

Soc. 332 - Survey of Sociology of Law

Syllabus

PLEASE PRINT AND CAREFULLY READ THE FOLLOWING NOTES

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Email: bjarrett@hawaii.edu
Class Meeting Time: Online Discussion Postings in Laulima – See Laulima for details.

THIS SYLLABUS PROVIDES A SUMMARY OF THE LEARNING UNITS IN THE COURSE AS WELL AS OTHER GENERAL INFORMATION. IN ADDITION TO THIS SYLLABUS, BE SURE TO GO TO THE WEEKLY 'TO DO' LIST IN LAULIMA. ALWAYS FOLLOW THE LAULIMA 'TO DO' LIST.

Your Instructor is a lawyer and mediator working with various organizations to assist in their development, helping parties to resolve disputes. He holds degrees in psychology, sociology and law. He has recently worked on dispute resolution protocols for disputes arising in higher education. His interests include social psychology, sociology of law, civil rights, and dispute resolution, organizational analysis and development, and cultural sociology.

I. Course Rationale

This course provides students with an understanding of the philosophical premises of law in a variety of arenas, including employment, labor, business, family, civil rights, and international disputes. This course examines, from an analytical perspective, the historical and contemporary forces that are central to the evolution and development of the sociology of law. Course objectives and methods focus on the role of jurisprudence and the sociology of law. The course also explores traditional litigation and contrasts it with a variety of alternative dispute resolution methods, including negotiation, fact-finding, early neutral evaluation, facilitation, mediation, arbitration, med-arb, mini-trial, on-line dispute resolution, summary jury trial, and judicial settlement conferencing. Students learn to describe and discuss the fact-patterns associated with particular dispute genres. Students become familiar with the sociology of law and jurisprudence and apply this knowledge to interesting case examples. The course relies on the case method in order to develop and heighten the student's own analytical abilities.

In this course, students will:

- Become knowledgeable about the sociology of law and jurisprudence;
- Learn how to analyze law, in a meaningful way;
- Analyze cases based on legal principles;
- Apply conflict resolution theory to disputes;

- Recognize effective dispute resolution methods;
- Become aware of ethical considerations in dispute resolution;

II. Student Learning Outcomes

After taking this course, students will be able to:

Follow developments in jurisprudence and sociology of law;
 Become competent in legal conflict analysis;
 Analyze case scenarios based on legal principles;
 Recognize ethical considerations in the law;
 Distinguish and apply the various dispute resolution methods; and
 Strengthen critical thinking skills and legal analysis

III. Values and Ethics

Throughout the course lectures, readings, and assignments, the themes of ethics and social justice are discussed. Discussions will focus on the ethical considerations in the law. Using the case method, the course will present students with ethical dilemmas in law that they will be encouraged to resolve. Students will learn ethical and effective dispute resolution practices. <!--[if !supportLists]-->

IV. Diversity

This course emphasizes the understanding and honoring of diversity. It introduces the content of class, racism, sexism, and ageism, and power imbalance as potential factors affecting conflict formation. The course examines both the advantages and disadvantages of various dispute resolution systems and the challenges that these aforementioned factors pose for the practice of dispute resolution.

V. Research Based Content

The readings document the extensive empirically-based evidence related to sociology of law and sociological jurisprudence. They also describe the empirical evidence underlying the development of theory and analysis in the sociology of law.

VII. Student Assignments and Grading

Letter Grading Criteria:

A+ = 98-100	A = 94-97	A- = 90-93
B+ = 87-89	B = 84-86	B- = 80-83
C+ = 77-79	C = 74-76	C- = 70-73
D+ = 67-69	D = 64-66	D- = 60-63
Below 60 = F		

This class adheres strictly to UH's policy on academic dishonesty, and high ethical standards are expected of researchers. I enjoy giving good grades when they are honestly earned, and

remember those who are prepared for and actively participate in class discussion. Especially in research, we are all teachers and learners. I will encourage you to reflect, discuss, and write thoughtfully and persuasively on the topics that we address in the course. You have a number of opportunities to obtain the grade you desire in this course. I encourage you to do your best in each of the grading areas:

1. 20 % for participation in Class Discussions and Journals;
2. 30 % for your Individual Final Paper;
3. 25 % for weekly written assignments, and
4. 25 % for your individual Quizzes.

Course Expectations:

I expect you to contribute in Weekly Discussions - prepared with your reading done. I may or may not cover material in the text during class, but you will be responsible for it on exams. If you don't understand, ASK. I expect you to take part in class discussion. I expect you to complete all assignments and to turn your journal in promptly. If you are having any problems that affect your work in this class, I need to know about them right away in order to help you.

You are **REQUIRED** to participate in a Weekly Class Discussions. I expect you to complete each weekly assignment, journal, or quiz by the Sunday each week. This gives me the opportunity to grade your work and have it back to you early in the next week. Each Monday we start the next week's work. **I will NOT accept late assignments, quizzes, and journals.** You must email me if you have a problem with this in advance of these deadlines!

Required Books: Grana, Sheryl and Jane Ollenburger (1999) *The Social Context of Law New Jersey* : Prentice Hall. Sutton, John (2001) *Sociology/Law* Berkeley: San Francisco . Both these books are available at the University of Hawaii – Manoa Bookstore. They may also be available at amazon.com.

Recommended Books

In addition, I have a list of recommended texts that I can recommend for students who are interested in further reading. Feel free to ask me about these supplementary texts. These texts may give you some useful ideas for term papers.

Barkai, John and Gene Kasserbaum (1989) "Using Court-Annexed Arbitration to Reduce Litigation Costs and To Increase the Pace of Litigation." *Pepperdine Law Review* 16:1989.

Barkai, John. (1996) "Teaching Negotiation and ADR: The Savvy Samurai Meets the Devil." *Nebraska Law Review* 75 (4): 704.

Barnes, Bruce. (2001) "Asian" Cultures: Contributions to the Practice of Conflict Resolution." *PROGRAM ON CONFLICT RESOLUTION WORKING PAPERS* 2001-1: 1-85.

Benjamin, Robert (1996) "What is Mediation Anyway" *Ethical Issues, Policy Issues, and the Future of the Profession.* NIDR News. July/August: 9. Blau, Peter. (1966) "Exchange and Power in Social Life." In Calhoun, Craig, Joseph Gerteis, James

Moody, Seven Pfaff, and Indermohan Virk. (Eds.) Contemporary Sociological Theory. Massachusetts: Blackwell Publishing.

Bluestone, Barry and Irving Bluestone. (1992) Negotiating The Future: A Labor Perspective On American Business. New York: Perseus Books Inc.

Bourdieu, Pierre. (1991) "Social Space and Symbolic Space." In Calhoun, Craig, Joseph Gerteis, James Moody, Seven Pfaff, and Indermohan Virk. (Eds.) Contemporary Sociological Theory. Massachusetts: Blackwell Publishing.

_____ (1980) "Structures, Habitus, Practices." In Calhoun, Craig, Joseph Gerteis, James Moody, Seven Pfaff, and Indermohan Virk. (Eds.) Contemporary Sociological Theory. Massachusetts: Blackwell Publishing.

_____ (1983) "The Field of Cultural Production, or: The Economic World Reversed." In Calhoun, Craig, Joseph Gerteis, James Moody, Seven Pfaff, and Indermohan Virk. (Eds.) Contemporary Sociological Theory. Massachusetts: Blackwell Publishing.

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Bourdieu, Pierre, [et al.]. (1999) The Weight of the World : Social Suffering In Contemporary Society. translated by Pricilla Parkhurst Ferguson ... [et al.]. Stanford, Calif.: Stanford University Press.

- Bourdieu, Pierre, Jean-Claude Chamboredon, Jean-Claude Passeron. (1991) *The Craft of Sociology: Epistemological Preliminaries*. Berlin ; New York: Walter de Gruyter.
- Bourdieu, Pierre and Loïc J.D. Wacquant. (1992) *An Invitation to Reflexive Sociology*. Chicago: University of Chicago Press.
- Bunker, Barbara Benedict. (1995) *Conflict, Cooperation, & Justice*. San Francisco: Jossey-Bass.
- Burgess, Sandra <<http://www.colorado.edu/conflict/transform/tmall.htm>> Retrieved May, 2006.
- Burton, John. (1990) *Conflict: Human Needs Theory*. New York: Saint Martin's Press.
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- Chai, Sun Ki. (2001) *Choosing an Identity: A General Model of Preference and Belief Formation*. Michigan: University of Michigan Press.
- Carnal, Colin. (1995) *Managing Change in Organizations*. New York: Prentice-Hall.
- Carp, Robert (2003) *Judicial Process in America* CA: CQ Press.
- Cobb and J. Rifkin. "Practice and Paradox: Deconstructing Neutrality in Mediation" (1991) *Law and Social Inquiry* 35
- Cobb, Sara. "Empowerment and Mediation: A Narrative Perspective" (July 1993) *Negotiation Journal* 245 at 247.
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DiMaggio, Paul and Walter P. Powell. (1983) "The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields." In Calhoun, Craig, Joseph Gerteis, James Moody, Seven Pfaff, and Indermohan Virk. (Eds.) Contemporary Sociological Theory. Massachusetts: Blackwell Publishing.

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Fisher, Ronald. (1990) "Needs Theory, Social Identity and an Eclectic Model of Conflict." In Burton, John (Ed.) Conflict: Human Needs Theory. New York: Saint Martin's Press.

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Foucault, Michel.(1977) Discipline and Punish: The Birth of Prison. London Penguin.

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Gecas, Vicktor. (1990) "Contexts of Socialization" In Social Psychology: Sociological Perspectives (Eds.) Rosenberg, Morris and Turner, Ralph Basic Books: New Jersey.

Gillwald, Katrin. (1990) "Conflict and Needs Research." In Burton, John (Ed.) Conflict: Human Needs Theory. New York: Saint Martin's Press.

Goffman, Erving. (1974) Frame Analysis: An Essay on the Organization of Experience. New York: Harper and Row.

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Gold, Lois. (1993) "Influencing Unconscious Influences: The Healing Dimension of Mediation." Mediation Quarterly 11:55.

Grillo, Tina. (1991) "The Mediation Alternative: Process Dangers for Women." Yale L.J. 100:1545.

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Course Units

BE SURE TO SEE YOUR 'TO DO' LIST in LAULIMA. ALL EVENTS ARE DISPLAYED in LAULIMA ANNOUNCEMENTS. The LAULIMA WEEKLY 'TO DO' LIST IS YOUR FRIEND.

UNIT ONE

What is Sociology of Law? How does Sociology of Law differ from Jurisprudence. How can we use both disciplines to help us better understand the life of the law?

UNIT TWO

The Theoretical Context of Law

UNIT THREE

The Cross-Cultural Context of Law

UNIT FOUR

Types of Law

UNIT FIVE

Systems of Law

UNIT SIX

The Role of Sociological Jurisprudence.

UNIT SEVEN

The Many Functions of Law, including Alternative Dispute Resolution ("ADR"), and Social Change.

UNIT EIGHT

Gender, Race, Social Class, and the Law

UNIT NINE

Legal System in Action.

UNIT TEN

The Legal Profession

DETAILS

COURSE PROCEDURES

This is an on-line course, using the Laulima Program. It can be accessed through the laulima.hawaii.edu Use your regular username and password.

ONGOING PERFORMANCE REQUIREMENTS

***Weekly Discussion Postings.
Weekly Reading
Weekly Writing
Weekly Quiz Taking***

DEADLINES *All work must be submitted by the date on which it is due. There is no extra credit.*

WRITING CRITERIA FOR ALL ASSIGNMENTS

- *clarity of written expression*
- *logical analysis*
- *creativity*
- *concise expression*
- *organization*
- *good grammar and accurate spelling*

We will discuss the requirements for the Final Paper in Laulima.