



# ST. JEROME'S UNIVERSITY

## St. Jerome's University in the University of Waterloo

Department of Sociology and Legal Studies

LS 402 Fall 2022

Legal Authority and Subjectivity

THU 10:30am – 12:30pm | SJ1 3012

### INSTRUCTOR INFORMATION

Instructor: Susan Dianne Brophy, PhD

Email: [susan.brophy@uwaterloo.ca](mailto:susan.brophy@uwaterloo.ca)

Contact: ➤ all general questions: 'Ask the Prof' LEARN discussion board  
➤ personal communication: Email  
➤ *if necessary*, individual video by appointment (Fridays)

### 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. That is the reason why participation is a significant portion of the overall grade.

### REQUIRED TEXTS

All readings listed in this outline can be accessed through the library's Course Reserves system.

## COURSE REQUIREMENTS AND ASSESSMENT

<b>Requirement</b>	<b>Description</b>	<b>Schedule</b>	<b>Value</b>
Participation	<i>Participation in discussions</i>	WEEKLY cumulative	25%
Seminar Leader	<i>Lead a class</i>	to be decided on first day of course	15%
Weekly Studies	<i>Answer 3 questions every week</i>	WEEKLY	10%
Essay Workshop	<i>Written + in-person</i>	W8	10%
Final Essay	<i>Full formal, scholarly essay</i>	via LEARN	40%

## COURSE SCHEDULE

<b>WEEK 1</b> <i>September 7 – 10</i>	<b>OVERVIEW &amp; INTRODUCTION</b> Objectives <ul style="list-style-type: none"> <li>- discuss course objectives and expectations</li> <li>- get to know each other</li> <li>- determine schedule for Seminar Leaders</li> </ul>
<b>WEEK 2</b> <i>September 11 – 17</i>	<b>Theme: AUTHORITY &amp; SUBJECTIVITY</b> Objectives <ul style="list-style-type: none"> <li>- set the foundation for a broad understanding of authority</li> <li>- explore the connections among procedural justice, legitimacy, and authority</li> <li>- clarify relation between legal, moral, and social theory</li> <li>- understand how there can be different subjectivities and why</li> </ul>
<i>Routledge Handbook (brief)</i>	Mariana Valverde, et al. (2021)
<i>Wiley Blackwell Handbook (survey of field)</i>	Susan M. Sterett (2015)
Article or Chapter <b>(key text/debate/author)</b>	John Finnis (1984)
Other <b>(topical)</b>	
<b>UNIT I: AUTHORITY</b>	
<b>WEEK 3</b> <i>September 18 – 24</i>	<b>Theme: COLONIAL</b> Objectives: <ul style="list-style-type: none"> <li>- establish a foundational understanding of colonial histories</li> <li>- examine law's role in maintaining colonial authority</li> <li>- differentiate colonialism and settler colonialism</li> </ul>
<i>Routledge Handbook (brief)</i>	Sarah Hunt (2021)
<i>Wiley Blackwell Handbook (survey of field)</i>	Renisa Mawani (2015)
Article or Chapter <b>(key text/debate/author)</b>	Mahmood Mamdani (1996)
Other <b>(topical)</b>	

<b>WEEK 4</b> <i>September 25 – October 1</i>	Theme: JUDGES Objectives: <ul style="list-style-type: none"> <li>- examine function and aims of judicial authority</li> <li>- discuss professional standards and ethics</li> <li>- debate different powers associated with law-making or law-preserving</li> </ul>
<i>Routledge Handbook (brief)</i>	Shaun McVeigh (2021)
<i>Wiley Blackwell Handbook (survey of field)</i>	Keith J. Bybee and Angela G. Narasimhan (2015)
Article or Chapter (key text/debate/author)	Mark D. Walters (2015)
Other (topical)	
<b>WEEK 5</b> <i>October 2 – 8</i>	Theme: LAWYERS Objectives: <ul style="list-style-type: none"> <li>- establish understanding of the evolution of professional lawyers</li> <li>- discuss power of lawyers as authorities on law</li> <li>- debate professional standards</li> <li>- discuss the social responsibility of lawyers arising from their authority</li> <li>- consider different types of lawyers</li> </ul>
<i>Routledge Handbook (brief)</i>	Vasuki Nesiah (2021)
<i>Wiley Blackwell Handbook (survey of field)</i>	Ronit Dinovitzer & Bryant Garth (2015)
Article or Chapter (key text/debate/author)	Austin Sarat & Stuart Scheingold (1998)
Other (topical)	
<b>WEEK 6</b> <i>October 16 – 22</i>	Theme: POLICE Objectives: <ul style="list-style-type: none"> <li>- debate purposes of police, past and present</li> <li>- discuss sources of police authority</li> <li>- sketch-out limits of police authority</li> <li>- understand the relation between perception and legitimacy</li> </ul>
<i>Routledge Handbook (brief)</i>	Nicholas Blomley (2021)
<i>Wiley Blackwell Handbook (survey of field)</i>	Jennifer D. Wood, (2015)

Article or Chapter (key text/debate/author)	Bronwyn Dobchuk-Land & Kevin Walby (2022)
Other (topical)	
<b>WEEK 7</b> <i>October 23 – 29</i>	Theme: REGULATION Objectives: <ul style="list-style-type: none"> <li>- develop a working understanding of governmentality</li> <li>- understand the relation between authority and risk</li> <li>- explore why the regulatory approach emerges</li> </ul>
<i>Routledge Handbook</i> (brief)	Pat O’Malley (2021)
<i>Wiley Blackwell Handbook</i> (survey of field)	Bronwen Morgan (2015)
Article or Chapter (key text/debate/author)	Michael Power (2003)
Other (topical)	
<b>WEEK 8</b> <i>October 30 – November 5</i>	<i>ESSAY WORKSHOP</i>
<b>UNIT II: SUBJECTIVITY</b>	
<b>WEEK 9</b> <i>November 6 – 12</i>	Theme: CLASS & LABOUR Objectives: <ul style="list-style-type: none"> <li>- understand the relation between class and legal subjectivity</li> <li>- explore how labour and law intersect</li> <li>- discuss law as empowering/disempowering from class perspective</li> <li>- clarify the connection between marginality and subjectivity</li> <li>- place the link between criminality and class in historical context</li> </ul>
<i>Routledge Handbook</i> (brief)	Mariana Valverde (2021)
<i>Wiley Blackwell Handbook</i> (survey of field)	Vicki Lens (2015)
Article or Chapter (key text/debate/author)	Bryan Palmer (2019)
Other (topical)	

<b>WEEK 10</b> <i>November 13 – 19</i>	Theme: RACE & RACIALIZATION  Objectives: <ul style="list-style-type: none"> <li>- explore how Law and Society scholars approach race</li> <li>- explore how Critical Race Theorists approach law</li> <li>- place racial legal subjectivity in historical context</li> <li>- discuss current events</li> </ul>
<i>Routledge Handbook (brief)</i>	Kamari Maxine Clarke & Ifrah Abdillahi (2021)
<i>Wiley Blackwell Handbook (survey of field)</i>	Osagie K. Obasogie (2015)
Article or Chapter <b>(key text/debate/author)</b>	Daiva Stasiulis (2020)
Other <b>(topical)</b>	
<b>WEEK 11</b> <i>November 20 – 26</i>	Theme: GENDER & SEXUALITY  Objectives: <ul style="list-style-type: none"> <li>- develop understanding of gendered legal subjectivities</li> <li>- explore how Law and Society scholars approach sexuality</li> <li>- discuss current events</li> </ul>
<i>Routledge Handbook (brief)</i>	Pallavi Banerjee & Pedrom Nasiri (2021)  Brenda Cossman (2021)
Article or Chapter <b>(key text/debate/author)</b>	Sylvia Federici (2004)
Other <b>(topical)</b>	
<b>WEEK 12</b> <i>November 27 – December 3</i>	Theme: MORE THAN HUMANS  Objectives: <ul style="list-style-type: none"> <li>- develop understanding of non-human centred approaches</li> <li>- explore Indigenous legal concepts</li> <li>- discuss animals and legality</li> </ul>
<i>Routledge Handbook (brief)</i>	Kirsten Anker (2021)
<i>Wiley Blackwell Handbook (survey of field)</i>	Irus Braverman (2015)
Article or Chapter <b>(key text/debate/author)</b>	John Borrows (2002)
Other <b>(topical)</b>	

## SUBMISSION AND RETURN OF ASSIGNMENTS

- Submit electronic copies of Weekly Studies via “Quizzes” on LEARN.
- Submit electronic copies of Essay Workshop and Final Essay via LEARN DropBox.
- All submissions are automatically time-stamped.
- Submissions will be graded within two weeks (at most) of the date of submission.
- Comments and grades will be posted on LEARN.

## LATE ASSIGNMENTS

### WEEKLY STUDIES

- No extensions will be granted for Weekly Studies requirements.
- If you miss a week, email the professor as soon as possible to see if you are eligible of an accommodation (see ‘Accommodations Policy’ below).
  - **After** receiving approval for an accommodation from the professor, the student and professor will agree that the grade value for the student’s next Weekly Studies assignment will be doubled.  
For example: if the student misses W3, then that grade value will carry-over to W4, so the W4 Weekly Studies will be worth 2% (1% + 1%).
  - **If you are not eligible for an accommodation**, you will receive a ‘0’ that week.

### ESSAY WORKSHOP

- This course requirement has *written* and *in-person* components.
- If you miss the due date for the written component, email the professor as soon as possible to see if you are eligible of an accommodation (see ‘Accommodations Policy’ below).
  - **After** receiving approval for an accommodation from the professor, the student and professor will agree to a new due date.
  - **If you are not eligible for an accommodation**, the written component will be subjected to a 5% per day late penalty. It will be graded ‘0’ if not received within one week following the original due date.
- If you miss the due date for the in-person component, email the professor as soon as possible to see if you are eligible of an accommodation.
  - **After** receiving approval for an accommodation from the professor, the student and professor will agree that the grade value for the in-person component (5%) will be added to the grade value for the Final Essay (5% + 40% = 45%).
  - **If you are not eligible for an accommodation**, you will receive a ‘0’ on the in-person component.

### FINAL ESSAY

- Any Final 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.).

- Final Essays more than 7 days late will not be accepted unless you have received an accommodation from the professor (see 'Accommodations Policy' below).

## 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](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](http://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.
- Email is the best way to reach the professor for individual communication.
- All queries will be answered within 24h, Mon-Fri, 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/](http://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](http://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/](http://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](http://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](http://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](http://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](http://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/](http://www.uwaterloo.ca/accessability-services/).