

Sociology of Law

Sociology Department, University of Toronto
SOC6306H, Fall 2017

Time: 9:00-11:00am, Tuesday
Location: Room 240, 725 Spadina Ave.
Instructor: Professor Sida Liu
Office Hours: 11:00am-12:00pm, Tuesday
Email: sd.liu@utoronto.ca

COURSE DESCRIPTION

This course is a graduate-level seminar that focuses on the deep reading and intensive discussion of socio-legal theories and empirical studies. We begin with classical and contemporary socio-legal theories and then proceed to various topics of law and society research, including law in everyday life, court and litigation, the legal profession, law in the workplace, law and social movements, law and the state, human rights and violence, legal change, and globalization of law.

REQUIREMENTS

Reading is at the heart of this seminar. Please make sure to complete all the assigned readings before coming to every class. For each week, one or two students are responsible for presenting the readings and raising a number of questions for discussion. The class discussion is organized around those questions as well as other questions that the instructor and the students raise in the classroom. Reading and class participation account for 20% of the final grade.

Besides reading and class participation, the requirements of the course include a short midterm paper and a long final paper. The midterm paper is a 5-page (double-spaced) theoretical essay on a given topic of socio-legal theory, which is due at class on **October 17 (Tuesday)**. The midterm paper accounts for 30% of the final grade. The final paper can be either a research paper (or proposal) investigating an empirical socio-legal question, or a review paper that integrates, compares, and critically assesses some of the course readings. For Ph.D. students, a research paper that aims at thesis or publication is highly recommended. The minimum length of the final paper is 20 pages (double-spaced). A one-page outline of the paper is due at class on **November 14 (Tuesday)**. The deadline for the final paper is 5:00pm on **December 18 (Monday)**. The final paper accounts for 50% of the final grade.

OFFICE HOURS

The instructor's office hours are 11:00am-12:00pm on Tuesday and by appointment. Please feel free to stop by to discuss course issues, career questions, or anything else. If you cannot come to the regular office hours due to conflicts of schedule, please email to make an appointment and find another time to meet in person or via video-conferencing.

READING SCHEDULE

Week 1: Course Introduction

September 12 (Tuesday)

Silbey, Susan S. 2002. "Law and Society Movement." Pp. 860-863 in *Legal Systems of the World: A Political, Social, and Cultural Encyclopedia*, ed. H. M. Kritzer, Vol. II: E-L. Santa Barbara, CA: ABC CLIO.

Macaulay, Stewart. 1984. "Law and the Behavioral Sciences: Is There Any There There?" *Law & Policy* 6: 149-187.

Week 2: Classical Theories

September 19 (Tuesday)

Tamanaha, Brian. 2001. *A General Jurisprudence of Law and Society*. Oxford and New York: Oxford University Press. (pp. 11-50)

Stone, Alan. 1985. "The Place of Law in the Marxian Structure-Superstructure Archetype." *Law & Society Review* 11: 577-588.

Trubek, David M. 1972. "Max Weber on Law and the Rise of Capitalism." *Wisconsin Law Review* 1972: 720-753.

Foucault, Michel. [1975] 1977. *Discipline and Punish: The Birth of the Prison*, trans. A. Sheridan. New York: Vintage Books. (pp. 73-131)

Week 3: Contemporary Theories

September 26 (Tuesday)

Bourdieu, Pierre. 1987. "The Force of Law: Toward a Sociology of the Juridical Field." *The Hastings Law Journal* 38: 805-853.

Luhmann, Niklas. [1993] 2004. *Law as a Social System*, trans. K. A. Ziegert, eds. F. Kastner, R. Nobles, D. Schiff, and R. Ziegert. Oxford: Oxford University Press. (pp. 76-141)

de Sousa Santos, Boaventura. 1987. "Law: A Map of Misreading. Toward a Postmodern Conception of Law." *Journal of Law and Society* 14: 279-302.

Valverde, Mariana. 2009. "Jurisdiction and Scale: Legal 'Technicalities' as Resources for Theory." *Social & Legal Studies* 18: 139-157.

Week 4: Law in Everyday Life

October 3 (Tuesday)

Merry, Sally E. 1988. "Legal Pluralism." *Law & Society Review* 22: 869-896.

Ewick, Patricia, and Susan S. Silbey. 1998. *The Common Place of Law: Stories from Everyday Life*. Chicago: University of Chicago Press. (pp. 1-53)

Silbey, Susan S. 2005. "After Legal Consciousness." *Annual Review of Law and Social Science* 1: 323-368.

Valverde, Mariana. 2011. "Seeing Like a City: The Dialectic of Modern and Postmodern Ways of Seeing in Urban Governance." *Law & Society Review* 45: 277-312.

Young, Kathryn M. 2014. "Everyone Knows the Game: Legal Consciousness in the Hawaiian Cockfight." *Law & Society Review* 48: 499-530.

Week 5: Court and Litigation

October 10 (Tuesday)

- Galanter, Marc. 1974. "Why the 'Haves' Come Out Ahead: Speculations on the Limits of Legal Change." *Law & Society Review* 9: 95-160.
- Felstiner, William, Richard Abel, and Austin Sarat. 1981. "The Emergence and Transformation of Disputes: Naming, Blaming, and Claiming..." *Law & Society Review* 15: 631-654.
- Merry, Sally E. 1990. *Getting Justice and Getting Even: Legal Consciousness among Working-Class Americans*. Chicago: University of Chicago Press. (pp. 110-133)
- Ng, Kwai Hang, and Xin He. 2014. "Internal Contradictions of Judicial Mediation in China." *Law & Social Inquiry* 39: 285-312.
- Cheesman, Nick. 2015. *Opposing the Rule of Law: How Myanmar's Courts Make Law and Order*. Cambridge: Cambridge University Press. (pp. 161-191)

Week 6: The Legal Profession

October 17 (Tuesday)

- Heinz, John P. and Edward O. Laumann. 1982. *Chicago Lawyers: The Social Structure of the Bar*. New York and Chicago: Russell Sage Foundation and American Bar Foundation. (pp. 127-176)
- Sarat, Austin, and William L. F. Felstiner. 1986. "Law and Strategy in the Divorce Lawyer's Office." *Law & Society Review* 20: 93-134.
- Galanter, Marc, and Thomas M. Palay. 1990. "Why the Big Get Bigger: The Promotion-to-Partner Tournament and the Growth of Large Law Firms." *Virginia Law Review* 76: 747-811.
- Hagan, John, and Fiona Kay. 1995. *Gender in Practice: A Study of Lawyers' Lives*. New York: Oxford University Press. (pp. 51-119; pp. 155-177)
- Dinovitzer, Ronit, and Bryant G. Garth. 2007. "Lawyer Satisfaction in the Process of Structuring Legal Careers." *Law & Society Review* 41: 1-50.

Week 7: Law in the Workplace

October 24 (Tuesday)

- Lipsky, Michael. [1980] 2010. *Street-Level Bureaucracy: Dilemmas of the Individual in Public Services*. New York: Russell Sage Foundation. (pp. 1-25)
- Edelman, Lauren B., and Mark C. Suchman. 1999. "When the 'Haves' Hold Court: Speculations on the Organizational Internalization of Law." *Law & Society Review* 33: 941-991.
- Albiston, Catherine. 2005. "Bargaining in the Shadow of Social Institutions: Competing Discourses and Social Change in Workplace Mobilization of Civil Rights." *Law & Society Review* 39: 11-50.
- Alpes, Maybritt Jill, and Alexis Spire. 2014. "Dealing with Law in Migration Control: The Powers of Street-Level Bureaucrats at French Consulates." *Social & Legal Studies* 23: 261-274.
- Hirschman, Daniel, Ellen Berrey, and Fiona Rose-Greenland. 2016. "Dequantifying Diversity: Affirmative Action and Admissions at the University of Michigan." *Theory and Society* 45: 265-301.

Week 8: Law and Social Movements

October 31 (Tuesday)

- Scheingold, Stuart A. [1974] 2004. *The Politics of Rights: Lawyers, Public Policy, and Political Change*. Ann Arbor, MI: University of Michigan Press. (pp. 83-148)

- McCann, Michael. 1994. *Rights at Work: Pay Equity Reform and the Politics of Legal Mobilization*. Chicago: University of Chicago Press. (pp. 92-137)
- Epp, Charles R. 1996. "Do Bills of Rights Matter? The Canadian Charter of Rights and Freedoms." *American Political Science Review* 90: 765-779.
- Chua, Lynette J. 2012. "Pragmatic Resistance, Law, and Social Movements in Authoritarian States: The Case of Gay Collective Action in Singapore." *Law & Society Review* 46: 713-748.
- Marshall, Anna-Maria, and Daniel C. Hale. 2014. "Cause Lawyering." *Annual Review of Law and Social Science* 10: 301-320.

----- **FALL BREAK (November 6-10)** -----

Week 9: Law and the State

November 14 (Tuesday)

- Cheesman, Nick. 2014. "Law and Order as Asymmetrical Opposite to the Rule of Law." *Hague Journal on the Rule of Law* 6: 96-114.
- Kagan, Robert A. 1991. "Adversarial Legalism and American Government." *Journal of Policy Analysis and Management* 10: 369-406.
- Feeley, Malcolm M. [1979] 1992. *The Process Is the Punishment: Handling Cases in a Lower Criminal Court*. New York: Russell Sage Foundation. (pp. 62-93)
- Dezalay, Yves, and Bryant Garth. 2002. *The Internationalization of Palace Wars: Lawyers, Economists and the Transformation of Latin-American States*. Chicago: University of Chicago Press. (pp. 198-219)
- Liu, Sida, and Terence C. Halliday. 2011. "Political Liberalism and Political Embeddedness: Understanding Politics in the Work of Chinese Criminal Defense Lawyers." *Law & Society Review* 45: 831-865.

Week 10: Human Rights and Violence

November 21 (Tuesday)

- Merry, Sally E. 2003. "Constructing a Global Law-Violence against Women and the Human Rights System." *Law & Social Inquiry* 28: 941-977.
- , 2006. "Transnational Human Rights and Local Activism: Mapping the Middle." *American Anthropologist* 108: 38-51.
- Hagan, John, and Ron Levi. 2005. "Crimes of War and the Force of Law." *Social Forces* 83: 1499-1534.
- Hajjar, Lisa. 2009. "Does Torture Work? A Sociological Assessment of the Practice in Historical and Global Perspective." *Annual Review of Law and Social Science* 5: 311-345.
- Fujii, Lee Ann. 2013. "The Puzzle of Extra-Lethal Violence." *Perspectives on Politics* 11: 410-426.

Week 11: Legal Change

November 28 (Tuesday)

- Sewell, William H. Jr. 2005. "Three Temporalities: Toward an Eventful Sociology." Pp. 81-123 in *Logics of History: Social Theory and Social Transformation*. Chicago: University of Chicago Press.

- Chambliss, William J. 1979. "On Lawmaking." *British Journal of Law and Society* 6: 149-171.
- Halliday, Terence C., and Bruce G. Carruthers. 2007. "The Recursivity of Law: Global Norm-Making and National Law-Making in the Globalization of Corporate Insolvency Regimes." *American Journal of Sociology* 111: 1135-1202.
- Rubin, Ashley T. 2015. "A Neo-Institutional Account of Prison Diffusion." *Law & Society Review* 49: 365-400.
- Liu, Sida. 2015. "Law's Social Forms: A Powerless Approach to the Sociology of Law." *Law & Social Inquiry* 40: 1-28.

Week 12: Globalization of Law

December 5 (Tuesday)

- Trubek, David M., and Marc Galanter. 1974. "Scholars in Self-Estrangement: Some Reflections on the Crisis in Law and Development Studies in the United States." *Wisconsin Law Review* 1974: 1062-1102.
- de Sousa Santos, Boaventura, and César A. Rodríguez-Garavito (eds.). 2005. *Law and Globalization from Below: Towards a Cosmopolitan Legality*. Cambridge and New York: Cambridge University Press. (pp. 1-26)
- Halliday, Terence C., and Pavel Osinsky. 2006. "Globalization of Law." *Annual Review of Sociology* 32: 447-470.
- Liu, Sida. 2008. "Globalization as Boundary-Blurring: International and Local Law firms in China's Corporate Law Market." *Law & Society Review* 42: 771-804.
- Conti, Joseph A. 2016. "Legitimacy Chains: Legitimation of Compliance with International Courts across Social Fields." *Law & Society Review* 50: 154-188.