

Law and Society
Sociology 318-03
Rhode Island College, Fall 2008

Tuesdays and Thursdays, 2:00-3:20, Craig Lee Hall room 228
Prerequisite: 200-level sociology course or consent of instructor.

Instructor Information

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Office Hours: Tuesdays 3:30-5:30 PM, Wednesdays 2:30-3:30 PM, or 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, especially course cases, 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

Barkan, Steven E. **2008**. *Law and Society: An Introduction*. Prentice Hall. (Costs about \$60 new; used copies are available online, and an electronic version of the text is available from CourseSmart for around \$30).

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

Course Requirements

1. **PARTICIPATION AND ATTENDANCE.** While regular participation is important in all college courses, it is even more important in a course that meets only once a week, as this one does. Missing one class session of our course is like missing a whole week of another course. 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. This portion of the course grade may also include unannounced quizzes or in-class assignments. (15% of final course grade)

2. COURT CASE DISCUSSION & BRIEFS. Over the course of the semester, you will be responsible for preparing Case Briefs on 4 of the cases we read this semester, one for each Court Case Briefing date; case assignments will be made during the second week of class at which point instructions on case briefing will be distributed. Each brief should be about two pages in length. These briefs will also prepare you to teach your classmates about your case in class and to contribute to class discussion about your cases. (20% of the course grade)
3. EXAMS. During the course of the semester, you will complete two exams. One will be a take-home essay exam with a strict cap of 800 words; the other will be an in-class essay exam during the final examination period. (15% of the course grade for the take-home exam; 20% of the course grade for the final exam)
4. AMICUS CURAE ASSIGNMENT. The major assignment for this course will be the completion of an Amicus Curae Brief for a case that will be heard by the United States Supreme Court this fall. Further details regarding this assignment will be distributed as the semester progresses. (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 generally kept under 100 pages per week, though weeks with court cases may require some additional reading.

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 Barkan text are followed by a **B**, readings in the Wacks book are followed by **W**, and readings located on reserves or WebCT are followed by an **O**.

Tuesday September 2	First Day of Class
Thursday September 4	What is “Law”? “The Social Nature and Significance of Law” (1-20) B Be sure to read the entire syllabus prior to this class meeting
Tuesday September 9	What is “Law and Society?” “Understanding Law and Society” (21-54) B

- Thursday September 11 **The History of Law**
 “Law’s Roots” (1-35) **W**
 “Families of Law” (55-71) **B**
- Tuesday September 16 **How do we Study Law?**
 “Researching Law and Society” Vago, *Law and Society* (447-472) **O**
 Wacks pgs. 158-160 **W**
 Reading a Case (<http://www.lawnerds.com/guide/reading.html>)
 Briefing a Case (<http://www.lawnerds.com/guide/briefing.html>)
- Thursday September 18 **Law and the Legislative Process**
 The U.S. Constitution and Bill of Rights
 (<http://www.usconstitution.net/const.html>)
 Rhode Island Murder Statute
 (<http://www.rilin.state.ri.us/Statutes/TITLE11/11-23/INDEX.HTM>)
 “How a Bill Becomes a Law”
 (<http://www.youtube.com/watch?v=mEJL2Uuv-oQ>)
- Tuesday September 23 **Models of Justice**
 Koss, “Restorative Justice” *ANYAS* 989 (384-396) **O**
 Oldenquist, “An Explanation of Retribution” *JP* 85:9 (464-478) **O**
- Thursday September 25 **Types of Law**
 “Types of Law” (71-91) **B**
 “Law’s Branches” (36-66) **W**
- Tuesday September 30 **No Class Meeting—Work on Case Briefs**
- Thursday October 2 **Court Case Briefing I: Key Classic Cases**
 Read at least one of the following as assigned (links to cases can be found on the course website):
 Luther v. Borden
 Marbury v. Madison
 Brown v. Board of Ed
 Roe v. Wade
 Tinker v. De Moines School District
- Tuesday October 7 **Courts and Juries**
 “Courts and Juries” (267-288) **B**
 “Courts” (85-107) **W**
- Thursday October 9 **No Class Meeting**
- Tuesday October 14 **Dispute Processing**
 “Law and Dispute Processing” (92-133) **B**

- Thursday October 16 **Law and Other Institutional Structures**
 “The Legal Institution” from Martin, *Rape Work* (47-72) **O**
 Casey, “Agency Capture,” *KJLPP* 142 (142-156) **O**
- Tuesday October 21 **Court Case Briefing II: Crime and Responses to Crime**
 Read at least one of the following as assigned (links to cases can be found on the course website):
 Miranda v. Arizona
 Gideon v. Wainright
 Kennedy v. Louisiana
 McCleskey v. Kemp
 Mapp v. Ohio
- Thursday October 23 **Law, Ethics, and Morality**
 “The Bar’s Race to the Bottom” from Caplan, *Skadden* (121-138) **O**
 “Law and Morality” (67-84) **W**
- Tuesday October 28 **Law and Inequality**
 “Law and Inequality” (209-236) **B**
- Thursday October 30 **Law and Inequality**
 “The Pressure to Cover,” Yoshino, *New York Times* **O**
 “Economic Inequality,” Kaplan, *MLR* **O**
- Tuesday November 4 **Court Case Briefing III: Law and Inequality**
 Read at least one of the following as assigned (links to cases can be found on the course website):
 Buck v. Bell
 Plessy v. Ferguson
 Lawrence v. Texas
 US v. Thind
 US v. Virginia
- Thursday November 6 **Law and Social Control**
 “Law and Social Control” (134-167) **B**
- Tuesday November 11 **No Class Meeting**
- Thursday November 13 **Law and Social Control**
 “Social Control” Deflem, *Sociology of Law* (227-249) **O**
- Tuesday November 18 **The Legal Profession**
 “The Legal Profession” (237-266) **B**
 “Lawyers” (108-120) **W**
- Thursday November 20 **Legal Education**
 Granfield, “Making it by Faking It” *JCE* 20:3, 331-351 **O**
 Guinier, “Lessons and Challenges” *RLSC* 24:7, 1-16 **O**

Tuesday November 25	Court Case Briefing IV: Controversial Legal Issues Read at least one of the following as assigned (links to cases can be found on the course website): DC vs. Heller Goodridge v. Dept of Health (MA state) Massachusetts v. EPA Korematsu v. US Texas v. Johnson
Thursday November 27	No Class Meeting
Tuesday December 2	Law, Culture, and Memory “Didactic Legality” Douglas, <i>The Memory of Judgment</i> (150-184) O
Thursday December 4	Law and Social Change “Law and Social Change” (168-208) B Amicus Curae Due in Class Today
Tuesday December 9	Law and Social Change “The Future of Law” (121-153) W
Thursday December 11	Last Day of Class/Exam Review
Date 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 my webpage on the American Sociological Association citation format, available at <http://www.ric.edu/faculty/marthur/race05/styleguide/index.html>
- 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 can not earn participation points 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 WebCT site 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.