COURSE DESCRIPTION
The purpose of this course is to examine the law as a product of social action, organizations, and processes. Contrary to the traditional legal approach, which views the law as a formal system of rules operating autonomously from society, this course treats law as a social institution. We will explore classical and contemporary theoretical contributions to Sociology of Law, and examine various theoretical frameworks, each with its own explanation of how the law operates. Some specific issues to be analyzed include law and social control, law and social change, violence against women, the profession and practice of law, and the influence of race, gender, and social status in the outcome of legal decisions.

REQUIRED READINGS
All required readings are either available on OWL or online.

EVALUATION
1. Critical reflection papers (4 X 2.5%) 10%
2. Student Presentation 25%
3. Participation 20%
4. Final Paper Outline 5%
5. Final Paper 35%
6. Research Sheet 5%

Library Sessions
A mandatory component to this course is the completion of the legal research tutorial held on January 21 and January 28. These sessions will provide you with the research knowledge to complete your presentations and papers for this course, which makes up a majority of your grade. Attendance at these sessions is MANDATORY, as without this knowledge you will not be able to complete your assignments. There is NO make up session and I will NOT provide you with a personal tutorial. During these tutorials you will also be working on the completion of your “Research Sheet” (provided by me). This includes outlining the issues that surround your topic and identifying the legislation that relates to your topic. This exercise will help you frame your topic, and is also worth 5% of your grade. It is due on February 4. These training days therefore are essential for your presentation and paper as well as completing your “research sheet”.

During these sessions the law librarian will provide a tutorial on how to conduct legal research. This will involve using both academic materials from the legal and sociological perspective, as well as teaching you how to use Quicklaw, a database used to find case law and other legal materials.

For these tutorials (January 21 and January 28) our class will be held in the law library instruction room on the 2nd floor of the law building. We will meet in the foyer at the beginning of class and I will lead you to the instruction room. This room is located in the law library, in the center of the library you will see a set of stairs go up one level the instruction room is the last door on the right.
ASSIGNMENTS

1. Critical Reflection Papers (4 papers; 2-4 pages each; double-spaced; 12 point font)
Each critical reflection paper is a polished response to the ideas that you encounter in the assigned readings covered in four separate meetings (not including the introduction readings). Each paper is due at the beginning of class. Papers handed in midway or at the end of class will NOT be accepted. The purpose of these reflections is to assist with discussions in the class. Students can choose which of the four weeks they would like to submit these reflections. This will be determined on the first day of class. The paper may include a very brief summary of the ideas contained in the readings however, it is not a summary paper. It should show evidence of grounded and careful critical engagement with select concepts, conversations and arguments advanced in the readings. Try to choose concepts that you find compelling or which are of particular salience to concerns that you are trying to think through.

2. Student Presentations
Here you get to choose a legal issue and topic of interest to you, learn about it, and share it with your classmates.

You are required to lead one half session of the class (one and a half hours). This includes preparing a presentation (approximately 30-40 minutes), designing questions to lead the class and stimulate discussion, and choosing (as well as providing) the reading list for the week. The responsibility of leading the class requires that you and your teammate become experts on a topic. My role as professor will be to listen and participate occasionally.

The following is a suggested format of the oral preparation and presentation:
1. Chose a legal issue or topic that is of interest to you. This is a very important first step!

Assign readings to the class at least one week in advance (failure to do so will result in a deduction in your grade). You can either post them on Desire2Learn (through me), or provide the class with photocopies. Two- three readings depending on the length and quality is sufficient. You want the amount of reading to be no more than what we have been reading in the past weeks.

When choosing articles to give the class, consider giving them articles that will inform them of the debates, issues or topics that you will be raising in your presentation and discussion. This will ensure that they can contribute to the discussion in a meaningful way. When the class makes informed comments it will make your job to initiate discussion easier as well.

2. Provide a descriptive overview of the topic. Discuss and teach the class about the law and policies around the topic. This includes a history of the particular law’s inception and the debates around its implementation. Was it contested? If yes, discuss. If it was not contested, talk about why it was not contested. In either case, whose interest is it serving? The general public’s?

3. Discussion of relevant cases (i.e. facts, main actors, arguments, legal issues). Discuss legal cases in the area. Tell us about the details of the case and the debates.

4. Selected critical analysis. What are some of the issues or debates that this law or practice raises?
5. How would a Sociologist of Law think about this law?

Make connections to the readings in the class. Use the theoretical perspectives discussed in course readings to understand how the law came to be, and why it is accepted or rejected. What are the purposes of the law?

Below are SOME questions to think about when designing your presentation, by no means are they exclusive so only use them as a guide. Each topic will differ so the type of relevant questions will also change.

- What are the opposing arguments to this law/policy?
- What motivates the support or contestation of the law/policy?
- How would a Sociologist of Law understand the issues?
- What would the theories from the text say about this law? Its purpose? Implementation?
- What does this law try to regulate? Does this answer/explain why there is support or resistance for its implementation?
- Why is there an absence of law to regulate particular behaviours?
- What debates are there around this topic/issue?
- What academic criticism can you provide?
- What are some of the counter arguments? How compelling is the evidence presented?

6. Class Participation (Activity, Discussion etc.)

**Presentation Evaluation**

The presentation will be evaluated based on two components:

i) Substance of the presentation: knowledge of the material and the debates, of the presentation.

ii) Presentation skills: the presenter’s own verbal communication skills, ability to engage the class and facilitate class discussion.

**Evaluation: Things I consider when evaluating your presentation:**

1. Does the presentation deal with the assigned topic? Does the presentation show an understanding of topic dealt with? Does the presentation show a clear, coherent, and comprehensive treatment of the selected topic? Has the presentation followed the required formalities?
2. Does the presentation integrate knowledge acquired throughout the course? Is there an effective and original integration of knowledge acquired throughout the course?
3. Is there a critical and original personal assessment of the topic presented?
4. Does the presentation include an activity for the audience? Is the activity original, entertaining, and informative? Has the activity engaged the active participation of the audience or have the students engaged the audience throughout the presentation? Does the activity permit students to apply the concepts, theories or other issues dealt with in the presentation?
5. Have the students selected an adequate article, a website or another source of information that comprehensively deals with the topic of the presentation for the other students?

See appendix 2 for list of potential topics
3. Participation
This class will follow a seminar format. As a seminar, the success of this course depends on informed and engaged student participation. All students are expected to come to class having done the readings and prepared for discussion. Your grade will reflect your efforts to contribute in meaningful ways to class discussions. Your contributions should be informed by, and grounded in, the readings. You are required to bring the reading material with you to class each week. Notwithstanding virtual realities and technological advances, as it is still impossible to participate in class verbally or otherwise when you are absent, your participation grade will also be based upon your attendance. You are also required to participate in your classmate’s presentations. This includes completing the readings and asking questions. Attendance at the presentations will also be taken. You can learn a lot from each other, so take advantage of this opportunity.

4. Final Paper Outline
Due: No later than ONE week after your presentation
This exercise is meant to give you feedback on you paper ideas. You are welcome to meet with the instructor to discuss an outline of their proposed term paper. It should be no more than two pages in length and it must be broken down into the following four (4) components:
1. Topic of study
2. Thesis statement (see Appendix 2 for guidance on how to formulate questions)
3. Central texts that are to be considered (this must also include additional academic/scholarly readings such as journal articles or academic books)
4. Outline of your proposed argument

5. Final Papers: Due Date Friday April 8, 2015
Lastly, you’re required to write a paper on the same topic, which you presented on.

You are expected to write an academic research paper. This means that you MUST make an argument and that you MUST use at the minimum 12 peer-reviewed sources. 3 Cases can be included in these 12 sources. You may use more than 3 cases but they will not be counted towards your reference list. You should use the textbook as a reference but no matter how many chapters you use it will only be counted as one reference.

The purpose of the paper is to take a stance on a legal issue in Canada. A strong paper will include the following discussion (in whichever order works for your argument):

1. A discussion of the laws that govern the issue of hand
2. A discussion of the debates around the issue
3. Argue for your position that must be supported with academic research.
4. An integration of how the legal practices/ law, or debate can be understood by at least one theory covered in the course content.

Some more hints, remember to link and explain things to your reader, and do not use words if you do not know what they mean. These strategies will show your knowledge and comprehension and ensure for a better read.
Some (General) Guidance on Structuring Academic Term Papers

A good general rule when writing a social science term paper is to discuss each point of the argument you make in your paper in the following way:

(Stage 1) **Description**: show you understand the basic idea, premise and/or argument(s) made by the position or theory you are considering

(Stage 2) **Connections**: show how the different ideas, premises and/or arguments you are considering might relate to one another: how might they have similar thinking/understanding on the topic in question? Or, alternatively, how they might not be similar to one another?

(Stage 3) **Critical assessment**: show your sociological thinking by looking at what the issues, counter-arguments, alternative perspectives, etc. might be and then, looking at the issue under consideration for its formation) and ask yourself: what is it about them that might be problematic? (e.g. what might they assume?; what might be contentious in their 'understanding' of a particular issue?; what alternative explanations might there be?)

Many students spend too much time on the descriptive (i.e. Stage 1) part, a little on Stage 2 and then hardly anything (sometimes nothing at all) on Stage 3. To perform well on this 400 level paper, you need to demonstrate that you have also done the difficult analytical work involved in Stages 2 and 3 and can present it in a thoughtful and balanced exposition.

You should also strive to write your paper concisely, organize your exposition clearly, and use concepts accurately. Good Luck! I look forward to reading your thoughtful papers!

6. **Research Sheet (Appendix 3)**

This will be distributed in class.
Reading Schedule

**Week 1: Introduction to the course**
Review Course expectations outline, and discuss components of the course and assignments. Determine days to submit critical reflections.

**Week 2: What is the Sociology of Law?**
*Required*


**Canada’s legal system** – the Constitution, the *Charter*, criminal versus civil law and procedure, the Supreme Court, and the Attorney General
*Required*
Readings: “Canada’s System of Justice”, Department of Justice

**Week 3: Library Session**
Learning Legal Research Skills. Training completed by Catherine Cotter

**Week 4: Library Session and completion of Research Sheet**
Quick Law training, complete research sheet and identify legislation for research topic

**Week 5: Conceptions, Types and Functions of Law.**
*Required*


**Week 6: Theories of Law and Society**
*Required*


Week 7: Legal Pluralism

Required
Merry, Sally Engle. “Legal Pluralism”, Law and Society Review, 22(5) 1988: 869-96. [on line]


Week 8: Foucault, Law and Governance

Required


Recommended:


Student Presentations Begin*
(The course readings are reduced because the presenters will assign some)

Week 9: Law and Governance

Required

Recommended

Week 10: Law and Risk

Required
Week 11th: Law and Knowledge

Required
Pratt, Anna “Between a Hunch and a Hard Place: Making Suspicion Reasonable at the Canadian Border” Social and Legal Studies 19(4), 2010: 461-480 [on line]


Recommended

Moore, Dawn. and Mariana Valverde “Maidens at Risk: ‘date rape drugs’ and the Formation of Hybrid Risk Knowledges” Economy and Society 29(4) 2000: 514-531

Week 12: Feminism and Law

Required
Rose, Nikolas “Beyond the Public/Private Division: Law, Power and the Family” Journal of Law and Society (Special Issue: Critical Legal Studies) 14(1), 1987:61-76. [on line]


Recommended:


Week 13th: Law, Race and Colonialism

Required


Recommended:


**Week 14: The Reality of Legal Decision-Making**

**Required**


http://www.jstor.org/discover/10.2307/20877611?sid=21104891627911&uid=70&uid=3737720&uid=2134&uid=4&uid=2 (can be read on line)

Film: **12 Angry Men**
APPENDIX 1
SOME CRITICAL ASSESSMENT STRATEGIES FOR REVIEWING ARGUMENTATIVE READINGS, DEVELOPING THESIS STATEMENTS AND FOR DEVELOPING DISCUSSION QUESTIONS

Tips on Developing Discussion Questions
There are five main different types of questions that can be used to engage your audience with the material you have presented.

1. **Factual Questions.** These are “who, what, when and where” questions that help your audience engage with reading material, the material you have presented or another case that you have provided your audience to work through. For example, “What is the purpose of a legal system?”

2. **Descriptive Questions.** These are questions that facilitate making connections between different factors involved in the case that you are dealing with. For example, “How are experts connected to projects of law and governance?”

3. **Probing Questions.** These questions facilitate follow-up and critical reflection on the literature. For example, “Are legal outcomes shaped by an individual’s race, or gender?”

4. **Analytical Questions.** These types of questions facilitate thinking about how and why a particular type of social phenomenon or event occurs. For example, “Why do some authors argue that the law does not operate autonomously?”

5. **Divergent Questions.** These types of questions creatively extend social analysis by asking “What if...?”. In doing so they assist in developing what is called “counter-factual” thought. This helps sociologists consider the contingent shaping of the historical trajectories of societies. For example, “What if lawyers were removed from legal practice?”

Some Further Examples of ‘Strategic Questioning’
Examples of ‘negative’ strategies

<table>
<thead>
<tr>
<th>Strategy</th>
<th>Type Sentence</th>
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<tbody>
<tr>
<td>You might argue that the argument depends upon a false or shaky assumption:</td>
<td>I will show that Jones's argument only works if we assume that X. But I will also show that we have no reason to accept that X.</td>
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<tr>
<td>Or you could argue that important parts of the argument are not consistent with each other:</td>
<td>Jones argues that X and Y. But if we accept that X, then it is not possible that Y.</td>
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<tr>
<td>Or you might suggest a problem with a key definition or concept the author relies on:</td>
<td>Jones characterizes an action as ethically bad if and only if it X. But the following examples demonstrate that X is not an adequate account of an ethical bad.</td>
</tr>
<tr>
<td>Or you might point out a mistake in the reasoning that the author relies on in moving from step to step:</td>
<td>Jones argues that all A's are B's, and that since X is a B, X must be an A. But this clearly doesn't follow.</td>
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</table>
Examples of ‘positive’ strategies

<table>
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<tr>
<th>Strategy</th>
<th>Type Sentence</th>
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<tr>
<td>You might defend that position against a potential objection:</td>
<td>Someone might object to Jones’ argument by claiming that Z. But I will demonstrate that Z is false.</td>
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<tr>
<td></td>
<td><strong>OR</strong></td>
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<td></td>
<td>Someone might object to this argument by claiming Z. But I shall argue that even if Z is true, Jones’ argument is still solid.</td>
</tr>
<tr>
<td>You might show that the author’s view solves some other hard problem, or that it sheds special light on some related area:</td>
<td>I will show that, unlike the other accounts we read, Jones’ definition of an ethically bad act helps us to understand why punishment is not ethically bad.</td>
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APPENDIX 2
Potential Presentation and Research Topics
(still being revised)

Below is a list of presentation topics; by no means is the list exclusive. I am open to hearing your areas of interest and will accept any topic that is relevant to the course objectives and content.

Pornography
Sexual consent
Violence against woman
Racism and Inequality
Punishment and Sentencing
Child Custody
Corporate Crime
Terrorism
Policing
How judges make decisions
Intellectual property
Human rights law
International Law
### APPENDIX 3
Guidance for Marking Scheme

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Criteria</th>
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<tbody>
<tr>
<td><strong>A+ 90-100%</strong></td>
<td>• As below, with extremely sophisticated level of theorization and innovative conceptualization or methodology</td>
</tr>
<tr>
<td>(publishable)</td>
<td>• Publishable (with minor revisions) in an academic journal</td>
</tr>
<tr>
<td><strong>A 85-89%</strong></td>
<td>• As below, with greater insight/originality and wider/deeper engagement with the literature</td>
</tr>
<tr>
<td>(exceptional)</td>
<td></td>
</tr>
<tr>
<td><strong>A- 80-84%</strong></td>
<td>• Very strong grasp of conceptual context</td>
</tr>
<tr>
<td>(excellent)</td>
<td>• Very good insight and/or originality in way topic is conceptualized or developed</td>
</tr>
<tr>
<td></td>
<td>• Comprehensive integration of relevant literature/debates</td>
</tr>
<tr>
<td><strong>B+ 75-79%</strong></td>
<td>• Strong grasp of conceptual content</td>
</tr>
<tr>
<td>(very good)</td>
<td>• Good insight in the way topic is conceptualized or developed</td>
</tr>
<tr>
<td></td>
<td>• Very good clarity and precision in presenting arguments</td>
</tr>
<tr>
<td><strong>B 70-74%</strong></td>
<td>• Good grasp of conceptual context</td>
</tr>
<tr>
<td>(good)</td>
<td>• Good integration of relevant literature/debates</td>
</tr>
<tr>
<td></td>
<td>• Clarity and precision in presenting arguments</td>
</tr>
<tr>
<td><strong>B- 65-69%</strong></td>
<td>• Intermittent grasp of conceptual content</td>
</tr>
<tr>
<td>(competent)</td>
<td>• Some critical analysis and using a small range of sources</td>
</tr>
<tr>
<td><strong>C+ 60-64%</strong></td>
<td>As above, but with less depth and criticality</td>
</tr>
<tr>
<td>(confident)</td>
<td></td>
</tr>
<tr>
<td><strong>C 55-59%</strong></td>
<td>As below, but stronger on analysis</td>
</tr>
<tr>
<td>(promising)</td>
<td></td>
</tr>
<tr>
<td><strong>C- 50-54%</strong></td>
<td>• Basic grasp of essential concepts/theory/sources</td>
</tr>
<tr>
<td>(borderline pass)</td>
<td>• Some analysis/interpretation</td>
</tr>
<tr>
<td></td>
<td>• Reasonably clear and orderly presentation</td>
</tr>
<tr>
<td><strong>F 45-49%</strong></td>
<td>• All or mostly descriptive</td>
</tr>
<tr>
<td>(borderline fail)</td>
<td>• Lack of coherence and clarity</td>
</tr>
<tr>
<td></td>
<td>• No or very limited interpretation</td>
</tr>
<tr>
<td></td>
<td>• No or very limited sources</td>
</tr>
<tr>
<td><strong>F 40-44%</strong></td>
<td>As above, with greater lack of interpretation</td>
</tr>
<tr>
<td>(poor)</td>
<td></td>
</tr>
<tr>
<td><strong>F 30-39%</strong></td>
<td>Totally descriptive, unfocused, lacking most or all interpretative or conceptual dimensions and use of sources</td>
</tr>
<tr>
<td>(very poor)</td>
<td></td>
</tr>
<tr>
<td><strong>F 0-29%</strong></td>
<td>Incomplete and/or with no or very little visible attempt at effort</td>
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<tr>
<td>(inadequate)</td>
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