

CRIM 220.1: Introduction to Law and Society

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Spring 2019
Class meeting: Blueridge Hall 129 (FFX)
Tuesday 10:30 – 1:10 p.m.

COURSE DESCRIPTION AND PURPOSE

The law touches on all areas of social life, but why do we need social science to help us understand the law? After all, law is an area of study that is taught by its own specialized instructors and practiced by a select group of professionals. Surely, you might argue, law is for law schools, law books, courts, and lawyers? But there is much more to it. Law, which affects so many social processes, is itself a product of those same social processes. It is people—as judges, attorneys, police officers, legislators, defendants, and plaintiffs—who make the law. The actions of these people are influenced not just by “law on the books,” but also by their own experiences, by their social relationships, and by their interpretations of the world around them. Given this viewpoint, how can anyone understand the law *without* social science?

In this course we shall look at how social theorists conceptualize and explain the relationship between law and society. For example, we shall examine how law shapes and is shaped by broader economic forces. We shall also discuss how law is influenced by race, ethnicity, and gender. A core theme throughout this course is the exploration of law’s relationship to justice. The primary purpose of this course will be to develop our perspective on law beyond the legal profession. By the end of the semester, you should have developed an understanding of the social processes that affect the legal system. More importantly, you should have developed your capacity to think critically and communicate effectively about themes, concepts, and arguments surrounding the law. I would add this is not a technical course on practicing law.

COURSE FORMAT AND PROCEDURES

Classes will be challenging and involve lecture, discussions, and class exercises. I expect you to come to class prepared, namely having read the assigned materials and being willing to discuss them. The readings are absolutely central to the learning approach I take in this class. Not only will reading the assignments before class help you develop your own intellectual skills, it will also better position you to understand lecture and discussion during class. This should translate into better performance on the exams and quizzes. Some of this material is quite difficult, but effort and perseverance should help you attain the grade you desire and deserve.

Because I am keen on fostering a seminar-like atmosphere, I may call on you to participate. If for any reason this makes you uncomfortable, you should let me know. The purpose of lectures and discussion is to help clarify and develop the readings, not to simply rehash them. To do well in the course, it is important that you take good notes (in class and on the readings) and ask questions to help you recall what was covered during class.

CLASS RULES

1. Be respectful by coming/leaving class on time.
2. I encourage you to offer your perspective during class discussions and to back it up with facts and reasons. I expect there to be disagreements, but these should be civil.

3. If you are a student with a disability and you need academic accommodations, these need to be identified at the start of the semester. Please contact the Office for Disability Services at 703-993-2474 (<http://ods.gmu.edu/>) and see me. All academic accommodations must be arranged through that office.
4. Make sure that your GMU e-mail account has been activated and that you check it regularly. I will communicate announcements through this address.
5. When quizzes or examinations are handed out, do not begin until instructed to do so. Read and follow the instructions carefully. During quizzes and exams, students may only speak to me. You must begin these at the designated time, and you may not leave the classroom once the quiz or exam has begun and return. If you arrive late for a quiz or exam, you may not be permitted to take it.

COURSE GRADING AND REQUIREMENTS

There are a total of 200 points to be earned in this course. They are distributed as follows:

Class participation (40 points)

Evaluation of class participation is based on 6 quizzes scheduled throughout the semester (10 points each). I drop the 2 lowest quiz scores. These quizzes may well cover material assigned for that specific day. If you are not in class, you will not receive credit for the quiz, and if you are late for class, you may not be permitted to take the quiz. If you show up for the sole purpose of taking the quiz and then leave, you will not receive credit.

Because you are automatically allowed to drop 2 quizzes, no make-up quizzes are permitted. Again, it is very important that you come to class regularly, prepared, and willing to discuss the reading(s). Should your course grade be border-line at the end of the semester, your active, appropriate, and consistent participation in class discussion will push your grade toward the higher mark.

Mid-term exams (2 x 40 points = 80 points total)

There will be two mid-term exams. The exams will include multiple-choice, true/false, and short answer questions. The purpose of the exams is to obtain a fair estimate of your grasp of the course material and your ability to apply it. You do not need to bring a Scantron form or a blue book. Mid-Term 1 is scheduled for **Tuesday, March 5** and Mid-Term 2 is scheduled for **Tuesday, April 9**.

Final Exam (80 points)

The final exam is cumulative and will cover all the material in the course, but it will be more heavily weighted toward material covered since the first mid-term and assign a significant number of points to questions on the book, *The Common Place of Law*. It is scheduled for **Tuesday, May 14, 10.30-12.30 p.m.** (although we have the room for longer).

Makeup exams will be allowed *only* when the student provides *satisfactory written verification* of personal illness, death/serious illness in the immediate family, or other serious emergency. Students approved to participate in an athletic event during the exam must bring an official request form from the Athletic Department in advance. Students who present false information will be charged with academic dishonesty. Students who know in advance that they will miss an examination should notify the instructor as far in advance as possible. All makeup exams will be scheduled at the convenience of the instructor. Makeup exams may be in essay form.

Below is the grading scale for this course:

POINTS	%	LETTER GRADE
186-200	93-100	A
178-185	89-92.5	A-
170-177	85-88.5	B+
160-169	80-84.5	B
150-159	75-79.5	B-
140-149	70-74.5	C+
130-139	65-69.5	C
120-129	60-64.5	C-
100-119	50-59.5	D
<99	<49.5	F

As a former colleague once wrote, “Your grade will be a record of what you did do in this class – not what you could have, should have, or would have done had circumstances been different.”

ACADEMIC INTEGRITY

Students are expected to abide by the requirements of the University regarding academic integrity (see the Honor Code at <https://oai.gmu.edu/mason-honor-code/>). Any form of cheating or dishonesty will be considered a serious violation of academic integrity, will be reported to the Honor Committee, and may result in a failing grade for the course and other administrative action.

Without honest effort, a learning community has no substance or validity.

COUNSELING AND PSYCHOLOGICAL SERVICES

If you are facing significant life stressors and feeling overwhelmed, there are resources available to help you. These include *Counseling and Psychological Services* (703-993-2380), which provides confidential psychological services, including 24/7 crisis intervention. There is also *Student Support* (703-993-5376), which helps students negotiate life situations by connecting them with appropriate resources. *Student Support* also has an on-line referral system (for non-emergencies only): <https://ssac.gmu.edu/make-a-referral/>. The non-emergency number for the GMU police is 703-993-2810.

CIVILITY

Regarding electronic devices (such as laptops, cell phones, etc.), please be respectful of your peers and your instructor and minimize engaging in activities that are unrelated to class. Such disruptions show a lack of professionalism and may affect your participation grade.

REQUIRED TEXTS

- Kitty Calavita. 2016. *Invitation to Law and Society: An Introduction to the Study of Real Law*. 2nd edition. Chicago: University of Chicago Press.
- Patricia Ewick and Susan Silbey. 1998. *The Commonplace of Law: Stories from Everyday Life*. Chicago: University of Chicago Press.
- Additional course readings available through Blackboard (under “Course Content”).

SCHEDULED TOPICS AND READING ASSIGNMENTS (by class session)

I. Introduction and Overview

Jan. 22 **What is law and society?**

Calavita, pp. 1-10 (Chapter 1)

Renee Rogers assignment

Gladwell, Malcolm. 2005. "The Warren Harding Error: Why We Fall for Tall, Dark, and Handsome Men." Pp. 72-98 in *Blink*. New York: Little Brown and Company.

Arterberry, Andrea. 2015. "Does Anyone Own the Cornrow?" *New York Times*, November 3.

Critical thinking: <http://ctfe.gmu.edu/teaching/blooms-taxonomy/>

II. Social Theories of Law

Jan. 29 **Types of society, types of law (law, solidarity, and social organization) [QUIZ 1]**

Calavita, pp. 11-36 (Chapter 2)

Durkheim, Emile. 1901[1983]. "The Evolution of Punishment." Pp. 102-132 in S. Lukes and A. Scull, eds., *Durkheim and the Law*. Oxford: St. Martin Robertson.

Feb. 5 **Types of society, types of law (law, class, and capitalism)**

Hay, Douglas. 1975. "Property, Authority, and the Criminal Law." Pp. 17-63 in Douglas Hay, Peter Linebaugh, John G. Rule, E.P. Thompson, and Cal Winslow, eds., *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England*. New York: Pantheon Books.

III. Law and Social Interactions

Feb. 12 **Gender and race and the law [QUIZ 2]**

Calavita, pp. 59-85 (Chapter 4)

Frohmann, L. 1997. "Convictability and Discordant Locales: Reproducing Race, Class, and Gender in Prosecutorial Decisionmaking." *Law and Society Review* 31: 531-55.

Oppel, Richard A. 2011. "Sentencing Shift Gives New Leverage to Prosecutors." *New York Times*, September 25.

Visiting speaker: Curtis Baranyk, Assistant Commonwealth's Attorney, Prince William County

IV. The Courtroom Process

Feb. 19 **Courts and plea bargaining**

Nolan, James Jr. 2001. "Therapeutic Theater" (Chapter 3). Pp. 61-89 in *Reinventing Justice: The American Drug Court Movement*. Chicago: University of Chicago Press.

Bowen, Deidre M. 2009. "Calling Your Bluff: How Prosecutors and Defense Attorneys Adapt Plea Bargaining Strategies to Increased Formalization." *Justice Quarterly* 26.1: 1-29.

Feb. 26 **Juries [QUIZ 3]**

Ellsworth, Phoebe C. 1989. "Are Twelve Heads Better Than One?" *Law and Contemporary Problems* 52.4: 204-225.

Frontline movie: *Inside the Jury Room* (60 minutes)

Mar. 5 MID-TERM EXAM 1 (10.30-12.00 p.m.)

SPRING BREAK (MARCH 11 - MARCH 17)

V. Law and Social Control

Mar. 19 **Law and the state**

Mastrofski, Stephen, Jeffrey Snipes, Roger Parks, and Christopher Maxwell. 2000. "The Helping Hand of the Law: Police Control of Citizens on Request." *Criminology* 38(2): 307-342.

Mar. 26 **Deterrence and legitimacy [QUIZ 4]**

Tyler, Tom R. 2004. "Enhancing Police Legitimacy." *The Annals of the American Academy of Political and Social Science* 593: 84-99.

VI. Law and Criminal Justice

Apr. 2 **Police [QUIZ 5]**

Calavita, pp. 109-134 (Chapter 6)

Wilson, James Q. and George Kelling. 1982. "Broken Windows: The Police and Neighborhood Safety." *The Atlantic Monthly*, March: 29-38.

Thacher, David. 2015. "Don't End Broken Windows Policing: Fix It." *The Marshall Project*:
<https://www.themarshallproject.org/2015/09/09/don-t-end-broken-windows-policing-fix-it#.cbmpfOBwT>

Apr. 9 MID-TERM EXAM 2 (10.30-12.00 p.m.)

Apr. 16 No Class

Calavita, pp. 37-58 (Chapter 3) and pp. 189-95 (Conclusion)

VIII. Law and Legal Consciousness

Apr. 23 Common Place of Law, Chapters 1, 2, and 4 **[QUIZ 6]**

Apr. 30 Common Place of Law, Chapters 5, 6, and 7
Wrap-Up and Review for Final Exam

May 14 **FINAL EXAM, 10.30-12.30 p.m.**