Renison University College Land Acknowledgement

With gratitude, we acknowledge that Renison University College is located on the traditional territory of the Attawandaron (also known as Neutral), Anishinaabe, and Haudenosaunee peoples, which is situated on the Haldimand Tract, the land promised to the Six Nations that includes ten kilometres on each side of the Grand River.

Fall 2019

Course Code: SDS 353R/LS 374
Course Title: Evolution of Family Law in Canada

Class Times/Location: Tues/Thurs 10:00-11:20 REN 2918

Instructor
Instructor: Dr. Catherine Briggs
Office: SH 2110
Office Phone: 519 888-4567 X37018
Office Hours: Tues 11:30-12:20
Email: clbriggs@uwaterloo.ca

Course Description
This course examines the evolution of family law in indigenous, francophone, anglophone and other communities in Canada, beginning with the laws foundations in European cultural and legal traditions and progressing 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.
Course Objectives and Learning Outcomes

Upon completion of this course, students should be able to:

A. 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 further develop their understanding through a critical analysis of one area of family law, showing how the law has evolved historically.

B. Students will further develop a critical understanding of the contemporary debates and problems surrounding family law and possible reforms or changes to the law.
   • Through the assignments and group presentations, students will examine and analyze several contemporary debates surrounding family law and the proposed reforms of the law.

C. Students will acquire a multi-disciplinary perspective of the evolution and contemporary debates of family law.
   • In all course components, students will utilize sources and information from several disciplines pertaining to family law.

Required Text

• There are twenty 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 publications that are available through the university library system or from on-line websites. All of the articles will be placed on Course Reserves, except for the articles by Debra Thompson (Week 3), Katherine Arnup (Week 7) and A-M Ambert (Week 10) which are available on-line at the websites noted below.

Course Requirements and Assessment

The assessments 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 component 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 assessment 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.

<table>
<thead>
<tr>
<th>Assessment</th>
<th>Date of Evaluation</th>
<th>Weighting</th>
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<tbody>
<tr>
<td>Article Critique</td>
<td>October 10</td>
<td>20%</td>
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<tr>
<td>Topic Analysis</td>
<td>November 26</td>
<td>30%</td>
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<tr>
<td>Group Presentation</td>
<td>Weeks 10-13</td>
<td>20%</td>
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<tr>
<td>Take-home Exam</td>
<td>TBA</td>
<td>30%</td>
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<td><strong>Total</strong></td>
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<td><strong>100%</strong></td>
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General Comments on Assessments:
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.

Citations: Citations to sources of information are required as in all academic writing and presentations. Students can use any accepted style of citations (Chicago, MLA, APA) as long as citations are used consistently and correctly. Please use appropriate form and style. Citations 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 Critique**
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:


b) Catherine Cavanaugh, "The Limitations of the Pioneering Partnership: The
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 a minimum of 5 pages in length and include the following:
1) Identify the articles: Give the author’s name, the title of the article, and publication information right at the beginning.

Summarize the contents and thesis/theme of the article: In one or two paragraphs, summarize the article. Begin by briefly outlining 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! Then clearly explain 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. Explain 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.

2) Evaluate/Critique: The critique should form a major component of the assignment. 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.

To critique the article, consider 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?

(Note: Some of your assessments will need to be supported by reference to other works (articles from the course readings, lectures, 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.)

3) Relevance to the Study of the Evolution of Family Law: This section should also constitute a significant part of the assignment. In this section, examine how the articles content (arguments, evidence, method) contributes to the study of family law and how it has evolved in relation to the political, economic, and social context of Canada.
To evaluate the article’s relevance, consider issues such as:
*does the content compliment and/or add additional insight to your existing knowledge (from readings, lectures, etc.)
*does the content contradict other author’s or the material presented in this course, in terms of the interpretation or presentation of issues
*how does the article further develop an understanding of the relation between the law and the political, economic, and social context of Canada and the ways by which family law has reinforced and structured Canadian society.

Conclusion: Conclude by summarizing your main points.

**Topic Analysis**
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
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.

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 through the library 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.

**Group Presentation on a Contemporary Issue in Family Law**
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.

**Take-Home 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: https://uwaterloo.ca/registrar/final-examinations. Note that medical documentation is required if a student does not submit the exam by the due date. If the exam is missed due to acceptable reasons (according to university policy), an alternate due date/time will be arranged by the instructor.

**Course Outline**
See Note above on “Required Text”.

<table>
<thead>
<tr>
<th>Week</th>
<th>Date</th>
<th>Topic</th>
<th>Readings Due</th>
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<tbody>
<tr>
<td>1</td>
<td>Sept. 4-6*</td>
<td>Introduction to the Course</td>
<td>No readings.</td>
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<tr>
<td>Week</td>
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<td>Topic</td>
<td>Readings Due</td>
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<td>Oct. 14</td>
<td>Thanksgiving (Holiday)</td>
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<td></td>
<td>Oct. 15-18</td>
<td>Reading week (no classes)</td>
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<tr>
<td>9</td>
<td>Nov. 4-8</td>
<td>Further Challenges for Equity in “Family”.</td>
<td>Celine Le Bourdais, “Changes in Conjugal Life in Canada: Is Cohabitation Progressively Replacing Marriage”, Journal of Marriage and the Family</td>
</tr>
<tr>
<td>Week</td>
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<td>Topic</td>
<td>Readings Due</td>
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<td>13</td>
<td>Dec. 2-3**</td>
<td>Complete Lecture Topics</td>
<td>No readings</td>
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<tr>
<td>Week</td>
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<td>Topic</td>
<td>Readings Due</td>
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<td>and Presentations. Take-Home Exam handed out.</td>
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*The first week of classes is only Wednesday – Friday due to orientation activities.

**The last week of classes is Monday-Tuesday to make up for days missed in the first week of the term.

**Late Work**
Assignments are to be handed in, on the due date, to the drop box on Learn by 11:59 p.m.

Due dates for assignments are included in the course outline. Late papers will be penalized by 5% per day (including weekends), for the first four days following the due date. After the four days the late penalty is 2% per day (including weekends). Late assignments must be submitted by the day on which the assignment is returned to the class (approximately two weeks following submission date). After this date, incomplete assignments will receive a grade of 0%.

Extensions (without late penalty) will normally be granted only to students faced with extenuating circumstances (ie. illness) and may require documentation. Requests for extensions must be made to the Professor before the due date.

**Electronic Device Policy**
Electronic devices are allowed in class, provided they do not disturb teaching or learning. Students are welcome to utilize electronic devices in class that are used for the purpose of learning and participation in the course. However, students are asked not to engage in activities that are not course related when using electronic devices in class.
Attendance Policy
Attendance is not graded for this course. However, attendance to all classes is highly recommended for a successful outcome in the course. Attendance at all group presentations is required.

Final Examination Policy
For Fall 2019, the established examination period is December 6-21, 2019. The schedule will be available at the end of September. Students should be aware that student travel plans are not acceptable grounds for granting an alternative final examination time (see: https://uwaterloo.ca/registrar/final-examinations)

Accommodation for Illness or Unforeseen Circumstances:
The instructor follows the practices of the University of Waterloo in accommodating students who have documented reasons for missing quizzes or exams. See http://www.registrar.uwaterloo.ca/students/accom_illness.html

Academic Integrity:
In order to maintain a culture of academic integrity, members of the University of Waterloo community are expected to promote honesty, trust, fairness, respect and responsibility. See the UWaterloo Academic Integrity webpage (https://uwaterloo.ca/academic-integrity/) and the Arts Academic Integrity webpage (https://uwaterloo.ca/arts/current-undergraduates/student-support/ethical-behaviour) for more information.

Discipline: Every student is expected to know what constitutes academic integrity, to avoid committing academic offences, and to take responsibility for their own actions. [Check the Office of Academic Integrity (https://uwaterloo.ca/academic-integrity) for more information.] 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 Academic Dean. When misconduct has been found to have occurred, disciplinary penalties are imposed under the University of Waterloo Policy 71 – Student Discipline. For information on categories of offences and types of penalties, students should refer to Policy 71 - Student Discipline. For typical penalties check Guidelines for the Assessment of Penalties (https://uwaterloo.ca/secretariat-general-counsel/policies-procedures-guidelines/guidelines/guidelines-assessment-penalties).
Students should also be aware that copyright laws in Canada prohibit reproducing more than 10% of any work without permission from its author, publisher, or other copyright holder. Waterloo’s policy on Fair Dealing is available here: https://uwaterloo.ca/copyright-guidelines/fair-dealing-advisory. Violation of Canada’s Copyright Act is a punishable academic offence under Policy 71 – Student Discipline.

**Grievance:** A student who believes that a decision affecting some aspect of university life has been unfair or unreasonable may have grounds for initiating a grievance. Read Policy 70 - Student Petitions and Grievances, Section 4 (https://uwaterloo.ca/secretariat-general-counsel/policies-procedures-guidelines/policy-70). When in doubt, please be certain to contact the department’s administrative assistant, who will provide further assistance.

**Appeals:** A decision made or penalty imposed under Policy 70, Student Petitions and Grievances (other than a petition) or Policy 71, Student Discipline may be appealed if there are grounds. Students who believe they have grounds for an appeal should refer to Policy 72, Student Appeals (https://uwaterloo.ca/secretariat-general-counsel/policies-procedures-guidelines/policy-72).

**Academic Integrity Office (uWaterloo):**
http://uwaterloo.ca/academic-integrity/

**Accommodation for Students with Disabilities:**

**Note for Students with Disabilities:** The AccessAbility Services office, located on the first floor of the Needles Hall extension (NH 1401), 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 AAS office at the beginning of each academic term.

**Intellectual Property.** Students should be aware that this course contains the intellectual property of the instructor, which can include:

- lecture handouts and presentations (e.g., PowerPoint slides)
- lecture content, both spoken and written (and any audio or video recording thereof)
- questions from various types of assessments (e.g., assignments, quizzes, tests, final exams)
- work protected by copyright (i.e., any work authored by the instructor)

Making available the intellectual property of instructors without their express written consent (e.g., uploading lecture notes or assignments to an online repository) is considered theft of intellectual property and subject to disciplinary sanctions as described in Policy 71 – Student Discipline. Students who become aware of the availability of what may be their instructor’s intellectual property in online repositories are encouraged to alert the instructor.

**Mental Health Support**
All of us need a support system. The faculty and staff in Arts encourage students to seek out mental health supports if they are needed.

**On Campus**
- Counselling Services: counselling.services@uwaterloo.ca / 519-888-4567 xt 32655
- **MATES**: one-to-one peer support program offered by Federation of Students (FEDS) and Counselling Services
- Health Services Emergency service: located across the creek form Student Life Centre

**Off campus, 24/7**
- **Good2Talk**: Free confidential help line for post-secondary students. Phone: 1-866-925-5454
- Grand River Hospital: Emergency care for mental health crisis. Phone: 519-749-433 ext. 6880
- **Here 24/7**: Mental Health and Crisis Service Team. Phone: 1-844-437-3247
- **OK2BME**: set of support services for lesbian, gay, bisexual, transgender or questioning teens in Waterloo. Phone: 519-884-0000 extension 213

Full details can be found online at the Faculty of ARTS website
Download UWaterloo and regional mental health resources (PDF)
Download the WatSafe app to your phone to quickly access mental health support information
A respectful living and learning environment for all

Everyone living, learning, and working at Renison University College is expected to contribute to creating a respectful environment free from harassment and discrimination.

If you experience or witness harassment or discrimination, seek help. You may contact Credence & Co., Renison’s external anti-harassment and anti-discrimination officers, by email (info@credenceandco.com) or by phone (519-883-8906). Credence & Co. is an independent K-W based firm which works with organizations toward thriving workplace cultures, including professional coaching, consulting, facilitation, policy development, conflict mediation and ombudsperson functions.

Harassment is unwanted attention in the form of disrespectful comments, unwanted text messages or images, degrading jokes, rude gestures, unwanted touching, or other behaviours meant to intimidate.

According to the Ontario Human Rights Code, discrimination means unequal or different treatment causing harm, whether intentional or not, because of race, disability, citizenship, ethnic origin, colour, age, creed, marital status, sex, sexual orientation, gender identity, and gender expression, or other personal characteristic.