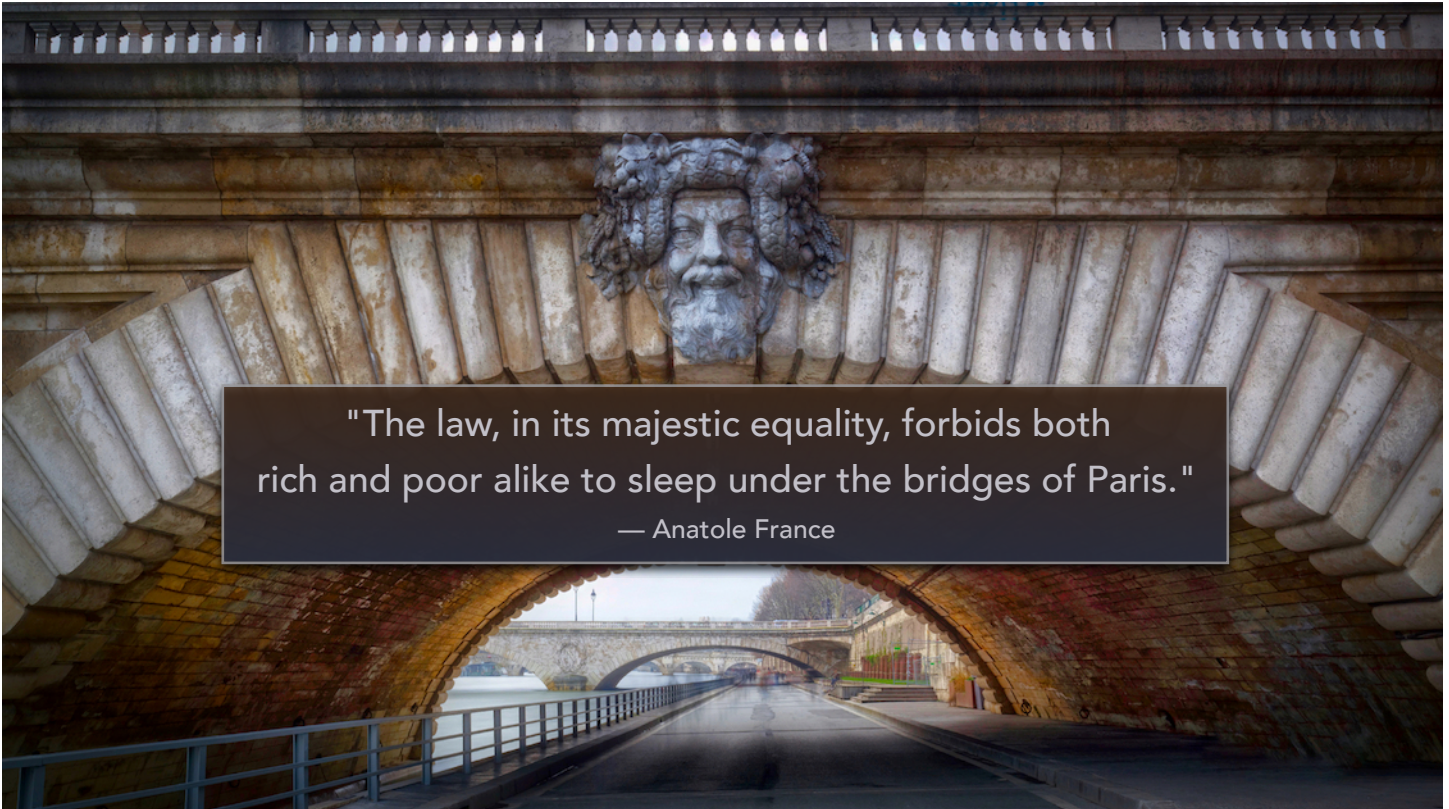


SOCIOLOGY 2119: Sociology of Law



Course Description

This course analyzes the effects of law on social relationships as well as the social dynamics which give rise to, maintain, and alter laws. The sociological aspects of institutions and organizations are studied in the context of the Canadian legal system. This is a class in learning to think critically and sociologically about the law and its role in society. (NOTE: Not all topics listed here may be covered.)

Course Logistics

- Instructor: Bill Kirkpatrick, billkirkp@gmail.com (preferred) or b.kirkpatrick@uwinnipeg.ca. Please do not use Nexus to email me: I do not guarantee responses to any Nexus email.
- Office Hours: Mondays, 11:00-12:00, and Wednesdays, 2:30-3:30, or by appointment. To find me in office hours, please use <https://aca-media.org/whereisbill>.
- Schedule: The class meets in person M/W 4:00-5:15 p.m. The first class is Sep. 6 and the last is Dec. 4. A permitted or necessary change in mode of delivery may require adjustments to important aspects of course outlines, like class schedule and the number, nature, and weighting of assignments and/or exams.

Sep. 20	Symbolic Interactionism: Max Weber	<u>Watch:</u>	"Max Weber & Modernity: Crash Course Sociology #9" "7.7 Rationalisation"
		<u>Read:</u>	Deflem, "Max Weber on the Rationalization of Law" (pp. 37-48) (you may stop at "The Legacy of Weber")
Sep. 25	Functionalism: Émile Durkheim	<u>Watch:</u>	"Émile Durkheim on Suicide & Society" "Durkheim and the Functions of Crime"
		<u>Read:</u>	Deflem, "Emile Durkheim on Law and Social Solidarity" (pp. 56-74)
Sep. 27	Poststructuralism: Michel Foucault I	<u>Watch:</u>	"PHILOSOPHY - Michel Foucault" (CW: brief artistic sexuality) "Foucault: Power and Knowledge"
		<u>Read:</u>	Turkel, "Michel Foucault: Law, Power, and Knowledge" (pp. 170-187; also, you may skip Secs. 4. And 5. on pp. 175-177 and pick up again on p. 178, then stop when you get to "Sexuality and the Discourse of Repression" on p. 187)
Oct. 2	Poststructuralism: Michel Foucault II	<u>Read:</u>	McWhorter, "Normalization"
		<u>Note:</u>	Midterm Exam handed out, due Oct. 27
Oct. 4	NO CLASS—Courtroom observation	<u>Turn in:</u>	Courtroom observations by 5:00 p.m. on Oct. 13 to Nexus

— **READING PERIOD: OCT. 9-13** —

Oct. 16	Structural Advantage	<u>Read:</u>	Galanter, "Why the 'Haves' Come Out Ahead," pp. 495-523
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INTERLUDE: READING LEGAL OPINIONS

Oct. 18	Reading Legal Opinions	<u>Read:</u>	Kerr, "How to Read a Legal Opinion" Fraser v. Canada (opening summary plus paras. 1-139 and 231-256)
Oct. 23	Legal Reasoning	<u>Read:</u>	Fuller, "The Case of the Speluncean Explorers"
Oct. 25	NO CLASS—Midterm	<u>Turn In:</u>	Midterm Exam by 5:00 p.m. on Friday, Oct. 27

UNIT 2: CRITICAL LEGAL STUDIES: THE LAW ENCOUNTERS SOCIOLOGY

Oct. 30	The Problem(s) with Legal Liberalism	<u>Read:</u>	Altman, "Critical Legal Studies v. Liberalism"
Nov. 1	Feminist Legal Theory	<u>Read:</u>	Eichner and Huntington, "Introduction" pp. 1-4 (stop at "Consider the paper ...") Hunter, "Contesting the Dominant Paradigm"
Nov. 6	Critical Race Theory	<u>Read:</u>	Butler, "Stupidest Housemaid, J." Aylward, "Ch. 1: Critical Race Theory," pp. 19-39 (stop at "An International Movement")
Nov. 8	Intersectionality in the Law	<u>Read:</u>	Crenshaw, "Demarginalizing the Intersection of Race and Sex," Sections I and IV (pp. 139-152 and pp. 166-7)
Nov. 13	Indigeneity in Canadian Law	<u>Read:</u>	Hamilton, "Introduction" and "Healing the Bishop"
		<u>NOTE:</u>	Nov. 13 is the final date to withdraw from Fall courses without academic penalty (NB: withdrawing before this date does not necessarily result in a fee refund)
Nov. 15	Mad Studies: Critiquing the "Rational" Legal Subject	<u>Read:</u>	Wahbi & Beletsky, "Involuntary Commitment as 'Carceral-Health Service'" Costa, "Mad Patients as Legal intervenors in Court"
Nov. 20	Prostitution	<u>Read:</u>	Mac & Smith, "The People's Home"

Nov. 22	The Law and Unhoused/Precariously-Housed Persons	<u>Read:</u>	Blomley, Flynn, and Sylvestre, " <u>Governing the Belongings of the Precariously Housed</u> "
Nov. 27	Drug Policy	<u>Read:</u> <u>Note:</u>	Boyd, " <u>Heroin and the Illegal Drug Overdose Death Epidemic</u> " Final Exam handed out, due Dec. 17
Nov. 29	Who Has Rights Before the Law?	<u>Read:</u>	Deckha, " <u>Unsettling Anthropocentric Legal Systems</u> "
Dec. 4	Consolidation of Unit 2	<u>Read:</u>	Park, " <u>Racialized Women, the Law and the Violence of White Settler Colonialism</u> "

DEC. 17: FINAL EXAM DUE BY 5:00 P.M. ON SUNDAY, DEC. 17

Policies and Expectations

Your Attendance: Attendance is encouraged and will enhance your own and others' class experience; it is also a major component of your "class engagement" grade. Furthermore, the in-class exercises (team roles) will not be possible to make up if you are absent.

My Attendance: When it is necessary for me to cancel a class due to exceptional circumstances, I will make every effort to inform students via Nexus and email as soon as possible.

Public Health: Students can find answers to updates and frequently asked questions related to COVID-19 here: <https://www.uwinnipeg.ca/covid-19/index.html>

Participation/Engagement: The main responsibilities of creating a productive and enjoyable class rest with you, and that is why class engagement is part of your final course grade (10%). Your active contributions affect not only what you get out of the course but also what your classmates get out of the course.

Assessment Criteria For Participation: Merely showing up and taking notes is not enough for your success in this class: I'll be looking for evidence of preparedness (e.g. referencing the readings), ability to make connections to other readings/discussions, effort to listen to and build on classmates' comments, and willingness to engage in critical thinking and dialog. You can also demonstrate class engagement in ways other than speaking in class (e.g. sending me your thoughts via email; coming to office hours to talk about ideas; sending me relevant items of interest; etc.). I am happy to provide periodic feedback during office hours as we progress through the course so that you can make adjustments as necessary.

Preparation: Always have the day's readings ready to consult during class. The course outline will always state clearly what you should read prior to each class, which assignments you should hand in, and what else you must do or bring for a given day. Late assignments will be penalized by a half-grade for each 24 hours of lateness (e.g. from B+ to B). If you know that you will have difficulty completing an assignment on time, let me know before the deadline and I will work with you to the extent possible.

Written Work: Unless otherwise specified, all written work must be typed in twelve-point font, with one-inch margins on all sides, and double-spaced. Your name and the date of completion must be given at the top.

Marks: The calculation of your mark will be based on a 1,000-point scale, and the weight of each assignment is listed above. Final grades shall be approved by the Department Review Committee and may be subject to change. If you are concerned about your mark, please come talk to me as early as possible. I will use the following scale:

A+	90-100%	EXCEPTIONAL. Demonstrated exceptional mastery of course material, together with exceptional skill and/or great originality in using knowledge and concepts from the course.
A	85-89.9%	EXCELLENT. Demonstrated thorough understanding of course material, together with very high degree of skill and/or considerable originality in using knowledge and concepts from the course.
A-	80-84.9%	OUTSTANDING. Demonstrated very high level of understanding of course material, together with high degree of skill and/or originality in using knowledge and concepts from the course.
B+	75-79.9%	VERY GOOD. Demonstrated high level of understanding of course material, together with reasonably high degree of skill and/or originality in using knowledge and concepts from the course.
B	70-74.9%	GOOD. Demonstrated above-average level of facility with course material, together with reasonable skill and/or originality in using knowledge and concepts from the course.
C+	65-69.9%	COMPETENT. Demonstrated acceptable level of facility with course material, together with fair skill and/or originality in using knowledge and concepts from the course.
C	60-64.9%	FAIRLY COMPETENT. Demonstrated acceptable familiarity with course material, together with adequate skill and/or originality in using knowledge and concepts from the course.
D	50-59.9%	PASSING. Demonstrated minimal grasp of course material, together with minimal skill and/or originality in using knowledge and concepts from the course.

F 0-49.9% FAILING. Demonstrated insufficient knowledge of course material, together with inadequate skill and/or originality in using knowledge and concepts from the course.

Communication Policy: I will regularly use email and/or Nexus to send out announcements, changes in the schedule, reminders about due dates, etc. It is your responsibility to check your email regularly to keep up-to-date with these announcements. I prefer billkirkp@gmail.com but b.kirkpatrick@uwinnipeg.ca will work too. Do NOT email me through Nexus: I do not guarantee any response to messages sent via the Nexus email client. Except when I have given you advance notice, or in rare cases of personal or family emergency, I promise to answer all email from students within 24 hours (36 hours on weekends) and will hold you responsible for any announcements made via email within 24 hours of the announced change (36 hours on weekends). Please keep in mind that more involved questions should be asked in office hours, not over email.

Exams: The course has two take-home, essay-style exams. Make-up exams will only be offered in cases of verified emergency. Proper certification includes: notes from licensed medical professionals; evidence of legal responsibility (e.g., compulsion to testify in legal proceedings); and notes from the U. of W Counseling Services Office. In case of bereavement or personal events of a tragic nature, please provide documentation from any of those three sources, including that person's contact information. In case of a health issue, your note need not give any specific medical information but must attest to the legitimacy of the absence.

Absences for Religious Observance: Students may choose not to attend classes or write examinations on holy days of their religion, but they must notify me at least two weeks in advance. A list of university-recognized religious holidays can be found at <http://uwinnipeg.ca/academics/calendar/docs/important-notes.pdf>.

Accessibility and Special Accommodations: I am striving to make the class and my teaching materials as accessible as possible. Access needs will be addressed pre-emptively through the following strategies:

- Captions for in-class videos, and transcripts of audio material, will be provided whenever possible.
- Class discussions may be recorded with advanced notice given to the instructor and the consent of the other students.
- Flexible deadlines are possible with advance notice.
- Participation will be evaluated through a variety of modalities: in-class discussion, contributing to Nexus, drop-in hours, etc.

It is important that the course be accessible to all students. Students with documented disabilities, temporary or chronic medical conditions, requiring academic accommodations for tests/exams (e.g., private space) or during lectures/laboratories (e.g., note-takers) are encouraged to contact Accessibility Services (AS) at 204-786-9771 or accessibilityservices@uwinnipeg.ca to discuss appropriate options. All information about a student's disability or medical condition remains confidential <http://www.uwinnipeg.ca/accessibility>. If you need any alternative accommodations in the curriculum, instruction, or evaluation procedures in order for you to be able to participate fully in the course, or if there are any external issues that may affect your work in this course, please contact me privately as soon as possible.

Academic Honesty and Non-Academic Misconduct: Students are encouraged to familiarize themselves with the regulations and policies found in the University of Winnipeg's Academic Calendar here. Special attention should be given to subsections 8 (Student Discipline), 9 (Senate Appeals), and 10 (Grade Appeals). Please note, in particular, the subsection of Student Discipline pertaining to plagiarism and other forms of cheating. Detailed information can be found at the following:

Academic Misconduct Policy and Procedures: <https://www.uwinnipeg.ca/institutional-analysis/docs/policies/academic-misconduct-policy.pdf>
and <https://www.uwinnipeg.ca/institutional-analysis/docs/policies/academic-misconduct-procedures.pdf>

Non-Academic Misconduct Policy and Procedures: <https://www.uwinnipeg.ca/institutional-analysis/docs/student-non-academic-misconduct-policy.pdf> and <https://www.uwinnipeg.ca/institutional-analysis/docs/student-non-academic-misconduct-procedures.pdf>

I also encourage you to view the University of Winnipeg library video tutorial "Avoiding Plagiarism."

Misuse of AI and Filesharing Sites: Unless otherwise explicitly stated, students are not permitted to use artificial intelligence (AI) tools (such as ChatGPT) at any stage of their work in this class, and you may face an allegation of academic misconduct if you use such tools in your assignments.. Uploading essays and other assignments to essay vendor or trader sites (filesharing sites that are known providers of essays for use by others who submit them to instructors as their own work) is highly problematic, and students who do this can be charged with Academic Misconduct. I'm happy to have a conversation with you about the ethics of participating on such sites.

Respectful Learning Environment: Students are expected to conduct themselves in a respectful manner on campus and in the learning environment irrespective of platform being used. Behaviour, communication, or acts that are inconsistent with a number of UW policies (e.g., Respectful Working and Learning Environment Policy, Acceptable Use of Information Technology Policy) could be considered "non-academic" misconduct. Detailed information can be found here and here.

Privacy: You have rights in relation to the collection of your personal data by the University; see here. There are also protections in place regarding in-class testing, so you should also be aware of policies in that regard.

Copyright: The University requires me to including the following: "Course materials are owned by the instructor who developed them. Examples of such materials are course outlines, assignment descriptions, lecture notes, test questions, and presentation slides.

Students who upload these materials to filesharing sites, or in any other way share these materials with others outside the class without prior permission of the instructor/presenter, are in violation of copyright law and University policy. Students must also seek prior permission of the instructor/presenter before photographing or recording slides, presentations, lectures, and notes on the board." However, it should be noted that, unfortunately, this UW-provided statement is not an entirely accurate invocation of Canadian copyright law. For example, in claiming that prior permission must always be sought, the statement fails to acknowledge "fair dealing" exceptions when no prior permission is required. I wish that the University's statement would emphasize fair dealing as strongly as it asserts the supposed extent and sanctity of copyright. In any case, in keeping with the University's mission as an educational institution, I encourage you to freely share my course materials, your class notes, etc.

Holidays: The University is closed for the following holidays: September 4 (Labour Day), September 30 (Truth and Reconciliation Day), October 9 (Thanksgiving Day), November 11 (Remembrance Day), December 23 through January 4, February 19 (Louis Riel Day), March 29 (Good Friday).

MY OFFICE (but note: *always* check Where Is Bill Today? for where to find me in office hours):

RICHARDSON BUILDING

599 PORTAGE AVENUE

OFFICE 2RC34

PORTAGE AVENUE SIDE

