

Department of Sociology
University of Toronto
SOC293H1S – Selected Topics in Sociological Research
Sociology of Law
January-April 2019
Class time: Wed 12pm-2pm RW 117
Professor Ron Levi

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SCOPE AND AIMS

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

Prerequisite: SOC101Y1 or SOC102H1 or SOC100H1

Students without any of these prerequisites will be removed at any time discovered.

READINGS

Readings are available on Quercus.

EVALUATION

<u>Description</u>	<u>Type</u>	<u>Date(s) Due</u>	<u>Weight</u>
Weekly Discussion Post	50-70 words, see below	Weekly, First post due January 15, 2019	10%
Take home test	Take-Home	February 13, 2019	25%
Problem-Solving Paper	Essay with prompted questions	March 20, 2019	40%
Test 1	In class, 1 hour 50 minutes	April 3, 2019	25%

Handing in Assignments

Assignments must be handed in by 12:10 p.m. on the due date specified above. Assignments submitted on the due date after that time will be subject to a late penalty as outlined below.

All assignments must be handed in electronically via Quercus. You DO NOT need to hand in hard copies of the assignments. The instructor and TA will not accept electronic copies of

assignments via email. Do not put submissions under the office door of the instructor; the instructor is not responsible for student assignments submitted in this way. Students must always keep an extra copy of their assignment for their own records.

Participation and Discussion Board (10%)

Traditional forms of communication are changing. While you are encouraged to ask questions in class, we will rely on a discussion board to help stimulate discussion and keep students engaged. The first post will be **January 15, 2019**.

Your post should raise something you learned from the reading, a question raised by the reading, or a connection between the reading and a current event. Think of this as an interesting idea, maybe something you would see on Twitter.

Each post should be about 50 words, and *no more* than 70 words. Be concise!

Requirements:

1. By midnight on the night before each lecture, students must submit one post on the Quercus discussion board.

Attendance

Full and complete attendance is critical for learning the material in this course. Excessive lateness and other problematic in-class behaviours will not be tolerated and will result in mark penalties or other punitive action at the discretion of the instructor.

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 their TA a written request for special consideration which explains why the test was missed, accompanied by proper documentation from a physician or college registrar (see below). A request should be accompanied by contact information (the student's telephone number and email address) so the date, time and place 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.

REQUIRED DOCUMENTATION FROM YOUR PHYSICIAN OR COLLEGE REGISTRAR

If you miss a test or a paper deadline, do not contact the instructor or a TA unless you have followed the steps described here. Telling the professor or TA why you missed a deadline or a test will not be considered.

- In case of illness, you must supply a duly completed Verification of Student Illness or Injury form (available at www.illnessverification.utoronto.ca). A doctor's note is acceptable, but MUST indicate the start and anticipated end date of the illness. The form must be placed in a

sealed envelope, addressed to the instructor, and submitted with your work at class or to your TA during their office hours.

- If a personal or family crisis prevents you from meeting a deadline, you must get a letter from your college registrar (it is a good idea anyway to advise your college registrar if a crisis is interfering with your studies). The letter must be placed in a sealed envelope, addressed to the instructor, and submitted with your work at class or to your TA during their office hours.

2. Missed Assignments

To request accommodation for a **late assignment** you must present your case to the TA via email.

- In order not to be considered late, assignments must be submitted by the due date on the syllabus via Quercus.
- You are expected to keep a back-up copy of your assignment in case it is lost.
- For lateness *beyond your control*, the documentation must indicate that you were unable to engage in school work *on the due date of the assignment* for a ONE day extension. For a longer extension you must prove that you were unable to engage in school work for a longer period or prove an exceptional, unforeseen circumstance. In the unlikely event that your documentation indicates that you are too ill to make-up an assignment within the term, you must petition the office of the registrar for an extension of time to complete term work.
- Late assignments for reasons that are *within your control* 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. The penalty period does include weekends and holidays. Assignments that are more than 5 days late will not be accepted.

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.

Electronic communication and electronic learning technology

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:

- Assignments will not be accepted via email. See above for how to submit them.
- All course communication should be conducted through Quercus or your utoronto account.
- All emails must include the course code (e.g., SOC 123) 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.

Classroom etiquette

- Students are expected to arrive at class on time and to use laptops only for note-taking or in class polls. Other uses (e.g., emailing, web surfing) will result in the student's being required to turn off the laptop, and not to bring it to future sessions of the course.
- Videotaping and recording lectures is strictly forbidden without written permission from the instructor.

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.

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.

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.

Readings: Subject to change during the semester.

Week 1. January 9

Introduction

Week 2. January 16

Law and Symbolic Violence

1. Chambliss, William J. 1964. "A Sociological Analysis of the Law of Vagrancy" *Social Problems* 12:67-77.
2. Wacquant, Loic. 2000. "Deadly Symbiosis." *Boston Review*.
3. Menjívar, Cecilia and Leisy Abrego. 2012. "Legal Violence: Immigration Law and the Lives of Central American Immigrants" *American Journal of Sociology* 117: 1380-1421.

Week 3. January 23

Law as Expressive

1. Garland, David. 2005. "Penal Excess and Surplus Meaning: Public Torture Lynchings in Twentieth-Century America." *Law & Society Review* 39: 793-834.
2. Engel, David. 1994. "The Oven Bird's Song: Insiders, Outsiders, and Personal Injuries in an American Community." Pp. 27-53 in *Law and Community in Three American Towns*, by Carol J. Greenhouse, Barbara Yngvesson, and David M. Engel. Ithaca and London: Cornell University Press.

Week 4. January 30

Using Law or Not, and Winning or Losing

1. Hadfield, Gillian. 2008. "Framing the Choice Between Cash and the Courthouse: Experiences with the 9/11 Victim Compensation Fund." *Law & Society Review* 42:645-682.
2. Galanter, Marc. 1974. Highly abridged version of "Why the 'Haves' Come Out Ahead: Speculations on the Limits of Legal Change."
3. Auyero, Javier and Debora Swistun. 2009. "Tiresias in Flammable Shantytown: Toward a Tempography of Domination." *Sociological Forum* 24:1-21.

Week 5. February 6

Legal Consciousness

1. Silbey, Susan and Patricia Ewick. 2000. "The Rule of Law: Sacred and Profane." *Society*, October 2000.
2. Stuart, Forrest. 2016. "Becoming "Copwise": Policing, Culture, and the Collateral Consequences of Street-Level Criminalization." *Law & Society Review* 50:279-313.

Week 6. February 13

Take Home Test Due

Formal and Everyday Constructions of Legality and Illegality

1. Flores, René and Ariela Schachter. 2018. "Who Are the 'Illegals'? The Social Construction of Illegality in the United States." *American Sociological Review* 83:839-868.
2. Hull, Kathleen. 2003. "The Cultural Power of Law and the Cultural Enactment of Legality: The Case of Same-Sex Marriage." *Law & Social Inquiry* 28:629-657

Reading Week (February 20)

Week 7. February 27

Lawyers: The Social Structure of Legal Education and the Legal Profession

1. Sauder, Michael and Ryon Lancaster. 2006. "Do Rankings Matter? The Effect of U.S. News & World Report Rankings on the Admissions Process of Law Schools." *Law and Society Review* 40:105-134.
2. Dinovitzer, Ronit, Hugh Gunz, and Sally Gunz. 2014. "Unpacking Client Capture: Evidence from Corporate Law Firms." *Journal of Professions and Organization* 1:99-117.

Week 8. March 6

Law, Organizations, and Formal Rationality

1. Espeland, Wendy. 2006. "Bureaucratizing Democracy, Democratizing Bureaucracy." *Law & Social Inquiry* 25:1077-1109.
2. Brayne, Sarah. 2017. "Big Data Surveillance: The Case of Policing." *American Sociological Review* 82:977-1008.

Week 9 March 13

Law and the Spread of Rights

1. Hafner-Burton, Emilie, Kiyoteru Tsutsui and John Meyer. 2008. "International Human Rights Law and the Politics of Legitimation: Repressive States and Human Rights Treaties." *International Sociology* 23:115-141.
2. Saguy, Abigail. "International Crossways: Traffic in Sexual Harassment Policy." 2002. *European Journal of Women's Studies* 9:249-267

Week 10. March 20

Paper Due

War, Crime and Law: The Case of Genocide

1. "Genocide", and *Prosecutor v. Akayesu* (1998, International Criminal Tribunal for Rwanda), as excerpted in Beth Van Schaack and Ronald C. Slye, eds. 2007. *International Criminal Law and Its Enforcement – Cases and Materials*. New York: Foundation Press. Pp. 410-420.
2. Hagan, John and Wenona Rymond-Richmond. 2008. "The Collective Dynamics of Racial Dehumanization and Genocidal Victimization in Darfur." *American Sociological Review* 73:875-902.

Week 11. March 27

After Atrocity: Law as a Platform for Collective Memory

1. Savelsberg, Joachim and Ryan King. 2011. Excerpt from *American Memories: Atrocities and the Law*. New York: Russell Sage. Available on Blackboard
2. Levi, Ron, Sara Dezalay and Michael Amiraslani. 2016. "Prosecutorial Strategies and Opening Statements: Justifying International Prosecutions from the International Military Tribunal at Nuremberg through to the International Criminal Court." *Comparativ: Journal for Global History and Comparative Studies* 26(4):58-73.
3. Kolbert, Elizabeth. 2015. "The Last Trial: A Great-Grandmother, Auschwitz, and the Arc of Justice." *The New Yorker*, 16 February.

Week 12. April 3: Test (in class)