**YORK UNIVERSITY**

**THE SOCIOLOGY OF LAW**

**AP/PPAS 4070 6.0**

**FALL/WINTER 2019-2020**

**Seminar: Wednesday, 4-7pm**

**Location: HNE-B11**

**Course Director: Dr. Nancy Sanders**

**Email: nsanders@yorku.ca**

**Office Hours: Wednesday 3:30-4 and 7-7:30 pm or by appointment**

**Course Description:**

This course examines the field of study of the sociology of law from a theoretical, research and thematic perspective. In studying the classical contributions of theorists including Marx, Weber, and Durkheim, within an historical and social context, students will understand key ideas and arguments regarding the nature of law itself, legal responsibility and legal punishment, and the standards of fairness in settling legal disputes. The place and role of law in relation to the economy, politics, culture and social structures will be explored as well as selected issues related to law enforcement and globalization. Through critical thinking, students will consider how law is framed, implemented and experienced. A variety of sources including literature and multi-modal learning will engage students in this expansive, growing field of study with the opportunity to explore topics through discussion, groupwork and assignments.

**Learning Outcomes:**

* Students will gain an understanding of the theoretical foundations of the sociology of law and the dynamic of law in society
* Students will develop/further develop analytic skills in examining law as both a legitimate authority as well as a social process
* Students will demonstrate critical thinking in exploring the relationship of law and society in past, current and future state

**Required Texts:**

Treviño, A. Javier. The Sociology of Law: Classical and contemporary perspectives. Routledge: Taylor & Francis Group. London and New York, 2008

Calavita, Kitty. Invitation to Law and Society: An introduction to the study of real law. 2nd Edition.The University of Chicago Press. 2016

In-class lectures will draw on texts, additional readings, videos and supplemental materials as outlined in detail in the class schedule.

**Grading Breakdown:**

Fall Term Test 25% Nov 20/19

Report Review & Group Presentation 20% Throughout Winter Term

Major Essay 30% March 18/20

Attendance and Participation 20%

* Reading Discussion Lead 5% Throughout

Assignment details will be discussed in class and posted on moodle.

Attendance and Participation mark is significant and indicative of the high value placed as a percentage of your final grade. All class members will demonstrate preparedness, attentiveness to detail and engagement with the material and with all class members. Active class discussion is an expectation. Attendance is required to achieve optimal learning for all participants.

Written assignments are due in hard copy at the beginning for the class date on which they are due. Students are required to save all work and may be asked to resubmit if any difficulties arise. Any assignment handed in after this time will be considered late and will be penalized 5% per day. Exceptions to the lateness penalty for valid reasons may be considered by the Course Director but will require supporting documentation (e.g. a doctor’s letter). Missed tests or scheduled in-class assignments will also require documentation (a doctor’s note stating why you were unable to write on the specific date), and an alternative date and assignment may be arranged by the Course Director.

The grading scheme for the course conforms to the grading system found <http://calendars.registrar.yorku.ca/2012-2013/academic/grades/>

Please turn off your cell phones during class. Please bring your computers to access materials needed in class; however to respect the learning process of self and others no texting, web surfing, email etc. during class time.

**Academic Honesty and Plagiarism**

As per York University’s policy, “Academic honesty requires that persons do not falsely claim credit for the ideas, writing or other intellectual property of others, either by presenting such works as their own or through impersonation”.

Plagiarism includes presenting all or part of some else’s published work as your own, including paraphrasing without proper acknowledgement. Submitting all or part of your work to multiple credit courses is not acceptable. You are required to be familiar with the details of York’s policy, please see:

<https://secretariat-policies.info.yorku.ca/policies/academic-honesty-senate-policy-on/>

**Accessibility**

Students requiring learning accommodations should discuss their needs with the Course Director to ensure appropriate arrangements can be made to assist and support you in your learning. Modifications to evaluation methods will require confirmation through Student Accessibility Services provided by the student to the Course Director as soon as possible and well in advance of any assignment due dates. For additional information see <https://accessibility.students.yorku.ca/>

**Writing and Learning Support**

If you require additional support, please use the services of various writing centres and learning centres on campus: <http://www.yorku.ca/laps/writ/centre/>, <http://yorku.ca/acadres/writing_centres.htm> and http://lss.info.yorku.ca/

**PPAS 4070 Sociology of Law Class Schedule Course Director: Nancy Sanders**

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| Sept 4/19 | Class Introduction; detailed review of course outline and assignmentsReadings: Calavita, Kitty. (2016) in Invitation to Law & Society. Introduction, Ch 1 & 2 |
| Sept 11 | Introduction to the Sociology of Law: What is Law? What is Sociology? What is Sociology of Law?Readings: Trevino: Chapter 1 |
| Sept 18 | The Sociological Movement in Law- Contributors from withinHolmes, Pound, LlewellynReadings: Trevino: Chapter 3 |
| Sept 25 | The Marxian Perspective Reading: Trevino: Chapter 4* Marx, K. Debates on the Law of Theft of Wood.
* Stone, Alan.The Place of Law in the Marxian Structure.
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| Oct 2 | The Marxian Perspective Cont’dReading: Trevino: Chapter 4  |
| Oct 9 | The Weberian Perspective Cont’dIntro to ReadingTrevino: Chapter 5* Weber, Max. The Concept of Legitimation.
* Trubeck, David. M. Max Weber on Law and Rise of Capitalism.
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| Oct 15 | **Reading Week** |
| Oct 23 | The Weberian Perspective Cont’dReading: Trevino: Chapter 5 |
| Oct 30 | The Durkheiman PerspectiveReading:Trevino: Chapter 6* Durkheim, E. The Evolution of Punishment
* Lanza-Kaduce, L. Convergence of Legal and Social Definitions of Law
* Spitzer, Steven. Punishment and social Organization
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| Nov 6 | The Durkheiman Perspective Cont’dReading:Trevino: Chapter 6 |
| Nov 13 | Structural Functionalism and Conflict TheoryReading: Trevino: Chapter 7 and 8 |
| Nov 20 | **First Term Test/Assignment**Readings: * Calavita, Kitty. Law in Everyday, Everywhere. (2016) Invitation to Law & Society
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| Nov 27 | Media Assignment Activity |
|  |  **Winter Term** |
| Jan 8/20 | Media Assignment DiscussionCriminal Sanctions in CanadaOverview: The Justice Process: Video shown in class* Group Presentation: Justice Tulloch (2017). Independent Police Oversight Review

Readings: * Sierra-Arevalo, Michael. Technological Innovation and Police Officers’ Understanding and Use of Force. Law and Society Review 2018. 53 (2) pp420-451.
* Hannah-Moffat, Kelly. Why Are Women Going to Prison? In Questioning Sociology. Myra J. Hird and George Pavlich Editors. pp.218-230
 |
| Jan 15 | Finalization of Essay Topics: Proposals SubmittedCriminal Sanctions in CanadaOntario Superior Court Decision R v Capay (Ontario)Review of recent CCLA decision (Canada and BC)* Group Presentations: Sapers, H. Corrections in Ontario: Independent Review of Ontario Corrections. September 2017. Queens Printer for Ontario.
* Sapers, Howard. Segregation in Ontario: Independent Review of Ontario Corrections. March 2017. Queens Printer for Ontario.

Readings:* Ed Op: Piche, Justin (2017) <https://ottawacitizen.com/opinion/columnists/piche-the-new-ottawa-jail-will-just-become-another-hellhole-dont-build-it>
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| Jan 22 | Racial Discrimination, Civil Liberties and Democracy in LawRacial Inequities in the Justice System: e.g.Viola Desmond case (Nova Scotia, 1946-47)* Group Presentation: Commission on Systemic Racism in the Ontario Justice System. Margaret Gittens and David Cole (Co-chairs). Dec 1995. The Report of the Commission on Systemic Racism in the Ontario Criminal Justice System.

Readings:* Calavita, Kitty. The Colour of Law. (2016) Invitation to Law & Society. 2nd
* Calavita, Kitty. The Talk vs the Walk of Law. (2016). Invitation to Law & Society.
 |
| Jan 29 | First Nations and the Law * Group Presentation:Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls. June 3, 2019.
* Ministry of Justice and the Attorney General of Canada. 2016. Evaluation of the Aboriginal Justice Strategy.

Readings:* Just Facts:Trends in Adult Federal Custody Population. March 2018. Research and Statistics Division of the Department of Justice Canada.
* Just Facts: Missing and Murdered Indigenous Women and Girls. July 2017. Research and Statistics Division of the Department of Justice Canada.
* Maurutto, Paula; Hannah-Moffat, Kelly. Aboriginal Knowledges in Specialized Courts: Emerging Practices in Gladue Courts. Canadian Journal of Law and Society, Cambridge. Vol. 31, Iss 3, Dec 2016, pp.451-471.
 |
| Feb 5 | The Experience of Law through the Courts and Judicial ProceedingsJordon Decision: R v Jordan (Alberta)* Group Presentation: Transforming Canada’s Criminal Justice System. Consultation with Canadians Report. March 2018. Department of Justice Canada. (What we heard)
* Final Report on the Review of the Criminal Justice System 2019. Department of Justice Canada
* Justice Raymond E. Wyant. Bail and Remand in Ontario. Dec. 2016

Readings:* Just Facts: Criminal Court Case Processing Time. April 2017. Research and Statistics Division of the Department of Justice Canada.
* Just Facts: Trends in Bail Court Across Canada. 2018. Research and Statistics Division of the Department of Justice Canada.
* Myers, Nicole Marie. Who Said Anything About Justice? Bail Court and the Culture of Adjournment. Canadian Journal of Law and Society. Cambridge. Vol 30, Iss 1. April 2015. Pp127-146.
 |
| Feb 12 | The Experience of Law through the Courts and Judicial ProceedingsMental Health and the LawRestorative Justice* Group Presentation: The Human Services and Justice Co-ordinating Committee and Canadian Mental Health Association, Ontario. A Review of the Initiation and operation of Mental Health Courts Across the Province. October 2017.
* Department of Justice Canada: Crime Victims Experience of Restorative Justice. Catherine Bargen, Aaron Lyons, Matthew Hartman. May 2019
* A Community Court Grows in Brooklyn: A Comprehensive Evaluation of the Red Hook Community Justice Center. 2013. Final Report.

Readings: * Research at a Glance: Overrepresentation of Persons with Mental Health and Cognitive Functioning Issues in the Criminal Justice System. June 2018. Research and Statistical Division of the Department of Justice Canada.
* Elliott, Kari Glynes (2019) Restorative Justice. Research in Brief.
* Mental Health Lawyer discusses NCR designation
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| Feb 19 | **Reading Week** |
| Feb 26 | The Private and the PublicPrivacy Laws, Surveillance, Big Data; Privacy in the Digital AgeOverview of Privacy Legislation in Canada, Office of the Privacy Commissioner of CanadaPrivacy in the WorkplaceGroup Presentation* 2018-19 Survey of Canadians on Privacy <https://www.priv.gc.ca/en/opc-actions-and-decisions/research/explore-privacy-research/2019/por_2019_ca/>

Readings:* Zoyko, M. Internet Service Providers as Privacy Custodians. Canadian Journal of Law & Society, Cambridge. Vol 33. Iss 3. Dec. 2018. Pp 401-423.
* Edward Snowden. Here’s how we take back the internet. <https://www.ted.com/talks/edward_snowden_here_s_how_we_take_back_the_internet?language=en>
* Glen Greenwald. Why Privacy Matters. TED TALK 2014 <https://www.ted.com/talks/glenn_greenwald_why_privacy_matters?language=en>
* Your Risk for Fraud Quiz
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| Mar 4 | Law and Social Change* Group Presentation: Task Force on the Legalization, Regulation and Restriction of Marijuana. A Framework for the Legalization and Regulation of Cannabis in Canada. Nov 2016.

Readings: * Calavita, Kitty. Law and Social Justice: Plus ca change. (2016). Invitation to Law & Society.
* Calavita, Kitty. Reflecting on Law’s Image. (2016). Invitation to Law & Society.
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| Mar11 | Future Directions Artificial Intelligence, Big Data and Predictive Reasonable SuspicionGroup Presentation: * Department of Justice Canada. Automated Justice: Justice Trends 2. Get the Gist of the future for Technology of Justice. Dennis D. Draeger June 2018

Readings:* Lorinc, John. Busted by Big Data. The Walrus, March 2018 <https://thewalrus.ca/will-big-data-in-crime-fighting-create-a-new-era-of-racial-profiling/>
* Courtland, Rachel. Bias detectives: the researchers striving to make algorithms fair. Nature: International Journal of science. June 2018. <https://www.nature.com/articles/d41586-018-05469-3> (about 10 pages)
 |
| Mar 18 | **Major Essay Assignment Due**Round Table Discussion of Assignments |
| Mar25 | **Major Essay Assignment Returned**Rosalie Silberman Abella (2019) The Arc of the Moral Universe is Long, But… Downloaded from <https://www.cambridge.org/core>Canadian Journal of Law and Soceity. Vol 34. No.1 pp1-11. |
| April 1 | Course Summary; Class Closure |

**Assignments AP/PPAS 4070 6.0 Section B**

**Course Director: Nancy Sanders**

**Term 1 Take Home Test/Assignment**

The purpose of this assignment is to present a thorough and thoughtful understanding of the course materials presented throughout the term. Identify and elaborate on your understanding of the 5 most important concepts/theories/themes/issues regarding the development of the field of sociology of law specifically relating to the impact on form, function and the social, political and cultural characteristics of law in society.

* Explain why you feel these are the five most important points
* Make linkages across concepts/theories/themes
* How do these concepts help us to better understand the study of the sociology of law today?

It is not sufficient to provide a summary of the material. Your discussion should be a critical analysis and synthesis of major concepts that draws on course material, including text chapters, additional readings and class lectures. Referencing material beyond course content is not required.

Due: November 20, 2019 Approximately 10 pages double spaced.

**Term 2 Report Review and Group Assignment**

Many government sponsored reports, reviews, consultation and research papers exist that are pertinent to our studies in this course. Students will be asked to review a specific report presenting to their peers: an overview of the report, methodology, key findings as well as the preparation of discussion questions and/or activities. Engagement of your peers is required, supplemented with a 2 page summary “handout” provided. There should be time allowed for questions at the end of your presentation. Innovative approaches are welcomed, but should be discussed with the course director in advance.

Due: Dates as per Course Schedule Time: 30-45 min

**Leading a Reading Discussion – Sign Up in Class**

When leading a reading you are to assume everyone has read the materials, so the focus is on identifying key issues and themes and offering opinions/ideas that move class members beyond the reading to critical analysis and application. Stimulating discussion is the goal; no written summary is required.

Due: Dates as per Course Schedule Time: 20-25 min

**Term 2 Major Paper**

The topic of your final paper must be related to the subject matter of this course. A list of sample topics will be discussed in the course. Your proposal will include your main question or purpose of the project, a tentative thesis, a brief outline of the sections of your paper and referencing of key readings/articles.

Due: Finalization of Proposals due Jan 15, 2020

Due: Final Paper March 18, 2020 Approximately 10 pages double spaced.

Potential Topics: Mental Illness and the Law, Youth Justice, Midwifery, Abortion, First Nation Self Governance, First Nation Education, Voting Rights, Restorative Justice, Healing Lodges, Special Education, Police Use of Force, Cannabis, Same-Sex marriage, Females in Prison, Missing and Murdered Indigenous Women, Family Law…

**Term 2 Media Assignment**

Given the recent explosion of docudramas, mini-series and movies that are available to the public through outlets such as Netflix and Crave TV, an examination of law in society has become a point of public conversation. As Calavita writes, “if snooping in a friend’s house might reveal some dicey secrets about his or her personal life, snooping around a society’s written and unwritten laws to expose the secrets behind their public mythology reaps rewards that are in equal measure subversive and thrilling.” (p10).

Class members will be asked to view **one** of the following popularized media offerings and provide an analysis that is consistent with the subject matter of the course including consideration of what sociological paradigm is evident (Structural Functionalism, Conflict Theory) and what theoretical premises underpin the content (Marx, Weber, Durkheim etc).

Exhibit A (Netflix 2019)

When They See Us (Netflix 2019)

Innocent Man (Netflix 2019)

The Staircase (Netflix 2018)

The Redemption Project (CNN) -4 episodes

The Fifth Estate -Season 43 Death Behind Bars – and followup youtube coverage

(Others options may be generated in class discussion, but must be confirmed with the Course Director).

Due: Class Activity and Discussion will take place on January 8, 2020

**Note: The Media Assignment may serve as the focus for your Term 2 major paper**