

THE UNIVERSITY OF CALGARY
FACULTY OF ARTS
DEPARTMENT OF SOCIOLOGY
(<http://soci.ucalgary.ca>)

Sociology of Law (SOC1429)
FALL 2016
M/W/F 1:00 – 1:50
Classroom: ST 064

Instructor: Dr. Kirsten Kramar
Office Location: SS 828
Office Phone: 403.210.6501
E-Mail: kirsten.kramar@ucalgary.ca
Office Hours: M/W/F 11:30 a.m. – 12:30 p.m. (or by appointment)

Course Description

This course explores the social basis of law-society relations. Law is a social phenomenon that is both shaped by and shapes the society in which it operates. The course examines a variety of classical, modern, and post-modern theoretical perspectives to investigate substantive issues that pertain to the role of law in reproducing particular social orders. To understand law from a sociological perspective is to examine law as an historical creation emerging out of specific sets of power and knowledge relations.

Textbook and Readings

Pavlich, George. (2011). *Law & Society Redefined*. Toronto: Oxford University Press – required.

Comack, Elizabeth (ed). (2014). *Locating Law: Race, Class, Gender, Sexuality, Connections* (3rd Ed). Halifax & Winnipeg: Fernwood Books. – recommended.

Additional supplementary required/recommended readings will be posted for retrieval in Desire2Learn.

Course Schedule

Our schedule and readings may be subject to change – announcements about changes to the course schedule are done in class.

Part One – Law Sui Generis

Week One (Sept 12-16) – Natural Law
Pavlich, Chapters 1 & 2

Week Two (Sept 19-23) – Legal Positivism
Pavlich, Chapter 3

Week Three (Sept 26-30) – Sociological Jurisprudence and U.S. Legal Realism
Pavlich, Chapter 4

Part Two – Society Sui Generis

Weeks Four & Five (Oct. 3-14) – Classical Sociological Approaches to Law and Social Order
Pavlich, Chapters 5, 6, & 7

Hunt, Alan. (2002) “The Problematisation of Law in Classical Social Theory” in Reza Banakar and Max Travers (eds) *An Introduction to Law and Social Theory*, Portland: Hart Publishing. (available on D2L).

Week Six (Oct 17-21) – Critical Legal Studies: Race, Class & Gender
Pavlich, Chapter 8
Comack, Chapter 1 (recommended)

Week Seven (24-28) – Corporate Crime
Bittle, S and L. Snider “The Breakdown of Canada’s Corporate Crime Laws” in Comack pp. 178-197
And/or
S. Bittle and L. Snider, Law, Regulation and Safety Crime: Exploring the boundaries of criminalizing powerful corporate actors, *Canadian Journal of Law and Society*, 30 (March 2015)

Week Eight (Oct 31-Nov 4) – Feminist Challenges to Sexual Assault Law
Busby, K “ Sex was in the Air” in Comack pp. 257-293
And/or
Busby, K. “Every Breath You Take: Erotic Asphyxiation, Vengeful Wives and Other Enduring Myths In Spousal Sexual Assault Prosecutions” (2012) 24 *Canadian Journal of Women and the Law/Revue Femmes et droit.* 328-358.
Jochelson, R and K. Kramar “Essentialism Makes for Strange Bedmates: The Supreme Court Case of J.A. and the Intervention of LEAF”, (2012) *Windsor Yearbook Access to Justice*, 30(1): 77-100. http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2165877##

Week Nine (Nov. 7-11 no classes Remembrance Day) – Mitigation Frameworks: Colonialism, Racial Discrimination and Sentencing Law
Milward, D and D. Parkes “Colonialism, Systemic Discrimination, and the Crisis of Indigenous Over-Incarceration” in Comack pp. 88-143
Additional readings posted on D2L

Week Ten (Nov. 14-18) – Review and Research

Part Three – Promising Justice: The Becoming of Law and Society

Week Week Eleven (Nov. 21-25) – Foucault and Governmental Rationalities

Pavlich, Chapter 9

Jochelson, R. and K. Kramar (2014) “Governing Obscenity and Indecency in Canada” in E. Comack (ed) *Locating Law* Halifax & Winnipeg: Fernwood Books.

Or:

Jochelson, Richard and Kirsten Kramar 2011. “Governing Through Harm to Promote Liberal Values: The Canadian Approach to Obscenity and Indecency Following R. v. Labaye” *Canadian Journal of Sociology* 36(4): 283-312 (open source available online here: <https://ejournals.library.ualberta.ca/index.php/CJS/issue/view/721>).

Week Twelve (Nov. 28-Dec 2) – Agamben’s Law and States of Exception

Pavlich Chapter 10 – Contested Sovereignties, Violence and Law

Jakubowski, L “Managing Canadian Immigration” in Comack pp. 88-113

Week Thirteen (Dec 5-9) – Rethinking Law’s Empire

Pavlich Chapter 11 and Conclusion – Just Events and After Law and Society?

Film: The Secret Trial Five: <http://secrettrials.com/>

Assignments and Evaluation

All the research and writing for this course is cumulative in nature. Students are encouraged to develop expertise using a chosen theoretical framework and to pursue a substantive topic of research and to carry this interest throughout the course. Formal evaluation in this course will consist of 1 critical reflection writing assignment (15%), 1 essay proposal (15%), 1 research essay (40%) and 1 final take home exam (30%).

Critical Reflection Writing Assignment (15%):

This assignment will involve writing a summary and analysis (interpretation and evaluation of evidence) of the assigned readings and cases.

Students are required to hand in a 6-8 page critical reflection on the assigned readings of their choice. There is no specific due date for this assignment. Students will negotiate a mutually agreeable due date with their professor (in writing via email). A more detailed handout describing this assignment will be distributed in the first weeks of class.

Essay Proposal (15%) Due November 14, 2016:

This assignment provides you with an opportunity to get feedback from me on your proposed research essay topic. You will be required to outline your theoretical approach, substantive topic and are expected to provide me with at least 10-15 potential academic

sources and relevant case law (i.e. your independent socio-legal research). A range of potential topics will be discussed in class.

Research Essay (40%) Due December 9, 2016:

Students are required to submit one 12-15 page argumentative research essay on a substantive topic of your choice. You may pursue the same topic throughout the course in order to develop your theoretical framework and research interest(s). The Comack (2014) reader (*Locating Law*) contains a number of chapters on substantive issues in a variety of legal contexts (criminal law, family law, corporate crime, indigenous challenges to law, labour law and immigration law) and is good place to start with your research. In addition to which there are suggested readings at the end of each chapter in Pavlich (2011). However, you may choose to conduct alternate independent research on a different topic in law. More details about the research essay and Essay Writing Guidelines will be discussed during lectures and posted on D2L.

Final Take Home Test (30%) Due December 16, 2016:

Students will be given a number of possible questions to write about from which to choose. Students should upload their take home test to D2L by midnight on Friday, December 16, 2016. Your written work should consist of a typed (12pt font using standard margins and academic referencing) answer to the question. The length of your answers will depend upon the question you choose to answer and the case law used to support your argument. There is no required or ideal page length for your answers. If you provide me with a paper copy of your test answer prior to the due date please be sure to paginate and staple your work. Always keep a paper copy of your test answer, and set your computer to 'autosave' every few minutes while writing. You may use any acceptable referencing format, but you must be consistent in your use of that referencing style (MLA, APA, Harvard, or Chicago Style). Students may arrange alternate due dates with the professor for the final take home test (without academic penalty) provided we both agree in writing (via email confirmation) to an alternate acceptable due date. These mutually acceptable alternate arrangements must be made in advance of the due date noted above.

The following letter grades will be assigned to the corresponding numerical scores:

Final Percentage Score	Letter Grade
97-100	A+
90-96	A
85-89	A-
81-84	B+
78-80	B
75-77	B-
70-74	C+
65-69	C
60-64	C-
55-59	D+

50-55	D
≤49.9	F

Course Objectives

The purpose of this course is to engage with issues that are integral to the sociological study of law and society. Through the process of our collaborative engagement with legal theories, academic arguments, and case law, both student and teacher embark on a voyage of intellectual experimentation, dialogue and discovery. Thus, our objective is shared: the outcomes unpredictable. My ambition is to contribute to your development as ‘engaged citizens’ by deepening your liberal arts education during lectures, assigned readings, critical reflection, discussion, and through my evaluation of your own independent research and writing about the socio-political arguments that underpin the legal knowledge that shapes our contemporary social world.

RIGHTS, RESPONSIBILITIES AND CLASSROOM POLICIES:

Continued enrolment in this course indicates full agreement with the conditions and expectations outlined in this syllabus. Please bring any concerns or questions about the contents of this syllabus to my attention as soon as possible. This syllabus will be discussed, and opportunities for questions provided, during the first week of classes. I am also available during the term during office hours to clarify any questions regarding this syllabus.

Grade Reappraisal

Within two weeks of the date the exam/assignment is returned, students seeking reappraisal of examinations or assignments must submit a written response to the instructor explaining the basis for reconsideration of one’s mark (why you believe an error in grading has been made). The instructor will reconsider the grade assigned and will then book a time with the student to discuss his or her work and rationale. I am more than willing to formally or informally review grades assigned and have no particular desire to give anyone a bad grade. It should be noted that a reconsidered mark may be raised, lowered, or remain the same.

Technology Use

Please note that the use of laptops, tablets, cell phones or other electronic devices is **NOT** permitted during lectures. Students who require the use of electronic devices for academic accommodation purposes are exempt from this policy, but must provide documentation from Student Accessibility Services to the instructor. Please be sure to mute your cell phone and refrain from using it during class.

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. All other emails will be answered within one business day. 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.

Handing in Papers, Assignments

1. The main Sociology Department office does not deal with any course-related matters. Please speak directly to your instructor.
2. **Protection of Privacy:** The Freedom of Information and Protection of Privacy (FOIPP) legislation does not allow students to retrieve any course material from public places. Anything that requires handing back will be returned directly during class or office hours. If students are unable to pick up their assignments from the instructor, they provide the instructor with a stamped, self-addressed envelope to be used for the return of the assignment.
3. Final grades are not posted by the Sociology Department. They are only available online.

Ethics Research

Students are advised that any research with human subjects – including any interviewing (even with friends and family), opinion polling, or unobtrusive observation – must have the approval of the Faculty Ethics Committee. In completing course requirements, students must not undertake any human subjects research without discussing their plans with the instructor, to determine if ethics approval is required.

Academic Misconduct

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-2-1.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

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 2016-17 Students’ Union VP Academic is Alicia Lunz (suvpaca@ucalgary.ca). The Faculty of Arts has four SU representatives who may be contacted at any of the following email addresses: arts1@ucalgary.ca, arts2@ucalgary.ca, arts3@ucalgary.ca, and arts4@ucalgary.ca. You may also wish to contact the Student Ombudsperson for help with a variety of University-related matters: <http://www.ucalgary.ca/provost/students/ombuds/role>

Emergency Evacuations

In the case of fire or other emergency evacuation of this classroom, please proceed to the assembly point at **Professional Facilities, 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.

Academic Accommodation

Students needing an Accommodation because of a Disability or medical condition should contact Student Accessibility Services (MC 293, phone 403-220-8237) in accordance with the Procedure for Accommodations for Students with Disabilities available at http://www.ucalgary.ca/policies/files/policies/student-accommodation-policy_0.pdf. Please provide academic accommodation letters to the instructor as early in the semester as possible and no later than two weeks after the course begins.