

St. Jerome's University in the University of Waterloo
Department of Sociology and Legal Studies
LS 101 (Section 001)
INTRODUCTION TO LEGAL STUDIES
WINTER 2019
Tuesdays & Thursdays 4:00pm–5:20pm, SJ2 1004

Instructor Information

Instructor: Susan Dianne Brophy, PhD
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Office hours: Tuesdays, Wednesdays, and Thursdays: 5:30pm – 6:00pm

Name	Contact Information	Contact for...
Susan Dianne Brophy <i>Professor</i>	susan.brophy@uwaterloo.ca	... accommodation approvals; arrangements for AccessAbility purposes; arrangements for make-up exams; grade re-appraisals (see details below)
Ryan Devitt, PhD <i>Teaching Assistant</i>	rtdevitt@uwaterloo.ca	... questions about the content from lectures or readings; questions related to exams
Megan LaRonde <i>Teaching Assistant</i>	mlaronde@edu.uwaterloo.ca	... general inquiries about the Legal Studies program; advice on Legal Studies course selection; notetaking tips for lectures and readings; exam study tips; mock trials

Course Description

In our day-to-day lives we have many direct and/or indirect encounters with law. This course makes us more aware of these encounters, and by doing so, encourages us to take a closer look at the ever-changing, complex, and fascinating relation between law and society.

Introduction to Legal Studies touches on multiple disciplines in order to study the various facets of law. From philosophy to political science to history and beyond, this interdisciplinary approach helps us unpack the foundations of key debates and offers different perspectives on controversial topics. By the end of the course, we will have an understanding of how law shapes us and, in turn, how we shape law.

Course Goals and Learning Outcomes

This course was designed with three learning objectives in mind. First, we will gain a basic understanding of how law is made and administered in the Canadian context. Second, we will learn about different theoretical approaches in legal studies by reading select works by prominent contributors. Third, we will develop a familiarity with the major topics in legal studies as a starting-point for thinking critically about the relation between law and society. After successful completion of this course, students will better appreciate how they are legal practitioners in the everyday.

Required Texts

The following text and reserve items are the required materials for the course. *Make sure to have these correct materials on hand. No substitutions or exceptions are permitted.*

Bookstore: Steven Vago & Adie Nelson (2017), *Law and Society* (5th Canadian Edition) (L&S)
LEARN: Select readings for Week 1 and Weeks 7 – 12 are available on LEARN (L)

Email and Electronic Device Policies

Students must adhere to the Email Policy, posted on the course's LEARN site. Electronic devices may be used for note-taking alone. If a student's misuse causes distraction, fair warning will be given to stop; if misuse continues, the student will be excused from that class.

Waterloo LEARN

LS 101 Section 001 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
EXAM 1	Covers W1A to W3A. Multiple choice.	25%	THURSDAY, JANUARY 24
EXAM 2	Covers W4A to W6A. Multiple choice.	25%	THURSDAY, FEBRUARY 14
EXAM 3	Covers W7A to W9A. Short & long answers.	25%	THURSDAY, MARCH 14
EXAM 4	Covers W10A to W12A. Short & long answers.	25%	THURSDAY, APRIL 4

Missed Examinations

For all exams, accommodations will only be considered if:

- (a) you are ill and submit a *University of Waterloo Verification of Illness Form* to the professor 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 professor;
- (c) due dates conflict with important dates on your religious calendar, and you have informed the professor of this fact;
- (d) you are [registered with AccessAbility Services](#) and can provide the professor 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.

Make-up Examinations

Students may write a make-up exam only for legitimate reasons, as outlined above. Do not assume that you are eligible to write a make-up exam – you must have permission from the professor. All make-up exams are held in the Professor's office from 5:30pm-6:50pm, according to the following schedule:

Exam 1: THU Jan 31 *Exam 2:* THU Feb 28 *Exam 3:* THU Mar 21 *Exam 4:* THU Apr 11

Grading Turnaround

Students will receive all examination grades within two weeks of writing the exam.

Grade Re-Appraisals

The professor may re-evaluate a student's exam upon request, only if:

- (a) within 1 week of receiving their grade, the student makes an initial request to the member of the Teaching Team who originally graded the work (**note:** only for Exam 4 should students consult the professor as first step);
- (b) where no mutually agreeable solution was achieved between the student and the member of the Teaching Team, then the student can make a request to the professor within 10 days of receiving their grade;
- (c) the student understands that the professor's re-appraisal does not guarantee a higher grade, but in fact could result in a lower grade on the exam.

Class Schedule

UNIT I: INTRODUCTION TO LEGAL STUDIES AND LAW		
WEEK 1 <i>What is Legal Studies?</i> <i>What is Law?</i>	W1A: TUESDAY JANUARY 8	W1B: THURSDAY JANUARY 10
	<ul style="list-style-type: none"> • S.D. Brophy & J. Blokhuis, pp. 12-16 'Defining Legal Studies in Canada' (L) • T. Lindberg, pp. 231-232 'Critical Indigenous Legal Skills' (L) • <i>Law & Society (L&S)</i>, pp. 251-254 <ul style="list-style-type: none"> • Professionalization of Lawyers 	<ul style="list-style-type: none"> • <i>L&S</i>, pp. 9-13, 17-22 <ul style="list-style-type: none"> • Conceptualizations of Law • Types of Law • Functions of Law • Dysfunctions of Law • Paradigms of Society
WEEK 2 <i>Court System</i>	W2A: TUESDAY JANUARY 15	W2B: THURSDAY JANUARY 17
	<ul style="list-style-type: none"> • <i>L&S</i>, pp. 60-85 <ul style="list-style-type: none"> • Courts • <i>L&S</i>, pp. 200-205 (up to 'Law as a Method of Dispute Resolution in Academe') 	<ul style="list-style-type: none"> Tutorial • build on material from 2A • discuss examples / relevant cases • focus on key concepts • opportunity to ask questions

WEEK 3 <i>Legislature / Administrative & Enforcement Agencies</i>	W3A: TUESDAY JANUARY 22	W3B: THURSDAY JANUARY 24
	<ul style="list-style-type: none"> • <i>L&S</i>, pp. 87-88, 96-108 <ul style="list-style-type: none"> • Legislatures • Administrative Agencies • Law Enforcement Agencies • <i>Brief review for Examination 1</i> 	<i>EXAMINATION 1</i>
WEEK 4 <i>Lawmaking</i>	W4A: TUESDAY JANUARY 29	W4B: THURSDAY JANUARY 31
	<ul style="list-style-type: none"> • <i>L&S</i>, pp. 111-136 <ul style="list-style-type: none"> • Lawmaking 	Tutorial <ul style="list-style-type: none"> • build on material from 4A • discuss examples / relevant cases • focus on key concepts • opportunity to ask questions
WEEK 5 <i>Crime & Social Control</i>	W5A: TUESDAY FEBRUARY 5	W5B: THURSDAY FEBRUARY 7
	<ul style="list-style-type: none"> • <i>L&S</i>, pp. 144-170 <ul style="list-style-type: none"> • Formal Social Controls • Crimes Without Victims • White-Collar Crime 	Tutorial <ul style="list-style-type: none"> • build on material from 5A • discuss examples / relevant cases • focus on key concepts • opportunity to ask questions
WEEK 6 <i>Dissent & Administrative Control</i>	W6A: TUESDAY FEBRUARY 12	W6B: THURSDAY FEBRUARY 14
	<ul style="list-style-type: none"> • <i>L&S</i>, pp. 170-177 <ul style="list-style-type: none"> • Abuse of Social Control of Dissent • Administrative Law and Social Control • <i>Brief review for Examination 2</i> 	<i>EXAMINATION 2</i>

UNIT II: LEGAL STUDIES PERSPECTIVES AND DEBATES

WEEK 7 <i>Perspectives on Law and Morality</i>	W7A: TUESDAY FEBRUARY 26	W7B: THURSDAY FEBRUARY 28
	<ul style="list-style-type: none"> • Aristotle, <i>Nicomachean Ethics</i> (L) <ul style="list-style-type: none"> • Book II, Sections 1, pp. 23-24 • Book V, Section 1, pp. 80-82 • Book V, Section 7, pp. 92-93 • Aquinas, <i>Summa Theologiæ</i> (L) <ul style="list-style-type: none"> • Treatise on Law: Questions 90, 92 & 94 • <i>L&S</i>, pp. 33-34 <ul style="list-style-type: none"> • The European Pioneers 	Tutorial <ul style="list-style-type: none"> • build on material from 7A • discuss examples / relevant cases • focus on key concepts • opportunity to ask questions
WEEK 8	W8A: TUESDAY MARCH 5	W9B: THURSDAY MARCH 7
	<ul style="list-style-type: none"> • J. Bentham, <i>Of Laws in General</i> (L) 	Tutorial <ul style="list-style-type: none"> • build on material from 8A

<p><i>Perspectives on Legal Authority</i></p>	<ul style="list-style-type: none"> • Chapter III. Ends Which a Law May Have in View, pp. 32-34 • Chapter XIII. Signs of a Law, pp. 153-156 • J. Austin, <i>The Province of Jurisprudence Determined</i> (L) <ul style="list-style-type: none"> • Lecture I, pp. 1-8 (read up to: “I observe that Dr Paley”) • H.L.A. Hart, ‘Positivism and the Separation of Law and Morals’ (L) <ul style="list-style-type: none"> • Part V, pp. 621-624 • <i>L&S</i>, pp. 227-230 <ul style="list-style-type: none"> • Legitimate Authority • The Binding Force of Law 	<ul style="list-style-type: none"> • discuss examples / relevant cases • focus on key concepts • opportunity to ask questions
<p>WEEK 9 <i>Critical Perspectives</i></p>	<p>W9A: TUESDAY MARCH 12</p>	<p>W9B: THURSDAY MARCH 14</p>
	<ul style="list-style-type: none"> • G. Minda, <i>Postmodern Legal Movements</i>, pp. 106-110, 123-127 (L) • <i>Brief review for Examination 3</i> 	<p><i>EXAMINATION 3</i></p>
<p>WEEK 10 <i>Legal Personhood Debates</i></p>	<p>W10A: TUESDAY MARCH 19</p>	<p>W10B: THURSDAY MARCH 21</p>
	<ul style="list-style-type: none"> • J. Gaaker, ‘A Note on the Fiction of Legal Personhood’, pp. 287-308 (L) 	<p>Tutorial</p> <ul style="list-style-type: none"> • build on material from 10A • discuss examples / relevant cases • focus on key concepts • opportunity to ask questions
<p>WEEK 11 <i>Indigenous Legal Traditions</i></p>	<p>W11A: TUESDAY MARCH 26</p>	<p>W11B: THURSDAY MARCH 28</p>
	<ul style="list-style-type: none"> • V. Napoleon & H. Friedland, ‘Engaging with Indigenous Legal Traditions through Stories’, pp. 727-754 (L) 	<p>Tutorial</p> <ul style="list-style-type: none"> • build on material from 11A • discuss examples / relevant cases • focus on key concepts • opportunity to ask questions
<p>WEEK 12 <i>Law and Social Change</i></p>	<p>W12A: TUESDAY APRIL 2</p>	<p>W12B: THURSDAY APRIL 4</p>
	<ul style="list-style-type: none"> • <i>L&S</i>, pp. 231-245 <ul style="list-style-type: none"> • Limitations of Law in Creating Social Change • Resistance to Change • <i>Brief review for Examination 4</i> 	<p><i>EXAMINATION 4</i></p>

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.