”
3. Falsification. Any untrue statement, either oral or written, concerning one’s own academic work or the academic work of another student, or the unauthorized alteration of any academic record.
4. Original work. Unless specifically authorized by the instructor, all academic work undertaken in this course must be original. Work that has been submitted in a prior or existing course may not be submitted in a course being taken concurrently.