

LAKEHEAD UNIVERSITY

DEPARTMENT OF SOCIOLOGY

Sociology 2301: Sociology of Law

September – April 2011

Course Lecturer: DR. JENNIFER JARMAN

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Lecture: W, F 10-11:30

Lecture Hall: AT 2021

Office Hours: F 11:30-12:30

What is this Course About?:

Course Description (from Calendar): A study of the social aspects of law: the passage of laws; the profession and practice of law; the use of law for social control; and, the law as a means of conflict resolution. Emphasis is given to the topic of social change via law reform in Canada.

This course provides a basic introduction to the sociology of law. We will start by contrasting three different classical understandings of the basic purpose of law in any society. In so doing we will both deepen our understanding of how sociology approaches subject matter, as well as challenge our common sense understandings of law and legal institutions. Then we will consider how societies regulate themselves in an everyday manner, and how legal institutions shape these interactions. We will consider what happens when someone breaches norms and how the law shapes our responses and options in relation to breaches. We will examine how various professions interact in relation to this legal environment, and discuss the roles of police, lawyers and judges, media and ordinary members of broader communities. We will examine power relations in relation to the law and consider the impact of gender, ethnicity and culture. The main emphasis will be on the development of an understanding of the ways in which law shapes social interactions, but also in turn, is shaped by changing society. A diverse set of examples will be developed in class including case studies of the ways in which several important constituencies have sought to create social change through legal challenges. These will include challenges regarding inequalities in employment structures, First Nations challenges to the management of fishery resources in Canada, and environmental issues in relation to the law. The course will conclude with a discussion of problems which extend beyond national jurisdictions and discuss attempts to create international legal institutions in our increasingly globalized world.

Aims and Objectives:

1. To be able to describe different understandings about the role of law in society.

2. To understand how law is used to mediate social conflict.
3. To be able to illustrate how this happens with reference to some important case studies
4. To understand how the law changes over time in response to social change.

Assessment:

Term 1

	Due Date	Value
Assignment 1	September 30	10%
Mid Term Test	October 28	10%
Assignment 2	November 25	10%
Christmas Take-home	December 9	10%
Tutorial Participation	Fridays (see schedule)	10%

Term 2

	Due Date	Value
Assignment 3		10%
Mid Term Test		10%
Assignment 4		10%
Final Take-home		10%
Tutorial Participation	Fridays (see schedule)	10%

First Term:

There will be two required course assignments per term. The first assignment will be a 5 page essay in which the student is asked to explore one theoretical approach to the law in relation to an area of the law which particularly interests them. The second assignment will be a 6 page essay arising from an observation exercise.

Reference Style for Assignments:

The Department of Sociology uses the ASA Style Guide as a reference style for students. These guidelines are posted on the Sociology website, so please refer to them.

Mid Term Test:

The Mid Term Examination will cover all assigned readings, class discussions and lecture topics up to the date of the class prior to the date of the test. It will be short-answer essay in format.

Key Texts:

Vago, Steven and Nelson, Adie. 2008. *Law and Society*. Toronto: Pearson, Prentice Hall.

Comack, Elizabeth et al. 2006. *Locating Law*, 2nd edition. Halifax: Fernwood Press. (second term)

Other Readings available as electronic downloads from the library or at the Reserve Desk.

Other Course Activities:

As part of this course we will also view short excerpts from films, and invite speakers. These activities are not optional, but rather form an important part of the learning experience of the course. If you miss these activities, they cannot be “made up” and you will seriously decrease your ability to understand the issues of the course. Please make a commitment to regular attendance and participation! Knowledge about these activities will be included in the final examinations.

Tentative Schedule: (to be confirmed during First Week of Class)

Date	Topic	Text Readings
Sept 14, 16	Introduction, What is Law?	No Tutorial this week. Please start your readings and get notes ready for next Friday.
Sept 21, 23	Theories of the Law I: The ‘Function’ of the Law’	Vago and Nelson, Ch. 1 Durkheim, Emile. <i>The Division of Labour</i>. (On Reserve Desk)
Sept 28, 30	Theories of Law 2: The Law is not a Neutral Arbitrator	Vago and Nelson, Ch. 2 Marx, Karl. Ch. 28 “Bloody Legislation against the Expropriated”, <i>Capital, Volume One</i>. http://www.marxists.org/archive/marx/works/1867-c1/ch28.htm
Oct 5, 7 Ass 1.	Theories of Law 3: Laws are the Iron Cage that Surrounds Us, yet they are also more liberating than other alternatives	Vago and Nelson, Ch. 3 Weber, Max. Wirtschaft und Gesellschaft, part III, chap. 6. “Characteristics of Bureaucracy”, http://media.pfeiffer.edu/lridener/DSS/Weber/BUREAU.HTML
Oct 12, 14	The Organization of the Law, Courts, Civil,	Vago and Nelson, Ch. 3 “What is the Common Law”? People’s Law School. http://www.publiclegaled.bc.ca/section.asp?catid=147&subid=1&pageid=36# is the Common Law “Common Law and Statute” http://www.ourcivilisation.com/cooray/btof/chap185.htm common law?

Oct 19, 21	Lawmaking, Legislatures, Administrative, Judicial	Vago and Nelson, Ch. 4 “How a government bill becomes law.” Government of Canada. http://dsp-psd.pwgsc.gc.ca/Reference/queens-e.html
Oct 26, 28 Test	Review and Test	Classroom Sit-in Test
Nov 2, 4	Law and Social Control Informal vs. Formal Control, The Shift from Public Torture to the ‘Panoptican’...	Vago and Nelson, Ch. 5 Foucault, Michel. “Discipline and Punishment”. Excerpt. On Reserve Desk.
Nov 9, 11	Law and the Process of Conflict Resolution	Vago and Nelson, Ch. 6 Film
Nov 16,18	The Legal Professions	Vago and Nelson, Ch. 8 Visiting Speaker
Nov 23, 25	Law and Sociology	Vago and Nelson, Ch. 9
Nov 30, Dec 2	Review and Handing Out of Christmas Take-home Exam	No Tutorial on Friday. Consultation Hours re: Take-home Exam.

Plagiarism:

Plagiarism is unacceptable and subject to various sanctions. It involves not only copying word-for-word a portion of someone else's written work without crediting the author, but also paraphrasing the ideas of others without crediting the original author. See the website How to Avoid Plagiarism at <http://www.northwestern.edu/uacc/plagiar.html>, and see University Regulations section “**IX Academic Dishonesty**,” Lakehead University Calendar. You will receive zero on an assignment if any part of it is plagiarized, and your name will be reported to the Dean of Social Sciences and Humanities.

