

**Department of Sociology
University of Manitoba**

**SOCIOLOGY OF LAW AND SOCIAL CONTROL
077.730 (3 cr. hrs.) L01 Fall, 2005
Wednesdays, 1 to 4 pm, 320C Isbister Building**

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COURSE OBJECTIVES

Law presents itself to the wider society as an impartial, neutral, and just mechanism for resolving social conflicts. Critical socio-legal theorists, however, maintain that law is one site for the reproduction of social inequalities (of gender, race, and class). The purpose of this course is to engage in an advanced study of the law-society relation by investigating the tension between these two readings of law. Our aim will be to address two main questions: To what extent is law implicated in the reproduction of gender, race, and class relations? Can law provide a vehicle for addressing substantive inequalities in society?

It is assumed that students will already have a familiarity with some of the theoretical approaches in the Sociology of Law. Those who feel the need for a review should consult the following sources:

Tullio Caputo, Mark Kennedy, Chuck Reasons and Gus Branigan (eds.) 1989. *Law and Society: A Critical Perspective*. Toronto: Harcourt Brace Jovanovich.

Dorothy Chunn and Dany Lacombe (eds.) *Law as a Gendering Practice*. Toronto: Oxford University Press, 2000.

Elizabeth Comack. 1999. "Theoretical Excursions." In E. Comack (ed.) *Locating Law: Race/Class/Gender Connections*. Halifax: Fernwood Publishing.

Elizabeth Comack and Steve Brickey. 1991. *The Social Basis of Law: Critical Readings in the Sociology of Law*. Halifax: Fernwood Publishing.

Alan Hunt. 1978. *The Sociological Movement in Law*. London: MacMillan Press.

Gayle MacDonald. 2002. "Critical Theory and the Sociology of Law: Contradiction and Currency." In G. MacDonald (ed.) *Social Context and Social Location in the Sociology of Law*. Toronto: Broadview Press.

Dragan Milovanovic. 1988. *A Primer in the Sociology of Law*. New York: Harrow and Heston.

COURSE ORGANIZATION

The course will be organized around a seminar format. Participants are expected to attend each class and to be willing to engage in discussion and debate. To this end, *it is mandatory that students come prepared for each class by having read and reflected upon the assigned materials.*

In order to make our investigation of the law-society relation more manageable, our particular focus will be on law's power to criminalize, especially as it pertains to violent offences (homicides, assaults, robberies, sexual assaults, and domestic violence). During the first half of the course, we will consider the two readings of law – as a fair and impartial arbiter of social conflicts versus one of the sites where inequalities are reproduced. In the second half of the course, we will investigate issues pertaining to the criminalization of violent crime (masculinity, femininity, race, class, social space, law's treatment of sexual assault, and domestic violence).

COURSE READING MATERIALS

The following book is available for purchase at the U of M Bookstore:

E. Comack and G. Balfour *The Power to Criminalize: Violence, Inequality and the Law*. Halifax: Fernwood Publishing, 2004.

Additional reading materials are available on a shelf in the Sociology Department mailroom.

Readings for each seminar can be found in the attached **Seminar Schedule and Reading List**.

Note: As with most graduate seminars, this is a reading-intensive course. One way of managing the reading load is to keep a journal in which the main points of a reading can be summarized and your reflections recorded. The journal will also provide you with a record of your readings that can be kept for future reference.

COURSE ASSIGNMENTS

In order to facilitate the objectives of the seminar, students will be required to complete the following assignments:

I. Think Piece:

Students will be required to write a short (approximately seven typed pages) essay based on one of the topics covered during the first half of the course. The purpose of this assignment is to hone your writing skills (we're after quality, not quantity) and to gain a better grasp of a topic covered during this portion of the course.

Potential Topics:

1. What is the 'Official Version of Law'? Critically evaluate its claims.
2. Law's Official Version constitutes but one image of 'justice.' Counter-pose this image with other possibilities.
3. What are the main premises of the Marxian theory of the law-society relation? Offer a critical evaluation.
4. What are the main premises of the Foucaultian theory of the law-society relation? Offer a critical evaluation.
5. What does it mean to locate law as a 'discourse'? How useful is this formulation for understanding the law-society relation?
6. What is the current socio-political context in which law operates? How might this affect or have an impact upon legal decision-making?
7. What is the role of lawyers in the administration of justice? Develop an approach for locating the role of lawyering in the law-society relation.

Notes on Constructing Your Think Piece:

While the main sources for your think piece will be the assigned readings for the seminar, you are encouraged to broaden your knowledge base by consulting other relevant sources. It is expected that at least **three** additional sources (no web pages please) will be used in constructing your analysis.

Pay attention to your writing process (grammar, sentence structure, and the like) and utilize an accepted referencing format in citing your sources (eg. Comack 1999: 43).

The Review Process:

The first draft of your think piece will be due on **October 26th**. Bring three copies of your work to class. These will be distributed to the prof and two of your colleagues for their feedback. The purpose of this review process is twofold:

1. To give you a chance to read – and learn from – the work of your colleagues. Because you will be reading two think pieces (preferably on different topics than the one you have chosen), you will have an opportunity to gain a deeper understanding of the subject than what we've accomplished in the seminar.
2. To assist you in improving your writing style and the structure and content of your work. In order for this review process to succeed, reviewers will have to take their task seriously. This will involve reading over the think piece carefully. Give it a 'first read' to get the overall gist of the paper, then go through the paper more carefully a second time. Ask yourself questions like:

- Is the main purpose of the think piece spelled out at the outset of the discussion? Does the writer tell me what her/his topic is and what s/he is going to do with it? Is there a concluding statement or paragraph that ‘wraps up’ the discussion by summarizing the main point(s)?
- Is the body of the paper well structured and well organized? Are some points confusing or not well stated? Is more elaboration required on certain points? Are there things missing that could strengthen the discussion?
- Does the writer give me an adequate sense of the topic or issue, as well as a sense of her/his own input or thoughts on it?
- Has the writer done enough added reading to build the paper? Does s/he need to include more references (eg. Is there too much reliance on one or two sources)?
- Have proper referencing and grammar been used? Are there suggestions I can make to improve the ‘readability’ of the piece?

Feel free to make corrections and pose questions on the paper itself. You should also provide a ‘summary statement’ or a comment at the end on what you see as the strengths of the paper and some suggestions as to how you think it could be improved.

The reviewers’ comments are due back to the writers on **November 2nd**. We will devote some of the class time to a discussion of the feedback you receive.

The revised version of the think piece (along with the three reviewers’ copies) will be submitted on **November 9th**.

II. Review Essay:

During the second half of the term, students will be required to take ownership of one of the seminars. In addition to leading the seminar discussion, each student will be required to write a review essay based on her/his seminar topic. The essay will be approximately 12 to 15 typed pages in length. The purpose of this assignment is to give you an opportunity to explore one of the substantive issues we cover during the second half of the course in more depth.

Notes on Constructing Your Review Essay:

- Since the content and focus of the essay will differ according to the seminar topic, students will be required to meet with the professor in advance of their seminar to discuss the specific focus and nature of their review essays.

- While the main sources for your review essay will be the assigned readings for the seminar, you will need to read further. It is expected that at least **five** additional sources (no web pages please) will be used in constructing your analysis.
- Pay attention to your writing process (grammar, sentence structure, and the like) and utilize an accepted referencing format in citing your sources (eg. Comack 1999: 43).

The final review essay must be submitted no later than **Wednesday, December 14th**.

III. Seminar Participation:

Since the success (or failure) of the seminar will depend very much on the willingness and ability of everyone to participate in the discussions, part of the grade for the course will be devoted to seminar participation.

Evaluation will be based upon students' apparent readiness for the seminar (i.e. completing the assigned readings), their willingness to engage in meaningful discussion of the issues considered, the feedback they provide to other students' think pieces, and their labour in organizing and leading specific seminars.

GRADING AND EVALUATION

Grades for this course will be distributed as follows:

Think Piece	30%
Review Essay	50%
Seminar Participation: Attendance, participation, review work, and leadership of seminar in second half of the term	20%

In assigning letter grades for the course, the following scale will be used:

A+	90% and over
A	80 - 89%
B+	75 - 79%
B	70 - 74%
C+	65 - 69%
C	60 - 64%
D	50 - 59%
F	less than 50%

[Note that a grade of C+ is considered a passing grade for graduate courses.]

Anyone experiencing difficulty with any of the above should feel free to consult with the professor before the problem gets out of hand.

Students are also advised to familiarize themselves with the university policy on **plagiarism** and **cheating**, as outlined on page 22 of the 2005-2006 *University of Manitoba Graduate Calendar*.

Assignments submitted late without a legitimate reason will be penalized **one mark** per overdue day.

Please note that the last day for voluntary withdrawal from first term courses is **Wednesday, November 16th, 2005**.