

St. Jerome's University in the University of Waterloo
Department of Sociology and Legal Studies
LS 401 (Section 002)
LAW, CULTURE, AND RIGHTS
Fall 2018
Thursdays 10:30am – 12:30pm, SJ1 3012

Instructor Information

Instructor: Susan Dianne Brophy, PhD
Office: Sweeney Hall 2009
Email: susan.brophy@uwaterloo.ca
Phone: 519-888-4567 ext. 28284
Office hours: Tuesdays 4:00pm – 5:00pm, Thursdays 12:30pm – 1:30pm

Course Description

This senior seminar provides the opportunity to deepen the knowledge that you have gained over your previous three years as a Legal Studies student. We will explore major topics relevant to the study of law from a variety of interdisciplinary perspectives, focusing in equal measure on both the historical context of the subject matter as well as current developments in the area.

Course Goals and Learning Outcomes

This is a senior seminar, so the first objective is to encourage students to take ownership of the course. Other than a few opening remarks and guiding questions from the course instructor, the students themselves are responsible for setting the tone and tempo of the in-class experience. The second objective, related to the first, is to foster an environment of respectful and knowledgeable critique, which is essential to effective scholarly debate. This means that students must be exceptionally well-prepared on a weekly basis to not only answer, but also ask pointed questions that demonstrate your critical reading and thinking skills.

Required Texts

Course Reserves: All readings listed in this outline can be accessed through the Library Course Reserves. All other readings will be posted on LEARN.

Waterloo LEARN

LS 401 Section 002 has an online home that is accessible via learn.uwaterloo.ca. Students should visit this page for the latest course announcements, assignment instructions, and course email policies. Make it your first stop if you have any questions about the course.

Course Evaluation

Requirement	Description	Value	Schedule
Seminar Leader(s)	48 hours prior to the class in question, all Seminar Leaders must: - post questions on LEARN - post 1 additional <i>news item</i> related to topic (<u>1 year old max</u>)	15%	Schedule to be decided on first day of class.
Participation	Includes regular participation and contributions during Week 8's Essay Writing Workshop.	20%	Weekly
Essay 1 <i>Ideology & Rights</i>	Topic and instructions on LEARN. - Critical reading and writing. - 8 pages min, 11 pages max.	30%	Due: MON OCT 22 - submit by 11:59pm - electronic submission via DropBox on LEARN
Essay 2 <i>Selected Topic</i>	Topics and instructions on LEARN. - Analysis and paraphrasing. - 10 pages min, 14 pages max.	35%	Due: FRI DEC 7 - submit by 11:59pm - electronic submission via DropBox on LEARN

Submission and Return of Assignments

Submit electronic copies of all essays via the DropBox on LEARN. Essays will be automatically time-stamped to indicate on-time submission. Essays will be graded within two weeks of the date of submission; essay comments and grades will be posted on LEARN.

Missed Classes

All students are entitled to one penalty-free missed class for which no documentation is necessary. If a student misses more than one class, official documentation must be provided to the professor as soon as possible that demonstrates the reason for absence. Only official documentation related to (a) death of a family member; (b) illness; (c) AccessAbility; and (d) UW-recognized religious holidays will be considered – for more details on types of documentation, see 'Late and Missed Course Requirements'. If no official documentation is received, the student can expect deductions in-line with the late penalty outlined below: 5% per missed class deducted from the overall participation grade.

Late and Missed Course Requirements

Any assignment submitted after the date and time that it is due will be subjected to a 5% per day late penalty. For example, if you submit a paper that is assessed at 85%, it will fall to 80% if you submit it late by one day, 75% for two days, and 70% for three (and so on).

Note: (a) your assignment will not be accepted if it is more than 7 days late;
(b) the following policies also apply if you think that you will not be able to carry-out your responsibilities as a seminar leader on the date you selected at the beginning of the term.

Accommodations will only be considered if:

- (a) you are ill and submit a *University of Waterloo Verification of Illness Form* to the course instructor as soon as possible;
- (b) there was a death of a family member, which you can prove through official documentation

- (travel receipts will not suffice) submitted to the course instructor;
- (c)** due dates conflict with important dates on your religious calendar, and you have informed the course instructor of this fact;
- (d)** you are registered with AccessAbility Services and can provide the course instructor with the relevant documentation.

Do familiarize yourself with the University of Waterloo's policies on what your responsibilities are in the event of a late or missed course requirement: https://uwaterloo.ca/registrar/final-examinations/examination-regulations-and-related-matters#acc_illness

Keep in mind the following regulations:

Students in on-campus courses who are ill and unable to meet assignment due dates or write a term test or final examination should seek medical treatment and provide confirmation of the illness to the instructor(s) within 48 hours by submitting a completed *University of Waterloo Verification of Illness Form* to support requests for accommodation due to illness.

The *University of Waterloo Verification of Illness Form* is normally the only acceptable medical documentation and is available on line at uwaterloo.ca/health-services/student-medical-clinic/services/verification-illness. Students who consult their physician or use the services of an off-campus walk-in clinic must provide this form to the attending physician for completion; doctors' notes and forms created by the physician or clinic are normally not acceptable.

Class Schedule

★= *MANDATORY READING* – everybody should do *all* readings, but if you run out of time, at the very least do the readings that bear this symbol. However, Seminar Leaders must be familiar with all readings in order to lead their session in a knowledgeable manner.

Seminar Leaders should also locate one additional news item (not older than 1 year) and post this to the relevant LEARN discussion group at least 48 hours prior to the class in question. This content must illuminate some aspect of their subject area and focus the discussion for that session. The additional news item can be from a newspaper, blog, or magazine; focus on finding timely sources that speak to a current event.

September 6 WEEK 1	OVERVIEW & INTRODUCTION
UNIT I: CULTURE	
September 13 WEEK 2	Theme: IDEOLOGY Objectives: <ul style="list-style-type: none"> - establish a working understanding of ideology in general - decipher the connection between ideology and law - explore recent events that help illuminate the relation between law and ideology
Blackwell Reader	★ Ewick, Patricia (2004) 'Consciousness and Ideology' in <i>Blackwell Companion to</i>

	<i>Law and Society</i> , pp. 80-92.
LEADERS' ADDITION(S)	★ <i>Also read the additional material provided by this week's Seminar Leader(s). Content will be available on LEARN 48hrs in advance.</i>
Journal(s) or Chapter(s)	Pirie, Fernanda (2010) 'Law before Government: Ideology and Aspiration' in <i>Oxford Journal of Legal Studies</i> 30(2): 207-228. ★ Silbey, Susan S. (1998) 'Ideology, Power, and Justice' in <i>Justice and Power in Sociological Studies</i> , B. G. Garth & A. Sarat (eds.), pp. 272-299. Hunt, Alan (1985) 'The Ideology of Law: Advances and Problems in Recent Applications of the Concept of Ideology to the Analysis of Law' in <i>Law & Society Review</i> 19(1): 11-38.
Other	Lee, Jasmine C.; Parlapiano, Alicia; & Yourish, Karen, 'Where Kavanaugh, Trump's Nominee, Might Fit on the Supreme Court' (JUL 9 2018), <i>The New York Times</i> . MacCharles, Tonda, 'Justin Trudeau names Richard Wagner new chief justice of Canada' (DEC 12 2017), <i>Toronto Star</i> .
September 20 WEEK 3	Theme: CULTURE WARS Objectives: <ul style="list-style-type: none"> - develop a working understanding of culture in general - build from last class, linking ideology to culture - link culture to law - explore historical and contemporary versions of the "culture wars" - link "culture wars" to law
Blackwell Reader	★ Valdes, Francisco (2004) 'Culture, "Kulturkampf," and Beyond: The Antidiscrimination Principle under the Jurisprudence of Backlash' in <i>Blackwell Companion to Law and Society</i> , pp. 271-287.
LEADERS' ADDITION(S)	★ <i>Also read the additional material provided by this week's Seminar Leader(s). Content will be available on LEARN 48hrs in advance.</i>
Journal(s) or Chapter(s)	★ Frimer, Jeremy A., Tell, Caitlin E.; & Motyl, Matt (2017) 'Sacralizing Liberals and Fair-Minded Conservatives: Ideological Symmetry in the Moral Motives in the Culture War' <i>Analyses of Social Issues and Public Policy</i> 17(1): 33-59. Wilson, Joshua (2013) 'Abortion Politics, Legal Power, and Storytelling' in <i>The Street Politics of Abortion: Speech, Violence, and America's Culture Wars</i> , pp. 1-24.
Other	<i>Burwell v. Hobby Lobby Stores, Inc.</i> , 573 US 22 - Supreme Court 2014 Cook, James, 'Trump in UK: Pomp and protest as visit stokes culture war' (JUL 12 2018), <i>BBC News</i> .
September 27 WEEK 4	Theme: POP LAW Objectives: <ul style="list-style-type: none"> - build from last class, linking ideology, culture and popular culture

	<ul style="list-style-type: none"> - explore “expressions” of law - assess how law is represented and/or misrepresented, and why
Blackwell Reader	★ Sherwin, Richard K. (2004) ‘Law in Popular Culture’ in <i>Blackwell Companion to Law and Society</i> , pp. 95-109.
LEADERS’ ADDITION(S)	★ Also read the additional material provided by this week’s Seminar Leader(s). Content will be available on LEARN 48hrs in advance.
Journal(s) or Chapter(s)	<p>★ Ouellette, Laurie (2011) ‘Real Justice: Law and Order on Reality Television’ in <i>Imagining Legality: Where Law Meets Popular Culture</i>, A. Sarat (ed.), pp. 152-176.</p> <p>Newbery-Jones, Craig John (2015) ‘Answering the Call of Duty: The Phenomenology of Justice in Twenty-First-Century Video Games’ <i>Law and Humanities</i> 9(1): 78-102.</p>
Other	<p>Rosenberg, Alyssa, ‘How Police Censorship Shaped Hollywood’ (Oct 24 2016), <i>Washington Post</i>.</p> <p>Banner, Adam, ‘Does Stanley have a mustache? “The Office” illustrates issues with cross-racial identification’ (MAY 7 2018), <i>ABA Journal</i>.</p>
UNIT II: RIGHTS	
October 4 WEEK 5	<p>Theme: INTERNATIONAL LAW</p> <p>Objectives:</p> <ul style="list-style-type: none"> - develop a working understanding of rights in general - develop a working understanding of international law - explore the status of rights at the international level - examine how rights discourse can be deployed in various situations - assess the “health” of human rights today
Blackwell Reader	★ Hajjar, Lisa (2004) ‘Human Rights’, in <i>Blackwell Companion to Law and Society</i> , pp. 589-602.
LEADERS’ ADDITION(S)	★ Also read the additional material provided by this week’s Seminar Leader(s). Content will be available on LEARN 48hrs in advance.
Journal(s) or Chapter(s)	<p>Krever, Tor (2013) ‘International Criminal Law: An Ideology Critique’ <i>Leiden Journal of International Law</i> 26(3): 701-723.</p> <p>★ Lattimer, Mark (2018) ‘Two Concepts of Human Rights’ <i>Human Rights Quarterly</i> 40(2): 406-419.</p>
Other	<p>Anaya, James ‘Report of the Special Rapporteur on the rights of indigenous peoples’ (Jul 4 2015) United Nations Human Rights Council.</p> <p>Griffiths, James, ‘US quits UN Human Rights council: What message does it send to the world?’ (JUN 20 2018), <i>CNN</i></p>
October 18 WEEK 6	Theme: CORPORATIONS

	<p>Objectives:</p> <ul style="list-style-type: none"> - assess how rights discourse has evolved - explore corporations' rights - examine how corporations influence direction of human rights - understand problems with enforcement in instances of violation
Blackwell Reader	<p>★ Nielsen, Laura Beth, 'The Work of Rights and the Work Rights Do' <i>Blackwell Companion to Law and Society</i>, pp. 63-79.</p>
LEADERS' ADDITION(S)	<p>★ Also read the additional material provided by this week's Seminar Leader(s). Content will be available on LEARN 48hrs in advance.</p>
Journal(s) or Chapter(s)	<p>Ruggie, John Gerard (2013) 'Introduction: Why Business and Human Rights?' in <i>Just Business: Multinational Corporations and Human Rights</i>, pp. xv-l.</p> <p>★ Isiksel, Turkuler (2016) 'The Rights of Man and the Rights of the Man-Made: Corporations and Human Rights' <i>Human Rights Quarterly</i> 38(2): 294-349.</p>
Case(s)	<p>Oved, Marco Chown, 'Ontario court denies Indigenous Ecuadorians redress against Chevron Canada for pollution of land' (MAY 23 2018), <i>Toronto Star</i>.</p> <p>Grauer, Perrin, 'Supreme Court decision on Vancouver mining company could have international human rights impact, expert says' (JUN 25 2018), <i>Toronto Star</i>.</p>
October 25 WEEK 7	<p>Theme: SOCIAL MOVEMENTS & ACTIVISM</p> <p>Objectives:</p> <ul style="list-style-type: none"> - develop an understanding of what a "social movement" is/is not - assess the role of rights in social movements throughout history - ascertain the health and viability of social movements today - discuss whether human rights are effective tools in social movements
Blackwell Reader	<p>★ McCann, Michael 'Law and Social Movements', in <i>Blackwell Companion to Law and Society</i>, pp. 506-519.</p>
LEADERS' ADDITION(S)	<p>★ Also read the additional material provided by this week's Seminar Leader(s). Content will be available on LEARN 48hrs in advance.</p>
Journal(s) or Chapter(s)	<p>Suner, Asuman (2017) 'Trees and Umbrellas: A Parallel reading of the Istanbul Gezi Park Movement and the Hong Kong Umbrella Movement' <i>Inter-Asia Cultural Studies</i> 18(1): 104-119.</p> <p>★ Morden, Michael (2015) 'Right and Resistance: Norms, Interests and Indigenous Direct Action in Canada' <i>Ethnopolitics</i> 14(3): 256-276.</p>
Other	<p>'#MeToo charts new territory as Harvey Weinstein faces criminal charges' (MAY 26 2018), <i>CBC News Radio</i>.</p> <p>Parrish, Will, 'Standing Rock Activist Accused of Firing Gun Registered to FBI Informant is Sentenced to Nearly Five Years in Prison' (JULY 13 2018), <i>The Intercept</i>.</p>
November 1	<p>ESSAY WRITING WORKSHOP</p>

WEEK 8	Bring your Essay 1 and an outline of Essay 2 to share and discuss.
UNIT III: DOMAINS OF LAW	
November 8 WEEK 9	<p>Theme: FAMILY</p> <p>Objectives:</p> <ul style="list-style-type: none"> - develop an understanding of the family in a legal and cultural sense - assess how ideas of family have changed - explore law's role in how we understand family - examine how is the family regulated today
Blackwell Reader	★ Boyd, Susan B. (2004) 'Legal Regulation of Families in Changing Societies' in <i>Blackwell Companion to Law and Society</i> , pp. 255-267.
<i>LEADERS' ADDITION(S)</i>	★ Also read the additional material provided by this week's Seminar Leader(s). Content will be available on LEARN 48hrs in advance.
Journal(s) or Chapter(s)	<p>★ Triger, Zvi (2012) 'Introducing the Political Family: A New Road Map for Critical Family Law' <i>Theoretical Inquiries in Law</i> 13(1): 361-384.</p> <p>Snow, Dave (2014) 'Reproductive Autonomy and the Evolving Family in the Supreme Court of Canada: Implications for Assisted Reproductive Technologies' <i>Journal of Canadian Studies</i> 48(1): 153-189.</p>
Other	<p>Bailey, Kate, 'At last, a domestic violence law that shines a light on coercive control' (Dec 28 2015), <i>The Guardian</i>.</p> <p>Harris, Kathleen 'Liberals' proposed overhaul of Divorce Act aimed at putting interests of children first' (MAY 22 2018), <i>CBC News</i>.</p>
November 15 WEEK 10	<p>Theme: IMMIGRATION</p> <p>Objectives:</p> <ul style="list-style-type: none"> - develop a working understanding of citizenship - build a critical notion of membership - examine themes having to do with inclusion/exclusion - explore the historical patterns in immigration law - assess how the legal subjectivity of "immigrant" is constructed
Blackwell Reader	★ Sterett, Susan (2004) 'Immigration', in <i>Blackwell Companion to Law and Society</i> , pp. 354-368.
<i>LEADERS' ADDITION(S)</i>	★ Also read the additional material provided by this week's Seminar Leader(s). Content will be available on LEARN 48hrs in advance.
Journal(s) or Chapter(s)	Cook-Martín, David & Fitz Gerald, David (2010) 'Liberalism and the Limits of Inclusion: Race and Immigration Law in the Americas, 1850–2000' <i>The Journal of Interdisciplinary History</i> 41(1): 7-25.

	<p>★ Ypi, Lea (2018) 'Borders of Class: Migration and Citizenship in the Capitalist State' <i>Ethics & International Affairs</i> 32(2): 141-152.</p>
Other	<p>Canadian Citizenship test – Study Questions</p> <p>Keung, Nicholas, 'High number of women failing citizenship test reflects barriers they face, advocates say' (JUL 3 2017), <i>Toronto Star</i>.</p> <p>Osborne, Louise & Russell, Ruby, 'Stateless in Europe: "We are no people with no nation"' (Dec 27 2015), <i>The Guardian</i>.</p>
November 22 WEEK 11	<p>Theme: RELIGION</p> <p>Objectives:</p> <ul style="list-style-type: none"> - explore the historical connection between law and religion - examine how religion is regulated today - link religion to discussions about immigration, culture, and ideology - assess how religion influences international law - what the separation between church and state means for law
Blackwell Reader	<p>★ Barzilai, Gad (2004) 'Legal Categorizations and Religion: On Politics of Modernity, Practices, Faith, and Power' in <i>Blackwell Companion to Law and Society</i>, pp. 392-406.</p>
LEADERS' ADDITION(S)	<p>★ Also read the additional material provided by this week's Seminar Leader(s). Content will be available on LEARN 48hrs in advance.</p>
Journal(s) or Chapter(s)	<p>Bakht, Natasha & Collins, Lynda (2017) 'The Earth is Our Mother: Freedom of Religion and the Preservation of Indigenous Sacred Sites in Canada' <i>McGill Law Journal</i> 62(3): 777-812.</p> <p>★ Trigg, Roger (2007) 'Law and Religion' in <i>Religion in Public Life: Must Faith Be Privatized?</i>, pp. 150-170.</p>
Other	<p>Psaropoulos, John, 'Greece's Muslims seek reform between civil and religious laws' (JUN 13 2018), <i>Aljazeera</i>.</p> <p>Duffy, Andrew, 'Ottawa man not guilty of sexual assault because he thought he could have sex with wife anytime' (OCT 19 2017), <i>Ottawa Citizen</i>.</p>
November 29 WEEK 12	<p>Theme: INTELLECTUAL PROPERTY</p> <p>Objectives:</p> <ul style="list-style-type: none"> - develop an understanding of intellectual property as a field of law - examine the major controversies associated with this field - link to discussions about culture and rights - explore the nature of the struggle for "the commons" versus copyright
Blackwell Reader	<p>★ Coombe, Rosemary J. (2004) 'Commodity Culture, Private Censorship, Branded Environments, and Global Trade Politics: Intellectual Property as a Topic of Law and Society Research' in <i>Blackwell Companion to Law and Society</i>, pp. 369-387.</p>

LEADERS' ADDITION(S)	* Also read the additional material provided by this week's Seminar Leader(s). Content will be available on LEARN 48hrs in advance.
Journal(s) or Chapter(s)	Bowrey, Kathy (2001) 'The Outer Limits of Copyright Law – Where Law Meets Philosophy and Culture' <i>Law and Critique</i> 12(1): 75-98. * Reynolds, Graham (2017) 'Moving Past Michelin: Towards Judicial Reconsideration of the Intersection of Copyright and the Charter Right to Freedom of Expression' <i>Intellectual Property Journal</i> 30(1): 25-70.
Other	<i>Association for Molecular Pathology v. Myriad Genetics (No. 12-398) Supreme Court of the United States</i> (June 2013) Canadian Intellectual Property Office, 'Understand the basics' De Fazekas, Anthony & Medeiros, Maya, 'Why collaborative AI can become a legal minefield' (JUL 5 2018), <i>The Globe and Mail</i> .

IMPORTANT INFORMATION

Academic Integrity: To maintain a culture of academic integrity, members of the University of Waterloo and its Affiliated and Federated Institutions of Waterloo (AFIW) are expected to promote honesty, trust, fairness, respect, and responsibility. See the [UWaterloo Academic Integrity webpage](#) and the [Arts Academic Integrity webpage](#) for more information.

Discipline: A student is expected to know what constitutes academic integrity, to avoid committing academic offences, and to take responsibility for their actions. 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 professor, 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](#). For information on categories of offenses and types of penalties, students should refer to [University of Waterloo Policy 71 - Student Discipline](#). For typical penalties check [Guidelines for the Assessment of Penalties](#).

Grievance: 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](#).

Appeals: 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](#).

Note for Students with Disabilities: The [AccessAbility Services](#) office, located on the first floor of the Needles Hall extension (1401), 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 the AS office at the beginning of each academic term.