



# Sociology UNIVERSITY OF TORONTO

## **SOC6106H – Sociology of Law – Winter 2022**

Professor Sida Liu (Email: [sd.liu@utoronto.ca](mailto:sd.liu@utoronto.ca))

Time: 4:00-6:00pm, Wednesday

Location: Room 240, 725 Spadina Avenue

Office Hours: by appointment

Course Website: Quercus

### **Course Description**

This course is a graduate-level seminar that focuses on the deep reading and intensive discussion of theories and empirical studies in the sociology of law. We begin with classical sociolegal theories and then proceed to various topics of law and society research, including law in everyday life, court and litigation, law in the workplace, the legal profession, legal mobilization, law and the state, violence and human rights, law in space, law in time, and law and globalization.

### **Readings**

Reading is at the heart of this seminar. Please make sure to complete all the assigned readings before coming to every class. In each week, the readings should be read and discussed as a whole body of texts, regardless of the specific combination of books, articles, or book chapters.

All the selected reading materials are available electronically through the U of T library website. As a Ph.D. student, it is important for you to develop the habit and skills of finding academic sources through the library. Therefore, no material accessible through the U of T library will be posted on Quercus and you are expected to find them by searching the library catalogue. If you experience any difficulty finding a specific course reading, please email the instructor and it will be made available to you.

### **Course Requirements**

#### *Class Participation*

Seminar is the basic format of the classes, i.e., no lecture or in-class student presentation, but a group discussion of the assigned readings and Quercus essays of that week. You are expected to actively participate in class discussions. Class participation accounts for 20% of your final mark.

#### *Quercus Weekly Essays*

You are required to write and post to Quercus eight 500-word reflective essays on eight weeks of the course readings during Weeks 2-12. Please note that these essays are NOT summaries or reading responses. Instead, you are expected to focus on *one major argument or finding* from that week's readings and *critically* challenge or problematize it in your essay. You may choose which eight weeks (out of eleven weeks) to write your essays – in other words, you have three “free tickets” not to write a weekly essay during the term. Each essay must be posted to the “Discussion” board on Quercus by **12:00pm (noon) on Wednesday** to give the instructor and your classmates enough time to read it before class. These eight essays account for 40% of your final mark.

### Final Paper

The final paper of this course is a research paper on a selected topic based on course materials. Specific instructions will be given later in the term. The due date is **22 April 2022 (Friday) at 5:00pm**. The final paper accounts for 40% of your final mark.

## Course Schedule

### **Week 1 (January 12): Course Introduction**

Macaulay, Stewart. 1984. “Law and the Behavioral Sciences: Is There Any There There?” *Law & Policy* 6: 149-187.

Abel, R. L. 2010. “Law and Society: Project and Practice.” *Annual Review of Law and Social Science* 6: 1-23.

### **Week 2 (January 19): Classical Theories**

Durkheim, Emile. [1895] 1984. *The Division of Labor in Society*, trans. W. D. Halls. New York: The Free Press. Book I, Chapters II and III. (pp. 31-87)

Trubek, David M. 1972. “Max Weber on Law and the Rise of Capitalism.” *Wisconsin Law Review* 1972: 720-753.

Tamanaha, Brian. 2001. *A General Jurisprudence of Law and Society*. Oxford and New York: Oxford University Press. Chapters 1-2. (pp. 1-50)

### **Week 3 (January 26): Law in Everyday Life**

Merry, Sally E. 1988. “Legal Pluralism.” *Law & Society Review* 22: 869-896.

Ewick, Patricia, and Susan S. Silbey. 1998. *The Common Place of Law: Stories from Everyday Life*. Chicago: University of Chicago Press. Chapters 1-3. (pp. 1-53)

Silbey, Susan S. 2005. “After Legal Consciousness.” *Annual Review of Law and Social Science* 1: 323-368.

Valverde, Mariana. 2011. “Seeing Like a City: The Dialectic of Modern and Postmodern Ways of Seeing in Urban Governance.” *Law & Society Review* 45: 277-312.

### **Week 4 (February 2): Court and Litigation**

#### **October 10 (Tuesday)**

Galanter, Marc. 1974. “Why the ‘Haves’ Come Out Ahead: Speculations on the Limits of Legal Change.” *Law & Society Review* 9: 95-160.

- Felstiner, William, Richard Abel, and Austin Sarat. 1981. "The Emergence and Transformation of Disputes: Naming, Blaming, and Claiming..." *Law & Society Review* 15: 631-654.
- Merry, Sally E. 1990. *Getting Justice and Getting Even: Legal Consciousness among Working-Class Americans*. Chicago: University of Chicago Press. Chapter 6. (pp. 110-133)
- Cheesman, Nick. 2015. *Opposing the Rule of Law: How Myanmar's Courts Make Law and Order*. Cambridge: Cambridge University Press. Chapter 6. (pp. 161-191)

### **Week 5 (February 9): Law in the Workplace**

- Lipsky, Michael. [1980] 2010. *Street-Level Bureaucracy: Dilemmas of the Individual in Public Services*. New York: Russel Sage Foundation. Chapter 1. (pp. 1-25)
- Edelman, Lauren B., and Mark C. Suchman. 1999. "When the 'Haves' Hold Court: Speculations on the Organizational Internalization of Law." *Law & Society Review* 33: 941-991.
- Albiston, Catherine. 2005. "Bargaining in the Shadow of Social Institutions: Competing Discourses and Social Change in Workplace Mobilization of Civil Rights." *Law & Society Review* 39: 11-50.
- Berrey, Ellen, Steve G. Hoffman, and Laura Beth Nielsen. 2012. "Situated Justice: A Contextual Analysis of Fairness and Inequality in Employment Discrimination Litigation." *Law & Society Review* 46: 1-36.

### **Week 6 (February 16): The Legal Profession**

- Sarat, Austin, and William L. F. Felstiner. 1986. "Law and Strategy in the Divorce Lawyer's Office." *Law & Society Review* 20: 93-134.
- Hagan, John, and Fiona Kay. 1995. *Gender in Practice: A Study of Lawyers' Lives*. New York: Oxford University Press. Chapters 3-5. (pp. 51-119)
- Heinz, John P., Edward O. Laumann, Robert L. Nelson, and Ethan Michelson. 1998. "The Changing Characters of Lawyers' Work: Chicago in 1975 and 1995." *Law & Society Review* 32: 751-776.
- Dinovitzer, Ronit, and Bryant Garth. 2020. "The New Place of Corporate Law Firms in the Structuring of Elite Legal Careers." *Law & Social Inquiry* 45: 339-371.

## **----- READING WEEK (February 21-25) -----**

### **Week 7 (March 2): Legal Mobilization**

- Scheingold, Stuart A. [1974] 2004. *The Politics of Rights: Lawyers, Public Policy, and Political Change*. Ann Arbor, MI: University of Michigan Press. Part Two. (pp. 83-148)
- Epp, Charles R. 1996. "Do Bills of Rights Matter? The Canadian Charter of Rights and Freedoms." *American Political Science Review* 90: 765-779.
- Chua, Lynette J. 2012. "Pragmatic Resistance, Law, and Social Movements in Authoritarian States: The Case of Gay Collective Action in Singapore." *Law & Society Review* 46: 713-748.

Liu, Sida, and Terence C. Halliday. 2019. "The Ecology of Activism: Professional Mobilization as a Spatial Process." *Canadian Review of Sociology* 56: 452-471.

### **Week 8 (March 9): Law and the State**

Feeley, Malcolm M. [1979] 1992. *The Process Is the Punishment: Handling Cases in a Lower Criminal Court*. New York: Russell Sage Foundation. Chapter 3. (pp. 62-93)

Dezalay, Yves, and Bryant Garth. 2002. *The Internationalization of Palace Wars: Lawyers, Economists and the Transformation of Latin-American States*. Chicago: University of Chicago Press. Chapter 12. (pp. 198-219)

Moustafa, Tamir. 2003. "Law versus the State: The Judicialization of Politics in Egypt." *Law & Social Inquiry* 28: 883-930.

Cheesman, Nick. 2014. "Law and Order as Asymmetrical Opposite to the Rule of Law." *Hague Journal on the Rule of Law* 6: 96-114.

### **Week 9 (March 16): Violence and Human Rights**

Foucault, Michel. [1975] 1977. *Discipline and Punish: The Birth of the Prison*, trans. A. Sheridan. New York: Vintage Books. Part II. (pp. 73-131)

Hagan, John, and Ron Levi. 2005. "Crimes of War and the Force of Law." *Social Forces* 83: 1499-1534.

Hajjar, Lisa. 2009. "Does Torture Work? A Sociological Assessment of the Practice in Historical and Global Perspective." *Annual Review of Law and Social Science* 5: 311-345.

Fujii, Lee Ann. 2013. "The Puzzle of Extra-Lethal Violence." *Perspectives on Politics* 11: 410-426.

### **Week 10 (March 23): Law in Space**

Bourdieu, Pierre. 1987. "The Force of Law: Toward a Sociology of the Juridical Field." *The Hastings Law Journal* 38: 805-853.

de Sousa Santos, Boaventura. 1987. "Law: A Map of Misreading. Toward a Postmodern Conception of Law." *Journal of Law and Society* 14: 279-302.

Valverde, Mariana. 2015. *Chronotopes of Law: Jurisdiction, Scale and Governance*. Oxford and New York: Routledge. Chapters 2-3. (pp. 30-89)

Liu, Sida. 2015. "Law's Social Forms: A Powerless Approach to the Sociology of Law." *Law & Social Inquiry* 40: 1-28.

### **Week 11 (March 30): Law in Time**

Chambliss, William J. 1979. "On Lawmaking." *British Journal of Law and Society* 6: 149-171.

Savelsberg, Joachim and Ryan King. 2007. "Law and Collective Memory." *Annual Review of Law and Social Science* 3: 189-211.

Halliday, Terence C., and Bruce G. Carruthers. 2007. "The Recursivity of Law: Global Norm-Making and National Law-Making in the Globalization of Corporate Insolvency Regimes." *American Journal of Sociology* 111: 1135-1202.

Rubin, Ashley T. 2015. "A Neo-Institutional Account of Prison Diffusion." *Law & Society Review* 49: 365-400.

## **Week 12 (April 6): Law and Globalization**

Boyle, Elizabeth Heger, and John W. Meyer. 1998. "Modern Law as a Secularized and Global Model: Implications for the Sociology of Law." *Soziale Welt* 49: 213-232.

Halliday, Terence C., and Pavel Osinsky. 2006. "Globalization of Law." *Annual Review of Sociology* 32: 447-470.

Liu, Sida. 2008. "Globalization as Boundary-Blurring: International and Local Law firms in China's Corporate Law Market." *Law & Society Review* 42: 771-804.

de Sousa Santos, Boaventura. 2020. *Toward a New Legal Common Sense: Law, Globalization, and Emancipation* (3rd edition). Cambridge: Cambridge University Press. Chapters 2-3. (pp. 24-120)

## **Penalty for Lateness**

For graduate courses, instructors are not obliged to accept late work, except where there are legitimate, documented reasons beyond a student's control. As a result, students will not be able to postpone or "make up" writing assignments or class participation. If a weekly essay is not submitted by the deadline, then that portion of the grade will be lost. For the final paper, papers submitted beyond the due date will receive a late penalty of 10% marks per day, including weekends and holidays. If a student has a legitimate, documented reason beyond their own control for missing classes or assignments, only then will a student be offered a different opportunity to complete that portion of the grade.

## **Academic Integrity Clause**

Copying, plagiarizing, falsifying medical certificates, or other forms of academic misconduct will not be tolerated. Any student caught engaging in such activities will be referred to the Dean's office for adjudication. Any student abetting or otherwise assisting in such misconduct will also be subject to academic penalties. Students are expected to cite sources in all written work and presentations. See this link for tips for how to use sources well:

(<http://www.writing.utoronto.ca/advice/using-sources/how-not-to-plagiarize>).

According to Section B.I.1.(e) of the Code of Behaviour on Academic Matters it is an offence "to submit, without the knowledge and approval of the instructor to whom it is submitted, any academic work for which credit has previously been obtained or is being sought in another course or program of study in the University or elsewhere."

By enrolling in this course, you agree to abide by the university's rules regarding academic conduct, as outlined in the Calendar. You are expected to be familiar with the *Code of Behaviour on Academic Matters* (<http://www.artsci.utoronto.ca/osai/The-rules/code/the-code-of-behaviour-on-academic-matters>) and *Code of Student Conduct*

(<http://www.viceprovoststudents.utoronto.ca/publicationsandpolicies/codeofstudentconduct.htm>)

which spell out your rights, your duties and provide all the details on grading regulations and academic offences at the University of Toronto.

Normally, students will be required to submit their course essays to Turnitin.com for a review of textual similarity and detection of possible plagiarism. In doing so, students will allow their

essays to be included as source documents in the Turnitin.com reference database, where they will be used solely for the purpose of detecting plagiarism. The terms that apply to the University's use of the Turnitin.com service are described on the Turnitin.com web site.

## **Accessibility Services**

It is the University of Toronto's goal to create a community that is inclusive of all persons and treats all members of the community in an equitable manner. In creating such a community, the University aims to foster a climate of understanding and mutual respect for the dignity and worth of all persons. Please see the University of Toronto Governing Council "Statement of Commitment Regarding Persons with Disabilities" at

<http://www.governingcouncil.utoronto.ca/Assets/Governing+Council+Digital+Assets/Policies/PDF/ppnov012004.pdf>.

In working toward this goal, the University will strive to provide support for, and facilitate the accommodation of individuals with disabilities so that all may share the same level of access to opportunities, participate in the full range of activities that the University offers, and achieve their full potential as members of the University community. We take seriously our obligation to make this course as welcoming and accessible as feasible for students with diverse needs. We also understand that disabilities can change over time and will do our best to accommodate you. Students seeking support must have an intake interview with a disability advisor to discuss their individual needs. In many instances it is easier to arrange certain accommodations with more advance notice, so we strongly encourage you to act as quickly as possible. To schedule a registration appointment with a disability advisor, please visit Accessibility Services at <http://www.studentlife.utoronto.ca/as>, call at 416-978-8060, or email at: [accessibility.services@utoronto.ca](mailto:accessibility.services@utoronto.ca). The office is located at 455 Spadina Avenue, 4<sup>th</sup> Floor, Suite 400.

Additional student resources for distressed or emergency situations can be located at [distressedstudent.utoronto.ca](http://distressedstudent.utoronto.ca); Health & Wellness Centre, 416-978-8030, <http://www.studentlife.utoronto.ca/hwc>, or Student Crisis Response, 416-946-7111.

## **Equity and Diversity Statement**

### **Equity and Diversity**

The University of Toronto is committed to equity and respect for diversity. All members of the learning environment in this course should strive to create an atmosphere of mutual respect. As a course instructor, I will neither condone nor tolerate behaviour that undermines the dignity or self-esteem of any individual in this course and wish to be alerted to any attempt to create an intimidating or hostile environment. It is our collective responsibility to create a space that is inclusive and welcomes discussion. Discrimination, harassment and hate speech will not be tolerated.

Additional information and reports on Equity and Diversity at the University of Toronto is available at <http://equity.hrandequity.utoronto.ca>.