



Western University
SOCIOLOGY 4455F-200
Advanced Sociology of Law
Fall 2020

Course offered remotely and in person (after Oct 12).

The course delivery might change due to health risks associated with COVID-19*

*I reserve the right to modify the course outline and readings

Wednesday, 930-12:30, SSC5235

Instructor: Professor Dale Ballucci

Office Hours: Wednesday 12:30-2:00 pm or by appointment

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Staying well during the pandemic: This edition of the course is being offered remotely. Essentially that means that we would ideally be having the course in person but because we are not able to do so, we are making a rapid conversion to an online/digital format. Normally, an online course is designed with a team of experts over a long period of time; this edition of the course was rapidly converted over a few months. I hope for your understanding if there are some bumps along the road and I welcome your suggestions any time. We are trying to make the most of a difficult situation. For some useful tips and information on Western's policies during the pandemic, please visit:

<https://www.uwo.ca/coronavirus/students.html>

COURSE INFORMATION

Learning Type:

Due to the impact of COVID 19, I have made several adjustments to the course outline to reduce the stress and challenges for students. Specifically, this course will be organized using modules, which will require fewer regular meetings, and increase student's ability to work independently. This approach is intended to address the need for flexible learning during this time. This course will primarily consist of writing assignments, which are designed to encourage students to engage with the materials in a comprehensive way. Students are required to read and engage with the course material on a weekly basis. The course also requires students to work with (at least) one other student to fulfill the requirements for the written seminar module. We will NOT be meeting each week. In the first week of class, I will post a video on OWL that will review the course components.

Course Description:

The purpose of this course is to examine the law as a product of social action, organizations, and processes. Contrary to the traditional legal approach, which views the law as a formal system of rules operating autonomously from society, this workshop treats law as a social institution. We will look at concepts and

frameworks for thinking about law and legal process. We will explore classical and contemporary theoretical, and empirical developments in sociology and in the more inter-disciplinary area of socio-legal studies. The goal of this course is to understand how sociologists study law and to explain some of the patterns and dynamics of law in a variety of social settings. We will focus on: classical theoretical contributions to the sociology of law; selected writings from the contemporary sociology of law; and a selection of empirical themes of law and law-related processes to which sociological theories will be applied. This course places great emphasis on the gender, race, and the implantation and process of law. Upon completion of this course, students should understand the manner in which sociologists study law and empirically analyze relevant dynamics of law and law-related phenomena.

Required Text(s):

All readings will be made available to students on OWL or via email.

Prerequisites: Enrolment in fourth year of Honors Specialization in Sociology or Criminology.

Learning Outcomes:

By the end of this course, students should:

- be familiar with the sub-discipline of the sociology of law
- have an understanding of the connection between law and society
- be aware of the influence of race, ethnicity, gender, immigration status and social class on justice outcomes
- use knowledge on socio-legal theories to analyze contemporary problems in Canadian society.
- critically reflect on media reports concerning justice issues.

Method of Evaluation:

1. Seminar Leadership 25%: Determined in class
2. Weekly Participation 20% (Grade given half way through course, and then at the end)
*If the course returns to online an alternative for participation may be writing critical reviews some of the course articles.
3. Term Paper Presentation/Ted Talk 20%: Tuesday November 30 and December 7
4. Term Paper 35%: November 26, 2021

Evaluation Breakdown:

1. Student Lead Seminar (25%):

Students will sign up in the first week of class.

The course is based in large part on student facilitation of, and participation in class discussions. You will each lead one seminar (on your own or in pairs, or groups, depending on class size) on the required readings. The key to leading a seminar is to come up with ways to engage and guide the class in 'unpacking' and critically analyzing the readings. *The goal is to identify three themes that overlap between the readings. These can be in the forms of questions or statements. For example, what is risk? To do this, read the articles, and consider the readings in relation to each other (and if*

applicable to readings discussed in previous seminars weeks). For this assignment, describe the main ideas in the article, discuss them themes and/or problems and/or issues raised in the article. Think about what important points readers should take away from the article.

IDENTIFY THEMES One week prior to your seminar, you will post three questions on the required readings designed to stimulate and guide class discussion for the class on the OWL course website. Failure to provide these questions will be reflected in your grade (-5%). These questions should aim to encourage critical and analytical thinking about the readings and the topic. On the day of your seminar, you are expected to begin with a *brief introduction* to the reading(s) that *highlights the key* elements. For your discussions consider how the articles are related. Are the ideas presented in the article complimenting each other? Do they present competing ideas? Do the arguments build on each other? It is your responsibility to garner responses to 'advance' questions and encourage and guide the discussion. If some of the readings are unclear to you, you can use additional resources.

You can use follow-up questions and other creative and thoughtful strategies (these might include teaching exercises, use of media, law or policy materials etc.) to encourage discussion and learning. The amount of times a student allotted to your presentation with depends on class enrollment (30-60 minutes). You will be notified of the time allotted for your presentation by the second week of class (when the enrollment is finalized).

Student lead seminars will be evaluated according to: the quality of the advance and follow-up discussion questions; critical/analytical content; links made with other course materials; meaningful incorporation of relevant external issues; effectiveness and creativity in stimulating, guiding and moderating class discussion; and preparation, organization and format. T

Individual grades may be assigned.

2. Weekly Participation (20%)

This class will follow a seminar format. As a seminar, the success of this course depends on informed and engaged student participation. All students are expected to come to class having done the readings and prepared for discussion. Your grade will reflect your efforts *to contribute in meaningful ways* to class discussions. Your contributions to class discussions should be informed by, and grounded in, the readings. I will evaluate not only how often you speak, but also the quality of your contributions. Your attendance will also be reflected in this grade. I will take attendance and notes on each students' participation in the course that will be used to justify and finalize participation grades.

3. Term Paper (35%) – Due Date: November 26, 2021.

The term paper must be a critical analysis of a law or policy in an area of your interest. This assignment requires you to take a critical perspective to law and policy making, which is germane to the course theme, and reflects the course material. More broadly, this exercise shows how law and policy on the books is different than law in action. Specifically, it allows you to understand the relationship between society, politics and policymaking. You are also required to integrate course material, please indicate course material with an * in the reference list.

What law or policy can I use?

Students are welcome to choose any law or policy of interest to them. Law aims to bring justice to society members and is administered through the courts. Laws set standards and principles and procedures. Policies are framed for achieving certain goals, or outline what government will not do.

Policies are documents, and although they are not law, they can lead to law. Students are encouraged to choose either a law or policy.

The paper on a policy or law must have the following components.

- a. Introduction: Briefly discuss the law or policy you have chosen.
- b. Context: Discuss the history, its implementation, and the debates around its implementation. What are some of the extra-legal factors that influence the law or policy's creation? For example, was there resistance? From who, or what (political party, activists groups)? What was the justification for the resistance? What influenced the government to implement the policy? For example, was it due to changing social norms, rise of technologies, or economic inequality?
- c. Debates and Controversies: Using academic source (that must be references in the paper and presentations) discuss, at least two perspectives on the law and policy. For example, conservative and liberal approaches to a law and policy differ. Explain how these justifications differ.
- d. In your paper, include, a discussion on whether or not the law or policy resulted in the intended outcomes? Does the law or policy in its current form achieve the purpose or/and outcome intended?
- e. If relevant, discuss if the law or policy has changed over time. How and why did the policy change?
- f. Conclusion and Discussion points. This should not be a summary of your paper. Instead, use this section to reflect on the policy. This is a place where you can express your position, as long as it is grounded in the literature.

Papers must be original, in that they will be written specifically for this course. They will be clearly organized and articulate a coherent argument. They must use the appropriate literature and sources that would normally be expected for a scholarly paper. ***You are required to use three readings (or more) from the course, and a minimum of 7 additional references.*** They will be **no** longer than 2,500 words (10 pages) in length, correctly referenced, using any one of the standard academic reference styles. The grading rubric for this assignment will follow that of the presentation.

See Appendix

Graded on a pitch- you need to find a pitch- not a paper summary.
Start with a question- that leads people to why this issue matters.

4. Ted Talk (20%) - Due Date: Last two weeks (12,13) of the course.

This is not a Presentation!!! Do not present your paper. Instead develop a talk that enlists people to listen to why they should care about the issue/topic.

Students are expected to prepare a 10-15minute (the length of time will depend on the class size) presentation on the law or policy examined in their paper. The purpose is to showcase students' term papers, but in a format that has appeal to the public. This exercise will further develop your critical thinking skills, and build your with public speaking skills. This exercise, in addition to training students to think critically and to perform in front of groups, allows student to explore an aspect of legal governance (law or policy) in a way that will be of interest to the general public or non- criminology and sociology students.

*Student will be graded on their presentation, no written submission is necessary because the presentation will be based on your term papers.

Evaluation:

The evaluation will be based on:

- a. The components outlined for the paper above (13 marks).
- b. Presentation style (7 marks)

If time permits, your classmates and myself will ask you questions.

Important Tips for presentations:

- a. Be sure to be able to explain the law or policy in your own words. If you don't understand a section or sentence it is your responsibility to figure it out and explain it to the class
- b. Don't use words that you don't know
- c. Use examples, if applicable, in the 'real/current' world to show that you understand the material
- d. Make connections and comparisons, if applicable.
- e. Demonstrate your ability to critically understand and engage in the debates relevant to your law or policy.
- f. Offer a rationale for why understanding the practices that shaped the implementation, changes or demise of your law and policy. Why should anyone care about understanding the social and political context of law and policy?

See Appendix

How to Contact Me:

I can be contacted via email at dballucc@uwo.ca. Only emails that use proper etiquette will be answered. For example, a salutation is required. "Hello Professor Ballucci, or Dr. Ballucci" is acceptable. "Hey", "Miss", or the absence of a salutation is not acceptable. Also, no texting terminology is acceptable. Lastly, provide me with your name, the course and section (if applicable) that you are emailing about. Also, please do not email me questions about course content or course procedures. I will take time in every class to answer these types of questions. There are, however, two main exceptions to this policy:

1. You are experiencing a personal emergency that I need to know about before the next class.
2. You want to make an appointment to see me.

I will give my best effort to respond to these emails within 24 hours during weekdays. I do not answer emails frequently over the weekend.

How to get important information:

All relevant course material will be available in the course outline and in class. Course announcements and information may also be sent to your western email account.

Appendices

Appendix 1: Reading and Note Taking

READING LAW

Mechanics of reading and note taking:

Read the text and make notes (on a separate piece of paper) indicating what seem like the most important parts of the text. When you have gone through the text once, go back and take notes in outline form, by paraphrasing sentences or paragraphs until you have reduced the many pages of text to a few pages in your own words. (Make sure to keep an accurate citation to the work so that any future use of these notes and paraphrases can be appropriately cited.) Do not rely on underlining. Do not rely on highlighting. To “know” a text, you need to convert it into your own words and phrases and claims. The text needs to be processed several different ways. Underlining does not help you learn the material.

Analytical Reading:

- a. Classify the book or article according to kind and subject matter. Into what paradigm or research program (genre) does that work fit? What is the piece about as a whole?
- b. Define the specific problem or problems the author has tried to address. What question does the author claim to address? You might also want to think about how this reading fits into the course. Why did the instructor place the reading at this point in the course? What is the topic on the syllabus? How does this reading provide an answer or information for this topic?
- c. A theoretical statement proposes a relationship between elements of a process. What theoretical statements does the author make?
- d. What are the concepts and variables used? Become familiar with the author by defining key words. Know the details of the argument.
- e. How does the author’s argument / position compare with that of others who address the same question or related questions? Where are the points of similarity and difference?
- f. What normative statements (value judgments) does the author make? What values does the author assume readers will share? What assumptions does the author make that may be contestable?
- g. What is the author’s methodology? What constitutes data in this reading? Know the author’s arguments by finding them in, or constructing them out of, sequences of sentences.
- h. Determine which of the problems the author has solved and which she has not; and of those not solved, decide which the author knows he has failed to solve. If you disagree with the author, on what basis do you disagree? Is the author uninformed, misinformed, illogical, imprecise, or incomplete? Criticize fairly; do not pass judgment based on personal opinion, taste, or preference. Is the argument internally consistent? Does the data (both that presented by the author and other data in the field) support the argument?

Appendix 2: Conference Style Presentation and Paper Guidelines

Using the reading and note taking guidelines above will provide you with the analytical tools necessary to produce a strong paper and presentation. In preparing your paper consider the following questions.

1. What are the opposing arguments to this law/policy?
2. What motivates the support or contestation of the law/policy?
3. How would a Sociologist of Law understand the issues?
4. What would the theories from the text say about this law? Its purpose? Implementation?
5. What does this law try to regulate? Does this answer/explain why there is support or resistance for its implementation?
6. Why is there an absence of law to regulate particular behaviours?
7. What debates are there around this topic/issue?
8. What academic criticism can you provide?
9. What are some of the counter arguments? How compelling is the evidence presented?

General Guidance on Structuring Academic Term Papers (general advice to consider)

A good general rule when writing a social science term paper is to discuss each point of the argument you make in your paper in the following way:

(Stage 1) **Description:** show you understand the basic idea, premise and/or argument(s) made by the position or theory you are considering

(Stage 2) **Connections:** show how the different ideas, premises and/or arguments you are considering might relate to one another: how might they have similar thinking/understanding on the topic in question? Or, alternatively, how they might not be similar to one another?

(Stage 3) **Critical assessment:** show your sociological thinking by looking at what the issues, counter-arguments, alternative perspectives, etc. might be and then, looking at the issue under consideration for its formation) and ask yourself: what is it about them that might be problematic? (e.g. what might they assume?; what might be contentious in their 'understanding' of a particular issue?; what alternative explanations might there be?)

Many students spend too much time on the descriptive (i.e. Stage 1) part, a little on Stage 2 and then hardly anything (sometimes nothing at all) on Stage 3. To perform well on this 400 level paper, you need to demonstrate that you have also done the difficult analytical work involved in Stages 2 and 3 and can present it in a thoughtful and balanced exposition.

You should also strive to write your paper concisely, organize your exposition clearly, and use concepts accurately.

Appendix 3: Potential Research Topics

Below is a list of presentation topics; by no means is the list exclusive. I am open to hearing your areas of interest and will accept any topic that is relevant to the course objectives and content.

Pornography law	Rape, law and practice
Consent law	Foreign domestic workers
Violence against woman	Wrongfully convicted
Racism and Inequality	Euthanasia
Punishment and Sentencing	Gambling laws
Child Custody law	Corporate crime
Corporate Crime	Racial discrimination
Terrorism law	Employment equity
How judges make decisions	Aboriginal and treaty rights
Intellectual property	Lesbian and gay rights
Human rights law	Domestic violence
International Law	Environmental law
Refugee and Immigration law	Child welfare
Human Trafficking	Sexual Assault Law (Response to sexual assaults)

Important Policies

Policies for Assignment Deadlines:

All assignments are due on the dates noted. Late course work will only be accepted without penalty with appropriate documentation that has been approved by the Academic Counseling office. Coursework received after the due date will have their grade reduced by a rate of 5% per a day (including weekends). If an assignment is due at the end of a morning class (12:30) it will be considered one day late any time after 12:30 p.m. until 4:30 p.m. the following day).

A Note on Plagiarism:

Students must write their assignments in their own words. Whenever students take an idea from another author, they must acknowledge their debt both by using quotation marks where appropriate and by proper referencing such as footnotes or citations. Plagiarism is a major scholastic offence (the Scholastic Offence Policy can be viewed in the Western Academic Calendar).

Plagiarism Checking:

All required papers may be subject to submission for textual similarity review to the commercial plagiarism detection software under license to the University for detection of plagiarism. All papers submitted for such checking will be included as source documents in the reference database for the

purpose of detecting plagiarism of papers subsequently submitted to the system. Use of the service is subject to the licensing agreement, currently between The University of Western Ontario and Turnitin.com (<http://www.turnitin.com>).

Examinations:

There will be no electronic devices allowed during tests and examinations.

Policy on Laptops and other Electronics/Phones in Class:

Laptops are permitted in class but if it is observed that students are on social networking sites such as Facebook or Twitter, they will be told to close the lid and they will not be permitted to use it for the remainder of the class. Be sure that all cell phones are turned off at the beginning of class.

Policy on Accommodation for Medical Illness:

Western's policy on Accommodation for Medical Illness can be found at https://www.uwo.ca/univsec/pdf/academic_policies/appeals/accommodation_medical.pdf. Students must see the Academic Counsellor and submit all required documentation in order to be approved for certain accommodation: https://counselling.ssc.uwo.ca/procedures/academic_consideration.html

Accessibility Options:

Please contact the course instructor if you require material in an alternate format or if you require any other arrangements to make this course more accessible to you. You may also wish to contact Services for Students with Disabilities (SSD) at 661-2111 x 82147 for any specific question regarding an accommodation. Information regarding accommodation of exams is available on the Registrar's website: http://www.registrar.uwo.ca/examinations/accommodated_exams.html

Scholastic Offences

Scholastic offences are taken seriously and students are directed to read the appropriate policy, specifically, the definition of what constitutes a Scholastic Offence, at the following web site: http://www.uwo.ca/univsec/pdf/academic_policies/appeals/scholastic_discipline_undergrad.pdf

Mental Health

Students who are in **emotional/mental distress** should refer to Mental Health@Western (https://www.uwo.ca/health/mental_wellbeing/index.html) for a complete list of options how to obtain help.