



College of Social and Applied Human Sciences
Department of Sociology and Anthropology

SOC*3730 | Courts and Society
Winter 2023

Instructor: Dr. Tuğçe Ellialtı-Köse

Email: tugce@uoguelph.ca

Office: MacKinnon Building 642

Office Hours: 11.30 am – 12.30 pm on Tuesdays and by appointment

Class Time & Location: Tuesdays and Thursdays 1 pm – 2.20 pm in RICH 2520

Course Overview

This course examines the social processes involved in the courts as it engages questions of the relationship between the courts/criminal justice system and society from a critical socio-legal perspective. Our primary objective for the course is to develop a theoretically rich, nuanced, and comprehensive understanding of the interplay between courts and society, with a focus on the Canadian context. To this end, in this course, we will adopt an interdisciplinary approach employing concepts, ideas, and theories from a range of disciplines and fields, including sociology, criminology, political science, law, and gender and critical race studies. We will begin the course with an overview of the Canadian court system, the structure, role, and regulation of courts, and the multiple roles that courts play and the kinds of disputes that they solve. We will then move to discussing a set of widely debated topics such as access to justice, the fallibility of the justice system (e.g., wrongful convictions), and the public perception of courts.

Throughout the course, we will study the interplay between courts and society, which is complex and multifaceted and has numerous implications for the workings of courts, judicial outcomes, the nature and impact of courts on society, and court-community interactions. We will also examine the ways that courts act as political actors and institutions and serve as vehicles of social and political change while addressing a number of highly contested questions: Can courts produce significant social reform? Do court rulings change people's policy views? What about the vice versa: Does public opinion influence Supreme Court decisions? Drawing on theoretical and empirical research on the judiciary and courts (including courtroom activities and the institutional contexts in which courts operate), criminal and constitutional law, and case studies, we will explore a range of substantive issues that include, but are not limited to, judicial behavior and judges' decision-making processes, racial injustices in the courtroom, courts and the media (e.g., the media's role in reporting trials and criminal cases, the impact pretrial publicity on judicial outcomes and the "CSI Effect"), law/courts, morality,

and moral regulation, and law/courts, gender, and intimacy (e.g., adjudication of domestic and intimate partner violence). We will end the course with a discussion on contemporary modalities of penal power with a focus on therapeutic and targeted governance, court-community relations, and risk-need management.

Throughout the term, in the light of theoretical and conceptual tools and insights that we will acquire in the course, we will delve into discussions about current debates on issues such as reproductive rights (including abortion), sexuality, disability, and (gender-based) violence and discrimination.

The readings will include both foundational texts in the law and society literature (on courts and the judiciary) and newer critical scholarship on specific, contemporary social, legal, and political issues.

Learning Outcomes

On successful completion of this course, you will be able:

- to critically examine the social processes involved in the courts.
- to engage in critical and reflective thinking to better understand and discuss the ways that the interplay between the courts/criminal justice system and society operates and produces specific social and political effects.
- to develop a theoretically rich, nuanced, and comprehensive understanding of the interplay between courts and society, with a focus on the Canadian context.
- to have a clear knowledge and understanding of the various levels and functions of the Canadian court system, and the multiple roles that courts play and the kinds of disputes that they solve.
- to critically engage and meaningfully discuss largely debated contemporary topics such as access to justice, the fallibility of the justice system (e.g., wrongful convictions), and the public perception of courts.
- to outline and discuss the factors that go into judicial decision-making and the historical and contemporary social and political processes, forces, and structures that shape and inform court decisions.
- to cogently discuss how courts (often) act as political actors and institutions and serve as vehicles of social and political change.
- to identify the ways that courts produce significant social reform and the two-way relationship between court decisions and public opinion (i.e., how court rulings affect/change people's policy views and how public opinion influences Supreme Court decisions).
- to have familiarity with a range of substantive issues (related to courts and society) that are widely debated in the public sphere and among professionals such as judicial behavior and judges' decision-making processes, racial injustices in the courtroom, courts and the media (e.g., the impact pretrial publicity on judicial outcomes and the "CSI Effect"), law/courts, morality, and moral regulation, and law/courts, gender, and intimacy (e.g., adjudication of domestic and intimate partner violence).

- to identify and discuss contemporary modalities of penal power and the ways they operate in neoliberal times.
- to approach controversial issues, texts, and arguments with an open and reflective mind and a critical lens.
- to apply course content and class discussions to contemporary everyday life (what we read and discuss in class is highly relevant to our lives!).
- to improve your critical thinking, reading and writing skills to use academic sources to make convincing and well-grounded arguments through engagement with the course materials and your classmates, and to learn how to work cooperatively in groups.
- to demonstrate competence in critically evaluating, synthesizing and communicating information, arguments, and analyses accurately and effectively orally and in writing.

Format

Each class will have a lecture component that will focus on and elaborate the daily/weekly readings. To succeed in this course, you will need to put in time and effort in class and out of class each week. You are expected to attend the lectures, come to class having completed the assigned materials (please note that this is a reading intensive course and doing the readings is essential to one's success in the course) and actively engage with course material so that you can take part in class discussions and do well in the assignments. As course instructor, I will act primarily as a facilitator, assisting you all to achieve both the course learning objectives and your own individual learning goals and work hard to make this course productive for everyone. I hope you will join me in this endeavor as your active engagement and participation is what will make learning far more enjoyable for all of us.

Restrictions

Registration in BA.ANTH, BA.CJPP, BA.SOC (major, minor or area of concentration)

Requisites

(SOAN*2112 or SOC*2700), SOAN*2120 – Must be completed prior to taking this course.

Textbooks and Other Materials

No book is required for this course. Readings will be available online via ARES Course Reserve, CourseLink, and the links on the syllabus.

Evaluation Components (*may be subject to change*)

This course has different evaluation components, including reading quizzes, documentary commentaries, two term tests, and a final project. Details will be provided in the syllabus.

Note: This draft outline is for informational purposes only and may change at the instructor's discretion. A complete syllabus will be shared with the students during the first class. In the meanwhile, if you have any questions about the course, please email me at tugce@uoguelph.ca.