



Lakehead University
Introduction to Law Part One (Fall 2023)
Political Science 1301YB
Tuesdays and Thursdays 11:30-1:00

Professor: Dr. Patrick Cain

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(email is for course inquiries that cannot be dealt with in person before/
during/after class time)

Office hours: Immediately after class or by appointment

COURSE DESCRIPTION

This first half of *Introduction to Law* studies constitutional issues and politics through the examination of important legal arguments issued by the Canadian and American Supreme Courts. Of special emphasis are the constitutional guarantees of liberty, equality and due process as they have been practiced and understood in Canada and the United States. As part of this course, students will also develop a better understanding of the power and purpose of the Judiciary within our political system and the various means it uses to interpret and apply the Constitution, including precedent, history, textual analysis, reason, and prudence. Students are expected to engage these important legal and political issues and questions through a number of robust experiential exercises, some of which will happen synchronously and asynchronously in place of scheduled class time.

Although there is assigned material that must be covered by all students, this half of the course introduces the place of law in the study of political life through leisureed but focussed discussion of key concepts, theories, issues, and questions.

COURSE OBJECTIVES

In addition to introducing the areas of study listed above, this course is designed to introduce this study of law and politics in a way that develops and enhances students' ability to: (a) freely partake in the art of thoughtful and reasoned discussion about the most important human questions; (b) produce reasoned and well organized writings about the most important human questions; (c) read, analyze, and consider important and complex texts and arguments with care and insight.

COURSE REQUIREMENTS, POLICIES, AND PROCEDURES

Required Texts

All Readings will be posted online to the course website. Many readings are Canadian and American Supreme Court opinions.

For full versions of U.S. Supreme Court Cases, and other resources, see <https://www.oyez.org>.

For Canadian Cases, see <https://www.canlii.org/en/ca/>. Students are expected to print reading materials and bring them to class.

Class Readings and Schedule

The readings from this course can involve complicated ideas and difficult arguments. Moreover, the presentations of these ideas and arguments sometimes take forms that may not be familiar to students. Students should therefore read the assigned readings carefully, slowly, and several times in order to grasp their content.

Some readings will be posted on the course website. The readings and/or reading schedule will be altered as needed to accommodate the pace of class, emphasizing deep learning over breadth of coverage. Presentation schedule will follow the reading schedule.

Grading (For this Fall half of course—each course half is equal to 50% of the final grade):

Assignments (mix of synchronous and asynchronous) 2.5%X10 = 25%

Individual Oral Argument as Lawyer: 20%

Questioning as Supreme Court Justice: 5%

Exam 25%

Participation: 25%

Experiential Learning Component—Course Assignments

Each student is required to complete course assignments in accordance with the enclosed table.

Course Assignment Type	Minimum Available	Minimum counted	Synchronicity and Deadlines
In Class (group and individual)	8	5	Synchronous and unannounced
Online	2	1	Asynchronous with deadlines
Department Events/Other	2	0	Synchronous, but may be at times different than scheduled class time
Video Essay (each counts as 2 assignments)	1 (counts as 3)	0	Asynchronous with deadline

The listed minimum amount of scores in each Assignment Type must be counted.

Any assignments completed above the minimum in each category will appear under “Other Assignments” category on Marks Management.

If more than 10 assignments are completed, the top 10 scores will count toward the Assignment grade. Assignments above the category minimum will be counted in the category most advantageous to the student.

These assignments therefore cannot be made up if missed. However, in order to accommodate excused absences, there is flexibility in the type and amount of assignments that may be completed, so that some in-class assignments may be missed without penalty for excused absences. In other words, accommodation for excused absences is built into the assignment structure.

In Class Assignments

In class assignments are designed to encourage, develop and measure students' preparation for class time, including the degree to which they have engaged and comprehended the assigned reading in preparation for in-class discussion.

Online Assignments

Online assignments will ask you to analyze online readings or videos, and submit your work online to the course website. A regularly scheduled class meeting may occasionally be replaced with an online assignment.

Department Events

There will be at least two departmental events that will be available to students. These events may replace a regularly scheduled class meeting or may occur during a scheduled class meeting. To fulfill this assignment students are required to attend and sign-in at the event, and submit a short assignment sheet afterwards by the listed due date. Attendance is mandatory to receive credit.

Video Essays

Students will have the opportunity to complete one video essay in response to an assigned theme. A video essay is a multimedia project that combines video footage, audio narration, and visual elements to present a thought-provoking argument or analysis. It is a form of academic expression that allows students to convey ideas using audiovisual techniques, including film clips, images, music, voiceovers, and text. The video essay format encourages creativity and the synthesis of multiple media sources to effectively communicate complex concepts.

Experiential Learning Component--Oral Arguments

Lawyer

Acting as a Lawyer, each student will deliver a 5-minute oral argument, arguing in favour of a one side of an assigned legal case. Following their argument, students are to develop and defend their argument by fielding challenging questions from the professor and class (who will together act as the Supreme Court). A sign up sheet will be provided.

Doing so, students will provide an **one-page handout** to each member of the class, and email a copy to the professor. The handout and oral argument should focus on the legal issues and legal arguments being pursued. The facts and history of the case should be outlined only as much as necessary to advance the argument being made.

Supreme Court Justice

Students are required to act as official Supreme Court questioners for one set of Oral Argument arguments on a day that they are NOT assigned to act as a Lawyer. A sign-up sheet will be provided.

Each member of the Court will prepare and ask lines of questions in response to all the Oral Arguments delivered on that day. The questions should be designed to challenge each Lawyer on his or her interpretation and application of the statute and constitutional provisions at issue. Following this initial questioning period (approx. 2-4 minutes), the rest of the class will be encouraged to ask questions.

Accessibility and Accommodation

Students with accessibility issues or with requested accommodations should contact Student Accessibility Services as soon as possible.

<https://www.lakeheadu.ca/faculty-and-staff/departments/services/sas>

Class Participation

Although the professor will regularly lecture, much of class will be spent in discussion, responding to the assigned readings, in-class oral arguments, and other issues related to the course. Students are expected to fully participate in this discussion. To do so, students should: 1. Read assigned material carefully; 2. Bring the readings to class; 3. Be prepared to discuss the readings; 4. Prepare challenging questions during in-class oral arguments; 5. Avoid being inattentive and/or appearing inattentive.

Although the professor will facilitate discussion in a number of ways (such as playing “devil’s advocate”), students should be prepared enough to drive the discussion themselves. In order to facilitate discussion, and in order to allow the lectures to be executed in the most effective manner, students are required to follow the seating direction of the professor.

Cell phone use during class time is not allowed. Laptop use is strongly discouraged. Often there will be periods of discussion when all laptops must be closed.

No audio or video recording of the class is allowed without the written permission of the professor, and any permitted recording will for be only for the private use of the individual to whom the permission is given and cannot be distributed under any circumstances. Failures to follow this recording policy will result in a mark of 0/25% for participation, and a plagiarism complaint will be brought against the student.

Regular attendance is expected and is necessary (but not sufficient) to achieving a high participation grade.

Academic Honesty

Academic honesty is expected of all Lakehead University students. Cheating, collusion, and/or plagiarism will not be tolerated. Students are expected to make themselves fully familiar with Lakehead’s policy in this area. Although all these policies will be enforced in full, it is worth emphasizing the following:

Plagiarism involves presenting another’s work, ideas, theories, or interpretation as one’s own.

To avoid plagiarism, writers should always:

1. Put quotation marks around any words from sources
2. Give accurate and complete citations for all material *including paraphrased material*.
3. Avoid borrowing entire arguments or approaches to a subject from another writer. Make it 'original' while staying faithful to the assignment parameters.
4. Do not use Artificial Intelligence as a source of research, since it does not cite its work

Artificial Intelligence, Academic Honest, and Classwork

Artificial Intelligence (AI) refers to computer systems or programs that can perform tasks that would typically require human intelligence. Unless otherwise noted, the use of artificial intelligence is not permitted in the completion of classwork.

All permitted use of AI must be noted and referenced by students. This must take the form of a note at the beginning of the student's work that explains what AI tools were used, and the ways in which they were used. This includes all editing, writing. If permitted AI is used, the professor is likely to conduct a discussion with the student to judge the extent to which they comprehend the submitted material, and will adjust the mark accordingly.

Do not use Artificial Intelligence as a research source; since it does not cite its work its material is technically plagiarized.

If the professor suspects that AI has been used in a way that violates the above policies, a plagiarism case will be opened and a meeting with the student will be scheduled. The determining factor in deciding these cases is simply the preponderance of evidence. Students who submit work that they cannot explain, or who submit work that is written at a level far above their demonstrated capabilities, should expect their work to fail this test. Any unpermitted use of AI will result in a mark of zero on the assignment.

Students should at all times remain aware that Artificial Intelligence (AI) is *artificial* intelligence.

Use of web search and spell checking tools do not fall under this policy.

COURSE READING SCHEDULE

*Experiential Learning Focus: Collaborative Reasoning Analysis and Debate;
Case Analysis; Oral Defence; Socratic Questioning*

Part One: Introduction to Law and Politics

- 9/5 Introduction to Law, Constitutionalism and Political Science; How to think about University; Course Themes and Questions
POLI 1301—Course Outline
- 9/7 Constitutionalism as Ruling Principles; How to Read Cases; Morality, Duty, Self-preservation, and the Law
Queen vs. Dudley and Stephens (1884)
- 9/12 The Law and Liberal Education
Burns, Why do we wear these Robes and these Hoods?
- 9/14 Indigenous Communities and Canadian Constitutionalism; Freedom of the Press
Alberta Press Case (1938)
Delgamuukw v. BC (1997)
- 9/19 Written Constitutions and Constitutionalism; The Oakes Test and the Charter; “Lying” and Freedom of Expression
The Canadian Charter of Rights and Freedoms (1982)
R v. Oakes (1984)
R v. Zundle (1992)
- 9/21 Ancient Constitutionalism; Political Regimes; The Soul as a Regime
Aristotle, Politics, Book III, Chapters 7-10
Aristotle, Ethics, Book I, Chapters 1, 3
- 9/26 Catch-up and Review

Part Two: In-Class Oral Argument Presentations Begin

- 9/28 Constitutionalism and Freedom of Expression; Why protect Freedom of Expression?; Why limit Freedom of Expression? “Hate Speech” and Freedom of Expression
R v. Keegstra (1988)
- 10/3 “Obscenity” and Freedom of Expression
R v. Butler (1992)
R v. Sharpe (2001)

- 10/5 TBA
- 10/10 STUDY BREAK
- 10/12 STUDY BREAK
- 10/17 Modern Constitutionalism and Liberal Democracy
U.S. Constitution (especially Bill of Rights)
Federalist Papers 9, 51, 78, excerpts
- 10/19 Comparative Constitutionalism: U.S. Freedom of Speech
Brandenburg v. Ohio (1969)
U.S. v. Stevens (2011)
- 10/24 U.S. Constitutionalism, Freedom of Speech; Bodily Autonomy
Snyder v. Phelps (2011)
Jacobson v. Mass. (1905)
- 10/26 The Law and Political Science: *Thumos*, Science, Love, and Politics
Mansfield, *How to Understand Politics*
- 10/31 TBA
- 11/4 Bodily Autonomy, Consent, Sterilization and the Law
Buck v. Bell (1927)
E (Mrs.) v. Eve (1986)
- 11/7 Criminal Law and Sex
R. v. Ewanchuk (1999)
Weatherall v. Canada (1993)
- 11/9 Modern Constitutionalism: Rights, State Power, and the Law
Hobbes, *Leviathan*, Chapters 13-15
- 11/14 TBA
- 11/16 Criminal, Assault, and Consent
R. v. Hess (1990)
R v. Jobidon (1991)
- 11/21 Equality, Freedom, and the Law
BC v. BCGSEU (1999)
- 11/23 TBA

11/28 Equality, Equity, and the Law
Ricci v. DeStephano (2009)

11/30 Catch up and Review

FINAL EXAM (IN PERSON)