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), Anishinaabeg, 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 2021

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

Class Times/Location: Offered Remotely

Instructor
Instructor: Dr. Catherine Briggs
Office: Office access is not available for Fall 2021
Office Phone:
Office Hours: Office hours will be held on-line through either Zoom or the Virtual Classroom (accessible through Learn). Times and dates will be announced on Learn. Individual appointments can also be arranged.
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 Readings**

- 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 publications and are available electronically through the university library system or from online websites. Articles available through the library can be accessed through Course Reserves. Articles to be accessed through online websites will be linked directly to the website in Learn.

**Course Requirements and Assessments**
Assessment | Date of Evaluation (if known) | Weighting
--- | --- | ---
Discussion Participation | 5 DIS X 5% each | 25%
Discussion Content Question | TBD | 15%
Topic Analysis Part 1 | TBD | 20%
Topic Analysis Part 2 | TBD | 20%
Group Presentation | TBD | 20%
Total | | 100%

**Requirements for All Assignments**

**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.

**Use of Sources:** All course components (discussions and written assignments) require research and/or use of the assigned course readings. The discussions and the Content Question assignment require use of the assigned readings for the relevant week/module to which they pertain. For the group presentation, and parts 1 and 2 of the Topic Analysis, the course readings provide a good base of research, however, additional research/sources will be needed to complete each of these assignments.

**Citations to your sources:** 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.

**Discussions - Participation**

Five Discussions will be held over the duration of the course. These Discussions will take place every two weeks and cover two modules/weeks per Discussion (see Schedule of Course Activities on Learn). Each student will have a Discussion with a group of approximately 6-8 other classmates.
Students will be automatically enrolled in to a group for these Discussions.

Preparation for the Discussions:
For each Discussion, students are expected to read and examine the readings and course materials listed or contained within the two modules under discussion. Each module has “themes and questions to consider” and students should think about or answer these “themes and questions” before the Discussion. The “themes and questions” will be the topics of the Discussions. Students are also welcome to add additional questions that they have about the subject matter to the Discussion if they wish. Note that the module content and some themes and questions will have be addressed in the tutorial held the previous week. Thus, these tutorials are also good preparation for the Discussions.

Participation:
Students are expected to participate in the Discussion. A participation grade will be assigned at the end of each discussion based on two factors.
1) Active involvement in the discussion:
Each Discussion opens for comments starting on the Monday of the week that the Discussion is held. Students are expected to post a response to a minimum of two Discussion questions by the Wednesday of the week. Students are then expected to post a minimum of two responses to the posts of their group members by the Friday. See the Schedule of Course Activities for specific dates for each Discussion. The above level of participation will result in a Discussion grade of approximately 75% (ie. 3.7-3.8/5). Students are welcome and encouraged to post more than the above requirement which will result in a higher participation grade. High participation by all group members is beneficial to achieving the goal of Discussions which is to become a forum for the analysis and expression of ideas, and for understanding and integrating the information/ideas presented in all the components of the course.
Note: Students must post the minimum responses outlined above by the days/dates indicated. However, students are welcome to post additional thoughts up to the end of the week and these posts will be counted to the participation grade.

2) The content of the students’ comments (posts to the Discussion):
Student participation (and the grade) will also be based on the extent to which student comments in the Discussion are based on having read and
examined the materials and thought about the “themes and questions”. Despite this emphasis on the content of student comments, students are still encouraged to ask questions if they are uncertain about some course materials and/or topics as this can often encourage good discussion and analysis in the end.

**Discussion Content Question**
Following the completion of Discussions 1 and 2, students will be required to write a 4-5 page essay answering one of the questions that was examined during the Discussions. The question to be answered will be assigned by the Instructor. The due date for the Content Question is outlined in the Schedule of Course Activities and is worth 15% of the final grade.

The assigned Content Question will be one of the questions that was examined in the readings and other course materials and in the Discussions. Students will provide a more in-depth analysis of the question, utilizing their own ideas and interpretations as well as the ideas and interpretations developed in the Discussion. The question will be answered in essay form, with a thesis (or a statement of the main points to follow) and points of argument that prove the thesis.

The answer must include material from the course readings, media and other materials assigned for the module/week from which the question comes. Students can also incorporate ideas and interpretations from the Discussion during which the question was examined. The above materials/sources must be used to support the points of argument. (You can use additional sources that you have read or researched on your own if you wish but are not required to utilize additional sources beyond the course materials assigned for the relevant module).

Note that citations to sources of information must be included, including to ideas obtained from the Discussions. (See the comment on citations above).

**Topic Analysis – Part 1**
The Topic Analysis (both Part 1 and 2) is an analysis of one of the main topics or issues within family law. For both Parts, students will pick one of the main topics within family law (one of the topics developed throughout the course). For Part 1, students will examine the development or evolution of their topic up to the present day, including the factors or reasons for
changes that have occurred over time. In Part 2, students will examine contemporary problems or debates within the topic.

The first step is to choose a topic that is of interest for completing both Parts of the assignment. Choose one of the main topics or issues included within the subject of family law. 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. Potential topics include (but are not limited to): child custody/guardianship, marriage law, common-law relationships, divorce, domestic violence, property, child welfare, indigenous communities and family law. A more detailed list of potential topics will be provided by the Instructor (on Learn) and students are encouraged to discuss topics of interest with the Instructor.

Research and sources for analysis. Many potential topics are examined within the course lectures and readings repeatedly and, thus, the course materials provide a strong base of research for your analysis (for both Parts). 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.

Part 1 -- The Evolution of the Topic:
Part 1 should be approximately 7 pages, however the page limit is a guideline. Students can exceed the page limit if necessary to the development of their analysis.

In Part 1, 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. The assignment is analytical as it will focus on examining the evolution of
the law and explaining why it changed/evolved over time. As such, the assignment may have a thesis or central argument that is proven through the main points. However, a thesis is not necessary; for some topics, one main argument may not work. In the latter case, state the main arguments or points that will be argued (throughout the paper) in the introduction.

**Topic Analysis – Part 2**

Part 2 -- Contemporary Problems/Issues:

Part 2 should be approximately 7 pages, however the page limit is a guideline. Students can exceed the page limit if necessary to the development of their analysis.

In Part 2, examine contemporary problems, issues and debates surrounding the chosen topic/area of law. Family law (and related sub-topics) have undergone substantial change and reform over the course of history to respond to societal and familial changes. Still, this area of law remains contentious and there are many debates arguing the need for further change and reform. 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**

During weeks 10-12, group presentations will be given as part of the study of contemporary issues in family law. Students will be divided into groups of approximately five people (through self-enrollment on Learn).

Each group will pick one contemporary problem or issue within family law. Students can pick a topic from the list of potential topics provided for the Topic Analysis assignment or can develop a topic not listed but relevant to modern day family law. Students can utilize research and analysis from their Topic Analysis, if they wrote on the same issue, however, students are not required to pick the same issue for both the Topic Analysis and the presentation.

The presentation and the topic that it addresses will become part of the subject and readings for the week in which it is scheduled. Thus, the presentation will be completed and uploaded to Content on Learn at the beginning of the scheduled week (on the Monday of the scheduled week).
Similar to the requirements for part two of the Topic Analysis, each presentation should examine contemporary problems or issues surrounding the topic, including debates by commentators or scholars. The presentations should seek to reveal the debates surrounding their topic and/or ideas about reform or change to address contemporary problems. Student presentations can take several forms, such as slideshows or video. Presentations should include relevant sources/materials from the course content and additional research to demonstrate the main points. Additional sources can include (but are not limited to) scholarly publications, government sources, as well as news coverage, opinion pieces, websites from stakeholders or advocates, and films/video.

**Course Outline**
See note on Course Readings above.

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<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>Sep 7</td>
<td>Labour Day (Holiday)</td>
<td>No readings</td>
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<tr>
<td>3</td>
<td>Sep 13-17</td>
<td>The European Cultural and Legal Context. Marriage and Family in Europe and the Colonies in the 17th &amp; 18th Centuries.</td>
<td>Trudi Johnson, “A matter of custom and convenience’: Marriage Law in 19th century</td>
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<td>Week Date</td>
<td>Topic</td>
<td>Readings Due</td>
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<td>5 Oct 4-8</td>
<td>Social Reform,</td>
<td>Lorna McLean, “‘Deserving’ Wives and ‘Drunken’ Husbands: Wife Beating, Marital Conduct, and the</td>
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<td>Week</td>
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<td></td>
<td>Oct 11</td>
<td>Thanksgiving (Holiday)</td>
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<td></td>
<td>Oct 12-15</td>
<td>Reading Week</td>
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Government of Canada, Department of Justice, Legislative Background: An Act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act and the Garnishment, Attachment and Pension Diversion Act and to make consequential amendments to another Act (Bill C-78 in the 42nd Parliament), June 2019. |
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<th>Week</th>
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<th>Readings Due</th>
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<tr>
<td>13</td>
<td>Dec 6-7</td>
<td>Complete Course Content</td>
<td>No readings</td>
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**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 Schedule of Course Activities on Learn. 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 (i.e., illness) and may require documentation. Requests for extensions must be made to the Professor before the due date.

**Attendance Policy**
As this course is offered in a remote and asynchronous format, there is no required attendance at specific times for course activities. There is a live class/tutorial offered that is optional and thus attendance is not mandatory. Note that participation in discussions is required. See Course Activities and Assignments on Learn.

**Final Examination Policy**
For Fall 2021, the established examination period is **Dec 9-23**. The schedule will be available early in the fall. Students should be aware that student travel plans are not acceptable grounds for granting an alternative final examination time (see: Final Examination Schedule 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 (https://uwaterloo.ca/secretariat/policies-procedures-guidelines/policy-71). For typical penalties check Guidelines for the Assessment of Penalties (https://uwaterloo.ca/secretariat-general-counsel/policies-procedures-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 their university life has been unfair or unreasonable may have grounds for initiating a grievance. Read Policy 70, Student Petitions and Grievances, Section 4. 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 is a ground. A student who believes they have a ground for an appeal should refer to Policy 72, Student Appeals.

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

**Accommodation for Students with Disabilities:** AccessAbility Services, located in Needles Hall, Room 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 AccessAbility Services 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 the Waterloo Undergraduate Student Association (WUSA) and Counselling Services
- Health Services Emergency service: located across the creek from 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: 519-749-4300 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.