



New Course

Catalog Course Title: JLC 420/620 Law & Society

Name and contact information for future correspondence: Jon Gould (gould@american.edu)

Academic Unit - School/ College:

- CAS
- KSB
- SOC
- SIS
- SPA
- SPEXS
- Other:

Teaching Unit – Department or Program: Justice, Law & Criminology

Date effective: Spring 2017

Required Signatures	Name	Signature	Date
Teaching Unit Chair or Director	Joseph Young		2/11/2016
EPC Chair	Susan Glover		3/17/16
Primary Academic Unit Assoc. Dean	Jessica Waters		3/28/16
Second Academic Unit Assoc. Dean	Vicky Wilkins V. Wilkins	V. Wilkins	3/28/2016
Faculty Senate Chair			
Provost's Designee (VPUG or VPGR)			

Date sent to the Office of the University Registrar:

Proposal Template

Copy and paste the questions below into a new MS Word document and address all questions asked. Please preserve the formatting (including numbering) to facilitate the review process.

- I. Identifying Information
 - a) Proposed effective date: Spring 2017
 - b) Academic Unit: SPA
 - c) Teaching Unit: JLC
 - d) Course Title (Generally a limit of 30 characters including spaces): Law & Society
 - e) Course Number: 420/620
 - f) Credits: 3
 - g) Prerequisites: JLC 101 or the equivalent
 - h) Course description for University Catalog (Generally a limit of 50 words)
Contrasting “law on the books” with “law in action,” this course critiques law, including its genesis, popular understandings, applications, and effects. Using social science methods, it considers how people relate to law – what they think of it, how and when they use it, how it orders their lives, and where it is limited.
 - i) Grade type: A/F only
 - j) Expected frequency of offering: Every Spring
 - k) Note all that apply: N/A

- II. Rationale
 - a) Please explain the main purpose of the new course, including whether it will be a requirement for an existing or proposed program or an elective, and how the new course relates to the existing courses in the program and department. *Note: if the course will be required for an existing program, submit a corresponding Minor Change to Program proposal.* This course is the natural addition to a department that covers the subfield of law and society. Although many of JLC’s other classes address aspects of law’s relationship to social processes and norms, this course will deliberately apply the techniques of social science to law, encouraging students to critique the genesis, application, and effects of law. Further, as a dual undergraduate/graduate class, it will serve the department’s masters students as well. There are no current plans to change course requirements for JLC programs, however the department will track enrollments in this and related classes and will reassess the situation after two offerings of the class.
 - b) Will the course require students to pay a special fee associated with the course? No.
 - c) Has the course previously been offered under a rotating topics course or an experimental course number? No.
 - d) Please indicate other units that offer courses or programs related to the proposed course and provide documentation of consultations with those units: None cover this subject.
 - e) Estimate the enrollment per semester: 25-30
 - f) Does your teaching unit’s classroom space allotment support the addition of this course? Yes
 - g) Are present university facilities (library, technology) adequate for the proposed course? Yes
 - h) Will the proposed course be taught by full-time or part-time faculty? Full-time.
 - i) Will offering the new course involve any substantial changes to the scheduling of existing courses? No
 - j) What are the learning outcomes for the course? The outcomes and competencies are combined in one section on the syllabus. That is replicated below in the answer to question I, below.
 - k) How will those outcomes be assessed? Two in-class examinations, weekly reading quizzes (short answer and essay, not multiple choice), take-home final examination (10 page limit), class participation.

- l) What are the competencies that students are expected to demonstrate for the course? Please attach a draft syllabus. This course is intended to introduce students to law and society scholarship and encourage their critical examination of the material. By the end of the course, students should be able to: 1) Identify, understand and critique the bases of law and distinguish law from social norms. 2) Explain what it means for law to be “in action” and evaluate law’s effects on social practices. 3) Apply the class material in their own research and critical writing.

III. Catalog Copy

- a) Please attach a course description as it is to appear in the University Catalog, following the format of the current catalog.

JLC 420 Law & Society (3) Contrasting “law on the books” with “law in action,” this course critiques law, including its genesis, popular understandings, applications, and effects. Using social science methods, it considers how people relate to law – what they think of it, how and when they use it, how it orders their lives, and where it is limited. *Prerequisite: JLC 101 or the equivalent.* Meets in conjunction with JLC 620.

JLC 620 Law & Society (3) Contrasting “law on the books” with “law in action,” this course critiques law, including its genesis, popular understandings, applications, and effects. Using social science methods, it considers how people relate to law – what they think of it, how and when they use it, how it orders their lives, and where it is limited. Meets in conjunction with JLC 420.

JLC 4XX/6XX: LAW & SOCIETY
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In contrast to traditional law school scholarship, which examines doctrine, the field of law & society often contrasts “law on the books” with “law in action.” Law & society is concerned with the forces that shape law and legal norms and focuses on how law is understood, used, and changed. Where a legal scholar might think that law is found in casebooks or statutes, law & society researchers look to popular understandings of legal norms, social and cultural influences that shape the development of legislation, social movements that advance landmark litigation, and political attitudes and power relationships that affect which laws are truly enforced.

This is not the same as saying that law is equivalent to politics, but rather that law is a language of social power wielded most successfully by those who can influence its interpretation both within and outside of courts. Law also has social effects that can be predicted, studied, and evaluated – often with social science methods seemingly separate from law school and legal study. Indeed, as the founders of Law & Society have said, “law is too important to leave to lawyers.”

In this class we critique law, including its genesis, popular understandings, applications, and effects. We begin by distinguishing law from social norms and ask whether multiple legal systems can operate in tandem. From there, we consider how people relate to law – what they think of it, how and when they use it, and how it orders their lives. We spend time exploring courtroom processes, investigate the limits of legal power, and close with a critical examination of legal practice. All the while, we employ the tools of social science to regularly ask two questions: 1. What do people think of as law; and 2. What are its effects?

This course will require a lot of reading and class participation, much of it “high brain” work. That said, the course will also be fun; as an active participant you will rarely be bored. It is essential that you keep up with the material and come to class prepared to join the discussion. Feel free to email me throughout the course with questions or ideas you have about the readings or class discussions.

The best classes are those in which students are free fully to express their views. That will be the case here. There will rarely be a “right” or “wrong” answer to the issues we consider. Rather, the question is how well you can support your arguments. The atmosphere in class will be friendly and supportive, with students encouraged to test out ideas they are still forming. Students are expected to treat their classmates – and their views – with appropriate respect, but by no means must you agree with one another. Indeed, one of the goals of higher education is to learn how to disagree without being disagreeable.

Learning Outcomes and Competencies

This course is intended to introduce students to law and society scholarship and encourage their critical examination of the material. By the end of the course, students should be able to:

- Identify, understand and critique the bases of law and distinguish law from social norms.
- Explain what it means for law to be “in action” and evaluate law’s effects on social practices.
- Apply the class material in their own research and critical writing.

Course Requirements

- There will be an open-book, open-notes final exam, to be assigned on the last day of class and due a week later. This exam will cover themes discussed over the entire semester and will count for 30 percent of your course grade.
- On two interim class sessions, there will be an open-book, open-notes essay exam, each worth 20 percent of your course grade. Rather than emphasizing memorization, these exams will ask you to apply the material covered to that point in the class to newly-posed and intellectually-provocative questions.
- At the start of all but three classes, there will be a short-answer quiz related to the day’s reading assignment. These quizzes, scored on a 0-3 point scale, cumulatively will be worth 15 percent of your course grade
- Preparation and class participation are essential and will count for 15 percent of your final grade. Remember, the quality of class participation counts as much as the quantity. It is important that *everyone* be prepared and participate in class discussions. I reserve the right to call on people who do not volunteer.

Texts

Many of the readings can be found online (as noted in the syllabus) or on electronic reserve. In fact, you will only need two books, which also will be placed on reserve:

Kitty Calavita, *Invitation to Law & Society*, University of Chicago Press (2010)
Donald Black, *The Behavior of Law*, Academic Press (1976)

Class Assignments

Classes 1: What is Law?

Aileen Kavanaugh and John Oderdiek, eds., *Arguing about Law*, pp. 15-23, 181-192. Available through electronic reserve.

Kitty Calavita, *Invitation to Law and Society*, chapters 1-3.

Week 2: Legal Pluralism

Calavita, chapter 5.

Sally Engel Merry, “Legal Pluralism.” *Law & Society Review* 22(5): 869-896 (1988).

Available on AU servers through <http://www.jstor.org/search>, searching in law journals.

C.M.N. White, "African Customary Law: The Problem of Concept and Definition." *Journal of African Law* 9(2): 86-89 (1965). Available on AU servers through <http://www.jstor.org/search>, searching in law journals.

Week 3: How Law Operates

Donald Black, *The Behavior of Law* (all but the final two chapters)

Week 4: Gap Studies

Calavita, chapter 7.

Jon Gould and Scott Barclay, "Mind the Gap: The Place of Gap Studies in Sociolegal Scholarship," *Annual Review of Law and Social Science* (2012).
Available through electronic reserve.

Susan Silbey, "Making Sense of the Lower Courts." *Justice System Journal* 6:13-27 (1981).
Available on AU servers through <http://www.jstor.org/search>, searching in law journals.

Week 5: Relating to the Law

Patricia Ewick and Susan Silbey, *The Common Place of Law* (1998), chapters 1-3. Skim chapters 4-6 to get a sense of the examples offered.
Available on electronic reserve.

Week 6: Using the Law

William Felstiner, Richard Abel, and Austin Sarat, "The Emergence and Transformation of Disputes: Naming, Blaming, Claiming." *Law & Society Review* 15(3/4): 631-654 (1980).
Available on AU servers through <http://www.jstor.org/search>, searching in law journals.

Sally Engle Merry, "Going to Court: Strategies of Dispute Management in an American Urban Neighborhood." *Law & Society Review* 13(4): 891-925 (1979).
Available on AU servers through <http://www.jstor.org/search>, searching in law journals.

Week 7: Law, Status, and Power

Exam 1

Marc Galanter, "Why the Haves Come Out Ahead: Speculations on the Limits of Legal Change." *Law & Society Review* 19(1): 95-160 (1974). Do not worry about the article's length. Much of it is footnotes.

Available on AU servers through <http://www.jstor.org/search>, searching in law journals.

Compare Galanter to this short book review:

<http://www.bsos.umd.edu/gvpt/lpbr/subpages/reviews/Kritzer-Silbey104.htm>

Week 8: How Judges Decide

Lawrence Baum, "What Judges Want: Judges' Goals and Judicial Behavior." *Political Research Quarterly* 47(3): 749-768 (1994).

Available on AU servers through <http://www.jstor.org/search>, searching in political science journals.

Lee Epstein and Jack Knight, *The Choices Justices Make* (1998), pp. 1- 18.

Available through electronic reserve.

Cassia Spohn, *How do Judges Decide?* (2002), pp. 101-117

Available through electronic reserve.

Week 9: How Judges Decided – Capital Punishment

John Monahan and Laurens Walker, *Social Science in Law, Cases and Materials*, 4th ed., pp. 304-316

Available through electronic reserve.

Edward Lazarus, *Closed Chambers* (1998).

Excerpt available through electronic reserve.

Calavita, chapter 4.

Week 10: Juries

Joe Cecil, Valerie Hans, and Elizabeth Wiggins, "Citizen Comprehension of Difficult Issues: Lessons from Civil Jury Trials." *American University Law Review* 40:727-774 (1991).

Available on AU servers through Lexis/Nexis.

Chuck Klosterman, "The Drowsy Dozen." *Esquire* (2005). Available at:

http://www.esquire.com/features/ESQ0106KLOSTERMAN_64?par=msn_h%7Cesq%7Cemb%7C.

Week 11: Why People Obey the Law – Or not

Exam 2

Tom Tyler, "What is Procedural Justice?: Criteria Used by Citizens to Assess the Fairness of

Legal Procedures.” *Law & Society Review* 22(1): 103-136 (1998).
Available on AU servers through <http://www.jstor.org/search>, searching in law journals.

Janice Nadler, “Flouting the Law,” 83 *Texas Law Review* 1399 (2005).
Available on AU servers through Lexis/Nexis.

Week 12: Law and Social Change

Walter Murphy, Herman Pritchett, and Lee Epstein, *The Impact of the Court*, Chapter 14 (Read the opening section through the selection from Michael McCann.) Available online at:
<http://epstein.law.northwestern.edu/research/courses.supctMurphyCh14.doc>

Calavita, chapter 7.

Week 13: The Influence of Lawyers

Herbert Kritzer, William Felstiner, Austin Sarat and David Trubek, “The Impact of Fee Arrangement on Lawyer Effort.” *Law and Society Review* 19:251-278 (1985).
Available on AU servers through <http://www.jstor.org/search>, searching in law journals.

John Heinz, Edward Laumann, Robert Nelson, and Paul Schnorr, “The Constituencies of Elite Urban Lawyers.” *Law and Society Review* 31:441-472 (1997).
Available on AU servers through <http://www.jstor.org/search>, searching in law journals.

Week 14: Legal Education and Practice – the Influence of Gender

Robert Gordon, “Portrait of a Profession in Paralysis.” *Yale Law School Legal Scholarship Repository* (2002). Available at http://digitalcommons.law.yale.edu/fss_papers/1409.

Katheleen Hull and Robert Nelson, “Assimilation, Choice or Constraint? Testing Theories of Gender Differences in the Career of Lawyers.” 79 *Social Forces* 229 (2000).
Available on AU servers through <http://www.jstor.org/search>, searching in law journals.

Lani Guiner, et al., “Becoming Gentlemen: Women’s Experiences at One Ivy League Law School.” 143 *University of Pennsylvania Law Review* 1 (1994). Do not worry about the article’s length. Only about a third of it is text.

Available on AU servers through Lexis/Nexis.

Addendum

If you have a disability, please contact the University’s Office of Disability Support Services (DSS) as soon as possible. I will make all accommodations recommended by DSS, including the recording of class. However, no other recording – whether audio or video – will be available or permitted in the class.

Extensions will be arranged solely in the case of serious illness, family tragedy and the like and then only with documentation and advance notice where feasible.

Like most of you, I am attached to my Smart Phone and laptop. However, there is a time and place for everything. Please conduct your texting and Internet surfing outside of class. I aim to make the course

interesting enough that you will not want to disengage, but if necessary I reserve the right to reduce students' class participation grades if they spend class time on matters unrelated to the course.

Finally, although I hope we will not have to worry about infractions in a class about law, American University maintains an Academic Integrity Code that prohibits dishonesty, plagiarism, and the like in academic work. The code is available from the University Registrar or can be downloaded at: <http://www.american.edu/academics/integrity/>. Please make sure that you consult the code and understand its terms. You will be held to them. Academic dishonesty of any kind will be dealt with severely.

