



UNIVERSITY OF CALGARY

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

Law & Society
Introduction to Legal Knowledge
LWSO 203

• Spring 2018

• M/W 9:00 – 12:45 p.m.

• ICT 116

Instructor: Dr. K Kramar
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Phone: (403) 210-6501
Office Hours: M/W 1:00 – 2:00 p.m. (or by appointment)

Course Description

This course examines the development of legal theory in the common law tradition. Part I introduces students to the major legal theories and their origins in the common law tradition. These theories for part of the general Western philosophical tradition and have come into the common law indirectly. Part II moves from an historical survey of the major themes in philosophy of law and legal theory to a survey of the common law jurisprudence.

Course Objectives

The purpose of this course is to engage with issues that are integral to the study of the development of legal theory in the common law tradition which is based on a tangle of different traditions that include tribal law, Church law, and fragments of the civil law system. Through the process of our collaborative engagement with legal theories, legal debates, and issues raised in the case law, both student and teacher embark on a voyage of intellectual experimentation, dialogue and discovery. Thus, our objective is shared: the outcomes unpredictable. My ambition is to contribute to your development as 'engaged citizens' by deepening your liberal arts education during lectures, assigned readings, critical reflection, and discussions about the law, its sources, and the rational machinery needed to answer questions raised by specific cases. Developing the skill of effective note-taking is an expecting learning outcome of this course.

Textbook and Readings

Groake, Paul (2013). *Legal Theories: A Historical Introduction to Philosophy of Law*. Toronto: Oxford University Press. See also: www.oupcanada.com/LegalTheories for additional online readings (found listed in the Appendix). Oxford University Press Companion website student access ID and password posted in D2L. Additional supplementary/recommended readings may be posted for retrieval in Desire2Learn.

Assessment Components:¹

Short Essay Responses

Value: 25%

Due Date: Variable throughout May and June

Format: Provide answers to nine (9) of the chapter questions found at the end of each chapter in the textbook. I will assign the specific questions and post them in D2L because some chapters have many more questions than others. You may drop the lowest grade for one (1) of these assignments. Three (3) responses are due in May. Four (4) responses are due in June. See dates in D2L provided with the sets of questions for each chapter. You have some leeway in terms of handing in these short assignments, but none will be accepted over the limit for either month. If you do not submit these questions within the specific months you will receive zero. You may not submit more than 1 set of questions per class so plan accordingly. Questions are due at the beginning of each lecture and must be type-written (double spaced, 12 pt font and properly referenced using an approved method of referencing. I prefer Harvard style). Each response is worth 1/8 of the overall grade (assuming you drop your lowest score). We will work through the answers to these questions during the last 45-60 minutes of each lecture. These questions will form the basis of the questions you will be asked to answer on tests one and two.

Test 1 (Chapters 1 – 4)

Value: 20%

Format: Short answer and essay questions. The questions are taken from those found at the back of each chapter. Dates of tests may be subject to change with advance notice

Duration: 1.5 hours (there will be lecture following the test)

Date: May 28, 2018

Test 2 (Chapters 5 – 10)

Value: 20%

Format: Short answer and essay questions. The questions are taken from those found at the back

¹ Dates and format of tests subject to change with advance notice. We may need more or less time to cover the materials which in turn affects the testing schedule. The final exam is set by the Registrar.

of each chapter. Dates of tests may be subject to change with advance notice

Duration: 1.5 hours (there will be lecture following the test)

Date: June 13, 2018

Final Exam

Value: 30%

Type: Closed book, invigilated.

Description: Cumulative, mixed short (definitions) and long written answers.

Duration: 2 hours

Day/Time: As scheduled by the Registrar

Bonus Mark (5%)

Students can earn five marks by uploading a recent picture of themselves to the D2L course website.

RIGHTS, DUTIES AND CLASSROOM POLICIES

This section of LWSO 203 is a lecture-based course. I do not provide students with power-point slides or copies of my lecture notes. Summaries of lectures, readings and other materials are posted on D2L to assist with your learning. Please feel free to ask questions during class and to see me during office hours to discuss the materials we cover. Learning the skill of effective note taking is an expected learning outcome of this course.

Here's a link that explains the scientific research on the limitations of power point presentations in a post-secondary learning environment:

<https://www.theguardian.com/commentisfree/2015/sep/23/powerpoint-thought-students-bullet-points-information>

This article explains why the U.S. military declared war on power point. Brigadier General H.R. McMaster eventually banned its use in military presentations and meetings:

<https://www.theatlantic.com/politics/archive/2010/04/why-the-military-declared-war-on-powerpoint/345802/>

And here is another one from a (this one is humorous):

<https://thesmartset.com/powerpoint-makes-us-stupid/>

Attendance is not mandatory. However, students who do not attend the lectures will be ill-prepared for the exams. In the past, students who did not attend lectures did very poorly in the course.

Students should expect to spend one or two hours preparing for each class session by reading the assigned materials. All materials are required readings. Depending on the quality of the class notes taken, students may expect to spend another two to four hours preparing for each of the tests and then again for the final examination.

Other Expectations

Students are expected to arrive on time and having already read the readings for the week. The course moves quickly through a great deal of complex material and debates most of which will be very unfamiliar to you.

To ensure the best learning environment for all students, students are asked to avoid use of laptops and other electronic note-taking devices in this course. Students who require the use of electronic devices for academic accommodation purposes are exempt from this policy. Please be considerate of others and switch off all cell phones when you enter the classroom. Sending/receiving texts and browsing the Web is extremely disruptive to others and will not be tolerated. Please no eating during class. Please see associated subsection entitled Technology Use below for guidelines in place for the use of laptops in the classroom.

Technology Use

Please note that the use of cell phones and laptops are to be avoided during lectures. Please be sure to mute your cell phone and use only in case of a family or related emergency. Please feel free to step outside class at any time to deal with a family or personal emergency. You will be asked to leave the classroom if you use technology other than for an approved purpose.

Laptopistan²

Research demonstrates that laptops used for note-taking interfere with learning. Using a pen and paper to take notes will increase your ability to understand and retain information from class lectures. More importantly, laptops are a kind of “second-hand smoke” for others. They have a negative effect on those exposed to others who are using them and multitasking. Here is a link to the research: <https://www.psychologytoday.com/blog/everybody-is-stupid-except-you/201305/close-laptop-in-class>

And another one:

<https://www.inc.com/james-sudakow/science-says-ditch-the-laptop-for-a-pen-and-paper-for-note-taking.html>

For those students who wish to ignore the research findings, you may use your laptop so long as you sit in the back row of the classroom (Laptopistan). Laptop use is banned in all other areas of my classroom. If these rows are full, you may not use your laptop. Get there early to secure a spot if necessary. Save yourself: turn off your wifi.

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 violating customary email conventions will be ignored.** All other emails will be answered within one to two business days. I do not answer emails 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. **Questions that can be answered by consulting the course outline will not be answered.** Please do not use e-mail as a replacement for an office visit, if there is something you want to discuss. **Questions about the course content and readings, concerns about grades, or any other personal issues should be dealt with in person during my office hours.**

² <https://www.nytimes.com/2010/12/05/nyregion/05laptop.html>

Tentative Course Schedule (1 class = 1 week during Spring session)

Our schedule and readings may be subject to change – announcements about changes to the course schedule are done in class. If you miss a class it is your responsibility to get up to date on the schedule and readings. **Additional readings, summaries of lectures and study materials are posted on D2L.**

Week One – Introduction to Course & Tribal law

Course Outline and associated links contained in the course outline discussing the research on the use of laptops in classrooms and the limitations of power point (you will be tested on this material).

Groake, Paul (2013) Preface, Introduction and Ch. 1 “Tribes and the Origins of the Law” pp. xxviii – 29.
Additional online readings Ch. 1

Week Two – The Christian Tradition

Groake, Paul (2013). Chapter 2 “The Christian Tradition: Thomas Aquinas” pp. 30-50. Additional Online Reading Ch. 2

Week Three – The Shift to Natural Rights and the Political Contract

Groake, Paul (2013). Chapter 3 “The Shift to Natural Rights and the Political Contract: Hugo Grotius and Samuel von Pufendorf” pp. 51-73.
Additional Online Reading: Chapter 3

Week Four – Early Scientism

Groake, Paul (2013). Chapter 4 “Early Scientism: Law is the Science of Judges and Places Limits on the King” pp. 74-96
Additional Online Reading Ch. 4

Week Five – Utility vs. Reason

Groake, Paul (2013). Chapter 5 “Law Is a Product of Utility or Pure Reason” pp. 97-121 Additional Online Reading Ch. 5

Week Six – Legal Positivism

Groake, Paul (2013). Chapter 6 “Legal Positivism: The Political Order Takes Precedent” pp. 122-148.
Additional Online Reading Ch. 6

Week Seven – Modern Scientism

Groake, Paul (2013). Chapter 7 “Modern Scientism: Formalism, Legal Skepticism, and Pragmatism” pp. 149-171. Additional Online Reading Ch. 7

Week Eight -- Constitutionalism

Groake, Paul (2013). Chapter 8 “Constitutionalism: Legal Skepticism and the Doctrine of the Living Tree” pp. 172-199. Additional online reading Ch. 8

Week Nine - Legal Realism and Later Positivism

Groake, Paul (2013). Chapter 9 “Legal Realism Adopts an External Perspective” pp. 200-225.
Groake, Paul (2013). Chapter 10 “Later Positivism: The Law Derives Its Authority From the State” pp. 226-249.

Week Ten - the Hart-Fuller Debate

Groake, Paul (2013). Chapter 11 “The Hart-Fuller Debate and the Procedural Account of the Natural Law” pp. 250-274.

Week Twelve- Contemporary Liberal Theory (Ronald Dworkin)

Groake, Paul (2013). Chapter 12 “Contemporary Liberal Theory: Dworkin’s Critique of Hart’s Positivism” pp. 275-299

Grading Scale

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

Grade	Percent range	Grade Point Value	Description
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.

A+ grade: Exceptional Performance. An A+ grade indicates near perfect performance on multiple choice and short answer exams. For research papers/essays/course projects/presentations, an A+ grade is awarded for exceptional work deserving of special recognition and is therefore not a common grade.

A, A - Range: Excellent Performance. Superior understanding of course material. Written work is very strong in terms of critical and original thinking, content, organization, and the expression of ideas, and demonstrates student’s thorough knowledge of subject matter.

B Range: Good Performance. Above average understanding of course material. Written work shows evidence of critical thinking and attention to organization and editing but could be improved in form and/or content.

C Range: Satisfactory Performance. Adequate understanding of course material. Knowledge of basic concepts and terminology is demonstrated. Written work is satisfactory and meets essential requirements but could be improved significantly in form and content. Note: All prerequisites for courses offered by the Faculty of Arts must be met with a minimum grade of C - .

D range: Marginally meets standards. Minimal understanding of subject matter. Written work is marginally acceptable and meets basic requirements but requires substantial improvements in form and content. Student has not mastered course material at a level sufficient for advancement into more senior courses in the same or related subjects.

F grade: *Course standards not met.* Inadequate understanding of subject matter. Written work does not meet basic requirements. Student has not demonstrated knowledge of course material at a level sufficient for course credit.

Passing Grades

Passing grades on both the midterm test and the final exam are required to pass the course.

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 (why you believe an error in grading has been made). The instructor will reconsider the grade assigned and will then book a time with the student to discuss his or her work and rationale. I am more than willing to formally or informally review grades assigned and have no particular desire to give anyone a bad grade. It should be noted that a reconsidered mark may be raised, lowered, or remain the same. This policy pertains less to those courses in which the method of evaluation involves multiple choice testing.

Emergency Evacuations

In the case of fire or other emergency evacuation of this classroom, please proceed to the assembly point at Social Science – Food Court. Please check these assembly point locations for all of your classes at: <http://www.ucalgary.ca/emergencyplan/assemblypoints>

Submitting 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 2017-18 Students’ Union VP Academic is Tina Miller (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](#)