

SOCIOLOGY OF LAW

Legal Studies 184 | Spring 2023
University of California, Berkeley
Lecture: TuTh 8-9:30am PST
Location: McCone 141

Instructor

Dr. Kristin M. Sangren
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Office Hours: Thursdays 4-6pm or by appointment
Signup: [Calendly](#)

GSI

Nandina Babic
Sections 102 (Tues 10-11am) & 104 (Thurs 4-5pm)
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COURSE INFORMATION

The aim of this course is to introduce students to the ways that sociologists and social scientists study law and legal institutions as social relationships. Law is a set of abstract rules meant to bind all members of a given social and/or political 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. In this course, we will explore questions such as, why do societies have law? How does law intersect with other social institutions like race, gender, politics, economy, etc.? Who are the players that animate legal institutions, and how do they operate? How is law important (or not) to ordinary people? Does law produce social change?

JUMP TO:

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- Readings
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- Exams

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COURSE SCHEDULE

GRADE BREAKDOWN

- High-Quality Engagement (HQE) 20%
 - ~50% LecturePod participation
 - ~50% Perusall annotations
 - Misc. (course playlist, in-lecture/section participation, office hours, Ed Discussion, etc.)
- Critical Reading Memos (CRMs) (3) 30%
- Midterm exam 25%
- Final exam 25%

IMPORTANT DATES/DEADLINES

- Fridays, 11:59pm PST—HQE weekly cutoff
- Saturdays, 11:59pm PST—CRM submission deadline
- Wednesday, February 8th—Add/Drop deadline
- Thursday, March 2nd—Midterm exam (in-class)
- Thursday, May 11th, 7-8:30pm PST—Final exam

LOGISTICS & EXPECTATIONS

Course structure:

Lectures are scheduled to meet on Tuesdays and Thursdays from 8:10-9:30am PST. During class, we will use a combination of lecture (where I explain things to you), discussion (where you work out your own ideas in conversation with your classmates), and Q&A (where I answer your questions). Additionally, you will have a weekly hour-long discussion section, the structure of which is at the discretion of your individual GSI. You must regularly attend if you want to succeed in this class.

Readings:

You are required to read the assigned readings ***before*** each class, and to participate actively in the discussion of them. All readings will be available in the Modules tab on bCourses. You are not required to purchase any books or additional materials for this class. There are on average about 80 pages of weekly assigned reading. ***It is imperative that you keep up with the reading if you want to succeed in this class!***

It is highly recommended that you take detailed notes on the readings. These notes will streamline your preparation for exams, provide a quick-reference for class discussions, and improve your efficiency in preparing CRMs. If you consult the teaching team for advice on how to improve your performance or grade, the first thing we will do is ask to see your reading notes.

Perusall annotations:

Perusall is a group-annotation app that allows you to make in-line annotations on PDFs and respond to your classmates' annotations. All readings on bCourses will be Perusall enabled. Active Perusall engagement will constitute approximately half of your High-Quality Engagement assessment. You are

expected to complete a *minimum* of two (2) high-quality annotations per assigned reading *before* the lecture in which that reading is scheduled to be discussed in order to receive full credit. Annotations will be accepted for partial credit until Fridays before midnight.

LecturePods and in-class discussion:

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. In class we will refer directly to portions of the text, so please remember to **have your copy of the readings accessible during class!**

Please keep in mind that the course may touch on sensitive, controversial, or personal topics. It is critical that we respect one another's thoughts and experiences, and address comments to the ideas and arguments, not to the person. Discussions should be productive, scholarly, respectful, and appropriate. Discriminatory, inflammatory, or disruptive behavior will not be tolerated. If you feel that these expectations are not being met, please inform the teaching team immediately.

You will be assigned a LecturePod at the beginning of the semester. This group will consist of ~5 students (your 'PodMates'), and you will be broken-out into your Pods during Tu/Th lecture sessions for small-group discussions and activities. You will record and submit PodMate participation on your 'PodDoc' (to be explained in lecture). Your PodDoc is assessed based on completion, NOT on accuracy/correctness.

PodMates are mutually accountable—if you miss class, you should reach out to your PodMates to inquire about missed material. You are encouraged to leverage your LecturePod for group study, collaborative research, and general community. You will conduct peer assessments of your own and your PodMates' engagement during LecturePod activities twice during the semester. These assessments will be factored into your final HQE grade.

Critical Reading Memos (CRMs):

These memos are a 5-6 page synthesis and evaluation of two (2) of the readings for the week that the CRM is due (for greater detail and instructions, see the [CRM Guidelines](#).) There will be thirteen (13) weekly deadlines throughout the semester, and you must choose **THREE (3)** deadlines at which to submit a CRM. You will sign up for your CRM weeks during your first discussion sections. You may submit up to four (4) CRMs for a grade—if you choose to do so, your lowest score will be dropped.

Memos are due on Saturdays before midnight. You may either upload a file (Word or PDF only), or input your entry directly into the bCourses Assignment. Links to external websites (e.g., a Google doc) will *NOT* be accepted. ***It is your responsibility to ensure that your correct file is accessible to your GSI at the time of submission/in advance of the deadline.*** Absent an error on the part of the bCourses platform documented by Berkeley's Educational Technology Services, submissions not accessible to the instructors at the deadline will be marked late.

Late submissions will be accepted with a 2 point per hour (on the hour) penalty, up to 15 hours after the regular deadline.

Students with DSP accommodations granting occasional extensions on take-home assignments for disability-related circumstances may be granted a 24-hour extension (Sunday 11:59pm). You must follow your GSI's stipulated policy in order to receive a disability-related extension on a CRM.

Additionally, each person will start the semester with 1 slip day, which permits you to submit a CRM 24 hours after the deadline without a late penalty.

- A slip day is 24 hours, any day, including weekends and holidays.
- Partial slip days are not allowed. In other words, it is not possible to use part of a slip day to push a deadline back by a few hours.
- To use a slip day, submit your assignment after the deadline with a bCourses comment indicating you are using your slip day.

CRMs will not be accepted beyond the above-stipulated submission windows. ***There will be no additional extensions for CRMs.*** If you will be unable to submit a given CRM within the submission window, request to submit in a different week. If you sign up for a week 15 CRM, I strongly recommend reserving your slip day in case an emergency arises.

Exams:

We will have one in-class midterm exam on Thursday, March 2nd. The final exam is scheduled to be held on Thursday, May 11th 7-8:30pm PST. The format of the exams will be announced in lecture. Make up exams will be permitted only in instances of [University sanctioned circumstances](#) or a documented emergency.

In the event of an emergency, you must email Prof. Sangren within 24 hours of the missed exam with attached documentation verifying the emergency (from the doctor/ER, dean of students, police report, etc.) If your email is not received within 24 hours, you forfeit your right to make up an exam. All makeup exams will be administered during the University final exam period (May 8-12) at a designated time of the instructor’s choosing.

Per Academic Senate guidelines, “It is the student’s responsibility to inform the instructor (or designated GSI), in writing, before the end of the second week of term of all foreseeable conflicts between the syllabus [and sanctioned events] that would require absence from academic activities during the semester, as well as to provide a proposal for resolving these conflicts.”

POLICIES

Questions & Communications:

You are responsible for all information contained in course announcements posted to bCourses (so [turn on your notifications!](#))

If you have a question about the class, you **MUST** complete the following steps before emailing the teaching team:

- 1) Check the syllabus
- 2) Check bCourses>Modules>Course Toolbox
- 3) Check bCourses>Ed Discussion

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., you have a question about the logistics or content of the class—post your question to Ed Discussion in the relevant folder (readings, logistics, etc.) Someone from the teaching team will respond to your thread within 24 hours (M-F, 9am-6pm PST).
- If your question is of a personal matter—e.g., a question about your grade, DSP-related matters, etc.—email your GSI or me (Dr. Sangren).
 - Direct messages must be sent to my email (ksangren@berkeley.edu) from an @berkeley.edu email address. ***I do not read or respond to messages sent via the***

bCourses messaging system.

- ***Your e-mail must contain the course number in the subject line*** (e.g., Subject: [LS 184] Question about my grade).
- I endeavor to respond to emails received during the week within 24 hours. I will not respond to emails received after 6pm until the following morning. You should not expect a response to an email received after 6pm Friday until the following Monday.
- 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.

Course Format (Remote/Recording/Asynchronous Participation):

This is an in-person course. In line with [University guidance](#), you are expected to be on campus and attend class in person unless University policy recommends otherwise. This course does ***NOT*** accommodate asynchronous, remote, or hybrid participation while the University and/or the class is in-person. I will not be making lecture recordings available online. Recording of lectures without a verified DSP accommodation or express permission from me is prohibited.

Grading

Final grades will be assessed based on the following grade cutoffs:

A 94 | A- 91 | B+ 87 | B 83 | B- 80 | C+ 77 | C 73 | C- 70 | D 60 | F <60

Your CRMs and exams will be graded by your GSI, who apply a coursewide grading rubric. If you wish to appeal a grade on a CRM or exam, you must send an email to Dr. Sangren (follow the communications policy above) no less than 48 hours and no more than 7 days after grades for the assignment are released. Appeals received outside of the appeal window will not receive consideration. In your email, address the grader feedback that you are contesting in specific detail. If a re-grade is granted, your ***full*** assignment/exam will be re-graded by Dr. Sangren. Note that a re-grade may be lower than the original grade assessment. All re-grades are final.

I do not round or bump grades, though I may make minor adjustments to ensure equity across sections and graders. It would be unethical and against University policy for me to grant special dispensations for individual students (for example, rounding a grade, giving extra credit, or granting an extension) without giving the same opportunity to every student in the class, and it would be inappropriate for you to ask.

Disability-related accommodations:

If you need disability-related accommodations in this class, arrange to meet with your GSI during the first week of class to discuss your requirements. See [section on CRMs](#) above for information about accommodation-related extensions for that assignment. Exams will be administered by DSP proctoring services—[schedule your midterm and final](#) ***immediately*** if you plan to remain enrolled in the class. Extensions are not available for high-quality engagement.

Statement on Course Content and Topics

Some of the readings, lectures, films, presentations, and discussions in this course may include material that is upsetting or conflicts with the core beliefs of some students enrolled in the course. Please review the syllabus carefully to confirm that you will be able to meet the core requirements of this course, and that this is a course you are committed to taking. If you have a concern, please discuss it with Prof. Sangren immediately.

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 and all of your fellow classmates' consent is prohibited. You may not reuse or circulate or post to any websites any recorded lectures, slides, exams, or other course resources authored by the teaching team without Prof. Sangren's permission. This includes screenshots of course materials and/or participants, unauthorized recording of lectures, presentations, or discussions.

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." 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](#).

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.

ALL WRITING ASSIGNMENTS IN THIS CLASS MUST BE ORIGINALLY COMPOSED. To copy text or ideas from another source (including your own previously or concurrently submitted coursework) without permission and/or appropriate attribution is unacceptable and will result in a zero (0) for your assignment and usually further disciplinary action. The use of automated summarizing, paraphrasing, AI chatbot, or translation software or apps without appropriate attribution is prohibited.

I report *all* instances of academic dishonesty.

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.

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: What is law?

Tuesday, January 17

Course Introduction

Thursday, January 19

"Durkheim, Émile. (1933 [1893]), *The Division of Labor in Society*. New York: The Free Press. (selections posted to bCourses)

Sutton, John R. 2001. *Law, Class Conflict, and the Economy*. *Law/Society: Origins, Interaction, and Change*. Thousand Oaks: Pine Forge Press (pp. 61-84)"

Week 2: What is law?/The Use(s) of Rights

Tuesday, January 24

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)

Thursday, January 26

Jodoin, Sébastien, Shannon Snow, and Arielle Corobow. 2020. Realizing the Right to Be Cold? Framing Processes and Outcomes Associated with the Inuit Petition on Human Rights and Global Warming. *Law & Society Review*, 54:1, 168-200

Pedriana, Nicholas. 2009. Intimate Equality: The Lesbian, Gay, Bisexual, and Transgender Movement's Legal Framing of Sodomy Laws in the *Lawrence v. Texas* Case. *Queer Mobilizations*. Barclay, Scott, Bernstein, Mary, Marshall, Anna-Maria, eds. NY Press (pp. 52-73)

Week 3: The Use(s) of Rights

Tuesday, January 31

Lewis, Andrew R. 2017. The Rights Turn in Conservative Christian Politics: How Abortion Transformed the Culture Wars. Cambridge: Cambridge University Press, chapter 3 (pp. 29-58)

Thursday, February 2

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

Week 4: Everyday Life

Tuesday, February 7

Ewick, Patricia, and Susan S. Silbey. 1998. *The Common Place of Law: Stories from Everyday Life*. Chicago: University Of Chicago Press (selections posted to Perusall)

Thursday, February 9

Abrego, Leisy J. 2019. Relational Legal Consciousness of U.S. Citizenship: Privilege, Responsibility, Guilt, and Love in Latino Mixed-Status Families. *Law & Society Review* 53(3): 641-670

Week 5: Everyday Life (cont.)

Tuesday, February 14

Merry, Sally Engel. 1979. Going to Court: Strategies of Dispute Management in an American Urban Neighborhood. *Law and Society Review* 13 (selections posted to bCourses)

Thursday, February 16

Deland, Michael. 2013. Basketball in the Key of Law: The Significance of Disputing in Pick-Up Basketball. *LSR* 47(3):653-685

Week 6: Legal Pluralism

Tuesday, February 21

Charpleix, Elizabeth. 2018. The Whanganui River as Te Awa Tupua: Place-based law in a legally pluralistic society. *The Geographical Journal*. 184: 19-30

McConnachie, Kirsten. 2014. Governing Refugees: Justice, Order and Legal Pluralism. *Law, Development and Globalization*. Oxon, UK: Routledge. Chapter 7 (pp. 132-152)

Thursday, February 23

Berman, Paul Schiff. 2009. The New Legal Pluralism. *Annual Review of Law and Social Science*. 5:225-242.

Week 7: Review week

Tuesday, February 28

Catch up/Review day (no additional required reading)

Thursday, March 3

MIDTERM EXAM

Week 8: Evidence and Truth

Tuesday, March 7

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

Heather R. Hlavka and Sameena Mulla. 2020. Thinking Forensically: Law, Medicine and the Nomos of Sexual Violence

Thursday, March 9

Latour, Bruno. 2010. The Making of Law: An Ethnography of the Conseil D'Etat. Cambridge: Polity, chap. 4 (pp. 127-197)

Week 9: Organizations and Institutions

Tuesday, March 14

Lauren Edelman, Linda Krieger, Scott Eliason, Catherine Albiston & Virginia Mellema. 2011. When Organizations Rule: Judicial Deference to Institutionalized Employment Structures, *117 American Journal of Sociology* 888

Thursday, March 16

Kihnley, Jennie. 2000. Unraveling the Ivory Fabric: Institutional Obstacles to the Handling of Sexual Harassment Complaints. *Law and Social Inquiry* 25(1), 69-90.

Week 10: The Legal Profession

Tuesday, March 21

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

Thursday, March 23

Levin, Leslie C. 2014. The Monopoly Myth and Other Tales About the Superiority of Lawyers. *Fordham Law Review* 82, 2611-2635

Week 11: March 27 - April 1—Spring Break

Week 12: The Legal Profession (cont.)

Tuesday, April 4

Markovic, Milan and Gabriele Plickert. 2022. The Gender Pay Gap and High-Achieving Women in the Legal Profession. *Law & Social Inquiry* 1-32.

Robert L. Nelson, Ioana Sendroiu, Ronit Dinovitzer and Meghan Dawe. 2019. Perceiving Discrimination: Race, Gender, and Sexual Orientation in the Legal Workplace. *Law & Social Inquiry* 44:4, 1051-1082

Thursday, April 6

Caserta, Salvatore and Mikael Rask Madsen. 2019. The Legal Profession in the Era of Digital Capitalism: Disruption or New Dawn? *Laws* 8(1)

Week 13: The (re)Production of Inequality

Tuesday, April 11

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

Thursday, April 13

Pager, Devah. 2003. The Mark of a Criminal Record. *American Journal of Sociology* 108(5) (selections posted to bCourses)

Week 14: The (re)Production of Inequality (cont.)

Tuesday, April 18

Tonya L. Brito, David J. Pate Jr. & Jia-Hui Stafanie Wong. 2015. I Do for My Kids: Negotiating Race and Racial Inequality in Family Court, 83 *FORDHAM L. REV.* 3027

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

Thursday, April 20

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

Week 15: Does law produce social change?

Tuesday, April 25

McCann, Michael. 1994. Rights At Work: Pay Equity Reform and the Politics of Legal Mobilization. Chicago: University of Chicago Press [chap. 3]

Thursday, April 27

Course wrap-up (no additional required reading)