

POLI 342(L01) (Law and Politics)	
Pre/Co-Requisites / Anti-Requisite	Credit for POLI 342 and POLI 343 will not be allowed
Instructor: Dr. Maureen S. Hiebert	Lecture Location: ST 143
Phone: 403 220-5633	Lecture Days/Time: MWF 10:00am–10:50am
Email: hiebertm@ucalgary.ca	
Office: SS 722	
Instructor Email Policy:	

COURSE DESCRIPTION

This course is an introduction to the interplay between legal and political personnel, institutions, and processes. We begin with an overview of domestic legal systems and the nature of law, followed by a discussion of the debates surrounding the rule of law in democratic regimes. Using Canada along with other common law and civil law jurisdictions as examples, we then explore constitutionalism, judicial review, judicial decision-making, the relationship between courts and legislatures, as well as judicial selection, accountability and independence, the latter three of which are closely tied to judicial decision-making a legal system's form of judicial review. We then move on to cover law and politics in authoritarian regimes. This discussion examines whether such regimes do in fact have law and the notion that some authoritarian states (but not all) are governed through rule *by* law. Using a variety of examples, authoritarian constitutionalism and the role of courts will be explored to illustrate how and why authoritarian states use the law to realize regime goals and bolster their legitimacy. The final part of the course covers international law and politics through an examination of the sources and functions of international law, with an emphasis on the central role played by states and international organizations in what is at its core an intensely political process.

COURSE OBJECTIVES & LEARNING OUTCOMES

Upon successful completion of the course students will be able to understand different theories of law, particularly how to assess legal validity and the boundary between law and other kinds of rules and norms in society and politics; identify the key features of different legal systems; know the difference between rule of law and rule by law; understand how and why constitutions in democracies are crafted and the role they play in limiting governance versus the role of authoritarian constitutions in non-democratic polities; identify the role of the courts in domestic (democratic and authoritarian) and international law through adjudication and law-making (in some cases), and how differences in judicial selection, judicial accountability, and judicial independence reflect and produce rule of law and rule by law; discern why international law and politics in a condition of anarchy is fundamentally different from, but nonetheless interconnected with, domestic law and politics; appreciate the constantly changing nature of legal regimes and the relationship between law and politics and the implications of the "judicialization of politics."

REQUIRED TEXTBOOK(S)

There are 2 textbooks for this course. They are for sale at the University of Calgary Bookstore as a bundle (the two books are sold together at one price).

All other readings are available online through a Google search for the title listed in the readings below, via open access through the University of Calgary library, or a link provided in the list of readings below.

If you wish to order a physical copy of the book bundle from the University of Calgary Bookstore, please go to: https://www.calgarybookstore.ca/buy_textbooks.asp?

Electronic versions of both textbooks are also available for purchase using the links provided below.

Andrea Kendall-Taylor, Natasha Lindtstaedt, Erica Frantz, Democracies and Authoritarian Regimes (Oxford University Press, 2019); <https://calgary-store.vitalsource.com/products/democracies-and-authoritarian-regimes-andrea-kendall-taylor-natasha-v9780192552808>

Martin Dixon, Textbook on International Law (7th Edition) (Oxford University Press, 2013); <https://calgary-store.vitalsource.com/products/textbook-on-international-law-martin-dixon-v9780191007781>

COURSE COMPONENT WEIGHTS AND DUE DATES

COMPONENT	WEIGHTING	DUE DATES
Online Tests (2) Time: 50 minutes Test available on D2L: 24 hours	(15% x 2) 30%	Test 1: Oct. 3 (Available 4:00pm – Oct. 4, 3:59pm) Test 2: Oct. 31 (Available 4:00pm – Nov. 1, 3:59pm)
Assignment	35%	Nov. 18, 11:59pm to D2L
Final Exam Time: 2 hours Exam available on D2L: 24 hours	35%	Registrar Exam Period (Dec. 10 – Dec. 21)
Total	100%	

N.B. You do not need to pass each component to pass the course. If you miss a required course component, please get in touch with me as soon as possible.

COURSE SCHEDULE & TOPICS

All readings are required.

DATE	TOPIC	READINGS
Week 1 Sept. 7–9	Legal Systems I	No Readings
Week 2 Sept. 12–16	Legal Systems II; The Nature of Law; The Rule of Law I	<ul style="list-style-type: none"> • Kendall-Taylor et. al. chapter 1
Week 3 Sept. 19–23	Rule of Law II; Democratic Constitutionalism I	<ul style="list-style-type: none"> • Kendall-Taylor et. al. chapter 9
Week 4 Sept. 26–Sept. 30	Democratic Constitutionalism II	<ul style="list-style-type: none"> • Kendall-Taylor et. al. chapter 11
Week 5 Oct. 3–7	Judicial Review	<ul style="list-style-type: none"> • Annabelle Lever, “Democracy and Judicial Review: Are They Really Incompatible? <i>Perspectives on Politics</i>, (2009) 7:4 [available through open access on the UCalgary Library’s website]
Week 6 Oct. 10-14 Oct. 10 Thanksgiving	Courts and Parliament; The Judicialization of Politics	<ul style="list-style-type: none"> • Honourable Chief Justice Catherine A. Fraser, “Constitutional Dialogue Between Courts and Legislatures: Can We Talk? <i>FORUM Constitutionnel</i> (2005) 14:3 [available through a Google search for the title]
Week 7 Oct. 17–21	Judicial Selection; Judicial Accountability and Independence I	<ul style="list-style-type: none"> • “Trudeau’s language requirement at Supreme Court discriminates against Indigenous judges: Justice Harry LaForme,” APTN March 25, 2021 [read section of article dealing with the court and watch video at bottom from minute 1:00 – 12:18] https://www.aptnnews.ca/national-news/trudeaus-language-requirement-at-supreme-court-discriminates-against-indigenous-judges-justice-harry-laforme/ • “Trump nominates staunch conservative Amy Coney Barrett for Supreme Court,” CBC, September 26, 2020 [read all of article and watch both videos] https://www.cbc.ca/news/world/trump-barrett-supreme-court-nomination-1.5740604
Week 8 Oct. 24–28	Judicial Accountability and Independence II;	<ul style="list-style-type: none"> • Kendall-Taylor et. al. chapter 3

	Law in Authoritarian Regimes ("Rule by Law")	
Week 9 Oct. 31- Nov. 4	Authoritarian Constitutionalism	<ul style="list-style-type: none"> • Kendall-Taylor et. al. chapter 6
Nov. 6–12	Reading Week	No Classes
Week 10 Nov. 14-18	The Courts in Authoritarian Regimes	<ul style="list-style-type: none"> • Kendall-Taylor et. al. chapter 8
Week 11 Nov. 21-25	The Nature and Sources of International Law	<ul style="list-style-type: none"> • Dixon chapter 2
Week 12 Nov. 28– Dec. 2	International Law and International Relations	<ul style="list-style-type: none"> • Dixon chapter 1
Week 13 Dec. 5–7	International Law and Constraints on the Resort to the Use of Force	<ul style="list-style-type: none"> • Dixon chapter 11

Please note that the above schedule is tentative and may change as the need arises.

ASSIGNMENT(S)

The assignment will be on some aspect of law and politics in democratic regimes, or authoritarian regimes, or internationally. Specific topics and the format of the assignment will be provided in an assignment sheet posted on D2L under Content/Assignment sheet. An assessment of writing style (grammar, spelling, punctuation etc.) will be included in the grade for this assignment. This assignment must be submitted electronically to the D2L course website no later than 11:59pm on the due date.

TAKE-HOME TESTS

There are two take-home tests. Each test will have a combination of 30 multiple choice/fill-in-the-blank/true-false questions and will be taken on D2L. The duration of each test is 50 minutes. Students will have access to each test for 24 hours (see above for schedule). Tests are closed book; no aids allowed.

Contingency plan: If during the 24 hour period during which the test is available to be taken an issue arises that affects a student's ability to complete the test including but not limited to: illness, technology failure, caregiving responsibilities, or distractions within the student's testing environment, please contact me via email as soon as you can to make alternate arrangements. These arrangements, depending on the circumstances, may include but are not limited to: adding additional time to complete the test, resetting the test on D2L (in the case of *temporary* technology failure that is resolved on the student's end), or taking the test at a different time. Students with accommodations through the SAS will be afforded the required extra time to take the tests listed in their accommodation letter.

REGISTRAR SCHEDULED FINAL EXAMINATION (Exam period: Saturday, December 10 – Wednesday, December 21)

The final examination will have two parts. The first part will be taken online via D2L. It is a combination of 30 multiple choice/fill-in-the-blank/true-false questions on the content covered since the second mid-term test. This component is closed book, no aids allowed. The second part is two synoptic essay questions on material covered throughout the course. Students will be given the essay questions in advance and may prepare their answers open book prior to the date of the final examination. The essay questions will be submitted to the D2L Dropbox during the exam. The duration of the final examination is 2 hours. The examination will be available for 24 hours.

Contingency plan: If during the 24 hours the examination is available an issue arises that affects a student's ability to complete the exam, including but not limited to: illness, technology failure, caregiving responsibilities, or distractions within the student's testing environment, please contact the Registrar's office to apply for a deferred final examination *except* in the case of *temporary technology failure* that is resolved on the student's end. In this instance, contact me via email as soon as possible so that I can reset the exam. Students in this situation will be accommodated by extending the time for the exam or given the opportunity to complete the exam off-line. Students with accommodations through the SAS will be afforded the required extra time to take the final examination listed in their accommodation letter.

WRITING STATEMENT

Written assignments are often required in Political Science courses, and the quality of writing skills, including but not limited to such elements as grammar, punctuation, sentence structure, clarity, citation, and organization, will be taken into account in the determination of grades. Students are encouraged to make use of the services offered through Writing Support Services in the Student Success Centre by contacting them at <http://www.ucalgary.ca/ssc/writing-support>.

GRADING 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)

LATE PENALTIES

The late penalty for the assignment is: -5% per day including weekends.

INSTRUCTOR GUIDELINES

If you require assistance or have questions about any aspect of the course, please feel free to speak to me during class, office hours or if office hours don't work for you, by appointment. Questions concerning the assignment specifically should be directed to our Teaching Assistant.

Students may also email me with questions and concerns. I encourage students to send emails during the week from the morning until around 8:00pm. Emails received after this time or during the weekend will be answered the next business day although a more immediate response will be provided in case of emergency (e.g. unforeseen circumstances during the D2L tests/the final exam; illness requiring an extension for an assignment due imminently etc.).

Students are welcome to use laptops and other electronic note-taking devices in this course. 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.

IMPORTANT POLICIES AND INFORMATION

Absence From a Mid-term Examination

Students who are absent from a scheduled term test or quiz for legitimate reasons 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.

Deferred Term Work Form: Deferral of term work past the end of a term requires a form to be filled out by the student and submitted, along with any supporting documentation, to the instructor. The form is available at: https://live-ucalgary.ucalgary.ca/sites/default/files/teams/14/P22_deferral-of-term-work_lapseGrade.pdf

Once an extension date has been agreed between instructor and student, the instructor will email the form to the Faculty of Arts Program Information Centre (ascarts@ucalgary.ca) for approval by the Associate Dean.

Deferral of a Final Examination

Deferral of a final examination can be granted for reasons of illness, domestic affliction, and unforeseen circumstances, as well as to those with three (3) final exams scheduled within a 24-hour period. Deferred final exams will not be granted to those who sit the exam, who have made travel arrangements that conflict with their exam, or who have misread the examination timetable. The decision to allow a deferred final exam rests not with the instructor but with Enrolment Services. Instructors should, however, be notified if you will be absent during the examination. The Application for Deferred Final Exam, deadlines, requirements and submission instructions can be found on the Enrolment Services website at <https://www.ucalgary.ca/registrar/exams/deferred-exams>.

Reappraisal of Grades:

For Reappraisal of Graded Term Work, see Calendar I.2

<http://www.ucalgary.ca/pubs/calendar/current/i-2.html>

For Reappraisal of Final Grade, see Calendar I.3

<http://www.ucalgary.ca/pubs/calendar/current/i-3.html>

Academic Misconduct:

Academic Misconduct refers to student behavior that compromises proper assessment of students' academic activities and includes: cheating; fabrication; falsification; plagiarism; unauthorized assistance;

failure to comply with an instructor's expectations regarding conduct required of students completing academic assessments in their courses; and failure to comply with exam regulations applied by the Registrar.

Student committing academic misconduct during the final exam will not receive a passing grade for the course.

For information on the Student Academic Misconduct Policy, Procedure and Academic Integrity, please visit: <https://www.ucalgary.ca/pubs/calendar/current/k-3.html>

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 <http://www.ucalgary.ca/pubs/calendar/current/k.html>. Such offences will be taken seriously and reported immediately, as required by Faculty of Arts policy.

Recording of Lectures:

Recording of lectures is prohibited, except for audio recordings authorized as an accommodation by SAS or an audio recording for individual private study and only with the written permission of the instructor. Any unauthorized electronic or mechanical recording of lectures, their transcription, copying, or distribution, constitutes academic misconduct. See <https://www.ucalgary.ca/pubs/calendar/current/e-6.html>.

Academic Accommodations:

Students seeking an accommodation based on disability or medical concerns should contact Student Accessibility Services. SAS will process the request and issue letters of accommodation to instructors. Students who require an accommodation in relation to their coursework based on a protected ground other than disability should communicate this need in writing to their instructor. The full policy on Student Accommodations is available at <https://www.ucalgary.ca/legal-services/university-policies-procedures/accommodation-students-disabilities-procedure>

Research Ethics

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 Conjoint Faculties Research Ethics Board. In completing course requirements, students must not undertake any human subject research without discussing their plans with the instructor, to determine if ethics approval is required.

Instructor Intellectual Property

Course materials created by instructors (including presentations and posted notes, labs, case studies, assignments and exams) remain the intellectual property of the instructor. These materials may NOT be reproduced, redistributed or copied without the explicit consent of the instructor. The posting of course materials to third party websites such as note-sharing sites without permission is prohibited. Sharing of extracts of these course materials with other students enrolled in the course at the same time may be allowed under fair dealing.

Freedom of Information and Protection of Privacy (FOIP) Act:

Personal information is collected in accordance with FOIP. Assignments can only be returned to the student and will be accessible only to authorized faculty and staff. For more information, see <https://www.ucalgary.ca/legal-services/access-information-privacy>

Copyright Legislation:

See the University of Calgary policy on Acceptable Use of Material Protected by Copyright at <https://www.ucalgary.ca/legal-services/university-policies-procedures/acceptable-use-material-protected-copyright-policy> Students who use material protected by copyright in violation of this policy may be disciplined under the Non-Academic Misconduct Policy.

Course materials created by instructors (including presentations and posted notes, labs, case studies, assignments and exams) remain the intellectual property of the instructor. These materials may NOT be reproduced, redistributed or copied without the explicit consent of the instructor. The posting of course materials to third party websites such as note-sharing sites without permission is prohibited. Sharing of extracts of these course materials with other students enrolled in the course at the same time may be allowed under fair dealing.

Evacuation Assembly Points

In the event of an emergency evacuation from class, students are required to gather in designated assembly points. Please check the list found at <https://www.ucalgary.ca/risk/emergency-management/evac-drills-assembly-points/assembly-points> and note the assembly point nearest to your classroom.

Important Dates:

Please check: <http://www.ucalgary.ca/pubs/calendar/current/academic-schedule.html>.

Faculty of Arts Program Advising and Student Information Resources

- Have a question, but not sure where to start? The Arts Students' Centre is your information resource for everything in Arts! Drop in at SS102, call them at 403-220-3580, or email them at artsads@ucalgary.ca. You can also visit the Faculty of Arts website at <http://arts.ucalgary.ca/undergraduate>, which has detailed information on common academic concerns, including program planning and advice.
- For registration (add/drop/swap), paying fees and assistance with your Student Centre, contact Enrolment Services at 403-210-ROCK [7625] or visit them in the MacKimmie Tower.

Important Contact Information

Campus Security and Safewalk (24 hours a day/7 days a week/365 days a year)
Phone: 403-220-5333

Faculty of Arts Undergraduate Students' Union Representatives
Phone: 403-220-6551
Email: arts1@su.ucalgary.ca, arts2@su.ucalgary.ca, arts3@su.ucalgary.ca,
arts4@su.ucalgary.ca
Students' Union URL: www.su.ucalgary.ca

Graduate Students' Association
Phone: 403-220-5997
Email: askgsa@ucalgary.ca
URL: www.ucalgary.ca/gsa

Student Ombudsman
Phone: 403-220-6420
Email: ombuds@ucalgary.ca

Campus Mental Health Resources

The University of Calgary recognizes the pivotal role that student mental health plays in physical health, social connectedness and academic success, and aspires to create a caring and supportive campus community where individuals can freely talk about mental health and receive supports when needed. We encourage you to explore the excellent mental health resources available throughout the university community, such as counselling, self-help resources, peer support or skills-building available through the following resources:

SU Wellness Centre: <http://www.ucalgary.ca/wellnesscentre/>

Student Wellness Services:

<https://www.ucalgary.ca/wellness-services/services/mental-health-services>

Campus Mental Health Strategy website: <https://www.ucalgary.ca/mentalhealth/>.