Course Outline

Instructor: Dr. Catherine Briggs  
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Office: Hagey Hall 116; 888-4567 Ext. 37018  
Office Hours: Wed 2:30-3:20 and by appointment

Correspondence/Contact with the Instructor: It is best to contact me through the uwaterloo email address noted above for all questions and enquiries, or come to my office hours for longer questions or conversations. Please include your first and last name and the course code in the subject line of all emails and utilize a salutation and closing to open and close all emails.

Course Description:
This course examines the evolution of family law from its foundations in European cultural and legal traditions to the end of the twentieth century. Taking a multi-disciplinary approach, the course explores the political, economic, and social contexts in which family law developed, as well as contemporary problems and reform debates in family law. Given the primacy of family in structuring the institutions, values, and culture of all societies, the course also examines the important ways in which family law has reinforced and structured Canadian society.

Learning Objectives:
Students will develop a critical understanding of the inter-relationship between family law and the political, economic, and social context of Canada, and how it has evolved historically as the nation has developed. Through the assignments, students will critically analyze one area of family law, showing how the law has evolved historically and contemporary problems and debates surrounding the law. Students will study the history of family law from a multi-disciplinary perspective.

Course Requirements:

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<th>Assignment</th>
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<th>Due Date</th>
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<td>Article Critique</td>
<td>20%</td>
<td>February 5</td>
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<tr>
<td>Topical Analysis</td>
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<td>March 14</td>
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<td>Presentation</td>
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<td>Take Home Exam</td>
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Required Text:
There are twenty-one articles that are required reading for this course. The complete citation for each article and the date/week for which it is assigned is listed below in the Lecture/Reading Schedule. All of the articles are from scholarly journals that are available through the university library system. Nineteen of the articles are available electronically; the other two (Lorna McLean’s article for January 24/26 and Lori Chambers & John Weaver for Jan 31/Feb 2) may be delayed as copyright is acquired. All of the articles will be placed on Course Reserves, except for Katherine Arnup’s article for Feb 14/16 which is available on-line at the website noted below.

Important Policies and Information:

Academic Integrity:

Academic Integrity: In order to maintain a culture of academic integrity, members of the University of Waterloo are expected to promote honesty, trust, fairness, respect and responsibility.

Discipline: A student is expected to know what constitutes academic integrity, to avoid committing academic offences, and to take responsibility for his/her actions. A student who is unsure whether an action constitutes an offence, or who needs help in learning how to avoid offences (e.g., plagiarism, cheating) or about “rules” for group work/collaboration should seek guidance from the course professor, academic advisor, or the Undergraduate Associate Dean. When misconduct has been found to have occurred, disciplinary penalties will be imposed under Policy 71 – Student Discipline. For information on categories of offenses and types of penalties, students should refer to Policy 71 - Student Discipline, http://uwaterloo.ca/secretariat/policies-procedures-guidelines/policy-71.

Grievance: A student who believes that a decision affecting some aspect of his/her university life has been unfair or unreasonable may have grounds for initiating a grievance. Read Policy 70 - Student Petitions and Grievances, Section 4, http://uwaterloo.ca/secretariat/policies-procedures-guidelines/policy-70. In addition, consult http://arts.uwaterloo.ca/student-grievances-faculty-arts-processes for the Faculty of Arts’ grievance processes.

Appeals: A student may appeal the finding and/or penalty in a decision made under Policy 70 - Student Petitions and Grievances (other than regarding a petition) or Policy 71 - Student Discipline if a ground for an appeal can be established. Read Policy 72 - Student Appeals, http://uwaterloo.ca/secretariat/policies-procedures-guidelines/policy-72.

Academic Integrity website (Arts): http://arts.uwaterloo.ca/arts/ugrad/academic_responsibility.html
Academic Integrity Office (uWaterloo): http://uwaterloo.ca/academic-integrity/

Accommodation for Students with Disabilities:

Note for students with disabilities: The AccessAbility Services (AS) Office, located in Needles Hall, Room 1132, collaborates with all academic departments to arrange appropriate accommodations for students with disabilities without compromising the
academic integrity of the curriculum. If you require academic accommodations to lessen the impact of your disability, please register with the AS Office at the beginning of each academic term.

**Posting of Final Grades at Renison University College:**
It is Renison College policy NOT to post grades at any time or report grades via phone or email.

**Class/Lecture Schedule:**

**January 8/10**
- Introduction to the Class
- The European Cultural and Legal Context
- Marriage and Family in the Colonies 17th & 18th C.
- French, British, and Native Customs

*Readings:*

**January 15/17**
- Marriage in the 19th Century
- Tradition and Law in the Colonial Context
- Native-Newcomer Marriages in the Northwest

*Readings:*

**January 22/24**
- Divorce and Separation in 19th Century
- Early Development of Divorce Processes
- Church and State in Case of Marriage Breakdown

*Readings:*

**January 29/31**
- Marital and Family Values in 19th Century
- Responses to Family Violence
- Seduction
Readings:

February 5/7
Social Reform and the Women’s Movement 1880-1930
The Development of Support, Alimony, and Joint Custody
Married Women’s Property Acts

Readings:

February 12/14
Marital and Family Values in Early 20th Century
Opposition to Changes in Divorce Processes
Responses to Family Violence

Readings:

February 18-22
Reading Week

February 26/28
Marital and Family Values in 1950s & 1960s
The Divorce Act 1968

Readings:
Katherine Arnup, “Close Personal Relationships between Adults: 100 Years of Marriage in Canada”, Prepared for the Law Commission of Canada, 2001 (Government of Canada)

March 5/7
The Fight for Equality in Law
Reform of Family Law 1970s & 1980s

Readings:


**March 12/14**

Further Challenges for Equity in “Family”

Same-Sex Marriage and Parenting

**Readings:**


**March 19/21**

Contemporary Controversies in Family Law

Property and Support

Single Parenting and Family Poverty

**Readings:**


**March 26/28**

Contemporary Controversies in Family Law

Child Custody and Access

Father’s Rights

Family Violence

**Readings:**


**April 2/4**

Complete Lecture Topics and Presentations

Take-Home Exam handed out.
Assignments/Exam:
There are two written assignments in this course, followed by an oral presentation and a take-home final exam. Please refer to the “Note on Avoidance of Academic Offences” at the beginning of the course outline.

Exam:
The take-home exam will be handed out to the class on the last day of scheduled lectures (see class schedule). Exams must be submitted on the scheduled day and time (date and time will be set by the exam scheduling office). Exams can be submitted to the Professor’s essay drop box. Late papers will not be accepted, as this is an exam and the date/time is not negotiable! Medical documentation is required by students with a valid medical reason who wish to submit the final exam after the due date.

Exam Policy: University policy regarding missed tests/exams is applicable to take-home final exams. The policy guidelines are listed partially below and can be found in complete detail at <www.registrar.uwaterloo.ca/exams/ExamRegs.pdf>. Note that medical documentation is required if a student does not write an exam. If the exam is missed due to acceptable reasons (according to university policy), an alternate due date/time will be arranged by the instructor.

UW Policy Regarding Illness and Missed Tests: The University of Waterloo examination regulations (www.registrar.uwaterloo.ca/exams/ExamRegs.pdf) state that:
• A medical certificate presented in support of an official petition for relief from normal academic requirements must provide all of the information requested on the “University of Waterloo Verification of Illness” form or it will not be accepted. This form can be obtained from Health Services at <www.healthservices.uwaterloo.ca/Health_Services/verification.html>
• If a student has a test/examination deferred due to acceptable medical evidence, he-she normally will write the test/examination at a mutually convenient time, to be determined by the course instructor.
• The University acknowledges that, due to the pluralistic nature of the University community, some students may on religious grounds require alternative times to write tests and examinations.
• Elective arrangements (such as travel plans) are not considered acceptable grounds for granting an alternative examination time.

Assignments - General Instructions:
The following are general comments that pertain to all assignments. They are followed by specific instructions for each assignment. Please note that all assignments must be double-spaced with a standard character size and font.

Assignment Submission: Assignments are to be handed in, on the due date, either during the class time or by 5:30 p.m. to the Professor’s essay drop box (located in the history department in Hagey Hall, across from HH110 approximately). Electronic submissions, either on disk or through email attachment, will not be accepted. Please keep a copy of all assignments.
Late Policy: Due dates for assignments are included in the course outline. Extensions will normally be granted only to students faced with extenuating circumstances (i.e. illness) and may require documentation. Requests for extensions (or explanations for lateness) must be made on or before the due date. Late papers will be penalized by 2% per day. All assignments must be submitted by the last day of classes. After this date, incomplete assignments will receive a grade of 0%.

Content: The assignments in this course are intended to encourage analysis and critical thinking about the ideas and arguments presented in the course and about the different sources of these ideas and arguments. To some extent, each assignment requires the student to discern the main arguments being presented and the evidence used to support those arguments, to examine why and how those arguments are presented, and to develop and support their own arguments. Thus, each assignment is analytical in nature. All assignments require a thesis (an argument or point-of-view) which must be supported through use of evidence from the course materials.

Style and Grammar: Marks are not directly deducted for poor writing style and grammar. However, you simply cannot get a good grade if your paper is difficult to read and your argument difficult to discern. I strongly recommend making an outline and writing your paper from the outline. Organization of your major points is crucial to presenting an effective argument.

Footnotes/Endnotes: Notes either at the bottom of the page or as a separate section at the end of the essay are acceptable. Please use appropriate form and style. Footnotes have four purposes. They indicate the source of "quotations", acknowledge the interpretations and ideas of others, provide authority for facts which might be challenged or result from the research of others, and point to other sources or interpretations of the same topic.

Article Review:
For this assignment, students are required to critique an article from the course readings. These articles are from academic journals within a wide range of disciplines in the social sciences and humanities. To complete the assignment, choose one of the following articles:


The purpose of the assignment is threefold:
To analyse the article to determine the main argument(s) presented by the author; to assess the effectiveness of the argument (based on evidence, source use, logic, and presentation); and to examine the importance of the evidence and arguments for contributing to the course material and the evolution of family law.

The article review should be approximately 5 pages in length and include the following:

**Identify the articles:** Give the author’s name, the title of the article, and publication information right at the beginning.

**Summarize the contents:** Briefly (in one short paragraph) outline the subject(s) of the article - the topic of study, the time period covered, the subjects examined in the article.
Do not give a detailed description of the article contents!

**State the thesis/theme of the articles:** Outline the central thesis and arguments of the article. In some sources, the thesis may not be evident, but there will be several prominent arguments or themes. In this case, outline the main arguments and themes that structure the article.
Outline how the author proves the thesis or how he/she develops the major arguments.
Again, do not summarize the entire content of the article. Simply, outline what issues or points the author develops to prove the thesis/arguments.

**Evaluate/Critique:** This is the most important component of the review and should form the major component. In this section, you must critically assess ("review") the article. Remember, a critique is not necessarily negative. Your purpose is to assess both the "strengths" and "weaknesses" of the article, and the importance/contribution of the evidence and arguments.

Critique and assess based on issues such as:

*the argument -is the author's argument coherent? -is the argument convincing? -what assumptions underlie the argument? -is there a distinctive methodology?
*use of sources -what types of sources? -is the research comprehensive? -problems or limitations of the sources? -problems/limitations of sources for studying the topic? -strengths?
*the author -biases or prejudices of the author? -does the author have a clear (sometimes stated) agenda or objective in writing the source? -how does this affect the source? -for whom is the source intended (audience)?
*content -importance of the evidence and conclusions? -does the content offer new and/or important insights into the topic? -does the content challenge, contradict, or complement other interpretations? -what was the author's objective in writing the source? -has he/she met that objective?
*style -writing and style and organization? -is the source readable? -was the source what you expected?

**Supporting evidence:** Some of your assessments will need to be supported by reference to other works (articles from the course readings, lectures, films, other books or sources). For example, if you criticize one of the author's points as incorrect or over-stated, you need to support this contention.
Conclusion: Conclude by summarizing your conclusions.

Topical Summary:
This assignment is an analysis of one of the main topics or issues within family law. Students are required to pick one of the main topics within family law and examine its development or evolution, the factors or reasons for changes in the issue, and contemporary problems or debates within that topic.

To begin the summary:
Choose a topic. Choose one of the main topics or issues included within the subject of family law. (For example: child custody/guardianship, marriage law, divorce, domestic violence, property). Students are encouraged to choose one of the central topics examined in greater depth and detail within the course, however, you are welcome to choose a topic that has received lesser attention, if you are willing to conduct more independent research. Students who have taken History 277 must choose a different topic than the one completed for the topical summary in History 277.

Research and sources for analysis. Most of these topics are examined within the course lectures and readings repeatedly and, thus, the course materials provide a strong base of research for your analysis. However, you will need to access and utilize additional scholarly sources on the topic to complete a comprehensive analysis. Search the journal databases available on Trellis for articles in scholarly journals.

The topical summary includes two parts:
Please note that the page limits are guidelines. Students can exceed the page limit if necessary to the development of their analysis.
Part One -- The Evolution of the Topic:
In approximately 7 pages, examine the evolution of the chosen topic over the course of Canada’s history. The essay should examine the major developments or changes that have occurred in the chosen area of law from the early 1600s to the present time. To explain the evolution of the law, the summary should examine how the law was shaped by and reinforced the social, political, and economic context of the time period. Consider also the reasons for change in the law as well as the manner in which the law has been influenced by and reinforced by major societal factors such as gender, class, and/or race/ethnicity.

Part Two -- Contemporary Problems/Issues:
In approximately 5 pages, examine contemporary problems, issues and debates surrounding the topic/area of law. This can include problems or limitations surrounding the topic, and the need for further reform or change, as well as debates or disagreements by commentators or scholars.

Presentation on Contemporary Issues:
Students will be divided into groups of approximately five people. Each group will pick one contemporary problem or issue within family law, and give a 15 minute presentation to the class on the issue. Similar to the requirements for part two of the topical summary, each presentation
should examine contemporary problems or issues surrounding the topic, including debates by commentators or scholars. Students can utilize research and analysis from their topical summary, if they wrote on the same issue, however, students are not required to pick the same issue for both the topical summary and the presentation.