

St. Jerome's University in the University of Waterloo
Department of Sociology and Legal Studies
LS 101 Winter 2020
Introduction to Legal Studies
Mondays and Wednesdays 1pm – 2:20pm, SJ2 1004

#### **INSTRUCTOR INFORMATION**

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#### **COURSE DESCRIPTION**

This interdisciplinary course examines the origins of modern legal systems and legal thinking, to consider the impact of law on society, and society on law. This course will introduce students to the study of law and legal studies by looking at law's structures, sources and scope from a cross-cultural and mixed-media perspective. We will do this by exploring the diverse historical, political, economic, and cultural contexts under which law arises and functions within society, and its effect on people, institutions and life.

#### **COURSE OBJECTIVES**

Upon completion of the course, students will be able to:

- Demonstrate familiarity with key terms, debates, and theoretical approaches in the field of legal studies.
- Identify and analyse popular and scholarly conceptions of law, and the roles law plays in society.
- Discuss ways in which law both shapes society and is shaped by society.
- Identify the different forms law takes in daily life and the ways different people experience the law.
- Critically discuss major themes and debates in legal studies. This may include the relationship
  between law and justice, law and economics, law and literature; how law is used as a tool of the
  powerful and by those that are 1marginalized; the difference between formal and substantive
  equality in law; and the way the study of law has evolved alongside social, cultural, political and
  economic changes.

## **REQUIRED TEXTS**

Readings can be found in the textbook identified for this course and articles available through the University of Waterloo Library Database and on LEARN.

Textbook: Pavlich, George. 2011. Law & Society Redefined. Don Mills, ON: Oxford University Press.

## **COURSE REQUIREMENTS AND ASSESSMENT**

Your overall course grade reflects your academic performance relative to the course material. The assessments in this course are presented in detailed descriptions below the course schedule. Knowledge of the readings alone is not sufficient for passing this course. Material covered in the lectures – whether on the PowerPoint slides or not – will be necessary for completion of assignments and tests.

Assignment 1, week 4 15%

In-class mid-term test, week 6 15%

Assignment 2, week 10 20%

Final Exam 25%

Reflective Journal 25%

#### **COURSE SCHEDULE**

(please consult LEARN announcements for any modifications to readings)

Lecture	Readings
WEEK 1: January 6 & 8	No readings.
Introduction to Legal Studies	
The What? Why? Who? How? Where? When? Of Law	
WEEK 2: January 13 & 15	Pavlich, George. 2011. <i>Law &amp; Society Redefined</i> . Don Mills, ON: Oxford University Press.
What is Law?	<ul><li>Chapter 1: Classic Natural Law</li><li>Chapter 2: Natural Law Theory</li></ul>
Natural law, divine law and the idea of justice	Chapter 2: Natural East Theory
WEEK 3: January 20 & 22	Pavlich, George. 2011. <i>Law &amp; Society Redefined</i> . Don Mills, ON: Oxford University Press.
What is Modern Law?	Chapter 4: Positing Law
Positivism, realism and normative order	Chapter 4: Realizing Sociological Jurisprudence

WEEK 4: January 27 & 29 January 27: Assignment 1 due by 1pm Nielsen, L. B., Patel, N. A., & Rosner, J. 2017, "Ahead of the Lawmen": Law and Morality in Disney Animated Films 1960–1998. Law, Culture and the Humanities, 13(1): 104–122.

Why Law?

Rawls, John. *Theory of Justice*, Stanford Encyclopedia of Philosophy <a href="https://plato.stanford.edu/entries/rawls/">https://plato.stanford.edu/entries/rawls/</a>

Justice, ethics, morality (Or, why should we care about other people, in other places?)

Hinsloff, Gaby. 2020, 'We've built a world that feels cold, yet our desire to connect is very much alive' *The Guardian* Friday January 3, 2020

https://www.theguardian.com/commentisfree/2020/jan/03/desire-connect-campaign?CMP=sharebtn tw

Supplementary

Pavlich, George. 2011. *Law & Society Redefined*. Don Mills, ON: Oxford University Press.

• Chapter 5: Durkheim Socialises the Law

Nussbaum, Martha. 2002, 'Capabilities and Social Justice' *International Studies Review* 4: 2, 123-135.

#### WEEK 5: February 3 & 5

Whose Law?

Power, capital, colonialism and patriarchy

Pavlich, 2011.

- Chapter 6: Law, Ideology and Revolutionary Social Change
- Chapter 8: Critical Confrontations: Law, Race, Gender and Class

MacKinnon, Catherine A. 1982, 'Feminism, Marxism, Method, and the State: An Agenda for Theory' *Signs: Journal of Women in Culture and Society* 7(3): 515-544.

Supplementary

Ellen C. Dubois, Mary C. Dunlap, Carol J. Gilligan, Catharine A. MacKinnon, Carrie J. Menkel-Meadow, Isabel Marcus & Paul J. Spiegelman. 1985, Feminist Discourse, Moral Values, and the Law—A Conversation, BUFF. L. REV. 34:1.

Pavlich, George. 2011. *Law & Society Redefined*. Don Mills, ON: Oxford University Press.

• Chapter 7

WEEK 6: February 10 & 12 February 12: In-Class Mid-Term	Same readings as above week 5.
Test	Rose, Jacqueline. 2018, 'I am Knife' London Review of Books.
Whose Law, Part 2	40:4. [Online] https://www.lrb.co.uk/the-paper/v40/n04/jacqueline-rose/i-am-a-knife
whose taw, rare 2	papery v-oy no-y jacquemic rosey rum a kime
Reading Week: February 17 & 19	No class, no readings – take time to catch up on reflective journal entries and read ahead.
WEEK 7: February 24 & 26 How Law?	Chunn, D. and S. Gavigan. 2004, "Welfare Law, Welfare Fraud, and the Moral Regulation of the 'Never Deserving Poor'." Social & Legal Studies 13(2): 219-243.
Social inequality, oppression and silenced voices	Bhandar, Brenna. 2016, 'Status as Property: Identity, Land and the Dispossession of First Nations Women in Canada.' <i>darkmatter Journal</i> , 14.
	Supplementary:
	Williams, Kimberlé Crenshaw. 1994, "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color". In: Martha Albertson Fineman, Rixanne Mykitiuk, Eds. <i>The Public Nature of Private Violence</i> . (New York: Routledge), p. 93-118.
WEEK 8: March 2 & 4	Brown, N., Griffis, R., Hamilton, K., Irish, S., & Kanouse, S. 2007,
Where Law?	'What makes justice spatial? What makes spaces just? Three interviews on the concept of spatial justice.' <i>Critical planning</i> , 14(6).
Environment, cities and spaces	
(with guest lecturer)	Wacquant, Loïq. 2001, "Deadly symbiosis: When ghetto and prison meet and mesh." <i>Punishment and Society</i> 3(1): 95-134.
	Supplementary:
	Iveson, Kurt. 2011, Social or spatial justice? Marcuse and Soja on the right to the city, <i>City</i> , <b>15(2)</b> : <b>250-259</b> .
	Davies, Margaret. 2015, 'The Consciousness of Trees' Law & Literature, 27(2): 217-235.

WEEK 9: March 9 & 11  When Law?  The Space and Time of Law	<ul> <li>Pavlich, George. 2011. Law &amp; Society Redefined. Don Mills, ON: Oxford University Press.</li> <li>Chapter 10: Contested Sovereignties, Violence and the Law</li> <li>Burrows, John. 2013, 'Aboriginal and Treaty Rights and Violence Against Women' Osgoode Hall Law Journal 50: 699.</li> <li>Supplementary</li> <li>Talpade Mohanty, Chandra. 1984, 'Under Western Eyes: Feminist Scholarship and Colonial Discourses' boundary 2, Vol. 12, No. 3, On Humanism and the University I: The Discourse of Humanism, pp. 333-358.</li> </ul>
WEEK 10: March 16 & 18 March 18: Assignment 2 due by 1pm. How much Law? Consumerism, Capital, Security	Marks, Susan. 2011, Human Rights and Root Causes. <i>The Modern Law Review</i> , 74: 57-78.  Bellinger, N. and Fakhri, M. 2013, 'The intersection between food sovereignty and law.' <i>Natural Resources Environment</i> , 28(2): 45-49.
WEEK 11: March 23 & 25  Law is Everywhere	<ul> <li>Pavlich, George. 2011. Law &amp; Society Redefined. Don Mills, ON:</li> <li>Oxford University Press.</li> <li>Chapter 9: Michel Foucault: The Power of Law and Society</li> <li>Rose, Nikolas and Mariana Valverde. 1998, "Governed by Law?" Social and Legal Studies 7(4): 541-551.</li> <li>Supplementary</li> <li>Peck, Jamie and Nik Theodore. 2019, 'Still Neoliberalism?' South Atlantic Quarterly 118 (2): 245–265.</li> </ul>
WEEK 12: March 30 & April 1 Who/What/When/Where/How/Why	Pavlich, George. 2011. Law & Society Redefined. Don Mills, ON: Oxford University Press.  • Chapter 11: Just Events: Law and Society  Gudynas, E. 2011, 'Buen Vivir: Today's Tomorrow'  Development 54: 441.

WEEK 13: Final Exam

Reflective Journal Due – highlight three (3) key entries

#### **ASSESSMENT DETAILS**

**Reflective Journal** 

Value: 25%

Due Date: Ongoing, Final Submission of physical journal at Final Exam

**Details:** Each student will be required to document a weekly reflection, including reflecting on lectures, readings and participation in discussions (in other words, any aspect of the course), into a journal document/book, worth 25% of the final mark. This journal must be a physical object, electronic journals are not permitted and will not be assessed. If you choose to type your reflections, you must print this into a booklet or journal form before you submit.

The reflective journal must contain a record of each week – meaning, each lecture and course activity (please record mid-term and mid-term feedback week as well). However, the input for each learning activity does not need to be of equal weight. Contributions may range from one (1) paragraph, to a few pages in length, depending of course on style of writing and form. For the purpose of assessment, students must identify three (3) key reflections to form the basis of their contribution and assessment. Please note that failure to provide input, no matter how brief, for each week of the course will be considered an incomplete assignment, no re-assessment or make-up activity is possible.

If the discussion in class is to be useful for the purpose of both class dynamics and the reflective journals, students are required to complete the assigned readings before the corresponding lecture and come to class with questions and observations in mind. Keep in mind that this course looks at issues that we may already have opinions about, but the purpose is to engage in meaningful, respectful and rigorous critique and scholarly analysis. The reflective journal, moreover, is not meant to be a personal opinion piece, but rather a reflection on the weeks' topics, readings, themes and discussions.

The three key reflections must be clearly identified on a title page of the journal. For the three key reflections, students will be assessed according to the following rubric:

Critical Analysis (depth of thought and reflection)
Creativity
Knowledge
Presentation

**Assignment 1: Conceptions of Law** 

Value: 15%

Due Date: by 1pm January 29, Week 4

Format: 2 pages double spaced

**Details:** For this assignment, students are required to find two examples, one (1) from news media (e.g. CBC; Toronto Star; BBC; The Guardian; Washington Post; The New York Times; Al Jazeera; Deuschte Well English -- *NOT* social media, blogs or personal opinion sites) and one (1) from a fictional representation in a feature film or series (trailer and synopsis must be available online), discussing two different events that relate to law. For example, an instance where a person or group has broken the law, is advocating for a law to be enforced, or is trying to change the law.

The two examples must clearly represent one of the following four approaches: a natural law approach, a legal positivist/formalist approach, a divine law approach, or a legal realist/instrumentalist approach. Please note that these approaches will be discussed in class and in the readings.

In your 2-page response, you are required to:

- Summarize each article and fictional example in one paragraph each.
- Identify which approach is the primary approach of each article and fictional example.
- Justify your answer by defining that approach and explaining in what ways it is represented in the example.
- Suggest how each of the other three approaches would have looked at the issue differently, with reference to your definition of those other, alternative approaches.

Remember to use the *main point* of your example (article, film or series) to determine which approach it takes. The examples you find may include elements of other approaches. You can mention those too, but the main point of the example should be clearly identifiable as taking a natural law, legal positivist, divine law or legal realist approach.

The assignment will be much easier for you if you find clear examples of each approach.

In your submissions, please include detailed reference information by either attaching the articles or including links to the article/clip/chapter.

Note that the articles will not contain terms like 'positivist/formalist approach'. You will need to think about what each approach would look like when applied to current events based on the discussion of these terms in class and in the readings. You cannot use the examples discussed in class. Sources outside the readings and lectures are not necessary for this assignment, except for the articles themselves.

Further details will be provided in class and/or on LEARN.

Students will be assessed according to the following rubric:

Knowledge (of approaches and their application)
Research (including choosing appropriate examples)
Presentation (including formatting and bibliography)
Critical Analysis (depth of thought and reflection)

In-class Mid-Term Test
Value: 15%
1pm, Wednesday February 12, Week 6.

**Details:** The in-class mid-term test will consist of questions that require a short-paragraph answer only. It will cover all material assigned or discussed in the course thus far.

Students will be assessed according to the following rubric:

Knowledge Critical Analysis Application of Course Material Presentation / Communication

**Assignment 2: Law's Space or Spatial Justice** 

Value 20%

Due Date: by 1pm on March 18, Week 10

Format: 5 pages double-spaced.

**Details:** This assignment introduces you to immersive, experiential legal studies research. For this assignment, you are required to go for a long walk, about 30min-1 hour.

As you walk, pay attention to what is happening around you: what do you see? What do you hear? What do you smell?

How has law constructed this space? Is this formal law? Informal law? What guides our behaviours? What guides our responses to things?

What is environment?
Is it a legal space?
Who creates law? Who does it benefit? Who does it include and who does it exclude?

How does your experience change if you engage with your environment? What are the rules? Does everyone follow them? Does law create difference (inequality), or does it create equality?

In your 5-page double-spaced essay, you must refer to at least three (3) articles that we have discussed in class to contextualised and support your response and observations. How does the material we have covered in class shape your observations?

Sources outside the readings and lectures are not necessary for this assignment but can be used to support your experiences and essay. Further details will be provided in class and on LEARN.

Please remember your responsibility as a researcher and conduct your observations discreetly and respectfully. Do not interview anyone for this assignment or take any unusual risks when walking. Make sure you are safe. This assignment has been drawn from 'Walking the Lawscape' by Andreas Philippopoulos-Mihalopoulos (2015) in Spatial Justice: Body, Lawscape, Atmosphere. Oxon: Routledge., pp. 94-105.

Student submissions will be assessed according to the following rubric:

Experience during walk and extent of observations (creativity, thoughtfulness) Knowledge (of secondary literature, and ability to apply to experience)

Critical Analysis
Presentation, including formatting and bibliography

# Final Exam, date TBA Value 25%

**Details:** The final test will consist of essay-type questions only. You will be given a choice and will be asked to answer two (2) questions out of the options provided. The questions will cover all material assigned or discussed in the course, with more emphasis given to the material covered following the mid-term break.

Students will be assessed according to the following rubric:

Knowledge Critical Analysis Research Presentation

#### **ASSIGNMENT FORMAT**

Assignments should be double spaced and typed in Times or Times New Roman 12-point font with one-inch margins. Assignments 1 & 2 are to be submitted electronically on the LEARN Dropbox. Please submit your work as either a WORD or PDF document only.

Works cited or bibliography is to be listed on a separate page at the end of your assignment. Use any style guide for your citations, but you *must* be consistent and precise with your citations.

A title page is optional, but please state your name and student id clearly.

#### **ASSIGNMENT SUBMISSION**

Assignments (1 & 2) must be submitted onto LEARN DropBox by 1pm the day the assignment is due.

An assignment submitted any time between 1pm on the due date and 5pm the day after the due date will lose 5%. The assignment will continue to lose 5% at 5pm on every additional day it is late until 0% is reached.

An assignment submitted by LEARN Dropbox ONLY.

Late assignments must be submitted by e-mail and hard copy, with the hard copy submitted to my essay drop box on the first floor of Sweeney Hall.

## POLICY ON LATE WORK, MISSED ASSIGNMENTS, AND MAKE-UP TESTS

Students are expected to take responsibility for making appropriate judgments to ensure that their assignments are submitted by the due date. It is also students' responsibility to back up their work either electronically or by photocopying the work for their own reference. Please alert the Professor to any difficulties that you may be experiencing with course work in a timely manner so that we can

provide appropriate assistance and/or direct you to someone who can.

Students must provide appropriate documentation to support requests for extensions and make-up tests. If you miss a test, you must approach the professor within *one week* of the test date to request permission to write a make-up test. A make-up test will only be allowed if there are legitimate medical, compassionate, or religious grounds. In the case of medical grounds, you must provide a University of Waterloo Verification of Illness Form or documentation from AccessAbility Services. In the case of compassionate grounds, you must provide documentation. In the case of religious grounds, a due date or test date must conflict with an important UW-recognized religious holiday on your religious calendar, and you must tell the professor within the first four weeks of the course. If these procedures are not followed, a mark of zero will be assigned. Documentation must be submitted to the professor in person during office hours, except in exceptional circumstances discussed with the professor. Make-up tests and extensions will not be granted due to travel, employment, weddings, or other personal commitments.

Please note that requests for extensions and make-ups must go directly to the professor.

#### POLICY ON RE-MARKING COURSEWORK

Assignments are marked carefully in this course. Re-grades are highly unlikely to result in perceptible changes to your final grade and are strongly discouraged. However, if you feel that the grader has made a serious error in grading your work and you would like to request that the work be re-marked, you must write a detailed memo in which you identify the questions or portions of the assignment or test that you believe were marked incorrectly and why you think the marking was incorrect. Please note that the effort you put into the assignment and your future plans (needing high grades for law school, etc.) are not valid reasons for requesting a re-grade. Submit the memo to the professor during office hours together with the marked test or assignment. The professor will pass it on to the TA who graded it to be re-marked. Work will not be re-marked without a written request. The deadline for requesting a remarking is *two weeks* from the date the course work was handed back in class. If the work was remarked by the TA and you feel it is necessary to appeal the outcome, you may submit it to the professor during office hours with your original memo and the TA's written response. Attach a note stating that you wish to request a second re-marking and why. The deadline for this request is two weeks from the date the first re-mark was made available for pick-up. Tests written in pencil will not be considered for re-marking.

Please note that the TA or professor will re-mark the entire test or assignment, not simply the questions or portion you believe were scored improperly. The re-grader may discover errors that were not detected in the first marking of the assignment or test. As a result, it is possible that your revised mark will go down, rather than going up or staying the same. The revised mark will stand.

#### **ATTENDANCE POLICY**

Students are responsible for attending and taking notes at all lectures. Students who, for whatever reason, miss a lecture or tutorial will have to make arrangements to get notes from another student, not from the professor. PowerPoint slides from lectures will be posted on LEARN in the week following that lecture. However, note that the PowerPoint slides are merely a visual aid and are not a substitute for lecture notes. Material covered in the lecture but not on the PowerPoint slides will be necessary to pass the course.

You may be asked to contribute in class, and asking questions is highly encouraged. This will only help your overall understanding and success in this course.

#### **ELECTRONIC DEVICE POLICY**

No off-task use of technology is permitted. Any violations will result in the Professor requesting that you turn off your electronic devices for the duration of the lecture. Please turn off all sound on your devices so as not to disturb the people around you during lectures.

#### **CORRESPONDENCE**

Class announcements generally will be posted on LEARN and e-mailed to students' university e-mail accounts. Messages for individual students will be e-mailed to their university accounts only, and only student messages from university accounts will be read. It is important that you check LEARN and your university e-mail account regularly. Failure to do so cannot be used as a reason to request exemption from term work policies and course work requirements. I am happy to answer questions about the course and about the field of legal studies. If you have a question, please follow these guidelines:

- Check the course outline. It is likely that a question about the course will already be answered in the course outline.
- Visit the professor's office hours. I can be reached by e-mail for brief, factual questions only. If you have a question or concern that requires substantive or back-and-forth discussion, please come to my office hours. You are very welcome to come to my office hours with other students in the class if you are more comfortable raising questions or chatting that way. It is unlikely that I will be available outside my office hours, so it is advisable that you make yourself available during those times. Unfortunately, I will not be able to answer questions before class or during the break.
- Ask well in advance. I aim to respond to student e-mail within two business days. I will get back to you as soon as possible, but it is unlikely that I will be able to respond straight away. If you do not hear back from me after two business days, please re-send your e-mail. If your question is relevant to other students in the class, I may write back to tell you that I will address that question in class instead of responding to you directly. At busy times (e.g., prior to class tests or deadlines), there may not be time to meet with everyone who comes to my office hours. It is advisable that you come to ask questions well in advance.

### OTHER IMPORTANT INFORMATION

<u>Academic Integrity</u>: In order to maintain a culture of academic integrity, members of the University of Waterloo community are expected to promote honesty, trust, fairness, respect, and responsibility. [Check <a href="https://www.uwaterloo.ca/academicintegrity/">www.uwaterloo.ca/academicintegrity/</a> for more information.]

<u>Grievance</u>: A student who believes that a decision affecting some aspect of their university life has been unfair or unreasonable may have grounds for initiating a grievance. Read the St. Jerome's University Policy on Student Petitions and Grievances,

www.sju.ca/sites/default/files/upload\_file/PLCY\_AOM\_Student-Petitions-and-Grievances\_20151211-SJUSCapproved.pdf. When in doubt, please be certain to contact the St. Jerome's Advising Specialist, Student Affairs Office, who will provide further assistance.

<u>Discipline</u>: A student is expected to know what constitutes academic integrity, to avoid committing an academic offence, and to take responsibility for their actions. [Check <a href="https://www.uwaterloo.ca/academicintegrity/">www.uwaterloo.ca/academicintegrity/</a> for more information.] A student who is unsure whether an action constitutes an offence, or who needs help in learning how to avoid offences (e.g., plagiarism, cheating) or about "rules" for group work/collaboration should seek guidance from the course instructor, academic advisor, or the Associate Dean. When misconduct has been found to have occurred, disciplinary penalties will be imposed under the St. Jerome's University Policy on Student Discipline, <a href="https://www.sju.ca/sites/default/files/PLCY\_AOM\_Student-Discipline\_20131122-SJUSCapproved.pdf">www.sju.ca/sites/default/files/PLCY\_AOM\_Student-Discipline\_20131122-SJUSCapproved.pdf</a>. For information on categories of offences and types of penalties, students should refer to University of Waterloo Policy 71, Student Discipline, <a href="https://www.adm.uwaterloo.ca/infosec/Policies/policy71.htm">www.adm.uwaterloo.ca/infosec/Policies/policy71.htm</a>. For typical penalties, check the Guidelines for the Assessment of Penalties, <a href="https://www.adm.uwaterloo.ca/infosec/guidelines/penaltyguidelines.htm">www.adm.uwaterloo.ca/infosec/guidelines/penaltyguidelines.htm</a>.

<u>Appeals</u>: A decision made or penalty imposed under the St. Jerome's University Policy on Student Petitions and Grievances (other than a petition) or the St. Jerome's University Policy on Student Discipline may be appealed if there is a ground. A student who believes they have a ground for an appeal should refer to the St. Jerome's University Policy on Student Appeals, <a href="https://www.sju.ca/sites/default/files/PLCY">www.sju.ca/sites/default/files/PLCY</a> AOM Student-Appeals 20131122-SJUSCapproved.pdf.

Note for students with disabilities: AccessAbility Services, located in Needles Hall (Room 1401) at the University of Waterloo, collaborates with all academic departments to arrange appropriate accommodations for students with disabilities without compromising the academic integrity of the curriculum. If you require academic accommodations to lessen the impact of your disability, please register with AccessAbility Services at the beginning of each academic term, www.uwaterloo.ca/accessability-services/.

<u>Turnitin.com</u>: Text matching software (Turnitin®) may be used to screen assignments in this course. Turnitin® is used to verify that all materials and sources in assignments are documented. Students' submissions are stored on a U.S. server, therefore students must be given an alternative (e.g., scaffolded assignment or annotated bibliography), if they are concerned about their privacy and/or security. Students will be given due notice, in the first week of the term and/or at the time assignment details are provided, about arrangements and alternatives for the use of Turnitin® in this course. It is the responsibility of the student to notify the instructor if they, in the first week of term or at the time assignment details are provided, wish to submit the alternate assignment.