

UNIVERSITY OF MANITOBA
Department of Sociology

SOCIOLOGY OF LAW AND SOCIAL CONTROL
Sociology 7300 (A01)
(WINTER 2018)
MONDAY, 11:30-2:15 pm
Room 320C Isbister Building

Instructor: Andrew Woolford

Office: 327 Isbister Building

Office Hours: By appointment

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- Note: I am quickest to respond to email and typically respond the same day, except on weekends, when I only respond to urgent matters.

Credit hours: 3

Course Objectives:

This seminar introduces students to the field of Law and Society, which interrogates the social basis of law. In this regard, we will explore early approaches to examining the law/society relation, the origins of sociological theorization of the law, as well as a variety of contemporary social theoretical approaches to the law. Particular emphasis will be placed upon critical and post-structural examinations of law that pay close attention to the contexts and contingencies of law, as well as upon the everyday impact of law upon our lives and experiences of justice/injustice. Because the course offers an overview of dominant European socio-legal strands of socio-legal theorization, it is incumbent upon us throughout the course to critically examine these points of origin and identify the ontological and epistemological assumptions that potentially marginalize alternate approaches to law in society.

Required Textbooks:

George Pavlich (2011) *Law & Society Redefined*. Don Mills: Oxford.

Assignments and Grades:

Note: Students with **special learning needs** (who for legitimate reasons require extra time to complete an assignment) should identify themselves to the instructor at the beginning of the term in order to arrange suitable accommodation.

Participation: You are expected to complete the required readings prior to the class so you can participate intelligently in discussion. Every student will be responsible for leading two seminars during the term. In these seminars, students will initiate questions, facilitate discussion, and take the role as experts on the material until the break (the professor will lead the second half of the class). These presentations are intended as an opportunity for you to improve your teaching skills. Therefore, you are responsible for engaging the class and creating a suitable learning environment.

Participation grades are assessed based on the combination of your in-class participation and your seminar leadership. Missed classes, failure to read the assigned texts, and disruptive or negative classroom behaviour (including failure to listen to others) will result in lower participation marks. Class participation is worth 25% of your final grade.

Critical Summaries: These are two-page critical commentaries or analytical synopses of weekly readings. They will be evaluated and commented on for their pertinence to the texts addressed and their critical insight. A minimum of 5 must be handed in during the semester, at least one per month (you can opt to write more, though you may not write more than *one* per week. Critical Summaries will not be accepted after March 26, 2018). This assignment is worth 25% of the final grade. Graded Critical Summaries will normally be returned to students within a week of their submission. Assignments should be emailed to the professor.

Essay(s): You have the choice of writing either two short 9-12 page essays (one due February 12, 2018 the second on April 12, 2018), or one long term paper, 20-25 pages, due April 12, 2018. Essay(s) will be on a topic selected by the student, but must relate to themes discussed in the course. ASA referencing is preferred, but I will accept other recognized styles. The essay(s) assignment is worth 50% of your final grade. (Note: students who opt to write the long essay can choose to hand in an outline, which will count for up to 10% of the final essay grade – see instructor to discuss this option). Late essays will be penalized 2% (out of 100%) per day unless an extension has been obtained from the professor prior to the due date. Essays should be emailed to the professor and those submitted on time will be graded and returned to students by April 28, 2018 (February 20, 2018 for the first assignment – for those who choose to complete two shorter papers). Late essays will be marked at the professor’s convenience.

Unclaimed term work disposal: Any term work that has not been claimed by students will be held for four (4) months from the end of the final examination period for the term in which the work was assigned. At the conclusion of this time, all unclaimed term work will become property of the Faculty of Arts and be destroyed according to FIPPA guidelines and using confidential measures for disposal.

Grading:

A+	90-100	Exceptional
A	80-89	Excellent
B+	76-79	Very Good
B	70-75	Good
C+	66-69	Satisfactory
C	60-65	Adequate
D	50-59	Marginal
F	49 & below	Failure

Academic Integrity: University policy on academic integrity will be enforced. A full description of academic integrity matters, including plagiarism and cheating, can be found in Section 8 of the General Academic Regulations and Requirements of the University of Manitoba.

The Faculty of Arts also reserves the right to submit student work that is suspected of being plagiarized to Internet sites designed to detect plagiarism.

Course Outline:

Week 1 (Jan 8): Introduction

Readings:

- Pavlich, Introduction

Week 2 (Jan 15): Natural law

Readings:

- Pavlich, Chapter 1 and 2
- Plato, Part X, The Laws
- Aristotle, Part V, Nicomachean Ethics
- Grotius, On War and Right

Week 3 (Jan 22): Legal Positivism and Realism

Readings:

- Pavlich, Chapter 3 and 4
- Hobbes, Leviathan, Book 1, Chapters 14-15
- Llewellyn, K. 1931. "Some Realism about Realism: Responding to Dean Pound," *Harvard Law Review* 44(8):1222-64.

Week 4 (Jan 29): Durkheim and Weber

Readings:

- Pavlich, Chapter 5 and 7
- Selections from *Durkheim and the Law*
- Selections from *Max Weber on Law in Economy and Society*

Week 5 (Feb 5): Marx and the Critical Tradition

Readings:

- Pavlich, Chapter 6
- Selections from Marx and Engels, *The German Ideology*

Week 6 (Feb 12): Critical Race and Gender Studies in Law

Readings:

- Pavlich, Chapter 8
- Carol Smart, "The Power of Law" from *Feminism and the Power of Law*
- Richard Delgado and Jean Stefancic, Chapters 1 and 2 from *Critical Race Theory*

Week 7 (Feb 26): Indigenous Law and the Canadian Legal Order

Readings:

- John Borrows, Chapter 1 of *Recovering Canada*
- Select articles from *McGill Law Journal* 2016 61(4)

Week 8 (March 5): Foucault

Readings:

- Pavlich, Chapter 9
- Michel Foucault, "The Body of the Condemned." In *Discipline & Punish*
- Michel Foucault, "On Governmentality"
- Michel Foucault, Selection from *Truth and Power*

Week 9 (March 12): Agamben

Readings:

- Pavlich, Chapter 10
- Giorgio Agamben, Selections from *Homo Sacer*

Week 10 (March 19): Derrida

Readings:

- Pavlich, Chapter 11 and conclusion
- Jacques Derrida (1990). "The Force of Law: The 'Mystical Foundation of Authority.'" *Cardozo Law Review* 11(5-6): 920-1045 (Read pp. 920-973, English pages only).
- Pavlich, "Apparatuses of Criminal Accusation"

Week 11 (March 26): Bourdieu and Wacquant

Readings:

- Pierre Bourdieu, "The Force of Law"
- Loic Wacquant, "Crafting the Neoliberal State: Workfare, Prisonfare, and Social Insecurity," *Sociological Forum* 25(2): 197-220.

Week 12 (April 2): The Time and Space of Law

Readings:

- Mariana Valverde, Selections from *Chronotopes of Law*

The University recognizes the right of all students to observe recognized **holidays of their faith**, which fall within the academic year. With instructor discretion, necessary arrangements can be made to ensure studies are not jeopardized. The instructor should be notified of a student's intended absence in advance and at least three weeks' notice of absence should normally be given where special arrangements are sought.

Voluntary withdrawal deadline is **March 16, 2018.**