This course examines law in practice. It is concerned with the ways in which law is implemented, understood, negotiated, and produced by various actors in and around the judicial system. It will also consider the social and political functions performed by the law, and how individuals operate within and against the system of law.

**Schedule:**

**Week 1:** Introduction
- Lawrence Friedman, “Law, Lawyers and Popular Culture,” in *Law and Society* (hereafter L&S) p. 20
- Stewart Macaulay, “Images of Law in Everyday Life,” in L&S p. 505
- E.P. Thompson, *Whigs and Hunters*, pp. 258-269

**Week 2:** Identifying Disputes

**Week 3:** Order without Law?
- Robert Ellickson, *Order Without Law* ch. 2-5, 10-12

**Week 4:** Resolving Disputes
- Stewart Macaulay, “Non-Contractual Relations in Business,” in L&S p. 86
- Austin Sarat and William Felstiner, “Law and Strategy in the Divorce Lawyer’s Office,” in L&S p. 872

**Week 5:** Leveraging the Law
- Michael McCann, *Rights at Work* ch. 3-5, 7
Week 6: Concluding Cases

Week 7: Torts
L. Lynch v. Fisher (1949)
Palsgraf v. Long Island Railroad (1928)
H.L.A. Hart and A.M. Honore, “Tracing Consequences”
Judith Jarvis Thomson, “The Decline of Cause”
Derdiarian v. Felix Contracting Corp. (1980)
Summers v. Tice (1948)

Week 8: The Buffalo Creek Litigation
Gerald Stern, *The Buffalo Creek Disaster*

Week 9: Crime in the Streets
Jason L. Riley, “‘Racial Profiling’ and Terrorism,” *Wall Street Journal* (10/24/01)
Joseph Goldstein, “Police Discretion Not to Invoke the Criminal Process,” in L&S p. 59
Sarah Berk and Donileen Loseke, “Handling’ Family Violence,” in L&S p. 28

Week 10: Crime in the Courts
Abraham Blumberg, “The Practice of Law as a Confidence Game,” in L&S p. 63
Thomas W. Church, “Plea Bargaining and Local Legal Culture” in *Contemplating Courts*, ed. Epstein
Jeffrey Abramson, *We, the Jury*, Preface and Chapter Two

Week 11: Democratic Juries
Alexis de Toqueville, *Democracy in America* pp. 270-276, 728-730
Jeffrey Abramson, *We, the Jury* ch. 3-4

Week 12: Law on the Ground
Gerald Rosenberg, *The Hollow Hope*, Part Two
Leslie Reagan, *When Abortion was a Crime* ch. 3-4, 6
Materials:

The following books are available for purchase:

- Leslie Reagan, *When Abortion was a Crime* (University of California Press, 1997)
- Gerald Stern, *The Buffalo Creek Disaster* (Random House, 1997)
- Jeffrey Abramson, *We, The Jury* (Harvard University Press, 2000)

The remaining readings are contained in a packet available from Pequod’s. All required readings are also available on reserve in the library.

Requirements:

The requirements of the course include both written and oral components. To obtain a passing grade for the course, a student must fulfill all course requirements. Thorough preparation for, and faithful attendance at, lectures and precepts is among these requirements. In particular, you will be expected to arrive at precepts fully familiar with the assigned material and prepared to discuss the issues and concepts raised that week. Participation in precept will constitute a fifth of your final grade.

You will be required to complete three written assignments, consisting of one short paper, one midterm take-home exam, and one final paper. The short paper will be due in class at 10:00 am on Monday, March 4. The topic for the short paper will be posted on the course website. The take-home midterm will be made available on the course website and will be due in class at 10:00 am on Monday, April 1. The final paper will address broader themes of the course and will be due Tuesday, May 14 in a box outside the Politics department in Corwin Hall. The quality of your writing will be a factor in determining your grade on written assignments.

Midterm 25%
Final paper 35%
Participation 20%
Paper 20%

You may appeal any written grade within two weeks of receiving it. In order to appeal a grade, submit a clean copy of the paper and a short (500 words) written statement as to what error you think was made in your initial grade. A different preceptor will then grade your paper from scratch. The new grade may be either higher or lower than the original, and will be final.

The grading is standardized across precepts. Your final grade will not be affected by which precept you attend, though your preceptor has first responsibility for grading you work.