



UNIVERSITY OF CALGARY

Faculty of Arts
Department of Sociology
Sociology Department Home Page: <http://www.soci.ucalgary.ca>

LWSO 203 Introduction to Legal Knowledge

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| • Fall 2018 | • M/W/F 13:00-13:50 | • MFH 162 |
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Instructor: Sasha Reid, M.A., PhD Candidate
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Course Description

This course examines the philosophy and science of law as tools of social engineering. Students will be introduced to tort, contract, property and criminal law and will review different schools of thought and legal movements specific to these areas of law. Current legal developments (including decided Canadian cases) will be covered to illustrate how concepts such as risk, negligence, neighbor principle, contractual obligations, offer and acceptance, consideration, remedies and punishment play out in contemporary Canadian society.

Course Objectives/Learning Outcomes

This class was conceived as an immersive, dynamic, and interactive experience with the goal of preparing students to respond creatively to the pressures that will be placed on the process and philosophy of law and lawyering in the future. This class takes the position that one must obtain a historical consciousness of law in order to better understand the relationship between law, authority and power, law and reason and the nature of politics in both ancient and modern understandings. Consequently, this course selects a historical approach as its tool and adopts integrative learning strategies to encourage students to develop a historical conscientiousness of the western legal process, tradition, and philosophy.

Required Textbooks, Readings, Materials

- Tebbit, M. (2017). *Philosophy of Law: An Introduction*. Taylor & Francis. 3rd ed. Abingdon: Routledge.
- All other readings for this course will be provided in PDF format (to be read online or printed).

Course Schedule

Week 1. Welcome	September 3 - 7
Monday: No Class Wednesday: No Class Friday: Introductions and Syllabus Overview	
Week 2. The Evolution of Legal Doctrine and Practice in the Ancient World	September 10 – 14
Monday: Ancient Legal Systems and the Foundation of Western Law (Greece) <ul style="list-style-type: none">• Read: Lanni, A. (2012). Publicity and the Courts of Classical Athens. <i>Yale Journal of Law & the Humanities</i>. 24(1), 5. Retrieved from: http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1379&context=yjlh;Publicity Wednesday: Ancient Legal Systems and the Foundation of Western Law (Roman) <ul style="list-style-type: none">• Read: Williamson, C. (2014). The Evolution of Law and Legal Procedures in the Roman Participatory Context. In D. Hammer (Ed.), <i>A Companion to Greek Democracy and the Roman Republic</i> (Vol. 13, pg. 179–192). Chichester, UK: John Wiley & Sons, Ltd. Retrieved from: https://onlinelibrary.wiley.com/doi/abs/10.1002/9781118878347.ch11# Friday: Ancient Legal Systems and the Foundation of Western Law (Germanic)	
Week 3 & 4. Legal Practice and Process in Medieval Europe	September 17 - 28
Week 3: Of Gods and Kings [part 1] (Anglo-Saxon Legal Procedure) Monday: What is Feudalism and the Feudal System? <ul style="list-style-type: none">• Read: Jeffery, C.R. (1957). Development of Crime in Early English Society, <i>The Journal of Criminal Law and Criminology</i>. 4(6), 2, 648-659. Retrieved from: https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=4549&context=jclc Wednesday: Medieval Punishment and Modes of Trial <ul style="list-style-type: none">• Read: Dean, T. (2002). <i>Crime in Medieval Europe</i>. London: Routledge. Chapter 6, p. 118 - 139 Friday: The Purpose of Punishment <ul style="list-style-type: none">• Read: Tebbit, M. (2017). <i>Philosophy of Law: An Introduction</i>. Taylor & Francis. 3rd ed. Abingdon: Routledge. [Theories of punishment, pg. 192 – 212]. Week 4: Of Gods and Kings [part 2] (Christianity, Church, and Canon Law) Monday: The Medieval Church and Canon Law <ul style="list-style-type: none">• Read: Brundage, J. (1995). <i>Medieval Canon Law</i>. London: Routledge. Chapter 2. Canon Law in the Early Middle Ages. p. 18 - 43. Retrieved from: https://www.taylorfrancis.com/books/9781317895343 Wednesday: Church Courts, Trials, and Sanctuary	

Friday: Inquisitorial Trials

Week 5 & 6. The Common Law: History, Practice, and Process

October 1 - 12

Week 5: The Common Law: History, Practice, and Process [part 1]

Monday: What is Common Law? Origin and History

- Read: Tebbit, M. (2017). *Philosophy of Law: An Introduction*. Taylor & Francis. 3rd ed. Abingdon: Routledge. [Common Law Today, in Ch. 2].

Wednesday: Major Precedents in Common Law

- Read: Kotecha, B. (December 2, 2013). *The Guardian*. Retrieved from: The essential cases every law student should know.
<https://www.theguardian.com/law/2013/dec/04/law-cases-essential-student>

Friday: Test 1 Review

Week 6: The Common Law: History, Practice, and Process [part 2]

Monday: Thanksgiving Day, no classes

Wednesday: Challenges to Modern Day Common Law

Friday: Test 1

Week 7 & 8. Criminal Law: History, Practice, and Process

October 15 – October 26

Week 7: Criminal Law: History, Practice, and Process [part 1]

Monday: Crime and the Common Law (Case Study: Confessions)

- Read: Tebbit, M. (2017). *Philosophy of Law: An Introduction*. Taylor & Francis. 3rd ed. Abingdon: Routledge. [Criminal Responsibility and the mens rea doctrine in English Common Law, in Ch 12].
- Read: Kozinski, W. (September 7th, 2017). *Third Degree Lite: The Abuse of Confessions*. Retrieved from: <https://thecrimereport.org/2017/09/07/the-third-degree-lite-the-abuse-of-confessions/>

Wednesday: The Evolution of Criminal Law During the Industrial Revolution

- Read: Douglas W. Allen, Yoram Barzel; *The Evolution of Criminal Law and Police during the Pre-modern Era*, *The Journal of Law, Economics, and Organization*, Volume 27, Issue 3, 1 October 2011, Pages 540–567. Retrieved from: <https://academic.oup.com/jleo/article/27/3/540/838632>

Friday: The Rise of Scientism and the Origin of *Mens Rea*, the Guilty Mind

- Read: Sayre, F. B. (1932). *Mens Rea*. *Harvard Law Review*. 45(6), 974-1026. Retrieved from: <https://www.jstor.org/stable/pdf/1332142.pdf>

Week 8: Criminal Law: History, Practice, and Process [part 2]

Monday: Criminal Law in the post-Freudian Era: A Focus on Mental Illness

- Read: Denno, D.W. (2005). *Criminal Law in a Post-Freudian World*. *University of Illinois Law Review*, 1(3), 620-638 Retrieved from: https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1119&context=faculty_scholarship
- Read: Tebbit, M. (2017). *Philosophy of Law: An Introduction*. Taylor & Francis. 3rd ed. Abingdon: Routledge. [The Case of Daniel M'Naghten (Ch. 14)].

Wednesday: Criminal Law in the Age of Neuroscience: A Focus on Addictions

- Read: Bonnie, R. J. (2002). Responsibility for Addiction. *Journal of the American Academy of Psychiatry and Law*, 30, 405–13. Retrieved from: <https://pdfs.semanticscholar.org/9e8f/424feb9d6097c7c4515e07f1f869a3e28c3e.pdf>

Friday: Criminal Law in the Age of Consent: A Focus on Sex and Medical Care

- Read: Pearce, T. (May 1st 2018). New sexual consent law may confuse teens. *The Globe and Mail*. Retrieved from: <https://www.theglobeandmail.com/life/new-sexual-consent-law-may-confuse-teens/article581151/>

Week 9, 10, & 11. Constitutional Law: Practice and Process	October 29 – November 16
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Week 9: Constitutional Law: Practice and Process [part 1]

Monday: Thought Paper Hand Out and Discuss

Wednesday: Constitutional Law: An Introduction and the Role of History

Friday: Case Studies in Constitutional Law

Week 10: Constitutional Law: Practice and Process [part 2]

Monday: Constitutional Law and Social Justice

- Read: Wiseman, David. "The Past and Future of Constitutional Law and Social Justice: Majestic or Substantive Equality?" *The Supreme Court Law Review: Osgoode's Annual Constitutional Cases Conference* 71. (2015). Retrieved from: <http://digitalcommons.osgoode.yorku.ca/sclr/vol71/iss1/22>

Wednesday: New and Historical Challenges Facing the Constitution

- Read: Tebbit, M. (2017). *Philosophy of Law: An Introduction*. Taylor & Francis. 3rd ed. Abingdon: Routledge. [Critical Legal Studies, pg. 78-83].

Friday: Test 2 Review

Week 11: Fall Break, No Classes

Monday: No Class

Wednesday: No Class

Friday: No Class

Week 12, 13, & 14. Legal Modernization	November 19- December 7
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Week 12: Legal Modernization, Emerging Challenges [part 1]

Monday: Test 2

Wednesday:

- Read: Tebbit, M. (2017). *Philosophy of Law: An Introduction*. Taylor & Francis. 3rd ed. Abingdon: Routledge. [Authority and Obligation, Ch 6, pg. 91 – 108].

Friday: Law in the 21st Century: Emerging Challenges and Enduring Traditions

- Read: Shelton, D. (2002). Protecting Human Rights in a Globalized World. *Boston College International and Comparative Law Review*, 25(2), 273-322. Retrieved from:

<https://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=1172&context=iclr>

Week 13: Legal Modernization, Emerging Challenges [part 2]

Monday: Modernizing Labor Law to Meet the Challenges of the 21st Century

- Read: Todd, D. (July 29, 2017). The Vancouver Sun. How migration wars impact Metro Vancouver's high-tech sector. Retrieved from: <https://vancouversun.com/news/local-news/how-migration-wars-impact-metro-vancouvers-high-tech-sector>

Wednesday: Legal Challenges Facing Law Enforcement in the 21st Century

- Listen to: CBC News. (June 22nd, 2017). Policing: Old cops, new expectations. Retrieved from: <https://www.cbc.ca/radio/ideas/policing-old-cops-new-expectations-1.4171516>

Friday: The Cybercrime Challenge: Fighting 21st-Century Problems

- Read: Koops, B.J. (2012). Criminal law and Cyberspace as a Challenge for Legal Research. *Scripted: A Journal of Law, Technology & Society*, 354. Retrieved from: <https://script-ed.org/article/criminal-law-cyberspace-challenge-legal-research/>

Week 14: Legal Modernization and the Benefits of Philosophical and Psychological Thought

Monday: Philosophical Issues in Contemporary Law [case study + Guest Speaker]

- Read: Coggon, J., & Miola, J. (2011). Autonomy, liberty, and medical decision-making. *The Cambridge Law Journal*, 70(3), 523–547. Retrieved from: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3535760/>
- Read: Tebbit. M. (2017). *Philosophy of Law: An Introduction*. Taylor & Francis. 3rd ed. Abingdon: Routledge. [Liberty, privacy and tolerance (Ch 8, pg. 127- 139)].

Wednesday: Moral Pluralism in Contemporary Law [case study]

- Read: Tebbit. M. (2017). *Philosophy of Law: An Introduction*. Taylor & Francis. 3rd ed. Abingdon: Routledge. [Legal and Moral Rights (Ch 7, pg. 109- 126)].
- Read: CBC news. (April 18, 2018). The facts about Ontario's sex ed curriculum. Retrieved from: <https://www.cbc.ca/news/canada/ottawa/ontario-sexual-education-curriculum-election-1.4624512>

Friday: Psychology and Contemporary Jurisprudence [case study] **Thought Paper Due**

- Read: *Arkansas Times*. (August 19th, 2011). Who are the West Memphis Three?. Retrieved from: <https://www.arktimes.com/arkansas/who-are-the-west-memphis-three/Content?oid=1886216>

Methods of Evaluation

1. Test 1 (20%)- October 12th, 2018

Test 1 is worth 20 % of your final grade. It will be multiple choice. The test will cover material from the textbook, readings, lectures, online material, tutorials, and class discussion. Test 1 will include material covered from weeks 1 – 6. For this test, you should be able to:

- Recall the features of ancient law that have been adopted into our modern legal system.

- Identify major similarities and differences between the major sources of law discussed up to this point.
- Demonstrate an understanding of the challenges that have been faced by legal schools of thought and how those challenges helped to shape their evolution.

This test will be distributed during regularly scheduled class time. Students who miss the test but provide documentation for their absence may take a makeup test the following Tuesday. Please email the TA or instructor for details.

2. Test 2 (20%) – November 19th, 2018

Test 2 is worth 30 % of your final grade. It is not cumulative. It will be comprised of multiple choice and short answers. The test will cover material from the textbook, readings, lectures, online material, tutorials, and class discussion. Test 2 will include material covered from weeks 7 – 11. For this test, you should be able to:

- Discuss the criminal law and its connection with the common law tradition.
- Identify major intersections and challenges between criminal and constitutional law.
- Demonstrate an understanding of the ways in which criminal and constitutional law evolved.

This test will be distributed during regularly scheduled class time. Students who miss the test but provide documentation for their absence may take a makeup test the following Tuesday. Please email the TA or instructor for details.

3. Thought Paper (30%) - December 7th, 2018

The purpose of this paper is to engage critically and philosophically with the topic of your choice. You could offer a question, a criticism or a problem, or offer an alternative interpretation of the topic covered. Additional instructions will be provided in class. Please note: This paper is to be a minimum of four pages (double spaced) but no longer than five pages. The paper must follow conventional essay format and use APA citations. For citation instructions please see: <https://library.ucalgary.ca/c.php?g=664585&p=4671793>. This paper will be due in class.

4. Final Exam (30%)

The final exam will be cumulative. The final exam is worth 30% of your final grade. The exam will cover material from the textbook, readings, lectures, online material, tutorials, and class discussion. The format of the test will be multiple choice and short written answers. The final exam will be 2 hours and will have 60 multiple choice questions and 3 short answer questions. Please note: This will be a registrar-scheduled exam during the December exam period. This exam is closed book. Short written answers must be written in paragraph format. Students are expected to bring pens and/or pencils and erasers as these materials will not be provided.

Note: While it is not necessary to pass all components, students must complete all assignments to pass the class.

Grading Scale

Letter grades will be assigned and submitted to the registrar based on the following scale:

Grade	Percent range	Grade Point Value	Description
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A+	96 – 100%	4.0	Outstanding performance
A	90 – 95.99%	4.0	Excellent-superior performance
A-	85 – 89.99%	3.7	
B+	80 – 84.99%	3.3	
B	75 – 79.99%	3.0	Good – clearly above average performance
B-	70 – 74.99%	2.7	
C+	67 – 69.99%	2.3	
C	63 – 66.99%	2.0	Satisfactory - basic understanding
C-	59 – 62.99%	1.7	
D+	55 – 58.99%	1.3	
D	50 – 54.99%	1.0	Minimal pass - marginal performance
F	<50%	0	unsatisfactory performance

The grades for a course component may be scaled to maintain equity among sections and to conform to departmental norms.

Grade Reappraisal

Within two weeks of the date the exam/assignment is returned, students seeking reappraisal of examinations or assignments must submit a written response to the instructor explaining the basis for reconsideration of one's mark. The instructor will reconsider the grade assigned and will then book a time with the student to discuss his or her work and rationale. It should be noted that a re-assessed grade may be raised, lowered, or remain the same.

Technology Use

Please be sure to mute your cell phone and refrain from using it during class.

Email

Feel free to contact me over email at any time. Please put your course number and section in your email's subject line, and include a proper salutation, your full name, student ID, and a proper closing in the body of your email. All emails will be answered within two business days. Emails will not be answered over the weekend. Please take that into account when emailing me questions pertaining assignments or exams. If you have a course-related question, please check the course outline first.

Emergency Evacuations

In the case of fire or other emergency evacuation of this classroom, please proceed to the assembly point at **Education Block – Food Court**.

Handing in Papers, Assignments

1. The main Sociology Department office does not deal with any course-related matters. Please speak directly to your instructor.
2. **Protection of Privacy:** 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.
3. Final grades are not posted by the Sociology Department. They are only available online.

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.

Academic Misconduct

Please refer to the website listed below for information on University of Calgary policies on Plagiarism/Cheating/Other Academic Misconduct:

<http://www.ucalgary.ca/pubs/calendar/current/k-5.html>

Deferrals

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).

Student Representation

The 2018-19 Students’ Union VP Academic is Jessica Revington (suvpaca@ucalgary.ca).

For more information, and to contact other elected officials with the Student’s Union, please visit this link: <https://www.su.ucalgary.ca/about/who-we-are/elected-officials/>

You may also wish to contact the Student Ombudsperson for help with a variety of University-related matters: <http://www.ucalgary.ca/ombuds/contact>

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.

Academic Accommodation

The student accommodation policy can be found at: ucalgary.ca/access/accommodations/policy.

Students needing an Accommodation because of a Disability or medical condition should communicate this need to Student Accessibility Services in accordance with the Procedure for Accommodations for Students with Disabilities ucalgary.ca/policies/files/policies/student-accommodation-policy.

Students needing an Accommodation based on a Protected Ground other than Disability, should communicate this need, preferably in writing, to the course instructor.

Student Resources

[SU Wellness Centre](#)

[Campus Mental Health Strategy](#)