

Sociology of Law
Sociology 318/Legal Studies 308
Winter 2022

Revised 1/22/22

Instructor: Robert L. Nelson
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Office hours: Virtually on Tuesday 2-3 and by appointment;
Teaching Assistants: Austin Jenkins (austinjenkins@u.northwestern.edu) and Theodore Wiggin (theodorewiggin2026@u.northwestern.edu). Jenkins' office hours, T 9-11 by zoom; Wiggin's office hours, T 1:15-3:15 by zoom; advance appointments suggested.

Time: T Th 11-12:20
Room: University Hall Rm. 122
First two weeks will be remote on zoom, as well as other classes announced in advance.

Course Description: This course examines the relationship between law and the distribution of power in society, with a particular emphasis on law and social change in the United States. Readings will be drawn from the social sciences and history, as well as selected court cases that raise critical questions about the role of race, gender, and sexual orientation in American society. Among the material we will examine are the documents made public in the shooting death of Michael Brown in Ferguson, Missouri. Students should be aware that some of this material is graphic and disturbing.

Teaching Method: The only class meetings are two 90-minute class meetings a week. There are no discussion sections. Class sessions are meant to provide an opportunity for active engagement with assigned readings. Students are expected to come to class prepared to discuss assigned material. Groups of students will be assigned responsibility for leading class discussions on a rotating basis. Class sessions will be recorded on panopto. After the first two weeks, with advance permission from the professor, students who are unable to attend class in person may attend on zoom. Unless excused by professor, students are expected to have their video on.

Evaluation Method: Pass/Fail is not allowed. All students must take the course for a grade. Performance will be evaluated based on class participation and attendance and four short writing assignments. These will be weighted as follows: 1) Attendance and class participation: 2 points for each class attended up to a total of 30 points; and up to 10 points for contributing to class discussion. 2) 25 points for each of 4 writing assignments. Assignments are to be submitted electronically through Canvas. Unless I receive advance notice of a good excuse, late papers automatically will receive reduced points.

Readings: We will read considerable portions of three books: Charles Epp, Making Rights Real: Activists, Bureaucrats, and the Creation of the Legalistic State (U of Chicago Press (2009); Michelle Alexander, The New Jim Crow: Mass Incarceration in the Age of Colorblindness (The New Press 2012; Tenth Anniversary edition 2020); and

Ellen Berrey, Robert Nelson, and Laura Beth Nielsen, Rights on Trial: How Workplace Discrimination Law Perpetuates Inequality (U of Chicago Press 2017). The first two books can be ordered through Amazon.com. or accessed through ebooks at the University Library. Readings from the third book and other required and recommended readings will be included in online materials in Canvas either under “files” or “course reserves.” **Students are required to bring readings to class, either in print or electronically.**

SOC318/LS308 Sociology of Law – Winter 2022– Professor Robert Nelson

1/4 T Introduction: What is Law? What is Sociology of Law? ****Discuss Assignment One-Due 1/11****

1/6 Th Law, Meaning, and Power

Readings: Canvas-Engel (pp. 551-582), Nielsen (pp. 1055-1090)

1/11 T Law, Courts, and Police Violence

Readings: Epp, chs. 1-2; Canvas-Selected Ferguson Materials NY Times, “What Happened in Ferguson?” (pp. 37-43), Jury Instructions (pp. 44-45), Autopsy of Michael Brown (pp. 46-51), Summary of Justice Dept. Report (pp. 52-58) Color version of NYT article can be found at

<https://www.nytimes.com/interactive/2014/08/13/us/ferguson-missouri-town-under-siege-after-police-shooting.html?emc=eta1> ****Assignment One Due by 11:59pm****

1/13 Th Law, Courts, and Police Violence

Reading: Epp, chs. 3-4; selections from Ferguson Grand Jury materials on Canvas: Grand Jury Testimony of Dorian Johnson, **pp. 16 (line 11) to 176 (line 19)**, of Grand Jury Transcript Volume 4. ****Discuss Assignment Two Due in Class 1/25****

1/18 T Law, Courts, and Police Violence

Reading: Epp, chs 5-6; selections from Ferguson Grand Jury materials on Canvas: Grand Jury Testimony of Darren Wilson, **pp. 195 (line 20) to 281 (line 25)** of Grand Jury Transcript Volume 5. Also on Canvas: Darren-wilson-medical-records.pdf

1/20 Th Law, Courts, and Police Violence

Readings: Epp, ch. 10; selections from Ferguson Grand Jury materials on Canvas: Grand Jury Testimony of 2 unidentified witnesses. Witness X, **pp. 231 (line 25) to 265 (line 19)**, and Witness 10, **pp. 149 (line 5) to 210 (line 2)** of Grand Jury Transcript Volume 6.

1/25 T Law, Courts, and Police Violence

Readings: Optional--Bell, Excerpts from “Police Reform and the Dismantling of Legal Estrangement.” Pages to be announced. Optional reading: Optional--Hinton, America on Fire, pp. 15-16, 287-308.

****Assignment Two Due in Class and Basis of In Class Exercise****

1/27 Th Courts and Social Change – Race

Readings: Canvas Plessy v. Ferguson (pp. 40-44), Brown v. Bd of Education (pp. 45-49). (Note: These are redacted versions of these opinions.)

2/1 T Courts and Social Change--Race and Affirmative Action

Readings: Canvas Parents Involved v. Seattle School District, no. 1 (Roberts opinion for majority; Kennedy concurring opinion)(pp. 2746-2754; 2767-68; 2788-2797); Rothstein, The Color of Law, xi-xv; Fisher v. University of Texas (Kennedy opinion for majority; dissents by Thomas and Alito are optional reading)(pp. 2205-2243). Optional reading: Robinson, “Making Markets on the Margins: Housing Finance Agencies and Racial Politics of Credit Expansion.”

2/3 Th Race and Mass Incarceration

Readings: Alexander, Introduction, Ch 1

2/8 T Race and Mass Incarceration

Readings: Alexander, Continue Ch. 1, Ch. 2. **Handout Assignment Three Due 2/17 by end of day**

2/10 Th Race and Mass Incarceration,

Readings: Alexander Ch. 3; Optional Reading Ch. 4

2/15 T Alexander Ch 5; Optional Readings: Ch. 6

2/17 Th Courts and Social Change – Sexual Orientation

Readings: Canvas Bowers v. Hardwick (pp. 100-116), Lawrence v. Texas (pp. 117-137); Obergefell v. Hodges (Kennedy majority opinion; first section of Roberts dissent)(pp.138-154). **Assignment 3 due through Canvas by end of day**

2/22 T Anti-Discrimination Law and Inequalities of Race and Gender

Readings: Canvas Tilcsik “Pride and Prejudice” (pp. 586-626), Berrey et al. Excerpts from Ch. 1 (pp. 3-20) Audio clips at <https://rightsontrial.com/chapter-1/> **Discuss Assignment Four Due on 3/14 at 4pm**

2/24 Th Anti-Discrimination Law, Sexual Harassment, and Gender Inequality

Readings: Canvas Meritor v. Vinson Savings Bank (pp. 2399-2411); Ridgeway, “Why Status Matters for Inequality” (pp. 1-16). Optional reading: Crenshaw, “Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color.”

3/1 T Anti-Discrimination Law and Inequalities of Race and Gender

Readings: Canvas Berrey et al., Ch. 7 (pp. 169-201) Audio clips at <https://rightsontrial.com/chapter-seven/>

3/3 Th Last class—Anti-Discrimination Law and Inequalities of Race and Gender; wrap up. Readings: Berrey et. al. Ch. 10 (pp. 259-280); Kalev et al., “Best Practices or Best Guesses?” (pp. 589-617).

Assignment 4 Due on Monday 3/14- Turn into Canvas before 4 pm