**YORK UNIVERSITY**

**SCHOOL OF PUBLIC POLICY & ADMINISTRATION**

**SOCIOLOGY OF LAW**

**AP/PPAS 4070 6.0 A**

**Fall/Winter 2019 - 2020**

**Seminar: Monday 11:30 pm – 2:30pm**

**Location: HNE 104**

**Course Directors:** Kirk Atkinson

**Office Hours: Wednesday 2:45 – 4:45 pm**

**Course Description:**

This seminar examines the relationship between law and society, as well as the historical and social context that shapes the manner in which law is framed, implemented and consumed*.* The first half of the course focuses on social institutions and ideologies of law. Students will study the works of Weber, Marx, Durkheim, Rawls, Nozick and Dworkin, and their contributions to the understanding about the nature of the law; about legal responsibility and legal punishment, and about standards of fairness in settling legal disputes. Informed by classical and contemporary examples, the second half of the course focuses on the role of the law as a potential vehicle and agent of change. Throughout, the course explores the relationship between law, public policy and justice. The course aims at creating a critical understanding of the world around us by considering law and legal institutions as a product of actions and interactions of both specialists and ordinary citizens.

**Learning Outcomes for the Course:**

* Students will learn how to distinguish between law as a command of legitimate governmental authority and law as a social process
* Students will learn how to read statutes from a constitutional perspective, as well as the critical legal perspective
* Students will learn how to recognize and apply various theoretical perspectives to the analysis of law
* Students will learn how to critically evaluate tension between law, public policy and justice
* Students will learn how to distinguish and evaluate the role of the judiciary as interpreter of the law and defender of the constitutions versus using the law to advance public policy
* Students will learn general analytical presentation and debating skills

**Reading List (Fall):**

Burtch, Brian. The Sociology of Law: critical approaches to social control. Second Edition.

Thomson Nelson. 2003. (SOL)

Trevino, Javier. The Sociology of Law: Classical and Contemporary Perspectives. First Edition. Transaction Publishers. (SOLCCP)

\*\*Text will be complemented by Lecture material drawing on additional readings, historical and contemporary sources in-order to further develop the readings assigned.

***Note:*** students are also responsible for any in-class video/DVD material.

**Grading Scheme:**

1. Group Presentation 20%
2. Midterm exam 20%
3. Research Essay 25%
4. Attendance and Participation 15%
5. Final exam 20%

**NOTE:** Late essays will be penalized with a 1.5% deduction per day.

**Requirements for attendance and Participation:**

* Regular attendance (absence and failure to attend presentations of other groups will lead to drastic reduction in the portion of participation marks you receive)
* Active participation in class discussions and seminar activities in ways that demonstrate robust and nuanced understanding of readings and substance of the issues being debated will also factor into how your final participation grade will be determined.
* Encouraging and motivating other students to engage in debates and discussion during your group presentation will also factor into your participation grade

**Course Policies**

**Accesssibility**

Students with health-related, learning, physical, psychiatric, or sensory disabilities who require reasonable accommodations in teaching style or evaluation methods should discuss their concerns with the course instructor as soon as possible so that appropriate arrangements can be made.

Please make sure you also consult <http://accessibilityhub.info.yorku.ca/>for additional information and remember to educate yourself on the *counselling services* available to you at York at <http://www.yorku.ca/cds/>

**Electronic Devices**

You will find this class much more enjoyable if you concentrate on it, rather than on whatever is going on elsewhere in the electronic world. Using any e-devices takes your attention away from class, plus it often distracts your neighbours as well. *We may ask you to turn off the device or leave the classroom if we find your behaviour disrupts our ability to conduct the seminar.*

**Academic Dishonesty (Plagiarism)**

***Plagiarism is representing someone else's ideas, writing or other intellectual property as your own.***

This includes:

* Presenting all or part of someone else's published work as something you have written
* Paraphrasing someone else's writing without proper acknowledgement

Any use of the work of others, whether published, unpublished or posted electronically (e.g., on web sites), attributed or anonymous, must include a correct reference to the source.

*In other words …***… *In order to avoid plagiarism, you must reference the original source properly, which includes putting in all of the required quotation marks if you are using direct quotes.***

**For more:**

Test and educate yourself using the ‘academic integrity’ tutorial and the web-research tutorial: <http://www.yorku.ca/tutorial/academic_integrity/>and [http://www.yorku.ca/webclass/.](http://www.yorku.ca/webclass/)

Read the key points of York’s Senate policy on academic dishonesty: [http://www.yorku.ca/tutorial/academic\_integrity/polpoints.html.](http://www.yorku.ca/tutorial/academic_integrity/polpoints.html)

Read up on the use of [www.turnitin.com](http://www.turnitin.com/) and your *alternatives* in a course, such as this one: <http://www.yorku.ca/tutorial/academic_integrity/polpoints.html>and at [http://www.yorku.ca/academicintegrity/students/turnitin-students3.htm.](http://www.yorku.ca/academicintegrity/students/turnitin-students3.htm)

Use the services of the various **Writing Centres** and **Learning Skills Centres** on campus: [http://www.yorku.ca/laps/writ/centre/,](http://www.yorku.ca/laps/writ/centre/)<http://www.yorku.ca/acadres/writing_centres.htm>and [http://lss.info.yorku.ca/.](http://lss.info.yorku.ca/)

**READING & WRITING SCHEDULE (FALL):**

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| *Class 1*  | *Course Introduction*  | *Sep. 09*  |
| *Class 2*  | *Sociological approach to law and the moral constructivism of Dworkin and other interpretations*  | *Sep. 16*  |
| * Chapter 1, Introduction to Law and the Sociology of Law (SOL)
* Chapter 1 The Sociology of Law; Chapter 3, pp.55-58 and 63-73 (SOLCCP)

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| *Class 3* | *Marxist and Classical Sociological approaches to law*  | *Sep. 23* |
| * Chapter 4 The Marxian Perspective (SOLCCP)
* Chapter 2 Classical Theorists: Durkheim, Weber and Marx (SOL)

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| *Class 4*  | *The Weberian Perspective on law*  | *Sep. 30*  |
| * Chapter 5, The Weberian Perspective (SOLCCP)
* Chapter 2 Classical Theorists: Durkheim, Weber and Marx (SOL)
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| *Class 5*  | *Durkheimian Perspective on law*  | *Oct. 07*  |
| * Chapter 6, The Durkheimian Perspective (SOLCCP)
* Chapter 2 Classical Theorists: Durkheim, Weber and Marx (SOL)

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| *Class 6*  | *Historical Foundation of Law*  | *Oct. 21*  |
| * Chapter 6, The Durkheimian Perspective (SOLCCP)
* Chapter 2 Classical Theorists: Durkheim, Weber and Marx (SOL)

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| *Class 7*  | *Feminist Theory of Law*  | *Oct. 28*  |
| • Chapter 4, Feminist Theory and Law (SOL) |
| *Class 8*  | *First Nations/Indigenous Peoples and Law*  | *Nov. 04*  |
| • Chapter 5, First Nations and Law (SOL) •  |
| *Class 9*  | *Racial discrimination, Multiculturalism & Law*  | *Nov. 11*  |
| * Chapter 6, Racial discrimination, Multiculturalism and Law (SOL)
* Chapter 8, Conflict theory (SOLCCP)

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| *Class 10*  | *The Judiciary and the Legal Profession*  | *Nov. 18*  |
| • *Chapter 7, Studies in the Judiciary and the Legal Profession*  |
| *Class 11*  | *Criminal Sanction and Justice*  | *Nov. 25*  |
| • Chapter 8, The Criminal Sanction in Canada (SOL) |
| *Class 12*  | *Reproduction Family and Law*  | *Dec. 02*  |
| • Chapter 9, Reproduction and Law: Family, Abortion, and Midwifery (SOL) |
| *Class 12*  | *Midterm Exam – Take Home Exam. Late exam will be deducted 4 marks per day.* | *Exam will be distributed in class on Jan. 02. Exam due Dec. 09 23:59*  |

**PPA 4070 Class Reading Schedule (winter), Monday “A” Section**

All course readings below can be accessed through our moodle site, either as pdfs under the [“fair dealing” g](http://copyright.info.yorku.ca/fair-dealing-requirements-for-york-faculty-and-staff/)uidelines, or as links to e-articles or e-book chapters, which can be accessed only through the York proxy servers as required by [copyright law.](http://copyright.info.yorku.ca/copying-for-your-classroom/)

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| *Class 14*  | *Introduction: “Law as a vehicle and agent of change?” (Law, Politics & Government background readings)*  | *Jan. 06*  |
| * Greene, Ian. "The Courts and Public Policy." In *Governing Canada*, edited by Michael Atkinson, (Toronto, ON: Harcourt Brace, 1993) pp. 181-205.
* McCann, Michael. “Law & Social Movements: Contemporary Perspectives,” *Annu. Rev. Law Soc. Sci.* 2006. 2:17–38.
* Epp, Charles, “Law as an Instrument of Social Reform,” in *The Oxford Handbook of Law and Politics*, ed. Keith Whittington et. al. (Oxford, 2008) (Ch. 34), pp. 595-613.

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| *Class 15*  | *Voice, legal consciousness, rights and resistance*  | *Jan. 13*  |
| * Ewick, Patricia, and Silbey Susan S. "Conformity, Contestation, and Resistance: An Account of Legal Consciousness." *New England Law Review* 26 (1992): 731-49.
* bell hooks, “choosing the margin as a space of radical openness,” in *Yearning: race, gender and cultural politics* (Toronto, ON: Between the Lines, 1990) 145-153.
* Williams, Patricia J. “The Pain of Word Bondage,“ In *The Alchemy of Race and Rights*. (Cambridge, Mass.: Harvard University Press, 1991) 146-165.

 |
| *Class 16*  | *Legal Mobilization & the US Civil rights movement*  | *Jan. 20*  |
| * Gerald Rosenberg, “Substituting Symbol for Substance: What did Brown really accomplish?” *PS* 2004: 205-209.
* Joanna Slater, “Has the dream come true?” *Globe and Mail*, Aug 24, 2013: F1.
* [watch in class] [*Eyes on the prize*,](https://www.library.yorku.ca/find/Record/1972904) PBS 2006 doc, Vol.1, “Awakenings”; 60 min

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| *Class 17*  | *Social movements, law & social change 2.0*  | *Jan. 27*  |
| * Macolm Feeley, ”Hollow Hopes, Flypaper, and Metaphors,” Law & Social Inquiry 17 (1992) 745-760.
* Malcolm Gladwell, “Twitter, Facebook and social activism,” *The New Yorker*, 10/04/2010.
* [watch] *Eyes on the prize*, Vol. 1, “Fighting Back”; 60 min

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| *Class 18*  | *Disability, Sexuality, Legal Consciousness and Re’framing’*  | *Feb. 03*  |
| * Vanhala, Lisa. "Disability Rights in the Supreme Court of Canada: Legal Mobilization Theory and Accommodating Social Movements,” *Canadian Journal of Political Science* 42, no. 4 (2009) 981-1002.
* Orsini, Michael. “Reframing Medical Injury: Viewing People with Hemophilia as Victims of Cultural Injustice.” *Socio Legal Studies* vol. 16 no. 2 (2007) 241-258.
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| • David Engel and Frank Munger, “Life Story: Rosemary Sauter” and “The effects of social circumstances on rights and identity,” *Rights of inclusion: law and identity in the life stories of Americans with disabilities* (University of Chicago Press, 2003) 168-204. |
|  *Class 19 Transgender Rights Mobilization – the Next Frontier? Feb. 10*  |
| * Viviane Namaste, “Sex Change, Social Change: Reflections on Identity and Institutions,” (chapter 2) in *Sex Change, Social Change: Reflections on Identity,*

*Institutions, and Imperialism*, 2nd edition (Toronto: Canadian Scholars’ Press, 2011) 15-41. (York e-book: [http://www.library.yorku.ca/e/resolver/id/2401538)](http://www.library.yorku.ca/e/resolver/id/2401538)* Paisley Currah, “Gender Pluralism under the Transgender Umbrella,” In *Transgender Rights,* Paisley Curak et. al. (eds)., (Minneapolis:University of Minnesota Press, 2006) 3-32.
* recommended: [**Screaming queens**](https://www.library.yorku.ca/find/Record/1953458) [documentary; 57 min]
* [Ontario passes law to protect transgender people](http://www.cbc.ca/news/canada/toronto/story/2012/06/13/ontario-gender-equality.html)
* [Why an 8-year bid to enshrine transgender rights has failed to pass, again](http://www.ctvnews.ca/politics/why-an-8-year-bid-to-enshrine-transgender-rights-has-failed-to-pass-again-1.1353296)

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|  *Class 20 At the Frontiers of Law: Immigration & (il)legality Feb. 23* |
| * Pratt, Anna,” Detention at the Celebrity Inn,” In *Securing Borders: Detention and Deportation in Canada* (Vancouver: UBC Press, 2005) 23-52.
* Pierre Montforte and Pascale Dufour, “Mobilizing in Borderline Citizenship Regimes: A

Comparative Analysis of Undocumented Migrants’ Collective Actions,” *Politics & Society* 39(2) 2011: 203-232.  |
| *Class 21*  | *At the Frontiers of Law: Immigration & (in)security*  | *Mar. 02*  |
| * Mike Larsen and Justin Piché, “Exceptional State, Pragmatic Bureaucracy, and Indefinite Detention: The Case of the Kingston Immigration Holding Centre,” *Canadian Journal of Law and Society* 24: 2 (2009): 203-229.
* Razack, Sherene, “Introduction: Race Thinking and the Camp,” in *Casting Out: The Eviction of Muslims from Western Law & Politics* (Toronto: University of Toronto Press, 2008) 3-22.
* [watch in class: “[Securing Freedom,](https://www.library.yorku.ca/find/Record/2484401)” documentary, 51 min]

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| *Class 22*  | *Gender, Immigration and Law: Domestic Workers*  | *Mar. 09*  |
| * Stasiulis, Davia and Abigail Bakan, “Negotiating Citizenship: The Case of Foreign Domestic Workers in Canada,” *Feminist Review* No. 57 (Autumn 1997): 112-139.
* Jill Hanley et. al, “Good enough to work? Good enough to Stay!” Organizing among temporary foreign workers,” in *Legislated Inequality*, *Temporary Labour Migration in Canada*, P. T. Lenard, C. Straehle (eds.), McGill-Queen’s, 2012 (chapter 11, pp. 245271.
 |
| *Class 23*  | *Immigration, Mobilization & Seasonal Agricultural Worker Rights*  | *Mar. 16*  |
| * Tanya Basok and Emily Carasco, “Advancing the Rights of Non-Citizens in Canada: A Human Rights Approach to Migrant Rights, *Human Rights Quarterly* 32 (2010) 342366.
* J. Adam Perry,”Barely Legal: Racism and Migrant Farm Labour in the Context of Canadian Multiculturalism,” *Citizenship Studies* 16(2) 2012: 189-201.
 |
| • [recommended: [El Contrato,](http://www.nfb.ca/film/el_contrato/) NFB doc, 51 min]   |
| *Class 24*  | *What’s wrong with law & rights?*  | *Mar. 23*  |
| * Kitty Calavita, “Plus Ça Change” in *Invitation to Law & Society,* University of Chicago Press, 2016 (or 2010) (ch. 7).
* Lorde Audre, “The Master’s Tool Will Never Dismantle the Master’s House,” In *Sister Outsider* (Freedom, CA: The Prossing Press, 1984)
* Chapter 10, New Direction in Law and Society (SOL)
* Chapter 9, Critical Legal Studies (SOLCCP)

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| *Class 25*  | *Final Exam in Class* | *Mar. 30*  |
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