

Sociology of Law

Sociology 3568-001 Fall Semester 2012

Professor: Larry L. Bench Ph.D.
Day and Time: Tuesday - Thursday 10:45 -12:05 P.M.
Location: Behavior Science 116
Office: 313 BEH
Email: lbench@utah.edu
Phone: 801 831-5111
Consultation: Before/After Class and 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 in the judicial system

Class Format

Course material will be presented through lectures by the instructor, online lectures, assigned readings from the text and supplemental readings on E-reserve. Students will be expected to attend class on a regular basis, keep up with the assigned readings and come to class prepared to participate in class discussions guided by the instructor.

Required Text

Friedrich D., *Law in Our Lives: An Introduction 3rd Ed*; Oxford University Press

Grading

The final grade will be based on three exams, a class presentation, and class participation. There will be three exams each worth 25 percent of the final grade.

Students will be required to make a presentation on one of the articles from the reading list. The presentation will constitute 15 percent of the final grade. As class discussion is a vital part of the learning process, class attendance and participation will be worth 10 percent of the final grade.

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)

Exam Schedule

Exam 1 (Thursday) Sept. 20

Exam 2 (Tuesday) October 23

Exam 3 (Thursday) December 6

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

Issues in Reproductive Freedom: Griswald v. Connecticut, Roe v. Wade, Implications from Stem Cell Research

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

Cotterrell, R. (1998). Why must legal ideas be interpreted sociologically? *Journal of Society*, 25(2), 171-192.

Cover, R. (2002). Violence and the word. *Yale Law Review*, 95, 1601-1629.

- Dworkin, R. (1985). Is there really no right answer in hard cases? In *A Matter of Principle*. Mass: Harvard University Press.
- Friedman, L. M. (1986). The law and society movement. *Stanford Law Review*, 38, 763-780.
- Fuchs, S., & Ward, S. (1994). What is deconstruction, and where and when does it take place? Making facts in science, building cases in law. *American Sociological Review*, 59(4), 481-500.
- Hobbes, T. (1985). In *Leviathan* (pp. 183-227): Penguin Group.
- Langbein, J. (1978). Torture and plea bargaining. *The Public Interest*, 46.
- Pound, R. (1943). Sociology of law and sociological jurisprudence. *University of Toronto Law Journal*, 5.
- Rawls, J. (1971). Civil disobedience. In *A theory of justice*. Cambridge: Bellnap Press of Harvard University Press.
- Schluchter, W. (2003). The sociology of law as an empirical theory of validity. *Sociological Review*, 19(5), 537-549.
- Schwartz, R. D. (1978). Moral order and the sociology of law: Trends, problems, and prospects. *American Journal of Sociology*, 4, 577-601.
- Timasheff, N. S. (1937). What is sociology of law? *American Journal of Sociology*, 43.
- Travers, M. (1993). Putting sociology back into sociology of law. *The Journal of Law and Society*, 20.

Special Accommodations

In 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.