

RESEARCH METHODS IN LAW AND SOCIETY
HIST395, 3 Credits, 3 Contact Hours

Fall Term 2025, M, W, 10:00-11:20, KUPF117

Instructor: M. X. Mitchell, Assistant Professor
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Office Hours:
M, W, 11:30-12:30, Room 322, Cullimore Hall

Prerequisites & Restrictions: ENGL 102 with a grade of C or higher, and a course fulfilling the History and Humanities GER200-level course with a grade of C or higher. This course may be used to satisfy a three credit 300 level GER in History and Humanities.

Course Description:

Law is entangled with every aspect of society: It authorizes and punishes behaviors. It enables and constrains official actions. It furnishes a discourse, logic, and suite of practices that people use to develop their conceptions about how society should be organized and governed. This course explores the ways in which scholars in the interdisciplinary field of law & society (also called sociolegal studies) have approached the complexity of law. Students will learn about how scholars have defined, theorized, and studied law, society, and the relationships between them. The course will pay particular attention to the kinds of questions scholars have posed, the methods they have used, and some of the areas of research that have shaped anchored the field.

Rationale & Learning Outcomes:

This course will introduce undergraduate students to the questions and methods of the interdisciplinary field of law and society (sociolegal studies). By the end of the course, students will be able to:

- Understand, recount, and analyze different theories of what law is and how it intersects with society.
- Understand, recount, and analyze the origins, questions, and methods of law and society research.
- Read independently, comprehend, interpret, and discuss critically peer-reviewed scholarly secondary sources in law and society.
- Analyze critically and with nuance the benefits and drawbacks of different questions and methodologies in law and society research.

Communication:

I can be reached by email. Please use your NJIT email account and send messages directly to my NJIT email account. (I do not read messages generated through Canvas messaging.) I typically reply to emails within two business days. Business days are Mondays through Fridays, 9:00-

17:00 EDT. Before writing, please check to make sure your question is not answered in the syllabus or on the course website.

Course Format:

This course meets in person only. Because this class involves student discussion, our meetings will not be recorded. Recording is not permitted. Our class meetings will be organized around both lecture and engaged discussion and in-class exercises. The lecture will provide much of the content of the course since there is no textbook. The assigned readings are important, foundational works and more recent examples of a particular method or area of study. You must complete the readings before the first class each week. The lecture will help to set the readings and the concepts and methods they feature in broader context within the field.

Read for the big picture rather than the fine-grained details. For each reading, you should be able to answer the following questions: What questions is the author asking? Why do they believe these questions are important? How do they structure the study? What methods and evidence do they use? What concepts and area of study do they use or develop? What are the strengths and weaknesses, coverages and blind-spots? Did you find the research compelling? Why or why not? How would you apply the concepts or insights they developed to develop a study or studies? Please note: While Gen AI summary tools can capture some of the basics of scholarly articles, they do not do a good job at answering these kinds of questions. To do well in this class, you are going to need to work through the readings yourself. To help you do this, I have kept the reading load to a minimum.

This semester, I am prioritizing in-person engagement, attention, and listening. Thus, I will ask students to take off headphones, put away all electronic devices (phones, tablets, laptops) during lecture and discussion, and take notes by hand. On occasion, we may use our laptops during class as a part of exercises. We will discuss all of this during the first class meeting and develop a strategy together for taking and sharing notes, as well as priorities for how we want to engage with one another.

Readings:

All texts will be posted or linked on Canvas. You don't have to buy anything EXCEPT A NOTEBOOK TO TAKE NOTES.

Grading Scheme Overview & Deadlines:

ASSESSMENT	%	DEADLINE
Attendance	15	whole term
Participation in Discussion	15	whole term
In-Class Assessment #1	20	10/01/2025
In-Class Assessment #2	25	11/03/2025 & 11/05/2025
Final Exam	25	Scheduled by registrar.

Grading Scale:

(This is an absolute scale. I will not apply a curve.)

A= 90 to 100

B+= 88 to 89

B= 80 to 87

C+= 78 to 79

C= 70 to 77

D= 60 to 69

F= 59 to 0

Overview of Graded Course Components:**Attendance (15%) & Discussion Participation (15%)**

Let's make this an exciting space to connect and share ideas! Nobody wants to sit around in silence! (Folks probably don't want to listen to me drone on either!) I expect all students to prepare for class by doing the readings and participating meaningfully in discussion throughout the term. It is not possible to participate if you do not attend. Attendance is therefore essential. Unexcused absences will negatively affect your mark. During class, discussion contribution quality counts as much as quantity. Each week, ask yourself whether you are engaging with your classmates' ideas, speaking up in class, and engaging respectfully.

In-Class Assessments & Exam (20% & 25% & Final Exam 25%)

The written assessments in the class are designed to enable me to evaluate how well you have learned the substantive content of the class and how well you are able to apply the concepts learned in the class. That is, the assessments test both subject-matter knowledge (recall) and analysis (application). They are closed-book, closed-note, handwritten assessments. I anticipate using a mix of very-short and short answer questions alongside longer essays. We will spend ample time in class discussing the format and content of assessments. My goal is to give you an opportunity to show all that you have learned!

Make-Up Policy:

It is very important that you complete all in-class assessments on the designated day and time.

If you are experiencing difficulties completing your coursework or if you need to seek accommodation for illness, disability, death in family, religious reasons, etc., under university policy, you must inform the Dean of Students Office. Instructors can only accommodate a student at the direction of the Dean's Office. Their office is a wonderful resource!! They can help you plan a course of action and decide if you want to seek an accommodation. They also help in communicating with your instructors and connecting you with other resources on campus for help with your situation.

I will only offer make-ups in cases where students have extreme extenuating circumstances and the Dean of Students Office has recommended an accommodation. I reserve the right to set the time and place of any make-up assessment. The format of a make-up assessment may vary from the original assessment.

Copyright Rights & Prohibition on Distribution & Recording:

Lectures and course materials prepared by the instructor are considered to be an instructor's intellectual property. You may not publish, distribute, or otherwise sell course materials in any form including on any website. You may not record class sessions.

Academic Integrity:

Academic Integrity is the cornerstone of higher education and is central to the ideals of this course and the university. Cheating is strictly prohibited and devalues the degree that you are working on. As a member of the NJIT community, it is your responsibility to protect your educational investment by knowing and following the academic code of integrity policy that is found at: [NJIT Academic Integrity Code](#).

Please note that it is my professional obligation and responsibility to report any academic misconduct to the Dean of Students Office. Any student found in violation of the code by cheating, plagiarizing or using any online software inappropriately will result in disciplinary action. This may include a failing grade of F, and/or suspension or dismissal from the university. If you have any questions about the code of Academic Integrity, please contact the Dean of Students Office at dos@njit.edu

Generative Artificial Intelligence Prohibition:

Use of generative AI intelligence tools or apps is strictly prohibited in this class. Use of any such tools in our assessments, discussions, and exercises--especially representing AI-generated ideas or expressions as one's own--may be considered an academic offense. This course is intended to provide an opportunity for students to work on skills of independent critical reading, synthesis, analysis, and expression. These skills will remain incredibly important regardless of the continual development of AI. I'm interested in what's on your mind, not what's on a language processing model's mind!!!

Since our assessments are in-person, hand-written, and closed book, I do not anticipate there will be many instances in which Gen AI comes up. For our purposes, the main thing to know is that you are not permitted to record lectures or feed course materials into Gen AI or otherwise post them on a web repository. As noted above, I strongly encourage students to work through the reading rather than relying on Gen AI summaries of readings.

Inclusive Learning Environment & Accessibility:

My goal is to facilitate the learning of all students in our course. Students with diverse learning styles and needs are welcome. If you have an accommodation need, you should register with NJIT's Office of Accessibility Resources and Services (OARS), <http://www.njit.edu/counseling/services/disabilities.php>. OARS will assess your situation, develop an accommodation plan with you, and support you in requesting accommodation for your course work. Remember that the process of accommodation is private: OARS will not share details of your condition with any instructor.

Learning Community:

Together we will strive to create an intentional, respectful learning community where students are able to explore controversial topics. We will work to navigate both agreement and disagreement with integrity and respect. When you speak, please think about how your comment might resonate with others and create space for others to respond or contribute. All of us, from time to time (including me!), may express ourselves incompletely, or inadvertently say something that someone else finds hurtful. Handling these moments is an important part of the learning process. If you are finding discussion difficult, feel unwelcome to express your views, or find a particular discussion or comment to be difficult, please come talk to me.

**** I reserve the right to make changes to the syllabus as needed. ****

READING SCHEDULE

Week 1 (09/03/2025) – Introduction to Course

Read the syllabus!! We are going to talk about the approach of the course, why I have chosen this approach, what you can expect, and how we will come together to make class interesting and engaging.

Week 2 (09/08/2025 & 09/10/2025) – What Is Law (& Society)?

Kitty Calavita, *Invitation to Law & Society* (Chicago: University of Chicago Press, 2010), Chapter 2, page 10- the paragraph break in the middle of page 26.

Susan Silbey, “Law and Society Movement,” in *Legal Systems of the World: A Political, Social and Cultural Encyclopedia*, ed. Herbert M. Kritzer (ABC Clío, 2002), 860-863.

Week 3 (09/15/2025 & 09/17/2025) – Where Is Law (in Society)?

Sally Falk Moore, “Law and Social Change: The Semi-Autonomous Social Field as an Appropriate Subject of Study,” *Law & Society Review* 7 (1973): **719-723 ONLY**.

Zoe Todd, “From Fish Lives to Fish Law: Learning to See Indigenous Legal Orders in Canada,” *Somatosphere* (2016). (<http://somatosphere.net/2016/from-fish-lives-to-fish-law-learning-to-see-indigenous-legal-orders-in-canada.html/>)

Week 4 (09/22/2025 & 09/24/2025) – Go Find Law!

NO CLASS! You will go out into the world and do a field exercise this week. Details TBD.

Week 5 (09/29/2025 & 10/01/2025) – In-Class Assessment #1 & De-Brief

On Monday, we will have our first in-class assessment. This will be in the form of a single long-form essay. My intent is to get you thinking creatively and applying what you have learned so far about what law is and how it is studied. We will gather on Wednesday to discuss what you wrote and what you learned.

Week 6 (10/06/2025 & 10/08/2025) – Legal History

Hendrik Hartog, “Pigs & Positivism,” *Wisconsin L. Rev.* (1985): 899-935 (**Selections TBA**).

Laura F. Edwards, “Sarah Allingham’s Sheet and Other Lessons from Legal History,” *Journal of the Early Republic* 38 (2018): 121-147.

Week 7 (10/13/2025 & 10/15/2025) – Law & Economics

Guido Calabresi and Douglas Melamed, “Property Rules, Liability Rules, and Inalienability: One View of the Cathedral,” *Harvard Law Review* 85 (1972): 1089-1128 (**Selections TBA**).

Simon Djankov, Edward Glaeser, Valeria Perotti, & Andrei Schleifer, “Property Rights and Urban Form,” *Journal of Law & Economics* 65 (2022).

Week 8 (10/20/2025 & 10/22/2025) – Using the Courts (or Not)

William Felstiner, Richard L. Abel, and Austin Sarat, “The Emergence and Transformation of Disputes: Naming, Blaming, Claiming.” *Law & Society Review* 15 (1980): **631–637 ONLY**.

Kitty Calavita & Valerie Jenness, “Naming, Blaming, and Claiming in an Uncommon Place of Law,” in *Appealing to Justice: Prisoner Grievances, Rights, and Carceral Logic* (Berkeley: University of California Press, 2014), 49-78.

Week 9 (10/27/2025 & 10/29/2025) – Review & Catch Up!

Week 10 (11/03/2025 & 11/05/2025) – In-Class Assessment #2

Two-day, closed book & note, in person, mid-term that will cover the content in Weeks 2-8.

Week 11 (11/10/2025 & 11/12/2025) – Limits of Litigation

Marc Galanter, “Why the Haves Come Out Ahead: Speculation on the Limits of Legal Change,” *Law & Society Review* 9 (1974): **95-114 ONLY**.

He, Xin & Yang Su. “Do the ‘Haves’ Come Out Ahead in Shanghai Courts?” *Journal of Empirical Legal Studies* 10 (2013): 120-145.

Week 12 (11/17/2025 & 11/19/2025) – Do Law & Courts Matter?

Gerald N. Rosenberg, “Tilting at Windmills: Brown II & the Hopeless Quest to Resolve Deep-Seated Social Conflict Through Litigation,” *Law & Inequality* 24 (2006): 31-46.

Patricia Williams, “The Pain of Word Bondage,” *The Alchemy of Race & Rights* (1991): 146-165.

Week 13 (11/24/2025) – Legal Profession & Education

Duncan Kennedy, “Legal Education as Training for Hierarchy,” in D. Kairys ed., *The Politics of Law* (1982): 54-75 (**Selections TBA**).

Kenneth W. Mack, “Law & Mass Politics in the Making of the Civil Rights Lawyer, 1931-1941,” *The Journal of American History* 37 (2006): 37-62.

Week 14 (12/01/2025 & 12/03/2025) – Borders & Belonging

Barbara Welke, *Law & the Borders of Belonging in the Long Nineteenth Century United States* (Cambridge University Press, 2012), **Chapter 1, 20-61, Coda, 153-158**.

Ghosh, Smita & Mary Hoopes. “Learning to Detain Asylum Seekers and the Growth of Mass Immigration Detention in the United States.” *Law & Social Inquiry*, online first, 2021.

Week 15 (12/08/2025 & 12/10/2025) – Final Exam Review & End of Semester Celebration!
