

SOCIOLOGY 429.01: SOCIOLOGY OF LAW

WINTER 2014

[PLEASE READ CAREFULLY]

INSTRUCTOR: Dr. Bruce Arnold*
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Email: drarnold@ucalgary.ca (only)
OFFICE HRS: (SS912) Tuesdays/Thursdays 9:30-10:30am*
CLASS: Tuesdays & Thursdays 11:00-12:15 (EDC 287)

* Please note the instructor uses limited email for substantive or content related course issues because it is an inefficient means for assisting students. Instead, the instructor is available at various times weekly throughout the term to assist you and you are encouraged to use Dr. Arnold as a resource throughout the course. It is my pleasure to assist you with this course. Please use the email above to report an absence from class or to set up an appointment during office hours.

* Office appointments can also be scheduled at mutually convenient times.

* For student study resources see <http://soci.ucalgary.ca/18/jfstud.htm>

* The instructor may make some changes to course deadlines, timing, format, and content.

* Concerns about evaluations and grades must be first put in writing, including the grounds and rationale for said concerns, and submitted to the instructor in advance of a meeting being scheduled at a mutually convenient time.

* Make up exams (e.g., with official documentation) will be during Department of Sociology make-up scheduled dates and times.

* All audio or video recording in class must have prior written permission from the instructor.

* All students must be registered in this class.

* Please note the instructor cannot give legal advice for specific situations. The Faculty of Law offers legal counselling for U of C students.

Sociology and law are combined into a multidisciplinary area of study referred to as the "sociology of law". The sociology of law in this course is located within the general discipline of sociology that studies the origins, impact and interactions between *informal* (everyday) cultural rules and *formal* (e.g., torts) legal rules that organize intra and inter-individual, group and societal behaviour. Law and legal systems are cultural products that form a structure of meaning that guide individuals and groups in everyday interactions and conflicts, and or formal legal disputes. This structure is passed on through socially transmitted role specific norms of conduct and rules for expectations and decisions that influence the construction of intentional systems within the legal system and everyday interactions. While we are introduced to various (historical and cultural) legal systems, emphasis will be placed upon a *social cognition* approach to investigate how understanding "law" is also ultimately learning about ourselves and the social world we inhabit; including our cultural values of freedom, constraint, duty, and fairness.

This course draws from and introduces selected tort laws for investigating the social functions of law in our everyday lives. Relevant legal concepts will first be introduced and will include the duty of care, breach of duty of care, the reasonable person, level of standard of care, foreseeability, intentional behaviour, and harm, among others. To investigate how these apply to our lives, including ambiguities, conflicts, paradoxes, functions, we will then use selected (case law) examples including assault, battery, false imprisonment, trespass, defamation, and product liability. Relevant developments in social cognition, including emotional components of how we perceive ourselves and social expectations, are used to unpack how and why “law” and “fairness” is so embedded in all aspects of our lives, and some of the intended and unintended consequences.

This course is divided into four basic but interdependent and overlapping sections.

- The first part of the course will examine a variety of central issues that constitute the relationship between law and social life. This section will make use of the selected chapters in the Kidder text and assigned article readings.
- The second part of this course links section one with specific legal issues and tort principles, case law, impact on our daily lives. We will make additional use of the Solomon text and assigned article readings for how we negotiate “fairness” (aka justice) in our daily lives.
- This course will draw from everyday examples provided by the instructor and students to investigate how and to what extent tort law influences socio-cultural behavior. This “inquiry-based” component of the course will play a central part in the course goals (see below).
- Small student teams will undertake and present a research project utilizing and demonstrating knowledge and understanding of course issues and materials.

Course goals:

- Critical thinking skills through appreciation that different cultures and societies develop and solve problems using “law” in diverse ways
- Gain knowledge about specific substantive topics and selected case law in Canadian tort law in social and cultural contexts
- Appreciation of value and limitations of sociological theories and laws developed within a specific cultural-social-legal contexts
- Appreciation of the value of multidisciplinary approaches to socio-legal research questions
- How tort law interactions with everyday activities and social roles
- The role emotions play in socio-legal behavior and attitudes, including what is considered “reasonable” or “fair”
- Increase self-awareness of and respect for other individuals and group diversity
- Increase communication skills
- Thinking critically, logically and comparatively to evaluate situations, solve problems and make decisions
- Increase ability to plan and manage time, goal setting and priorities

- Work effectively as a responsible member of a team

This is an upper-level sociology course and will therefore include a number of teaching and research formats so as to link classroom activities to course readings and issues, and establish linkages between formal law and law as experienced in everyday life. Students will be in small research teams (about 3 per team) and will be required to work independently, as a team member, establish and meet deadlines, identify and resolve team and research related difficulties. Team membership changes must be approved by the instructor. Teams will be established at the beginning of term. Please use the instructor as a team resource - it is my pleasure to assist you.

EVALUATION: Course evaluation will be based upon:

- 3 in class examinations;
- An article and or text chapter team presentation from the assigned readings,
- A research team presentation;
- Participation.

Students are strongly encouraged to study in small groups or teams. All components must be completed to receive a passing grade in the course. Make-up examinations will only be allowed in instances of documented medical problems, or other documented emergencies.

Exams: The examinations will include short answer questions drawn from all materials presented in class including the readings and discussions. The first two examinations are not cumulative. The final quiz will include questions drawn from: (1) team research projects, and (2) selected course material and issues covered since the second mid-term exam - students will be informed in advance of the specific reading sections and issues for review purposes.

Reading presentation: Students teams will be asked to briefly summarize KEY course issues in an assigned reading(s) and clearly connect them to class issues, with a brief course related analysis, and resulting question for the class (15 minutes). Students will distribute a 2 page point-form outline of their presentation to the instructor and all students before their presentation. More instructions and details for this presentation will be given in class. Please use the instructor as a resource.

Participation: Students are expected to do the readings and other class assignments in a timely manner and come to class prepared to contribute to discussions and debates. This will hopefully reduce stress and improve student learning. All students will be regularly invited to thoughtfully summarize and comment analytically on the readings - and to raise questions or challenges with the course materials. The instructor will facilitate discussion in a friendly, encouraging, and supportive environment.

Research Presentation: Student teams will make a 20 minute PowerPoint presentation of their research. Students will also distribute a 2-3 pages outline, plus bibliography, to the instructor and all students before their presentation. More instructions and details for this

research and presentations will be given in class. Please see the instructor during the course to assist you with developing your research ideas, implementing them, and designing your presentation. It is my pleasure to assist you with this during all stages of the research process.

Mid-term Exams:Thursday, Feb.13th and Tuesday March 25th
(25% x2)

Final Quiz:April 10th (in class only) 10%

Research Team article/chapter presentation:TBA 5%

Research team presentations: Presentations: end of term - see Course Schedule on Blackboard. (30%)

Individual Participation:5%

Grading Scheme

A+	96-100
A	85-95
A-	80-84
B+	77-79
B	74-76
B-	70-73
C+	67-69
C	64-66
C-	60-63
D+	55-59
D	50-54
F	49-0

Students are expected and encouraged to make use of the instructor and team members as learning resources for this course. Please come and see me during office hours or before or after class, it is my pleasure to assist you.

All members of teams are expected to equally and responsibly contribute to all team undertakings in a timely manner and must be present during their article and research presentations. Team members who are unable to meet these expectations may be given alternative assignments at the discretion of the instructor. All components of this course must be completed to receive a passing grade. A deadline is a deadline with a 10% per day (including weekends) deducted from late assignments. Students with appropriate reasons for being late with course work must provide official documentation as soon as possible so the instructor can assist you with possible alternative arrangements to accommodate student's circumstances.

REQUIRED TEXTBOOKS (available at University of Calgary bookstore)

1. Robert C. Solomon (1995) **A Passion for Justice: Emotions and the Origins of the Social Contract**. Rowman & Littlefield Publishers: Boston.
2. Robert L. Kidder (1983) **Connecting Law and Society: An Introduction to Research and Theory**. Prentice-Hall. N.J. Reprint.

REQUIRED ARTICLES (available at U of C on-line digital library collection)

Paul DiMaggio (1997) Culture and Cognition. **Annual Review of Sociology**, 23: 263-287.

Ricardo A. Guibourg (2001) Norms and the Categories of Inaccurate Thinking. **Ratio Juris**, 14(1) March: 10-33.

Claire A. Hill (2004) Law and Economics in the Personal Sphere. **Law & Social Inquiry**, Winter, 29(1): 219-260.

Jerry Kang (2005) Trojan Horses of Race. **Harvard Law Review**, March 118(5): 1490-1593 (selected pages will be assigned).

Bettina Lange (2002) The Emotional Dimension in Legal Regulation. **Journal of Law and Society**, March 29(1): 197-225.

David Morgan, David L. & Michael L Schwalbe (1990) Mind and Self in Society: Linking Social Structure and Social Cognition. **Social Psychology Quarterly** 53(2) June: 148-164.

Matti I. Niemi (2003) Facts, Fictions or Reasoning. Law as the Subject Matter of Jurisprudence. **Ratio Juris**, March 16(1): 1-13.

Norbert Schwarz (1998) Warmer and More Social: Recent Developments in Cognitive Social Psychology. **Annual Review of Sociology**, 24: 239-264.

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Exam Policies: You must provide advance written notice to the instructor if you are unable to take an exam. All requests for deferral of an examination 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 physical or emotional problem rather than after recovery. Deferred exams may be allowed in the following circumstances: illness, domestic affliction or religious conviction. If you have missed an exam for a legitimate reason, you will be able to write a “make up” exam as close to the original exam as possible. The date and location will be at the convenience of the Sociology Department. Travel arrangements and misreading of the syllabus are not valid reasons for

requesting a deferred exam. Deferred exams will not be granted if it is determined that just cause is not shown by the student.

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 Departmental 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: cheating is regarded as a serious academic offense. Students are advised to consult the University Calendar, which presents a Statement of Intellectual Honesty and definitions and penalties associated with cheating, plagiarism, and other academic misconduct.

The Freedom of Information and Protection of Privacy (FOIP) legislation disallows the practice of having students retrieve assignments from a public place, e.g., outside an instructor's office or the Department main office. Term assignments must be returned to students individually, during class, or during the instructor's office hours; if a student is unable to pick up her/his assignment s/he may provide the instructor with a stamped, self-addressed envelope to be used for the return of the assignment.

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 with a disability, who require academic accommodation, need to register with the Disability Resource Centre (MC 295, telephone 220-8237). Academic accommodation letters need to be provided to course instructors no later than fourteen (14) days after the first day of class. **It is a student's responsibility to register with the Disability Resource Centre and to request academic accommodation, if required.**