

CRIMIN 4360/SOC 4362: Sociology of Law

Professor: Dr. Marisa Omori
Email: marisa.omori@umsl.edu

Class sessions: Social Science Business 131, Mondays 2pm-4:40pm

Course Description

This course introduces the sociology of law and its relationship to criminology. We will take a broad approach to sociology of law, focusing on how law, crime, and justice systems in the United States relate to social structure and each other on a theoretical and empirical level. The class will be organized around two major themes: lawmaking (and how it relates to lawbreaking), and the justice system. Lawmaking considers how law impacts us in the everyday, the role of legal institutions in the lawmaking process, and why some actions are deemed illegal and are applied to people differently. The justice system critically considers how the criminal justice system works from a sociological perspective, including policing, the courts, and corrections, as well as punishment and the politics of justice. Prerequisite: CRIMIN 1120, 2130, 2210, 2220 and ENGL 3100 or permission of instructor.

Learning Objectives

- Obtain an introductory understanding of major themes in sociology of law
- Describe basic features of the American criminal justice system, legal sanctions, and methods of social control
- Understand how law relates to social structure, as well as how race, gender, economics, and other social forces impact law-making, law-breaking, and shape who gets processed in the criminal justice system.

Texts and materials

Kitty Calavita (2016). *Invitation to Law & Society: An Introduction to the Study of Real Law*. Chicago: University of Chicago Press. 2nd edition.

Other readings can be accessed on Canvas.

Course conduct

- You are welcome to use your computer to take notes, although during class discussions and activities, I will ask you to turn them off. If you are using your computer for other purposes during class (e.g. email or social media), I reserve the right to make you turn it off. Please turn off your cell phone unless you have an emergency, as they distract from the course. You will need computer access outside of class in order to use Canvas.
- Attendance is required. Please notify me **beforehand** if you have an excused absence. I realize emergencies (i.e. illness, family death, jail) come up from time to time—I am happy to make reasonable accommodations, but you must take responsibility for the material missed. Absences will also affect your participation grade.

- Please speak to me beforehand if you feel that you will be missing an assignment deadline. Otherwise, late assignments (up to a week late) are worth half credit.
- Students who need disability accommodations should come see me as soon as possible. I will happily make accommodations through the office of disability services (<https://www.umsl.edu/services/disability/>).
- I do not tolerate academic dishonesty and take the Student Conduct & Community Standards Code seriously: (<https://www.umsl.edu/~studentconduct/>), and I suggest you review it beforehand. Not knowing is not an excuse! Academic dishonesty includes cheating, plagiarism, and collusion.
- This class does not have exams, but I do emphasize writing, both through weekly blog posts as well as the paper assignment (see the course outline and assignments section). If you need help with writing, **The Online Writing Center (OWC)** provides free face-to-face as well as online writing consultations: <https://www.umsl.edu/~umslenglish/Writing%20Center/index.html>

Grading

This class does not have any exams! I emphasize writing assignments through in-class written reflections, final paper, and blog posts to help you better understand and integrate the class material. Some of the concepts will be theoretically complex, so your grade depends much more on reading the material, attending and participating in class, and thinking (and writing about) the concepts rather than memorizing “facts.”

Grade categories

93.5 +	A	73.5-76.4	C
89.5-93.4	A-	69.5-73.4	C-
86.5-89.4	B+	66.5-69.4	D+
83.5-86.4	B	63.5-66.4	D
79.5-83.4	B-	59.5-63.4	D-
76.5-79.4	C+	Below 59.5	F

Course outline and assignments

1. **Final paper assignment (40% total):** You will have one paper assignment that is due at the end of the semester. Your assignment is to conduct outside research on a criminal justice policy or social problem in the United States and to write about how it can be understood in terms of the sociological theories of law that we’ve discussed in class. Papers will 1) introduce and describe a criminal justice policy or social problem, and 2) analyze how it relates to a sociological theory of the law (Marx, Weber, Durkheim) OR one of the other class themes (law on the books vs. law in action, social construction of crime and deviance, inequality in the justice system, etc.). Final papers should be 8-10 pages total (excluding references) and must be typed with double-spaced, 12 point font, 1 inch margins.
2. **Paper progress assignments (3 x 10% each = 30% total):** To help build towards your final paper, you have three paper progress assignments due throughout the semester:

- description about policy/social problem topic: 1 paragraph (100-150 words or so) of your proposed policy or social problem, giving a little background, and explaining the current state of the problem. You do not need to write about how it relates to the class, or include references at this point.
 - annotated bibliography with your 5-7 outside sources: An annotated bibliography is the citation, followed by a short paragraph (100-150 words or so) that describes and evaluates the source (the annotation). You should include your citation in APA format.
 - outline of paper: An outline of your final paper, which should include both the introduction and description of a criminal justice policy or social problem, and how it relates to a sociological theory of the law or one of the other class themes.
3. **Discussion board posts (10 x 2% each = 20% total):** You are required to do 10 weeks worth of discussion board posts on Canvas. In the discussion board posts, you will comment on at least one of the class readings (either required or optional) for that week and 1) give a reasoned opinion on the reading and raise any questions you have (if you have any), and 2) relate the readings to something in your own life—whether it’s something you see on social media, or in the news, or something you experience with your family or friends. Blog posts should be at least 200 words, and will be graded based on the quality and depth of the response, as well as the integration of the reading(s) to your opinions or experience. You can choose which 10 weeks you want to post, but you must blog over 10 separate weeks—so there is no double- or triple- posting in a single week.
4. **Participation (10% total):** We will be doing several class participation activities throughout the course, and you are expected to participate in these. Because these are in-class activities, they cannot be made up if you miss class.

I. Law-making

Week 1 (Aug 19)

Introduction to the sociology of law

- Optional: Law & Society Association: <http://www.lawandsociety.org/index.html>

Week 2 (Aug 26)

Lawmaking, the American legal system, and the role of law in society

- Kitty Calavita, Ch. 1
- Dragan Milovanovic, Introduction (p. 1-6)
- Optional: Kitty Calavita, Ch. 8

Week 3 No class for Labor Day (Sep 2nd)

Week 4 (Sep 9)

Law with an upper case “L”: Legislative lawmaking and the court system

- Kitty Calavita, Ch. 5
- Kitty Calavita, Ch. 7
- Life of the law: <http://www.lifeofthelaw.org/2013/10/lets-talk-how-congress-and-the-court-make-it-work/>
- Life of the law: <http://www.lifeofthelaw.org/2016/05/the-hold-up/>
- Optional: Theodori Lowi and Benjamin Ginsberg (1994). “Congress: The first branch” In *American Government: Freedom and Power*, ch. 5

Sep 16: last day to drop a course or withdraw from school without receiving a grade

Week 5 (Sep 16)

Sociological foundations of sociology of law: Maine and Durkheim

- Kitty Calavita, Ch. 2
- Dragan Milovanovic (2010). Emile Durkheim: Toward a Systemic Sociology of Law
- Optional: James Farganis (2004). Emile Durkheim: Anomie and Social Integration. In *Readings in Social Theory: The Classic Tradition to Post-Modernism*.

Week 6 (Sep 23)

Sociological foundations of sociology of law: Marx and Weber

- Dragan Milovanovic (2010). Karl Marx: Law in a Political Economy
- Louis Menand (2016). Karl Marx, Yesterday and Today.
- Dragan Milovanovic (2010). Max Weber: Law in Economy and Society
- Optional: James Farganis (2004). Karl Marx: Alienation, Class Struggle and Class Consciousness. In *Readings in Social Theory: The Classic Tradition to Post-Modernism*.
- Optional: James Farganis (2004). Max Weber: The Iron Cage. In *Readings in Social Theory: The Classic Tradition to Post-Modernism*.

Week 7 (Sep 30)

Law in the everyday: legal consciousness

- Kitty Calavita, Ch. 3
- Patricia Ewick and Susan Silbey (1998). *Common Place of Law* (excerpt)
- Life of the law: <https://www.lifeofthelaw.org/2014/11/fair-share/>
- Optional: Center for Court Innovation: <https://www.courtinnovation.org/publications/how-law-intersects-everyday-life-promoting-access-civil-justice>
- **Paper progress assignment #1: description about policy/social problem topic due**

Week 8 (Oct 7)

The law on the books vs. law in action: Critical legal studies, law and inequality

- Kitty Calavita, Ch. 6
- Jeffrey Reiman (1998). *The Rich Get Richer, the Poor Get Prison*, Introduction and Chapter 1
- Life of the Law: <http://www.lifeofthelaw.org/2015/07/no-lawyers-allowed/>
- Life of the law: <https://www.lifeofthelaw.org/2018/05/genetic-testing/>

- Optional: Marc Galanter (1995). “Why the “haves” come out ahead: Speculations on the limits of social change” (abridged). From *The Law and Society Reader*, edited by Richard Abel
- Optional: Doris Marie Provine (2007). “Congress on crack: How race-neutral language hides racial meaning.” From *Unequal Under Law*, chapter 4.

Oct 14: Last day to drop a course or withdraw from school without instructor approval. EX grade will be assigned.

Week 9 (Oct 14)

The creation of crime and social control

- Howard Becker (1961). “Moral entrepreneurs: the creation and enforcement of deviant categories.” In *Deviant Behavior: A text-reader in the sociology of deviance*, edited by Delos H. Helly.
- William Chambliss (1964). A sociological analysis on the law of vagrancy. *Social Problems*.
- Katherine Beckett and Steve Herbert (2009). *Banished: The New Social Control in Urban America* (excerpt).
- Optional: Conversations in Law and Society with Joseph Gusfield:
https://www.kultura.com/index.php/extwidget/preview/partner_id/1368891/uiconf_id/41443412/entry_id/0_qd3odzse/embed/iframe?
- **Paper progress assignment #2: annotated bibliography with your 5-7 outside sources due**

Week 10 (Oct 21)

Feminist theory and Critical Race Theory

- Kitty Calavita, Ch. 4
- Richard Delgado and Jean Stefanic. (2001). *Critical Race Theory: An introduction*, Ch. 1-2, 5
- Kimberle Crenshaw (2016) “The Urgency of Intersectionality” Ted talk:
https://www.ted.com/talks/kimberle_crenshaw_the_urgency_of_intersectionality.Fusion/discussion
 - Note: the last 2:30 minutes of the video contain images of police violence. If you do not feel comfortable watching, you are welcome to skip this.
- Optional: Jezebel (2014), *Why women aren't people (but corporations are)*
<http://jezebel.com/why-women-arent-people-but-corporations-are-1598061808>
- Optional: Hillary Potter (2015). Intersectionality and criminology: Disrupting and revolutionizing studies of crime (excerpt).

II. The Justice system

Week 11 (Oct 28)

Law in the criminal justice system, theories of punishment and social control

- David Garland (1991). *Sociological Perspectives on Punishment*. In Kubrin and Stucky, Introduction to Criminal Justice: A Sociological Perspective.

- Malcolm Feeley and Jonathan Simon (1992). The New Penology: Notes on the emerging strategy of corrections and its implications. *Criminology*.
- Life of the Law: <http://www.lifeofthelaw.org/2014/01/podcast-sneak-peek-in-school-what-makes-a-crime/>
- Optional: Mona Lynch (2001). From the punitive city to the gated community. *University of Miami Law Review*
- Optional: Francis Cullen and Karen Gilbert (1982). *Criminal justice thoughts and ideologies*. In Kubrin and Stucky, Introduction to Criminal Justice: A Sociological Perspective.

Week 12 (Nov 4)

Politics of crime control

- Katherine Beckett and Theodore Sasson (2004). *The Politics of Injustice* (excerpt).
- Heather Schoenfeld (2010). Mass incarceration and the paradox of prison conditions litigation. *Law & Society Review*.
- Life of the law: <http://www.lifeofthelaw.org/2014/06/the-rise-of-lock-em-up-how-crime-became-a-politics-question/>
- Optional: Anthony Platt (2001). *Social insecurity: The transformation of American criminal justice, 1965-2000*. In Kubrin and Stucky, Introduction to Criminal Justice: A Sociological Perspective.
- Optional: Life of the Law: <http://www.lifeofthelaw.org/2014/07/dodging-decarceration-the-shell-game-of-getting-smart-on-crime/>

Nov 11: Last day a student may drop a course. Instructor and Dean's approval is required. EX or EX-F will be assigned.

Week 13 (Nov 11)

Criminal justice institutions: policing

- Hubert Williams and Patrick Murphy (1990). *The evolving strategy of police: A minority view*. In Kubrin and Stucky, Introduction to Criminal Justice: A Sociological Perspective.
- Life of the law: Will big data change how police do their job? <https://www.lifeofthelaw.org/2013/11/will-big-data-change-how-police-do-their-job/>
- Paul Butler (2017). Chokehold: Policing Black Men, Introduction.
- Optional: Katherine Beckett, Kris Nyrop and Lori Pfingst (2006). Race, drugs, and policing: Understanding disparities in drug delivery arrests. *Criminology*.
- Optional: Wilson and Kelling (1982). Broken Windows
- **Paper assignment #3 due: outline of paper due**

Week 14 (Nov 18)

Criminal justice institutions: Courts

- Majorie Zatz (2000). *The convergence of race, ethnicity, gender, and class on court decisionmaking: Looking toward the 21st century* (excerpt).
- Doris Marie Provine (2007). Racial Justice: The courts consider sentencing disparities. In *Unequal Under Law: Race and the War on Drugs* (excerpt).
- Life of the Law: <http://www.lifeofthelaw.org/2016/07/bail-or-bust/>

- Optional: Lynch (2015): *Reining in Federal Prosecutors*: <http://nyti.ms/1GigfAy>

No class: Nov 25 (Thanksgiving recess)

Week 15 (Dec 2)

Criminal justice institutions: Corrections

- James Austin, John Irwin, and Charis Kubrin. (2003). It's about time: America's imprisonment binge. In *Punishment and Social Control*, Thomas Blomberg and Stanley Cohen, eds.
- Elliott Currie (1998). *Crime and Punishment in America*, ch. 2
- Michelle Alexander (2010). *The New Jim Crow*, ch. 1
- Optional: Life of the law: <http://www.lifeofthelaw.org/2015/06/the-trauma-room/>

Finals week (Dec 9-14)

- Final Paper due