

University of Toronto, Sociology
SOC240H1-F Sociology of Law
Professor Ronit Dinovitzer
May/June 2022
Tuesdays & Thursdays, 12:10 pm – 2:00 pm
Synchronous/Zoom

Instructor Information

Instructor: Dinovitzer Ronit
Email address: ronit.dinovitzer@utoronto.ca
Office hours: Zoom
Quercus/Course web site: q.utoronto.ca

Teaching Assistant(s):

TBA
Email:
Office hours: TBA and by appointment via Zoom

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.

Goals and Learning Objectives

The goal of this course is not to focus on specific laws or cases, but instead to study law as an institution that both influences and is influenced by social relations. A main objective of the course is to connect conceptual understandings of law with empirical research on law “in action.”

Prerequisite

The prerequisite to take this course is SOC100H1. Students without this requirement will be removed at any time discovered and without notice.

Textbooks and Other Materials

The course relies on a collection of readings compiled by the instructor and available on Quercus.

Evaluation Components

<u>Description</u>	<u>Type</u>	<u>Date(s) Due</u>	<u>Weight</u>
a. Essay 1	Approx. 4 pages, TBA	26-May	27.5%
c. Essay 2	Approx. 4 pages, TBA	9-June	27.5%
d. Final Test	Take-home test	16-June	25%
e. Engagement	10 Discussion posts	Ongoing	10%
f. Short writing	2 submissions	Ongoing	10%

Essays (27.5% each)

Each essay assignment will ask you to apply course material to a current problem or issue. The essays will be based on class lectures and readings. You will receive further details during the term.

This link explains how to be sure you submitted your assignment successfully:

<https://qstudents.utoronto.ca/submitting-assignments-to-your-course/>

Engagement (10%)

Our class readings and discussions do not live purely in the realm of the theoretical. Every week's lecture and readings can be connected to current events. In order to encourage you to make these connections, you will have 10 opportunities to post a link to a current event that connects to the week's readings. In addition to posting the link, you need to write a short comment about how they are related (50-70 words). These short writing exercises will be graded on a pass/fail basis, 1% per submission. There are no make-up opportunities for these assignments.

Posts are due by 12:10 pm (Toronto time) the day of each class, starting with Class # 2. The posts are meant to help you prepare for each upcoming lecture (so posting on noon Tuesday for Tuesday's lecture).

Short Writing (10% (5% each))

Between Week 2 and Week 11, you will write two submissions that compare and contrast two weeks of readings. The point is not to compare each article in those two weeks, but to reflect on the two weeks of readings and identify points of convergence and tension. Each submission is to be no more than 300 words, and is worth 5% each (two submissions, for a total of 10%).

If there was more than one article assigned in a week, you can choose which one you will reference. Please also include citations (not included in the word count). Paste your text DIRECTLY into the textbox on Quercus, no attachments. Please include the word count on your submission.

These short writing exercises will be graded on a low/pass/fail basis:

- If your answer is excellent you will receive 5 marks
- If your answer does not demonstrate that you did the reading, we will assign a grade of 0
- We will assign partial marks for answers that are competent

Advice for the short writing assignments:

The idea here is to really show that you learned something new by bringing the two weeks together. The key to keep in mind is: what do I now know that I didn't know before? Or, how might researchers from week A think about the research in Week B? Would it surprise them? Why or why not? And so on. It's designed to get you to really think about whether the readings hold up, require expansion, and so on, when you compare two topics in the course. Also important: It is definitely not simply a summary of the two articles. The two weeks need to be engaged with each other!

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Test (25%)

The test is a take home test written during class time.

Procedures and Rules

1. Missed tests

Students who miss a test will receive a mark of zero; UNLESS within 48 hours (two days) of the missed test, students who wish to write the make-up test give the instructor an emailed request for special consideration which explains why the test was missed. A request should be accompanied by contact information (the student's telephone number and email address) so the date and time of the make-up test can be communicated to the student. A student who misses a test and the subsequent make-up test for a valid reason will not have a third chance to take the test. Instead, the grade assigned for the missed test will be the same as the grade the student earns for the other test in this course.

Absence Declaration: The University is temporarily suspending the need for a doctor's note or medical certificate for any absence from academic participation. Please use the Absence Declaration tool on ACORN found in the Profile and Settings menu to formally declare an absence from academic participation in the University. The tool is to be used if you require consideration for missed academic work based on the procedures specific to your faculty or campus.

2. Missed Assignments

Time bank: In this course, we will be using time banks. Our time bank is made up of three days. This means that you each have a three-day grace period for one assignment or distributed across different assignments. If you are using your time bank credit for a particular assignment, you must inform us by using the assignment comment box on Quercus when you submit the assignment for which you are applying the time bank. You cannot use the time bank for tests.

Late penalties: Late assignments without the required steps in case of delays (see below) and outside of the time bank limits — will be penalized 5% of the assignment marks per day. The penalty will run from the day the assignment was due until the day it is submitted via Quercus.

1. If a student misses tests or submit assignments beyond the time bank for **medical reasons**, you will need to email me the instructor, not the TA, and also declare your absence on ACORN.
2. If a **personal or family crisis** prevents you from meeting a deadline, have your college registrar email me directly (it is a good idea anyway to advise your college registrar if a crisis is interfering with your studies).

Students who have been approved by me to submit a late paper (beyond the time bank) must do so within 2 days after receiving my permission.

- You are expected to keep a back-up, digital copy of your assignment.

Grade appeals

Instructors and teaching assistants take the marking of assignments very seriously, and will work diligently to be fair, consistent, and accurate. Nonetheless, mistakes and

oversights occasionally happen. If you believe that to be the case, you must adhere to the following rules:

- If it is a mathematical error simply alert the TA of the error.
- In the case of more substantive appeals, you must:
 1. Wait at least 24 hours after receiving your mark.
 2. Carefully re-read your assignment, all assignment guidelines and marking schemes and the grader's comments.
 3. You have up to one month from the date of return of the item to inquire about the mark beyond the course instructor. In order to meet this deadline, you must inquire about the mark with your instructor no longer than 15 days after receiving your mark. If you are not satisfied with the instructor's re-evaluation, you may appeal to the Associate Chair, if the term work is worth at least 20% of the course mark. If your work is remarked, you must accept the resulting mark.

If you wish to appeal:

- A. You must submit to the instructor a written explanation of why you think your mark should be altered. Please note statements such as "I need a higher grade to apply to X" are not compelling. Also, please note that upon re-grade your mark may go down, stay the same, or go up.
- B. Attach to your written explanation your original assignment, including all of the original comments. Scan all documents and submit via email to your TA.

Communication

Email communication is rapid, convenient, and efficient—and you are encouraged to use it to enhance your learning and experience in the course. With that said, it is essential that you follow a few rules:

- All course communication should be conducted through Quercus or your utoronto account.
- All emails must include the course code (e.g., SOC 240) in the subject line.
- All emails should be signed with the student's full name and student number.
- Emails from students will generally be answered within 72 hours of receipt.
- Treat emails as you would any other professional communication.
- Emails that ask questions that are answered in the course syllabus or website (e.g., "how much is assignment X worth") will not receive a response.

Emails that do not follow these guidelines will not receive a response.

Academic integrity

Cheating and misrepresentation will not be tolerated. Students who commit an academic offence face serious penalties. Avoid plagiarism by citing properly: practices acceptable in high school may prove unacceptable in university. Know where you stand by reading the “Code of Behaviour on Academic Matters” in the Calendar of the Faculty of Arts and Science.

Normally, students will be required to submit their course essays to the University’s plagiarism detection tool 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 tool’s reference database, where they will be used solely for the purpose of detecting plagiarism. The terms that apply to the University’s use of this tool are described on the Centre for Teaching Support & Innovation web site (<https://uoft.me/pdt-faq>).

Assignments not submitted through Ouriginal will receive a grade of zero (0 %), unless a student instead provides, along with their position paper, 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.

Attendance

Students are responsible for all material covered in class and in the assignment readings.

Student resources

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

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.

Course Schedule

Every attempt will be made to follow this schedule, but it is subject to change at the discretion of the instructor.

1) May 10: Introduction

- Sutton, John. 2001. Excerpt from Chapter 1, "An Introduction to the Sociology of Law." Pp. 8-13 in *Law/Society: Origins, Interactions, and Change*. Thousand Oaks, CA: Pine Forge. (Read from the heading "Law from a Sociological Perspective" and stop at "Law as an Institution.") <http://knowledge.sagepub.com.myaccess.library.utoronto.ca/view/law-society/n1.xml>

2) May 12: Theories #1: Marx

- O'Grady, B. & Gaetz, S. & Buccieri, K. "Tickets ... and More Tickets: A Case Study of the Enforcement of the Ontario Safe Streets Act." *Canadian Public Policy*, vol. 39 no. 4, 2013, pp. 541-558. <http://muse.jhu.edu.myaccess.library.utoronto.ca/article/534407>
- Western, Bruce and Becky Pettit. 2002. "Beyond Crime and Punishment: Prisons and Inequality." *Contexts* 1:37-43. <https://journals-sagepub-com.myaccess.library.utoronto.ca/doi/pdf/10.1525/ctx.2002.1.3.37>

3) May 17: Theories #2: Durkheim

- Excerpt, read **only** 122-127: David Garland. 1991. "Sociological Perspectives on Punishment" *Crime and Justice*, Vol. 14, (1991), pp. 115-127 <http://www.jstor.org.myaccess.library.utoronto.ca/stable/1147460>
- Posner, Eric. 2015. "A Terrible Shame" *Slate Magazine*. http://www.slate.com/articles/news_and_politics/view_from_chicago/2015/04/internet_s_haming_the_legal_history_of_shame_and_its_costs_and_benefits.html

4) May 19: Theories #3: Legal Consciousness

- Silbey, Susan and Patricia Ewick. 2000. "The Rule of Law – Sacred and Profane." *Society* 37(6):49-56. <http://link.springer.com.myaccess.library.utoronto.ca/article/10.1007%2Fs12115-000-1023-0>
- Silbey, Susan and Ayn Cavicchi. 2005. "The Common Place of Law: Transforming Matters of Concern into the Objects of Everyday Life." Pp. 556-565 in *Making Things Public: Atmospheres of Democracy*, edited by B. Latour and P. Weibel. Cambridge, MA: MIT Press. http://web.mit.edu/ssilbey/www/pdf/making_things_public.pdf

5) May 24: Theories #4: Feminism and the Law

- Elizabeth A. Sheehy 1999. "Legal responses to violence against women in Canada." *Canadian Woman Studies* 19:62-73. <http://pi.library.yorku.ca/ojs/index.php/cws/article/viewFile/8081/7261>

6) May 26: Legal Education

Essay 1 Due at the Beginning of Class

- Granfield, Robert. 1986. "Legal Education as Corporate Ideology: Student Adjustment to the Law School Experience." *Sociological Forum* 1:514-523.
http://www.jstor.org.myaccess.library.utoronto.ca/stable/684650?seq=1#page_scan_tab_contents
- Laura Drake. 2010. "Getting into law school is harder than ever. Getting in has never been easy. But now, it's nearly impossible." *Macleans*.
<http://www.macleans.ca/news/canada/last-year-maybe-this-year-no-way/>

7) May 31: Legal Profession

- Sutton, John. 2001. Chapter 9, "The Transformation of Legal Practice in the Late Twentieth Century." Pp. 253-277 in *Law/Society: Origins, Interactions, and Change*. Thousand Oaks, CA: Pine Forge.
<http://knowledge.sagepub.com.myaccess.library.utoronto.ca/view/law-society/n9.xml>
- Dinovitzer, Ronit and Meghan Dawe. 2020. "Lawyers in Canada." Pp. 65-88 in Richard Abel and Ole Hammerslev (eds.) *Lawyers in 21st Century Societies: National Reports*. Hart Publishing.

8) June 2: Law, Recognition, and Inequality

- <http://blogs.lse.ac.uk/impactofsocialsciences/2020/09/28/how-to-research-policing-talk-to-people-who-have-been-arrested-4-insights-from-150-arrested-individuals-on-role-and-reform-of-the-police/>
- <https://www.nytimes.com/2020/07/06/world/europe/coronavirus-roma-bulgaria.html>

9) June 7: Court Actors

- Blumberg, Abraham. 1967. "The Practice of Law as Confidence Game: Organizational Cooptation of a Profession." *Law & Society Review* 1:15-40.
<http://www.jstor.org.myaccess.library.utoronto.ca/stable/3052933>
- Frohmann, Lisa. 1991. "Discrediting Victims' Allegations of Sexual Assault: Prosecutorial Accounts of Case Rejections." *Social Problems* 38:213-226.
<http://www.jstor.org.myaccess.library.utoronto.ca/stable/800530>

10) June 9: Lawmaking

Essay 2 Due at the Beginning of Class

Ramos, Howard. "What causes Canadian Aboriginal protest? Examining resources, opportunities and identity, 1951-2000." *Canadian Journal of Sociology/Cahiers canadiens de sociologie* (2006): 211-234.
<https://www.jstor.org/stable/20058697>

Reny, T., & Newman, B. (2021). The Opinion-Mobilizing Effect of Social Protest against Police Violence: Evidence from the 2020 George Floyd Protests. *American Political Science Review*, 115(4), 1499-1507.

<https://www.cambridge.org/core/journals/american-political-science-review/article/abs/opinionmobilizing-effect-of-social-protest-against-police-violence-evidence-from-the-2020-george-floyd-protests/C62FCC5556A43F0AE3CDA5EB6AFD3673>

11)June 14: Police

Peter J. Carrington and Jennifer L. Schulenberg. 2008. "Structuring Police Discretion: The Effect on Referrals to Youth Court." *Criminal Justice Policy Review* 19: 349.

<https://journals-sagepub-com.myaccess.library.utoronto.ca/doi/pdf/10.1177/0887403407307240>

Harcourt, Bernard. [2001] 2004. "Policing Disorder: Can We Reduce Serious Crime by Punishing Petty Offenses?." Pp. 416-423 in *The Social Organization of Law: Introductory Readings*, edited by A. Sarat. Los Angeles: Roxbury.

<http://www.bostonreview.net/us/bernard-e-harcourt-policing-disorder>

Unfounded: <https://www.theglobeandmail.com/news/investigations/unfounded-sexual-assault-canada-main/article33891309/>

12)June 16: No class, take home test during class time