



DEPARTMENT OF SOCIOLOGY
FACULTY OF ARTS

Law & Society 415 L01
Socio-legal Issues in Contemporary Liberal Societies
Winter 2019

Course Summary

INSTRUCTOR: Ian Brodie
OFFICE: SS 708
EMAIL: irbrodie@ucalgary.ca
OFFICE HOURS: W 4-5, Th 11-12
COURSE DAY/TIME: T Th 2:00-3:15
COURSE LOCATION: AD 140

CALENDAR DESCRIPTION:

An examination of the ways in which fundamental premises of legal liberalism, such as fairness, equality, and individual liberty, intersect with each other and with other key social values and premises. Contemporary challenges that may be explored in this course include privacy, the nature of the rights attached to property, the different understandings of democracy operating in different countries, and the extent to which the state should support religion.

Course Details

COURSE OVERVIEW

This section of LWSO 415 is an upper-year lecture course. The course will focus on issues of constitutionalism, as revealed in the US and Canadian founding debates.

EXPECTATIONS

Attendance is not mandatory. In the past, students who did not attend the lectures have done poorly on the final examination.

D2L use is expected. Students will use D2L to access some materials, submit assignments and get announcements from the instructor. If you need help accessing or using D2L, please visit the Desire2Learn resource page for students: <http://elearn.ucalgary.ca/desire2learn/>.

Students should expect to spend about two to four hours reading the assigned materials each week. All materials are required readings.

During lectures, please be considerate of others by switching off cell phones. Sending/receiving texts and browsing the Web is extremely disruptive to others and will not be tolerated. And, please, no eating warm or hot food during class.

Questions are always welcome. The instructor is always happy to answer questions about the course during his office hours. Many questions can be answered by reading this syllabus, so keep it with your notes. If you prefer to contact the instructor by email, please put your course number – LWSO 415 – in the subject line. Emails will generally be answered within one business day, excepting weekends. Please take that into account.

Students may record the class sessions provided that the recordings are used only for private study and are destroyed at the end of the semester.

All materials provided by the instructor are provided under the terms of an Attribution Non-Commercial 4.0 International (CC BY-NC 4.0) licence. See creativecommons.org/licenses/by-nc/4.0/. Other materials may be subject to copyright. Further information about the University of Calgary's Copyright Policy is available at: www.ucalgary.ca/provost/files/provost/copyright_update_2sept13_revised.pdf.

COURSE OBJECTIVES AND LEARNING OUTCOMES

In the first half of the course, students should be able to:

1. Explain and evaluate the role of a constitution using the Jefferson-Publius debate over the proper lifespan of a constitution.
2. Relate the problem of executive authority shown in the Articles of Confederation.
3. Explain what Publius meant by “faction” and the “problem of faction”, apply the concept to a current issue in law and society, and evaluate the solutions that Publius

- proposed to the problem of faction.
4. Enumerate the reasons Publius was worried about the legislative power and then show how the checks and balances of US Constitution were designed to overcome these worries.
 5. Relate the American idea of federalism and the later invention of the Bill of Rights to the rest of the US Constitution.
 6. Outline the alternative vision of democratic life offered by the Anti-Federalists.

In the second half of the course, students should be able to:

1. Outline the arguments about responsible government versus simple democracy offered in the 1830s and at Confederation.
2. Explain what the Confederation debates tell us about the purpose of a constitution and the proper process for formulating a constitution.
3. Set out what the Confederation debates tell us about representation and the legislative role in our regime.
4. Relate the Confederation debates about federalism and the economy of the new country to the constitutional design of our regime.

Pay attention to your writing in this course. All students should demonstrate 400-level writing skills in their work. Be sure to have a friend or relative with experience in upper year courses proofread your paper before finalizing it and correct the punctuation, spelling and grammar before submitting a written assignment. Submissions that have plainly not been proofread and corrected will be returned with a grade of zero.

In LWSO 415, aim to use a clear, concise style. If you have trouble with concise style, get a copy of ELEMENTS OF STYLE or find one of the on-line resources based on this resource. Chapter III, Elementary Principles of Composition, has ten simple rules to guide your writing. Once you have a close-to-final draft of your paper, re-read Chapter III of ELEMENTS and then revise your paper once again. Students often benefit from the section “Omit unnecessary words” in particular. ELEMENTS is not the final word on writing but almost every student can benefit from the disciplined application of its fundamental lessons.

Also, take advantage of the workshops offered by the Student Success Centre. The SSC is located on the 3rd floor of the Taylor Family Digital Library. If you have never taken their series “Writing basics”, take it before you graduate! Once you have taken “Writing basics”, follow up with their four-workshop series “Strategies for revision”. You can register for these and other sessions at www.ucalgary.ca/SSC/writing_support/undergraduate_writing_workshops.

Once you have taken advantage of these programs, put them on your resume or CV. Telling potential employers that you worked at improving your writing skills will put

your name at the top of a shortlist. It is as important to improve your writing style in this course as it is to master the substantive material.

LEARNING RESOURCES

The following textbooks have many of the required readings and can be found in the University of Calgary Bookstore (www.calgarybookstore.ca):

- Ajzenstat, Janet. *Canada's Founding Debates*. Toronto: U of Toronto, 2003.
- Moore, Christopher. *1867: How the Fathers Made a Deal*. Toronto: M & S, 1997.
- Miranda, Lin-Manuel. *Hamilton: An American Musical (Original Broadway Cast Recording)*. Atlantic Records, 2015.

The Federalist Papers are available on many websites. A definitive version is available at the Library of Congress website, for example. Students should make use of one of the on-line versions. Other required readings are available on the D2L site for the course.

ASSESSMENT COMPONENTS

Short papers

Value: Best 4 out of 5, 40%

Due date, description: See course schedule and D2L for instructions on short papers

Type: A series of two-page papers graded on the quality of the writing and demonstrated understanding of the texts being studied

Submission instructions: Please upload a **PDF** of your assignment to the D2L dropbox.

Late paper policy: At the discretion of the instructor, late papers may be penalized five points per day late. Papers late by more than seven (7) days will receive a zero grade.

Written assignment

Value: 40%

Due Date: April 2, 2019

Type: An ten- to twelve-page term paper graded in part on the quality of the writing.

Description: Details of the assignment will be distributed separately.

Submission instructions: Please upload a **PDF** of your assignment to the D2L dropbox.

Late paper policy: At the discretion of the instructor, late papers may be penalized five points per day late. Papers late by more than seven (7) days will receive a zero grade.

Take-home examination

Value: 20%

Due date: April 16, 2019

GRADE SCALE

The following grading scale will be used:

A+ (91-100)	B+ (77-79)	C+ (67-69)	D+ (55-59)
A (85-90)	B (73-76)	C (63-66)	D (50-54)
A- (80-84)	B- (70-72)	C- (60-62)	F (0-49)

Course Schedule and Readings

Note that the schedule and readings are subject to change. Any changes will be announced during the lecture sessions and posted under the “News” section of the D2L site for the course.

Introduction

January 10 – Introductory class: Why a constitution?

Part I – The US Founding

January 15 – A brief overview of the Revolutionary War and the Articles of Confederation

- Miranda, *Hamilton: An American Musical*.

January 17 – The Declaration of Independence

- The Declaration of Independence – D2L
- Diamond, *The Declaration and the Constitution* – D2L

January 22 – How long should a constitution last?

- Letter of Thomas Jefferson to James Madison 6 Sept. 1789 – D2L
- Federalist #49

NOTE: Short Paper 1 is due at 2:00 today.

January 24 – The political thought of Publius

- Bill Kristol and Harvey Mansfield, *The Wisdom of the Federalist*,

<https://conversationswithbillkristol.org/video/harvey-mansfield-xv/> - D2L, also available as a podcast

- Federalist #2, #3, #4, #5, #6, #7

January 29 – Federalist #10 and the problem of faction

- Federalist #9 and #10

NOTE: Short Paper 2 is due at 2:00 today.

January 31 – The legislative power and checks and balances

- Federalist #51

February 5 – The separation of powers

- Storing, The Creation of the Presidency - D2L
- Diamond, The Separation of Powers and the Mixed Regime – D2L
- Federalist #69, 70

NOTE: Short Paper 3 is due at 2:00 today.

February 7 – US Federalism

- Federalist #39
- Diamond, The Federalist's View of Federalism – D2L

February 12 – The Bill of Rights

- Federalist #84
- Storing, The Constitution and the Bill of Rights – D2L

NOTE: Short Paper 4 is due at 2:00 today.

February 14 – no class

February 18-22 – Study Break

February 26 – The ratification debate and the anti-federalists

- TBA – D2L
- Storing, Federalists and Anti-Federalists

February 28 – The enduring debate

- Franklin D. Roosevelt, Democratic convention address – D2L
- Sir Winston Churchill, What good's a constitution? -D2L

Part II – Durham and Responsible Government

March 5 – The Quebec Act, the Constitutional Act and 1837– instructor to lead

March 7 – Durham on Responsible Government

- Durham. Lower Canada – D2L
- Ajzenstat. Responsible Government in the Colonies – D2L

NOTE: Short Paper 5 is due at 2:00 today.

March 12 – Responsible Government at Confederation

- *Canada's Founding Debates*, Chapter 2

Part III – Confederation Debates

March 14, 19 – Overview of Confederation

- Moore, *1867: How The Fathers Made a Deal*

March 21 – Purpose of constitution & how to do it

- *Canada's Founding Debates*, Chapter 1
- *Canada's Founding Debates*, Chapter 11

March 26 – The Legislature

- *Canada's Founding Debates*, Chapter 3

March 28 – Representation

- *Canada's Founding Debates*, Chapter 4

March 30 – Federalism and minorities

- *Canada's Founding Debates*, Chapters 9, 10

April 2 – The Canadian economy

- *Canada's Founding Debates*, Chapter 5

April 4 – The new nation

- *Canada's Founding Debates*, Chapter 8

Conclusion

April 11 – What have we learned about constitutionalism?

Other policies and information**Grade reappraisals**

Up to one week after an exam or assignment is returned, a student may seek a reappraisal of the grade from the instructor. To do so, the student must submit a written request briefly explaining the grounds for the reappraisal. Note, a reappraisal may raise, lower or confirm the grade originally assigned.

Deferral of Final Examination

When possible, please provide advance notice if you are unable to write an exam or complete/turn-in assignments on time. All requests for deferral of a course component due to health reasons must be accompanied by written documentation as outlined in the University Calendar and should be obtained while the student has the health issue rather than after recovery. Deferrals will be allowed in the following circumstances: illness, domestic affliction or religious conviction. Travel arrangements, misreading the syllabus, and scheduling conflicts with other classes or employment are not valid reasons for requesting a deferral. Deferrals will not be granted if it is determined that just cause is not shown by the student.

If you have missed a test for a legitimate reason, the instructor can require you to write a “make up” test as close in time to the original test as possible or can choose to transfer the percentage weight to another course component. If the instructor schedules a “make up” test for you, its date and location will be at the convenience of the Department of Sociology.

Deferred Final Exam Form: Please note that requests to defer a Registrar scheduled final exam are dealt with through the Registrar’s Office. Further information about deadlines, and where paperwork should be taken, is available on the form, which can be found at: <https://www.ucalgary.ca/registrar/student-forms>

Deferred Term Work Form: Deferral of term work past the end of a term also requires a form to be filled out. It’s available at https://www.ucalgary.ca/registrar/files/registrar/deferred_termwork15_0.pdf

Once an extension date has been agreed between instructor and student, the form should be taken to the Faculty of Arts Program Information Centre (SS 110) for approval by an Associate Dean (Students).

Appeals

If a student has a concern about the course or a grade they have been assigned, they must first discuss their concerns with the instructor. If this does not resolve the matter, the student can then proceed with an academic appeal. The first in an academic appeal is to set up a meeting with the Department Head.

University Regulations

Students are encouraged to familiarize themselves with the University policies found in the Academic Regulations sections of the Calendar at www.ucalgary.ca/pubs/calendar/current/academic-regs.html.

Academic Accommodation

Students needing an Accommodation because of a Disability or medical condition should contact Student Accessibility Services (MC 293, phone 403-220-8237) in accordance with the Procedure for Accommodations for Students with Disabilities available at <http://www.ucalgary.ca/policies/files/policies/student-accommodation-policy.pdf>. Please provide academic accommodation letters to the instructor as early in the semester as possible and no later than two weeks after the course begins.

Plagiarism and Other Forms of Academic Misconduct

Academic misconduct in any form (e.g. cheating, plagiarism) is a serious academic offence that can lead to disciplinary probation, suspension or expulsion from the University. Students are expected to be familiar with the standards surrounding academic honesty; these can be found in the University of Calgary calendar at www.ucalgary.ca/pubs/calendar/current/k-2.html. Such offences will be taken seriously and reported immediately, as required by Faculty of Arts policy.

Freedom of Information and Protection of Privacy (FOIP)

The Freedom of Information and Protection of Privacy (FOIPP) legislation does not allow students to retrieve any course material from public places. Anything that requires handing back will be returned directly during class or office hours. If students are unable to pick up their assignments from the instructor, they provide the instructor with a stamped, self-addressed envelope to be used for the return of the assignment.

Any uncollected assignments and tests will be destroyed after three months; final examinations are destroyed after one year.

Final grades are not posted by the Sociology Department. They are only available online.

Faculty of Arts Program Advising and Student Information Resources

For program planning and advice, visit the Arts Students' Centre in Social Sciences 102, call 403-220-3580 or email artsads@ucalgary.ca. You can also visit arts.ucalgary.ca/advising for program assistance.

For registration (add/drop/swap), paying fees and assistance with your Student Centre, contact Enrolment Services at (403) 210-ROCK [7625] or visit their office in the MacKimmie Library Block.

Student Representation

The 2016-17 Students' Union VP Academic is Alicia Lunz (suypaca@ucalgary.ca). The Faculty of Arts has four SU representatives who may be contacted at any of the following email addresses: arts1@ucalgary.ca, arts2@ucalgary.ca, arts3@ucalgary.ca, and arts4@ucalgary.ca. You may also wish to contact the Student Ombudsperson for help with a variety of University-related matters: <http://www.ucalgary.ca/provost/students/ombuds/role>

Emergency Evacuations

In the case of fire or other emergency evacuation of this classroom, please proceed to the assembly point: **The Social Sciences Building Food Court.**

Safewalk

The University of Calgary provides a "safe walk" service to any location on Campus, including the LRT, parking lots, bus zones, and campus housing. For Campus Security/Safewalk call 220-5333. Campus Security can also be contacted from any of the "Help" phones located around Campus.

Ethics Research

Students are advised that any research with human subjects – including any interviewing (even with friends and family), opinion polling, or unobtrusive observation – must have the approval of the Faculty Ethics Committee. In completing course requirements, students must not undertake any human subjects research without discussing their plans with the instructor, to determine if ethics approval is required. No research involving human subjects is required as part of this course.