

**SOCI 401.53, SOCIAL THEORY AND THE LAW  
WINTER 2018**

**Department of Sociology  
University of Calgary**

**SOCI 401.50  
Social Theory and the Law  
Winter 2018**

**Course Times:** Monday 1:00-1:50am, Wednesday 1:00-1:50am, Friday 1:00-1:50am  
**Course Location:** SA119

**Instructor:** Dr. Dean Curran

**Office:** SS 918

**Email:** [dcurran@ucalgary.ca](mailto:dcurran@ucalgary.ca)

**Phone:** 403-220-6520

**Office Hours:** Monday 12:00pm–12:50pm, Wednesday 1:50pm–3:00pm

**Course Overview**

This course explores different theoretical approaches to the foundations of law and its interrelations with the state, justice, power, and autonomy. This course will cover classical and contemporary understandings of the law through engaging with insights of thinkers such as Plato, Hobbes, Locke, Bentham, Hegel, Marx, Weber, Durkheim, Foucault, Habermas, and Wendy Brown. Topics that may be covered include the relationship of law to society, the economy, and justice, ethics, and morality, as well as the relationship between law, power and the enlightenment, and different forms of harm and legal responsibility.

**Aims and Objectives**

At the end of this course, students should have knowledge and understanding of:

- Some of the dominant approaches to social theory and the law.
- The debates regarding the role and value of law, justice, and rights in contemporary society.
- How these debates over social theoretical approaches to law relate to key debates in contemporary sociological theory, regarding justice, punishment, rights, freedom, individual and collective identity.

This course should also enhance students' ability to:

- To theorize in a critical and analytical manner about how to conceive of the social foundations of the law.
- Write clearly and cogently about sociological approaches to the law.
- Make a contribution to existing debates in the social theory and law and by fashioning and defending their own arguments.

**Course Content**

In exploring theoretical approaches to social theory and law, this course is highly theoretical, as well as making extensive reference to empirical evidence to evaluate and apply these theories. While SOCI 331 and 333 are not formal prerequisites for this course, it is advised that students

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who do not have a basis in theoretical approaches to social life are likely to find the content in this course quite challenging.

### **Theory and Theorizing**

In this course it is essential that students engage in a theoretical manner with the course material in their participation and writing. It is essential that students not merely describe and summarize the readings. A theoretical analysis seeks to abstract certain key ideas, arguments, concepts from the specific content of a text and then reconstructs the arguments, ideas, or concepts in such a way that we are able to better grasp the relations between different ideas and concepts. This process of abstraction and reconstruction may be for the purpose of: better understanding a specific concept of a theorist (such as Weber's "rationalization" or Durkheim's "anomie"); better understanding the relation between the different concepts of a specific thinker (such as how Marx's theory of class relates to his theory of value); or better understanding the relation between two thinkers' conception of social reality (such as the connection between Marx's understanding of "alienation" and Durkheim's "social facts"). This improved understanding through the process of abstraction and reconstruction may be for such purposes such as: (1) helping to better understand the theorist's work in their own terms, (2) critiquing the work of the thinker, or (3) identifying how to apply the basic theories of a thinker to a very different context than the one for which they were originally formulated.

**Required Texts** (The books are available from the U of C bookstore)

- Plato (2003) *The Republic*; Penguin
- C.B. Macpherson (1962) *The Political Theory of Possessive Individualism: Hobbes to Locke*; Oxford University Press
- Michel Foucault (1977) *Discipline and Punish: The Birth of the Prison*; Vintage
- Wendy Brown (2015) *Undoing the Demos: Neoliberalism's Stealth Revolution*; Zone Books

### **Teaching and Learning**

Format of the Course

- 13 three X a week 50 minute lectures, presentations, and discussions (with exceptions of reading days). Fridays will be days devoted primarily to discussion.
- 1 Presentation
- 1 Theory Paper
- 1 Take-home Final Exam

### **Course Assessment**

Participation (and discussion facilitation): 15%

Presentation: 20%

Theory Paper: 35% (**Due April 4<sup>th</sup>, 2018**)

Final Exam: 30% (**April 20<sup>th</sup>, 2018**)

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**Course Participation (15%)**

Students are expected to regularly attend the lectures and other presentations, and to have completed the readings prior to the Wednesday class. It is important that each student be prepared to contribute to the discussion of the readings, both for their own learning and for the benefit of the class as a whole. Additionally, each student will once during the term be assigned a week where they will, with 2-3 other students, help facilitate discussion of the readings on Friday of that week.

**Presentation 20%**

Given that this is a 400 level course, with capped enrollment, more of an effort will be made to have student participation and contribution in the course. Each student will be expected to present once. The presentations will run from week 3 to week 12. Since the schedule of the presentations will depend on enrollment, more information will be provided on presentations in week two.

**Theory Paper 35% (Due April 5<sup>th</sup>, 2018)**

The theory paper is a core component of assessment for this course. The paper assignment is intended to enable students to develop a substantive theoretical paper and to further develop the skills associated with this task. The readings in this course are intended to provide an in-depth introduction to many of the key debates in the social theory and the law. Students are heavily encouraged to plan ahead and consult with the instructor regarding their proposed essay topics. The paper should be 2500 words (10% allowance either way).

**Final Exam (30%) (Exam Period, April 21<sup>st</sup>, 2018)**

The final exam will be a take-home. It will cover the entire course material, both readings and lectures. Proper citation practice must be used in the take-home essays. The questions will be placed on D2L on April 13<sup>th</sup> and will be due one week later on D2L, **April 20<sup>th</sup>, 2018 at 4pm.** Take-home exams that are late will receive an F grade. **Students are responsible for checking that they have uploaded the correct file – there will be no exceptions for incorrectly uploaded submissions.**

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**Class Etiquette**

Use of cell phones or internet on laptops distracts other students and the instructor and hence is not permitted. Based on previous feedback from students, the policy for this class will be that laptops without the use of internet is permitted, but that if laptops are used for other than taking notes, permission to use a laptop will be withdrawn.

**Submission and Late Policy**

The term paper is to be handed in as a hard copy in class to the course instructor the day of class that it is due. The paper will receive a late penalty of FIVE (5) MARKS PER FULL OR PART DAY (a weekend counts as two full days). Any paper more than one (1) week late without a valid extension will receive a mark of zero (0). Accommodations are unlikely to be allowed for late entry other than illness or another serious and documented situation – talk to me prior to the deadline. Take-home exams that are late will receive a mark of F.

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**General Referencing Guidelines**

1. Always include page numbers of the source you are referencing - just using a date is not enough. Harvard style (in text citations with date and page e.g. (Marx 1848: 139) is recommended)

**Learning and Discussion**

While many truths that we hold may appear self-evident to ourselves, rather than remaining in our silos, a core part of the task of universities and of critical social theory is to critically engage with other viewpoints and to learn to further articulate the reasons for one's views. It is particularly important that we engage in respectful conversation in classroom discussions; likewise, it is important to emphasize that disagreement does not in itself automatically constitute disrespect of other viewpoints. In challenging dominant views in society and our own views, we can further our ability to better understand society as well better enable ourselves to engage in critical debates ongoing in contemporary society.

**Office Hours:** During office hours you are free to drop by without an appointment at any time. If you are unable to make that time, please contact me in advance so that we can try to arrange an appointment. Office hours are a very effective and efficient way of providing help and I encourage all students to make use of my office hours.

**Departmental Standard Policies**

**Instructor Contact Policy**

**Email:** Feel free to contact me over email at any time. Please put your course number and section in your email's subject line, and include a proper salutation, your full name, student ID, and a proper closing in the body of your email. All emails violating customary email conventions will be ignored. It may take up to 48 hours (not including weekends) for me to respond to you. I do not answer emails over the weekend. Please take that into account when emailing me questions pertaining assignments or exams. If you have a course-related question, please check the course outline first. Questions that can be answered by consulting the course outline will not be answered. Also, please e-mail me for administrative purposes only, for example to set up an appointment. Please do not use e-mail as a replacement for an office visit, if there is something you want to discuss. Questions about the course content and readings, concerns about grades, or any other personal issues should be dealt with in person during my office hours.

Your final letter grade will be determined according to the following schedule:

95-100 A+	67-69 C+
90-94 A	63-66 C
85-89 A-	60-62 C-
80-84 B+	55-59 D+
75-79 B	50-54 D
70-74 B-	49 or less F

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**Academic Misconduct**

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Please refer to the website listed below for information on University of Calgary policies on Plagiarism/Cheating/Other Academic Misconduct:

<http://www.ucalgary.ca/pubs/calendar/current/k-5.html>

### **Deferrals**

When possible, please provide advance notice if you are unable to write an exam or complete/turn-in assignments on time. All requests for deferral of a course component due to health reasons must be accompanied by written documentation as outlined in the University Calendar and should be obtained while the student has the health issue rather than after recovery. Deferrals will be allowed in the following circumstances: illness, domestic affliction or religious conviction. Travel arrangements, misreading the syllabus, and scheduling conflicts with other classes or employment are not valid reasons for requesting a deferral. Deferrals will not be granted if it is determined that just cause is not shown by the student.

If you have missed a test for a legitimate reason, the instructor can require you to write a “make up” test as close in time to the original test as possible or can choose to transfer the percentage weight to another course component. If the instructor schedules a “make up” test for you, its date and location will be at the convenience of the Department of Sociology.

**Deferred Final Exam Form:** Please note that requests to defer a Registrar scheduled final exam are dealt with through the Registrar’s Office. Further information about deadlines, and where paperwork should be taken, is available on the form, which can be found at:

<https://www.ucalgary.ca/registrar/student-forms>

**Deferred Term Work Form:** Deferral of term work past the end of a term also requires a form to be filled out. It’s available at

[https://www.ucalgary.ca/registrar/files/registrar/deferred\\_termwork15\\_0.pdf](https://www.ucalgary.ca/registrar/files/registrar/deferred_termwork15_0.pdf)

Once an extension date has been agreed between instructor and student, the form should be taken to the Faculty of Arts Program Information Centre (SS 110) for approval by an Associate Dean (Students).

### **Student Representation**

The 2017-18 Students’ Union VP Academic is Tina Miller ([suvpaca@ucalgary.ca](mailto:suvpaca@ucalgary.ca)). For more information, and to contact other elected officials with the Student’s Union, please visit this link: <https://www.su.ucalgary.ca/about/who-we-are/elected-officials/>. You may also wish to contact the Student Ombudsperson for help with a variety of University-related matters:

<http://www.ucalgary.ca/ombuds/contact>

### **Emergency Evacuations**

In the case of fire or other emergency evacuation of this classroom, please proceed to the assembly point at Social Science - Food Court. Please check these assembly point locations for all of your classes at: <http://www.ucalgary.ca/emergencyplan/assemblypoints>

### **Safewalk**

The University of Calgary provides a “safe walk” service to any location on Campus, including the LRT, parking lots, bus zones, and campus housing. For Campus Security/Safewalk call 220-5333. Campus Security can also be contacted from any of the “Help” phones located around Campus.

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**Academic Accommodation**

The student accommodation policy can be found at: [ucalgary.ca/access/accommodations/policy](http://ucalgary.ca/access/accommodations/policy).

Students needing an Accommodation because of a Disability or medical condition should communicate this need to Student Accessibility Services in accordance with the Procedure for Accommodations for Students with Disabilities [ucalgary.ca/policies/files/policies/student-accommodation-policy](http://ucalgary.ca/policies/files/policies/student-accommodation-policy).

Students needing an Accommodation based on a Protected Ground other than Disability, should communicate this need, preferably in writing, to the course instructor.

## Course Readings

<b><u>Part I: Plato's Republic</u></b>
<b>Week 1 (Jan 8-12): Plato I</b> <ul style="list-style-type: none"><li>• Plato, Book I-II</li></ul>
<b>Week 2 (Jan 15-19): Plato II</b> <ul style="list-style-type: none"><li>• Plato Book IV,VI</li></ul>
<b>Week 3 (Jan 22-26) Plato III</b> <ul style="list-style-type: none"><li>• Plato, Book VII-IX</li></ul>
<b><u>Part II: The Theory of Possessive Individualism</u></b>
<b>Week 4 (Jan 29): Hobbes I</b> <ul style="list-style-type: none"><li>• Macpherson, pp. 1-60</li></ul>
<b>Week 5 (Feb 5-9): Hobbes II, Levellers, and Locke I</b> <ul style="list-style-type: none"><li>• Macpherson, pp. 61-70, 85-107, 136-159 194-203</li></ul>
<b>Week 6 (Feb 12-16) Locke II and Possessive Individualism</b> <ul style="list-style-type: none"><li>• Macpherson, pp. 204-262, 270-277</li></ul>
<b><u>Part III: Foucauldian approaches to law, individualism, and power</u></b>
<b>Week 7 (Feb 26-Mar 2): Foucault I</b> <ul style="list-style-type: none"><li>• Foucault, pp. 1-31, 73-103; Macpherson 263-270.</li></ul>
<b>Week 8 (Mar 5-9): Foucault II</b> <ul style="list-style-type: none"><li>• Foucault pp. 104-131, 135-169</li></ul>
<b>Week 9 (Mar 12-16): Foucault III</b> <ul style="list-style-type: none"><li>• Foucault, pp. 170-228</li></ul>
<b>Week 10 (Mar 19-23): Foucault IV</b> <ul style="list-style-type: none"><li>• Foucault, pp. 257-308</li></ul>
<b><u>Part IV: W. Brown and Neoliberalism</u></b>
<b>Week 11 (Mar 26-28): Brown I</b> <ul style="list-style-type: none"><li>• Brown pp. 17-91</li></ul>
<b>Week 12 (Apr 2-6): Brown II</b> <ul style="list-style-type: none"><li>• Brown pp. 91-111, 122-131, 151-190,</li></ul>
<b>Week 13 (Apr 9, 11): Brown III</b> <ul style="list-style-type: none"><li>• Brown pp. 210-222</li></ul>

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**Criteria for Papers:**

This is a checklist to help evaluate a paper submitted in this course. The greater degree to which each question can be answered positively to a high level, the better the paper.

**Thesis Statement**

Is it identifiable and clear?

Is it manageable rather than being too broad for a short paper?

Is it something substantive and does it provide the key argument(s) of the paper?

Does the paper actually then closely follow the thesis?

**Theoretical Understandings**

Does the paper identify the key elements of the concepts that it is discussing?

Does it explain these concepts clearly and accurately and in sufficient depth?

Does its further discussion of the concepts demonstrate an overall understanding of the theorists involved in the paper, as well as integrating other literatures into the paper well?

Does it move beyond simply describing or summarizing the readings to analyze them and their underlying reasons and understandings?

Can it apply these concepts to new contexts and arguments in an insightful way?

Does the paper manifest a critical understanding of the subject matter of the paper?

Does the paper manifest a certain level of originality or creativity in understanding and critically analyzing the theorists discussed?

**Writing Quality**

Is the grammar and spelling correct?

Is it clear what the meaning of the sentences and paragraphs is?

Does it follow a clear structure, and provide the reader with an understanding of where the argument is proceeding, rather than being disorganized or disjointed?

**Evidence**

Does the paper provide reasons for the arguments and conclusions that it makes?

Are the reasons provided clear and persuasive?

In making claims about a certain thinker's ideas does it provide proper evidence of these claims through proper citation (book and page number) and argumentation?

**A Paper**

The paper will be very good in all these dimensions.

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**B Paper**

The paper will be good on all of these dimensions, or adequate on some dimensions and very good on other dimensions.

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**C Paper**

The paper will be satisfactory on all of these dimensions, or poor on some and good (or very good) on others.

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**D Paper**

The paper is poor on many of these dimensions.

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**F Paper**

The paper will be inadequate on several of these dimensions.

**Criteria for Presentations**

Presentation skills are extremely important to develop. Presenting in the context of a university amongst supportive peers can make an essential contribution to developing these skills. The following are some criteria for the marking of presentations. The greater degree to which each question can be answered positively to a high level, the better the presentation.

**Presentation Style**

Is the presentation style engaging?

Is the language clear and can the presenter be heard clearly?

Does the presenter look at the audience and speak to the audience, rather than just reading his or her notes?

**Organization**

Is the aim of the presentation clear?

Is the presentation well-organized and does it flow well, rather than feeling disjointed or confusing?

Is the presentation on time, rather than being too short or too long?

**Understanding**

Does the presentation clearly display knowledge and understanding of the material involved?

Does it move beyond simply summarizing the reading to provide an analysis of the reading?

Is there a critical engagement with the key arguments of the material?

Does the presenter help the audience to better understand the reading or to better understand the issues related to the topic of the presentation?

Is the presenter's question engaging and clear?

Is the presenter able to integrate other knowledge into this specific reading or issue? (Note: this is not compulsory, but can be beneficial)

Does the presenter manifest a certain level of creativity in understanding and applying the content of the presentation?

**Grade Level**

**A:** The presentation will be very good in all these dimensions.

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**B:** The presentation will be good on all of these dimensions, or satisfactory on some dimensions and very good on other dimensions.

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**C:** The presentation will be satisfactory on all of these dimensions, or poor on some and good (or very good) on others.

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**D:** The presentation is poor on many of these dimensions.

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**F:** The presentation will be inadequate on several of these dimensions.