

University of Pennsylvania  
Sociology Department  
Summer Session II, 2021  
Law and Society  
SOCI. 135-920  
AFRC.135-920

Hocine Fetni, Ph.D.  
MW 5:30 PM-9:20 PM

## COURSE DESCRIPTION

As very few areas of social life can avoid the discussion of their legal aspects, this course aims at introducing students to the major theoretical concepts concerning law and society. Significant controversial societal issues that involve law and the legal systems will be debated. The focus will be on law in the United States. To enhance students' learning experience of the various issues of law and society in America, law and society in other countries of Africa, Asia, Europe and Latin America will be discussed in a comparative context through *the lenses of National Law, Comparative Law and International Law.*

## ORGANIZATION AND REQUIREMENTS

Since this course will be taught remotely, it will include:

- Recorded lectures based on the required readings, which will be posted to Canvas.
- Zoom discussions held during regular class time. These zoom discussions will concentrate on the content of the recorded lectures as they apply to controversial and current legal issues of law and society. These discussions will also be posted to canvas.

Mid-session and final examinations will be given.

## EVALUATION

The grade will be based on the following criteria:

	<u>Percentage of Final Grade</u>
Mid-Session Examination	40%
Final Examination	60%

## How to Contact the Instructor and His Availability

Please schedule remote meetings at:

[calendly.com/dr-fetni](https://calendly.com/dr-fetni)

Tuesday and Thursday: 12:00 Noon-1:00 P.M.  
6:00 P.M-8:00 P.M.

Instructor will also be available during other days of the week.

## READINGS

The readings, which will be posted to canvas, will consist, *among many*, of part of the following:

Katsh, M. Ethan. Taking Sides: Clashing Views on Legal Issues, 16th Edition. 2016.

Vago, Steven and Barkan, Steven E. Law and Society, 10th Edition. 2018.

## SCHEDULE OF TOPICS AND READINGS

*Several days before every class meeting, students will be notified through Canvas about what subject matter will be covered in each meeting session*

PART.I

7/07-7/12

INTRODUCTION AND APPROACHES TO AND METHODS OF THE  
STUDY OF LAW AND SOCIETY

- General Discussion: Purpose, Scope and Procedure
- Definition of Law and Types of Law  
"Introduction," in S. Vago, Law and Society. pp. 1-29
- Approaches to the Study of Law and Society  
Vago. pp. 31-63

Taking Sides by M.E. Katsh,

**Unit 4.5.** Do Race-Conscious Programs in Public University Admissions Policies Violate the Fourteenth Amendment's Guarantee of Equal Protection Under the Law?

**Unit 2.3.** Can States Ban Physician Aid-in-Dying for Terminally Ill Patients?

- "Researching Law in Society," in Vago, pp. 279-300

**PART II. 7/14-7/19**

**ORGANIZATION, PRACTICE AND MAKING OF LAW**

- "The Organization of Law," in Vago, pp. 65-99

Taking Sides by Katsh,

**Unit 3.5.** Does the "Cruel and Unusual Punishment" Clause of the Eight Amendment Bar the Imposition of the death Penalty on Juveniles?

**Unit.3.2.** Do Religious Groups Have a Right to Use Public School Facilities After Hours?

- "Lawmaking," in Vago, pp. 101-131

Taking Sides by Katsh,

**Unit 4.4.** Is the Federal Defense of Marriage Act That Defines Marriage as Between One Man and One Woman Unconstitutional?

**Unit 4.7.** Is It Unconstitutional for States to Imprison Undocumented Immigrants?

- "The Profession and Practice of Law," in Vago, pp. 239-276

Taking Sides by Katsh,

**Unit 4.1.** Is There a Constitutional Right to Possess a Firearm for Private Use?

**Unit 1.1.** Should Persons Who Are Declared to be "Enemy Combatants" Be Able to Contest Their Detention Before a Judge?

**Unit 2.1.** Are Violent Video Games Protected by the First Amendment?

### PART III.

#### FUNCTIONS OF LAW 7/21-7/26

- "Law and Social Control," in Vago, pp. 133-170

Taking Sides by Katsh,

**Unit 1.2.** Does the President Possess Constitutional Authority to Order Wiretaps on U.S. Citizens?

**Unit 4.3.** Does the Fourth Amendment Prohibit the Police from Collecting a DNA Sample from a Person Arrested, but Not Yet Convicted on Felony Charges?

**Unit 4.2.** Are Blanket Prohibitions on Cross Burnings Unconstitutional?

- "Law and Dispute Resolution," in Vago, pp.173-204

Taking Sides by Katsh,

*Unit 2.4.* Does the Sharing of Music Files Through the Internet Violate Copyright Laws?

*Unit 3.1.* Should Judges Be Elected Rather Than Appointed?

- "Law and Social Change," in Vago, pp. 207-336

Taking Sides by Katsh,

*Unit 3.3.* Is a Strip Search of Middle School Students That Is Aimed at Finding Drugs Impermissible Under the Fourth Amendment?

*Unit 3.4.* Is a Dog Sniffing for Drugs Outside a Home a Search Prohibited by the Fourth Amendment?

*Unit 4.6.* Does the Constitution's Commerce Clause Allow Congress to Require Uninsured Individuals to Buy Health Insurance?

#### PART. IV

#### RELIGIOUS ASPECTS OF LAW AND SOCIETY

7/28

##### *The United States*

- Berman, Harold, "The Interaction of Law and religion," 31 Mercer Law Review, pp405-422

##### *Ireland*

- Hogan, G. W. "Law and Religion: Church-State Relations in Ireland From Independence to the Present Day," The American Journal of Comparative Law, Vol. XXXV, No. 1, pp. 47-96
- Taking Sides by Katsh,

*Unit 2.2.* Is It Constitutional to Ban Late-Term Abortions Without Providing for an Exception to Protect the Health of the Mother?

##### *Israel*

- England, Izhak. "Law and Religion in Israel," The American Journal of Comparative Law, Vol. XXXV, No. 1, pp. 185-208

***Muslim World and Middle East***

- Mayer, Ann Elizabeth. "Law and Religion in the Muslim Middle East," The American Journal of Comparative Law, Vol. XXXV, No. 1, pp. 127-186.

**PART V.**

**INTERNATIONAL DIMENSIONS OF CULTURE AND LAW- 8/02**

- David, René, and John E. C. Brierly. Major Legal Systems in the World Today, 1st Edition, pp. 1-29.
- Kostiner, Idit, Evaluating Legality: Toward a Cultural Approach to the Study of Social Change, Law and Society Review, Vol. 37, No.2.
- Rodgers and Bullock, Law and Social Change: Civil Rights Laws and Their Consequences. 181-209
- Tay, Alice Erch-Soon. "The Western Legal Tradition and the Internationalization of Law," Connecticut Journal of International Law. Vol. 6, No. 2, Spring, pp. 529-545
- Badr, Gamal Moursi. "Islamic Law: Its Relations to Other Legal Systems," The American Journal of Comparative Law, Vol. XXVI, No. 2.
- Franck, Thomas M., and Steven W. Hawkins. "Justice in the International System," Michigan Journal of International Law, Vol. 10, No. 1, Winter, pp. 127-162.
- Note: "Aspiration & Control: International Legal Rhetoric and the Essentialization of Culture," Harvard Law Review, Vol. 106, No. 3., pp. 723-740.

- Keuning, J. Some Remarks on Law and Courts in Africa, in The Law Faculty of the University of Ife, (eds.) Integration of Customary and Modern legal Systems in Africa, pp, 58-71.
- Ojwang, Jackton B. The Meaning, Content and Significance of Tribal Law in an Emergent Nation: The Kenya Case, in Woodman, Gordon R. and Obilade, A.O. (Eds), African Law and Legal Theory, 43- 58.
  
- **Final Examination: Last Day of Class 8/04**

