

SOCIOLOGY 313--- “Law and Society”

STUDY GUIDE II

Key Terms:

Naturalization law
The Dialectic of law and social change
Social engineering legislation versus reactive legislation
The Jungle
Pure Food and Drug Act of 1906
Fugitive Slave Act of 1850
The Christiana Riot (Bloody Dawn pp. 59-75)
Treason law (Bloody Dawn pp.124)
Mens rea
Incompetent to Stand Trial (IST) Handout
M’Naghten Rule Handout
Inns of Court
Barristers
Solicitors
Christopher Columbus Langdell
American Bar Association
Punitive Damages
Buffalo Creek Disaster
Ford Pinto Case
Pro Bono Law
Corporate welfare
Corporate crimes
White collar crime
Occupational crime
1996 Daiwa Bank Ltd. bank fraud case
1996 Archer Daniels Midland (ADM) price fixing case

Key Cases:

Gideon v. Wainwright (1963)
Durham v. United States (1954)
Barbara Grutter v. Lee Bollinger et al. (2003)
United States v. Brawner (1972)
In Re Oakes (1845)

Short Essay Questions:

- 1 First, in what respect was the passage of the Fugitive Slave Act of 1850 a political compromise? Second, describe the parts that Edward Gorsuch, Castner Hanway, and William Parker each played in the Christiana Riot. Third, how was it that the Fugitive Slave Act of 1850 was prejudicial in support of the interests of the slave owners? And fourth, why was Castner Hanway judged by a jury to be “not guilty” of the crime of treason?

- 2 First distinguish between the terms “legal insanity” and “incompetence to stand trial”? Next, distinguish between the M’Naghten rule, the Brawner rule (ALI), and the “guilty but mentally ill” verdict. And on what grounds might it be argued that the application of the insanity defense is subject to both racial and social class bias?
- 3 As described in class, clarify exactly what it means to say that there is a *dialectical* relationship between “**law and social change**”. In answering this discuss the difference between “social engineering legislation” and “reactance legislation”. In this same context discuss the social and political origins of the **Pure Food and Drug Act** of 1906 and how the passage of this legislation relates to social change. And finally in the context of the big question of the relationship of law to social change, what does the passage of the **Prohibition Amendment** in 1919 and its subsequent impact on American society up to and beyond its eventual repeal teach us?
- 4 Distinguish between the concepts of occupational and corporate crime. Give an example of each. Why is it that corporate crime did not even exist until late into the 19th century? What evidence can you give of the seriousness of corporate crime in American society today and what are the primary methods by which this type of crime is combated?
- 5 What is the legal meaning of saying that the Buffalo Creek Disaster was “An Act of God”? On what basis does this case fall within federal jurisdiction? What was it necessary to prove in order to be awarded “punitive damages” in this case? What implications did the way this case was settled have for future litigants with similar claims resulting from similar disasters? If this case had not been handled on a *pro bono publico* basis, what settlement would you predict to have been most likely?
- 6 First, discuss the origins of the legal profession in England. Second, what happened around the time of Christopher Columbus Langdell that helped to elevate the status of legal education in the United States? Third, what were the most important developments of the 20th century that helped make lawyers accessible to the American poor? And finally, what evidence is there that admission to the law profession in America is now significantly less sexually and racially discriminatory?