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Renison University College
Affiliated with the University of Waterloo
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Renison University College Land Acknowledgement

With gratitude, we acknowledge that Renison University College is located on the traditional territory of the Anishinaabeg, Hodinohsyó:ni, and Attawandaran (Neutral) Peoples, which is situated on the Haldimand Tract, the land granted to the Six Nations that includes ten kilometres on each side of the Grand River from mouth to source. Our active work toward reconciliation takes place in all corners of our campus through research, learning, teaching, community building and outreach. We are guided by the work of our Reconciliation and Restoring Steering Committee and Anti-Racism and Decolonization SpokesCouncil, as well as the [University of Waterloo's Office of Indigenous Relations](#).

Fall 2023

Course Code: SDS 353R/LS 374

Course Title: Evolution of Family Law in Canada

Class Times/Location: Tuesday/Thursday 1:00-2:20, REN 2102

Instructor: Dr. Catherine Briggs

Office: Sweeney Hall 2110 (St. Jerome's campus)

Office Phone: TBA

Office Hours: Tuesday 2:30-3:30 or by appointment. I am available to meet at various times on Tuesdays and Thursdays so please contact me to arrange an alternate time if the above office hour does not work for you.

Email: clbriggs@uwaterloo.ca

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 in indigenous, francophone, anglophone and other communities in Canada, beginning with the law's 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 on-line websites. Articles available through the library can be accessed through Course Reserves. Articles to be accessed through on-line websites will be linked directly to the website in Learn.

Course Requirements and Assessment

Please refer to the Schedule of Course Activities for more detail on the dates and content for each of the 5 Discussions.

Assessment	Date of Evaluation (if known)	Weighting
Discussions -Participation	5 Discussions X 5% each	25%
Content Question	September 28	15%
Topic Analysis Part I	November 9	20%
Topic Analysis Part II	December 5	20%
Group Presentation	Weeks 10-12	20%
Total		100%

Requirements for All 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.

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 during the class time. These Discussions will take place every two weeks and cover two weeks of course content per Discussion (see the Schedule of Course Activities on Learn for dates and content for each discussion). For the Discussions, students will form small groups to discuss the assigned content. These discussions are designed to allow students to discuss within these small groups the course content and the sources used in the course. Course assignments will also be discussed during the discussions. There will be five discussions in total, with each tutorial worth 5% of the student's mark (25% of final mark). Students have two choices of assessment for the discussions.

1) Students can participate in the conversation during the discussions. A participation grade will be assigned at the end of each discussion based on active involvement in the discussion and on the content of the student's comments.

2) Students can write a brief three-page summary of the main points in the readings and the discussion that the student believes to be most important. Note that participation in the discussion is still required. This option is available primarily for those rare occasions when a student believes their participation was inadequate or not to their usual standard.

Regardless of whether a student has chosen option 1 or option 2, all students are required to attend the class during discussions and come to the discussion having read and evaluated the assigned readings. Attendance is mandatory and no marks will be allocated if the discussion is missed.

Discussion will be centred around the assigned readings and questions and content from the lectures. Students are welcome to incorporate knowledge derived from other readings or

sources. Ultimately, a tutorial should become a forum for the analysis and expression of ideas, and for integrating the information/ideas presented in the varied components of the course.

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.

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 I

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 II

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

Weekly readings and materials are listed and/or linked on the course website under each weekly module.

Please see the Schedule of Course Activities on Learn for a complete listing of course activities and due dates.

Week	Date	Topic	Readings Due
1	Sept 6 – 8	Meet the Professor and fellow classmates. Review the course schedule, content, and assignments	Review the syllabus and schedule of course activities on Learn
2	Sept 11 – 15	The European Cultural and Legal Context. Marriage and Family in Europe and the Colonies in the 17th & 18th Centuries.	Readings and Materials linked or listed on Learn, under Content - Module 1.
3	Sept 18 – 22	Marriage in the 19th Century: Tradition and Law in the French and English Colonies. Native-Newcomer Marriages in the Northwest and the Oppression of Indigenous Marital and Family Practices	Readings and Materials linked under Content - Module 2.
4	Sept 25 – 29	Divorce and Separation in the 19th Century: Early Development of Divorce Processes. Church and State in Case of Marriage Dysfunction.	Readings and Materials linked under Content - Module 3.

Week	Date	Topic	Readings Due
5	Oct 2 – 6	Social Reform, the Women’s Movement, and the Beginning of Changes to Women’s Rights in Family Law, 1880-1930. The Development of Support, Alimony, and Joint Custody and the Married Women’s Property Acts.	Readings and Materials linked under Content - Module 4.
	Oct 7 – 15	Reading Week	
	Oct 9	Thanksgiving	
6	Oct 16 – 20	Change and Continuity in Family Values and Law, Late 1800s-1950: Increased Intervention in the Family. Opposition to Changes in Divorce Processes. Responses to Family Violence and Child Neglect.	Readings and Materials linked under Content - Module 5.
7	Oct 23 – 27	Marriage and Family in the 1950s & 1960s: Development of Alimony and Support Provisions and the Divorce Act 1968.	Readings and Materials linked under Content - Module 6.
8	Oct 30 – Nov 3	The Fight for Equality in Law. Reform of Family Law in the 1970s & 1980s.	Readings and Materials linked under Content - Module 7.
9	Nov 6 – 10	Further Challenges for Equality in “Family”. Marital Property and Same-Sex Marriage and Parenting.	Readings and Materials linked under Content - Module 8.
10	Nov 13 – 17	Contemporary Controversies in Family Law: Property and Support. Single Parenting and Family Poverty.	Readings and Materials linked under Content - Module 9.
11	Nov 20 – 24	Contemporary Controversies in Family Law: How to Achieve the “best interests of the child”? Child Custody, Access, Parental Rights, and Responses to Family Violence.	Readings and Materials linked under Content - Module 10.

Week	Date	Topic	Readings Due
12	Nov 27 – Dec 1	Contemporary Controversies in Family Law: Integrating Indigenous Cultural and Legal Traditions in Family Law.	Readings and Materials linked under Content - Module 11.
13	Dec 4 – 5	No new topics.	No new readings.

Late or Incomplete Work

All written assignments are to be handed in, on the due date, to the dropbox on Learn by 11:59 p.m. Please see the Schedule of Course Activities for the due dates for each assignment. Electronic submissions by email will not be accepted.

Students are expected to submit all assignments by the due date. However, all course assignments have a 48-hour extended period after the due date during which there is no late penalty (the "extended due date"). You do not need to contact the Instructor to inform her you will be submitting by the extended due date. After the extended due date period, late papers will be penalized by 5% per day, for the first four days. After the four days the late penalty is 2% per day. Late assignments must be submitted by the day on which the assignment grading is completed and results released to the class (approximately two weeks following the submission date). After this date, incomplete assignments will receive a grade of 0%.

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

Cross-listed Course

Please note that a cross-listed course will count in all respective averages no matter under which rubric it has been taken. For example, a PHIL/PSCI cross-list will count in a Philosophy major average, even if the course was taken under the Political Science rubric.

Policy on Plagiarism

“Policy 71’s glossary defines plagiarism, in part, as “presenting, whether intentionally or not, the ideas, expression of ideas or work of others (whether attributed or anonymous) as one’s own in any work submitted whether or not for grading purposes”...

The Vice-President Academic and Dean has the authority to assess instances of plagiarism and the resultant penalties that are raised by an instructor. An instructor can propose a grade penalty to the Vice-President Academic and Dean, who will decide whether to accept the penalty or initiate a formal inquiry.”

For additional information on how plagiarism is dealt with at Renison, review the policy from where the above text is copied: [Policy 71 - Student Discipline](#).

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. See Waterloo’s policy on [Fair Dealing](#). Violation of Canada’s Copyright Act is a punishable academic offence under [Policy 71 – Student Discipline](#).

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 the lecture component of the course. However, attendance is highly recommended for academic success. Participation is mandatory for the five discussion sections. See instructions above regarding “participation”. Attendance is also mandatory for the group presentations.

Communication Policy

Email, using the uWaterloo provided email address, is the approved method of communication for Renison. The Office 365 email that you use to login using your WatIAM login and password is secure and confidential. Take caution when forwarding your WatIAM email to an external email service as confidential information forwarded to a third-party provider could be a data security breach and violation of FIPPA (Freedom of Information and Protection of Privacy Act) under which all students, staff, and faculty are bound by law.

Policy on Use of Generative AI

This course includes the independent development and practice of specific skills, such as accessing information, assessing the validity and integrity of sources, developing independent interpretations, developing critical thinking, and communicating ideas. Therefore, the use of generative artificial intelligence (GenAI) trained using large language models (LLM) or other methods to produce text, images, music, or code, like Chat GPT, DALL-E, or GitHub CoPilot, is not permitted in this class. Unauthorized use in this course, such as running course materials through GenAI or using GenAI to complete a course assessment is considered a violation of [Policy 71](#) (plagiarism or unauthorized aids or assistance). Work produced with the assistance of AI tools does not represent the author’s original work and is therefore in violation of the fundamental values of academic integrity including honesty, trust, respect, fairness, responsibility and courage ([ICAI](#), n.d.).

You should be prepared to show your work. To demonstrate your learning, you should keep your rough notes, including research notes, brainstorming, and drafting notes. You may be asked to submit these notes along with earlier drafts of their work, either through saved drafts or saved versions of a document. If the use of GenAI is suspected where not permitted, you may be asked to meet with your instructor or TA to provide explanations to support the submitted material as being your original work. Through this process, if you have not sufficiently supported your work, academic misconduct allegations may be brought to the Associate Dean.

In addition, you should be aware that the legal/copyright status of generative AI inputs and outputs is unclear. More information is available from the Copyright Advisory Committee: <https://uwaterloo.ca/copyright-at-waterloo/teaching/generative-artificial-intelligence>

Students are encouraged to reach out to campus supports if they need help with their coursework including:

- [Student Success Office](#) for help with skills like notetaking and time management
- [Writing and Communication Centre](#) for assignments with writing or presentations
- [AccessAbility Services](#) for documented accommodations
- [Library](#) for research-based assignments

Academic Integrity, Grievance, Discipline, Appeals and Note for Students with Disabilities

Academic Integrity: 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](#) and the [Arts Academic Integrity](#) websites for more information.

Renison University College is committed to the view that when a problem or disagreement arises between a faculty member and a student every effort should be made to resolve the problem through mutual and respectful negotiation. Most issues are resolved by a student/faculty meeting to discuss differences of opinion. It is only after this stage, when a common understanding or agreement is not obtained that further actions listed below could be taken.

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](#) website 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 or academic advisor. 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 the [Guidelines for the Assessment of Penalties](#).

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, or Academic Advisor, 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): The website can be found at uwaterloo.ca/academic-integrity/

Accommodation for Students with Disabilities

[AccessAbility Services](#) is located in Needles Hall, Room 1401, and 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.

Students are encouraged to register with AccessAbility Services (AAS) at the start of each term if they require accommodations due to a disability. However, some students not connected to AAS may require accommodations later in the term. In that case, you should immediately consult with your instructor and/or your Academic Advisor.

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 / 519-888-4096
- [MATES](#): one-to-one peer support program offered by the Waterloo Undergraduate Student Association (WUSA) and Counselling Services
- [Health Services](#) – Student Medical Clinic: 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
- [Empower Me](#): Confidential, multilingual, culturally sensitive, faith inclusive mental health and wellness service.

- Grand River Hospital: Emergency care for mental health crisis. Phone: 844-437-3247
- [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. Email: ok2bme@kwcounselling.com Phone: 519-884-0000

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.

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.

If you feel that you are experiencing the above from any member of the Renison community (students, staff, or faculty), you may contact Melissa Knox, Renison's external anti-harassment and anti-discrimination officer, by email (mnknox@uwaterloo.ca) or by phone or text (226-753-5669). Melissa is an employment and human rights lawyer and part-time Assistant Crown Attorney for the Ontario Ministry of the Attorney General. Melissa is experienced in case management, discipline and complaints processes, and works with organizations across Canada to foster safe, respectful, and inclusive work and learning environments through policy development, educational workshops, conflict mediation and dispute resolution, and organizational culture audits.

For additional information see Renison's [Harassment, Discrimination, and Abuse](#) policy.