

Tentative Schedule

2008-2009
Law and Society Honours Seminars
Series of Courses
AS/SOSC 4350 6.0 Sections A - F

AS/SOSC 4350 Section A: Legal History: Criticism and Construction

Course Date: Friday

Course Time: 11:30

Room Number: 0009 TEL

Course Director: t.b.a.

Legal history is an important strand of social-legal scholarship. The purpose of this course is to assist advanced law and society students to be critical users and competent doers of legal history. While necessarily introductory, this is not a survey course. Rather, we will focus on deconstruction and construction of legal histories to help students appreciate the different ways legal history is written and used, concentrating on a variety of theoretical, methodological and historiographic issues, especially related to sources—what is investigated, and why, and how. In the first term we will focus on the critique of legal historiography and the uses to which it is put. Topics will include themes students will have encountered in the law and society programme (for example crime, race, gender, class, or law and the political process.) In the second term we will begin to engage in the process of legal-historical production as we investigate and work with different types of primary sources. The style of the course is collaborative, with emphasis on presentation and discussion. As a result, the grading is weighted almost evenly, that is, 55% to written and 45% to oral work (including but not limited to general participation). Prior experience in history may be helpful, but is not required.

AS/SOSC 4350 6.0 Section B: Law and Society: Law, Education and the Governance of Schools

Course Date: Thursday

Course Time: 11:30

Room Number: ACE 012

Course Director: t.b.a.

e-mail: donnshort@osgoode.yorku.ca

This course critically assesses the legislation and policies designed to govern and regulate Ontario secondary schools, with a particular emphasis on the debates and issues surrounding “bullying” and the construction of “safe schools”. We will investigate how law and policy function in the “day to day” lives of teachers and students, approaching schools as sites where “power” is organized hierarchically, but also resisted. The Ontario Education Act and Regulations provide a legal

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framework regarding the powers and responsibilities of school boards, teachers and administrators. In addition to exploring the major components of this legislation, we will also consider such policy documents as the Toronto District School Board's Equity Foundation Statement and the Ministry of Education's policies on progressive discipline (e.g. P.P.M. 145). This course will include such topics as the "hidden curriculum", legal pluralism, resistance theory, culturally clustered schools (including black-focused schools), student rights, searches of students, and the social construction of race, gender and sexuality.

Evaluation will include a student presentation, a major research paper, and class participation.

AS/SOSC 4350 Section C: Law and Society Seminar

Course Date: Wednesday

Course Time: 11:30 a.m. – 2:30 p.m.

Room Number: ACE 008

Course Director: Les Jacobs

The focus for this seminar will be on law and social change in the context of the Canada and the United States. The first half of the course will focus on ideas of equality and the challenges of legal realization of equality and laws impact on social institutions. The second half will focus on research papers by students. Several assignments will be collaborative between groups of students.

AS/SOSC 4350 Section D: Law and Society Seminar

Course Date: Thursday

Course Time: 11:30 a.m. – 2:30 p.m.

Room Number: MC114

Course Director: Les Jacobs

The focus for this seminar will be on international law and its effects on domestic law and policy. The first half of the course will focus on issues such as global health, humanitarian intervention, and anti-terrorist measures. The second half will focus on research papers by students. Several assignments will be collaborative between groups of students.

AS/SOSC 4350 6.0 Section E: Health, Bodies and Law

Course Date: Monday

Course Time: 2:30 p.m.- 5:30 p.m.

Room Number: ACE 012

Course Director: t.b.a.

What is 'health'? Through which lenses are our bodies defined/understood within legal discourse? How/why do they intersect? How is law used to define, maintain, protect, and provide for/deny health/healthcare? What vision(s) of 'dignity,' 'autonomy,' 'choice' and 'equality' affect the relationship(s) between health, bodies and law? How do visions of 'the healthy body' stand in for

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ideals about the (normative) composition of our society/culture?

The overriding focus of the course will be to examine the use of, and limits to, law as a means of regulating both the body, and medical developments – primarily in the Canadian context. Students will become familiarized with ethical theories and principles, and will begin to critically apply them to historical and current ‘medical/health’ issues. Students will also critically examine the institutional, theoretical and policy frameworks, within which ‘healthcare’ and bioethical decision making occurs.

**AS/SOSC 4350 6.0 Section F - Empire of Law: Colonialism, postcolonialism,
and the problem of difference**

Course Date: Tuesday

Course Time: 11:30

Room Number: R S104

Course Director: Dr. David Sealy
email: dsealy@yorku.ca

“We live under Law’s Empire” says Ronald Dworkin, echoing what has come to be an important interpretation of the key role of law in the lives of those of us living in the modern Western world. Dworkin, however, ignores how law’s empire may be related to the empire of law, and what, according to Michael Hardt and Antonio Negri, can be deemed to be the place of law in Empire. This course will explore the place of law in Empire. The course is divided into three sections. In the first part of the course we will explore some conventional liberal understandings of the place of law in modern liberal societies. In the second, longest, part of the course we will turn to what can be called the problem of difference. Here we will examine critiques of the conventional place of law that has emerged out of critical left scholarship, such as marxist legal studies, critical legal studies, the law and society movement, American critical race theory, and postcolonial legal studies. We will then connect these interpretations of the problem of difference and the law to questions of the empire of law as articulated in book 2 of Michael Hardt and Antonio Negri’s Empire: Multitude.