Law & Society Consolidated Reading List

**Background:** As we have discussed through Law and Society I and II, the field has multiple origins. For some, the field began with what might be described as a fairly specific question: does the law on the books explain the law in action? For others, the field began with the questions, do all societies have law and if so, can it be said that there are legal universals? What are the relationships between the multiple forms that law takes? Building on these and other questions, law and society has expanded its breadth to include, for example, the study of disputing, legal mobilization, the legal profession, law and immigration, law and globalization, punishment, science and technology studies, legal history, law and culture, and more. Thus, whether theoretically or substantively, today the interdisciplinary field of law and society is broad and complicated.

How then to approach the development of a “reading list” in law and society? Two points on this question:

First, we begin with the assumption that you are (1) familiar with the intellectual history of the field as discussed in various articles by law and society scholars, (2) understand the difference between doctrinal analysis and a sociolegal approach to the study of law, legal culture and legal institutions, and (3) are familiar with the classic theoretical framing of the role of law in modern society as developed by Durkheim, Marx, and Weber. By way of background, we list readings on each of these topics at the conclusion of this list.

Second, as a faculty we have selected a wide range of subfields that are representative of current research in law and society (e.g., that one might find published in key journals such as *Law & Society Review, PoLAR: Political and Legal Anthropology Review, Law & Social Inquiry, Law & Policy, Punishment & Society, Law, Culture and Humanities, Studies in Law, Politics and Society,* or the *Annual Review of Law and Social Science*). As well, law and society research is published in journals of many other disciplines, including sociology, anthropology, economics, history, criminology, law, and more. Neither the subfields nor the suggested readings are, however, exhaustive. Therefore, please use this list as a guide and please consult with faculty or your adviser in determining where you should read more deeply.

**How then to prepare for the comprehensive exam?** Questions for the exam will be framed so that one may demonstrate knowledge of the field through the lens of a sub-set of subfields in law and society scholarship. The comprehensive exam question will ask you to demonstrate knowledge of selected subfields in greater depth than that covered in L&S 1 and L&S 2. Select two areas, or define your own in consultation with faculty, and read in-depth in those areas. If you decide to develop a subfield that is not represented here, it must be done in consultation with a faculty member. You can select those areas based on your areas of research interest and/or expectations for your dissertation research (e.g., legal profession, punishment, legal organizations). Once you have identified the fields that you will read, you may supplement the list with your own examples, as you deem appropriate.
RECOMMENDED READINGS:

COLONIALISM, GLOBALIZATION AND THE TRANSNATIONAL


LAW & HUMAN RIGHTS


**LAW & IMMIGRATION**


**LEGAL MOBILIZATION: LAW & SOCIAL MOVEMENTS**


A debate on law and social movements:


DISPUTING AND LEGAL PLURALISM


— — — (n.d.) The Judicial Process Among the Barotse of Northern Rhodesia. The Free Press.

THE LEGAL PROFESSION

**LAW & INEQUALITY: RACE, RACISM & RIGHTS**

¹ This edited volume provides an excellent overview of research on the legal profession by law and society scholars. Please note that these are, however, excerpts and you will, no doubt, want to go back to the full studies.


Carbado, Devon, & Cheryl Harris (2011) “Undocumented Criminal Procedure.”


Provine, Doris Marie (2011) “Race and Inequality in the War on Drugs,” 7 Annual Review of Law and Social Science 41–60.


LAW & INEQUALITY: GENDER, PATRIARCHY & RIGHTS


**LEGAL INSTITUTIONS**

**Regulation, Compliance, and Discretion**


Courts and courtroom workgroups


**LAW IN EVERYDAY LIFE, LEGAL CONSCIOUSNESS, & PROCEDURAL JUSTICE**


LAW, LANGUAGE & NARRATIVE


SCIENCE & TECHNOLOGY STUDIES
Accounts and Critiques of the Contemporary Movement Toward Empiricism in Law & Society

General Critiques and Defenses of the Conventions of Legal Scholarship

Actor-Network Theory Approaches to Law

STS-like Critiques of Positivist Thinking in Economics and Psychology

STS and Law Generally

**PSYCHOLOGY & LAW**

**The Role of Psychology in Legal Decision Making**


**Eyewitness Identification**


**False and Recovered Memory**


**Child Witnesses**


**Jury Decision Making and Evidence**


**Psychological Biases in the Legal System**


**False Confession**


**Procedural Justice**

**Violence Risk Assessment**


**Psychology of Imprisonment**


**PUNISHMENT**


AMERICAN LEGAL HISTORY


2 This edited volume provides an excellent collection of “classics” in legal and constitutional history. Please note that these are, however, excerpts and you may want to reference the full articles.


FOUNDATIONAL READING

1. Introductions to the Field


2. Thinking Like a Lawyer (versus a Social Scientist): Jurisprudential Approaches


Also recommended:


3. Conceptual Foundations
A. Structural Functional Theories of Law and Society


Additional readings on Durkheim:


**B. Conflict/Dialectical Theories of Law and Society**


*Additional readings on Marx:*


C. The State and the Question of Power


Additional readings on Weber:


——— (1978) *Economy & Society Volume 1*. UNIV OF CA PRESS. [Excerpts: “Basic Sociological Terms” (3-62); “Sociological Categories of Economic Action” (63-211); “The Types of Legitimate Domination” (212-301)]