

University of Toronto Mississauga – Sociology
SOC325H5F (Fall 2018)

**Developments in Law and Society
(Law and Social Theory)**

Time: Monday, 3:00 PM – 5:00 PM
Location: Instructional Building, IB 345

Instructor Information

Instructor: Liu, Sida
Office location: NE 6288
Email address: sd.liu@utoronto.ca
Office hours: Monday, 5:00 PM – 7:00 PM (and by appointment)
Course website: U of T Quercus

Teaching Assistant: Abigail Borja Calonga
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Course Description

This course examines the writings on law-related topics in classical and contemporary social theories. At the intersection between socio-legal studies and sociological theory, the course traces how different generations of social theorists approach law, from classical theorists such as Montesquieu, Tocqueville, Durkheim, and Weber to contemporary socio-legal theorists across the world.

Prerequisites, Exclusions, CSL Group

Students who have successfully completed SOC100H5 and SOC209H5 are eligible to take this course.

Learning Objectives

At the end of the course, students will be able to:

- Select research topic, formulate a research question, and research the question by synthesizing it with the existing literature on the topic.
- Develop a conceptual argument that draws on a review of the literature.
- Explain the various theoretical traditions in the discipline.
- Explain the major concepts in the discipline.
- Apply sociological concepts, theories, and perspectives to historical and contemporary issues.
- Critically reflect on historical and contemporary issues.
- Critically evaluate the major debates in the discipline.
- Communicate sociological knowledge in a concise, clear, and correct manner in writing in individual, partnered and/or group settings.

Textbooks and Other Materials

There is no textbook for this course. The course readings are a collection of journal articles, book chapters, and other readings compiled by the instructor and available on the course website.

Evaluation Components and Grading Policies

Type	Date(s) Due	Weight
First Essay	5 October 2018 (Friday)	30%
Second Essay	9 November 2018 (Friday)	30%
Third Essay	5 December 2018 (Wednesday)	30%
Reflective Memo	5 December 2018 (Wednesday)	10%

All assignments must be submitted electronically to the course website. No hard copy is required. Email submission will not be accepted.

Class Participation

You are expected to attend class, read assigned course material before class, and prepare for, lead, and participate in classroom discussions. You are also expected to visit the course website on a weekly basis and check for updates from the instructor and the teaching assistant, as well as follow discussions. You are expected to be respectful of fellow classmates in discussions and lectures, curious and open-minded about others' and one's own perspectives, and cultivate an environment for mutual growth through collaboration and dialogue.

Essays

You are expected to complete three 5-page (double-spaced) essays during the course. Each essay covers four weeks of course materials and accounts for 30% of your final grade. The deadlines of the three essays are **12:00 PM (noon) on 5 October 2018 (Friday), 9 November 2018 (Friday), and 5 December 2018 (Wednesday)**, respectively. Specific information of the three essays will be given at least two weeks prior to the deadlines of the essay assignments. Please mark down the dates on your calendar and make sure that you submit the essays on time.

Reflective Memo

At the end of the course, you are expected to write a 3-page (double-spaced) reflective memo to critically assess the role of law in classical and contemporary social theories. The deadline of the reflective memo is **5:00 PM on 5 December 2018 (Wednesday)**. Specific information of the reflective memo will be given at least two weeks prior to the last class in Week 12. The reflective memo accounts for 10% of your final grade.

Course Schedule

Week 1 (10 September 2018)

Course Introduction

[Tamanaha, Brian. 2001. "Law and Society in Western Legal History." *A General Jurisprudence of Law and Society*. Oxford and New York: Oxford University Press. Chapter 2. \(pp. 11-50\)](#)

Week 2 (17 September 2018)

Law's Spirit and Institutions

[Montesquieu. \[1748\] 1989. *The Spirit of the Laws*, eds. A. M. Cohler, B. C. Miller, and H. S. Stone. Cambridge and New York: Cambridge University Press. Part I, Books 1-3, 8. \(pp. 3-30, 112-128\)](#)

[de Tocqueville, Alexis. 1838. "Causes Which Mitigate the Tyranny of the Majority in the United States." *Democracy in America*, trans. H. Reeve. New York: Adlard and Saunders. Chapter XVI. \(pp. 252-268\)](#)

Week 3 (24 September 2018)

Law and Social Solidarity

[Durkheim, Emile. *The Division of Labor in Society*, trans. W. D. Halls. New York: The Free Press. Book I, Chapters II, III, VII. \(pp. 31-87, 149-175\)](#)

Week 4 (1 October 2018)

Law, Rationality, and Capitalism

[Weber, Max. 1978. "The Types of Legitimate Domination." *Economy and Society*, eds. G. Roth and C. Wittich. Berkeley, CA: University of California Press. Volume 1, Part One, Chapter III. i-v. \(pp. 212-254\)](#)

[Trubek, David M. 1972. "Max Weber on Law and the Rise of Capitalism." *Wisconsin Law Review* 1972: 720-753.](#)

****First essay due at 12:00 PM (noon) on 5 October 2018 (Friday)****

----- Fall Reading Week: 8-14 October 2018 -----

Week 5 (15 October 2018)

Discipline and Governmentality

[Foucault, Michel. \[1975\] 1977. "Punishment." *Discipline and Punish: The Birth of the Prison*, trans. A. Sheridan. New York: Vintage Books. Part Two. \(pp. 73-131\)](#)

[Valverde, Mariana. 2010. "Spectors of Foucault in Law and Society Scholarship." *Annual Review of Law and Social Science* 6: 45-59.](#)

Week 6 (22 October 2018)

Legal Pluralism and Legal Consciousness

[Merry, Sally E. 1988. "Legal Pluralism." *Law & Society Review* 22: 869-896.](#)

[Ewick, Patricia, and Susan S. Silbey. 1998. "The Social Construction of Legality." *The Common Place of Law: Stories from Everyday Life*. Chicago: University of Chicago Press. Chapter 3. \(pp. 33-53\)](#)

[Silbey, Susan S. 2005. "After Legal Consciousness." *Annual Review of Law and Social Science* 1: 323-368.](#)

Week 7 (29 October 2018)

Law as a Social Structure

[Luhmann, Niklas. \[1972\] 1985. "Law as Structure of Society." *A Sociological Theory of Law*, trans. E. King and M. Albrow. London: Routledge. Chapter 3. \(pp. 103-158\)](#)

[Bourdieu, Pierre. 1987. "The Force of Law: Toward a Sociology of the Juridical Field." *The Hastings Law Journal* 38: 805-853.](#)

Week 8 (5 November 2018)

Law's Social Forms

[Black, Donald. 1976. *The Behavior of Law*. San Diego, CA: Academic Press. Chapter 1. \(pp. 1-10\)](#)

[de Sousa Santos, Boaventura. 1987. "Law: A Map of Misreading. Toward a Postmodern Conception of Law." *Journal of Law and Society* 14: 279-302.](#)

[Liu, Sida. 2015. "Law's Social Forms: A Powerless Approach to the Sociology of Law." *Law & Social Inquiry* 40: 1-28.](#)

****Second essay due at 12:00 PM (noon) on 9 November 2018 (Friday)****

Week 9 (12 November 2018)

Morality and Norms

[Fuller, Lon L. 1969. "The Morality that Makes Law Possible." *The Morality of Law* \(revised edition\). New Haven, CT: Yale University Press. Chapter II. \(pp. 33-94\)](#)

Habermas, Jürgen. [1992] 1996. "The Sociology of Law versus the Philosophy of Justice." *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, trans. W. Rehg. Cambridge, MA: The MIT Press. Chapter 2. (pp. 42-81)

Week 10 (19 November 2018)

The Rule of Law

[Ohnesorge, John K. M. 2007. "The Rule of Law." *Annual Review of Law and Social Science* 3: 99-114.](#)

[Krygier, Martin. 2015. "Rule of Law \(and Rechtsstaat\)." *International Encyclopedia of the Social & Behavioral Sciences* \(2nd edition\), ed. J. D. Wright. Oxford: Elsevier. \(pp. 780-787\)](#)

[Cheesman, Nick. 2014. "Law and Order as Asymmetrical Opposite to the Rule of Law." *Hague Journal on the Rule of Law* 6: 96-114.](#)

Week 11 (26 November 2018)

Violence and Order

[Collins, Randall. 2008. "The Micro-sociology of Violent Confrontations." *Violence: A Micro-sociological Theory*. Princeton, NJ: Princeton University Press. Chapter 1. \(pp. 1-35\)](#)

[Fujii, Lee Ann. 2013. "The Puzzle of Extra-Lethal Violence." *Perspectives on Politics* 11: 410-426.](#)

Fassin, Didier. [2013] 2015. "Maintaining Order: The Moral Justifications of Police Practices." *At the Heart of the State: The Moral World of Institutions*, trans. P. Brown and D. Fassin. London: Pluto Press. Chapter 4. (pp. 93-116)

Week 12 (3 December 2018)

Law and Globalization

Boyle, Elizabeth Heger, and John W. Meyer. 1998. "Modern Law as a Secularized and Global Model: Implications for the Sociology of Law." *Soziale Welt* 49: 213-232.

[de Sousa Santos, Boaventura. 1997. "Toward a Multicultural Conception of Human Rights." *Zeitschrift für Rechtssoziologie* 18: 1-15.](#)

Merry, Sally E. 2006. "Transnational Human Rights and Local Activism: Mapping the Middle." *American Anthropologist* 108: 38-51.

****Third essay due at 12:00 PM (noon) on 5 December 2018 (Wednesday)****

****Reflective memo due at 5:00 PM on 5 December 2018 (Wednesday)****

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

Procedures and Rules

Missed Tests/Quizzes or Late Assignments

Students who miss a term test or submit an assignment after the deadline will be assigned a mark of zero for the test, or will lose a percentage of the assignment mark for each late day.

However, students may request special consideration from the department (not the instructor)* for missed tests/quizzes or late assignments late due to reasons beyond the student's control, including:

- Illness or injury

- Disability
- Religious observances (i.e., holy days)
- Other unplanned circumstances entirely beyond the student's control (e.g., a court subpoena, a funeral, a car accident).

Reasons such as holidays, pre-purchased plane tickets, family plans (unless critical, such as death of an immediate family member), attending a wedding, lack of preparation, technology failure, or too many commitments are not considered to be beyond a student's control and will not be accommodated.

***Please note:**

- **You may not submit a special consideration request to re-write a test/quiz once the test has begun. If you are feeling ill, you must leave the room before starting your test/quiz and seek medical attention immediately.**
- **If you miss an item of term work and do not complete the missed item or any make-up by the examination period, you must submit a petition for an extension of time beyond end of term through the Office of the Registrar: <https://www.utm.utoronto.ca/registrar/current-students/petitions>.**

Extension of Time Special Consideration Process

If you are registered with Accessibility Services and want to request an extension of time for an assignment in advance of the due date (based on an accommodation letter already provided to your instructor), please email **both** your instructor **and** your Accessibility Advisor directly in order to obtain approval.

In all other cases, if you miss an assignment deadline due to circumstances beyond your control and seek an extension of time beyond the due date, please complete the following steps in order to be considered for academic accommodation:

1. Submit an online special consideration request form within three (3) days (including weekends and holidays) of the assignment due date via <https://app.utm.utoronto.ca/SpecialRequest/>.
2. Submit appropriate supporting documentation within three (3) days (including weekends and holidays) of the assignment due date via email to socscr.utm@utoronto.ca or the dropbox for supporting documentation located in the Department of Sociology. All documentation must be in its original form. If you submit documentation electronically (as a PDF or JPEG attachment ONLY), ensure it is legible and retain the original copy in case you are asked to present it later.
 1. If illness/injury is cited as the reason for the missed deadline, you must submit a [U of T Verification of Student Illness or Injury form](#) (VOI) stating you were examined and diagnosed on the day of the missed deadline or immediately after (i.e., the next day), and indicating a serious degree of incapacitation on academic functioning (e.g. unable to complete an assignment, unable to write a test/examination). The VOI must include a statement by the physician that notes the precise period that you are unable to complete your assignment. A statement from a physician that merely confirms a report (after the fact) of illness/injury made by the student is not acceptable. If you need additional extensions for the same assignment, you must follow the aforementioned procedures with the same physician.
 2. If you missed a deadline for a reason connected to your registered disability (and your instructor did not grant approval in advance based your accommodation letter), the department can only accept documentation provided by Accessibility Services.
 3. Other documentation can include, but is not limited to: a [U of T Verification of Extenuating Circumstances form](#); automobile collision or police reports; a death certificate; and

supporting documentation from employers, lawyers and other professional persons. When in doubt, consult the [sociology academic counsellor](#) regarding appropriate supporting documentation for your special consideration request.

4. For an extension, supporting documentation must specify the exact period that you were unable to complete your assignment. The department will then determine if any extension is merited and if so, the period of extension approved. For extensions of time beyond the examination period, you must submit a [petition for an extension of time beyond end of term through the Office of the Registrar](#).
5. The department may request additional documentation in order to assess your case fully.

The department evaluates special consideration requests carefully and approval is not guaranteed.

- **If there is concern about your special consideration request(s), your request may be refused and/or you may be asked to meet with an Associate Chair.**
- **If you have multiple special consideration requests (excluding requests pertaining to a documented disability with appropriate supporting documentation), your request may be refused.**
- **If you do not comply with the above instructions and timelines, or if or if your special consideration request is deemed unacceptable, your request will be denied and you will receive a grade of zero for the item you missed.**
- **If the department approves your special consideration request, you will be notified of the period of extension permitted.**

The department (not the instructor) will inform you of the decision on your special consideration request via email to your U of T email account typically within one (1) week. However, you must submit your assignment per the instructions below as soon as you are able to do so; do NOT wait for the outcome of your special consideration request.

Late assignments must be submitted to the instructor and the teaching assistant via Quercus.

False statements and/or documentation will be treated as academic offences and handled accordingly.

Late Assignments

- In order not to be considered late, assignments must be submitted by the due date listed on the syllabus. ***You are expected to keep a back-up, hard copy of your assignment in case it is lost.***
- Late assignments for reasons that are within your control will be penalized 10% marks per day. The penalty will run from the day the assignment was due until the day it is submitted to the instructor and the teaching assistant via Quercus.
- The penalty period includes weekends and holidays.
- Assignments that are more than seven (7) days late will not be accepted.

Late assignments must be submitted in accordance with the instructions above; other faculty and staff within the department cannot and will not accept late assignments

Re-marking Pieces of Term Work

General

A student who believes that their written term work has a substantive error in grading may ask the person who marked the work for re-evaluation. Students have up to one month from the date of return of an item of term work or from the date the mark was made available to inquire about the mark and file an appeal. For example, should the work be returned or the mark be made available on March 3rd, the student has until April 3rd to inquire in writing and start the remarking process. Instructors must acknowledge receipt of a student request for remarking within **3-working days**, and decisions should be provided in a timely fashion.

If an academic misconduct case is in progress for the piece of term work in question, a student may not appeal until the matter is resolved.

Details

Regrade requests for term work worth less than 20% of the final mark may be submitted to the person who marked the work for re-evaluation. The student must submit (1) the original piece of work and (2) a written explanation detailing why they believe the work was unfairly/incorrectly marked. If the student is not satisfied with this re-evaluation, he or she may appeal to the instructor in charge of the course if the work was not marked by the instructor (e.g., was marked by a TA). In those instances where the instructor was not the one who marked the work, the student must now submit to the instructor (1) the original piece of work, (2) the written reasons as to why they believe the work was unfairly/incorrectly marked, and (3) communications from the original marker as to why no change in mark was made. If a remarking is granted by an instructor, the student must accept the resulting mark as the new mark, whether it goes up or down or remains the same. Continuing with the remark or the appeal means the student accepts this condition. Instructors and TAs should ensure all communication with the student is in writing (e.g. follow-up email) and keep a copy for later reference.

Only term work worth at least 20% of the course mark may be appealed beyond the instructor. Such appeals must first follow the same guidelines as those mentioned directly above for work worth less than 20%. To escalate an appeal beyond the instructor, the student must submit to the [academic counsellor](#) (1) all previous communications between the student, original marker, and the instructor (2) the detailed reason(s) documenting why the mark for the work was inappropriate and (3) the original piece of work. If the department believes that re-marking is justified, the department shall select an independent reader. The student must agree in writing to be bound by the results of the re-reading process or abandon the appeal. Again, the student must accept that the mark resulting from the appeal may be higher or lower or the same as the original mark.

Where possible, the independent reader should be given a clean, anonymous copy of the work. Without knowing the original assigned mark, the reader shall determine a mark for the work. The marking of the work should be considered within the context of the course of instruction for which it was submitted. If the new mark differs substantially from the original mark, the department shall determine a final mark taking into account both available marks.

The final level of appeal is to the [Dean's Office](#). Appeals must already have been considered at the two previous levels (Instructor followed by Department), with the decision reviewed by the head of the academic unit, before they will be considered by the [Dean's Office](#). **Appeals must be submitted in writing, and include all previous correspondence, as soon as possible after the student receives the final response from the academic unit, but no later than one month after.** Appeals to the [Dean's Office](#) about the marking of term work will be reviewed to ensure that appropriate procedures have been followed in earlier appeals, that the student has been treated fairly, and that the standards applied have been consistent with those applied to other students doing the assignment. Any mark resulting from such an appeal will become the new mark, whether it is higher or lower or the same as the previous one.

This process applies only to term work; appeals for re-reads of final examinations are handled directly by the [Office of the Registrar](#).

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

- Assignments must be submitted to the instructor and the teaching assistant via Quercus.
- Assignments will not be accepted via email. See above for how to submit them.
- All course communication should be conducted through Quercus or your U of T email account.
- All emails must include the course code (e.g., SOC123) 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 2 working days of receipt.
- Treat emails as you would any other professional communication. Proofread. Use appropriate language.
- 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.

Classroom Etiquette

Students are expected to arrive at class on time.

You are expected to be respectful of fellow classmates in discussions and lectures, curious and open-minded about others' and one's own perspectives, and cultivate an environment for mutual growth through collaboration and dialogue.

If and when (at the instructor's discretion) laptop usage is allowed in class, they should be used for notes only. Other uses (e.g., emailing, web surfing) will result in the student being required to turn off the laptop and it may affect their participation mark.

Videotaping and recording lectures is strictly forbidden without written permission from the instructor.

Academic Integrity

Copying, plagiarizing, falsifying medical certificates, or other forms of academic misconduct will not be tolerated. Any student caught engaging in such activities will be referred to the Dean's office for adjudication and punishment. Any student abetting or otherwise assisting in such misconduct will also be subject to academic penalties.

Students are expected to cite sources in all written work and presentations. See these links for department citation formats and tips for how to use sources well:

- <http://www.utm.utoronto.ca/sociology/resources/resources-students>
- <http://www.writing.utoronto.ca/advice/using-sources/how-not-to-plagiarize>

By enrolling in this course, you agree to abide by the university's rules regarding academic conduct, as outlined in the Calendar. You are expected to be familiar with the “Code of Behaviour on Academic Matters (www.governingcouncil.utoronto.ca/policies/behaveac.htm) and Code of Student Conduct

(<http://www.governingcouncil.utoronto.ca/policies/studentc.htm>) which spell out your rights, your duties and provide all the details on grading regulations and academic offences at the University of Toronto.

Student Services and Resources

Accessibility

The University provides academic accommodations for students with disabilities in accordance with the terms of the Ontario Human Rights Code, including those who have a physical, sensory, or learning disability, mental health condition, acquired brain injury, or chronic health condition, be it visible or hidden.

If you have a disability or health consideration that may require accommodations, please approach Accessibility Services as soon as possible. The Accessibility staff are available by appointment to assess specific needs, provide referrals and arrange appropriate accommodations. The sooner you let us know your needs, the quicker we can assist you in achieving your learning goals in this course.

To register with Accessibility, please call the centre at 905-569-4699 or e-mail access.utm@utoronto.ca.
<http://www.utm.utoronto.ca/access>

Robert Gillespie Academic Skills Centre

The centre offers wide-ranging support to help students identify and develop the academic skills they need for success in their studies, including: understanding learning styles; essay and report writing; time management; lecture-listening; note-taking; and studying for tests and exams. <http://www.utm.utoronto.ca/asc>

UTM Library (Hazel McCallion Academic Learning Centre)

The UTM library provides access to a vast collection of online and print resources to faculty, staff, and students. Various services are available to students, including borrowing, interlibrary loans, online references, research help, laptop loans and the RBC Learning Commons.
<http://library.utm.utoronto.ca>

A variety of **other student support services and resources** can be found at <http://www.utm.utoronto.ca/current-students>, including academics, health, wellness and student services.

Equity & Diversity

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. If you have any questions, comments, or concerns you may contact the UTM Equity and Diversity officer at edo.utm@utoronto.ca or the University of Toronto Mississauga Students' Union Vice President Equity at vpequity@utmsu.ca.