

SOC6406 Law, Politics, and Globalization

Syllabus, Winter 2020

Department of Sociology, University of Toronto

Time: 9:00-11:00am, Wednesday

Location: Room 240, 725 Spadina Avenue

Course website: UofT Quercus

Instructors:

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(Office hours by appointment)

Course Description

This advanced graduate seminar provides an overview of sociological scholarship at the intersection of law, politics, and globalization. The readings and session topics below span across related areas of sociology of law and political sociology -- which are not always explicitly connected in the literature -- with an emphasis on research that covers global contexts.

Session Topics and Readings

Week 1 (January 8): Everyday Legality and Illegality

Silbey, Susan S., and Patricia Ewick. 2000. "The rule of law -- sacred and profane." *Society* 37: 49-56.

Michelson, Ethan. 2008. "Dear Lawyer Bao: Everyday problems, legal advice, and state power in China." *Social Problems* 55: 43-71.

Flores, René and Ariela Schachter. 2018. "Who are the "illegals"? The social construction of illegality in the United States." *American Sociological Review* 83: 839-868.

Week 2 (January 15): Globalization from Above and Below

Meyer, John W., John Boli, George M. Thomas and Francisco O. Ramirez. 1997. "World society and the nation-state." *American Journal of Sociology* 103: 144-181.

de Sousa Santos, Boaventura, and César A. Rodríguez-Garavito, eds. 2005. *Law and Globalization from Below: Towards a Cosmopolitan Legality*. Cambridge University Press. (Chapter 1 only)

- Merry, Sally Engle. 2006. "Transnational human rights and local activism: Mapping the middle." *American Anthropologist* 108: 38-51.
- Frank, David John, Bayliss J. Camp, and Steven A. Boutcher. 2010. "Worldwide trends in the criminal regulation of sex, 1945 to 2005." *American Sociological Review* 75: 867-893.

Week 3 (January 22): Law and Colonial Encounters

- Stinchcombe, Arthur. 1994. "Freedom and oppression of slaves in the eighteenth-century Caribbean." *American Sociological Review* 59: 911-929.
- Cohn, Bernard. 1996. *Colonialism and Its Forms of Knowledge: The British in India*. Princeton University Press. (Chapter 3 only)
- Shamir, Ronen and Daphna Hacker. 2001. "Colonialism's civilizing mission: the case of the Indian Hemp drug commission." *Law & Social Inquiry* 26: 435-461.
- Steinmetz, George. 2008. "The colonial state as a social field: Ethnographic capital and native policy in the German overseas empire before 1914." *American Sociological Review* 73: 589-612.

Week 4 (January 29): Making States

- Tilly, Charles. 1985. "War making and state making as organized crime." Pp. 169-191 in *Bringing the State Back In*, eds. P. Evans, D. Ruechemeyer, and T. Skocpol. Cambridge University Press.
- Maurer, Bill. 1995. "Writing law, making a 'nation': History, modernity, and paradoxes of self-rule in the British Virgin Islands." *Law and Society Review* 29: 255-286.
- Scott, James. 1999. *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*. Yale University Press. (Chapter 2 only)
- Loveman, Mara. 2005. "The modern state and the primitive accumulation of symbolic power." *American Journal of Sociology* 110: 1651-1683.
- Bourdieu, Pierre. 2018. "The state as *fictio juris*" and "Juridical capital as linguistic capital and practical control." Pp. 329-332 in *On the State: Lectures at the Collège de France, 1989-1992*. John Wiley & Sons.

Week 5 (February 5): Lawyers and Globalization

- Dezalay, Yves and Bryant Garth. 1995. "Merchants of law as moral entrepreneurs: Constructing international justice from the competition for transnational business disputes." *Law & Society Review* 29: 27-64.
- Liu, Sida. 2013. "The legal profession as a social process: A theory on lawyers and globalization." *Law & Social Inquiry* 38: 670-693.

Dezalay, Sara. 2018. "Lawyers in Africa: brokers of the state, intermediaries of globalization: A case study of the 'Africa' bar in Paris." *Indiana Journal of Global Legal Studies* 25: 639-669.

Ballakrishnen, Swethaa. 2019. "Just like global firms: Unintended gender parity and speculative isomorphism in India's elite professions." *Law & Society Review* 53: 108-140.

Week 6 (February 12): Legal Actors and Political Choices

Mudge, Stephanie and Antoine Vauchez. 2012. "Building Europe on a weak field: Law, economics, and scholarly avatars in transnational politics." *American Journal of Sociology* 118: 449-492.

Cheesman, Nick. 2015. *Opposing the rule of law: How Myanmar's courts make law and order*. Cambridge University Press. (Chapter 6 only)

Liu, Sida and Terence C. Halliday. 2019. "The Ecology of Activism: Professional Mobilization as a Spatial Process." *Canadian Review of Sociology* 56: 452-471.

Shiff, Talia. 2019. "Regulating Organizational Ambiguity: Unsettled Screening Categories and the Making of US Asylum Policy." *Journal of Ethnic and Migration Studies*, published online: 28 November 2019. <https://doi.org/10.1080/1369183X.2019.1696669>

Week 7 (February 26): Violence

Garland, David. 2005. "Penal excess and surplus meaning: Public torture lynchings in twentieth-century America." *Law & Society Review* 39: 793-834.

Menjívar, C. and Abrego, L. 2012. "Legal violence: Immigration law and the lives of Central American immigrants." *American Journal of Sociology* 117: 1380-1421.

Auyero, Javier, Agustín Burbano de Lara, and María Fernanda Berti. 2014. "Violence and the state at the urban margins." *Journal of Contemporary Ethnography* 43: 94-116.

Wacquant, Loïc. 2014. "The global firestorm of law and order: On punishment and neoliberalism." *Thesis Eleven* 122: 72-88.

Week 8 (March 4): Law and Autocracy

Moustafa, Tamir. 2003. "Law versus the state: the judicialization of politics in Egypt." *Law & Social Inquiry* 28: 883-930.

Riley, Dylan. 2005. "Civic associations and authoritarian regimes in interwar Europe: Italy and Spain in comparative perspective." *American Sociological Review* 70: 288-310.

Cheesman, Nick. 2014. "Law and order as asymmetrical opposite to the rule of law." *Hague Journal on the Rule of Law* 6: 96-114.

Ermakoff, Ivan. 2018. "Abdication and political collapse." *Politika*, published online: <https://www.politika.io/en/notice/abdication-and-political-collapse>

Scheppele, Kim Lane. 2018. "Autocratic legalism." *University of Chicago Law Review* 85: 545-583.

Week 9 (March 11): Human Rights

Hagan, John, Ron Levi and Gabrielle Ferrales. 2006. "Swaying the hand of justice: The internal and external dynamics of regime change at the International Criminal Tribunal for the former Yugoslavia." *Law & Social Inquiry* 31: 585-616.

de Sousa Santos, Boaventura. 2013. "Human rights: A fragile hegemony." Pp. 17-25 in *Human Rights and Diverse Societies: Challenges and Possibilities*, eds. F. Crépeau and C. Sheppard. Cambridge Scholars Publishing.

Cole, Wade. 2016. "Human rights and the individual: cross-cultural variation in human rights scores, 1980 to 2010." *Social Forces* 95: 721-752.

Tsutsui, Kiyoteru. 2017. "Human rights and minority activism in Japan: Transformation of movement actorhood and local-global feedback loop." *American Journal of Sociology* 122: 1050-1103.

Week 10 (March 18): Value and Measurement

Edelman, Lauren, Sally Riggs Fuller and Iona Mara-Drita. 2001. "Diversity rhetoric and the managerialization of law." *American Journal of Sociology* 106: 1589-1641.

Espeland, Wendy. 2001. "Bureaucrats and Indians in a contemporary colonial encounter." *Law & Social Inquiry* 26: 403-433.

Fourcade, Marion. 2011. "Cents and sensibility: Economic valuation and the nature of 'Nature'." *American Journal of Sociology* 116: 1721-1777.

Levi, Ron and John Hagan. 2012. "Lawyers, humanitarian emergencies and the politics of large numbers." Pp. 13-47 in *Lawyers and the Construction of Transnational Justice*, eds. Y. Dezalay and B. Garth. Routledge.

Week 11 (March 25): Law and Economic Institutions

Dobbin, Frank and Timothy J. Dowd. 2000. "The market that antitrust built: Public policy, private coercion, and railroad acquisitions, 1825 to 1922." *American Sociological Review* 65: 631-657.

Kay, Tamara. 2005. "Labor transnationalism and global governance: the impact of NAFTA on transnational labor relationships in North America." *American Journal of Sociology* 111: 715-756.

Rodríguez-Garavito, César A. 2005. "Global governance and labor rights: Codes of conduct and anti-sweatshop struggles in global apparel factories in Mexico and Guatemala." *Politics & Society* 33: 203-233.

Fligstein, Neil, Jonah Stuart Brundage and Michael Schultz. 2017. "Seeing like the Fed: Culture, cognition, and framing in the failure to anticipate the financial crisis of 2008." *American Sociological Review* 82: 879-909.

Week 12 (April 1): Memory and Imaginaries

Auyero, Javier. 1999. "Re-memembering peronism: An ethnographic account of the relational character of political memory." *Qualitative Sociology* 22: 331-351.

Savelsberg, Joachim and Ryan King. 2007. "Law and collective memory." *Annual Review of Law and Social Science* 3: 189-211.

Christin, Angèle. 2018. "Predictive algorithms and criminal sentencing." Pp.272-294 in *The Decisionist Imagination: Sovereignty, Social Science and Democracy in the 20th Century*, eds. D. Bessner and N. Guilhot. New York: Berghahn.

Levi, Ron and Ioana Sendroiu. 2019. "Moral claims and redress after atrocity: Economies of worth across political cultures in the Holocaust Swiss banks litigation." *Poetics* 73: 45-60.

Evaluation Components

COMPONENT	DESCRIPTION	DATE DUE	WEIGHT
1. Class participation	Attendance and participation in class discussions throughout the course	Ongoing	25%
2. Presentation	Presentation of readings and response to other students' presentations	Ongoing	15%
3. Final paper	Final journal article-length research paper (~8000 words, with references) on a topic that draws on course materials and connects them with data.	17/04/2020	60%

Penalty for Lateness

This is a graduate-level course, and is designed for students to think about their own research interests in relation to literature that speaks to law, politics, and globalization. Sometimes this takes longer than others. At the same time, achieving this goal requires consistent work and effort throughout the term. As a result, students will not be able to postpone or "make up" class participation or presentation assignments -- if a student has a legitimate, documented reason beyond their own control for missing their presentation or response dates, only then will a student be offered a different opportunity to complete that portion of the grade (which may be a different date if one is available). For the final paper, the current due date is already the latest

date that papers can be accepted in order to be graded in time for grade submission. Papers submitted beyond that date will likely not be graded in time for grade submission, which may lead to a delayed graduation date for students hoping to complete their program.

Academic Integrity Clause

Copying, plagiarizing, falsifying medical certificates, or other forms of academic misconduct will not be tolerated. Any student caught engaging in such activities will be referred to the Dean's office for adjudication. Any student abetting or otherwise assisting in such misconduct will also be subject to academic penalties. Students are expected to cite sources in all written work and presentations. See this link for tips for how to use sources well:

(<http://www.writing.utoronto.ca/advice/using-sources/how-not-to-plagiarize>).

According to Section B.I.1.(e) of the Code of Behaviour on Academic Matters it is an offence "*to submit, without the knowledge and approval of the instructor to whom it is submitted, any academic work for which credit has previously been obtained or is being sought in another course or program of study in the University or elsewhere.*"

By enrolling in this course, you agree to abide by the university's rules regarding academic conduct, as outlined in the Calendar. You are expected to be familiar with the *Code of Behaviour on Academic Matters* (<http://www.artsci.utoronto.ca/osai/The-rules/code/the-code-of-behaviour-on-academic-matters>) and *Code of Student Conduct* (<http://www.viceprovoststudents.utoronto.ca/publicationsandpolicies/codeofstudentconduct.htm>) which spell out your rights, your duties and provide all the details on grading regulations and academic offences at the University of Toronto.

Normally, students will be required to submit their course essays to Turnitin.com for a review of textual similarity and detection of possible plagiarism. In doing so, students will allow their essays to be included as source documents in the Turnitin.com reference database, where they will be used solely for the purpose of detecting plagiarism. The terms that apply to the University's use of the Turnitin.com service are described on the Turnitin.com web site.

Accessibility Services

It is the University of Toronto's goal to create a community that is inclusive of all persons and treats all members of the community in an equitable manner. In creating such a community, the University aims to foster a climate of understanding and mutual respect for the dignity and worth of all persons. Please see the University of Toronto Governing Council "Statement of Commitment Regarding Persons with Disabilities" at <http://www.governingcouncil.utoronto.ca/Assets/Governing+Council+Digital+Assets/Policies/PDF/ppnov012004.pdf>.

In working toward this goal, the University will strive to provide support for, and facilitate the accommodation of individuals with disabilities so that all may share the same level of access to opportunities, participate in the full range of activities that the University offers, and achieve their full potential as members of the University community. We take seriously our obligation to make this course as welcoming and accessible as feasible for students with diverse needs. We also understand that disabilities can change over time and will do our best to accommodate you. Students seeking support must have an intake interview with a disability advisor to discuss their individual needs. In many instances it is easier to arrange certain accommodations with more

advance notice, so we strongly encourage you to act as quickly as possible. To schedule a registration appointment with a disability advisor, please visit Accessibility Services at <http://www.studentlife.utoronto.ca/as>, call at 416-978-8060, or email at: accessibility.services@utoronto.ca. The office is located at 455 Spadina Avenue, 4th Floor, Suite 400.

Additional student resources for distressed or emergency situations can be located at <http://distressedstudent.utoronto.ca>; Health & Wellness Centre, 416-978-8030, <http://www.studentlife.utoronto.ca/hwc>, or Student Crisis Response, 416-946-7111.

Equity and Diversity Statement

Equity and Diversity

The University of Toronto is committed to equity and respect for diversity. All members of the learning environment in this course should strive to create an atmosphere of mutual respect. As a course instructor, I will neither condone nor tolerate behaviour that undermines the dignity or self-esteem of any individual in this course and wish to be alerted to any attempt to create an intimidating or hostile environment. It is our collective responsibility to create a space that is inclusive and welcomes discussion. Discrimination, harassment and hate speech will not be tolerated.

Additional information and reports on Equity and Diversity at the University of Toronto is available at <http://equity.hrandequity.utoronto.ca>.