This course investigates the role of law in combating and perpetuating inequality. There are at least two dimensions to such an investigation. First, how have organized groups used law as a resource to combat institutionalized inequalities? Has litigation served them better than an electoral strategy, mass protest, or self-help? Second, are legal categories themselves sex-, race-, and class-biased? Both dimensions will come into play as we discuss mobilization, litigation, and legal theorizing around desegregation, employment discrimination, immigrants’ rights, and comparable worth.

Readings and discussion will join theoretical perspectives with substantive topics. For example, we will move from theories of legal hegemony to ethnographic work on working class Americans' encounters with the law, combine feminist theorizing about identity and difference with an analysis of employment discrimination litigation, and probe the conditions in which rights claims gain credibility. Our discussions will draw from a range of fields, including anthropology, law, social theory, feminist theory, the sociology of social movements, and the sociology of law. Recently, several of these fields have shown signs of convergence around several issues. These questions will come up again and again our discussion: is law better understood as resource or constraint? As culture or ideology? Can legal equality acknowledge difference?

Course requirements include 1-2 page weekly memos on the assigned readings, to be posted on the class website notebook by 5 p.m the day before the class meets, a response to one week’s memos, and class participation.

The following books are required and may be purchased from the bookstore:

- Sally Engle Merry, *Getting Justice and Getting Even: Legal Consciousness Among Working Class Americans* (Chicago, 1990)

Readings marked by an asterisk are located in a folder in the sociology department Xerox room. All other articles are available online, via either JSTOR or LEXIS. Recommended readings are listed for those with a special interest in a topic.

**Week one, January 11. Law and American exceptionalism**

Peter Just, *Dead Goats and Broken Betrothals: Liability and Equity in Dou Donggo Law*, *American Ethnologist* 17 (1990): 75-90

*Philip K. Howard, The Lost Art of Drawing the Line (Random House, 2001), ch. 1*

Recommended (on Americans’ arguable propensity to litigate):
Lawrence Friedman, “Are We a Litigious People?, ” in Friedman, *Legal Culture and the Legal Profession* (Westview, 1996)

**Week two, January 18. Classical perspectives on law**

*Herbert Jacob, *Courts, Law, and Politics in Comparative Perspective* (Yale, 1996), excerpt.
*Emile Durkheim, excerpts from *The Division of Labor in Society* and *The Rules of Sociological Method*

Recommended (on U.S. law in comparative and historical perspective):

**Week three, January 25. Law in action**

Sally Engle Merry, *Getting Justice and Getting Even*, chs. 1-3, 6-8 (skim 4 and 5).
Recommended (on law as negotiated in everyday settings)
Patty Ewick and Susan Silbey, *The Common Place of Law* (Chicago, 1998)

**Week four, February 1. Liberalism and rights talk: The NAACP desegregation campaign**

*Documents relating to Dred Scott case, Jim Crow laws, and Plessy v. Ferguson.*
Richard Kluger, *Simple Justice*, chapters 1, 3, 5, 6, 8, 9, 12, 13, 14, 16, 17, 22, 26.

Recommended:
Laura Kalman, *The Strange Career of Legal Liberalism* (Yale, 1996)

**Week five, February 8. Brown and Back? Equality and strategy**

*Gerald N. Rosenberg, excerpt from The Hollow Hope: Can Courts Bring About Social Change?* (Chicago, 1991)
*Jonathan Kozol, excerpt from Savage Inequalities* (Crown, 1991)

Recommended:

**Week six, February 15. Equality and difference: Employment discrimination**

*EEOC v. Sears, Roebuck & Co.,* excerpts
*Rosalind Rosenberg and Thomas Haskell, Letters to the Editor, from The Nation.
*DeGraffenreid v. General Motors, Moore v. Hughes Helicopters, Payne v. Travenol Laboratories, excerpts

Recommended:

**Week seven, February 22. Rights-consciousness and the power of legal uncertainty: The campaign for comparable worth**

Michael McCann, Rights at Work, chapters 1, 2, 3, 6, 7, 8.

Recommended (on legal mobilization):
Elizabeth Schneider, Battered Women and Feminist Lawmaking (Yale, 2000)
Stuart Scheingold, The Politics of Rights: Lawyers, Public Policy and Political Change (Yale Univ. Press, 1974)

**Week eight, March 1. Is storytelling the solution?**

Recommended (on narrative and the law):

*Francesca Polletta, “Ways of Knowing and Stories Worth Telling,” excerpt from *It Was Like a Fever: Storytelling in Protest and Politics* (U. Chicago, 2006)*

**Week nine, March 8 and week ten, March 15. Topics to be determined by seminar members.**
Possibilities include: Alternatives to Rights-Talk (restorative justice, alternative dispute resolution, deliberative democracy); Human Rights; Rights, Identity, and Emotions; and Immigrant Workers’ Rights.