University of Toronto- St. George Campus
SOCIOLOGY 240H1-F LEC0101
Fall 2023
THE SOCIOLOGY OF LAW
Wednesdays from 1:10pm - 3:00pm

Instructor Information

Instructor: Dr. Steven Hayle

Email address: steven.hayle@mail.utoronto.ca

Lecture location: Online (Zoom Platform)

Office hours: Mondays from 3:00pm – 4:00pm

Course Website: Quercus

TA:

Course Description

This course asks students to think critically about the role of law in society, and to develop a sociological understanding of law and legal institutions. The course will include theoretical approaches to understanding the role of law and legal authority, and the constitutive ways in which law affects, shapes, and is negotiated in everyday life. In addition, attention will be paid to the legal profession, including empirical research on lawyers, legal careers, and their relationship to fields of practice, with an emphasis on the relationship between the structure of the legal profession and law as a democratic institution.

Prerequisites and Exclusions

Prerequisite: SOC100H1

Exclusion: SOC293H1 (Topics: Sociology of Law), offered in Summer 2018, Winter 2019, Summer 2019, SOC396H1 (Topics: Sociology of Law), offered in Winter 2013

Distribution Requirements: Social Science

Breadth Requirements: Society and its Institutions (3)

COURSE OBJECTIVES

1. Develop a knowledge and understanding of the role that law plays within societies around the world, and in particular, how it shapes everyday life.

2. Develop a greater appreciation for how sociology can provide a unique perspective with which to make sense of law and its affect on societies around the world.

3. Better understand how ancient and medieval philosophers as well as classical and contemporary sociologists have analysed law and its relationship to society.

4. Become familiar with research into the primary legal traditions found around the world.

5. Survey historical-comparative research on courts, legal professions, and careers around the world.

Textbook

Students are not expected to purchase a textbook for this course. All readings will be made available online through the course website on Portal. Assigned readings will include a mixture of the following: excerpts from deviance and social control textbooks; peer reviewed journal articles; and non-academic documents.

EVALUATION SCHEME

Term Paper Proposal- Due Wednesday, October 4th, 2023 at 11:59pm on Quercus [30%]

The purpose of this assignment is to encourage students to begin thinking about, planning, and carrying out research for their final term paper assignment. For this proposal, students should choose what legal profession or career they will be focusing on for their term paper, and in which country. The first part of their proposal should entail a detailed description of the legal role and/or position. The second part of the assignment is the student's opportunity to discuss their plans for moving ahead on the assignment, what types of sources they plan to consult (or have consulted already), and what challenges they foresee themselves having to overcome (i.e. lack of research, too much research, language barriers in reading the research, etc.). The paper should be no more than 5 pages double spaced using size 12 Font, Times New Roman. More information will be available through the course website. **The late penalty for this assignment is a 1% deduction for each day late (including weekends) off of one's final course grade.**

Term Paper - Due Wednesday, November 15th, 2023 at 11:59pm on Quercus [30%]

Students will select a legal profession or career to research within a country that is NOT Canada. They will carry out a case study in which they draw comparisons and contrasts between what they have learned about the legal profession or career in their chosen FOREIGN country to what they know and/or have learned about the same and/or similar legal profession or career in Canada. They must provide an ANALYSIS that explores the relationship between the legal system/tradition in the country and the legal profession or career that they have chosen to study. Students will draw on sociological theory covered in the course to help develop their analysis.

The late penalty is a 1% per day reduction off your final course grade.

Final Examination- During the Final Exam Period, To Be Scheduled by the Registrar's Office [40%]

The final examination will be CUMULATIVE and will cover material from BOTH lectures and readings introduced throughout the entire course. Students will be expected to demonstrate a mastery of ALL course content, themes, theories, and concepts. The examination will consist entirely of written questions.

Evaluation Components and Grading Policies

MAKEUP ASSIGNMENTS AND DEADLINE EXTENSION

The late penalty for assignments is a 1% deduction off the final course grade per each day that it is late.

If you are unable to turn in an assignment/or miss the test for medical reasons, you will need to email me the instructor, not the TA, and also declare your absence on ACORN.

For other reasons, such as family or other personal reasons, please contact your college registrar and have them email me directly.

ACADEMIC HONESTY

Academic integrity is fundamental to learning and scholarship at the University of Toronto. Participating honestly, respectfully, responsibly, and fairly in this academic community ensures that the U of T degree that you earn will be valued as a true indication of your individual academic achievement, and will continue to receive the respect and recognition it deserves.

Familiarize yourself with the University of Toronto's *Code of Behaviour on Academic Matters* (http://www.governingcouncil.utoronto.ca/policies/behaveac.htm). It is the rule book for academic behaviour at the U of T, and you are expected to know the rules. Potential offences include, but are not limited to:

In papers and assignments:
- Using someone else's ideas or words without appropriate acknowledgement.
- Copying material word-for-word from a source (including lecture and study group notes) and not placing the words within quotation marks.
- Submitting your own work in more than one course without the permission of the instructor.
- Making up sources or facts.
- Including references to sources that you did not use.
- Obtaining or providing unauthorized assistance on any assignment including:
  - working in groups on assignments that are supposed to be individual work;
  - having someone rewrite or add material to your work while "editing".
- Lending your work to a classmate who submits it as his/her own without your permission.

On tests and exams:
- Using or possessing any unauthorized aid, including a cell phone.
- Looking at someone else's answers • Letting someone else look at your answers.
- Misrepresenting your identity.
- Submitting an altered test for re-grading.

Misrepresentation:
- Falsifying or altering any documentation required by the University, including doctor's notes.
- Falsifying institutional documents or grades.

To remind you of these expectations, and help you avoid accidental offences, I will ask you to include a signed Academic Integrity Checklist with every assignment. If you do not include the statement, your work will not be graded.

The University of Toronto treats cases of academic misconduct very seriously. All suspected cases of academic dishonesty will be investigated following the procedures outlined in the *Code*. The consequences for academic misconduct can be severe, including a failure in the course and a notation on your transcript. If you have any questions about what is or is not permitted in this course, please do not hesitate to contact me. If you have questions about appropriate research and citation methods, seek out additional information from me, or from other available campus

resources like the U of T Writing Website. If you are experiencing personal challenges that are having an impact on your academic work, please speak to me or seek the advice of your college registrar.

Academic Integrity Checklist

Dr. Steven Hayle

I, _____   , affirm that this assignment represents entirely my own efforts.

I confirm that:

- □ I have acknowledged the use of another's ideas with accurate citations.
- □ If I used the words of another (e.g., author, instructor, information source), I have acknowledged this with quotation marks (or appropriate indentation) and proper citation.
- □ When paraphrasing the work of others, I put the idea into my own words and did not just change a few words or rearrange the sentence structure
- □ I have checked my work against my notes to be sure I have correctly referenced all direct quotes or borrowed ideas.
- □ My bibliography includes only the sources used to complete this assignment.
- □ This is the first time I have submitted this assignment (in whole or in part) for credit.
- □ Any proofreading by another was limited to indicating areas of concern which I then corrected myself.
- □ This is the final version of my assignment and not a draft.
- □ I have kept my work to myself and did not share answers/content with others, unless otherwise directed by my instructor.
- □ I understand the consequences of violating the University's academic integrity policies as outlined in the *Code of Behaviour on Academic Matters*.

By signing this form I agree that the statements above are true.

If I do not agree with the statements above, I will not submit my assignment and will consult the course instructor immediately.

Student name: _____   Student #: _____

_____

Signature: _____   Date:

_____

SUBMITTING ASSIGNMENTS TO *Ouriginal*

Students agree that by taking this course all required papers may be subject to submission for textual similarity review to *Ouriginal* for the detection of plagiarism. All submitted papers will be included as source documents in the *Ouriginal* reference database solely for the purpose of detecting plagiarism of such papers. The terms that apply to the University's use of the *Ouriginal* service are described on the *Ouriginal* web site.

Assignments not submitted through *Ouriginal* will receive a grade of zero (0 %) **unless a student instead provides, along with their assignment,** sufficient secondary material (e.g., reading notes, outlines of the paper, rough drafts of the final draft, etc.) to establish that the paper they submit is truly their own. The alternative (not submitting via *Ouriginal)* is in place because, strictly speaking, using *Ouriginal* is voluntary for students at the University of Toronto.

ACCESSIBILITY

If you require accommodations or have any accessibility concerns, please visit *http://studentlife.utoronto.ca/accessibility* as soon as possible.

TENTATIVE LECTURE TOPICS AND READINGS

Please note that the lecture topics and readings are subject to change at any time throughout the semester. Advanced notice will be provided and changes will be reflected in assignment and examination expectations. Any readings assigned that are not in the reader will be made available to you via Quercus.

Lecture One: Wednesday, September 13th, 2023

TOPICS: Introduction to the course.

READINGS: None

Lecture Two: Wednesday, September 20th, 2023-

TOPICS: Natural Law

ASSIGNED READINGS: Excerpts from *Antigone*

Excerpt from *The Trial of Socrates*

Excerpts from Plato, Aristotle, and Cicero

Lecture Three: Wednesday, September 27th, 2023

TOPIC: Legal Positivism

READINGS: Excerpt from Thomas Hobb's *Leviathan*.

Lecture Four: Wednesday, October 4th, 2023

TOPIC: Marxian Theories of Law

READINGS: Excerpt from Karl Marx's *The German Ideology*

TERM WORK DUE: Term Paper Proposal

Lecture Five: Wednesday, October 11th, 2023

TOPIC: Weberian Theories of Law

READINGS: "Weber's Rationalism and Modern Society: New Translations for the 21st Century", translated and edited by Tony Waters and Dagmar Waters. pp. 137-138.

Lecture Six: Wednesday, October 18th, 2023

TOPIC: Durkheimian Theories of Law

READINGS: Excerpt from Emile Durkheim's *The Division of Labour in Society*.

Lecture Seven: Wednesday, October 25th, 2023

TOPIC: <u>Critical</u> Legal Studies

READINGS: G´omez, L. E. (2012). Looking for race in all the wrong places. *Law & Society Review*, 46(2):221–245.

Lecture Eight- Wednesday, November 1st, 2023

TOPIC: Legal Traditions I: Common Law and Civil Law

READINGS: Chapter 4 ("Legal Traditions") from *Comparative Criminal Justice Systems* by Philippe Reichel.

<mark>**Wednesday, November 8th, 2023 – Fall Reading Week: No Lectures Offered**</mark>

Lecture Nine: Wednesday, November 15th, 2023

TOPIC: Legal Traditions II: Islamic Law and the East Asian Legal Tradition

READINGS: Chapter 3 ("Families of Law") from *Comparative Criminal Justice Systems* by Dammner and Fairchild.

Lecture Ten: Wednesday, November 22nd, 2023

TOPIC: Law under Authoritarian and Totalitarian Regimes

READINGS: *The Criminal Law of the Democratic People's Republic of Korea*

Excerpts from *Human Rights Watch* and *Amnesty International*

Lecture Eleven: Wednesday, November 29th, 2023

TOPIC: Adversarial and Inquisitorial Criminal Trial Systems

READINGS: Excerpt from *The Civil Law Tradition* by John Merriman.

Lecture Twelve: Wednesday, December 6th, 2023

TOPIC: Legal Professionals Around the World

READINGS: NONE

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