

# **Soc. 332 - Survey of Sociology of Law**

## **Syllabus**

### **PLEASE PRINT AND CAREFULLY READ THE FOLLOWING NOTES**

Brian Jarrett,

Instructor Office Hours: By Email Appointment, including online conferencing

Email: [bjarrett@hawaii.edu](mailto:bjarrett@hawaii.edu)

Class Meeting Time: Weekly Online Meeting – See Calendar in WebCT for details.

THIS SYLLABUS PROVIDES A SUMMARY OF THE LEARNING UNITS IN THE COURSE AS WELL AS OTHER GENERAL INFORMATION. IN ADDITION TO THIS SYLLABUS, BE SURE TO GO TO THE MONTHLY CALENDAR IN WEBCT FOR DETAILS OF EACH WEEKLY AND DAILY ACTIVITY. CLICK ON EACH DATE ON THE CALENDAR TO SEE WHAT IS WRITTEN ON THE APPROPRIATE PAGE/DATE. ALWAYS FOLLOW THE MONTHLY CALENDAR IN WEBCT WHEN IN DOUBT!

Your Instructor is a lawyer and mediator working with various organizations to assist in their development, helping parties to resolve disputes. He holds degrees in psychology, sociology and law. He has recently worked on dispute resolution protocols for disputes arising in higher education. His interests include social psychology, sociology of law, civil rights, and dispute resolution, organizational analysis and development, and cultural sociology.

### **I. Course Rationale**

This course provides students with an understanding of the philosophical premises of law in a variety of arenas, including employment, labor, business, family, civil rights, and international disputes. This course examines, from an analytical perspective, the historical and contemporary forces that are central to the evolution and development of the sociology of law. Course objectives and methods focus on the role of jurisprudence and the sociology of law. The course also explores traditional litigation and contrasts it with a variety of alternative dispute resolution methods, including negotiation, fact-finding, early neutral evaluation, facilitation, mediation, arbitration, med-arb, mini-trial, on-line dispute resolution, summary jury trial, and judicial settlement conferencing. Students learn to describe and discuss the fact-patterns associated with particular dispute genres. Students become familiar with the sociology of law and jurisprudence and apply this knowledge to interesting case examples. The course relies on the case method in order to develop and heighten the student's own analytical abilities.

In this course, students will:

- Become knowledgeable about the sociology of law and jurisprudence;
- Learn how to analyze law, in a meaningful way;
- Analyze cases based on legal principles;

- Apply conflict resolution theory to disputes;
- Recognize effective dispute resolution methods;
- Become aware of ethical considerations in dispute resolution;

## II. Student Learning Outcomes

After taking this course, students will be able to:

Follow developments in jurisprudence and sociology of law;  
 Become competent in legal conflict analysis;  
 Analyze case scenarios based on legal principles;  
 Recognize ethical considerations in the law;  
 Distinguish and apply the various dispute resolution methods; and  
 Strengthen critical thinking skills and legal analysis

## III. Values and Ethics

Throughout the course lectures, readings, and assignments, the themes of ethics and social justice are discussed. Discussions will focus on the ethical considerations in the law. Using the case method, the course will present students with ethical dilemmas in law that they will be encouraged to resolve. Students will learn ethical and effective dispute resolution practices. <!--[if !supportLists]-->

## IV. Diversity

This course emphasizes the understanding and honoring of diversity. It introduces the content of class, racism, sexism, and ageism, and power imbalance as potential factors affecting conflict formation. The course examines both the advantages and disadvantages of various dispute resolution systems and the challenges that these aforementioned factors pose for the practice of dispute resolution.

## V. Research Based Content

The readings document the extensive empirically-based evidence related to sociology of law and sociological jurisprudence. They also describe the empirical evidence underlying the development of theory and analysis in the sociology of law.

## VII. Student Assignments and Grading

Letter Grading Criteria:

A+ = 98-100	A = 94-97	A- = 90-93
B+ = 87-89	B = 84-86	B- = 80-83
C+ = 77-79	C = 74-76	C- = 70-73
D+ = 67-69	D = 64-66	D- = 60-63
Below 60 = F		

**This class adheres strictly to UH's policy on academic dishonesty, and high ethical standards are expected of researchers. I enjoy giving good grades when they are honestly earned, and remember those who are prepared for and actively participate in class discussion. Especially in**

**research, we are all teachers and learners. I will encourage you to reflect, discuss, and write thoughtfully and persuasively on the topics that we address in the course. You have a number of opportunities to obtain the grade you desire in this course. I encourage you to do your best in each of the grading areas:**

1. 20 % for participation in both Team and Class Discussions;
2. 20 % for your Team Project Paper;
3. 20 % for your Individual Final Paper; and
4. 40 % for your individual Weekly Written Assignments, Journals, and Quizzes.

### **Course Expectations:**

I expect you to be present for Web CT class discussions, and prepared with your reading done. I may or may not cover material in the text during class, but you will be responsible for it on exams. If you don't understand, ASK. I expect you to take part in class discussion. I expect you to complete all assignments and to turn your journal in promptly. If you are having any problems that affect your work in this class, I need to know about them right away in order to help you.

You are **REQUIRED** to participate in the 1 hour evening Weekly Class Discussions = "CHAT". You must contact me if this is a problem to you! SEE WEBCT CALENDAR FOR EXACT DETAILS. I expect you to complete each weekly assignment, journal, or quiz by the Sunday each week. This gives me the opportunity to grade your work and have it back to you early in the next week. Each Monday we start the next week's work. **I will NOT accept late assignments, quizzes, and journals.** You must email me if you have a problem with this in advance of these deadlines!

**Required Books:** Grana, Sheryl and Jane Ollenburger (1999) *The Social Context of Law* New Jersey : Prentice Hall. Sutton, John (2001) *Sociology/Law* Berkeley: San Francisco . Both these books are available at the University of Hawaii – Manoa Bookstore. They may also be available at amazon.com.

### **Recommended Books**

In addition, I have a list of recommended texts that I can recommend for students who are interested in further reading. Feel free to ask me about these supplementary texts. These texts may give you some useful ideas for term papers.

Barkai, John and Gene Kasserbaum (1989) "Using Court-Annexed Arbitration to Reduce Litigation Costs and To Increase the Pace of Litigation." *Pepperdine Law Review* 16:1989.

Barkai, John. (1996) "Teaching Negotiation and ADR: The Savvy Samurai Meets the Devil." *Nebraska Law Review* 75 (4): 704.

Barnes, Bruce. (2001) "Asian" Cultures: Contributions to the Practice of Conflict Resolution." *PROGRAM ON CONFLICT RESOLUTION WORKING PAPERS* 2001-1: 1-85.

Benjamin, Robert (1996) "What is Mediation Anyway" *Ethical Issues, Policy Issues, and the Future of the Profession.* NIDR News. July/August: 9. Blau, Peter. (1966) "Exchange and Power in Social Life." In Calhoun, Craig, Joseph Gerteis, James Moody, Seven Pfaff, and Indermohan Virk. (Eds.) *Contemporary Sociological Theory.* Massachusetts: Blackwell

Publishing.

Bluestone, Barry and Irving Bluestone. (1992) *Negotiating The Future: A Labor Perspective On American Business*. New York: Perseus Books Inc.

Bourdieu, Pierre. (1991) "Social Space and Symbolic Space." In Calhoun, Craig, Joseph Gerteis, James Moody, Seven Pfaff, and Indermohan Virk. (Eds.) *Contemporary Sociological Theory*. Massachusetts: Blackwell Publishing.

\_\_\_\_\_ (1980) "Structures, Habitus, Practices." In Calhoun, Craig, Joseph Gerteis, James Moody, Seven Pfaff, and Indermohan Virk. (Eds.) *Contemporary Sociological Theory*. Massachusetts: Blackwell Publishing.

\_\_\_\_\_ (1983) "The Field of Cultural Production, or: The Economic World Reversed." In Calhoun, Craig, Joseph Gerteis, James Moody, Seven Pfaff, and Indermohan Virk. (Eds.) *Contemporary Sociological Theory*. Massachusetts: Blackwell Publishing.

\_\_\_\_\_ (1993) *The Field of Cultural Production*. London: Blackwell Publishers.

\_\_\_\_\_. (1962) *The Algerians*. Translated by Alan C. M. Ross. With a pref. by Raymond Aron. Boston: Beacon Press.

\_\_\_\_\_ (1990) *In Other Words: Essays towards a Reflexive Sociology*. translated by Matthew Adamson. Stanford, Calif.: Stanford University Press.

\_\_\_\_\_. (2003) *Firing Back: Against the Tyranny of the Market 2*. translated by Loïc Wacquant. New York: New Press.

\_\_\_\_\_. (1998) *Acts of Resistance: Against the Tyranny of the Market*. translated from the French by Richard Nice. New York: New Press.

\_\_\_\_\_. (1984) *Distinction: A Social Critique of the Judgement of Taste*. / Pierre Bourdieu translated by Richard Nice. London: Routledge & Kegan Paul.

\_\_\_\_\_. (1993) *The Field of Cultural Production: Essays on Art and Literature*. edited and introduced by Randal Johnson. New York: Columbia University Press.

\_\_\_\_\_. (1988) *Homo academicus*. translated by Peter Collier. Stanford, CA: Stanford University Press.

\_\_\_\_\_. (1991) *Language and Symbolic Power*. edited and introduced by John B. Thompson ; translated by Gino Raymond and Matthew Adamson. Cambridge: Polity Press.

Bourdieu, Pierre, [et al.]. (1999) *The Weight of the World : Social Suffering In Contemporary Society*. translated by Pricilla Parkhurst Ferguson ... [et al.]. Stanford, Calif.: Stanford University Press.

Bourdieu, Pierre, Jean-Claude Chamboredon, Jean-Claude Passeron. (1991) *The Craft of Sociology: Epistemological Preliminaries*. Berlin ; New York: Walter de Gruyter.

- Bourdieu, Pierre and Loïc J.D. Wacquant. (1992) *An Invitation to Reflexive Sociology*. Chicago: University of Chicago Press.
- Bunker, Barbara Benedict. (1995) *Conflict, Cooperation, & Justice*. San Francisco: Jossey-Bass.
- Burgess, Sandra <<http://www.colorado.edu/conflict/transform/tmall.htm>> Retrieved May, 2006.
- Burton, John. (1990) *Conflict: Human Needs Theory*. New York: Saint Martin's Press.
- Bush, Baruch and Joseph Folger. (1994) *The Promise of Mediation*. CA: Jossey-Bass.
- Chai, Sun Ki. (2001) *Choosing an Identity: A General Model of Preference and Belief Formation*. Michigan: University of Michigan Press.
- Carnal, Colin. (1995) *Managing Change in Organizations*. New York: Prentice-Hall.
- Carp, Robert (2003) *Judicial Process in America* CA: CQ Press.
- Cobb and J. Rifkin. "Practice and Paradox: Deconstructing Neutrality in Mediation" (1991) *Law and Social Inquiry* 35
- Cobb, Sara. "Empowerment and Mediation: A Narrative Perspective" (July 1993) *Negotiation Journal* 245 at 247.
- \_\_\_\_\_. (2001) "Creating Sacred Space: Toward a Second-Generation Dispute Resolution Practice." *Fordham Urb. L. J.* 28:1017.
- Coleman, Peter T. 2000. "Intractable Conflict." In Deutsch, Morton and Peter Coleman. (Eds.) *The Handbook of Conflict Resolution*. San Francisco: Jossey-Bass Inc.
- Coser, Lewis A. (1968) *Continuities in the Study of Social Conflict*. New York: The Free Press.
- \_\_\_\_\_ (1956) *The Functions of Social Conflict*. New York: The Free Press.
- Delgado, Richard. (1985) "Fairness and Formality: Minimizing the Risk of Prejudice in Alternative Dispute Resolution." *Wis. L. Rev.* 1359.
- Deutsch, Morton. (2000) "Justice and Conflict" In Deutsch, Morton and Peter Coleman (Eds.) *The Handbook of Conflict Resolution*. San Francisco: Jossey-Bass Inc.
- DiMaggio, Paul and Walter P. Powell. (1983) "The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields." In Calhoun, Craig, Joseph Gerteis, James Moody, Seven Pfaff, and Indermohan Virk. (Eds.) *Contemporary Sociological Theory*. Massachusetts: Blackwell Publishing.
- Durkheim, Emile. (1893) 1964. *Division of Labor*. Translated by J. A Spaulding and G. Simpson. IL: Free Press.

\_\_\_\_\_ (1897) 1951. *Suicide*. Translated by J. A Spaulding and G. Simpson. II: Free Press.

Felkin, Leon. (2001) *The Prisoner's Dilemma* <<http://www.magnolia.net/~leonf/sd/pd-brf.html>> Retrieved March 5, 06.

Fisher, Roger and William Ury. (1981) *Getting To Yes: Negotiating Agreement Without Giving In*. New York, NY: Penguin Books.

Fisher, Ronald. (1990) "Needs Theory, Social Identity and an Eclectic Model of Conflict." In Burton, John (Ed.) *Conflict: Human Needs Theory*. New York: Saint Martin's Press.

Folger, Joseph, Marshall Poole and Randall Stutman. (2001) *Working Through Conflict*. New York: Addison-Wesley.

Foucault, Michel.(1977) *Discipline and Punish: The Birth of Prison*. London Penguin.

\_\_\_\_\_. (1984) "Truth and Power". In Rabinow, Paul (ed.) *The Foucault Reader*. New York: Pantheon.

French, John and Raven, Bertram. (1959) "The Bases of Social Power." Shafritz, Jay M. and J. Steven Ott (Eds.) *Classics of Organization Theory* CA: Wadsworth.

Gecas, Vicktor. (1990) "Contexts of Socialization" In *Social Psychology: Sociological Perspectives* (Eds.) Rosenberg, Morris and Turner, Ralph Basic Books: New Jersey.

Gillwald, Katrin. (1990) "Conflict and Needs Research." In Burton, John (Ed.) *Conflict: Human Needs Theory*. New York: Saint Martin's Press.

Goffman, Erving. (1974) *Frame Analysis: An Essay on the Organization of Experience*. New York: Harper and Row.

Golan, D. and M. C. Aaron. (1997) "Evaluations in Mediation" *Dispute Resolution Journal* Spring:27.

Gold, Lois. (1993) "Influencing Unconscious Influences: The Healing Dimension of Mediation." *Mediation Quarterly* 11:55.

Grillo, Tina. (1991) "The Mediation Alternative: Process Dangers for Women." *Yale L.J.* 100:1545.

Gullick, Luther (1937) "Notes on the Theory of Organization" In Shafritz, Jay M. and J. Steven Ott. (Eds.) *Classics of Organization Theory*. CA: Wadsworth.

Gruvitch, Gerry and Allan Hunt (2001) *Sociology of Law* CA: Transaction Publishers.

Hansen, Toran (2003) <<http://www.mediate.com/articles/hansen>> (Visited April 9, 2006).

Harrison, Trice, M. and Beyer, Janice, M. (1993) "Changing Organizational Cultures" In Shafritz, Jay M. and J. Steven Ott. (Eds.) *Classics of Organization Theory* CA: Wadsworth.

Hofstede, Geert. (1997) *Cultures and Organizations: Intercultural Cooperation and its Importance for Survival*. New York: McGraw-Hill.

Honeyman, Christopher (2001) *ADR Theory-to-Practice*. Madison, WI: Association of Wisconsin Mediators.

Janosic, Robert. (1987) *Re-thinking the Culture-Negotiation Link* In Lewicki, Roy J., J. A Litterer, David M. Saunders, and John Minton. (Eds.) *Negotiation* (2d). Illinois: Irwin.

Keith, Alfred. (2000) "Anger and Retaliation in Conflict: The Role of Attribution." In Deutsch, Morton and Peter Coleman. (Eds.) *The Handbook of Conflict Resolution*. San Francisco: Jossey-Bass Inc.

Kelly, J.B, 1997 'The Best Interests of Children, A Concept in Search of Meaning', *Family and Conciliation Courts Review*, 35(4): 377-387.

Krauss, Robert and Morsella, Ezequiel. (2000) "Communication and Conflict." In Deutsch, Morton and Peter Coleman. (Eds.) *The Handbook of Conflict Resolution*. San Francisco: Jossey-Bass Inc.

Kressel, Kenneth. (2000) "Mediation" In Deutsch, Morton and Peter Coleman. (Ed.) *The Handbook of Conflict Resolution*. San Francisco: Jossey-Bass Inc.

Krittek, Phyllis Beck. (1994) *Negotiating at an Uneven Table: A Practical Guide to Working with Difference and Diversity*. CA: Jossey-Bass.

Lande, John. (2000) "Getting the Faith: Why Business Lawyers and Executives Believe in Mediation." *Harvard Negotiation Law Review* 5:137.

Lemert, Charles and Branaman. (1997) *The Goffman Reader*. Massachusetts: Blackwell Publishing Ltd.

Lewin, Kurt. (1935) *A Dynamic Theory of Personality: Selected Papers*. translated by Donald K. Adams ... and Karl E. Zener .. 1st ed. New York, London: McGraw-Hill.

\_\_\_\_\_. (1936) *Principles of Topological Psychology*. Translated by Fritz Heider and Grace M. Heider. 1st ed. New York: McGraw-Hill.

\_\_\_\_\_. *Resolving social conflicts, selected papers on group dynamics [1935-1946]* Ed. by Gertrud Weiss Lewin. Foreword by Gordon W. Allport. New York: Harper. [1948]

Lewin, Kurt, R. Lippitt, and R. K. White. (1939) "Patterns of Aggressive Behavior in Experimentally Created Social Climates." In D. S. Pugh (Ed.) *Organization Theory*, London: Cox & Wyman Ltd.

Love, Lela and Kim Kovacs. (1996) "Evaluative Mediation is an Oxymoron." *Alternatives to the High Cost of Litigation* 14:31.

Love, Lela. (1997) "The Top Ten Reasons that Mediators Should Not Evaluate: Reflections on the Evaluative-Facilitative Debate." *Fla. St. U. L. Rev.* 24:937.

Lowry, Kem and Peter Adler (1993) Participating the Public: Group Processes, Politics, and Planning PCR Working Paper Series 1993-2.

March, James. (1966) "The Power of Power." . In Shafritz, Jay M. and J. Steven Ott. (Eds.) Classics of Organization Theory. CA: Wadsworth.

Marcus, Eric. (2000) "Change Processes and Conflict" In Deutsch, Morton and Peter Coleman. (Eds.) The Handbook of Conflict Resolution. San Francisco: Jossey-Bass Inc.

Marx, Karl. (1867) Capital. In Simon Lawrence (Ed.) Selected Writings. Cambridge: Hackett Publishing.

Maslow, Abraham. (1943) "A Theory of Human Motivation." In Shafritz, Jay M. and J. Steven Ott. (Ed.) Classics of Organization Theory CA: Wadsworth.

March, J. G. and H. A. Simon. (1939) "The Dysfunctions of Bureaucracy." In D. S. Pugh (Ed.) Organization Theory, London: Cox & Wyman Ltd.

McIntosh, Jennifer, 2000 "Child Inclusive Divorce Mediation: Report on a Qualitative Research Study', Mediation Quarterly 18(2):55-69.

Menkel-Meadow, Carrie. (2003) Correspondences and Contradictions in International and Domestic Conflict Resolution: Lessons From General Theory and Varied Contexts (Draft).

\_\_\_\_\_. (1993). Professional Responsibility for Third Party Neutrals. "Alternatives to the High Cost of Litigation" 11: 129, 131.

Merry, Sally and Milner, Neal (1995) The Possibility of Popular Justice. Michigan: University of Michigan Press.

Milner, Neal. (1996) "Mediation and Political Theory: A Critique of Bush and Folger" Law and Social Inquiry 21(3) 737-759.

Milovanovic, Dragan (2003) An Introduction to the Sociology of Law CA Criminal Justice Press.

Mitchell, Christopher. (1990) "Necessitous Man and Conflict Resolution: More Basic Questions About Basic Human Needs Theory." In Burton, John (Ed.) Conflict: Human Needs Theory. New York: Saint Martin's Press.

Mnookin, R., and L. Kornhauser. "Bargaining in the Shadow of the Law: The Case of Divorce." Yale Law Journal 88 (1979): 950-98.

Moffitt, Michael. (1997) "Casting Light on the Black Box of Mediation: Should Mediators Make Their Conduct More Transparent?" Ohio St. J. on Disp. Resol. 13:1.

Moohr, Geraldine Szott (1999) "Arbitration and the Goals of Employment Discrimination Law." Washington and Lee Law Review. 56: 395.

Moore, Christopher. (1996) The Mediation Process. CA: Jossey-Bass.

Morrill, Calvin. (1995) "The Executive Way: Conflict Management in Corporations" Chicago: University of Chicago Press.

Neale, Margaret A. and Max H. Bazerman. (1991) Cognition and Rationality in Negotiation. New York, NY: The Free Press.

\_\_\_\_\_ (1992) "Negotiating Rationally: the Power and Impact of the Negotiator's Frame." *Academy of Management Executive* 6:42.

Nudler, Oscar. (1990) "On Conflicts and Metaphors: Toward an Extended Rationality." In Burton, John (Ed.) *Conflict: Human Needs Theory*. New York: Saint Martin's Press.

Paese, Paul and Robert Yonker. (2001) "Linking Frames in Negotiations: Gains, Losses and Conflict Frame Adoption." *THE INTERNATIONAL JOURNAL OF CONFLICT MANAGEMENT* 12(2): 114 – 131.

Pipkin, Ronald (1998) "Teaching Dispute Resolution in the First Year of Law School: An Evaluation of the Program at the University of Missouri-Columbia." *Florida Law Review* 50 (4): 609.

Putnam, Linda L. and Majia Holmer.. (1992) "Framing, Reframing, and Issue Development in Communication and Negotiation". In Linda L. Putnam and Michael E. Roloff. (Eds.) *Newberry Park, CA: Sage Publications*.

Ratner, Robert. S. and Andrew Woolford. (2002) *Mediation Frames/Justice Games*. Conference Paper prepared for the 73rd Annual Meeting of the of the Pacific Sociological Association, Vancouver, British Columbia, April 18-21, 2002.

Rex, John. (1981) *Social Conflict: A Conceptual and Theoretical Analysis*. New York: Longman Inc.

Riskin, Leonard and James Westbrook. (1997) *Dispute Resolution and Lawyers Minnesota*: West Publishing Company.

Riskin, Leonard (2002) *The Contemplative Lawyer: On the Potential Contributions of Mindfulness Meditation to Law Students, Lawyers, and their Clients*. *Harvard Negotiation Law Review* 7:1-66.

\_\_\_\_\_ . (1998) "Disseminating the Missouri Plan to Integrate Dispute Resolution into Standard Law School Courses: A Report on Collaborations with Six Law Schools." *Florida Law Review* 50 (4): 609.

\_\_\_\_\_ . (1996) *Mediation Training Guide*. Missouri: University of Missouri Press.

\_\_\_\_\_ . (1996) "Understanding Mediators' Orientations, Strategies, and Techniques: A Grid for the Perplexed." *Harvard Negotiation Law Review*. 1: 7 – 48.

Rivera, Joseph (de) and Karl Lewin's Berlin Group (1976) *Field Theory as Human Science*. New York: John Wiley and Sons, Inc.

Rogers, Carl (1970) *On Becoming a Person: A Therapist's View of Psychotherapy*. Boston: Houghton-Mifflin.

Ross, Marc and Jay Rothman. (1999) *Theory and Practice in Ethnic Conflict Management*. New York: Macmillan Press Ltd.

Rothman, Jay. (1997) *Resolving Identity-based Conflict*. CA: Jossey-Bass.

Roy, Ramashray. (1990) "Social Conflicts and Needs Theories: Some Observations." In Burton, John. (Ed.) *Conflict: Human Needs Theory*. New York: Saint Martin's Press.

Rubenstein, Richard. (1990) "Basic Human Needs Theory: Beyond Natural Law." In Burton, John. (Ed.) *Conflict: Human Needs Theory*. New York: Saint Martin's Press.

Rubin, Jeffrey Z., Dean G. Pruitt and Sung Hee Kim. 1994. *Social Conflict: Escalation, Stalemate, and Settlement*. (2nd ed.) New York: McGraw-Hill, Inc.

Sandole, Dennis and Hugo Van Der Merwe. (1993) *Conflict Resolution: Theory and Practice*. New York: Manchester University Press.

Schellenberg, James A. (1982) *The Science of Conflict*. New York: Oxford University Press.

Schon and Rein (2001) *The Resolution of Intractable Disputes*. San Francisco: Jossey-Bass Press.

Schultz, Bernard (1995) *History of the Supreme Court* Oxford: Oxford University Press:

Schwartz, Roger. (1994) *The Skilled Facilitator*. CA: Jossey-Bass.

Schweitzer, Maurice and Leslie DeChurch. (2001) "Linking Frames in Negotiations: Gains, Losses and Conflict Frame Adoption." *THE INTERNATIONAL JOURNAL OF CONFLICT MANAGEMENT* 12(2): 100 - 113.

Seeman, Melvin. (1990) "Intergroup Relations." In Rosenberg, Morris and Turner, Ralph. *Social Psychology: Sociological Perspectives*. (Eds.) Basic Books: New Jersey.

Shook, Victoria (2001) *Ho'o pono pono: Contemporary Uses of a Hawaiian Problem-Solving Process*. Hawaii: University of Hawaii Press.

Simmel, Georg. (1955) *Conflict*. Illinois: The Free Press.

Simon, Herbert. (1979) "Rational Decision Making in Business Organizations." *American Economic Review* 69:493 - 513.

Skarlicki, Daniel. (2001) "Cross-Cultural Perspectives on Organizational Justice." *THE INTERNATIONAL JOURNAL OF CONFLICT MANAGEMENT* 12(4): 289 - 382.

Sloan, Gordon. (1998) *Turning Conflict into Consensus: Mediation Theory, Process, and Skills*. Vancouver, BC: Continuing Legal Education Society.

Smoran, K A, (1998) "Conflicting Roles in Child Custody Mediation; Impartiality/Neutrality and the Best Interests of the Child" *Family and Conciliation Courts Review* 36(2): 258-280.

Stark, James, H. (1997) "The Ethics of Mediation Evaluation: Some Troublesome Questions and Tentative Proposals, From an Evaluative Lawyer Mediator" *S. Tex. L. Rev.* 38:769.

Stone, Douglas, Bruce Patton, and Sheila Heen. (1999) *Difficult Conversations: How to Discuss What Matters Most*. New York: Penguin Books.

Tannen, Deborah. (1998) *The Argument Culture*. New York: Random House.

Thompson, Leigh and Nadler, Janice. (2000) "Judgmental Biases in Conflict Resolution and How to Overcome Them." In Deutsch, Morton and Peter Coleman. (Eds.) *The Handbook of Conflict Resolution*. San Francisco: Jossey-Bass Inc.

Tidwell, Alan C. (1998) *Conflict Resolved?* New York: Pinter Press.

Ury, William and Jeanne Brett and Stephen B. Goldberg. (1988) *Getting Disputes Resolved: Designing Systems to Cut the Costs of Conflict* CA: Jossey-Bass.

Vago, Steven (2005) *Law and Society* CA: Prentice Hall.

Virginia Supreme Court Dispute Resolutions Pages  
<http://www.courts.state.va.us/text/main.htm> Retrieved March 4, 2006.

Volpe, Maria & David Chandler. (2001). "The Role of Pracademics in Higher Education." *CONFLICT RESOLUTION QUARTERLY* 1.

Volkan, Vamik. (1997) *Bloodlines: From Ethnic Pride to Ethnic Terrorism* Colorado: Westview Press.

Waldman, Ellen. *Identifying the Role of Social Norms in Mediation: A Multiple Model Approach* (Draft).

Weber, Max. (1922) "A Theory of Human Motivation" In Shafritz, Jay M. and J.

Steven Ott. (Eds.) *Classics of Organization Theory*. CA: Wadsworth.

\_\_\_\_\_. (1947) "Legitimate Authority and Bureaucracy." In D. S. Pugh (Ed.) *Organization Theory*, London: Cox & Wyman Ltd.

Wing, Leah and Janet Rifkin. (2001) "Racial Identity Development and the Mediation of Conflicts." In C. L. Wijeyesinghe and B.W. Jackson (Eds.), *New Perspectives on Racial Identity Development: A Theoretical and Practical Anthology*, New York: New York University Press.

\_\_\_\_\_ (2002). *Workshop on Mediation of Discrimination*

Claims in Higher Education presented in the Fall, 2002 at UH. Videotape and Practice Materials, University of Massachusetts, Amherst.

Winslade, John and Gerald Monk. (1997) Narrative Mediation: A New Approach to Conflict Resolution. San Francisco: Jossey-Bass.

Wolvin, Andrew and Carolyn Gwynn Coakley. (988) Listening. (3rd ed.) Dubuque, IA: Wm. C. Brown Publishers.

Yarn, Douglas. (1999). Dictionary of Conflict Resolution. San Francisco, CA: Jossey-Bass, Inc.

Zimbardo, Phillip (1970) "The Human Choice: Individuation, Reason and Order versus De-Individuation, Impulse and Chaos." In Arnold W. D Levine (Eds.) Nebraska Symposium on Motivation. Lincoln: University of Nebraska Press.

\_\_\_\_\_. (1972) "The Tactics and Ethics of Persuasion." In Lewicki, Roy J., J. A Litterer, David M. Saunders, and John Minton. (Eds.) Negotiation (2d). Illinois: Irwin.

## **Course Units**

**BE SURE TO SEE YOUR CALENDAR IN WEBCT. ALL EVENTS ARE DISPLAYED ON THE CALENDAR.**

### **UNIT ONE**

What is Sociology of Law? How does Sociology of Law differ from Jurisprudence. How can we use both disciplines to help us better understand the life of the law?

### **UNIT TWO**

The Theoretical Context of Law

### **UNIT THREE**

The Cross-Cultural Context of Law

### **UNIT FOUR**

Types of Law

### **UNIT FIVE**

Systems of Law

### **UNIT SIX**

The Role of Sociological Jurisprudence.

### **UNIT SEVEN**

The Many Functions of Law, including Alternative Dispute Resolution ("ADR"), and Social Change.

**UNIT EIGHT**

Gender, Race, Social Class, and the Law

**UNIT NINE**

Legal System in Action.

**UNIT TEN**

The Legal Profession

***DETAILS******COURSE PROCEDURES***

*This is an on-line course, using the WebCT software under its license to the University of Hawaii. It can be accessed through the WebCT page at the following University of Hawaii URL Link:  
<http://webct.hawaii.edu>*

***Important! ONGOING PERFORMANCE REQUIREMENTS***

*One hour Weekly Chat Session (1 hour) to be arranged.  
Weekly Online Postings.  
Weekly Reading  
Weekly Writing  
Regularly Checking your WebCT mail*

***DEADLINES*** *All work must be submitted by the date on which it is due. There is no extra credit.*

***WRITING CRITERIA FOR ASSIGNMENTS***

- clarity of written expression*
- logical analysis*
- creativity*
- concise expression*
- organization*
- good grammar and accurate spelling*