



**DEPARTMENT OF POLITICAL SCIENCE
FACULTY OF ARTS**

**POLI 342 Lecture 01
Law and Politics
FALL 2020**

INSTRUCTOR: Dr. Maureen S. Hiebert
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EMAIL: maureen.hiebert@ucalgary.ca
OFFICE HOURS: Tuesdays 1:00pm – 2:00pm; Thursdays 3:00pm – 4:00pm via Zoom.
Zoom link to be provided on D2L under Content/Office Hours Zoom link.
COURSE DAY/TIME: Asynchronous course delivery. Videos to be posted on D2L weekly.
Voluntary "Ask Dr. Hiebert" Zoom sessions will take place weekly on Mondays 10:00am –
10:30am. Zoom link to be provided on D2L under Content/Ask Dr. Hiebert Zoom link.
DELIVERY METHOD: Web-Based
COURSE ANTIREQUISITES: Credit for POLI 342 and POLI 343 will not be allowed.
TEACHING ASSISTANTS: Ariane Wilson; ariane.wilson@ucalgary.ca

COURSE DESCRIPTION

This course is an introduction to the interplay between legal and political personnel, institutions, and processes. Part I begins with an overview of domestic legal systems and the nature of law, followed by a discussion of the debates surrounding the rule of law in democratic regimes. Using Canada along with other common law and civil law jurisdictions as examples, we then explore constitutionalism, the role of the courts (judicial politics), and transitions to democracy to explore some of the ways in which law and politics are mutually constituted in democracies. Part II of the course covers law and politics in authoritarian regimes. We begin with a discussion of whether such regimes do in fact have law and the notion that some authoritarian states (but not all) are governed through rule by law. Using a variety of examples including China, topics such as authoritarian constitutionalism, the role of courts, and the legal education of citizens will be covered to illustrate how and why authoritarian states use the law to realize regime goals and bolster their legitimacy. This section will conclude with an exploration of "democratic backsliding" and the rise of illiberal democracies as it relates to law and politics, particularly the status of the courts. Part III covers international law and politics through an examination of the sources and functions of international law, with an emphasis on the central role played by states and other international organizations in what is at its core an intensely political process.

This course will take place online via Desire2Learn (D2L). To best succeed in the course, students are encouraged to participate in the asynchronous learning tasks using the D2L learning environment.

Voluntary "Ask Dr. Hiebert" Zoom sessions will be held weekly starting on Monday September 14, 2020. These sessions are not mandatory and are not worth any marks. They will be live taped and posted on the course D2L website. Students may submit questions about the previous week's lectures or any other aspects of the course via email before 9:30am each Monday. Students may also attend the Zoom session live and ask questions via the chat feature or unmuting their audio. Students are also encouraged to attend one-on-one office hours with questions and for advising.

COURSE OBJECTIVES & LEARNING OUTCOMES

Upon successful completion of the course students will be able to:

Understand different theories of law, particularly how to assess legal validity and the boundary between law and other kinds of rules and norms in society and politics; identify the key features of different legal systems; know the difference between rule of law and rule by law; understand how and why constitutions in democracies are crafted and the role they play in limiting governance versus the role of authoritarian constitutions in non-democratic polities; identify the role of the courts in domestic (democratic and authoritarian) and international law through adjudication and law-making (in some cases), and how differences in judicial selection, judicial accountability, and judicial independence reflect and produce rule of law and rule by law; discern why international law and politics in a condition of anarchy is fundamentally different from, but nonetheless interconnected with, domestic law and politics; appreciate the constantly changing nature of legal regimes and the relationship between law and politics and the implications of the "judicialization of politics."

REQUIRED TEXTBOOK(S)

There are 2 textbooks for this course. They are for sale at the University of Calgary Bookstore as a bundle (the two books are sold together at one price).

If you wish to order a physical copy from the University of Calgary Bookstore, please go to: https://www.calgarybookstore.ca/buy_textbooks.asp?

Electronic versions of both textbooks are also available for purchase using the links provided below.

Andrea Kendall-Taylor, Natasha Lindtstaedt, Erica Frantz, Democracies and Authoritarian Regimes (Oxford University Press, 2019); <https://calgary-store.vitalsource.com/products/democracies-and-authoritarian-regimes-andrea-kendall-taylor-natasha-v9780192552808>

Martin Dixon, Textbook on International Law (7th Edition) (Oxford University Press, 2013); <https://calgary-store.vitalsource.com/products/textbook-on-international-law-martin-dixon-v9780191007781>

REQUIRED TECHNOLOGY

To complete this course you will need a computer device with internet connection. This technology is necessary to access taped lectures, to participate in D2L discussion groups, to take two multiple choice tests and the multiple choice portion of the final exam on D2L, to submit the written portion of the final exam, and to submit your written assignment.

If you wish to participate live in the "Ask Dr. Hiebert" Zoom sessions, you will also need a computer with audio and web camera functions or a microphone and web camera hooked up to a computer.

COURSE COMPONENT WEIGHTS AND DUE DATES

COMPONENT	WEIGHTING	DUE DATES
D2L Online Discussion Groups (2 sessions).	(5% x 2) 10%	Group 1: Sept. 21-25; Oct. 26-30 Group 2: Sept. 28-Oct. 2; Nov. 2-6 Group 3: Oct. 5-9; Nov. 16-20 Group 4: Oct. 12-16; Nov. 23-27 Group 5: Oct. 19-23; Nov. 30-Dec. 4
Mid-Term Tests (2). Time: 75 minutes Test available on D2L: 24 hours	(15% x 2) 30%	Test 1: Oct. 8 (4:00pm to Oct. 9, 3:59pm) Test 2: Nov. 19 (4:00pm to Nov. 20, 3:59pm)
Essay	30%	Dec. 4, 11:59pm to D2L
Final Exam Time: 3 hours Exam available on D2L: 24 hours	30%	Exam Period
Total	100%	

If a student misses a required course component, please get in touch the instructor as soon as possible.

COURSE SCHEDULE & TOPICS

DATE	TOPIC	READINGS
Week 1 Sept. 8-11	Legal Systems	Required: Kendall-Taylor et. al., Chapter 2
Week 2 Sept. 14-18	The Nature of Law; Rule of Law	Required: Kendall-Taylor et. al., Chapter 9
Week 3 Sept. 21-25	Democratic Constitutionalism; Judicial Review	Required: Kendall-Taylor et. al., Chapter 11
Week 4 Sept. 24-Oct.2	Courts and Parliaments; The Judicialization of Politics;	Required: Kendall-Taylor et. al., Chapter 10
Week 5 Oct. 5-9	Judicial Selection, Accountability, Independence	Required: Kendall-Taylor et. al., Chapter 13
Week 6 Oct. 12-16 Oct. 12 Thanksgiving	Constitutions, Courts, and the Politics of Transitions to Democracy	Required: Kendall-Taylor et. al., Chapter 8
Week 7 Oct. 19-23	Law in Authoritarian Regimes (?); Rule by Law	Required: Kendall-Taylor et. al., Chapter 3
Week 8 Oct. 26-30	Authoritarian Constitutionalism	Required: Kendall-Taylor et. al., Chapter 6
Week 9 Nov. 2-6	Courts in Authoritarian Regimes	Required: Kendall-Taylor et. al., Chapter 7
Nov. 8-14	READING WEEK	
Week 10 Nov. 16-20	Democratic Backsliding	Required: Kendall-Taylor et. al., Chapter 14
Week 11 Nov. 23-27	Nature and Sources of International Law	Required: Dixon, Chapter 1
Week 12 Nov. 30-Dec. 4	International Law as International Relations	Required: Dixon, Chapter Chapter 11
Week 13 Dec. 7-9	International Law and Constraints on the Use of Force	Required: Dixon, Chapter 12

Please note that the above schedule is tentative and may change as the need arises.

ESSAY

The essay will be on some aspect of law and politics in democratic regimes, or authoritarian regimes, or internationally. Specific essay questions and further information will be provided in an assignment sheet posted on D2L under Content/Assignment sheet. An assessment of writing style (grammar, spelling, punctuation etc.) will be included in the grade for this assignment. This assignment must be submitted electronically to the D2L course website no later than 11:59pm on the due date.

DISCUSSION GROUPS

Students will participate in 2 sessions of online discussion on D2L. Students will sign up on D2L during Weeks 1 and 2 for a discussion group. Discussion groups will begin on Week 3 (see above for discussion group schedule). One question will be posed by me at the beginning of each week linking the topic of the week's lectures to real-world fact situations. Students will be evaluated on the following criteria. (1) Students must consistently engage throughout the week with the discussion group. This means that one short post on the last day will result in a low score. (2) Posts must be focused, in that they directly address the question asked to stimulate discussion and must address the commentary of other students.

MID-TERM TESTS

Each mid-term test will have 30 multiple choice questions. They will be taken on D2L. Following COVID-19 university policy, the time to take these tests is 50% longer than normal. As a result, each test is 75 minutes in duration. Students will have access to each test for 24 hours (see above for schedule). Tests are closed book; no aids allowed.

REGISTRAR-SCHEDULED FINAL EXAMINATION (December 12-23, 2020)

The final examination will have 2 parts: 75 multiple-choice questions; and 1 essay question. The multiple-choice portion will be taken on D2L and the essay question will be submitted to the D2L Dropbox. Following COVID-19 university policy, the time to take this examination is 50% longer than normal. As a result, the examination will be 3 hours in length. Students will have access to the exam for 24 hours. The exam will be closed book; no aids allowed.

WRITING STATEMENT

Written assignments are often required in Political Science courses, and the quality of writing skills, including but not limited to such elements as grammar, punctuation, sentence structure, clarity, citation, and organization, will be taken into account in the determination of grades. Students are encouraged to make use of the services offered through Writing Support Services in the Student Success Centre by contacting them at <http://www.ucalgary.ca/ssc/writing-support>.

GRADING 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)

LATE PENALTIES

The late penalty for late assignments is -5% per day including weekends.

INSTRUCTOR GUIDELINES

Students requiring assistance are encouraged to contact me via email, or meet with me during regularly scheduled office hours. Should you wish to meet outside of office hours, please email me to make an appointment. It is to the student's advantage to keep such appointments. All meetings will be held virtually via Zoom.

IMPORTANT POLICIES AND INFORMATION

Supporting Documentation and the Use of a Statutory Declaration

As stated in the University Calendar:

Students may be asked to provide supporting documentation for an exemption/special request. This may include, but is not limited to, a prolonged absence from a course where participation is required, a missed course assessment, a deferred examination, or an appeal. Students are encouraged to submit documentation that will support their situation. Supporting documentation may be dependent on the reason noted in their personal statement/explanation provided to explain their situation. This could be medical certificate/documentation, references, police reports, invitation letter, third party letter of support or a statutory declaration etc. The decision to provide supporting documentation that best suits the situation is at the discretion of the student. Students cannot be required to provide specific supporting documentation, such as a medical note.

Students can make a Statutory Declaration as their supporting documentation (available at ucalgary.ca/registrar). This requires students to make a declaration in the presence of a Commissioner for Oaths. It demonstrates the importance of honest and accurate information provided and is a legally binding declaration. Several registered Commissioners for Oaths are available to students at no charge, on campus. For a list of locations to access a Commissioner for Oaths, visit ucalgary.ca/registrar).

Falsification of any supporting documentation will be taken very seriously and may result in disciplinary action through the Academic Discipline regulations or the Student Non-Academic Misconduct policy.

This statement is accessible at: <https://www.ucalgary.ca/pubs/calendar/current/m-1.html>

Absence From a Mid-term Examination

Students who are absent from a scheduled term test or quiz for legitimate reasons are responsible for contacting the instructor via email within 48 hours of the missed test to discuss alternative arrangements. A copy of this email may be requested as proof of the attempt to contact the instructor. Any student who fails to do so forfeits the right to a makeup test.

Deferral of a Final Examination

Deferral of a final examination can be granted for reasons of illness, domestic affliction, and unforeseen circumstances, as well as to those with three (3) final exams scheduled within a 24-hour period. Deferred final exams will not be granted to those who sit the exam, who have made travel arrangements that conflict with their exam, or who have misread the examination timetable. The decision to allow a deferred final exam rests not with the instructor but with Enrolment Services. Instructors should, however, be notified if you will be absent during the examination. The Application for Deferred Final Exam, deadlines, requirements and submission instructions can be found on the Enrolment Services website at <https://www.ucalgary.ca/registrar/exams/deferred-exams>.

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 then proceed with an academic appeal. The first step in an academic appeal is to set up a meeting with the Department Head. Appeals must be requested within 15 days of receipt of the graded assignment.

University Regulations

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

Student Accommodations

Students seeking an accommodation based on disability or medical concerns should contact Student Accessibility Services; SAS will process the request and issue letters of accommodation to instructors. For additional information on support services and accommodations for students with disabilities, visit www.ucalgary.ca/access/.

Students who require an accommodation in relation to their coursework based on a protected ground other than disability should communicate this need in writing to their Instructor.

The full policy on Student Accommodations is available at <http://www.ucalgary.ca/policies/files/policies/student-accommodation-policy.pdf>.

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 <http://www.ucalgary.ca/pubs/calendar/current/k.html>. Such offences will be taken seriously and reported immediately, as required by Faculty of Arts policy.

Required Access to Technology

Please see the University's resource page at https://ucalgary.service-now.com/it?id=kb_article&sys_id=86e7438013753ac06f3afbb2e144b031

Copyright Legislation

As stated in the University of Calgary Calendar, Academic Regulations, "students are required to read the University of Calgary policy on Acceptable Use of Material Protected by Copyright and requirements of the copyright act to ensure they are aware of the consequences of unauthorised sharing of course materials (including instructor notes, electronic versions of textbooks etc.). Students who use material protected by copyright in violation of this policy may be disciplined under the Non-Academic Misconduct Policy."

<https://www.ucalgary.ca/policies/files/policies/acceptable-use-of-electronic-resources-and-information-policy.pdf> and <https://laws-lois.justice.gc.ca/eng/acts/C-42/index.html>

Instructor Intellectual Property

Course materials created by instructors (including presentations and posted notes, labs, case studies, assignments and exams) remain the intellectual property of the instructor. These materials may NOT be reproduced, redistributed or copied without the explicit consent of the instructor. The posting of course materials to third party websites such as note-sharing sites without permission is prohibited. Sharing of extracts of these course materials with other students enrolled in the course at the same time may be allowed under fair dealing.

Freedom of Information and Protection of Privacy (FOIP)

FOIP legislation requires that instructors maintain the confidentiality of student information. In practice, this means that student assignment and tests cannot be left for collection in any public place without the consent of the student. It also means that grades cannot be distributed via email. Final exams are kept by instructors but can be viewed by contacting them or the main office in the Department of Political Science. Any uncollected assignments and tests meant to be returned will be destroyed after six months from the end of term; final examinations are destroyed after one year.

Faculty of Arts Program Advising and Student Information Resources

For program planning and advice, please consult with the Arts Students' Centre by calling 403-220-3580 or by email at 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].

Important Contact Information

Faculty of Arts Undergraduate Students' Union Representatives

Phone: 403-220-6551

Email: arts1@su.ucalgary.ca, arts2@su.ucalgary.ca, arts3@su.ucalgary.ca,
arts4@su.ucalgary.ca

Students' Union URL: www.su.ucalgary.ca

Graduate Students' Association

Phone: 403-220-5997

Email: askgsa@ucalgary.ca

URL: www.ucalgary.ca/gsa

Student Ombudsman

Phone: 403-220-6420

Email: ombuds@ucalgary.ca

Campus Mental Health Resources

The University of Calgary recognizes the pivotal role that student mental health plays in physical health, social connectedness and academic success, and aspires to create a caring and supportive campus community where individuals can freely talk about mental health and receive supports when needed. We encourage you to explore the excellent mental health resources available throughout the university community, such as counselling, self-help resources, peer support or skills-building available through the following resources:

SU Wellness Centre: <http://www.ucalgary.ca/wellnesscentre/>

Student Wellness Services:

<https://www.ucalgary.ca/wellness-services/services/mental-health-services>

Campus Mental Health Strategy website: <https://www.ucalgary.ca/mentalhealth/>.