

SOCIOLOGY OF LAW

Legal Studies 184 | Spring 2021
University of California, Berkeley
Lecture: Tu Th 12:30-2pm

Location: <https://berkeley.zoom.us/j/92767834630>

Instructor

Dr. Kristin M. Sangren
ksangren@berkeley.edu

Office Hours: Wednesdays 10am-12pm or by appointment

Location: <https://berkeley.zoom.us/j/8780271802>

GSIs

Kyle DeLand
delandks@berkeley.edu

Sections:

102 (Tuesdays 2-3pm)

104 (Thursdays 8-9am)

Yen-Tung Lin
ytl@berkeley.edu

Sections:

101 (Mondays 9-10am)

103 (Wednesdays 3-4pm)

COURSE INFORMATION

Law is a set of abstract rules meant to bind all members of a given social community. Yet law is itself also the product of many different types of social relationships, has many different effects on different groups over which it claims jurisdiction, and enacts the inclusion in and exclusion from community membership. It structures our relationships to one another, impacts the meaning we make out of our lives, informs our everyday practices, and shapes the way we view ourselves. It (re)produces privilege and disadvantage, and at times facilitates (or frustrates) social change in unpredictable ways. Although law stands as a discrete institution and form in nearly all modern societies, it is always intersected by a multiplicity of broader social forces and processes.

In this course, we will explore the many social lives of law. We begin by considering law's role in the maintenance of social solidarity, in framing moral attribution, and in shaping normativity. We then turn to the many uses of "rights" in legal mobilization and broader social movements. Next, we examine law's role in the (re)production of social inequalities of various types, focusing in particular on race, gender, and their intersections. We then explore the 'inside' of the law—how laws are crafted and practiced in the legal system by legal professionals, and how law constructs claims to objectivity, facticity, and truth. Turning to the life of the law beyond the hallowed halls of legal institutions, we go on to explore the ways that law shapes meaning, identity, and memory in a broader cultural milieu. Then, we investigate the variety of ways that law is recruited to demarcate inclusion and exclusion from political community membership, and the ways that modern nation-states navigate the proliferating legal regimes in our increasingly globalized world. Finally, we confront the perennial question: Does law produce social change? We focus on a particular case, that of the Anti-Abortion Movement, to consider the variety of

unexpected ways that law can be mobilized to enact—or frustrate—social change.

LOGISTICS & EXPECTATIONS

bCourses: You will engage with course content primarily through the [Modules](#) function on [bCourses](#). We will post mandatory weekly reading and assignments to [bCourses>Modules](#), categorized as ‘Read,’ ‘Engagement Opportunities,’ ‘CRM,’ etc. You will not necessarily have tasks to complete in all categories every week, and in most weeks you will have multiple tasks to complete, for example, under ‘Read.’ Modules will also include a section ‘Recommended,’ where we will include optional content.

COURSE ENGAGEMENT:

Asynchronous Engagement:

Because of the uncertainties of our current moment, and the challenges associated with Remote Learning, I have endeavored to design this class to be flexible and responsive to a variety of learning circumstances. The course is designed to allow students to be successful even if they are infrequently able to attend synchronous sessions. As long as you keep up with the reading, and very actively and consistently engage with the various asynchronous opportunities, you will be successful in this course.

Owing to privacy concerns (both my own and those of your classmates) I will *not* be video recording lectures or making them available asynchronously. I will post select audio recordings of formal lecture sections of synchronous sessions to [bCourses>Modules>Course Toolbox>Lecture Slides & Recordings](#). These recordings will expire after *one week*.

We will be using a variety of different platforms to facilitate asynchronous engagement. The primary platforms will be [bCourses Modules](#) and [Discussion Boards](#), [Hypothesis](#), and [GSuite](#). Please familiarize yourself with these platforms, and let your GSIs know if you are having difficulties navigating the tech workflow. Please review the brief walkthrough of these platforms in the [Course Introduction Video](#).

All engagements will be evaluated in accordance with the [High-Quality Engagements Rubric](#). You will be given a weekly assessment based on this rubric, posted to [bCourses](#). We will drop your 2 lowest weekly assessments when calculating your final grade.

Synchronous Engagement:

This course prioritizes active learning strategies and activities. Synchronous lectures will incorporate many small-group learning activities during which you will be expected to engage directly with one another, occasionally with instructor oversight. You are not required to turn your cameras or microphones on during synchronous sessions, although we encourage you to do so if you are comfortable.

In order for us to have productive discussions, it is imperative that you come to class prepared and ready to participate in thoughtful and respectful discussion. Successful engagement correlates with quality, rather than with quantity of comments. Coming to see your GSI or me in office hours also qualifies as engagement.

In class we will refer directly to portions of the text, so ***always have your copy of the readings accessible during synchronous meetings!*** It is possible that our discussions may touch on sensitive or controversial topics. It is imperative that we keep an open mind and respect everyone’s differing viewpoints. Discriminatory behavior will not be tolerated.

LecturePods:

You will be assigned a Zoom LecturePod (Breakout Room) at the beginning of the semester. This

group will consist of ~5 students (your ‘PodMates’), and you will periodically be broken-out into your Pods during synchronous lecture sessions for small-group activities. Most of these activities will require you to produce a deliverable or record of your discussion (‘PodDoc’) that will be reviewed by your GSI and factored in to your High-quality Engagements assessment.

Periodically throughout the semester, you will conduct peer assessments of your own and your PodMates’ engagement during synchronous LecturePod activities. These assessments will be factored in to your High-quality Engagements score.

Be aware that I or a GSI may join your Lecture Pod discussion at any time. This is a good time to ask questions or for clarification of the material under discussion in a smaller-group setting. Occasionally, we will assign homework assignments, for example short presentations, which will require you to collaborate with your Pod outside of class.

PodMates are mutually accountable—if you miss lecture, you should reach out to your PodMates to inquire about missed materials and get the link to the PodDoc.

If you would like to receive credit for asynchronous Pod Doc engagement, you must:

- 1) Review the *full* Pod Doc (not only your LecturePod’s contribution)
- 2) Write a ~1 paragraph meta-reflection on the PodDoc prompt. You should summarize the various views of your classmates, comment on these views, respond to or clarify questions that your classmates raise, and note any questions that these views raised for you.
- 3) Input your contribution at the bottom of the PodDoc, in **Blue** font and with your name clearly indicated.
- 4) Submit your contribution by 5pm the following day by uploading a link to the PodDoc (with your contribution) to the bCourses assignment “Asynchronous PodDoc Engagement” in the module for the corresponding week.

We strongly encourage you to leverage your LecturePod for group study, collaborative research, and general community.

Assigned Readings:

All course readings will be made available electronically through bCourses>Modules. You are expected to come to class having completed all assigned readings in advance. **It is imperative that you keep up with the reading if you want to succeed in this class!**

Questions & Communications:

I will communicate with you primarily through the bCourses platform, and it is your responsibility to keep abreast of any course announcements (so turn on your notifications!) Please notify me ASAP if you are unable to access the bCourses site.

If you have a question about the class, you **must** complete the following steps before emailing the instructor or your GSI:

- 1) Check the syllabus
- 2) Check bCourses>Modules>Course Toolbox
- 3) Check bCourses>Discussions>the relevant Pinned Discussion (‘Course Content Questions’ or ‘Course Logistics Questions’)

If you do not find the answer to your question using the above strategies:

- If your question is not of a personal matter specific to you—e.g., inquiries about your grade, questions about your final project topic, etc.—post your question to the relevant Pinned Discussion. Myself or a GSI will respond to your thread within 24 hours (M-F, 9am-6pm PST).
- If your question is of a personal matter related to your grade, requesting an extension, or DSP-related, email your GSI.
- For more general matters, or matters related to course content or structure, email the professor. I endeavor to respond to emails within 24 hours, but may take longer on weekends. I will not respond to emails received after 6pm until the following morning. Consult with your GSI about their email policy.
- If you do not receive a response to your email, it is likely that the information you need is available in one of the three steps listed above. Check again.

Answering your classmates' questions posted to either the Course Logistics or Course Content Questions threads (ACCURATELY) will count towards your HQE score!

Critical Reading Memos (CRMs):

These memos are a ~3-page synthesis and evaluation of two of the readings for the week that the CRM is due (for greater detail and instructions, see the [CRM Guidelines](#).) There will be 12 weekly deadlines throughout the semester, and students must choose **FOUR (4)** deadlines at which to submit a CRM. It is your choice which deadlines to submit. You do not need to notify your GSI if you will be submitting in a given week, just upload your memo to bCourses by the deadline.

There will be **NO EXTENSIONS!** The bCourses Assignment will automatically close at the weekly deadline, and no additional submissions will be accepted. Don't panic! Remember, you have many more opportunities to submit! *

Final Project: The final project in this course will be a presentation of an argument about a topic of the student's choice, based on original research. You will have considerable latitude in how you choose to present your argument—a conventional research paper, a 'Last Week Tonight'-style long-form video segment, an op-ed, a podcast, etc. You will be required to submit a short (~1 paragraph) project proposal (March 5th), which your GSI must approve before you begin research. You will then submit an annotated bibliography identifying and summarizing some preliminary sources you plan to use (April 2nd). Finally, you must submit a full bibliography (not annotated) at the time that you upload your final submission Monday, May 10th, by 5pm PST. We will provide more guidelines and a rubric later in the semester, and provide activities and space to help you to develop your project during Discussion Sections.

GRADE BREAKDOWN

High-quality Engagement (HQE)	40%
<ul style="list-style-type: none"> • LecturePod participation • Synchronous engagement (in-class discussion/questions, Zoom chat contributions, office hours) • Asynchronous engagement (Hypothesis annotations, Discussion Threads, asynchronous PodDoc engagement, etc.) 	
Critical Reading Memos (CRMs)	30%
<ul style="list-style-type: none"> • 7.5% per CRM 	
Final Project	30%

- Project proposal 5%
- Annotated bibliography 5%
- Final submission 20%

Key Deadlines:

- Saturdays, 11:59pm PST—CRM submission deadline
- Saturdays, 11:59pm PST—HQE weekly cutoff
- Friday, March 5th, 11:59pm PST—Final Project proposal due
- Friday, April 2nd, 11:59pm PST—Annotated bibliography due
- Monday, May 10th, 5:00pm PST—Final Project submission deadline

POLICIES

Statement on Copyright and Recording:

Materials in this course—unless otherwise indicated—are protected by United States copyright law [Title 17, U.S. Code]. Materials are presented in an educational context for personal use and study and should not be shared, distributed, or sold in print—or digitally—outside the course without permission.

Video and audio recording of lectures and sections without my, your GSI, and all of your fellow students' consent is prohibited. You may not reuse or circulate recorded lectures, my slides, or other course resources to anyone without my permission. This includes screenshots of course materials and/or participants, unauthorized recording of lectures, presentations, or discussions.

Disability-Related Accommodations:

If you need disability-related accommodations in this class, please arrange to meet with your GSI immediately to discuss your requirements. If your disability status or accommodations change during the semester, please notify your GSI immediately to update your requirements.

* Students with DSP accommodations granting occasional extensions on take-home assignments for disability-related circumstances may be granted an extension to submit a weekly CRM until the following Monday, 11:59pm. Please notify your GSI in advance of the regular Saturday deadline if you intend to use this option.

Please remember that extensions are meant to specifically address the impact of a student's disability on their ability to complete an assignment by the deadline provided to students who do not share the student's disability identity.

Academic Integrity and Misconduct:

UC Berkeley's [Honor Code](#) states "As a member of the UC Berkeley community, I act with honesty, integrity, and respect for others."

You are expected in this class to uphold the honor code commitment to academic integrity and ethics. Honesty, integrity, and ethical behavior are of great importance in all facets of life. They are so important that it is generally assumed that one has learned and internalized these qualities at an early age. As a result, these issues rarely get explicitly addressed by the time one gets to be a university student. However, it cannot be overstated just how important honesty is to the academic enterprise. If you are struggling in this class, it is imperative that you communicate these challenges early and *honestly* to your instructors.

You must be original in composing the writing assignments in this class. To copy text or ideas from another source (including your own previously, or concurrently, submitted course work) 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, self-plagiarism, and how to avoid it, see, for example: <http://www.lib.berkeley.edu/instruct/guides/citations.html#Plagiarism>

The University defines academic misconduct as “any action or attempted action that may result in creating an unfair academic advantage for oneself or an unfair academic advantage or disadvantage for any other member or members of the academic community” ([UC Berkeley Code of Student Conduct](#)). Incidents of misconduct will be handled in accordance with the policies and procedures prescribed by the [Center for Student Conduct](#).

Finally, you should keep in mind that as a member of the campus community, you are expected to demonstrate integrity in all of your academic endeavors and will be evaluated on your own merits. The consequences of plagiarism, cheating, and academic dishonesty of any type—including a formal discipline file, possible loss of future internship, scholarship, or employment opportunities, and denial of admission to graduate school—are simply not worth it.

Territory Acknowledgement:

Although we are meeting remotely and most students are away from Berkeley, I would like to acknowledge that the brick-and-mortar buildings of UC Berkeley sit on the territory of Huichin, the ancestral and unceded land of the Chochenyo [Ohlone](#), the successors of the historic and sovereign Verona Band of Alameda County. This land was and continues to be of great importance to the Ohlone people. We recognize that every member of the Berkeley community has, and continues to benefit from the use and occupation of this land, since the institution’s founding in 1868. Consistent with our values of community and diversity, we have a responsibility to acknowledge and make visible the university’s relationship to Native peoples. By offering this Land Acknowledgement, we affirm Indigenous sovereignty and will work to hold University of California Berkeley more accountable to the needs of American Indian and Indigenous peoples (Statement adapted from the [Native American Studies library website](#)).

Any matter not explicitly covered by this syllabus or institution-wide policy is left to my sole discretion as the instructor.

COURSE SCHEDULE

Week 1

Course Introduction (1/19/21)

(Recommended) Calavita, Kitty (2010). *Invitation to Law & Society: An Introduction to the Study of Real Law*. Chicago: The University of Chicago Press. Introduction (pp. 1-9)

Solidarity, Moral Attribution, and Norms (1/21/21)

Durkheim, Emile (1933 [1893]), *The Division of Labor in Society*. New York: The Free Press. [pp. 63-69, 105-115, 127-132]

Durkheim, Emile. (1974 [1906]), “The Determination of Moral Facts.” pp. 35-62 in *Sociology and Philosophy*, D.F. Pocock (trans.). New York: The Free Press. [excerpt, pp. 37-38]

Macaulay, Stewart. 1963, *Non-Contractual Relations in Business: A Preliminary Study*. *ASR* 28(1): 55-67

Week 2: The Use(s) of Rights

Rights Consciousness (1/26/21)

McCann, Michael W. 1994. *Rights at Work: Pay Equity Reform and the Politics of Legal Mobilization*. Chicago: University of Chicago Press, chap 7 (pp. 227-277)

Individual Mobilization (1/28/21)

Engel, David M. and Frank W. Munger. 1996. *Rights, Remembrance, and the Reconciliation of Difference*. LSR 30(1): 7-54

Recommended:

Lewis, Andrew R. 2017. *The Rights Turn in Conservative Christian Politics: How Abortion Transformed the Culture Wars*. Cambridge: Cambridge University Press, introduction (pp. 1-14) (14 pages)

Week 3: The Production of Inequality

(2/2/21)

Marx, Karl and Frederick Engels (1947 [1846]), *The Relation of State and Law to Property*. The German Ideology. C.J. Arthur, ed. New York: International Publishers, pp. 79-81.

Hunt, Alan. 1996. *Marxist Theory of Law. A Companion to Philosophy of Law and Legal Theory*. Hoboken: Blackwell Publishers, pp. 355-365.

Galanter, Mark, "Why the Haves Come Out Ahead: Speculations on the Limits of Legal Change" *Law and Society Review*, 1.9 (Autumn, 1974): 95-151

(2/4/21)

Beckett, Katherine and Alexes Harris. *On cash and Conviction: Monetary Sanctions as Misguided Policy*. *Criminology & Public Policy* 10(3): 509-529

Pager, Devah (2003) *The Mark of a Criminal Record*. *American Journal of Sociology* 108(5): 937-970

Recommended:

Kohler-Hausmann, Issa. 2013. *Misdemeanor Justice: Control without Conviction*. *American Journal of Sociology* 119(2): 351-393 (42 pages)

Lara-Millan, Armando. 2020. *Theorizing financial extraction: The curious case of telephone profits in the Los Angeles county jails*. *Punishment and Society*. Available: <https://journals-sagepub-com.libproxy.berkeley.edu/doi/full/10.1177/1462474520941929>

[Liu, Sida \(2015\). Law's Social Forms: A Powerless Approach to the Sociology of Law. *Law & Social Inquiry*, Volume 40, Issue 1, Winter 2015, pp. 1 - 28](#)

Week 4—The Color and Gender of Justice

(2/9/21)

Calavita, Kitty (2010). *Invitation to Law & Society: An Introduction to the Study of Real Law*. Chicago: The University of Chicago Press. Chap. 4 (pp. 51-73).

Alexander, Michelle. 2010. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New

York: The New Press, chap. 4 (pp. 95-136).

(2/11/21)

Frohman, Lisa. 1997. Convictability and Discordant Locales: Reproducing Race, Class and Gender Ideologies in Prosecutorial Decisionmaking. *Law and Society Review* 31: 531-554

Gurusami, Susila. 2019. "Motherwork Under the State: The Maternal Labor of Formerly Incarcerated Black Women." *Social Problems* 66 (1): 128–141

Recommended:

Addington, Lynn A. 2020. Police response to same-sex intimate partner violence in the marriage equality era. *Criminal Justice Studies*. Available: <https://www.tandfonline-com.libproxy.berkeley.edu/doi/full/10.1080/1478601X.2020.1786277?journalCode=gjup20>

Farrell, Amy, Geoff Ward and Danielle Rousseau. 2010. Intersections of Gender and Race in Federal Sentencing: Examining Court Contexts and the Effects of Representative Court Authorities. *Journal of Gender, Race & Justice* 14: 127-142

Frohman, Lisa. 1997. Convictability and Discordant Locales: Reproducing Race, Class and Gender Ideologies in Prosecutorial Decisionmaking. *Law and Society Review* 31: 531-556

Kurwa, Rahim. "[Deconcentration without integration: Examining the social outcomes of housing choice voucher movement in Los Angeles County.](#)" *City & Community* 14, no. 4 (2015): 364-391

Kricheli-Katz, Tamar. 2012. Choice, Discrimination, and the Motherhood Penalty. *LSR Review* 46(3): 557-587

[Payne-Pikus, Monique, John Hagan, and Robert L. Nelson \(2010\). Experiencing Discrimination: Race and Retention in America's Largest Law Firms. *Law & Society Review* 44\(3-4\): 553-584.](#)

Report by The Criminal Justice Policy Program, Harvard Law School. Racial Disparities in the Massachusetts Criminal System. Available: <http://cjpgp.law.harvard.edu/assets/Massachusetts-Racial-Disparity-Report-FINAL.pdf>

Stanko, Elizabeth Anne. 1981. The Impact of Victim Assessment on Prosecutors' Screening Decisions: The Case of the New York County District Attorney's Office. *Law & Society Review* 16(2): 225-240

Week 5: Disputes

Naming, Blaming, and Claiming (2/16/21)

Felstiner, William L.F., Richard L. Abel, and Austin Sarat. 1980. "The Emergence and Transformation of Disputes: Naming, Blaming, Claiming . . ." *Law & Society Review* 15 (3/4): 631–54

Calavita, Kitty and Valerie Jenness. 2015. *Appealing to Justice: Prison Grievances, Rights, and Carceral Logic*. Berkeley: University of California Press, chap. 3

Disputing in Unfamiliar Places (2/18/21)

Li, Ke. 2015. "What He Did Was Lawful": Divorce Litigation and Gender Inequality in China. *Law & Policy* 37(3), 153-179

Ruffini, Julio L. 2005[1976]. *Disputing Over Livestock in Sardinia*. *Law and Anthropology: A Reader*. Sally Falk Moore, ed. Malden: Blackwell Publishing, pp. 135-153

Recommended:

Nader, Laura. 1996. Coercive Harmony: the Political Economy of Legal Models. *Kroeber Anthropological Society Papers* (pp. 1-12).

Bumiller, Kristin. 1986. Victims in the Shadow of the Law: A Critique of the Model of Legal Protection, *Signs*, 12, 3-16.

McElhattan, David, Laura Beth Nielsen, and Jill D. Weinberg. 2017. Race and Determinations of Discrimination: Vigilance, Cynicism, Skepticism, and Attitudes about Legal Mobilization in Employment Civil Rights. *Law & Society Review* 53(3), 669-703.

Week 6: The Legal Profession (2/23/21 & 2/25/21)

Sutton, John R. 2001. *Law as Profession. Law/Society: Origins, Interaction, and Change.* Thousand Oaks: Pine Forge Press, chap. 8 (pp. 221-252)

Halliday, Karpik, and Feeley. 2007. *Fighting for Political Freedom: Case Studies of the Legal Complex,* pp. 1-14, 32-34

Nelson, Robert L. and Laura Beth Nielsen. 2000. *Cops, Counsel, and Entrepreneurs: Constructing the Role of Inside Counsel in Large Corporations.* *LSR* 34(2): 457-494.

Recommended:

Hull, Kathleen E. and Robert L. Nelson (2000). *Assimilation, Choice, or Constraint? Testing Theories of Gender Differences in the Careers of Lawyers.* *Social Forces* 79(1): 229-264.

Week 7: Judges (3/2/21 & 3/4/21)

Epstein, Lee and Jack Knight (2004). *Courts and Judges. The Blackwell Companion to Law and Society.* Austin Sarat, ed. Malden: Blackwell Publishing (pp. 170-188)

Clair, Matthew and Alix S. Winter (2016). *How Judges Think about Racial Disparities: Situation Decision-Making in the Criminal Justice System.* *Criminology* 54(2): 332-355.

Hollis-Brusky, Amanda. *Ideas With Consequences: The Federalist Society and the Conservative Counterrevolution.* Oxford: Oxford University Press, chap 3 (pp. 61-89)

Recommended:

Sunstein, Cass R., David Schadke, and Lisa Michelle Ellman. 2004. *Ideological Voting on Federal Courts of Appeals: A Preliminary Investigation.* *Virginia Law Review* 90(1), 304-354. *Read the Introduction and section IV closely, skim especially section III.*

Week 8: Constructing Law (3/9/21 & 3/11/21)

Latour, Bruno. *The Making of Law: An Ethnography of the Conseil D'Etat.* Cambridge: Polity, chap. 4 (pp. 127-197)

Sanders, Andrew. 1987. *Constructing the Case for Prosecution.* *Journal of Law and Society* 14(2): 229-253

Recommended:

Cooney, Mark. 1994. *Evidence as Partisanship.* *Law & Society Review* 28(4): 833-858

Geertz, Clifford. *Fact and Law in Comparative Perspective. Local Knowledge: Further Essays in Interpretive Anthropology.* Basic Books, pp. 167-234

Week 9: Speaking-cum-Thinking in Law (3/16/21 & 3/18/21)

Mertz, Elizabeth. 2007. *The Language of Law School: Learning to "Think Like a Lawyer."* Cambridge: Oxford University Press, chap. 6 (pp. 97-137)

Ewick, Patricia, and Susan S. Silbey. 1998. *The Common Place of Law: Stories from Everyday Life*. Chicago: University Of Chicago Press, chap. 2-3 (pp. 15-53), skim 4-6

Recommended:

Merry, Sally Engel. 1990. *Getting Justice and Getting Even: Legal Consciousness among Working-Class Americans*. Chicago: University of Chicago Press, chap. 3, 5-6 (pp. 37-63, 88-133)

Week 10: Legal Constructions of Identity (3/30/21 & 4/1/21)

Collier, Jane F., Bill Maurer, and Liliana Suarez-Navaz. 1995. *Sanctioned Identities: Legal Constructions of Modern Personhood*. *Identities* 1(1-2): 1-27

Ruskola, Teemu. 2013. *Legal Orientalism: China, the United States, and Modern Law*. Cambridge, Mass: Harvard University Press, chap. 2

Recommended:

Goodale, Mark. 2009. *Dilemmas of Modernity: Bolivian Encounters with Law and Liberalism*. Stanford: Stanford University Press, chaps. 1, 4

Clifford, James. 1988. *The Predicament of Culture: Twentieth-Century Ethnography, Literature, and Art*. Cambridge: Harvard University Press, chap.12 (Identity in Mashpee).

Week 11: Law, Memory, and History (4/6/21 & 4/8/21)

Markovits, Inga. 2001. *Selective Memory: How the Law Affects What We Remember and Forget about the Past: The Case of East Germany*. *LSR* 35(3): 513-563

Fronza, Emmanuela. 2006. *The Punishment of Negationism: The Difficult Dialogue between Law and Memory*. *Vermont Law Review* 30: 609-626

Levin, Daniel. 2004. *Federalists in the Attic: Original Intent, the Heritage Movement, and Democratic Theory*. *LSI* 29: 105-124

Week 12: Law, Sovereignty, and Exclusion (4/13/21 & 4/15/21)

Sutton, John R. 2001. *Law and the State: Max Weber's Sociology of Law*. *Law/Society: Origins, Interaction, and Change*. Thousand Oaks: Pine Forge Press, chap. 4 (pp. 99-132)

De León, Jason. 2015. *The Land of Open Graves: Living and Dying on the Migrant Trail*. Berkeley: University of California Press, Part 1 (pp. 21-87)

Recommended:

Simpson, Audra. 2014. *Mohawk Interruptus: Political Life Across the Border of Settler States*. Durham: Duke University Press, chap. 1 (pp. 1-36)

Volpp, Leti. 2019. [Protecting the Nation from 'Honor Killings': The Construction of a Problem](#). *Constitutional Commentary*, pp. 133-169.

Week 13—Proliferations of Law in an Interconnected World (4/20/21 & 4/22/21)

Merry, Sally Engel. 1988. *Legal Pluralism*. *LSR* 22(5): 869-896.

Clarke, Kamari. 2010. *Fictions of Justice: The International Criminal Court and the Challenge of Legal Pluralism in Sub-Saharan Africa*. Cambridge: Cambridge University Press, selections TBA.

Recommended:

von Benda-Beckmann, Franz. 1988. Comment on Merry. *Law & Society Review* 22.5: 897-902.

de Sousa Santos. Boaventura. 1987. Law: A Map of Misreading. Toward a Postmodern Conception of Law. *JLSR* 14(3): 279-302.

Week 14—Does Law Produce Social Change? A Case Study (4/27/21 & 4/29/21)

Albiston, Catherine. 2011. The Dark Side of Litigation as a Social Movement Strategy. *Iowa Law Review Bulletin* 96: 61-77.

Luker, Kristin. 1984. *Abortion and the Politics of Motherhood*. Berkeley: University of California Press, chap. 6-7 (pp. 126-191).

Arey, Whitney. 2019. Web Roundup: Abortion Bans, Heartbeat Bills, and the Future of Roe v. Wade. Somatosphere. Available: <http://somatosphere.net/2019/web-roundup-abortion-bans-heartbeat-bills-and-the-future-of-roe-v-wade.html/>.

Recommended:

Chemerinsky, Erwin and Michele Goodwin. 2019. Constitutional Gerrymandering Against Abortion Rights: *NIFLA v. Becerra*. *NYU Law Review* 94: 61-124.