

LAW & Society (CCJ 6039, Section 11522) SP 2019

e-Learning Canvas: <http://elearning.ufl.edu/>

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Class Meeting: 233 LIT on Tue. From 12:50 – 3:40

Office Hours: T. 12:15-12:45 & 3:45 – 4:15; W. 8:30 – 10:30 **Office:** 3348 Turlington

Course Description:

This course is an interdisciplinary examination of the relationship between legal and social orders and our theoretical understanding of some prominent features of that relationship. It focuses on various functions of law, legal thought, the development of law, and the impact of law on society.

Required Course Material: (new and used books are available from amazon.com)

Feinman, Jay M. (2010 or 2014). Law 101. 3rd ed. or 4th ed. Everything You Need to Know about the American Legal System. Oxford and New York: Oxford University Press.

Freidrichs, David O. (2012) Law in Our Lives. 3rd ed. L.A.: Roxbury.

Berger, Peter L. and Thomas Luckmann (1966) The Social Construction of Reality. Garden City: Anchor.

Other Selected chapters and articles that will be posted in Canvas)

Assignments and Grading:

Assignments include: 1) periodic outlines of readings (total of 3, due as readings are covered), 2) a short analysis of something from Berger and Luckmann that applies one of their basic arguments to the study of law and society (due 2-5), 3) a short written analysis of the social construction of ignorance (due 2-19); 4) a six-paragraph paper on framing research issues from law (due 4/16), and 5) a seminar paper (due 4-24). For the outlines make enough copies to share one with each class member. For the seminar paper, get prior approval of the topic.

Although all students are expected to read and participate in the discussion of all readings (so attendance is required), class members will take turns being the discussion leaders for respective readings. Students will be expected to distribute an outline of the reading for which they will lead the discussion and to share one legal impact study outline with the class. Performances on these outlines and class participation will count about 15% of the final grade. The Berger & Luckmann analysis will count about 15% of the final grade. The social construction of ignorance paper will count about 15% of your final grade. The framing issues from law will be about 15% of your grade. The seminar paper will count about 40% of the final grade.

The seminar paper can take any of a variety of approaches (e.g., a critical review of the literature on a topic relevant to law and society, a theoretical analysis and critique, a law review “note” (that integrates social science), a policy analysis, secondary data analysis, or primary data analysis). The topic must be cleared with the instructor by 2-12. Feel free to come by and discuss possible topics. The paper should incorporate some references from the class itself. Because of planned travel to ACJS, there will be no class on March 26. You can use the time dedicated to preparation and class to work on the seminar paper.

Student Rights and Responsibilities:

Please inform yourself about your rights and responsibilities, including academic honesty guidelines, formal and informal procedures for hearing academic dishonesty cases, the grievance procedure, and the confidentiality of student records. See <http://www.dso.ufl.edu/studentguide/>. You may also raise matters with your instructor, the Graduate Coordinator (Dr. Ardelt), or chair (Dr. Zsembik). Students requesting classroom accommodation should register with the Dean of Students Office, which will provide documentation to give to the instructor. Student records are confidential. Anyone outside university officials who make inquiries about your grade, attendance, or any information that is not “UF directory information” will be asked to contact you unless you authorize disclosure.

Communications:

Sent messages are not completed communications until they are received. If you leave an important message, follow up to make sure it has been received. This applies to phone messages, mailbox notes, and email. Please use your UF email account and be careful about using UFIDs in emails.

Tentative Outline and Schedule (subject to adjustments):

I. Organizing session—Handouts--An introduction	1-8
A. Some conceptual grounding	
1. Digging, posting	
2. Bridging Law & Society, posting	
B. What is real about law—law’s ontological status and epistemological possibilities	
II. Law as Social Construction	1-15
A. Lanza-Kaduce, Law Enforcement within the American Legal System	
B. Currie, The Construction of Witchcraft, posting	
C. Sudnow, “Normal Crimes,” posting	
D. Lanza-Kaduce & Bishop, Legal Fictions of Drunk driving, posting	
E. Bohannon, “Double Institutionalization” posting	
F. Davis thesis rewrite posting	
III. A Perspective of Social Construction: Berger and Luckmann	1-22
IV. Social Science Perspectives	1-29
A. An overview, Freidrichs chs. 1 and 2	
B. The Logic of Sociological Analysis, Inverarity et al. posting	
C. Quasi-experimentation (Cook posting)	
D. Law & Policy—Raising the Minimum Drinking Age, LLK & Richards posting	
E. The epistemology of ignorance, Alcott posting	
F. Locate and read: McClesky v. Kemp, 481 U.S. 279 (1987)	
V. Legal Institutions and Processes	2-5
A. an overview, Friedrichs ch. 8	
B. Civil Procedure as an example of an institutionalized process, Feinman ch. 4	
C. The emergence of Law from other institutions, Turner posting	
D. The relationship between law and morality, Friedrichs ch. 3	
E. Legal Profession as part of the Institution and Institutionalization	
1. The Legal Profession, Friedrichs, ch. 7	
2. “The Impact of Legal Counsel....” Seron et al. in Sarat, ch. 22.	
VI. Legal Culture and Compliance	2-12
A. An overview—Freidrichs ch. 9	
B. Deterrence—LLK posting	
C. Legal Socialization	
1. Learning to Cheat, LLK & Klug posting	
2. Legal Socialization of Children and Adolescents Fagan and Tyler posting	
D. Procedural Justice	
1. Tyler posting	
2. Lanza-Kaduce, Lane, and Benedini posting	
E. Defiance--Sherman	
VII. Consensus Models	2-19
A. From status to contract to social Darwinism—excerpts from Trevino	
B. Durkheim	
1. overview—Trevino posting	
2. application on Law and Durkheimian Order, LLK et al. posting	
C. Pound—survey of social interests posting	
D. Reintegrative Shaming—Makai and Braithwaite posting	
E. Black, ch. 1 posting	
VIII. Conflict Models	
A. An overview—Trevino ch. 8 (posting)	2-26
B. Pluralistic Conflict—The Legacy of Weber	
1. Weberian ideals—posting	
2. Weber’s Typology of Legal Thought & the Death Penalty—LLK (posting)	

- 3. Conflict and law formation
 - a. Computer Crime—Hollinger and Lanza-Kaduce (posting)
 - b. Controlling Music Piracy--McCaghy and Denisoff (posting)
- C. On Legitimacy and Authority 3-12
 - 1. Dahrendorf—posting
 - 2. Turk—posting
 - 3. LLK & Greenleaf—posting
 - 4. Recreancy—Freudenburg (posting)
 - 5. Tyler—posting
 - 6. Quinney—posting
- D. Elite Conflict 3-19
 - 1. Plain Marxism and Instrumentalism
 - a. Mill—posting
 - b. Rusche and Kirchheimer—posting
 - c. Inverarity et al. on civil rights—posting
 - 2. More sophisticated Marxism and structural formulations—Chambliss & Seidman’s institutionalist theory
 - 3. On vagrancy law
 - a. Chambliss—posting
 - b. Adler—posting
 - 4. False consciousness & white racial consciousness, Davis posting
- IX. Comparative and Historical Perspectives on Law & Society 4-2
 - A. Friedrichs ch. 6
 - B. Tennyson—legitimacy and victimization in Latin America
- X. Law and Social Change
 - A. Friedrichs, ch. 10
 - B. Wongsinak chs. 5,6,7 with excerpts from chs. 1 and 9
- XI. Law’s Perspective and an Overview of Basic U.S. Law
 - A. Legal and Jurisprudential takes 4-9
 - 1. Feinman ch. 1
 - 2. Freidrichs ch. 4
 - B. Constitutional Law and Civil Rights
 - 1. Feinman, chs. 2 & 3
 - 2. Section 1983 of Civil Rights Act—Kaci posting
 - 3. Cases to be announced
 - C. Criminal Law and Criminal Procedure 4-16
 - 1. Feinman, ch. 8
 - 2. Feinman, ch. 9
 - 3. Class exercise on the construction of probable cause; cases to be announced
 - 4. Find and outline a Legal Impact study in criminal law or procedure (e.g., impact of a change in plea bargaining, gun control, changes in sentencing, exclusionary rule, police deployment)
 - D. Torts and “private” wrongs and Property 4-23
 - 1. Feinman, ch. 5 & 7
 - 2. Medical--Posting
 - 3. Products Liability—posting
 - 4. Wills and Trusts, posting
 - E. Contracts, Jobs, & Family
 - 1. Feinman, ch. 6
 - 2. Employment, posting
 - 3. Family Law, posting