

Sociology 363 LAW AND SOCIAL STRATIFICATION Winter 2009

Revised 1/26

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Course Home Page: <http://www.wwu.edu/~jimi/363>

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Course Description This course is located in the middle of a busy intersection. Sociology like most disciplines generates specialized areas of study. Separate literatures develop around the relationships of inequalities of class, race and gender to law; studies of civil law are segregated from studies of criminal law. Such specialization is necessary to advance knowledge, but occasionally it is useful to put the pieces together. Because this occasion is only a ten week course is a comprehensive -- or even slightly representative -- coverage of this literature is impossible. We will, for example, avoid the excellent literature on the social stratification of the legal profession. Our central focus will be on a unique feature contemporary law: the contradiction it creates between its commitment to equality of individuals while simultaneously sustaining and amplifying inequalities of class, race and gender.

Prerequisites The listed prerequisite for this course is Sociology 302 (Classical Sociological Theory). If you can take this course first, I would recommend doing so. Otherwise, *caveat emptor* - but see the section below on Guides.

Texts

Textbooks to Purchase

Massey, Douglas. 2007. *Categorically Unequal: The American Stratification System* (Massey hereafter)

Skrentny, John D. 1996. *The Ironies of Affirmative Action: Politics, Culture and Justice in America*. (Skrentny hereafter)

On-Line Texts

Several required readings must be downloaded. Many can be accessed directly via links in the on-line syllabus. Try CTL + click if the link doesn't work. If you still encounter problems go directly to the Wilson Library on-line collection: **Western Libraries Home Page** → **Articles & Databases** → **Find journal by title**

You will need to use this route for a couple articles. Learning to navigate this system is a basic skill you should have. Make sure that you print the **only the PDF** versions, otherwise your copy will be some distorted version of the original -- without pagination, tables and graphs.

For on-line journals the library uses multiple vendors, each of whom has a unique maze to navigate. If you get seriously get help from me or a librarian.

The best way to download an article is to go to the on-line syllabus and click on the link. URLs are often quite long and it is very easy to make a single typo that will disable the connection. Depending on your computer and the time of day, it may take some time for the download: multitask or try another time. If you do encounter problems please let me know what you have done and what computer you are using.

Class Notes

A third major source of texts for this course is set of class notes. These will normally be posted by 5PM the day before class. They will consist of both summaries and elaborations of the other reading assignments and some additional texts to digest. The best way to use the class notes to prepare for examinations is to copy and paste the posted notes into a single Word document. You can then use the Home-Editing-Find (Edit-Find on earlier versions) pull-down menu to quickly locate information about particular topics.

Course Grades

Exams Examinations will consist of 25 objective and 10 short answer questions. Some of the latter will have multiple parts. You will have the option of writing an explanation for your choices on any of the objective questions. You are responsible for all information and announcements made in class; if you are absent, ask someone to provide you with notes.

Quizzes/Exercises Class sessions will begin with a short quiz on the scheduled reading assignments and issues covered in the previous class session. The purpose of these quizzes is to help you prepare for the examination and provide some incentives for a rational actor to read the assignments before class. Quiz scores will be combined at the end of the quarter and letter grades will be assigned following the *same scoring system* outlined below for exams. Note that if you fall below 60% of the high score, 15% of your course grade will be an F, which will reduce your course grade by *at least* a letter grade. For example, a 1.0 perfect score on all exams and a zero on quizzes reduces the A to a B in the course. (There are no make-ups for quizzes. Everyone gets three strikes; beyond that documented illness or other emergencies can be used to adjust the number scores. If you are missing a significant amount of classes because of illness you should seek a medical leave of absence from the Registrar.)

Presentations Each member of the class will be responsible for developing a one page outline and brief oral presentations of a portion of the assigned readings. These presentations must be in your own words and you need to be sufficiently familiar with the issues to field questions from the floor. The assignments will be made at least one week in advance. I welcome discussion, in person or via email, of your presentation before class.

Short Exercises A small number of these will be during the quarter.

General Participation This is not a distance learning class. If you routinely don't attend class, your grade in the course will be substantially less than the average grade you

received on the exams. There turns out to be a causal connection between class attendance and exam performance as well.

Course Requirements and Grading

Exam I	January 30	Friday	20%
Exam II	February 23	Monday	30%
Exam III	March 16	Monday	35%
Quizzes			15%

The final grade is based on percentage scores rather than letter grades. (One logical consequence of this accounting procedure is that if you opt to skip an exam your score will be an absolute zero, which will bring your overall course grade down by at least one letter grade.)

While the P/F components do not enter into the grade calculation they are not optional. An F grade will require a revision and failure to submit a passing revision will result in a course grade of K.

Special Circumstances

Make-up Exams and Incompletes Everyone takes exams at the same time. Make-up exams are only given for documented emergencies or participation in some university-sponsored activity. In the case of illness, get a note from the health center on the day of the exam. A grade of incomplete (K) will be given only for work that cannot be completed in the last two weeks of the course and under conditions beyond the student's control that prevent on-time completion of the work. A K can only be assigned if you have earned up to that point at least a C in the course and have signed a written contract stipulating (a) date for completion of the work and (b) that you are taking incomplete grades in all other courses. If circumstances prevent you from completing a significant portion of the required work, you should drop the course and if circumstances permit apply to the Registrar for a leave of absence.

Disability Options Please let me know at the beginning of the quarter if, because of special circumstances (diagnosed learning disability, English as a second language) you would like to take your exams in the Testing Center, rather than the classroom. You should also contact the Student Services office, Old Main 110 (x 3844). You will start the exam at their testing center at the regularly scheduled time but may be given additional time to complete it. It does take some time to process these requests so please make these arrangements **as early in the quarter** as you can.

Snow and Other Emergencies No in-class assignments will be given on days the University issues a travel-at-your-own-risk invitation to come to class. If the University shuts down completely on the day our final exam is scheduled the course grades will be based on proportionately weighted work completed during the quarter.

Resources

Glossaries

Study guides for the exams will be posted in advance. In addition you may find useful two on-line glossaries, that include entries on major concepts, cases and personalities that you will encounter. This will be of particular use for those who have not taken many previous courses in law or sociology.

Law: <http://www.ac.wvu.edu/~jimi/255/glossary.pdf>

Sociological Theory: <http://www.wvu.edu/~jimi/302/glossary.pdf>

My home page has several links that you may find of interest. Many researchers now maintain extensive homepages that provide links to their published articles, course syllabi, data sets, etc. Here is a list; you can discover others by searching Google:

<http://www.wvu.edu/~jimi/450/players1215.pdf>

Academic Honesty

By enrolling in this course you agree to submit for credit **only work that you have done**. The penalty for violations in this course will be a grade of F **for the course**, not simply for the assignment or examination. You further agree that if a conversation occurs between students during an exam, the **reasonable presumption** will be that it concerns questions on the exam. You should be familiar with Appendix D of the University General Catalog (p. 369)

ASSIGNMENT SCHEDULE

Stratification: Introduction to Some Basic Issues

January 9

The Queen v. Dudley and Stephens 14 Q.B.D. 273 (1884) [7 pp.]

<http://www.wvu.edu/~jimi/363/dudley.pdf>

Massey "Rise and Fall of Egalitarian Capitalism" pp. 28-50

Morris, Martina and Bruce Western. 1999. "Inequality in Earnings at the Close of the Twentieth Century." *Annual Review of Sociology* 25:623-657.

Download from Annual Review of Sociology; see p. 10 of the syllabus

Adam Smith: Efficiency and Inequality

January 12

Kim, Chang-Hwan and Arthur Sakamoto. 2008. "Does Inequality Increase Productivity?: Evidence from U. S. Manufacturing Industries, 1979 to 1996." *Work and Occupations* 35:85-114. **Download. See p. 10 of the syllabus.**

Frank, Robert H. 1999. "Higher Education: The Ultimate Winner-Take-All Market?" [8 pp.]

http://inequality.cornell.edu/publications/working_papers/RobertFrank1.pdf

Marx and Weber on Stratification

January 14

Marx, Karl and Friedrich Engels 1848. "The Communist Manifesto"

Marx "Critique of the Gotha Program" [15pp extracts]

<http://www.wvu.edu/~jimi/363/marx1.htm>

Weber, Max. 1920. "Class, Status and Party" (11 pages)

<http://www.wvu.edu/~jimi/363/webercsp.pdf>

Constitutional Law and Stratification: Introduction to Basic Issues

January 16-21

Optional: Radcliff, Mark and Diane Brinson "The U. S. Legal System"

<http://library.findlaw.com/1999/Jan/1/241487.html>

(A good basic overview, particularly if you not taken previous courses in this area.)

Dred Scott v Sanford 60 U.S. 393 (1857) (5 page extract)

<http://www.wvu.edu/~jimi/363/dredscott.htm>

Plessy v Ferguson 163 U.S. 537 (1896) (12 pages)

<http://www.wvu.edu/~jimi/363/plessy.pdf>

Sunstein, Cass R. 2003. "Why Does the American Constitution Lack Social and Economic Guarantees?" Chicago Public Law and Legal Theory Working Paper No. 36.

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=375622

January 19 Martin Luther King Holiday

Law and Society: Karl Marx

January 23

Inverarity. 2006. "Law and the Mode of Production: Some Theoretical Contributions of Karl Marx to the Sociology of Law." (23 pp.)

<http://www.ac.wvu.edu/~jimi/355/marx.pdf>

Bonacich, Edna. 1972. "A Theory of Ethnic Antagonism: The Split Labor Market." *American Sociological Review* 37:547-59.

<http://ezproxy.library.wvu.edu/login?url=http://links.jstor.org/sici?sici=0003-1224%28197210%2937%3A5%3C547%3AATOEAT%3E2.0.CO%3B2-S>

Law and Society: Max Weber

January 26

Inverarity "Weber on Legal Procedure and Social Structure" (20 pp.)

Blackboard: Assignments

Tyler, Tom R, Jonathan D. Casper, and Bonnie Fisher. 1989. "Maintaining Allegiance toward Political Authorities: The Role of Prior Attitudes and the Use of Fair Procedures." *American Journal of Political Science* 33:629-652.

<http://exproxy.library.wvu.edu/login?url=http://www.jstor.org/stable/2111066>

January 28 Review

January 30 Exam I

February 2

Scalia, Antonin. 1989. "The Rule of Law as a Law of Rules." *University of Chicago Law Review* 56:1175-1188. **Download. See p. 10 of the syllabus.**

Deshaney v. Winnebago County Social Services Department 489 U. S. 189 (1989) [6 page extract]

<http://www.ac.wvu.edu/~jimi/450/deshaney.pdf>

Galanter, Marc. 1974. "Why the "Haves" Come Out Ahead: Speculations on the Limits of Legal Change." *Law and Society Review* 9:95-160.

→ A long article. I suggest printing only the assigned pages, which are 96-114,135-144.

<http://ezproxy.library.wvu.edu/login?url=http://links.jstor.org/sici?sici=0023-9216%28197423%299%3A1%3C95%3AWT%22COA%3E2.0.CO%3B2-I>

Law and the Stratification of Voting Rights

February 4

Winders, Bill. 1999. "The Roller Coaster of Class Conflict: Class Segments, Mass Mobilization and Voter Turnout in the U. S., 1840-1996." *Social Forces* 77(3):833-860.

<http://ezproxy.library.wvu.edu/login?url=http://links.jstor.org/sici?sici=0037-7732%28199903%2977%3A3%3C833%3ATRCOCC%3E2.0.CO%3B2-7>

Uggen, Christopher and Jeff Manza. 2002. "Democratic Contraction?: The Political Consequences of Felon Disenfranchisement in the United States." *American Sociological Review* 67:777-803.

<http://www.jstor.org/stable/3088970>

Gender Stratification

February 6

Massey "Engendering Inequality" Pp. 211-260

Karst, Kenneth L. 2003. "Constitutional Equality as a Cultural Form: The Courts and the Meanings of Sex and Gender." *Wake Forest Law Review* 38:513-546.

Download. See p. 10 of the syllabus.

February 9

Baldez, Lisa, Lee Epstein and Andrew D. Martin. 2006. "Does the U. S. Constitution Need an Equal Rights Amendment?" *Journal of Legal Studies* 35:243-283. **Download. See p. 10 of the syllabus**

Soule, Sarah A. and Braden G. King. 2006. "The Stages of the Policy Process and the Equal Rights Amendment, 1972-1982." *American Journal of Sociology* 111:1871-1909. **Download. See p. 10 of the syllabus**

Criminal Justice and Stratification

February 11

Massey "Color of Justice" 93-107

Hagan, John and Holy Foster. 2006. "Profiles of Punishment and Privilege: Secret and Disputed Deviance During the Racialized Transition to American Adulthood." *Crime Law and Social Change* 46:65-85.

<http://ezproxy.library.wvu.edu/login?url=http://proquest.umi.com/pqdweb?did=1192649721&sid=4&Fmt=6&clientId=9320&RQT=309&VName=PQD>

Employment and Education Stratification

February 13

Sunstein, Cass R. 1994. "The Anticaste Principle." *Michigan Law Review* 92:2410-2455.

<http://www.jstor.org/stable/1289999>

Darity, William A. and Patrick L. Mason. 1998. "Evidence on Discrimination in Employment: Codes of Color, Codes of Gender." *Journal of Economic Perspectives* 12:63-90.

<http://ezproxy.library.wvu.edu/login?url=http://links.jstor.org/sici?sici=0895-3309%28199821%2912%3A2%3C63%3AEODIEC%3E2.0.CO%3B2-R>

February 16 Presidents' Day Holiday

February 18

Heckman, James J. 1998. "Detecting Discrimination." *Journal of Economic Perspectives* 12:101-116.

<http://ezproxy.library.wvu.edu/login?url=http://links.jstor.org/sici?sici=0895-3309%28199821%2912%3A2%3C101%3ADD%3E2.0.CO%3B2-I>

Bertrand, Marianne and Sendhil Mullainathan. 2004. "Are Emily and Greg More Employable Than Lakisha and Jamal?: A Field Experiment on Labor Market Discrimination." *American Economic Review* 94:991-1013.

<http://ezproxy.library.wvu.edu/login?url=http://links.jstor.org/sici?sici=0002-8282%28200409%2994%3A4%3C991%3AAEAGME%3E2.0.CO%3B2-H>

February 20 Review

February 23 Exam II

Affirmative Action Law

February 25

Skrentny Color Blindness 18-35

Skrentny American Justice 36-63

February 27 **Skrentny** Crisis Management 67-110

Skrentny Administrative Pragmatism 111-144

March 2 **Skrentny** Tradition 145-176

Skrentny Nixon 177-221

March 4

Skrentny Conclusion 222-242

Holzer, Harry J. and David Neumark. 2006. "Affirmative Action: What Do We Know?" *Journal of Policy Analysis and Management* 25:463-490.

<http://ezproxy.library.wvu.edu/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=bth&AN=19996754&site=ehost-live>

March 6

Edelman, Lauren. 1992. "Legal Ambiguity and Symbolic Structures: Organizational Mediation of Civil Rights Law." *American Journal of Sociology* 97:1531-1576.

<http://ezproxy.library.wvu.edu/login?url=http://links.jstor.org/sici?sici=0002-9602%28199205%2997%3A6%3C1531%3ALAASSO%3E2.0.CO%3B2-5>

Kalev, Alexandra, Frank Dobbin, and Erin Kelly. 2006. "Best Practices or Best Guesses?: Assessing the Efficacy of Corporate Affirmative Action and Diversity Policies." *American Sociological Review* 71:589-617.

<http://ezproxy.library.wvu.edu/login?url=http://www.jstor.org/stable/30039011>

March 9

Grutter v. Bollinger 539 U. S. 306 (2003) [16 page extract]

<http://www.ac.wvu.edu/~jimi/450/grutter.pdf>

Massey, Douglas S. and Margarita Mooney. 2007. "The Effects of America's Three Affirmative Action Programs on Academic Performance." *Social Problems* 54 (number 1):99-117.

Download. See p. 10 of the syllabus

March 11

Harper, Shannon and Barbara Reskin. 2005. "Affirmative Action at School and on the Job." *Annual Review of Sociology* 31:357-379. **Download. See p. 10 of the syllabus**

March 13 Review

March 16 (Monday) 10:30-12:30 Exam III

Downloading an Article: An Example (Stanford Law & Policy Review)

Western Library Home Page → Articles & Data Bases → Find Journals by Title

0-9	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	Other
• Title Search: <input type="text" value="stanford law"/> <input type="button" value="GO"/>																											
<input type="radio"/> Title starts with <input checked="" type="radio"/> Title contains <input type="radio"/> Exact Title																											

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Journal title

- Stanford environmental law journal
- Stanford Intramural Law Review
- Stanford journal of international law
- Stanford journal of law, business & finance
- Stanford law & policy review ← (3)
- Stanford law review

Source: Stanford law & policy review [1044-4386]

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