

Law and Society
Sociology 318-02
Rhode Island College, Fall 2010

Mondays 4-6:50 PM, Craig-Lee 151

Prerequisite: 200-level sociology course or consent of instructor

Instructor Information

Mikaila Mariel Lemonik Arthur

marthur@ric.edu

401. 456. 8681

Office: Craig Lee Hall room 451

Office Hours: Mondays and Tuesdays 2:30-3:30 pm and immediately after class on Monday night, or by appointment

This course uses the Blackboard Course Management System

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).

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. **(5% 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. **(30% of the course grade)**
3. **WRITING ASSIGNMENTS.** Over the course of the semester, you will turn in four written assignments. The first three will each require between 2 and 5 pages of writing, while the final (a take-home essay exam) will require 6-10 pages of writing spread across three essay questions.
 - a. **LEGAL SYSTEMS ASSIGNMENT.** This assignment 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. **IPHIGENIA ASSIGNMENT.** This assignment will ask you to interpret the *New Yorker* article "Iphigenia in Forest Hills" in light of the ideas and concepts we've discussed in class **(15% of the course grade)**.
 - c. **LEGAL PROFESSIONS ESSAY.** This assignment will ask you to consider some of the issues involved in the current state of legal education and legal employment. **(15% of the course grade)**
 - d. **FINAL ESSAYS.** At the end of the semester, you will turn in a take-home examination that requires you to complete three short essays. **(20% of the course grade)**
4. **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 generally are kept under 140 pages per week with the exception of when we read the Yoshino book.

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 the course website are followed by an **O**.

- August 30 **First Day of Class**
- September 6 **Labor Day—No Class Meeting**
Where do Ideas about Law & Legal System Come From? (19-30) **M**
Images of Law in Everyday Life (515-20) **M**
*Student information sheet/photo due in Blackboard
Be sure to have read the entire syllabus prior to today!
- September 13 **Studying Law and Society**
U.S. Constitution & Bill of Rights <http://www.usconstitution.net/const.html> **O**
Congress (115-125) **M**
Introduction (1-16) **M**
Law's Roots (3-10 and 20-36 ONLY) **W**
Legal Evolution and Rationality (161-86) **M**
*Legal system review quiz due in Blackboard
*Last day for adding or dropping this course
- September 20 **Families of Law**
Law's Roots (10-20) **W**
History and Culture (950-2) **M**
Adversarial vs. Inquisitorial Systems (651-81) **M**
***Bring Macaulay & Wacks books to today's class
- September 27 **Types of Law**
Law's Branches (36-66) **W**
Tort Law (92-100) **M**
Informal Social Sanctions to Formal Law (145-161) **M**
The Arrangement of Legal Institutions (681-6) **M**
- October 4 **Litigiousness/Midterm review**
Come to class with at least one written question for review
Legal Sources (158-9) **W**
Adversarial Legalism (125-38) **M**
Law as a Product of Legal Culture (260-70) **M**
***Bring Macaulay & Wacks books to today's class

- October 11 **Columbus Day—No Class Meeting**
- October 12** **Regulation**
Monday Classes Meet
 Surowiecki, “The Regulation Crisis,” *The New Yorker* 56 **O**
 Pluralist Bargaining and Power (314-26) **M**
 Scandals and Crises (213-16) **M**
 Casey, “Agency Capture,” *Kansas Journal of Law & Public Policy* 142-60 **O**
 ***LEGAL SYSTEMS ASSIGNMENT DUE
- October 18 **Courts**
 Courts (85-107) **W**
 Miranda’s Revenge (58-74) **M**
 Judges (729-77) **M**
 Malcom, “Iphigenia in Forest Hills,” *The New Yorker* 34-63 **O**
 ***October 19th, 4:30 pm: NBLSA law panel—students who attend and write a 1-page summary of the event & what they learned can earn extra credit
- October 25 **Law and Inequality**
Covering, entire book **Y**
 Tilting at Windmills (600-14) **M**
 * Quiz due in Blackboard
- November 1 **Models of Justice**
 Koss, “Restorative Justice” *ANYAS* 989 (384-396) **O**
 Oldenquist, “An Explanation of Retribution” *JP* 85:9 (464-478) **O**
 IPHEGENIA ASSIGNMENT DUE
 ***Bring Yoshino book to today’s class
 *Friday, November 5th is the last day to withdraw from this course
- November 8 **Social Control**
 The Role of Sanctions (367-418) **M**
 Obedience to Authority (508-15) **M**
 The Role of Peer Groups (418-31) **M**
 The Ex Ante Function of Criminal Law (637-50) **M**
 The Deterrence Curve (397-400) **M**
 ***Bring Macaulay book to today’s class
- November 15 **The Legal Profession**
 Lawyers (108-20) **W**
 Major Changes in the Profession: Conditions of Practice (789-826) **M**
 Women and Minority Group Lawyers (827-57) **M**
 Learning Legal Language (1008-17) **M**
 Granfield, “Making it by Faking It” *JCE* 20:3, 331-351 **O**
 Guinier, “Lessons and Challenges” *RLSC* 24:7, 1-16 **O**

- November 22 **Law, Morality, and Social Change**
 Law & Morality (67-84) **W**
 The Future of the Law (121-53) **W**
 How Does Social Change Affect Legal Change? (186-216) **M**
 Legal Rules and the Process of Social Change (686-99) **M**
 Postlude: Transnational Law (1017-19) **M**
 ***Bring Macaulay book to today's class
- November 29 **Applying the Lessons of Law and Society**
 Podlas, "Guilty on All Accounts," *Seton Hall J. Sports & Entertainment Law* **O**
 LEGAL PROFESSIONS ESSAY DUE
- December 6 **Case Study: Divorce Law/Exam Review**
 Divorce Lawyers at Work (100-14) **M**
 Changing America's Divorce Laws (285-313) **M**
 Law and Strategy in the Divorce Lawyer's Office (921-47) **M**
 ***Bring Macaulay book to today's class
 *Come to class with 2-3 written questions about anything we've covered
- December 20 **Take-Home Final Essays Due**

Course Policies

Academic Honesty

All students enrolling in this course are expected to abide by the Rhode Island College guidelines on academic honesty. More information about academic integrity and avoiding plagiarism, as well as RIC policies, can be found at <http://ric.libguides.com/integrity>. 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 RIC Sociology Term Paper Guide 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.

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 cannot 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 Blackboard for this course, as course documents and information will be made available there. If you are not able to access email or Blackboard, 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

The writing center: <http://www.ric.edu/writingcenter/>

OASIS (academic support services): <http://www.ric.edu/oasis>

The Counseling Center: <http://www.ric.edu/counselingctr/> (confidential!)