



DEPARTMENT OF SOCIOLOGY
FACULTY OF ARTS

Law & Society 415 L02
Socio-legal Issues in Contemporary Liberal Societies
Winter 2017

Course Summary

INSTRUCTOR: Ian Brodie
OFFICE: SS 920
EMAIL: irbrodie@ucalgary.ca
OFFICE HOURS: T 11-12
COURSE DAY/TIME: T Th 2:00-3:15
COURSE LOCATION: SS109

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 a small-lecture course, with active student participation required. The course will focus on issues of constitutionalism, as revealed in the US and Canadian founding debates.

Attendance is not mandatory. However, in the past, students who have not attended the 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 the 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 material.

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.

Feel free to contact the instructor by email. Please put your course number – LWSO 415 – in the subject line. Emails will be answered within one business day. I do not answer emails over the weekend. If you have a course-related question, please check the course outline first. Also, please e-mail me for administrative purposes only, for example to set up an appointment. E-mail is not a replacement for an office visit. Questions about the course content and readings, concerns about grades, or any other personal issues are best dealt with in person during office hours.

LEARNING OUTCOMES

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

1. Explain the debate between Jefferson and Publius over how long a constitution should apply, and the importance of that debate to constitutionalism.
2. Enumerate the problems with the regime established by the Articles of Confederation.

3. Connect the principles set out in the Declaration of Independence to the US Constitution.
4. Explain what Publius meant by “faction”, and then explain the ills of faction and the solutions he proposed.
5. Show an understanding of why Publius was worried about the legislative power and why the checks and balances of US Constitution were designed to overcome these worries.
6. Show how the design of the Presidency illustrates Publius’ theory of the separation of powers.
7. Relate the American idea of federalism and the later invention of the Bill of Rights to the rest of the US Constitution.
8. 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, both pro and con, 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.

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.

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. Students may also wish to download the Broadway cast recording of *Hamilton: An American Musical* for further context in the first half of the course.

If you need help accessing or using D2L, please visit the Desire2Learn resource page for students: <http://elearn.ucalgary.ca/desire2learn/>.

ASSESSMENT COMPONENTS

Mid-term examination

Value: 30%

Date, time and location:

Length: One hour

Type: Closed-book, in class, invigilated

Associated learning outcomes: See first-half learning objectives

Written assignment

Value: 30%

Due Date: tba

Type: A seven- to ten-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 for the course.

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.

Final examination

Value: 40%

Date, time and location: As scheduled by the Registrar

Length: Two hours

Type: Closed-book, invigilated

Description: Short, written answers

Associated learning outcomes: See second-half learning objectives

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)

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.

Absence from Mid Term Examination

Students who are absent from the mid-term examination for legitimate reasons (e.g. illness with the appropriate documentation) 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 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 (suvpaca@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 Professional Faculties - 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.

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.

January 10 – Introductory class: Why a constitution?

Part I – The US Founding

January 12 – A brief overview of the Revolutionary War and the Articles of Confederation

January 17 – The Declaration of Independence

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

January 19 – How long should a constitution last?

- TBA

January 24 – Federalist #10 and the Problem of Faction

- Federalist #10

January 26 – The Legislative Power and Checks and Balances

- Federalist #51

January 31 – The Separation of Powers

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

February 2 – Federalism

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

February 7 – The Bill of Rights

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

February 9 – The Ratification Debate and the Anti-Federalists

- Storing, Federalists and Anti-Federalists

October 14 – Mid-Term examination

Part II – Durham and Responsible Government

February 16 – The Quebec Act, the Constitutional Act and 1837– instructor to lead

February 20-24 – Reading Week

February 28 – Durham on Responsible Government

- Ajzenstat. Responsible Government in the Colonies

March 2 – Responsible Government at Confederation

- *Canada's Founding Debates*, Chapter 2

Part III – Confederation Debates

March 7, 9 – Overview of Confederation

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

March 14 – Purpose of constitution

- *Canada's Founding Debates*, Chapter 1

March 16 – no class

March 21 – How to do it

- *Canada's Founding Debates*, Chapter 11

March 23 – 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 4 – The Canadian economy

- *Canada's Founding Debates*, Chapter 5

April 6 – The new nation

- *Canada's Founding Debates*, Chapter 8

April 11 – What have we learned about constitutionalism?