In law schools, students learn legal rules and how to apply them. The social science field of law and society, however, is designed to show both the impacts of the broader social context on law-making and judicial decision-making, but also the impacts of law and courts on society. In other words, law does not exist in a vacuum, and our goal is to understand the multiple connections between law and its contexts. In this course we read both research in the field of law and society, and also court cases, where we trace their arguments, showing the ways that decisions are influenced by or rest on arguments that go beyond legal rules are instead rooted in or inspired by social logics. In the process, we also introduce and engage some classic law and society research more generally. We end with perhaps the most basic question of the field: is justice possible?

Course organization and requirements: Three in-class exams (IDs and/or short answer/essay): midterm 1 is worth 25% of the grade, midterm 2 is worth 30% of the grade, and the final exam worth 30% of the grade.

Class participation (faithful completion of the reading assignments, and regular and informed participation in discussions) is 15% of the final grade. Class participation is your chance to develop some skills of oral expression and thinking on your feet. Though there will be ample opportunity for participation in class, most of the participation grade will be determined by regular attendance and informed participation in sections. Attendance will be taken in sections, and students who miss four or more sections lose all credit for participation. Doctor’s note needed for exceptions.

Exam and policy: Do not take this course if you will have to miss the exams. No make-up exams.

Required texts: All readings are available as free downloads from my website: https://quote.ucsd.edu/jskrentny/teaching/

January 6, 8, 13: Introduction: What is “law and society”? What is law? What do judges do, and why do they do what they do?

David Kairys, “Legal Reasoning” The Politics of Law, Kairys, ed. (Pantheon) pp. 11-17

January 15, 20: Courts and economic interests

Farwell v. Boston & W. R. R. 45 Mass 49 (1842)
Lochner v. New York 198 U.S. 45 (1905)

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Farwell v. Boston & W. R. R. 45 Mass 49 (1842)
Lochner v. New York 198 U.S. 45 (1905)

January 22: Midterm examination #1

January 27, 29: Courts, “reasonableness” and other social expectations

Cynthia Lee, “Female Infidelity,” Murder and the Reasonable Man (NYU), pp. 17-45
Ellison v. Brady, 924 F.2d 872 (1991)
Knight v. Jewett 3 Cal. 4th 296 (1992)
February 3, 5: Morality, politics and punishment

Buck v. Bell, 274 U.S. 200 (1927)

Feb. 10, 12: Immigration and belonging


Feb. 17: Midterm examination #2

Feb. 19, 24: Law, technology and innovation


Feb. 26, March 3: Fairness at work: the meaning of discrimination and employer recruitment

Thomas v. Wash. County Sch. Bd., 915 F.2d 922 (4th Cir. 1990)
EEOC v. Consolidated Service Systems, 989 F.2d 233 (1993)

March 5, 10, 12: Inequality, plea bargaining, and justice

Marc Galanter, “Why the ‘Haves’ Come Out Ahead: Speculations on the Limits of Legal Change” Structure of Procedure, Cover and Fiss, eds. (Foundation), pp. 199-211

***FINAL EXAM IS TUESDAY, MARCH 17, 3 PM***