



LAW AND SOCIETY 2350 6.0 2006-2007

Course Director: Dr. David Szablowski
Office: S738 Ross Building
Office Hours: Wednesdays 2:00-3:00pm or by appointment
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Teaching Team

David Szablowski (course director), Kaushalya Bannerji, Susan Brophy, Elena Cirkovic, Antoinette Clarke, Molly Grindley, Winnie Kamau, Christy Pentland, Hanson Sone.

Times and Locations

Lectures Mon & Wed 11:30-12:30 ACW 009

Tutorial 1	Mon 13:30-14:30 BC 323	Tutorial 9	Wed 12:30-13:30 VH 1020
Tutorial 2	Mon 13:30-14:30 BC 322	Tutorial 10	Wed 13:30-14:30 VH 3017
Tutorial 3	Mon 12:30-13:30 BC 203	Tutorial 11	Wed 12:30-13:30 VH 2016
Tutorial 4	Mon 12:30-13:30 BC 230	Tutorial 12	Wed 13:30-14:30 VH 3000
Tutorial 5	Wed 9:30-10:30 BC 322	Tutorial 13	Wed 14:30-15:30 CB 129
Tutorial 6	Wed 10:30-11:30 VH 1005	Tutorial 14	Wed 15:30-16:30 VC 115
Tutorial 7	Wed 9:30-10:30 BC 203	Tutorial 15	Wed 14:30-15:30 MC 101
Tutorial 8	Wed 10:30-11:30 R S104	Tutorial 16	Wed 15:30-16:30 MC 216

Course Description

Law is everywhere. It regulates, controls, enables, prohibits, determines, protects, subjects, and reaches into our lives in countless ways. In this course we examine the connections and relationships of law and society using an interdisciplinary social science approach. As one of the founders of the Law and Society movement observed, "law is too important to leave to lawyers". Accordingly, this course will borrow from several theoretical and interdisciplinary perspectives (such as sociology, anthropology, political science, critical studies, psychology) in order to explore the sociology of law and law's role in the Canadian context. The thematic topics to be discussed include law and social control, law's role in societal change, and law's capacity to reach into complex social relations.

Course Objectives and Philosophy

The objectives for this course include:

- Develop critical reading, thinking, and writing skills
- Gain knowledge of the structure of the Canadian legal system
- Employ an interdisciplinary approach to sociolegal studies
- Compare and contrast social science theories of law
- Develop insight into the relationship(s) between law and society

This course is taught from the perspective that we learn together and cooperatively. This is an interdisciplinary course: you are encouraged to draw on your other skills (and

second major if applicable) when reflecting on the material being discussed. Read the newspapers and bring questions and issues into the course discussions.

Readings assigned for each class are intended to compliment that day's lecture and will not necessarily cover all issues addressed during class. Therefore, it is important in preparing for tutorial participation that you attend lectures and do your readings each week. Tests and exams will be based on a combination of materials and discussion covered in lectures, tutorials and readings.

Required Texts

The following texts are required to complete the readings for the course. All are available at the York University Bookstore in York Lanes. Some readings will be provided through WebCT. Details are provided on the lecture schedule below.

- A. S. Vago & A. Nelson. 2004. *Law & Society. Canadian Edition*. Toronto, Pearson.
- B. B. Burtch & N. Larsen. 2006. *Law in Society: Canadian Readings*. Toronto, Thomson.
- C. Course Kit for SOSC 2350 (D. Szablowski).
- D. WebCT.

Evaluation

The final grade for the course will be based on the following items weighted as indicated:

<u>Assignment</u>	<u>% of Final Grade</u>	<u>Due Date</u>
In-class test	15%	Nov 20
Case brief & analysis	15%	Nov 29
Essay topic choice	approval	Nov 27
Essay outline & literature review	10%	Jan 24
Final essay	25%	Mar 14
Final exam	25%	Exam period
Tutorial participation	10%	Continuous

In-Class Test: This will be a one hour closed book test on the material covered thus far. Study questions will be distributed before the test date. A review session will be conducted during the class before the test date.

Case Brief & Analysis: This assignment concerns the Supreme Court of Canada decision in *R. v. Gladue*. Find the full text of the decision either in the law library (*R. v. Gladue* [1999] 1 S.C.R. 688) or on-line (<http://scc.lexum.umontreal.ca/en/1999/1999rcs1-688/1999rcs1-688.html>). Write a case brief & analysis that includes the three following sections (Please note, these three sections are equally weighted and you should devote roughly equal space to each):

1. Write a brief summary of the decision which identifies the parties, the facts of the case, the issues addressed, and the opinion of the court (5 points).
2. Find two scholarly articles from social science or legal journals and one non-scholarly article that address one or more social issues raised by the case. Briefly summarize the arguments made in these articles. Accurately reference these articles in your work. You will have to go to the Law Library for the legal journals and to Scott for social science journals. Avoid free websites which have

- information of dubious quality. Go to the libraries and explore their journals, newspapers and magazines either online or in print (5 points).
3. Discuss the significance of the decision with reference to the articles. Your discussion should address the following kinds of questions. What is important about the decision? What are its social implications? What light do the articles shed on the issues in the case? Are the articles persuasive? Why or why not? (5 points)

Essay Topic: Set out your essay topic in one or two paragraphs on a single sheet of paper. Your topic must be approved by your TA. Avoid recycling topics and material from previous classes. Marks are awarded on the essay for originality and relevance of your research question (see below).

Essay Outline and Literature Review:

1. Using your approved topic develop a research question (1 point).
2. Write a critical overview of the scholarly literature in the field of your topic. Use three sources from the course materials and at least four sources from other current/relevant scholarly sources (journal articles, cases, case comments, books) (4 points).
3. Provide an outline of your paper (not in point form) in which you set out the structure of your paper and how you propose to address your research question. Include a section on your theoretical approach using a course source (4 points).
4. Include a working bibliography of the above sources (1 point).

Final Essay: The final essay should include the following components:

- A title
- A clear research question
- A clear thesis statement
- A critical review of the literature relevant to your topic
- Reference to a minimum of 3 course materials and 4 additional scholarly sources
- Well-developed concise arguments supported by evidence addressing the topic and reflecting on the issues central to Law and Society scholarship
- Complete footnotes, endnotes, or in-text referencing and bibliography

You will be evaluated on:

- Originality and relevance of question (5 points)
- Coherence of argument and use of evidence (5 points)
- Depth of analysis and range of literature covered (5 points)
- Literacy and accuracy (5 points)
- References and bibliography (5 points)

Final Exam: The exam is two hours in length and worth 30% of the final grade. There are two parts to the exam. Part A is three short answer questions worth 5 marks each. Part B is an essay question worth 15 marks. The exam will cover the entire year with an emphasis on the materials of second term. You will be given study questions prior to the exam to assist your preparation.

N.B. Since 35% of the grade in this course rests on the successful completion of a major research essay, you may wish to take advantage of the writing courses or one-on-

one tutoring available through the Centre for Academic Writing at S329 Ross (<http://www.arts.yorku.ca/caw/>).

Grading, Assignment Submission, Lateness Penalties and Missed Tests

Grading: The grading scheme for the course conforms to the 9-point grading system used in undergraduate programs at York (e.g., A+ = 9, A = 8, B+ = 7, C+ = 5, etc.). Assignments and tests will bear a letter grade designation (e.g. A+, A, B+, etc.). Students may also receive a numerical grade based on the value of each assignment (e.g., 7/10 for the essay proposal). For a full description of York grading system see the York University Undergraduate Calendar (http://calendars.registrar.yorku.ca/pdfs/ug2004cal/calug04_5_acadinfo.pdf).

Assignment Submission: Proper academic performance depends on students doing their work not only well, but on time. Accordingly, assignments for this course must be received on the due date specified for the assignment. Assignments are to be handed in hard copy, in class, before the lecture, on the date indicated. Assignments must clearly indicate your name and student number, as well as the name of your tutorial leader.

Lateness Penalty: Assignments received later than the due date will be penalized one mark per day (e.g. If handed in two days late, the essay proposal will be graded out of a possible eight marks rather than 10). Exceptions to the lateness penalty for valid reasons such as illness may be entertained but will require supporting documentation (e.g., a doctor's letter). Doctor's letters must use the "Attending Physician's Statement" form provided by the Office of the Registrar at: <http://www.registrar.yorku.ca/services/petitions/forms.htm#6>

Missed Tests: Students with a documented reason for missing a course test, such as illness, which is confirmed by supporting documentation (e.g., doctor's letter) may request accommodation from the Course Director in order to write a make-up test. Doctor's letters must use the "Attending Physician's Statement" form provided by the Office of the Registrar at: <http://www.registrar.yorku.ca/services/petitions/forms.htm#6>

WebCT: There is a course website on WebCT including discussion boards and lecture outlines. Announcements and assignments will be posted on WebCT. Some readings will be posted on WebCT.

Doctor's Letters: As stated above, doctor's letters must use the "Attending Physician's Statement" form provided by the Office of the Registrar at: <http://www.registrar.yorku.ca/services/petitions/forms.htm#6>

Important Course Information For Students

All students are expected to familiarize themselves with the following information, available on the Senate Committee on Curriculum & Academic Standards webpage (see Reports, Initiatives, Documents) http://www.yorku.ca/secretariat/senate_cte_main_pages/ccas.htm

- York's Academic Honesty Policy and Procedures/Academic Integrity Website
- Ethics Review Process for research involving human participants

- Course requirement accommodation for students with disabilities, including physical, medical, systemic, learning and psychiatric disabilities
- Student Conduct Standards
- Religious Observance Accommodation

Lecture Schedule

1. Introduction to the Legal System

- Sept 6 Introduction to the Course
- Sept 11 Conceptualizing Law – Vago & Nelson, Chapter 1 “Introduction”
- Sept 13 The Legal System – Vago & Nelson, Chapter 8 “The Organization of Law” pp. 97-115
- Sept 18 Charter and Human Rights Codes – Guest lecture: D. Moore – Read case: *School District No. 44 (North Vancouver) v. Jubran* [2005] B.C.J. No. 733 (C.A.) – WebCT
- Sept 20 Courts I – Vago & Nelson, Chapter 3 “Organization of Law” pp.68-88
- Sept 25 Courts II: The Appointment of Judges – Guest lecturer: P. Russell – Morton “Judicial Appointments in Post-Charter Canada” – WebCT
- Sept 27 Making Law – Vago & Nelson, Chapter 4 “Lawmaking” pp.124-140
- Oct 2 *Yom Kippur—No Class*
- Oct 4 The Legal Profession – Vago & Nelson, Chapter 8
- Oct 9 *Thanksgiving—No Class*
- Oct 11 Criminal Law & Defences – Guest lecturer: K. White – Reading TBA (WebCT)
- Oct 16 International Human Rights Law – Guest lecturer: A. Bunting – Reading TBA (WebCT)

2. Theoretical Perspectives on Law and Society

- Oct 18 Overview of Theoretical Perspectives – Vago & Nelson, Chapter 2 “Theoretical Perspectives”
- Oct 23 Marx – “Manifesto of the Communist Party”, Kit
- Oct 25 Weber – Kronman “Max Weber”, Kit
- Oct 30 Durkheim – “Law as an Index of Social Solidarity”, Kit
- Nov 1 Mill – “On Liberty”, Kit
- Nov 6 Natural Law Theory, Legal Positivism, & Legal Realism – Murphy & Coleman, Kit
- Nov 8 Feminist Legal Theory – Comack “Feminist Frameworks” & Olsen “The Sex of Law”, Kit
- Nov 13 Critical Legal Studies & Critical Race Theory – Williams “Racism in Justice”, Kit

- Nov 15 Review
- Nov 20 **In Class Test** (10%)
- Nov 22 Contemporary Developments in Law & Society Scholarship – Sarat “Vitality Amidst Fragmentation”, Kit
- Nov 27 Popular Legal Studies – Sherwin “Law in Popular Culture”, Kit – **Essay Topics Due**
- Nov 29 Researching – Vago & Nelson, Chapter 9 “Researching in Law & Society – **Case Analysis Research Assignment Due** (15%)
- Dec 4 Law & Dispute Resolution – Vago & Nelson, Chapter 6 “Dispute Resolution”

3. Law and Social Control

- Jan 3 Law & Social Control – Vago & Nelson, Chapter 5 pp.156-172
- Jan 8 Law, Science & Control – Guest lecturer: K. White – Reading TBA (WebCT)
- Jan 10 Eugenics – Leilani Muir Film
- Jan 15 Corporate Crime – Gordon & Coneybeer “Corporate Crime”, Burtch & Larsen
- Jan 17 Minorities & the Law – Backhouse “Case of Yee Clun”, Burtch & Larsen
- Jan 22 Euthanasia – Cormack “Euthanasia”, Burtch & Larsen
- Jan 24 Crimes Without Victims – Vago & Nelson, Chapter 5 pp. 172-183 – **Essay Outline & Literature Review Assignment Due** (10%)
- Jan 29 Illegal Drugs – Sneiderman “Just Say No”, Burtch & Larsen
- Jan 31 Obscenity & Censorship – Busby “Little Sister’s v. Canada”, Burtch & Larsen
- Feb 5 Prostitution – Larsen “Politics of Law Reform”, Burtch & Larsen
- Feb 7 Remorse – Guest lecturer: R. Weisman – “Showing Remorse”, Kit
- Feb 12 *Reading Week—No Class*
- Feb 14 *Reading Week—No Class*
- Feb 19 Security and Civil Rights – Whittaker “Keeping Up with the Neighbours”, Burtch & Larsen

4. Law and Social Change: Gender and Family Relations

- Feb 21 Law and Social Change – Vago & Nelson, Chapter 7 pp. 259-270
- Feb 26 Impetus for Law – Vago & Nelson, Chapter 4 pp. 142-150
- Feb 28 Gay/Lesbian Marriage – *Halpern v. Canada (AG)*, Kit + Sanders “Constructing Lesbian & Gay Rights”, Burtch & Larsen
- Mar 5 Charter Litigation – Majury, “The Charter”, Burtch & Larsen
- Mar 7 Self-Defence – Shaffer, “Battered Woman Syndrome”, Burtch & Larsen
- Mar 12 Family Law 1 – Neilson, “Assessing Mutual Partner”, Burtch & Larsen
- Mar 14 Family Law 2 – Pulkingham, “Private Troubles”, Burtch & Larsen – **Final Essay Assignment Due**

5. Law's Reach

- Mar 19 Obeying Law – Tyler “Why People Obey the Law” – WebCT
- Mar 21 Ignoring Law – Macaulay “Non-Contractual Relations” – WebCT
- Mar 26 Resisting Law – Moore “Law and Social Change” – WebCT
- Mar 28 Mobilizing Law – Albiston “Bargaining in the Shadow” – WebCT
- Apr 2 Review for Exam