

SOCIOLOGY 6830: SOCIOLOGY OF LAW
Spring 2006: Tues/Thur 12:30-1:45
Baldwin Hall 114A

Instructor: Dr. Dean G. Rojek
Office: 309A Baldwin Hall
Office Hours: Monday through Thursday, 2-3 PM.
or by appointment

Telephone: 542-6370
E-mail: DROJEK@UGA.EDU

Required Textbooks

Lawrence Friedman, *Law In America*. New York: Modern Library 2004

(Other reading materials will be copied and distributed in class in order to keep the cost of this course to a minimum)

Course Objective

The purpose of this course is to acquaint students with the social nature of law, and how the legal system reflects the social system within which it exists. Far too often consideration of the law becomes akin to something of a wondrous awe or unquestioned devotion to sacred rules, when in fact it is a natural phenomenon that occurs in social settings and represents another manifestation of social activity. In modern society, legal norms and procedures pervade all aspects of social interaction. The study of any modern society cannot be complete unless it takes into account its legal system. Not only is law integral to society, but as a part of society, law is inherently social. To sensitize students to the pervasive nature of law, a deliberate attempt will be made to direct student interest into areas other than criminal law. This does not mean that criminal law is unimportant but that civil law has been unduly neglected while criminal law has been over emphasized.

Course Requirements

1. The grading for this course will be primarily written assignments that might be viewed as legal briefs. There will be seven writing assignments but no formal examinations. As we complete each of the eight topics, there will be a general question presented for students to discuss as a “position-paper” or legal brief that should be approximately 5 to 7 pages in length. These papers will be carefully graded and returned as soon as possible.

2. In addition to these written assignments, there will be “friendly debates” on the assigned reading material. Students will be assigned “pro” or “con” positions on topics derived from the readings.. Participation in these debate will account for 10% of the final grade.

3. Each paper will be worth 12% of the final grade. However, the Nuremberg position paper (topic #4) will be worth 18% of the final grade.

The grading scheme is as follows:

Debate presentations	10%
Position papers: (12% x6)	72%
Nuremberg paper	<u>18%</u>
TOTAL	100%

Class Attendance

Students who do not intend to attend class regularly are not encouraged to register for this class. Because of the requirement of position papers and being assigned a debate topic, it will be necessary for students to attend class on a regular basis. *Students who have more than four absences will be dropped from this class.* This policy will be rigorously enforced in the first half of the semester. A drop on or before will be recorded as a grade of “W” (withdrawal passing) but after March 7, only a grade of “WF” (withdrawal failing) can be assigned. Students who do not attend the first three days of class will be dropped from the class role.

Key Dates

Jan. 9: Classes begin

Jan. 14: Martin Luther King Holiday, no class

March 7th: Midpoint of the semester—withdrawal deadline

March 13-17: Spring break

May 1: Classes end

Course Outline

1. A general perspective on the law
 - a. Social structure and human personality
 - b. Social control
 - c. The legal system
 - d. What is law?

Readings: Friedman book

Topical theme for position paper #1: What does the term “law” mean to you? Can the law be value free? When you look at the operationalization of law in the U.S. as depicted in the US, the State intrudes itself on individuals in different ways. Individuals can gain rights and lose rights. After reading the Friedman book, how would you view the interaction of law and society?

2. Major legal systems in the world
 - a. Civil law of the Romano-Germanic family
 - b. Common law
 - c. Marxist legal systems
 - d. Common law in the United States

Readings: Class handouts

Topical theme for position paper #2: There is no perfect system of law but each reflects a different interest and each approach has its strengths and weaknesses. The Common Law is exceedingly complex and technical, and seems to be motivated by a distrust of the state. The Little Rascals Trial possibly shows Common Law at its worst. As might be argued in some many instances of the American capitalist system, legal protection seems to be a privilege and not a right. Gusfield and Schwartz seem to suggest that the “seamy” side of law reveals an intriguing dimension to the law.

3. Legal Philosophy
 - a. Natural Law
 - b. Analytical Positivism

- c. Sociological Jurisprudence
- d. Legal Realism
- e. Radical Theory

Readings: class handouts

Topical theme for position paper #3: Which legal philosophy makes the most sense to you? What particular aspects of the legal philosophy that you selected is most appealing to you? What are some problems? Do you think this legal philosophy is in fact operating in American law? Is it a help or a hindrance that we seem to have multiple legal philosophies.

4. The Nuremberg Trial

- a. Background considerations: Andersonville
- b. Legal basis of the trial
- c. How the trial was conducted
- d. Impact of the trial: The meaning of the “Nuremberg principle”

Readings: excerpts from two books, copies of which will be handed out.

Position paper for position paper #4: For some Nuremberg is a significant step forward in international law but for others it is nothing more than victor’s vengeance. How do you deal with an issue such as genocide when it has never been defined in law? What right does a country have to enter another country and force its law on another country? Nuremberg stands for what? What impact has Nuremberg had on our lives?

5. The law and mental illness

- a. Defining mental illness
- b. Criminal insanity
- c. Civil commitment
- d. Competency

Readings: class hand outs

Topical theme for position paper #5: How comfortable are you with the mental health profession operating in the courtroom? Can we clearly determine who is sane and who is insane? Is there something wrong with the DSM becoming the “bible” of mental issues and mental illnesses? Would it be better not to have mental illness as part of the formal court proceedings?

6. Obscenity

- a. Legal restrictions
- b. Defining obscenity and pornography
- c. Research findings

Readings: class handouts

Topical theme for position paper #6: We may be involved in enforcing matters of taste rather than substantive issues that might curtail free speech. Porn may be in bad taste but does this become what in legal circles becomes a slippery slope that leads us to restrictions guaranteed in the First Amendment? Is there any evidence that suggests that viewing porn leads to behavior that is criminal?

7. Social control in China

- a. Overview of Chinese history
- b. Chinese culture

c. Chinese legal practices

Readings: class handouts

Topical theme for position paper #7: Chinese law is very heavy-handed and seems to aspire to high moral principles. The notion of due process limitations is relatively rare. Chinese law and Chinese custom seem to intertwine and the over reach of law is quite common. But China has a very low crime rate and there are elements of Chinese social control that are very appealing. In the U.S. we are concerned with individuals rights but in China there is more of a concern of individual obligations. Is this necessarily wrong?

Human Rights Statement

All students should know that the Department of Sociology has a Human Rights Committee for the resolution of student grievances. Any student registered for a sociology course at the University of Georgia who feels that he or she has not been treated in a fair or professional manner by an instructor is advised to follow these procedures:

- (1) The student should discuss his or her problem with the instructor of the course, unless extenuating circumstances prohibit this.
- (2) If that discussion does not resolve the grievance, the student should then discuss the problem with the Head of the Department of Sociology.
- (3) If that discussion does not resolve the grievance to the satisfaction of the student, the student may request the activation of the Human Rights Committee by submitting a letter to the Chairman of the Human Rights Committee, Department of Sociology, University of Georgia.

The Human Rights Committee will have the responsibility of investigating all changes in accordance with procedures on file in the Sociology office, copies of which are available to students. The Committee will also have the responsibility of making recommendations in writing to the Head, copies of which will be available to the student complainant and the instructor involved. The Department Head will review the recommendations and make a decision in writing, with copies to the student complainant and the instructor or staff member involved. Any appeal of that decision must be to the Dean of the College of Arts and Sciences.

