SOCIOLOGY OF LAW (rev. 1.1)
SOCIOLOGY/LEGAL STUDIES/LAW 641
University of Wisconsin
Tuesdays and Thursdays, 9:30-10:45
Canvas URL: https://canvas.wisc.edu/courses/111294

Professor Joseph Conti
8112B William H. Sewell Social Science
Office Hours: 11-1 on Mondays and by appointment
Email: jconti@ssc.wisc.edu

COURSE DESCRIPTION
This course examines major theoretical perspectives and social science research on the relationship between law and society. It explores how societal change affects law and legal institutions, how legal change affects society, the roles and institutions of the formal legal system in the United States, and the processes of disputing and legal mobilization. The course is designed to expose students to how social scientists study and think about law and legal institutions. The course material is appropriate for advanced undergraduates, graduate students and law students.

Learning objectives. This course is designed to achieve the following instructional objectives designated by the Department of Sociology:

Critically Evaluate Published Research. Sociology graduates will be able to read and evaluate published research as it appears in academic journals and popular or policy publications.

Communicate Skillfully: Sociology majors write papers and make oral presentations that build arguments and assess evidence in a clear and effective manner.

Critical Thinking about Society and Social Processes: Sociology graduates can look beyond the surface of issues to discover the "why" and "how" of social order and structure and consider the underlying social mechanisms that may be creating a situation, identify evidence that may adjudicate between alternate explanations for phenomena, and develop proposed policies or action plans in light of theory and data.

See Things from a Global Perspective: Sociologists learn about different cultures, groups, and societies across both time and place. They are aware of the diversity of backgrounds and experiences among residents of the United States. They understand the ways events and processes in one country are linked to those in other countries.

Substantively, this class surveys the literature on the sociology of law. Students will:
• Identify central claims or arguments in complex readings.
• Assess empirical support for those claims
• Build facility in comparing and contrasting, orally and in writing, those arguments with primary theoretical and empirical approaches to what law is, where it comes from, and how it works in practice identified in the first unit of the class.

This is a three-credit course. This class meets for two 75-minute class periods each week over the fall semester and carries the expectation that students will work on course learning activities
(reading, writing, problem sets, studying, etc) for about 3 hours out of classroom for every class period.

**Assignments – PLEASE READ CAREFULLY:** the required assignments are different depending on whether you are an undergraduate, graduate or law student. For graduate students, this class is intended to serve as background to the field rather than as a full-fledged graduate seminar. This table outlines the basic requirements for each type of student:

<table>
<thead>
<tr>
<th></th>
<th>Undergraduate</th>
<th>Law</th>
<th>Graduate</th>
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</thead>
<tbody>
<tr>
<td>Research paper</td>
<td>Not Required</td>
<td>Not Required</td>
<td>20-25 pages</td>
</tr>
<tr>
<td>Reading interrogations</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Analysis memo</td>
<td>Not required</td>
<td>Required</td>
<td>Not required</td>
</tr>
<tr>
<td>In-Class Exams</td>
<td>Required</td>
<td>Required</td>
<td>Not required</td>
</tr>
<tr>
<td>Attendance and</td>
<td>Required</td>
<td>Required</td>
<td>Required</td>
</tr>
<tr>
<td>Participation</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Additional Readings</td>
<td>Not required</td>
<td>Not required</td>
<td>At least one per class session</td>
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**Research Paper:** *Graduate students* will be expected to write either a research paper (20-25 pages) or a literature review (15-20 pages) focusing on a topic or debate within the field. Graduate students are strongly encouraged to discuss their topic with me well in advance of the due date. *This assignment is due the last day of class.*

**Analysis memo:** *Law students only:* The Law school requires law students enrolled in this course to complete an assignment in addition to that required for undergraduates. To satisfy that requirement, you will be expected to write a brief addressing the topic of the role of social science in legal decision-making. Focusing on a specific case of your choosing (though, *these must be approved by the instructor*), you will consider whether or how social science research informed the decision and how greater use of social science, or use of different social science approaches, in legal decision-making would affect the outcomes of court processes. To be clear, this is not a legal analysis per se, but a critical examination of the interface between law and social science as applied in the chosen case. Law students are strongly encouraged to discuss their topic with me well in advance of the due date. *This assignment is due the last day of class.*

**Reading interrogations:** Each class session, a set of students in the class will prepare short written “interrogations”, 150-300 words long, engaging some theme or problem in the reading. These interrogations should NOT be summaries or exegeses of the texts; nor should they be mini-essays with extended commentaries on the readings. The point is to pose focused questions that will serve as the basis for class discussion. As you do the reading, think about an issue that you really want discussed and clarified, and then formulate an interrogation to set up that discussion. While you will need to explicate each question you pose – that is, lay out what you see are the issues in play in the question, explain what you mean by it, etc. – you do not need to stake out a position with respect to the issues you raise (although you can do this if you want to). The important thing is to pose a clear question that you want to discuss. It is entirely appropriate for questions to focus on ideas, arguments, or passages that you do not understand. It often turns
out that questions mainly concerned with asking for clarification of some obscure formulation in the reading provoke especially good discussions in the class. What you should avoid is a list of unelaborated questions or mere summarization.

- Students will write 5 interrogations over the course of the semester.
- Students submitting interrogations will lead-off class discussion of those readings.
- Students should post their interrogations to the discussion board at Learn@UW no later than 3pm on the day before class. There are no exceptions or make-up for late interrogations.
- All students will read the interrogations prior to class.
- Please contact me immediately if you have a scheduling conflict.

The due dates for reading interrogations are noted in the lecture and reading schedule below. The capital letters (A through E) correspond to the letter assigned to you on the first day of class.

EXAMS: Undergraduates and Law students will take the exams.
- The first midterm will be given on October 11 during the regular class period.
- The second midterm will be given on November 13 during the regular class period.
- The last exam will be held during the final class period.

All 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. Use of cell phones or other internet/data-enabled devices will be prohibited during exams, including for purposes of time keeping. Please make other arrangements.

ATTENDANCE & PARTICIPATION
Attendance at lecture is required. 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.

Grading: This is the grading scale employed in the class:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>A</td>
<td>94%-100%</td>
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<tr>
<td>AB</td>
<td>88%-93%</td>
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<tr>
<td>B</td>
<td>83%-87%</td>
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<tr>
<td>BC</td>
<td>78%-82%</td>
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<tr>
<td>C</td>
<td>70%-77%</td>
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<tr>
<td>D</td>
<td>60%-69%</td>
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<tr>
<td>F</td>
<td>59% or below.</td>
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**Law students are subject to the Law School’s grading curve**

Undergraduates: Final grades will be based on:
- Five reading interrogations: 5 percent (1% each)
- Attendance and Participation: 30 percent
  - Includes various informal writing assignments
- Examinations 1 and 2: 40 percent (20% each)
- Final examination: 25 percent
Graduate Students

- Research paper: 80 percent
- Attendance, participation, and additional readings: 15 percent
- Five reading interrogations: 5 percent

Law Students

- Five reading interrogations: 5 percent
- Attendance and participation: 30 percent
- Exams: 45 percent (15% each)
- Analysis memo: 20 percent

ASSIGNED READINGS

The schedule and topic of readings appears at the end of this Syllabus. Readings are due on the date of the lecture with which they correspond. All readings are required. Other readings may be assigned and assigned readings may be omitted in the interest of time, or in response to current events or class interest. Readings listed on the syllabus under the heading of “additional readings” are not required for undergraduates or law students.

Graduate students should meet with me as soon as possible to determine an exact reading schedule based on the additional readings. A more extensive reading list is available that would be useful in preparation for the preliminary exam in the Sociology of Law.

The required readings are available in two formats (you do not need both):
- Electronic reader available (for free) from the course learn@UW website
- A paper reader for sale at the L&S Copy Center in Sewell Social Science Building

Course Website: The Learn@UW website for the course will house the course syllabus and related documents, the digital version of the reader, dropbox, and announcements.

Accommodations. Please send the instructor an email by the end of the second week of the course if you are eligible for special arrangements or accommodations for testing, assignments, or other aspects of the course. Accommodations are provided for students who qualify for disability services through the McBurney Center. Their website has detailed instructions about how to qualify: http://www.mcburney.wisc.edu. Provide a copy of your accommodations request (VISA) to the instructor by the end of the second week of class. We try to reserve rooms and proctors by the third week in class, so we must know of all accommodations by then.

If you wish to request a scheduling accommodation for religious observances, send an email by the end of the second week of the course stating the specific date(s) for which you request accommodation; campus policy requires that religious observances be accommodated if you make a timely request early in the term. See the university’s web page for details: https://kb.wisc.edu/page.php?id=21698

Academic honesty. As with all courses at the University of Wisconsin, you are expected to follow the University’s rules and regulations pertaining to academic honesty and integrity. The
According to University of Wisconsin Statute 14, academic misconduct is defined as:

- seeks to claim credit for the work or efforts of another without authorization or citation;
- uses unauthorized materials or fabricated data in any academic exercise;
- forges or falsifies academic documents or records;
- intentionally impedes or damages the academic work of others;
- engages in conduct aimed at making false representation of a student's academic performance;
- assists other students in any of these acts.

For a complete description of behaviors that violate the University’s standards as well the disciplinary penalties and procedures, please see the Dean of Students website: https://students.wisc.edu/student-conduct/academic-integrity. If you have questions about the rules for any of the assignments or exams, please ask your instructor.

**Departmental notice of grievance and appeal rights.** The Department of Sociology regularly conducts student evaluations of all professors and teaching assistants near the end of the semester. Students who have more immediate concerns about this course should report them to the instructor or to the chair, 8128 Social Science (raymo@wisc.edu).

**Other Business:**
- Late papers are not accepted except at the discretion of the Instructor and Section Instructor.
- If laptops, cell phones, or other devices prove distracting in class, they will be banned.
READING AND TOPIC SCHEDULE
Note that assignments are subject to change in response to class pace, interest and events. Changes will be announced in lecture. It is your responsibility to keep pace of any changes made. Not all the readings will be covered in lecture. Readings not covered in lecture, however, are still your responsibility, and may appear on exams.

<table>
<thead>
<tr>
<th>Week 1</th>
<th>Group</th>
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<tbody>
<tr>
<td>Sept. 6</td>
<td>Introduction</td>
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**Week 2**

**UNIT 1: Theoretical Foundations**

Key Questions:
- What is the relationship between custom and law?
- What is the relationship between social structure and law?
- What is the relationship between power and law?
- Broadly speaking, what is the relationship between the forms and practices of law and different social orders?

<table>
<thead>
<tr>
<th>Sept. 11</th>
<th>Law and Custom</th>
<th>A</th>
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Additional Readings:
Sept 13  Law and Social Structure I  B


Additional readings:

Week 3  Law and Social Structure II  C

Sept 18  Law, Ideology and Class Power  D


Additional Readings:
Week 4

Sept 25  Law as Domination  E


Additional readings

Sept 27  Max Weber' Sociology of Law  A


Additional Readings:

Week 5  Max Weber: Rationalization of Law and Markets  B

Oct 2


Additional Readings
Oct 4

**Micro-Foundations of Legal Decision-Making: Why Obey?**


**Additional Readings:**

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**Week 6**

Oct 9

**From American Legal Realism to Law and Society**


**Additional Readings:**

**Pick at least one of the following:**
Unit 2: Legalized Disputing

Key Questions:
- Why do some conflicts become *legal disputes*, but not others?
- How and why do people use the law?
- What roles do lawyers play?
- What are the various modes of dispute resolution?
- How do social advantages and disadvantages matter in dispute resolution?

Oct 16  Legal Consciousness  


Additional Readings:

Oct 18  Social Construction of Legal Disputes  


Additional Readings:
Week 8
Oct 23  How the Haves Come Out Ahead  B


Additional readings:

Oct 25  Bargaining in the Shadow of the Law  C


Additional Readings

Week 9
Oct 30  Lawyers and the Legal Profession  D


Additional Readings:

Nov 1

**Court and Litigation Processes**

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<th>Court and Litigation Processes</th>
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**Additional Reading**


Week 10

<table>
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<tr>
<th>Disputing Beyond Courts</th>
<th>A</th>
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**Additional Readings:**


Additional readings:

**Week 11**

**Nov 15**

**Legal Mobilization**


Additional readings:

**Week 12**

**Nov 20**

**Myth of Rights**


**Additional Readings**


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**Nov 22**

**Thanksgiving**

**Week 13**

**Nov 27**

* Limits of Legal Action *


**Additional Readings:**


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**Unit 4: Law and Globalization**

**Key Questions:**

Is law universal or plural?
How do legal concepts and practices spread?
Is there such a thing as transnational or global law?
Do legal exports lead to economic development?
What gives "international law" its law-like character?

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**Nov 29**

* Legal Pluralism, Local and Global *


**Additional Readings:**

Week 14

Dec 4 | Law and Development | B/C


Additional Readings

Dec 6 | Transnational Law in Action | D/E


Additional Readings:

Week 15

Dec 11 | Last Exam