

LSJ/POLS 363: LAW IN SOCIETY  
Autumn 2010  
Mondays and Wednesdays 7:00 – 9:20 pm  
Savery 138

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## Course description

This class explores the fundamental roles that law plays in organizing contemporary social life. We will consider various ways of understanding law's complex presence in society: how law shapes and enables social interaction, how law constructs differences among people and their actions, how law mediates and enforces power relationships, and how law matters for the kind of society we have. Topics will include disputing processes; legal ideology and legal practice; law and violence; law, identity, and community; and law and social change. The course will examine official legal institutions (courts) and actors (judges, police, lawyers, etc.), but will emphasize how law works as a complex array of norms, symbols, discourses, and practices that infuse and shape all aspects of social life.

The class will serve as an introduction to some of the major debates and issues in the field of law in society. The goal is to expose students to the broad range of theoretical, methodological, and normative perspectives within the field. Thus, the class and associated reading list is intended to provide a broad overview, but is by no means exhaustive.

There are no formal prerequisites for this class, although grounding in a basic knowledge of American politics and social organization will be assumed. This class is a core requirement for the Law, Societies, and Justice Program.

## Required texts

We will use three different types of texts in this course. First, there is one required book which can be found at the University Bookstore or can be purchased online:

Stuart Scheingold. 2004. *The Politics of Rights: Lawyers, Public Policy, and Political Change*. 2<sup>nd</sup> edition. University of Michigan Press.

Second, readings are available through e-reserves which is accessible through the course website at [staff.washington.edu/swg2](http://staff.washington.edu/swg2).

Finally, we'll view and discuss three movies during the class. The movies are *The Sweet Hereafter* (1998, directed by Atom Egoyan), *The Thin Blue Line* (1988, directed by Erroll Morris), and *A Civil Action* (1999, directed by Steven Zaillian).

In addition to the required texts, students are strongly urged to keep current with national and local events by reading newspapers and newsmagazines. When reading these materials, pay close attention to stories of that illuminate the operation of law in society. Examples include *The New York Times*, the *Wall Street Journal*, the *Washington Post*, the *Los Angeles Times*, as well as local newspapers. There and other resources are available through the UW Library system as well as on the World Wide Web.

## Course requirements

**Completion of required readings.** In order to be successful in this course, several things are expected of students. First, students are expected to complete all of the readings before the lecture on the date for which they are assigned. Failure to keep up with the readings will severely limit your ability to contribute to and learn from class lectures and activities. Students will be regularly called on to answer and pose questions related to course materials during class.

**Meaningful class participation.** Students are expected to attend all lectures and participate in class discussions. Some of the class readings will be difficult, so discussions will be critical for facilitating understanding of the material. Therefore, students are encouraged to ask questions during class. Productively engaging the material is not about being “right” or “wrong”; it is about thinking critically and puzzling through the material. Participation will count for 20% of your grade.

**In Class Writing.** Throughout the quarter, I will ask you to write a paragraph or two on questions that I pose at the beginning of class. The questions will be based on readings that are due that day. The quick writing assignments will be designed to encourage you to think carefully about the readings and to help you organize your thoughts for class discussion. The exercises will count for 10% of your class grade. They will not be announced in advance of lecture.

**Article/Chapter Reviews.** On at least THREE occasions, students must write and submit a two-page review (double spaced, one inch margin, 12 point Times New Roman font) of a class reading to be handed in the day the reading is first discussed. The review must be handed in before the start of lecture on the day the reading is due. Students may select any three articles or book chapters. Things that should be considered in the two-page reviews: What is the puzzle or larger debate the author is addressing? What is the main argument or thesis of the paper? How does the author support their argument? What are the strengths and/or weaknesses of the argument? How does the article or chapter fit into the themes discussed throughout the course? These reading reviews count for 20% of your final grade.

**Paper Assignments.** Students will be required to write TWO essay papers for the class throughout the quarter. Each paper will be five pages in length. The papers will be written in response to a general question that will be provided to you at least a week before the due date.

The topics will directly address issues raised in the readings, movies, and class discussions. No unassigned reading, research, or specialized knowledge will be expected for the papers. Both papers will be worth 25% of your total grade. Unless arrangements are made a week in advance, late papers will be penalized 0.4 for each day they are late.

**Communicate.** Students are expected to communicate with me in a timely manner if anything arises that impacts their ability to complete an assignment. Students should note the difference between a one-time absence and an issue that requires them to miss class on a regular basis or fail to complete an assignment. By discussing any long-term problems with me, together we can formulate a plan to deal with the situation and make sure that students are able to successfully complete the course.

### **Grade Breakdown:**

In Class Quick Writing Assignments	10%
Participation in Class Discussions	20%
THREE Article/Chapter Reviews	20%
First Essay Paper	25%
Second Essay Paper	25%

**Grade Appeals.** Grade appeals will take place in the following manner:

1. Wait 24 hours after an assignment has been handed back, but no longer than 7 days, before making a complaint. You should re-read your paper and any comments given to you, during this time.
2. Submit a written complaint to me detailing your objection to the original grade with specific illustrations of why you think you deserve a different grade.
3. Make an appointment to see me.
4. I will re-read your paper and discuss it with you and/or provide you with a written explanation.
5. You will get a response from me within one week.

**Writing.** I encourage you to talk to me or use the Political Science Writing Center when preparing your essays. The Writing Center is located in Gowen 105, and on the web at [depts.washington.edu/pswrite](http://depts.washington.edu/pswrite). Students are expected to turn in polished, proofread papers with sources cited properly.

**Office Hours and Email.** My office hours and location are listed at the top of the syllabus. Students are encouraged to utilize my office hours as they are an opportunity for us to discuss one-on-one course materials and your ideas. In addition, to office hours I am available by email. Emails sent M-F between 9:00 am – 5:00 pm will generally receive a response the same day. I have a generous communication policy when it comes to my students. This means that I make every effort to be available to answer your questions and discuss with you the course materials.

**Academic Conduct.** The University of Washington's Student Conduct code will be enforced, including the policy on plagiarism. The entire policy can be found at

[http://www.polisci.washington.edu/Dept\\_and\\_Univ\\_Policies.pdf](http://www.polisci.washington.edu/Dept_and_Univ_Policies.pdf). I will strictly enforce this policy. The best way to successfully adhere to this policy is to learn the correct methods for citing other people's work. The Political Science Writing Center is a good resource for learning these methods. I can provide assistance with this as well.

Furthermore, the material presented in this class will frequently raise controversial issues. Everyone is expected to respect the viewpoints, opinions, and backgrounds of others in the class at all times. Another goal of the course is to encourage mature analytical reflection and deliberation on controversial issues. Inconsiderate and disrespectful conduct will not be tolerated.

**Disabled Students.** To request academic accommodations due to a disability, please contact the disabled student services office, 448 Schmidt Hall, 543-8924 (V/TDD). If you have a letter from their office, please share it with me as soon as possible so I may make accommodations.

**Cell phones and computers.** Please DO NOT send text messages during our class time as they distract from the task at hand. The use of computers is encouraged on the condition that students DO NOT spend their time visiting websites irrelevant to the class activity.

## Reading Schedule

You should complete each set of readings before the class meeting for the date listed on the schedule. I will try to stay on this schedule, but will make adjustments if necessary. Adjustments in the readings schedule will be announced in class.

9/29	Introduction What is Law?
<b><i>Decentering Law: Disputing, Injuries, and Going to Court</i></b>	
10/4	William Felstiner, Richard Abel and Austin Sarat. 1980-81. "The Emergence and Transformation of Disputes: Naming, Blaming, Claiming." <i>Law and Society Review</i> 15:631-654  David Engel. 1984. "The Oven Bird's Song Insiders, Outsiders, and Personal Injuries in an American Community." <i>Law and Society Review</i> 18:551-582.
10/6	<i>Legal Mobilization.</i> Frances Kahn Zemans. 1983. "Legal Mobilization: The Neglected Role of the Law in the Political System." <i>The American Political Science Review</i> 77:690-703.  <i>Access to Justice.</i> Marc Galanter. 1974. "Why the "Haves" Come out Ahead: Speculation on the Limits of Legal Change." <i>Law and Society Review</i> 9:95-160
10/11	Barbara Yngvesson. 1988. "Making Law at the Doorway: The Clerk, the Court, and the Construction of Community in a New England Town." <i>Law and Society</i>

	<p>Review 22: 409-448</p> <p>Austin Sarat and William L.F. Felstiner. 1986. "Law and Strategy in the Divorce Lawyer's Office." <i>Law and Society Review</i> 20:93-134</p>
10/13	<p>MOVIE: <i>The Sweet Hereafter</i></p>
10/18	<p>Discuss <i>The Sweet Hereafter Injury and Liability</i>. Richard L. Abel. 1988. "The Crisis is Injuries, Not Liability." <i>Proceedings of the Academy of Political Science</i> 37:31-41</p>
10/20	<p><i>Tort Reform: Media, Law, and Politics</i>: William Haltom and Michael McCann. 2004. <i>Distorting the Law: Politics, Media, and the Litigation Crisis</i>. Chapters 2 and 6</p>
	<p><b><i>Law, Social Control and Violence</i></b></p>
10/25	<p>Clifford D. Shearing and Philip C. Stenning. 1987. "Say CHEESE!": The Disney Order That is not so Mickey Mouse." In <i>Private Policing</i>, C. Shearing and P. Stenning, eds. Newbury Park, CA: Sage Publications.</p> <p>Robert M. Cover. 1986. "Violence and the Word." <i>Yale Law Journal</i> 95:1601-1629</p>
10/25	<p><i>The Death Penalty</i>. Austin Sarat. 2002. <i>When the State Kills: Capital Punishment and the American Condition</i>. Princeton University Press. Chapter 1.</p>
11/1	<p>Austin Sarat. 2002. <i>When the State Kills: Capital Punishment and the American Condition</i>. Princeton University Press. Chapter 2 and Chapter 4.</p>
11/3	<p>MOVIE: <i>The Thin Blue Line</i></p>
11/5	<p>First Paper Due (by email)</p>
	<p><b><i>Law, Inequality, and Social Change</i></b></p>
11/8	<p><i>Discrimination</i>. Alan D. Freeman. 1998. "Antidiscrimination Law: A Critical Review." In <i>The Politics of Law: A Progressive Critique</i>, Kairys, ed, 96-115. New York: Perseus.</p> <p><i>Race</i>. Patricia Williams. 1990. <i>The Alchemy of Race and Rights</i>. Cambridge: Harvard University Press. 146-165, 216-236</p>
11/10	<p><i>Gender</i>. Nadine Taub and Elizabeth M. Schneider. 1998. Perspectives on Women's Subordination and the Role of Law." In <i>The Politics of Law: A Progressive Critique</i>, Kairys, ed. 117-139. New York: Perseus.</p> <p><i>Sexual Orientation</i>. Paula L. Ettelbrick. 1996. "Wedlock Alert: A Comment on Lesbian and Gay Family Recognition." <i>Journal of Law and Policy</i> 5:107</p>
	<p><b><i>Law and Social Change</i></b></p>

11/15	<p><i>The Supreme Court and Social Change</i>. Gerald Rosenberg. 1991. The Hollow Hope. Chicago: The University of Chicago Press. Chapter One.</p> <p><i>Social Change from the Bottom Up: Social Movements</i>. Michael W. McCann. 1992. Review: Reform Litigation on Trial." <i>Law and Social Inquiry</i> 17: 715-743</p>
11/17	<p><i>Cause Lawyers</i>. Thomas M. Hilbin. 2004. "You Know the Type ...: Categories of Cause Lawyering." <i>Law and Social Inquiry</i> 657-698</p> <p>MOVIE: <i>A Civil Action</i></p>
11/22	<p>Discuss <i>A Civil Action</i></p> <p>Stuart Scheingold. <i>The Politics of Rights</i>. 3-79</p>
11/29	<p>Stuart Scheingold. <i>The Politics of Rights</i>. 83-148; 203-218</p>
12/1	<p><i>Legal Consciousness</i>. Legal Consciousness. Laura Beth Nielson. 2000. "Situating Legal Consciousness: Experiences and Attitudes of Ordinary Citizens about Law and Street Harassment." <i>Law and Society Review</i> 34: 1055-1090</p> <p>Anna-Maria Marshall. 2003. "Injustice Frames, Legality, and the Everyday Construction of Sexual Harassment." <i>Law and Social Inquiry</i> 659-689</p>
12/6	<p>Jeffrey R. Dudas. 2005. "In the Name of Equal Rights: "Special" Rights and the Politics of Resentment in Post-Civil Rights America." <i>Law and Society Review</i> 39: 723-757</p>
12/8	<p>Summary and wrap-up.</p>
12/13	<p>Final paper due, by email</p>