

Sociology of Law: Final Study Guide

Term	Definition
Introduction	<ul style="list-style-type: none"> -Law: set of rules made by the govt -Laws are ambiguous - not always clear & precise -Authority figures have discretion in regards to interpretation & application of law -Law is a symbolic human product, not a natural phenomenon.
Two Faces of Law	<p><u>Law as a Normative System:</u></p> <ul style="list-style-type: none"> -Law should exemplify society's core moral values -Durkheim: Law is a direct expression of collective morality <p><u>Law as a Game:</u></p> <ul style="list-style-type: none"> -Law should strive for logical integrity & procedural regularity -Winner is person w/ best command of rules/facts -Lawyers Game: Legal professionals make the rules, call the shots & own skills to succeed.
Law as a Behavioral System	<ul style="list-style-type: none"> -Role: Prescribed set of obligations & rights that are attached to a certain social position *Roles make organized social life possible bc they tell us what to expect of each other in diff. situations -Hierarchies: <ul style="list-style-type: none"> *Organize roles so work gets done efficiently *Control how ppl improvise within roles
Law as an Institution	<ul style="list-style-type: none"> -Institutions: Recipes for action that we take for granted yet treat as sacred -Law: <ul style="list-style-type: none"> *Controls the harmful behavior of citizens

	<p>*Organizes economic relationships</p> <p>*Settling disputes nonviolently</p> <p>-Law is constraining bc --> Rules that require ppl to behave in certain ways or forbid them from acting in other ways</p> <p>-Law is a source of power bc --> officials must be obeyed bc they represent something larger than themselves</p>
Common Sense	<p>-Does not distinguish btw. facts & values</p> <p>-An evaluation of common sense tends to sound like a description [idea you may have may only describe a phenomenon]</p> <p>-Common sense in soc. may taint methodology</p>
How Common Sense Misleads Sociologists	<p><u>Black's paper on Gottfredson & Hindelang:</u></p> <p>-Their study on crime & incident reporting</p> <p>-2 major issues:</p> <p>1) Incidents that are labeled as "Crime" were selected by the respondents</p> <p>2) Mistaking a variable that requires an explanation for one that proves it [Variable is the term "Seriousness" - it required explanation but was used as justification]</p>
Issue #1: Crime	<p>-Determination of what is considered crime was based on what respondents believed to be criminal</p> <p>-Concept of crime is vague</p> <p>-Crime in terms of common sense persp. is a fact & evalu.</p> <p>-What ppl consider to be crime varies w/ location & direction in social space</p> <p>-Police are less likely to report crime involving family/friends & ppl of low status</p>
Issue #2:	<p>-Seriousness of the crime is the justification of the law, not the explanation</p>

<p>Seriousness Factor</p>	<ul style="list-style-type: none"> -Sellin & Wolfgang's "Seriousness scale" -Social conditions are always involved in any evaluation of "seriousness" -The "Seriousness" of crime is a question of value, not fact -It's a response to crime, not a characteristic of crime itself
<p>Hohfeld's Conceptual Master Scheme</p>	<ul style="list-style-type: none"> - Jural Opposites: Terms negate each other ; perception of ONE's view Right - No Right Privilege - Duty [changes person's position, privilege is NOT opposite of duty] Power - Disability Immunity - Liability -Jural Correlatives: Terms define each other ; looking at relationship btw. individuals Right - Duty Privilege - No Right Power - Liability Immunity – Disability
<p>Definitions of Terms of Hohfeld's Conceptual Scheme</p>	<ul style="list-style-type: none"> -Power: One's control over a given legal relation as against another -Immunity: One's freedom from the control of another -Duty: Claim one person makes against another -No Right: Inability to make that claim -Disability: The incapacity to alter a legal relation -Liability: When one's legal relation is subject to the control of another person