

Law in Society

Senior Seminar: Law in Action

"Few questions concerning human society have been asked with such persistence and answered by serious thinkers in so many diverse, strange, and even paradoxical ways as the question, 'What is law?'"

H.L.A. Hart, *The Concept of Law*

W, 7:00-10:00, TRL101
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This seminar will provide students with the opportunity to grapple first-hand with the ways law is enacted as routine, mundane behavior by those entrusted with laws' edicts. With your instructor's assistance, you will find a local field setting in which to work as a participant observer, learn to write thick, nuanced field notes of the actions and meanings in this setting, conduct in-depth interviews with members, analyze the patterns which emerge through your notes and interviews, and finally, conduct a thorough literature review on your topic, to frame your final analysis. This course will be highly demanding of your time and effort, but will lead to the only true and abiding source of pleasure: gratification in work well done.

Please note that you must have taken at least one other Law and Society course prior to enrolling in this seminar. My courses, People Processing Institutions, Introduction to Law and Society, the Sociology of Law, and Youth in Law would be especially helpful. This course will assume you have some substantive knowledge in the field in which you are studying, but more than that, it will require you to bracket this knowledge, and be open to discovering what you haven't (or couldn't have) yet read in books.

Course Requirements

There are two requirements for this course. First, you must systematically gather data in your setting. Each week, your data will be evaluated on a scale of from one to three points. Multiplied by fifteen weeks, these data sets will add up to 45% of your grade. *Note that each week's assignment will be due by Monday evening of the following week.* Another 45% of your grade will consist of your final analysis, which will weave your findings together with a literature review. The final ten percent of your grade will be based on your attendance, your contribution to an informed class discussion based on the readings, and an oral presentation of your final paper.

A+ 98-100	B+ 88-89	C+ 78-79	D+ 65-69
A 93-97	B 83-87	C 73-77	D 55-64
A- 90-92	B- 80-82	C- 70-72	D- 50-54

Required Texts:

Please purchase the following texts at the Kenyon bookstore, and bring them to each class session:

Emerson, Robert M. 2001. Contemporary Field Research: Perspectives and Formulations. Prospect Heights, Illinois: Waveland Press, Inc.
Emerson, Robert M., Rachel I Fretz and Linda L. Shaw. 1995. Writing Ethnographic Fieldnotes. Chicago: University of Chicago Press.

Weekly Topics and Readings

Please note that the following schedule is tentative, and may change based on how quickly we cover the material.

Week 1: Introduction, Orientation

Wednesday, January 21st

Reading:

Contemporary Field Research: “Introduction: The Development of Ethnographic Research,” pp. 1-26.

Writing Ethnographic Fieldnotes: Preface to Chapter 4

Field work:

Write a thick ethnographic description of a trip to a grocery store.

Begin to think of a potential setting in which to situate your field work. Possibilities include:

Any Local Attorneys

Be sure to specify type

Courts

Civil Court

Criminal Court

Family Court

Juvenile Court

Mediation/Arbitration

Sessions

Mental Illness Court

Probate Court

Small Claims Court

Traffic Court

Regulatory Agencies

Building Inspectors

EPA Agents

Social Control Agencies

ATF Agents

Campus Omsbuds

District Attorneys

FBI Agents

Local Sheriff

Probation Officers

Public Defenders

Traffic Cops

Penal Institutions

Half-Way Houses

Home Detention

Jails

Prisons

Work Crews

Work Houses

Welfare Agencies

HUD

Welfare Offices

Week 2: Evaluating Ethnographies

Wednesday, January 28th

Reading:

Contemporary Field Research: “Introduction to Part III: Producing Ethnographies: Theory, Evidence and Representation,” pp. 281-316

Garot, Robert. “Assertion and Evidence in Three Ethnographies.” Graduate Field Exam, UCLA.

Read a monograph of law in action.

Choose one of the following monographs, or one of your own, subject to my consent. Read it and write a five-page review. Present your work to class.

Courts

Aaron Cicourel, *Social Organization of Juvenile Justice*

Robert M. Emerson, *Judging Delinquents: Context and Process in Juvenile Court*

Malcolm M. Feeley, *The Process is the Punishment: Handling Cases in a Lower Criminal Court*

Douglas Maynard, *Inside Plea Bargaining*

Melvin Pollner, *Mundane Reason*

Regulation

Keith Hawkins, *Environment and Enforcement: Regulation and the Social Definition of Pollution*.

Mitch Duneier, *Sidewalk*

Joel Richman, *Traffic Wardens*

Paul Rock, *Making People Pay*

Penal Institutions

John Irwin: *The Jail: Managing the Underclass in American Society*

Social Work

Mark Jacobs, *Screwing the System and Making it Work*

Gale Miller, *Enforcing the Work Ethic: Rhetoric and Everyday Life in a Work Incentive Program*

Robert Pynoos, *Breaking the Rules*

Lawyers' Work

Jack Katz, *Poor People's Lawyers in Transition*

Lynn Mather, *Divorce Lawyers at Work: Varieties of Professionalism in Practice*

Sally Engle Merry, *Getting Justice and Getting Even*

Austin Sarat and William L.F. Felstiner, *Divorce Lawyers and their Clients: Power and Meaning in the Legal Process*

Police Work

Jonathan Rubinstein, *City Police*

Questions to ask of your monograph:

What is the author's research question?

What is the author's thesis?

What is the author's theoretical influence?

How does the author provide evidence?

What are the strengths and weaknesses of this data gathering strategy?

Are the conclusions supported by the evidence?

Be prepared to present your findings to the class.

Field work:

Conduct an interview with a person at the grocery store. The interview should last between 30 minutes and one hour. Do not tape record. Do not take notes at the scene. Reconstruct this interview from your mental jottings as soon as you return home.

Week 3: Entrée

Wednesday, February 4th

Reading:

Contemporary Field Research: Geertz, "Thick Description;" Goffman, "On Fieldwork"

Field work:

First visit to your field site. Describe the site in extraordinary detail. Take time to capture all that you see and experience.

Week 4: Pursuing Members' Meanings

Wednesday, February 11th

Reading:

Writing Ethnographic Fieldnotes: Chapter 5

Contemporary Field Research: Introduction to Part II: "Fieldwork Practice: Issues in Participant Observation," pp. 113-151.

Field work:

Visit the site for 5 hours. Spend double that time writing up your notes.

Week 5: Emerging Themes, Setting

Wednesday, February 18th

Reading:

Contemporary Field Research: Kondo, "How the Problem of 'Crafting Selves' Emerged," and Thorne, "Learning from Kids"

Field work:

Visit your site for about 5 hours. By now, you should be starting to feel some familiarity with your setting. You don't! Avoid that rut. Also, avoid people at the setting who seem to cling to you. Keep getting to know people. Ask gentle, unobtrusive questions about what is going on. Don't do an interview, yet.

Write up a 5 page description of your research setting, and hand that in with your notes.

Week 6: Race, Gender, and Dynamics of Inclusion

Wednesday, February 25th

Reading:

Contemporary Field Research: Zinn, "Insider Research in Minority Communities," Warren, "Gender and Fieldwork Relations;" Emerson and Pollner, "Constructing Participant/Observer Relations"

Field work:

Visit the site for 5 hours. Think about your sampling. Begin to sample different times, places and people. Find out about the “other side” of whatever you’ve been looking at so far.

Start to hone in on dilemmas and controversies.

Begin a Lexus/Nexus search of legal issues involved in your field work.

Conduct a literature review in sociology of the themes involved in your setting.

Week 7: Interviewing in the Field

Wednesday, March 3rd

Whyte, William F. “Interviewing in the Field.”

Kleinman, Sherry; Barbara Stenross and Martha McMahon. 1994. “Privileging Fieldwork Over Interviews: Consequences for Identity and Practice.” Symbolic Interaction 17(1)37-50.

Field work:

Conduct one extensive, semi-structured interview, and tape record it. Transcribe the tape as soon as possible. *On a separate day*, conduct one informal, untaped interview, and write it up as soon as you get home.

Arrange to conduct your interviews over the break, and begin transcription. Equipment at the Rural Studies Center should be available for your use.

Week 8: Evidence and Reality

Wednesday, March 24th

Readings:

Contemporary Field Research: Introduction to Part I: “The Face of Contemporary Ethnography,” pp. 27-54; Weider, “Telling the Convict Code;” Atkinson, “Ethnography and the Representation of Reality;” Hammersly, “Ethnography and Realism”

Field work:

Visit the site for about 5 hours. Think about how you represent what happens. Compare your notes with those of two other students, and write a five page paper about how they differ in their use of evidence.

Week 9: Methodologies

Wednesday, March 31st

Readings:

Contemporary Field Research: Duneier, “On the Evolution of *Sidewalk*;” Leo, “Trials and Tribulations: Courts, Ethnography, and the Need for an Evidentiary Privilege for Academic Researchers”

Field work:

Conduct about 5 hours of field work this week. Reflect on your methods, and write up a 5-10 page description of your methodologies, using readings from Contemporary Field Research, Part II as your model.

Week 10: Epistemology

Wednesday, April 7th

Readings:

Contemporary Field Research: Becker, "The Epistemology of Qualitative Research"

Writing Ethnographic Fieldnotes: Chapter 6: "Processing Fieldnotes: Coding and Memoing"

Field work:

Conduct about 5 hours of research, perhaps including another interview. Begin open coding your notes

Week 11: Analytic Induction and Grounded Theory

Wednesday, April 14th

Readings:

Contemporary Field Research: Katz, "Analytic Induction Revisited," and Charmaz, "Grounded Theory"

Field work:

Conduct about 5 hours of research, perhaps including another interview. Begin to gather documentation about the history, budget, etc. of your fieldsite. Begin to arrange for an interview with the directors of your site.

Begin focused coding of your field notes, and write memos with your data.

Week 12: Tricks of the Trade and Validation

Wednesday, April 21st

Readings:

Contemporary Field Research: Becker, "Tricks of the Trade;" Katz, "Ethnography's Warrants;" and Bloor, "Techniques of Validation in Qualitative Research: A Critical Commentary"

Field work:

Conduct about 5 hours of research. Work on validating your working hypotheses, and following up on questions. Begin to withdraw from the field.

Turn in one analytic section.

Week 13: Writing an Ethnography

Wednesday, April 28th

Readings:

Writing Ethnographic Fieldnotes: Chapter 7: Writing an Ethnography, Chapter 8: Conclusion

Field work:

Turn in a rough draft of your paper.

Week 14

Wednesday, May 5th

Present your work to class.

Continue to develop and refine your analysis.

Week 15**Wednesday, May 12th (Date and time are subject to confirmation)**

Present your work to class. Turn in final paper with the following sections:

Introduction

Review of the Sociological literature

Review of the Legal literature

Setting

Methods

Analysis

Conclusion