

**Law and Society**  
Sociology 318-02  
Rhode Island College, Spring 2009

Mondays and Thursdays 12:30-1:50, Life Sciences Building Room 209  
Prerequisite: 200-level sociology course or consent of instructor

*Instructor Information*

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Office Hours: Thursdays 2:00-4:00 PM, Wednesdays 6-6:30 PM, and by appointment

Course website: <http://www.ric.edu/faculty/marthur/classes.html>

*Course Description*

What is law? There are various responses to this question, but all agree that the rules and institutions of law have profound effects on shaping the political and social world in which we live. This course uncovers what some of these effects are, with a primary focus on legal institutions, laws, and court cases in the United States. By the end of this course, you will have developed skills in reading and understanding legal documents, and you will be able to analyze the intersection of law, social inequality, and various social institutions and understanding the foundations of law and the roles that it plays in our society. Specific topics of discussion will include theories of law; law as it relates to social control and social change; and the organization of law as a system, profession, and practice.

You should be aware that while this course will cover some skills and concepts that are necessary in paralegal and legal careers, it does not serve as a pre-law course or as preparation for these professions. If you are interested in further legal education or a legal/paralegal career, you are encouraged to come to speak to me individually about your options or to visit the Career Center. More information about the Career Center is available at <http://www.ric.edu/careerdevelopment/>.

**Required Materials**

Wacks, Raymond. **2008**. *Law: A Very Short Introduction*. Oxford University Press. (Costs about \$10 new).

Yoshino, Kenji. **2006**. *Covering*. Random House. (Costs about \$16 new, available for less online).

Macaulay, Stewart *et al.* **2007**. *Law in Action*. Foundation Press. (Costs about \$34 new—this is a very long book, but it is much cheaper than other law and society texts out there. We are only reading about 60% of it).

Supplemental readings will be available on e-reserves or distributed via other means as is appropriate; all texts will be available on reserve in the library.

THIS SYLLABUS IS TENTATIVE AND SUBJECT TO CHANGE.

## Course Requirements

1. **PARTICIPATION AND ATTENDANCE.** You are expected to come on time for every class meeting and let me know as soon as possible (preferably in advance) if you must miss class for a legitimate reason. Part of your attendance is the expectation that you will participate in class sessions by contributing something to our discussions. If you have significant problems speaking in class, I strongly urge you to come speak to me privately as soon as possible to develop alternative participation mechanisms (such as private meetings or e-mail discussions) so that you can meet this requirement. Remember that there are few stupid questions, but that all questions and comments should be made in a spirit of respect for other students and their contributions to the class. **(10% of final course grade)**
2. **IN & OUT OF CLASS ASSIGNMENTS.** Over the course of the semester, we will complete a variety of in and out of class assignments. Many of these assignments will be completed in class in groups; others may include unannounced short quizzes on the reading or 1-page discussion papers. A portion of this grade will come from several dates on which the class as a whole will learn to brief Supreme Court cases. **(25% of the course grade)**
3. **EXAMS.** During the course of the semester, you will complete two exams.
  - a. There will be a take-home midterm exam. This exam will provide you with a scenario about an imaginary country and ask you to draw on what you have learned in class to explain that country's legal system. Your response should be no more than 800 words **(15% of the course grade)**.
  - b. There will be an in-class exam during the final examination period. This exam will be entirely open book and open note and will consist of short-answer and short essay questions. **(20% of the course grade)**
4. **AMICUS CURIAE ASSIGNMENT.** The major assignment for this course will be the completion of an Amicus Curiae (Friend of the Court) Brief for a case that will be heard by the United States Supreme Court this term. I will provide you with a list of cases to choose from and you will be able to access the necessary documents online. The goal of this assignment is for you to integrate your new legal knowledge with sociological insights—you are not expected to write (or think) like a lawyer. Several weeks before the Brief is due, you will be required to turn in a 1-paragraph proposal outlining what you will write about. **(30% of the course grade)**
5. **READING.** You are expected to complete all assigned course readings prior to the date for which they are assigned. Remember that normal expectations for a college course are that you should do two to three hours of work outside class for every one hour in class—since you are spending three hours a week in this class, that means you should expect to work on reading, writing assignments, and studying for this class for six to nine hours a week outside of class. Reading assignments are kept under 140 pages per week with the exception of the week and a half right after Spring Break when we read the Yoshino book; there are only two individual class sessions for which more than 75 pages is assigned.

## Course Schedule

All readings and assignments are due on the course date for which they are assigned. Readings can be located by looking at the bold letter following each reading assignment—readings located in the Wacks book are followed by **W**, readings in the Macaulay reader are followed by an **M**, readings in the Yoshino book are followed by a **Y**, and readings on ereserves are followed by an **E**.

Thursday, January 22	<b>First Day of Class</b>
Monday, January 26	<b>Images of Law in Contemporary Life</b> Where do Ideas about Law & Legal System Come From? (19-30) <b>M</b> Images of Law in Everyday Life (515-20) <b>M</b> ***Student information sheet/photo due
Thursday, January 29	<b>Review of the United States Legal System</b> The U.S. Constitution and Bill of Rights <a href="http://www.usconstitution.net/const.html">http://www.usconstitution.net/const.html</a> Congress (115-125) <b>M</b>
Monday, February 2	<b>Defining Law: The Study of Law &amp; Society</b> Introduction (1-16) <b>M</b> Law's Roots (20-36 ONLY) <b>W</b>
Thursday, February 5	<b>The Development of Modern Legal Systems</b> Law's Roots (3-10 ONLY) <b>W</b> Legal Evolution and Rationality (161-86) <b>M</b>
Monday, February 9	<b>Families of Law I</b> Law's Roots (10-20) <b>W</b> History and Culture (950-2) <b>M</b>
Thursday, February 12	<b>Families of Law II</b> Adversarial vs. Inquisitorial Systems (651-81) <b>M</b>
Monday, February 16	<b>Types of Law</b> Law's Branches (36-66) <b>W</b> Tort Law (92-100) <b>M</b>
Thursday, February 19	<b>The Dispute Resolution Process</b> Informal Social Sanctions to Formal Law (145-161) <b>M</b> The Arrangement of Legal Institutions (681-6) <b>M</b>
Monday, February 23	<b>Midterm Review Session</b> Come to class with at least one question

Thursday, February 26	<b>The Court Case &amp; Writing About Law</b> Legal Sources (158-9) <b>W</b> Reading a Case ( <a href="http://www.lawnerds.com/guide/reading.html">http://www.lawnerds.com/guide/reading.html</a> ) Briefing a Case ( <a href="http://www.lawnerds.com/guide/briefing.html">http://www.lawnerds.com/guide/briefing.html</a> ) ***Midterm Exam Due
Monday, March 2	<b>Courts I</b> Courts (85-107) <b>W</b> Miranda’s Revenge (58-74) <b>M</b>
Thursday, March 5	<b>Courts II</b> Judges (729-77) <b>M</b>
Monday, March 9	<b>No Class—Spring Break</b>
Thursday, March 12	<b>No Class—Spring Break</b>
Monday, March 16	<b>Litigiousness &amp; Legal Culture</b> Adversarial Legalism (125-38) <b>M</b> Law as a Product of Legal Culture (260-70) <b>M</b>
Thursday, March 19	<b>Law and Inequality I</b> “Preface,” “An Uncovered Self,” and “Part One” (ix-110) <b>Y</b>
Monday, March 23	<b>Law and Inequality II</b> “Part Two” (111-166) <b>Y</b> Tilting at Windmills (600-14) <b>M</b>
Thursday, March 26	<b>Law and Inequality III</b> “Part Three” (167-202) <b>Y</b> Deadline for Withdrawing from the Course
Monday, March 30	<b>Models of Justice</b> Koss, “Restorative Justice” <i>ANYAS</i> 989 (384-396) <b>E</b> Oldenquist, “An Explanation of Retribution” <i>JP</i> 85:9 (464-478) <b>E</b>
Thursday, April 2	<b>Social Control I</b> The Role of Sanctions (367-418) <b>M</b>
Monday, April 6	<b>Social Control II</b> The Role of Peer Groups (418-31) <b>M</b> The Ex Ante Function of Criminal Law (637-50) <b>M</b> ***Amicus Curiae Proposal Due
Thursday, April 9	<b>No Class—Passover</b>

Monday, April 13	<p><b>Law and Morality</b>  Obedience to Authority (508-15) <b>M</b>  Law &amp; Morality (67-84) <b>W</b>  “Didactic Legality” from Douglas, <i>The Memory of Judgment</i> (150-84) <b>E</b></p>
Thursday, April 16	<p><b>The Legal Profession I</b>  Lawyers (108-20) <b>W</b>  Major Changes in the Profession: Conditions of Practice (789-826) <b>M</b></p>
Monday, April 20	<p><b>The Legal Profession II</b>  Law and Strategy in the Divorce Lawyer’s Office (921-47) <b>M</b>  Women and Minority Group Lawyers (827-57) <b>M</b></p>
Thursday, April 23	<p><b>The Legal Profession III</b>  Learning Legal Language (1008-17) <b>M</b>  Granfield, “Making it by Faking It” <i>JCE</i> 20:3, 331-351 <b>E</b>  Guinier, “Lessons and Challenges” <i>RLSC</i> 24:7, 1-16 <b>E</b></p>
Monday, April 27	<p><b>Law &amp; Social Change I</b>  The Future of the Law (121-53) <b>W</b>  How Does Social Change Affect Legal Change? (186-216) <b>M</b></p>
Thursday, April 30	<p><b>Law &amp; Social Change II</b>  <i>Divorce Lawyers at Work</i> (100-14) <b>M</b>  Changing America’s Divorce Laws (285-313) <b>M</b>  ***Amicus Curiae Brief Due</p>
Monday, May 4	<p><b>Last Day of Class</b>  Come to class with at least one question</p>
TBA	Final Exam

## Course Policies

### *Academic Honesty*

All students enrolling in this course are expected to abide by the Rhode Island College guidelines on academic honesty, which can be located in the Student Handbook and other official documents. Examples of academic dishonesty include, but are not limited to:

- Plagiarizing written work, including copying some or all of your work from a book, a website, or another student's paper. Think about how you would feel if someone passed off your hard work as their own.
- Using sources without proper attribution. Remember that all claims in a paper that did not spring fully formed from your own head need attribution, regardless of whether or not they are paraphrased, and all direct quotes should appear in quotation marks. If you are unsure how to document sources, please see me or reference the Sociology Department Term Paper Guide, available at <http://www.ric.edu/sociology/termpaperguide.php>.
- Turning in work completed for other classes without prior permission.
- Working together with another student on an assignment, or seeking assistance with the content of your work from professionals, parents, or peers, without prior permission. (The exception to this policy is proofreading.)
- Copying off of another student or off of materials you have brought without permission during an exam. This includes text messaging and use of the internet during exams.
- Destroying course materials or otherwise preventing other students from achieving fully in this course.

You should be aware that I have caught many students who have engaged in academic dishonesty. Cheating successfully is often harder than you think, and you might as well just put your effort into doing the assignment legitimately. The penalties for academic dishonesty are severe, and include receiving a 0 on the assignment for the first minor offense, receiving an F for the class for a repeated offense, and report to the Vice President for Academic Affairs at RIC. If you feel the urge to engage in academic dishonesty, stop and think about what you are doing, and then come see me so we can work out a plan together to ensure your success in the course.

### *Extensions, Absences, and Attendance*

You are expected to attend class regularly, but I am aware that emergencies do come up and that this class is not the only priority in your life. If you know in advance that you will be absent for a legitimate reason, please let me know via email so that you can be excused. If something unavoidable comes up, it is your responsibility to let me know as soon as possible afterwards. Regardless, it is your responsibility to get notes from a classmate (I do not provide notes to students) and to meet with me to clarify what you have missed. If you must be late to a class or if you must leave early, you should try to let me know in advance, and you should always be sure not to disturb other students with your comings and goings. Be aware that repeated absences, even if excused, may imperil your ability to do well in the course, and that you cannot earn participation points (or points for in-class assignments, which cannot be made up) if you are not present.

All assignments are due in class at the start of class. While I understand that you may occasionally experience printer problems, these are not an excuse for late work. It is my preference that all work be turned in on paper, but in unavoidable situations you may email me your work. If you must email me your work, it must be sent at least 15 minute prior to the start of class (you may not skip class to

finish your work) in \*.rtf, \*.doc, \*.docx, \*.pdf, or \*.html format (try “Save As” to select one of these formats). I will write back to you letting you know that I received and could open your work. If I do not receive it or can not open it, it does not count as having been submitted, so I encourage you to try your best to get me a paper copy. If unavoidable circumstances require you to seek an extension on your work, I am generally open to providing one. However, you will need to request the extension via email at least 24 hours prior to the due date unless the extension is due to a major emergency (health crisis, death in the family, etc.) – so plan ahead.

### *Course Technology*

Students are expected to check their RIC email addresses frequently, at a minimum twice a week before each class meeting. If you primarily use another email account, I would suggest you arrange for your RIC email to be forwarded, as I do use email to disseminate important information about the course. Students are also responsible for being able to access the course website for this course (through which you can access the course website), as course documents and information will be made available there. If you are not able to access email, WebCT, or the course website, you should seek assistance from User Support Services (<http://www.ric.edu/uss/> or x8886) right away so that you do not fall behind in the course.

### *Students with Disabilities*

If you have a disability that might interfere with your ability to perform at your best in this course, it is your responsibility to come and speak with me as early as possible in the semester so that we can develop a plan together. All reasonable accommodations will be made. Students with disabilities should be sure that they are registered with Disability Services in order to ensure access to the full range of services available at Rhode Island College. Information about these services and about registration is available at <http://www.ric.edu/disabilityservices/>.

### *Supplemental Services*

During the semester, you may discover that you would benefit from supplemental services of various kinds. I would encourage you to take your written work to the writing center at least once this semester—information about the writing center is available at <http://www.ric.edu/writingcenter/>. Spending time thinking about writing and revising your writing will only help you learn and perform at your best. If you find yourself struggling academically, OASIS can help you with test taking, reading comprehension, note taking, time management, and/or ESL skills, and you can find out more about OASIS at <http://www.ric.edu/oasis>. Sociology courses in particular have the capacity to bring up emotionally troubling issues, and if this occurs I encourage you to visit the Counseling Center. Information about the Counseling Center, which provides confidential services, can be found online at <http://www.ric.edu/counselingctr/>, and there are even online screening tests available.

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**Student Information Sheet**

Please complete this sheet and return it to me at the second class meeting of the semester, or if you join the class late please turn it in as soon as possible after you join the course.

**Name:** \_\_\_\_\_

**Approximate Class Year (circle one):**    Freshman        Sophomore        Junior        Senior

**Major:** \_\_\_\_\_

**2<sup>nd</sup> Major/Minor:** \_\_\_\_\_

**Preferred email address (I will send vital course information to this address. You should expect to receive a test email from me by the third week of the semester; if not, please email me to confirm your address):**

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**One thing you'd like me to know about you (can be an interesting personal fact, a detail about your life or work responsibilities, a concern or strength you have with respect to the course, or anything else you want to tell me):**

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**What law-related courses, if any, have you already taken?**

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**Please be sure to provide me with a (recent, if possible) photo of yourself. You may attach a printed photo or a photocopy of your ID to this form, or you may email me a digital picture. Be sure that any email clearly identifies your name, and if there are multiple people in the photo tell me which one is you.**