

Sociology 114  
Spring 2020  
Office Hours: TTH 10:00-11:00AM; 4:00-5:00PM ([Sign up here](#))  
[barlow@berkeley.edu](mailto:barlow@berkeley.edu)

Prof. Andy Barlow  
UC Berkeley

Reader: Daniela Medina  
[dmedina@berkeley.edu](mailto:dmedina@berkeley.edu)

## The Sociology of Law

The sociology of law studies law and legal institutions as social relationships. This course inquires into the ways that 'legality' is constituted by a wide range of political, economic and cultural practices, and in turn the ways in which law is constitutive of social life in general. Everyday life both creates and incorporates legal meanings and practices. This course examines the ways that legal meanings and practices appear in conceptions of society, community and the individual. This course also examines the special role of legal professionals in the creation of legal meanings, and the social impacts of their practices.

What a historic moment to undertake this course of study! This is a time of important challenges to the 'rule of law.' On the one hand, the United States is experiencing an unprecedented attack on democratic institutions by the current Administration, which openly threatens to ignore or dismantle established law, legal procedures and legal structures. On the other hand, the largest protests in American history (an estimated 27 million people in 2000 cities and towns after the murder of George Floyd on May 25) have offered up a vision of social justice with a radically different rule of law, one without police or prisons. The extent to which the 'rule of law' can withstand the current political regime may well determine the future of democracy in the United States. But the protests have raised an even more fundamental question: is the 'rule of law' itself a racist structure meant to maintain inequality and to oppress many millions of Americans? This course will consider what we mean by the 'rule of law' and what makes it important, and what it means to challenge the rule of law at this most precarious yet propitious moment in American history. In this way, this course will delve into the relationship between law and social justice throughout the semester.

### Student participation in the course

Although we are compelled to engage with one another through a cold and alienating medium this semester, I ask each and every one of you to do whatever you can to be engaged with this course in order to learn what you can that would empower you to work for social justice in this dangerous yet meaningful moment. I recognize that many of you face real

challenges to learning in this remote environment. I am sending you a survey asking about your technology needs (internet connection, computer or other devices). I also am committed to addressing however I can the social barriers to learning that you might be encountering. Towards that end, I am sending a second survey that asks about those barriers. If you are uncomfortable revealing your situation on a survey, I will be available to talk with you during the first week for a one to one meeting (just email me to set it up if you can't make my scheduled "office hours").

I believe students have much to teach as well as to learn in this course. All of us experience legality, but not the same ways. I believe those who are most negatively impacted by our current legal arrangements have the most to teach us, because the critical moment we are in demands that we address social justice. Consequently, this course is designed to maximize student teaching as well as student learning. We have four vehicles for doing this: 1. interaction during 'lecture' classes, 2. breakout room discussions, 3. shared discussion posts and 4. hanging out at the end of class.

1. During lecture, I encourage you to actively participate by asking questions (either "raise your hand" on Zoom or ask a question/make a comment in the chat box) or by contributing your own experiences to topics we are discussing (I will regularly invite you to do so). Because of the importance of student participation to this course's success, I am requesting that whenever it is practical that you leave your video feed ON during lecture and in breakout rooms. I understand that there are technical and social reasons why this might not be possible, but if you have other adults or (even better) children sharing your space, let them IN to our class; don't shut yourself OUT of it for that reason! They are more than welcome to hang out with us!
2. This course does not have discussion sections. But we will use the breakout room feature on Zoom, so that you will have many opportunities to discuss the course's questions and subject matter with a small group (see below for the breakout dates and topics). You will be randomly assigned to a group (unless you have a compelling reason to be assigned to a particular group), and we will re-shuffle the groups about a third of the way through the semester. Each group will report out to the class the main questions and ideas that arose in their discussion, and I ask that each of you take turns being the group 'reporter'.
3. You are required to write six one-page essays during the semester (see topics in the syllabus below). As well, you are required to respond (no specific word requirement) to ideas raised by other students' essays three times during the semester. Together, your 6 essays will count as 50 percent of your course grade (8.33% each). Your three responses to posted essays will count as 5 percent of the course grade but will not be graded. The essays and responses will be posted on bspace so that everyone can share their ideas with the entire class. (The posts will be viewable by the class, but the reader's comments and grade will not be.)

4. Last semester, some students wanted instructors to leave Zoom on at the end of class so they could hang out with one another. So, this semester, I will leave Zoom on for at least ten minutes at the end of class. I will leave the meeting, and you can use it for whatever purpose you want. All I ask is that if the discussion is relevant to this course or concerns about your academic experience this semester, let us know!

Because of the barriers some students face in this crisis, **attendance is not required and will not be counted toward your grade**. Lectures will all be recorded and will be available on the course bspace site. (Breakout discussions and 'hangout time' will not be recorded.) But for all the reasons given here, **real-time class participation is strongly encouraged** both for your own learning and the contributions you can make to all of our learning.

I will hold 'office hours' on Tuesdays and Thursdays from 10:00-11:00AM and from 3:30-5:00PM. If you want to meet with me but cannot do so at those times, just let me know and we can arrange a different time. *I especially urge students who are facing significant challenges to participating in our class or in school in general to make a time to talk with me during the first week of classes so that I can help figure out what supports can be mobilized.*

**Course requirements:** six one-page essays and three responses to others during the semester (see topics and due dates in course schedule below) (8.3% of course grade each), three ungraded responses to other essays (5% of course grade) one midterm exam (10% of course grade), a final exam (15% of course grade) and a five-page final reflection paper (20% of course grade).

**Grading:** A+: 100-98; A: 97-94; A-: 93-91; B+: 87-90; B: 84-86; B-:81-83; C+: 77-80; C: 74-76; C-: 71-73; D+: 69-70; D: 67-68; D-: 65-66; F: below 65.

### Required Readings:

- Bell, Derrick, And We Are Not Saved New York: Basic Books, 1989
- Garcia, Angela S., Legal Passing: Navigating Undocumented Life and Local Immigration Law Berkeley: University of California Press 2019.
- All Readings marked [LINK] are available on the course bspace site. Just click on the [LINK] to access the reading.

## Course Requirements

- Six 1-page essays (8.33% of course grade each (50% total). Unexcused late papers lose a grade for each day late.
- Three ungraded responses of any length to other students' essays (5% of course grade given for completion of all three).
- Midterm exam (10% of course grade)
- Final exam (15% of course grade)
- Final Paper (reflection paper on course) (5 pages) (20% of final grade)

## Course Schedule

August 27: Introduction to course

**Class Discussion:** Affirmation of Principles for Participation

### Unit 1: The Sociological Perspective on Law

September 1-September 3: Modes of engagement with law

Reading:

Garcia, Angela, Legal Passing Chapters 3,4, 5

September 8: **Breakout:** what is/are your mode(s) of engagement with the law? **(1-page essay #1) due September 11)**

### Unit 2: Theories of Law and Society

September 10: Liberal legality: markets, the individual and society

Readings:

Locke, John, "Second Treatise on Government" [LINK]

Richard Epstein, "All Quiet on the Eastern Front" University of Chicago

Law Review 1991: 555-573 [LINK]

Roberts, Dorothy from Killing the Black Body New York: Pantheon Books, 1997, pp. 226-245 [LINK]

September 15: **30-minute Breakout:** How do Roberts' findings provide a critique of the liberal view of law?

September 15- September 17: Law and social solidarity

Readings:

Durkheim, Emil "Types of Law in Relation to Types of Social Solidarity"  
from The Division of Labor in Society [LINK]

Critique: Reiman, Jeffery, "A Crime by Any Other Name" The Rich Get Richer  
and the Poor Get Prison, Boston: Beacon Press, 1990, pp. 12-46 [LINK]

September 17: **30-minute Breakout:** How is Reiman's perspective a critique of Durkheim's theory?

September 22: Marxism and law

Readings:

Engels, Frederick, "Morality, Law and Equality" [LINK]

Cloke, Kenneth, "The Economic Basis of Law and the State" [LINK]

Hunt, Alan "Law, the State and Class Struggle" [LINK]

September 24: **20-minute Breakout:** Check in for comprehension/questions/critiques.

**1-page essay (#2)** on your thoughts on liberal legality and another theory's critique of it due September 24.

September 24-September 29: Social conflict, legal domination and legitimation

Readings:

Weber, Max, selections from Economy and Society [LINK]

Bourdieu, Pierre, "The Force of Law: Toward a Sociology of the Juridical  
Field:" Hastings Law Journal 38 (1987): 805-853 [LINK]

September 29: **20-minute Breakout:** Check in for comprehension/questions.

October 1: Law and Social Justice: The Civil Rights Movement's Framework

Reading:

King, Martin Luther Jr., "Letter from Birmingham Jail" [LINK]

**30-minute Breakout:** Which sociological theory do you think is most consistent with MLK's ideas? Why?

**1-page essay (#3) due 10/4**

### **Unit 3: Tort Law and Social and Personal Responsibility**

October 6: The Construction of Social Responsibility: Tort law 1937-1980s

Readings:

Lieberman, Jethro "Right of Redress: Toward a Fiduciary Ethic," from

[The Litigious Society](#) [LINK]

[West Coast Hotel v. Parrish](#) 300 US 379 (1937) [LINK]

October 8: The Neo-Liberal Assault on Social Responsibility (1980s-2000s)

Readings:

Haltom and McCann [Distorting the Law: Politics, the Media and the Litigation Crisis](#) (2004) Ch. 3 [LINK]

**30-minute Breakout:** Why, how and to what extent did the neo-liberal view of individual responsibility prevail? **1-page essay (#4) due October 1**

### **Unit 4: Police, Prisons and Society**

October 13-October 15: Neo-liberalism and the war on crime

Readings:

Waquant, Loic, "From Slavery to Mass Incarceration" [New Left Review](#) [LINK]

Vitale, Alex S. [The End of Policing](#) London: Verso, 2018 Ch. 2 "The Police Are Not Here to Protect You" pp. 31-54 [LINK]\*

October 20: The Machinery of Mass Incarceration

Reading: Alexander, Michelle, "The Lockdown" from [The New Jim Crow](#) New York: The New Press, 2010, pp.58-91[LINK]

**20-minute breakout:** How do we understand the links between neo-liberalism and mass incarceration? 1-page essay on this topic due on October 26.

**October 20: Non-Mandatory review for Midterm Exam 4:00PM-5:00PM\***

**October 22: MIDTERM EXAM**

October 27-October 29: Can Police and Prisons Be Reformed?

Reading:

Foucault, Michel, "The Carceral Archipelago" from Discipline and Punish: The Birth of the Prison [LINK]

Gottschalk, Marie "Show Me the Money: The Prison State and the Great Confinement" from Caught: The Prison State and the Lockdown of American Politics, Princeton: Princeton University Press, 2015, pp. 25-47 [LINK](#)

November 3: Defund the Police and Abolish the Prisons?

Reading:

Davis, Angela, Are Prisons Obsolete? Ch. 6 [LINK]

November 5: **Presentation: Underground Scholars Initiative, U.C. Berkeley**

November 10: **Breakout:** What do you think about the prison/police abolition perspective?  
**1-page essay (#5) due November 13.**

## **Unit 5: Social Movements, Legality and the Reconstruction of Society**

November 12: The Legal Strategy of the Civil Rights Movement

Reading:

Bell, And We Are Not Saved: Chs. 1-2

November 17: Educational Equity and the Law

Reading:

Bell, And We Are Not Saved , Ch.4

November 19: Voting and the Law

Readings:

Bell, And We Are Not Saved , Ch. 3

Rutenberg, Jim, "A Dream Undone" New York Times Magazine July 29, 2015

Shelby County v. Holder 570 US 529 (2013) [LINK}

November 19: **Breakout** Discussion: was the civil rights movement successful or not?  
**1-page essay (#6) on this question due November 23.**

## **Unit 6: Legal Activism and Social Justice**

November 24: Legal Activism: Contesting Power with the Law

### **GUEST LECTURE: Anamaria Loya, Chief Regional Attorney, U.S. Department of Education, Office of Civil Rights**

Reading:

Loya, Anamaria "Creating a New World: Transformative Lawyering for Social Change" in Barlow (ed.) Collaborations for Social Justice  
Lanham, MD: Rowman and Littlefield, 2007 [PDF]

December 1: Lawyers and social change

Reading:

Levitsky, Sandra R., "To Lead with Law: Reassessing the Influence of Legal Advocacy Organizations in Social Movements" in Sarat, Austin and Stuart A. Scheingold (eds.) Cause Lawyering and Social Movements  
Stanford: Stanford University Press, 2006, pp. 145-163 [PDF]

December 3: Summary of course

**December : Non-mandatory review session for final exam.**

**FINAL PAPERS DUE ON December 10 at 11:59PM. Submit your paper on the Soc. 114 bcourse site.** Late papers will lose a grade for each calendar day late.

**FINAL EXAM Wednesday, December 16 8:00AM-11:00AM**