

**YORK UNIVERSITY
SCHOOL OF PUBLIC POLICY & ADMINISTRATION
SOCIOLOGY OF LAW
AP/PPAS 4070 6.0 B
Fall/Winter 2023-2024
Seminar Classroom R N201
Seminar: Wednesday 4:00 pm – 7:00pm**

Course Directors: Kirk Atkinson
Office Hours: By appointment

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 course focuses on social institutions and ideologies of law. Students will study the works of Weber, Marx, Durkheim and their contribution to the meaning and application of law; other contemporary scholars such as Rawls, Nozick and Dworkin, etc., and their contribution to the understanding of the nature and function of the law will be explored. The course the themes of legal responsibility, legal punishment, and about standards of fairness in settling legal disputes. Informed by classical and contemporary examples. In addition, the course will focus on the role of the law as a potential vehicle and agent of change. How social forces in their struggles for social change utilize the law to effect fundamental change and how the law influences the type of activism they employ will be a recurrent theme. Throughout, the course will explore 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.

Students dialogic engagement and participation will be a core feature of the pedagogy of the learning process in the seminar.

Lecture notes and framework discussions will be posted on each topic

Students working in groups will produce brief robust and analytical presentation slides with two questions for the class to respond to. Topics/themes will be assigned to each group.

The group presentation questions will be evaluated on the critical analytical framing of the subject matter and clear articulation of the problematics and core issues discussed in the readings. While the presentation should give a brief summary of the readings the presentation has to go beyond merely summarizing the readings. The presentation should have a critical interpretive perspective on the subject matter. The two questions for the class to discuss and answer will be judged on the substance and quality of the questions.

In terms of the research paper. Students will have the option to write the paper as a group paper or as an individual research paper. Co-authoring a research paper can be demanding and takes collaborative and coordination effort but can be productive and enhancing of collaborative

learning. If you are intending to do a group research paper, you can only do so in the group you are arbitrarily assigned to.

The final Exam will be written in class on the last day of class. I will distribute the exam in class one week prior to the final exam.

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

Textbooks:

The textbooks are available to be purchase online at York University Bookstore

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)

**Textbooks will be complemented by Lectures and drawing on additional readings, historical and contemporary sources in-order to further develop and expand on the ideas and issues presented in the readings.

Note: students are also responsible for watching YouTube videos assigned to weakly topic/theme **before coming to class.**

Grading Scheme:

1) Group Presentation	20%
2) Research Essay	40%
3) Attendance and participation	20%
4) Final Exam	20%

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

Requirements for attendance and Participation:

- Attendance will be worth 10% and Participation 10%
- You can miss 2 classes without any penalty for attendance and participation; any subsequent missed classes will lead to deduction in attendance and participation grade
- Attendance will be taken each class
- Students will be called on to lead-off discussion and provide analytical framing and context on the topics and issues discussed on a weekly basis.
- Students should check eClass frequently for updates.

Course Policies

Any mitigating circumstances that impede your participation in the course must be dealt with on a timely manner. While I will work to accommodate exigencies, you may face in the age of COVID-19, equity and fairness will be core principles guiding the seminar proceeding. Students who merit relatively better grades, because they have put in the work will receive the better grades in the end. Those who fall short based on the merit cannot be expected to be treated the same in terms of grade assessment. You should keep this core principle in mind.

Mask wearing is discretionary in the classroom unless the University mandates mandatory mask wearing in class.

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 information see the following websites:

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/>.

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

Read up on the use of 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>.

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

READING & WRITING SCHEDULE (FALL):

<i>Class 1</i>	<i>Course Introduction</i>	<i>Sep. 06</i>
<i>Class 2</i>	<i>Sociological approach to law and the moral constructivism of Dworkin and other interpretations</i>	<i>Sep. 13</i>
<ul style="list-style-type: none"> • 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) 		
<i>Class 3</i>	<i>Marxist and Classical Sociological approaches to law</i>	<i>Sep. 20</i>
<ul style="list-style-type: none"> • Chapter 4 The Marxian Perspective (SOLCCP) • Chapter 2: Classical Theorists: Durkheim, Weber and Marx (SOL), pp. 27-28 and pp. 41-53 		
<i>Class 4</i>	<i>The Weberian Perspective on law</i>	<i>Sep. 27</i>
<ul style="list-style-type: none"> • Chapter 5, The Weberian Perspective (SOLCCP) • Chapter 2 Classical Theorists: Durkheim, Weber and Marx (SOL), pp. 27-28 & pp. 36-41 & pp. 50-53 		
<i>Class 5</i>	<i>Durkheimian Perspective on law</i>	<i>Oct. 4</i>
<ul style="list-style-type: none"> • Chapter 6, The Durkheimian Perspective (SOLCCP) • Chapter 2 Classical Theorists: Durkheim, Weber and Marx (SOL), pp. 27-28 & pp. 28-35 & pp. 50-53 		
<i>Class 6</i>	<i>The Historical Foundation of Law</i>	<i>Oct. 18</i>
<ul style="list-style-type: none"> • E. P. Thompson (1975) Whigs and Hunters, Chapter 9, pp. 190 - 219 • Chapter 3 Historical Foundation of Law (SOL) 		
<i>Class 7</i>	<i>Feminist Theory of Law</i>	<i>Oct. 25</i>
<ul style="list-style-type: none"> • Chapter 4, Feminist Theory and Law (SOL) 		
<i>Class 8</i>	<i>First Nations/Indigenous Peoples and Law</i>	<i>Nov. 1</i>
<ul style="list-style-type: none"> • Chapter 5, First Nations and Law (SOL) • 		
<i>Class 9</i>	<i>Racial discrimination, Multiculturalism & Law</i>	<i>Nov. 8</i>
<ul style="list-style-type: none"> • Chapter 6, Racial discrimination, Multiculturalism and Law (SOL) • Chapter 8, Conflict theory (SOLCCP) 		
<i>Class 10</i>	<i>The Judiciary and the Legal Profession</i>	<i>Nov. 15</i>

<ul style="list-style-type: none"> • Chapter 7, <i>Studies in the Judiciary, and the Legal Profession</i> 		
Class 11	<i>Criminal Sanction and Justice</i>	Nov. 22
<ul style="list-style-type: none"> • Chapter 8, The Criminal Sanction in Canada (SOL) 		
Class 12	<i>Reproduction Family and Law</i>	Nov. 29
<ul style="list-style-type: none"> • Chapter 9, Reproduction and Law: Family, Abortion, and Midwifery (SOL) 		

All course readings below can be accessed through our moodle site, either as pdfs under the [“fair dealing”](#) guidelines, 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](#).

Class 13	<i>Introduction: “Law as a vehicle and agent of change?” (Law, Politics & Government background readings)</i>	Jan. 10
<ul style="list-style-type: none"> • Greene, Ian. "The Courts and Public Policy." In <i>Governing Canada</i>, edited by Michael Atkinson, (Toronto, ON: Harcourt Brace, 1993) pp. 181-205. • McCann, Michael. “Law & Social Movements: Contemporary Perspectives,” <i>Annu. Rev. Law Soc. Sci.</i> 2006. 2:17–38. • Epp, Charles, “Law as an Instrument of Social Reform,” in <i>The Oxford Handbook of Law and Politics</i>, ed. Keith Whittington et. al. (Oxford, 2008) (Ch. 34), pp. 595-613. 		
Class 14	<i>Voice, legal consciousness, rights and resistance</i>	Jan. 17
<ul style="list-style-type: none"> • Ewick, Patricia, and Silbey Susan S. "Conformity, Contestation, and Resistance: An Account of Legal Consciousness." <i>New England Law Review</i> 26 (1992): 731-49. • bell hooks, “choosing the margin as a space of radical openness,” in <i>Yearning: race, gender and cultural politics</i> (Toronto, ON: Between the Lines, 1990) 145-153. • Williams, Patricia J. “The Pain of Word Bondage,” in <i>The Alchemy of Race and Rights</i>. (Cambridge, Mass.: Harvard University Press, 1991) 146-165. 		
Class 15	<i>Legal Mobilization & the US Civil rights movement</i>	Jan. 24
<ul style="list-style-type: none"> • Gerald Rosenberg, “Substituting Symbol for Substance: What did Brown really accomplish?” <i>PS</i> 2004: 205-209. • Joanna Slater, “Has the dream come true?” <i>Globe and Mail</i>, Aug 24, 2013: F1. • [watch in class] Eyes on the prize, PBS 2006 doc, Vol.1, “Awakenings”; 60 min 		
Class 16	<i>Social movements, law & social change 2.0</i>	Jan. 31

	<ul style="list-style-type: none"> • Macolm Feeley, "Hollow Hopes, Flypaper, and Metaphors," <i>Law & Social Inquiry</i> 17 (1992) 745-760. • Malcolm Gladwell, "Twitter, Facebook and social activism," <i>The New Yorker</i>, 10/04/2010. • [watch] <i>Eyes on the prize</i>, Vol. 1, "Fighting Back"; 60 min 	
<i>Class 17</i>	<i>Disability, Sexuality, Legal Consciousness and Re'framing'</i>	<i>Feb. 7</i>
	<ul style="list-style-type: none"> • Vanhala, Lisa. "Disability Rights in the Supreme Court of Canada: Legal Mobilization Theory and Accommodating Social Movements," <i>Canadian Journal of Political Science</i> 42, no. 4 (2009) 981-1002. • Orsini, Michael. "Reframing Medical Injury: Viewing People with Hemophilia as Victims of Cultural Injustice." <i>Socio Legal Studies</i> vol. 16 no. 2 (2007) 241-258. 	
	<ul style="list-style-type: none"> • David Engel and Frank Munger, "Life Story: Rosemary Sauter" and "The effects of social circumstances on rights and identity," <i>Rights of inclusion: law and identity in the life stories of Americans with disabilities</i> (University of Chicago Press, 2003) 168-204. 	
<i>Class 18</i>	<i>Transgender Rights Mobilization – the Next Frontier?</i>	<i>Feb. 14</i>
	<ul style="list-style-type: none"> • Viviane Namaste, "Sex Change, Social Change: Reflections on Identity and Institutions," (chapter 2) in <i>Sex Change, Social Change: Reflections on Identity, Institutions, and Imperialism</i>, 2nd edition (Toronto: Canadian Scholars' Press, 2011) 15-41. (York e-book: http://www.library.yorku.ca/e/resolver/id/2401538) • Paisley Currah, "Gender Pluralism under the Transgender Umbrella," In <i>Transgender Rights</i>, Paisley Curak et. al. (eds)., (Minneapolis: University of Minnesota Press, 2006) 3-32. • recommended: Screaming queens [documentary; 57 min] • Ontario passes law to protect transgender people • Why an 8-year bid to enshrine transgender rights has failed to pass, again 	
<i>Class 19</i>	<i>At the Frontiers of Law: Immigration & (il)legality</i>	<i>Feb. 28</i>
	<ul style="list-style-type: none"> • Pratt, Anna," Detention at the Celebrity Inn," In <i>Securing Borders: Detention and Deportation in Canada</i> (Vancouver: UBC Press, 2005) 23-52. • Pierre Montforte and Pascale Dufour, "Mobilizing in Borderline Citizenship Regimes: A Comparative Analysis of Undocumented Migrants' Collective Actions," <i>Politics & Society</i> 39(2) 2011: 203-232. 	
<i>Class 20</i>	<i>At the Frontiers of Law: Immigration & (in)security</i>	<i>Mar. 6</i>

<ul style="list-style-type: none"> • Mike Larsen and Justin Piché, “Exceptional State, Pragmatic Bureaucracy, and Indefinite Detention: The Case of the Kingston Immigration Holding Centre,” <i>Canadian Journal of Law and Society</i> 24: 2 (2009): 203-229. • Razack, Sherene, “Introduction: Race Thinking and the Camp,” in <i>Casting Out: The Eviction of Muslims from Western Law & Politics</i> (Toronto: University of Toronto Press, 2008) 3-22. • [watch in class: “Securing Freedom,” documentary, 51 min] 		
<i>Class 21</i>	<i>Gender, Immigration and Law: Domestic Workers</i>	<i>Mar. 13</i>
<ul style="list-style-type: none"> • Stasiulis, Davia and Abigail Bakan, “Negotiating Citizenship: The Case of Foreign Domestic Workers in Canada,” <i>Feminist Review</i> No. 57 (Autumn 1997): 112-139. • Jill Hanley et. al, “Good enough to work? Good enough to Stay!” Organizing among temporary foreign workers,” in <i>Legislated Inequality, Temporary Labour Migration in Canada</i>, P. T. Lenard, C. Straehle (eds.), McGill-Queen’s, 2012 (chapter 11, pp. 245271). 		
<i>Class 22</i>	<i>Immigration, Mobilization & Seasonal Agricultural Worker Rights</i>	<i>Mar. 20</i>
<ul style="list-style-type: none"> • Tanya Basok and Emily Carasco, “Advancing the Rights of Non-Citizens in Canada: A Human Rights Approach to Migrant Rights,” <i>Human Rights Quarterly</i> 32 (2010) 342366. • J. Adam Perry, “Barely Legal: Racism and Migrant Farm Labour in the Context of Canadian Multiculturalism,” <i>Citizenship Studies</i> 16(2) 2012: 189-201. • [recommended: El Contrato, NFB doc, 51 min] 		
<i>Class 23</i>	<i>What’s wrong with law & rights?</i>	<i>Mar. 27</i>
<ul style="list-style-type: none"> • Kitty Calavita, “Plus Ça Change” in <i>Invitation to Law & Society</i>, University of Chicago Press, 2016 (or 2010) (ch. 7). • Lorde Audre, “The Master’s Tool Will Never Dismantle the Master’s House,” In <i>Sister Outsider</i> (Freedom, CA: The Crossing Press, 1984) • Chapter 10, New Direction in Law and Society (SOL) • Chapter 9, Critical Legal Studies (SOLCCP) 		
<i>Class 24</i>	<i>Final Exam – The Exam will be a Take Home Exam</i>	<i>Mar. 3</i>