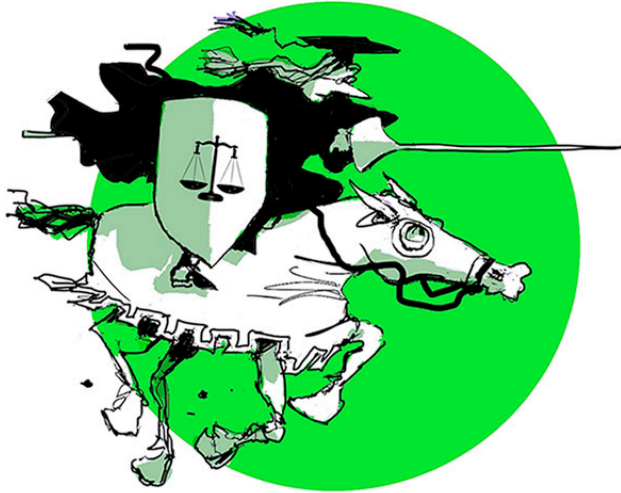


University of British Columbia
Faculty of Law

LAW, SOCIETY AND STATE
LAW 305C

Spring 2015



Instructor: Professor Margot Young

Office : ALLARD 350

Seminar: Th 2:00 p.m. – 5:00 p.m.
ALLARD 113

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Office Hours: Friday 12:30 p.m. – 1:30 p.m.

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1. Course Description

This course is about the relationship between law and social (in)justice. It focuses on the use of law by groups and individuals who are interested in social justice. In particular, the course will explore both the potential and the problems of using law in the quest for social justice. Law's role in constructing and maintaining social, economic and political inequalities as well as the potential of law to shift inequalities will be examined. The ways in which factors such as race, class, sexuality and gender complicate the quest for social justice will be considered, as well as the intersectionality of such factors.

This course is required for students who wish to obtain the Specialization in Law and Social Justice.

2. Required Course Materials

Readings are either linked from the syllabus or posted on the class Connect webpage.

3. Course Objectives

The following learning objectives structure course organization.

1. Students are expected to gain a basic overview of a wide range of social justice topics and their legal implications, and to start to think critically about social justice issues and goals.
2. Students are expected to develop a critical and practical understanding of how law has been used to address issues of social justice, while engaging in a critical assessment of the relevance of law and legal action to progressive social change.
3. Students are expected to gain an understanding of the importance and value of the range of perspectives and experiences in the class, and in Canadian society, more generally.
4. Students are expected to gain experience in discussing and presenting critical analysis of issues around social justice.

4. Seminar Format

The course will be run as an advanced seminar class. The class is designed to be highly participatory. Students are expected to attend class, to do assigned readings, and to be prepared to discuss in class the issues raised in the assigned readings.

5. Readings

Required readings are set out in the schedule that follows. Additional readings may be added during the term.

6. Outside Class Communication

During the term there will be times when it will be necessary to communicate information to the class outside of the classroom time. The university-generated class e-mail will be used. It is your responsibility to ensure that your e-mail address is correct on this list.

7. Class Web Site

There is a web site for this class that can be located on Connect. Materials handed out in class, as much as possible, will also be posted on the web site, along with notices and schedules. Many of the readings will be distributed by way of the web site.

8. Handouts

There will be some handouts distributed throughout the term. The handouts will also be posted on the website.

9. Evaluation

Students are evaluated according to the following schema.

- A. Class Participation 20%
- B. Research Paper/Project 80% (10% outline and 70% paper)

The following provides more information on each of the individual elements.

A. Class Participation

Students will be given a grade out of 20 reflecting performance on the following requirements.

- (i) reading of assigned materials for class

It is expected that students will have read all of the assigned readings for class. I take this expectation very seriously and I will assume that all of the students in the class do as well.

- (ii) participation in seminar discussion and activities

It is expected that students will be engaged and participate actively in the class. You will not be graded on what you say but will be assigned a mark reflecting your active involvement in the class. If any of the individual classes require specific input, doing the required task will also form a portion of the participation mark.

- (iii) preparation and facilitation of student-run class

This includes taking responsibility for discussion during the class and running a group exercise of some sort during the class. Students will be put into groups, each group assigned one of the asterisked classes in the syllabus. Students are then expected to develop, in consultation with the instructor, a group exercise for a portion of the assigned class. Students will run the group exercise during the class.

B. Research Paper

Students are required to write a 5,000 word essay, on a topic of their choice. This is a research paper. Papers must not exceed this length. (Footnotes and bibliography are not included in the word count.) **The upper page limit must be strictly observed: the paper will not be marked past the word limit.**

Students are to pick their own topics in consultation with the instructor.

Students are encouraged to write on a topic related to their student-run seminar.

An outline (including bibliography) of the paper, not exceeding 5 pages double spaced, is due in class **March 3**. The outline is worth 10% of the final paper mark.

Final papers are due no later than **April 27th at 4:00 p.m., handed in to the Reception.** **Please hand in a paper copy and also email an electronic copy. Please keep a copy of the paper for yourself.**

Late papers will be **docked marks according to faculty policy.** Students experiencing difficulty in meeting the due date should discuss the problem with me as soon as possible and, in any event, before the date on which the paper is due. Extension requests now have to go through the Examinations Committee.

The paper must be entirely your own independent work. It should also represent new work in the sense that it must not be a paper you have prepared for some other class or in some other capacity.

ACADEMIC OFFENCES: <http://students.ubc.ca/calendar/index.cfm?tree=3,54,111,0>

Methods of evaluation depend, for their success and fairness, on the ethical standards of both students and instructors. Be scrupulous in avoiding the presentation of the work of others as your own. Note that it is a serious academic offence to submit "the same essay, presentation, or assignment more than once whether the earlier submission was at this or another institution, unless prior approval has been obtained." **I take this rule very seriously.** Academically recognized practices of citation and attribution must be followed. Never quote or use an idea from another author without citing that person's work. Familiarize yourself with the UBC 2010-2011 Calendar rules and penalties for plagiarism and other offences.

Evaluation of your paper will take into account three factors:

1. organization and clarity of style, including proper footnoting;
2. adequacy of research;
3. presentation of your own critical stance and the extent to which the development of your topic relates to the broader themes of the course.

Please feel free to come and see me anytime about the course.

COURSE READINGS

January 7 Introduction and Films

Analysis:

“What is Neoliberalism?”

<http://folk.uio.no/daget/neoliberalism.pdf>

Videos:

“If the BC Government Were a Basketball Player...”

<http://bcpovertyreduction.ca/learn-more/videos/>

“This is What Inequality Looks like in BC.”

<http://bcpovertyreduction.ca/learn-more/videos/>

“Crises of Capitalism”

http://www.youtube.com/watch?v=qOP2V_np2c0

The Power of Outrospection”

<http://www.youtube.com/watch?v=BG46IwVfSu8>

“610 Diet Plan”

<http://www.youtube.com/watch?v=SQTfoBIVHHk>

“Solutions”

<http://www.housingmattersmedia.com/the-films/>

“CEO vs Average Pay”

<http://www.policyalternatives.ca/ceo>

“Happy Tax Freedom Day Canada”

<http://www.fraserinstitute.org/events-multimedia/video-display.aspx?id=20046>

“What the Frack is Facking?”

<http://www.youtube.com/watch?v=CrpqrpOulSE>

“CO2 Provides Many Benefits”

<http://www.fraserinstitute.org/events-multimedia/video-display.aspx?id=15996>

The Spirit of CUNY Law

<http://www.law.cuny.edu/index.html>

January 14 Indigenous Perspectives in the Law School

John Borrows, “Outsider Education: Indigenous Law and Land-Based Learning.”
On Connect

John Borrows, “Heroes,, Trickster, Mobsters and Caretakers\’: Indigenous Law and Legal Education”
On Connect

Peruse:

Truth and Reconciliation Commission Final Report

http://www.trc.ca/websites/trcinstitution/File/2015/Honouring_the_Truth_Reconciling_for_the_Future_July_23_2015.pdf

January 21 Social Justice: Lawyering and Learning

William P. Quigley, “Letter To A Law Student Interested In Social Justice,” (2007) 1 *DePaul Journal for Social Justice* 7.

<http://www.law.berkeley.edu/files/QuigleyLetterToLawStudent.pdf>

Read one of these two articles:

S. Imai, “A Counter-Pedagogy for Social Justice: Core Skills for Community-based Lawyering,” (2002-2003) 9 *Clinical L. Rev.* 195-227.

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1271452

R.G. Pearce, “White Lawyering: Rethinking Race, Lawyer Identity, and Rule of Law,” (2004-2005) 73 *Fordham L. Rev.* 2081-2099.

<http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=4073&context=flr>

Janine Brodie, “Reforming Social Justice in Neoliberal Times,” (2007) 1 *Studies in Social Justice* 93.

<http://ojs.uwindsor.ca/ojs/leddy/index.php/SSJ/article/viewFile/398/346>

Steve Wexler, “Practising Law for Poor People,” (1970), 79 *Yale L.J.* 1049.

On Connect

January 28 Law, Rights, and Social Justice

Robert M. Cover, “Violence and the Word,” 95 *Yale L.J.* 1601 1985-1986

http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=3687&context=fss_papers

Wendy Brown and Janet Halley, “Introduction,” *Liberalism/Left Critique*

On Connect

February 4 Food Security

For this class, we will be visiting the Thursday Writing Collective in Carnegie Centre in the DTES. We will be lead in a creative writing exercise on food security in Canada. Students will be expected to creat something to share next week, in our UBC class where the Thursday Writing Collective members will be visiting us.

Graham Riches and Tina Silvasti, “Hunger in the Rich World: Food Aid and Right to Food Perspectives,” in Riches, G., Silvasti, T. (Eds.) *First World Hunger Revisited, Food Charity or the Right to Food?*, (Houndsmills: Palgraves Macmillan, 2014).

On Connect

Report of the Special Rapporteur on the right to food, Olivier De Schutter
Addendum

Mission to Canada*

http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/AHRC2250Add.1_English.PDF

February 11 Food Security, con’t At the Farm

There is no assigned reading for this class. Work on your piece of creative writing to share with the two groups in our UBC classroom. Contribution of something written is part of the requirements for Class Participation marks.

February 18 No Class Midterm Break

Make up Class Monday, February 22?

Catch Up and Review

February 25 Class Cancelled

March 3 Civil Disobedience

Howard Zinn, *Disobedience and Democracy : Nine Fallacies on Law and Order*, (New York : Random House, 1968).

On Reserve in Library

March 10 Environmental Justice

The LEAP Manifesto

<https://leapmanifesto.org/en/the-leap-manifesto/>

Danya Nadne Scott, [Law's Slow Violence](#) *Osgoode Hall Law Journal*, 2012, Osgoode CLPE Research Paper No. 2/2012

http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=1100432#show2513834

Dana Nadine Scott, "What is Environmental Justice?", in M. Brydon-Miller & D. Coghlan (Eds.) *The SAGE encyclopedia of action research*.

http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=1100432#show2513834

Dana Nadine Scott, S"ituating Sarnia: "Unimagined communities" in the new national energy debate," *Journal of Environmental Law & Practice*, 25, 81-111.

http://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=1100432#show2513834

Collins, Lynda M. "An Ecological Literate Reading of the *Canadian Charter of Rights and Freedoms*" (2009). *Windsor Review of Legal and Social Issues* 26: 7.

March 15 Potluck Tuesday evening

Discussion of paper projects and Essay Writing

March 17 Class Cancelled

March 24 Justice in the City: Housing as a Case Study

This class will involve collaborative work with some housing and policy experts from the City of Vancouver.

Readings TBA

March 31 Class Choice (Refugee Justice, Income Inequality, Disability Justice...)

Readings TBA

March 7 Last Class

Wrap Up