



St. Jerome's University in the University of Waterloo

Department of Sociology and Legal Studies

LS 402 001 / 002 Winter 2022

TUE / WED SJ1 3012 / Zoom

Legal Authority and Subjectivity

INSTRUCTOR INFORMATION

Instructor: Susan Dianne Brophy, PhD

Email: susan.brophy@uwaterloo.ca

Contact:
➤ all general questions: 'Ask the Prof' LEARN discussion board
➤ personal communication: Email
➤ *if necessary*, video by appointment only (email Professor to set-up)

COURSE DESCRIPTION

This senior seminar explores the relation between those who make or administer law and select legal subjects whose lives and identities are shaped by law. As we study specific perspectives, students will debate and assess topics spanning such disciplines as psychology, sociology, history, humanities, cultural studies, political science, and criminology.

COURSE OBJECTIVES

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 course. 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. To help accomplish this level of comprehension and quality of engagement, Weekly Submissions are mandatory in the remote version of the course.

REQUIRED TEXTS

See LEARN.

REMOTE INSTRUCTION BACK-UP PLAN

If we cannot meet in-person due to COVID-related restrictions, the Professor will host live 90-minute sessions during the course's regularly scheduled timeslot. Students will be expected to turn on their *audio and video* feeds to contribute during these online sessions and earn participation grades. Sessions will be recorded and posted on LEARN for information.

COURSE REQUIREMENTS AND ASSESSMENT

Requirement	Description	Schedule	Value
Weekly Submissions	<i>Answer 4 questions every week</i> - weekly entry to Professor - show you thought about reading	DUE MON/TUE @ 11:59pm W2 – W11	25% - 10 x 2% (20%) upon completion - 5% at end of term for overall quality
Participation	<i>Assessment of engagement</i> - discussions in-person/on Zoom	Cumulative	25% - grades awarded holistically at end of term
Essay 1	<i>Legal authority and colonialism</i> - covers W1 to W5 - details on LEARN	DUE SAT FEB 12 @ 11:59pm	25% 6 pages min 8 pages max
Essay 2	<i>Law and settler colonialism</i> - covers W6 to W11 - details on LEARN	DUE SUN APR 3 @ 11:59pm	25% 6 pages min 8 pages max

COURSE SCHEDULE

* = **MAIN READING** – everybody should do *all* readings, but the one bearing this symbol is the focus for the Weekly Submission.

<i>course theme</i> settler colonialism	
Jan 9 – 15 WEEK 1	Patrick Wolfe (2006) Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls (2019), Vol 1a ----- BACKGROUND LEGAL DETAILS • <i>Inquiries Act</i> , 1985: https://laws-lois.justice.gc.ca/eng/acts/i-11/page-1.html
Jan 16 – 22 WEEK 2	* Aimé Césaire (1950)
Jan 23 – 29 WEEK 3	Mahmood Mamdani (1996)
Jan 30 – Feb 5 WEEK 4	Frantz Fanon (1952)

<p>Mar 13 – 19 WEEK 9</p>	<p>Chris Andersen & Jennifer Adese (2021)</p> <p>✱ Sébastien Grammond, Isabelle Lantagne & Natacha Gagné (2016)</p> <p>-----</p> <p>BACKGROUND LEGAL DETAILS</p> <ul style="list-style-type: none"> • <i>R v Powley</i>, [2003]: https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2076/index.do • <i>Manitoba Métis Federation v Canada</i>, [2013]: https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/12888/index.do <p><i>Daniels v Canada (Indian Affairs and Northern Development)</i>, [2016]: https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/15858/index.do</p>
<p>Mar 20 – 26 WEEK 10</p>	<p>Daiva Stasiulis (2020)</p> <p>✱ Amy Fung (2021)</p> <p>-----</p> <p>BACKGROUND LEGAL DETAILS</p> <p>Temporary Foreign Worker Program: https://www.canada.ca/en/employment-social-development/services/foreign-workers.html</p>
<p>Mar 27 – Apr 2 WEEK 11</p>	<p>Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls, Volume 1a (2019)</p>
<p>Apr 3 – 5 WEEK 12</p>	<p>Essay 2 DUE</p>

SUBMISSION AND RETURN OF WEEKLY SUBMISSIONS AND ESSAYS

- Weekly Submissions are completed as “Quizzes” on LEARN.
- Essays are submitted electronically via DropBox on LEARN.
- All submissions are automatically time-stamped.
- Essays will be graded within two weeks (at most) of the date of submission.
- Essay comments and grades will be posted on LEARN.

LATE WEEKLY SUBMISSIONS AND ESSAYS

WEEKLY SUBMISSIONS

- Email the Professor prior to (or no later than 24hrs after) the missed deadline if you are eligible of an accommodation (see ‘**Accommodations Policy**’ below).
 - Out of fairness to all students, the professor cannot consider accommodations on the basis of individual workloads (academic, household, co-op, or job).
- After receiving approval for an accommodation from the Professor, the student and Professor will agree to a new due date for the missed Weekly Submission.

For example: if a student misses the TUE 11:59pm due date for W3, they must email

the Professor no later than WED 11:59pm (within 24hrs after the original deadline); a new due date will be agreed upon that will allow the student to complete the W3 Weekly Submission, only if there are legitimate grounds in accordance with the '**Accommodations Policy**'.

- Students will automatically receive a '0' on that Weekly Submission if the Professor is not contacted by email within 24hrs after the missed deadline.

ESSAYS

- Email the Professor prior to (or no later than 24hrs after) the missed deadline if you are eligible of an accommodation (see '**Accommodations Policy**' below).
 - Out of fairness to all students, the professor cannot consider accommodations on the basis of individual workloads (academic, household, co-op, or job).
- After receiving approval for an accommodation from the Professor, the student and Professor will agree to a new due date for the Essay.
- Absent an accommodation, any essay 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 (etc.).
- Essays more than 7 days late will not be accepted unless you have received an accommodation from the Professor.

ACCOMMODATIONS POLICY

- 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 in advance;
 - (d) you are [registered with AccessAbility Services](#) and can provide the course instructor with the relevant documentation.
- 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 [even if delivered remotely] 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 *UW Verification of Illness Form* to support requests for accommodation due to illness.

The *UW 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.

CORRESPONDENCE POLICY

- Post general course related questions to 'Ask the Prof' on LEARN.
 - All discussion boards will be monitored and questions answered within 36 hours, Monday to Friday, 8:30am-4:30pm (except on holidays).
- Email is the best way to reach the Professor for individual communication.
 - All emails will receive a reply within 36 hours, Monday to Friday, 8:30am-4:30pm (except on holidays).

OTHER 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, 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.

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, www.sju.ca/sites/default/files/PLCY_AOM_Student-Discipline_20131122-SJUSCapproved.pdf. For information on categories of offences and types of penalties, students should refer to University of Waterloo Policy 71, Student Discipline, www.adm.uwaterloo.ca/infosec/Policies/policy71.htm. For typical penalties, check the Guidelines for the Assessment of Penalties, www.adm.uwaterloo.ca/infosec/guidelines/penaltyguidelines.htm.

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, www.sju.ca/sites/default/files/PLCY_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/.