

Legal Studies LS 103: Theories of Law and Society

Syllabus

Instructor: Chris Tomlins (ctomlins@berkeley.edu)

GSI: Isabella Mariani (isabella.mariani@berkeley.edu)

1. Course Basics

(a) Times and Places

Lecture Class: MWF 09:00-09.59 am, in Anthropology/Art Practice Building 155

Discussion Section 101: M 4.00 - 4.59 pm, in Dwinelle 251

Discussion Section 102: W 3.00 - 3.59 pm, in Social Sciences 151

Please Note

If for any reason we are required to transition to remote instruction, join the lecture class and your assigned section at the times listed via the Zoom tab on the LS103 bCourses page (Top of Left Hand menu immediately below the Home tab)

(b) Design and Goals

"Theories of Law and Society" examines the origins of social theories of law, and of attempts to use legal materials for systematic social theorizing. The course concentrates on the period from the late eighteenth century to the early twentieth century. This is the period that we identify with the emergence of the "modern" west under the influence of the eighteenth century Enlightenment and of the French Revolution (1789-93). The course explores the relationship between this "emergence of the modern west" and the emergence of social science, with a particular emphasis on the relationship between social science and law. In particular, we will explore how leading European intellectuals began for the first time to conceive of the relationships and to construct the connections that we now take for granted: relationships between law, politics, society, and economy; connections between history and human development, and between historical change (change over time) and legal change. We will also explore how those intellectuals thought about the role of law in creating social integration and social discipline, and we will consider what was distinctive and original to the elements of legal ordering that developed over the course of the nineteenth century.

The course commences with an examination of two celebrated programs of law reform presented in the second half of the eighteenth century: the short book *On Crimes and Punishments* by Cesare Beccaria; and the "Declaration of the Rights of Man and Citizen" enacted during the first phase of the French Revolution. These momentous statements in support of rational law-making, humane punishment, individual rights, and legal equality underpin much of our contemporary understanding of the proper nature and purpose of law, and of the human being - the "modern legal subject" - that is the law's object of attention.

We will then study the work of four of the most important theorists of law and society of the nineteenth and early twentieth centuries. All are still extremely influential in the study of "law and society."

We will begin with the materialist theory of Karl Marx, particularly as it bears on the relationship between law and capitalism. Then we will consider the historical jurisprudence of the English jurist, Sir Henry Maine, and his conception of the proper ideals for a liberal legal order. Then we will study the legal sociology of Emile Durkheim, which sought to understand how social order varied according to the relationship between the individual and the collective. We will conclude with a return to the relationship between capitalism and modernity, this time via the legal and organizational sociology of Max Weber. Throughout the semester, we will see how each of these four theorists offered a distinctive account of how to think about the relationship between law, economy, and society. We will see that the steps Marx, Maine, Durkheim, and Weber took to understand the specific kinds of social experience and institutional transformations that confronted them in their own times sustain our own "modern" conceptions of law.

The course emphasizes your close reading of the actual (and long-influential) works on law and society developed by these theorists, and your written opinions of/responses to them. During the semester, you will be assigned 3 short papers (4 pages/1500 words in length) in which you will be asked to consider the meaning of assigned readings from Marx, Maine, and Durkheim. Under the guidance of your GSI you will also be expected to provide occasional brief written responses (no more than a paragraph in length) in connection with weekly section meetings. Finally, you may be asked for occasional brief written responses (a paragraph in length) to prompts posted for our class meetings.

The purpose of these writing assignments is to assist your mastery of the assigned reading and to strengthen your analytical and writing skills. The course will end with a final take-home examination, which will include a short paper on Weber, and one other question. There is no mid-term examination.

Overall, the class is organized to advance the following learning goals:

- (1) Critical engagement with and close reading of leading theories concerning the relationship between forms of law and the societies in which those forms of law operate.
- (2) An enhanced understanding of the defining features of modern law, such as the promotion of individual rights and of legal equality, and of competing explanations of the societal supports for these modern features.
- (3) Training in how to evaluate rival attempts to understand law and legal change in terms of other societal dynamics and structures.
- (4) Improvement of writing and analytical skills, through regular and brief writing assignments.

(c) Books to obtain

Books and other materials

The following books have been ordered for purchase. Go [here](#) for details. Some are also available in free online editions (see below for details). All other assigned materials are posted on this site.

- (a) **Cesare Beccaria, *On Crimes and Punishments***

For freely available online versions go [here](#) or alternatively [here](#); or use any other complete English translation. [An online version has been linked in the relevant course modules.]

(b) Henry Maine, *Ancient Law*

For a freely available online version go [here](#); or use any other complete edition. [An online version has been linked in the relevant course modules.]

(c) Karl Marx, *Selected Writings*, ed. Lawrence Simon (Hackett Publishing, paperback, 1994)

This book is not freely available online. You are urged to buy this book. (As pandemic backup, the relevant extracts have been posted and linked on this site. Access is restricted to students enrolled in LS 103.)

(d) Emile Durkheim, *The Division of Labor in Society* (translation by W.D. Halls; Free Press, paperback, 2014) [White Cover]. If you are unable to find the 2014 edition you can use the 91984 Free Press/MacMillan edition, but the pagination is different. ***Whatever edition you choose you must ensure it uses the translation by W.D. Halls.***

This book is not freely available online. You are urged to buy this book in the 2014 edition. (As pandemic backup, the relevant extracts have been posted and linked on this site. Access is restricted to students enrolled in LS 103.)

All four of the books listed above are also accessible online via UC Berkeley E-Reserves.

For **Cesare Beccaria** [click on this link](#)

For **Karl Marx** [click on this link](#)

For **Henry Maine**, [click on this link](#) [This book is available via the Hathi Trust Digital Lending Platform.] Click on the yellow "LOG IN" button in the upper-right corner of the screen to which you are sent. Select UC Berkeley and continue with your CalNet login. Under Viewability, click on any of the Temporary access links. Then click on "Check Out." The item can be borrowed for one hour at a time, renewable.

For **Emile Durkheim** [click on this link](#)

Books that are not assigned, but are extremely useful as excellent introductions to the social theories of Marx, Durkheim and Weber, are **Anthony Giddens, *Capitalism and Modern Social Theory*** (Cambridge University Press, paperback, 1971); **Ken Morrison, *Marx, Durkheim, Weber: Formations of Modern Social Thought*** (Sage Publications, paperback, 2006); **Edward Royce, *Classical Social Theory: Marx, Durkheim, Weber*** (Rowman & Littlefield, 2015).

(d) Lecture and Section

Lectures

Each week you will find lectures (MWF 9.00 – 9.59 am) that provide important information and insights on the week's topics. You are required to engage with all lecture materials and will be responsible for addressing the concepts in your course assignments. In particular (a) read the posted class reading assignments, and (b) attend the instructor lectures. For detailed information on the lecture schedule

and required readings see the "course outline" section of the LS 103 bCourses site, which is organized by module and provides full information.

Sections

For grading purposes, each student has been assigned to one of the two course sections taught by the course Graduate Student Instructor (GSI). Your GSI will grade all of your work, as well as that of your section-mates, and engage with you in the course discussions. You can see in which section you have been placed in by exploring the "Section" column within the "People" page on the bCourses course site.

Your GSI's name is: **Isabella Mariani**

While the course instructor will interact with the whole class and will oversee all activities and grading, as well as being available to resolve any issues that may arise, your GSI will be your main point of contact. Your GSI is responsible for assisting you directly with your questions about assignments and course requirements, as outlined in the Assignments and Calendar. Your GSI will also facilitate ongoing discussion and interaction with you on major topics in each module.

Discussions

Consult your GSI about section discussion assignments and requirements. A section syllabus with requirements and section-specific information is available under the [Discussions](#) tab.

(e) Lecture Class Audio-Visual Recording Availability

Recordings of every lecture class session (MWF 9 - 10 am) will be made available to students in this course via upload to the LS103 bCourses site. **You can locate the recording for each class under the "Media Gallery" tab according to the relevant class meeting date.** I also plan to provide the lecture script and slides for each class date in the relevant bCourses content module. Recordings and scripts/slides will be uploaded as soon as possible after the relevant lecture class has met.

(f) Requirements, Expectations, Grading

Requirements and Expectations

Success in this course requires that you fulfill the following basic requirements: (a) careful preparation and timely completion of the assigned reading; (b) regular attendance of lecture class and willingness to participate in lecture class discussions; (c) regular attendance and active participation in GSI section; (d) timely completion of all written assignments.

Both lecture class and discussion section meetings will proceed on the basis that you have completed and prepared the assigned reading. When appropriate (see the modules for a detailed week-by-week guide) you should arrive for the lecture class prepared to respond to a class discussion prompt. In discussion section meetings, your GSI will schedule written responses to class discussion prompts, and writing exercises in preparation for the assigned essays. Section writing exercises will be evaluated on a pass/no pass basis.

GSI-led discussion sections will often cover assigned and examined course materials not discussed in lecture class meetings. Attendance and participation in weekly discussion section meetings is required.

Assignments and Grading

In addition to attendance and participation in weekly lecture classes and section meetings, you will be required to complete three short paper assignments (1500 words/4 pages in length). You will also complete a Final Examination (a multi-day take-home) which will cover the entire course. There is no Midterm Examination.

Both the paper assignments and the final take-home examination must be submitted through the bCourses portal. Check with your GSI for details.

Your final grade will be determined according to the following proportions:

Lecture Class and Section Attendance/Participation - 20% (2 x 10%)

Paper assignments - 45% (3 x 15%)

Final Examination - 35%.

Please note carefully the following basic requirement: in order to pass the course you must complete and turn in each of the three papers and the Final Examination.

(g) Paper and Examination Requirements: Schedule and Description

(a) Schedule

During the semester, you will be required to complete three short papers (4 pages/1500 words in length). The schedule below is intended to help you plan the semester's workload. You will receive detailed information concerning the specific paper assignment the Friday prior to each due date.

Marx paper - Topic and information released on bCourses February 24 at 10 am; completed paper due March 2, by 11:59 pm

Maine paper - Topic and information released on bCourses March 10 at 10 am; completed paper due March 16, by 11:59 pm

Durkheim paper - Topic and information released on bCourses April 5 at 10 am; completed paper due April 13, by 11:59 pm

The **Final Examination** is a take-home that will be available from 10 am Monday April 24 until 11:59 pm Friday May 5. Your completed examination must be turned in by 11:59 pm on Friday May 5. Instructions describing the final examination will be released on bCourses on Monday April 17. (See **Final Examination Instructions**.)

(b) Description

Each of the three short papers will require that you write about the ideas we have discussed in lecture and in section specific to the particular component of the course that we have just completed. In each component of the course you will find in the course materials a set of study questions designed to help you with the assigned reading for that component. **In each case the paper assignment (the prompt) will be one of these study questions.** So for each paper the study questions are a good guide to help you prepare for the paper prompt.

(h) Office Hours

Both the course instructor (Tomlins) and the course GSI (Mariani) will hold office hours

Instructor Office Hours (Tomlins)

I will hold office hours on Zoom, **Fridays 11-12.30 pm** (See the Zoom Tab for the link). I will also be available by appointment. Please contact me by email (ctomlins@law.berkeley.edu) to arrange a time/day slot that is convenient for both of us.

Contact your GSI for information on GSI Office Hours

(i) Communication with Course Instructor, GSI, and each other

Office Hours

Office hours allow for synchronous interaction with the instructor and GSIs and are a good opportunity to discuss your questions relevant to the course.

Course Mail

You can also contact your GSI and course instructor using bCourses emailing system, accessed via your Inbox. Make sure to check the Inbox for messages from the instructor and GSI. You can also choose to have your bCourses mail forwarded to your personal email account or your cell phone.

Question & Answer Discussion

Please use this discussion to post questions relevant to the entire class. This can include questions about the course materials and topics or mechanics around assignments. The instructor and GSI will monitor this discussion, but you should also feel free to answer questions posted by other students. This helps to create a general FAQ so that all students in the course may benefit from the exchange.

(j) Course Policies

Late Work Policy

Unexcused late work will be penalized. Discuss late work with your GSI.

Promptness

All assignments have specific due dates listed in the course site on bCourses (see the **Assignments** tab). You are expected to meet those listed due dates. All assignments will be submitted via bCourses.

Honor Code

The student community at UC Berkeley has adopted the following Honor Code: "As a member of the UC Berkeley community, I act with honesty, integrity, and respect for others." The expectation is that you will adhere to this code. Read the entire [Berkeley Honor Code](#) for more information.

Collaboration and Independence

Reviewing lecture and reading materials and studying for exams can be enjoyable and enriching things to do with fellow students. This is recommended. However, all assignments are to be completed independently and should be the result of one's own independent work.

Cheating

A good lifetime strategy is always to act in such a way that no one would ever imagine that you would even consider cheating. Anyone who cheats on an essay or the final exam will receive a failing grade in the course, and will be reported to the University Center for Student Conduct. The expectation is that you will be honest in composing your essays and participating in the final exam. In particular, avoid plagiarism (defined below). All written work will be assessed for originality by subjecting it to Turnitin.

Plagiarism

To copy text or ideas from another source without appropriate reference is plagiarism and will result in a failing grade for your assignment and usually further disciplinary action. For additional information on plagiarism and how to avoid it, read the [UC Berkeley Library Citation Page, Plagiarism Section](#).

Academic Integrity and Ethics

Cheating on exams and plagiarism are two common examples of dishonest, unethical behavior. Honesty and integrity are of great importance in all facets of life. They help to build a sense of self-confidence, and are key to building trust within relationships, whether personal or professional. There is no tolerance for dishonesty in the academic world, for it undermines what we are dedicated to doing - furthering knowledge for the benefit of humanity.

Incomplete Course Grade

Students who have substantially completed the course but for serious extenuating circumstances, are unable to complete all required written work may request an Incomplete grade. This request must be submitted in writing to the GSI and instructor. You must provide verifiable documentation for the seriousness of the extenuating circumstances. According to the policy of the university, Incomplete grades must be made up within the first three weeks of the next semester.

Students with Disabilities

If you require course accommodations due to a physical, emotional, or learning disability, contact [UC Berkeley's Disabled Students' Program \(DSP\)](#). Notify the instructor and GSI through course email of the accommodations you would like to use. You must have a Letter of Accommodation on file with UC Berkeley to have accommodations made in the course.

UC Berkeley is committed to providing robust educational experiences for all learners. With this goal in mind, we have activated the ALLY tool for this course. You will now be able to download content in a format that best fits your learning preference. PDF, HTML, EPUB, and MP3 are now available for most content items. For more information visit the alternative formats link or watch the video entitled, "Ally First Steps Guide."



[Ally First Steps Guide](#)

End of Course Evaluation

Before your course ends, please take a few minutes to participate in the course evaluation to share your opinions about the course. Information about the course evaluation will be made available in bCourses.

(k) Technical Issue

The course is built on a Learning Management System (LMS) called Canvas and UC Berkeley's version is called bCourses. You will need to meet these [computer specifications to participate within this online platform. \(Links to an external site.\)](#)

In Spring 2023 the course will be taught in-person. If campus policies should change we will transition to remote instruction using Zoom. To participate you will need to have a webcam and a microphone installed on your computer.

Optional

bCourses allows you to record audio or video files of yourself and upload them in the course. Although doing so is not required for any of the activities, using these features will enhance your engagement in the course.

Technical Support

If you are having technical difficulties please alert your GSI immediately. However, please understand that neither your GSI nor the instructor can assist you with technical problems. You must call or email tech support and make sure you resolve any issues immediately.

*In your course, click on the "Help" button on the bottom left of the global navigation menu. Be sure to document (save emails and transaction numbers) for all interactions with tech support. **Extensions and late submissions will not be accepted due to "technical difficulties."***

2. Course Outline

First class meeting (01/18)

At the first lecture class meeting - Wednesday January 19 - I shall introduce your GSI, **Isabella Mariani**, offer an overview of the entire course content and goals, carefully review all administrative matters, and survey all course requirements. We shall then briefly consider what is meant by a "theory of law and society."

Assigned Reading:

Please prepare for the class by reading the material posted on this site under the tab labeled "Course Basics."

Class prompt (be prepared for a brief class discussion on the following question): **Dramatic controversy and sweeping changes over the past two decades have occurred to laws in many U.S. states on the question whether legal marriage is restricted to relationships between a man and a woman or extends to same-sex couples. If you were asked to explain why this change in the law have occurred and continue to occur, what reasons would you give?**

(In this course you will quickly discover that there are very few "right" or "wrong" answers to the questions we consider. This means that your opinions always count! Opinions that are informed by advance preparation and careful consideration generally are more likely to convince or influence others than opinions formed hastily on the spot, but no one should feel that their opinions do not count. So in thinking about how you would answer this question please feel free to offer reasons that seem obvious or even random. In all our discussions we will want to try to consider all possible explanations for a phenomenon before deciding which explanations are more likely than others.)

Class topics, readings, prompts (01/20 - 01/27)

The Eighteenth Century and the Modern Legal Subject

January 20 - The Baseline (1): The Enlightenment

Assigned Reading:

[Beccaria, *On Crimes and Punishments*](#), Introduction, and Chapters 1-5

Lecture Script

Slides

January 23 - The Baseline (2): The French Revolution

["What is the Third Estate?"](#) January 1789

["Declaration of the Rights of Man and Citizen, 26 August 1789"](#)[DRMC]

Discussion Sections: Monday Section will meet (4 pm)

Lecture Script

Slides

January 25 - The Work of Law: Guiding Conduct

Assigned Reading:

[Beccaria, *On Crimes and Punishments*](#), Chapters 6, 16, 27.

Discussion Sections: Wednesday Section will meet (3 pm)

Lecture Script

Slides

January 27 - The Work of Law: Fundamental Rights and the Modern Legal Subject

Assigned Reading:

[Beccaria, *On Crimes and Punishments*](#), Chapter 26.

["Declaration of the Rights of Man and Citizen" \[DRMC\]](#)

["Revolutionary Debates in France,"](#) items # 15, 16, 17, 23, 24, 34, 36, 39.

Class prompt (be prepared for a brief class discussion on the following question): **Article 6 of the DRMC declares that the law "must be the same for everyone" and that "all citizens" must be "equal in its eyes." What do the "Revolutionary Debates" tell us about Article 6?**

Lecture Script

Slides

Class topics, readings, prompts (01/30 - 02/24)

Marx on Law and Political Economy

January 30 - Introducing Marx: From Law to Political Economy

Assigned Reading:

Karl Marx Selected Writings (ed. Simon): Introduction, [pp. ix-xxxv](#); and "Toward a Critique of Hegel's *Philosophy of Right*: Introduction," [pp. 27-39](#).

["Marx Study Questions"](#)

Lecture Script

Slides

February 01 - Law and the Young Marx

Assigned Reading:

Karl Marx, "Debates on the Law on Thefts of Wood," Articles from the *Rheinische Zeitung* 1842, [pp. 48-84](#).

Lecture Script

Slides

February 03 - Marx: The Critique of Rights

Assigned Reading:

Karl Marx Selected Writings (ed. Simon): "On the Jewish Question", [pp. 1-26](#).

Lecture Script

Slides

February 06 - Marx: The Centrality of Labor

Assigned Reading:

Karl Marx Selected Writings (ed. Simon): "Economic and Philosophical Manuscripts," [pp. 54-68](#).

["Marx Study Questions"](#)

Lecture Script

Slides

February 08 - Marx: On Historical Method

Assigned Reading:

Karl Marx Selected Writings (ed. Simon): "The German Ideology," [pp. 102-31, 153-56](#).

Lecture Script

Slides

February 10 - Marx: Capitalist Society, Capitalist Production

Assigned Reading:

Karl Marx Selected Writings (ed. Simon): "The Communist Manifesto," [pp. 157-76](#).

Lecture Script

Slides

February 13 - Marx: Toward a Theory of the Bourgeois Economy

Assigned Reading:

Karl Marx Selected Writings (ed. Simon): "Preface to *A Contribution to the Critique of Political Economy*," [pp. 209-13](#).

Lecture Script

Slides

February 15 - Marx: The Commodity

Assigned Reading:

Karl Marx Selected Writings (ed. Simon): "Capital, Volume One," [pp. 214-43](#).

Lecture Script

Slides

February 17 - Marx: Exchange

Assigned Reading:

Karl Marx Selected Writings (ed. Simon): "Capital, Volume One," [pp. 244-73](#).

Lecture Script

Slides

February 20 - President's Day: No Class

February 22 - Marx: State, Equality, and Socialism

Assigned Reading:

Karl Marx Selected Writings (ed. Simon): "Critique of the Gotha Programme", [pp. 315-32](#).

Lecture Script

Slides

February 24 - Marx: Review

Assigned Reading:

["Marx Study Questions"](#)

This class is devoted to your questions concerning Marx. Come to class prepared to identify themes that require further discussion and clarification, and to identify any assigned sections of Marx's work that remain confusing.

Lecture Script

Slides

NB: The Marx Paper topic becomes available today (February 24) at 10 am. It is due March 2 by 11.59 pm.

Class topics, readings, prompts (02/27 - 03/10)

Maine and Historical Jurisprudence

February 27 - Introducing Maine: From Status to Contract

Assigned Reading:

[Maine, *Ancient Law*](#), chapter 5.

["Maine Quotations on Historical Method"](#)

["Maine Study Questions"](#)

Lecture Script

Slides

March 01 - Maine: Understanding Legal Change

[Maine, *Ancient Law*](#), chapter 1 (in full); chapter 2, paragraphs 1-7.

Lecture Script

Slides

March 03 - Maine: The Invention of Legal Equality

Assigned Reading:

[Maine, *Ancient Law*](#), chapter 3, paragraphs 1-9; chapter 4, paragraphs 1-7, 9-12.

Lecture Script

Slides

March 06 - Maine: Contract and Modernity

Assigned Reading:

[Maine, *Ancient Law*](#), chapter 9, paragraphs 1-22, 31 (the last paragraph of the chapter).

[Henry Sidgwick, *The Elements of Politics*](#) (1891), chapters 3, 4, and 6

Lecture Script

Slides

March 08 - Maine: A Historical Jurisprudence

Assigned Reading:

[J.H. Morgan, "Introduction" to *Ancient Law*](#) (Tredition Classics edition)

[Lawrence Rosen, "Foreword" to *Ancient Law*](#) (University of Arizona Press edition)

[Theodore W. Dwight, "Introduction" \(1875\) to *Ancient Law*](#) (included in the 1986 University of Arizona Press edition). [This source provides a convenient descriptive synopsis of Maine's book]

["Maine Quotations on Historical Method"](#)

Lecture Script

Slides

March 10 - Maine: Review

Assigned Reading:

["Maine Quotations on Historical Method"](#)

["Maine Study Questions"](#)

This class is devoted to your questions concerning Maine. Come to class prepared to identify themes that require further discussion and clarification, and to identify any assigned sections of *Ancient Law* that remain confusing.

Lecture Script

Slides

NB: The Maine Paper topic becomes available today (March 10) at 10 am. It is due March 16 at 11.59 pm

Class topics, readings, prompts (03/13 - 04/05)

Durkheim on Law and Society

March 13 - Introducing Durkheim: Community, Society, Individual

Assigned Reading:

Durkheim, *Division of Labor in Society*, 2014 edition (white cover): Lewis Coser, "Introduction," [pp. xi-xxiii](#); Steven Lukes, "Introduction," [pp. xxv-xliii](#). 1984 edition (blue cover): Lewis Coser, "Introduction," pp. ix-xxiv.

["Durkheim Study Questions"](#)

["Durkheim Reading References"](#)

Lecture Script

Slides

March 15 - Durkheim: Division of Labor in Society - Central Concepts

Assigned Reading:

Durkheim, *Division of Labor in Society*, 2014 edition (white cover), [pp. 3-56](#); 1984 edition (blue cover) xxv-lix, 1-30.

Lecture Script

Slides

March 17 - Durkheim: Mechanical Solidarity (Punishment and Society)

Assigned Reading:

Durkheim, *Division of Labor in Society*, Book I chapter 2 (both editions), [pp. 57-87](#).

["Durkheim Reading References"](#)

Lecture Script

Slides

March 20 - Durkheim: Organic Solidarity (Restitutive Law)

Assigned Reading:

Durkheim, *Division of Labor in Society*, Book I chapter 3 and chapter 6 (both editions): [pp. 88-104](#), and [pp. 138-57](#).

Lecture Script

Slides

March 22 - Durkheim: Modern Contract and Social Solidarity

Assigned Reading:

Durkheim, *Division of Labor in Society*, Book I chapter 7 (both editions): [pp. 158-80](#).

Lecture Script

Slides

March 24 - Durkheim: Individualism (1): Individualism and Anomie

Assigned Reading:

Durkheim, *Division of Labor in Society*, 2014 edition (white cover): Book III chapter 1 and Book III Conclusion (both editions): [pp. 277-92](#), and [pp. 309-19](#).

Lecture Script

Slides

March 27 - Spring Break: No Class

March 29 - Spring Break: No Class

March 31 - Spring Break: No Class

April 03 - Durkheim: Individualism (2): Individualism Defended

Assigned Reading:

[Durkheim, "The Dualism of Human Nature and its Social Conditions"](#)

[Durkheim, "Individualism and the Intellectuals"](#)

Lecture Script

Slides

April 06 - Review of Durkheim on Law and Society

Assigned Reading:

["Durkheim Study Questions"](#)

["Durkheim Reading References"](#)

This class is devoted to your questions concerning Durkheim. Come to class prepared to identify themes that require further discussion and clarification, and to identify any assigned sections of Durkheim's work that remain confusing.

Lecture Script

Slides

NB: The Durkheim Paper topic becomes available today (April 05) at 10 am. It is due April 13 by 11.59 pm.

Class topics, readings, prompts (04/07 - 04/26)

Weber: Capitalist Society, Law, and Rationalization

April 07 - Introducing Weber: General Concepts 1 (Social Action, Legitimacy, Discipline, Ideal Types)

Assigned Reading:

[Weber, *On Charisma and Institution Building* \(ed. S.N. Eisenstadt\)](#), pp. 3-17, 28-42, 46-7.

["Weber Study Questions"](#)

Lecture Script

Slides

April 10 - Introducing Weber: General Concepts 2 (Bureaucracy)

Assigned Reading:

[Weber, "Bureaucracy,"](#) in *From Max Weber* (ed. H.H. Gerth and C. Wright Mills), pp. 196-244.

Lecture Script

Slides

April 12 - Weber: General Concepts Applied

Assigned Reading:

[Weber, "Politics as a Vocation,"](#) (typescript).

Lecture Script

Slides

April 14 - Weber: Capitalism and Religion (1): The Issue Defined

Assigned Reading:

[Weber, *The Protestant Ethic and the Spirit of Capitalism*,](#) pp. 1-36.

Lecture Script

Slides

April 17 - Weber: Capitalism and Religion (2): Asceticism and the Capitalist Spirit

Assigned Reading:

[Weber, *The Protestant Ethic and the Spirit of Capitalism*,](#) pp. 67-122.

Lecture Script

Slides

NB: The Final Examination Instructions become available today at 10 am. Please familiarize yourself with these instructions.

April 19 - Weber: Law (1) The Economy and Social Norms

Assigned Reading:

[Weber, *Economy and Society*,](#) pp. 311-37.

Lecture Script

Slides

April 21 - Weber: Law (2): The Emergence and Creation of Legal Norms

Assigned Reading:

[Weber, *Economy and Society*,](#) pp. 753-84.

Lecture Script

Slides

April 24 - Weber: Law (3): The Formal Qualities of Modern Law

Assigned Reading:

[Weber, *Economy and Society*](#), pp. 880-900.

[Mark Galanter, "The Modernization of Law,"](#) in *Modernization* (ed. Myron Weiner), pp.153-65.

Lecture Script

Slides

NB: The Final Examination becomes available today at 10 am.

April 26 - Weber: Rationalization and Disenchantment

Assigned Reading:

[Weber, "Science as a Vocation,"](#) (typescript).

Lecture Script

Slides

Class topics, readings, prompts (04/28)

Final Examination Review

April 28 - Final Examination Review: Essay 1 (Weber) and Essay 2 (see "Final Exam Instructions")

Assigned Reading:

"Final Examination Instructions"

"Final Examination"

["Weber Study Questions"](#)

This class is devoted to your questions about the final examination. It will be devoted to both the Weber Essay that is one half of the final examination, and a second question comprising the other half. Come to class prepared to identify themes from Weber that require further discussion and clarification, to identify any assigned sections of Weber's work that remain confusing, and to raise any other questions you may have in anticipation of the final examination.

Lecture Script

Slides

Discussion Sections: Your GSI will tell you whether sections will meet during RRR Week