

St. Jerome's University, University of Waterloo
Department of Sociology and Legal Studies
LS 401
LAW, CULTURE, AND RIGHTS
Fall 2022

Instructor

Instructor: Dr. Frederick Desroches

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Office Hours: 9-10:00 M & W and by appointment. You are welcome to speak to me after class, drop by my office at any time, or make an appointment to discuss assignments etc.

Email etiquette: When emailing, please type in the course number in the subject heading so that it is not mistakenly identified as SPAM. Please identify yourself and the course and keep your messages/inquiries brief and to the point. Please do not ask for information that can be found on the course outline (e.g., office hours, reading assignments etc.). If you have missed classes, it is your responsibility to obtain notes from a fellow student.

Course Description:

This senior honours seminar focuses on law, its structure, and legal institutions from a cross-cultural, political, philosophical, economic, and historical perspective. The course examines the origins of legal systems and their impact, ethical issues related to law and social control, and selected topics such as family law, religion and the law, and intellectual property.

Course Goals and Learning Outcomes

Given that this is a senior seminar, 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 prepared on a weekly basis to not only answer, but also ask pointed questions that demonstrate your critical reading and thinking skills.

Required Text

Course Reserves: All readings listed in this outline including the *Blackwell Companion to Law and Society* can be accessed through the Library Course Reserves, or LEARN

The *Blackwell Companion to Law and Society* is also available to purchase through the UW Bookstore.

Course Requirements

Class Participation:	Value 40%
Seminar Presentation:	Value 5%
Essay Proposal:	Value 5% October 25, 2022
Essay Requirement:	Value 50% December 6, 2022

You are required to write a library research paper on any of the topics discussed in the course. A brief **essay proposal** (approximately 3 pages double spaced) must be submitted for approval no later than October 25, 2022. The essay proposal should make research to relevant readings and include a separate bibliography.

The final essay should be **12 pages** double spaced with approximately 15 references. You are expected to approach the topic using a variety of perspectives including those of different disciplines. Each assignment should cover the assigned readings for the subject along with a minimum of three additional sources. The essay assignment is due on December 6,

2022. Late essays will be subject to a deduction of one (1) mark for each day that it is late.

Class Participation

Class participation will make up 40% of your final grade and will be based on the quality of class discussions. You are required to come to class prepared to discuss the readings and answer discussion questions. You are encouraged to take notes on the readings and use them in class to discuss relevant topics. Please carefully note the title of the article, author(s) and page numbers when referring to the readings in class discussions. Class attendance for this course is mandatory. If you miss a class, you are required to submit a typed summary of the readings and typed answers for the discussion questions. Please do not show up late for class.

In each class, you will be asked to discuss what you consider to be the main issues addressed in the reading materials, legal, ethical, historical, theoretical, and methodological concerns, and to offer a critical analysis of their content.

Students in the course are required to pair up with student colleague, choose one of the seminar topics, and in lead the discussion in one of the class seminars. Student leaders will also prepare a list of relevant questions for class discussion and submit these questions to the class by noon on the Friday before the net class. Seminar presentations will be worth 5% of the final grade.

Additionally, seminar leaders must locate **one additional scholarly reading (min 7 pages, max 30 pages) and one additional news item**, and forward these works to other students by noon on the Friday before the next class. This content must illuminate some aspect of their assigned subject area and help focus the discussion for that session. The additional reading can be from a scholarly journal or book, while the additional news item can be from a news source, reputable blog or website,

magazine; focus on finding timely sources that speak to a current event.

Course Reserves

Reading materials for this course are available through E-Reserves. You may access the readings through the course reserves website (<http://www.reserves.uwaterloo.ca/ares/>) by signing in with your Quest username and password. A link to the materials is also found on UW-ACE under Lessons. There is no textbook.

Schedule of Classes

Week 1	September 13	Introduction and course requirements
Week 2	September 20	Ideology
Week 3	September 27	Culture Wars
Week 4	October 4	Pop Law
Week 5	October 11	Reading Week (Prepare essay proposal)
Week 6	October 18	International Law
Week 7	October 25	Corporations (Essay proposal due)
Week 8	November 1	Social Movements and Activism
Week 9	November 8	Family
Week 10	November 15	Immigration
Week 11	November 22	Religion
Week 12	November 29	Intellectual Property

Tips on Reading and Note Taking

Your goal in reading the assigned materials is to understand the main points each article/author is trying to make and the relevant legal/ethical/political issues etc. involved. You should learn to skim

through the readings and make notes on those issues that are the most relevant. One way of doing this is to use the discussion questions as a guide to reading and note taking. You should also attempt to review and summarize the main issues that characterize the readings as a whole. Make notes of any questions or observations that you may wish to discuss in class. Organize your notes so that you can find relevant materials quickly during class discussions.

Class Schedule

Sept. 13 OVERVIEW & INTRODUCTION
WEEK 1

UNIT I: CULTURE	
Sept. 20 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
Blackwell Reader	* Ewick, Patricia (2004) 'Consciousness and Ideology' in <i>Blackwell Companion to</i>
LEADERS' ADDITION(S)	* Also read the additional materials provided by this week's Seminar Leader(s).
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 Sociolegal Studies</i> , B. G. Garth & A. Sarat (eds.), pp. 272-
Other	Schachter, Harvey, 'Has "wellness" become a dangerous ideology?' (Sep 4 2015) in <i>The Globe and Mail</i> .
Sept. 27 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
Blackwell Reader	* Valdes, Francisco (2004) 'Culture, "Kulturkampf," and Beyond: The Antidiscrimination Principle under the Jurisprudence of
LEADERS' ADDITION(S)	* Also read the additional materials provided by this week's Seminar Leader(s).
Journal(s) or Chapter(s)	* Wilson, Joshua (2013) 'Abortion Politics, Legal Power, and Storytelling' in <i>The</i>
Other	<i>Burwell v. Hobby Lobby Stores, Inc.</i> , 573 US 22 - Supreme Court 2014 Akin, David, 'Canadian culture gets "progressive" under Liberals' (Dec 14 2015), <i>Toronto Sun</i> .

October 4 WEEK 4	Theme: POP LAW Objectives: - build from last class, linking ideology, culture and popular culture
Blackwell Reader	* Sherwin, Richard K. (2004) 'Law in Popular Culture' in <i>Blackwell Companion to Law and Society</i>
LEADERS' ADDITION(S)	* Also read the additional material provided by this week's Seminar Leader(s).
Journal(s) or Chapter(s)	* 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.
Other	Garcia, Michelle, 'Killer Mike is defending rap as an art form to the Supreme Court. Here's why' (Dec 22 2015), <i>Vox</i> .
October 11 WEEK 5	Reading week (Prepare essay outline)
October 18 WEEK 6	Theme: INTERNATIONAL LAW Objectives: - develop a working understanding of rights in general - develop a working understanding of international law
Blackwell Reader	* Hajjar, Lisa (2004) 'Human Rights', in <i>Blackwell Companion to Law and Society</i> ,
LEADERS' ADDITION(S)	* Also read the additional material provided by this week's Seminar Leader(s).
Journal(s) or Chapter(s)	Krever, Tor (2013) 'International Criminal Law: An Ideology Critique' <i>Leiden Journal of International Law</i> 26(3): 701-723.
Other	'Putin signs law allowing Russia to overturn rulings of international rights courts' (Dec 15 2015), <i>Reuters</i> .

ESSAY WR

<p>October 25 WEEK 7</p>	<p>Theme: CORPORATIONS Objectives:</p> <ul style="list-style-type: none"> - assess how rights discourse has evolved - explore corporations' rights
<p>Blackwell Reader</p>	<p>★ Nielsen, Laura Beth, 'The Work of Rights and the Work Rights Do'</p>
<p><i>LEADERS' ADDITION(S)</i></p>	<p>★ <i>Also read the additional material provided by this week's Seminar Leader(s).</i></p>
<p>Journal(s) or Chapter(s)</p>	<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>Case(s)</p>	<p>Jungk, Margaret, 'Why do we know so little about corporate human rights abuses?' (Dec 2 2015), <i>Huffington Post</i>.</p> <p>Ramatlapeng, Mphu, 'What should human rights mean for an international business?' (Dec 10 2015), <i>The Guardian</i>.</p>
<p>November 1 WEEK 8</p>	<p>Theme: SOCIAL MOVEMENTS & ACTIVISM 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
<p>Blackwell Reader</p>	<p>★ McCann, Michael 'Law and Social Movements', in <i>Blackwell Companion to Law</i></p>
<p><i>LEADERS' ADDITION(S)</i></p>	<p>★ <i>Also read the additional material provided by this week's Seminar Leader(s).</i></p>
<p>Journal(s) or Chapter(s)</p>	<p>Finnegan, Amy C., Saltsman, Adam P., White, Shelley K. (2010) 'Negotiating Politics and Culture: The Utility of Human Rights for Activist Organizing in the United States' <i>Journal of Human Rights Practice</i> 2(3): 307-333.</p>
<p>Other</p>	<p>Goodman, Amy & Gonzalez, Juan, 'Free Speech Not</p>

	<p><i>Now.</i> (Video and transcript.)</p> <p>Bronskill, Jim, 'Terrorists could infiltrate Canadian oil protests, report claims' (Dec 6 2015), <i>Toronto Star</i>.</p>
UNIT III: DOMAINS OF LAW	
November 8 WEEK 9	Theme: FAMILY Objectives: <ul style="list-style-type: none"> - develop an understanding of the family in a legal and cultural sense
Blackwell Reader	<p>* Boyd, Susan B. (2004) 'Legal Regulation of Families in Changing Societies' in</p>
LEADERS' ADDITION(S)	<p>* <i>Also read the additional material provided by this week's Seminar Leader(s).</i></p>
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>Bridgeman, Jo; Keating, Heather M. (2008) 'Introduction:</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>CBC News, 'Cy and Ruby's Law demands more parental rights for LGBTQ couples' (Dec 10 2015), <i>CBC News</i></p>
November 15 WEEK 10	Theme: IMMIGRATION Objectives: <ul style="list-style-type: none"> - develop a working understanding of citizenship - build a critical notion of membership

	- assess how the legal subjectivity of “immigrant” is constructed
Blackwell Reader	★ Sterett, Susan (2004) ‘Immigration’, in <i>Blackwell Companion to Law and Society</i> ,
LEADERS’ ADDITION(S)	★ Also read the additional material provided by this week’s Seminar Leader(s).
Journal(s) or Chapter(s)	Makowsky, Michael & Stratmann, Thomas (2014) ‘Politics, unemployment, and the enforcement of immigration law’ in <i>Public Choice</i> 160(1-2), pp. 131-153.
Other	Canadian Citizenship test – Study Questions Osborne, Louise & Russell, Ruby, ‘Stateless in Europe:
November 22 WEEK 11	Theme: RELIGION Objectives: - explore the historical connection between law and religion - examine how religion is regulated today
Blackwell Reader	★ Barzilai, Gad (2004) ‘Legal Categorizations and Religion: On Politics of Modernity, Practices, Faith, and Power ’ in <i>Blackwell</i>
LEADERS’ ADDITION(S)	★ Also read the additional material provided by this week’s Seminar Leader(s).
Journal(s) or Chapter(s)	Trigg, Roger (2007) ‘Law and Religion’ in <i>Religion in Public Life: Must Faith Be</i>
Other	Jukier, Rosalie & Woehrling, José (2014) ‘Religion and the Secular State in Canada’ for the International Center for Law and Religion Studies. Bussey, Barry W., ‘Trinity Western University — and religious freedom — wins again’ (Dec 15 2015), <i>National Post</i> .
November 29 WEEK 12	Theme: INTELLECTUAL PROPERTY Objectives: - develop an understanding of intellectual property as a field of law

	- explore the nature of the struggle for “the commons” versus copyright
Blackwell Reader	* Coombe, Rosemary J. (2004) ‘Commodity Culture, Private Censorship, Branded Environments, and Global Trade Politics: Intellectual
LEADERS’ ADDITION(S)	* <i>Also read the additional material provided by this week’s Seminar Leader(s).</i>
Journal(s) or Chapter(s)	Bowrey, Kathy (2001) ‘The Outer Limits of Copyright Law – Where Law Meets
Other	Association for Molecular Pathology v. Myriad Genetics (No. 12-398) Supreme Court of the United States (June 2013) * Canadian Intellectual Property Office, ‘Understand the basics’ Lewis, Lee, ‘Bright ideas pioneer shining a light on

IMPORTANT INFORMATION

Academic Integrity:

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 www.uwaterloo.ca/academicintegrity/ for more information.

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. When in doubt, please be certain to contact the St. Jerome's Advising Specialist, Student Affairs Office, who will provide further assistance.

Discipline:

A student is expected to know what constitutes academic integrity, to avoid committing an academic offence, and to take responsibility for their actions. Check www.uwaterloo.ca/academicintegrity/ 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. For information on categories of offences and types of penalties, students should refer to University of Waterloo Policy 71, Student Discipline. For typical penalties, check the Guidelines for the Assessment of Penalties.

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 requiring accommodations:

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.

Turnitin.com:

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.