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LAWS 2194.01 - 3 CREDITS
CRITICAL RACE AND LEGAL THEORY I:
A SURVEY OF 'RACE' AND LAW IN CANADA
PROFESSOR E. THORNHILL

FALL TERM 2009

COURSE SYLLABUS

- 1. INTRODUCTION - COURSE DESCRIPTION**

- 2. COURSE MATERIALS**

The materials for this course consist of;

- 2.1 Required Text:** E.M.A. Thornhill, *Critical Race and Legal Theory I: A Survey of 'Race' and Law in Canada*. Selected Revisions Volumes I & II. (Halifax: Dalhousie Law School, 2009).

*Students can purchase the course book from the Dalhousie Bookstore located in the Student Union Building (SUB).

- 2.2 On Reserve Materials** from the Dunn Law Library (List forthcoming)
- 2.3 Regular *Feuilles de route*** provided by Professor Thornhill as Reading Guides.
- 2.4 Periodic Handouts of Supplementary Relevant Material**

3. STUDENT ASSESSMENT

Students' assessment will be based on two separate components: **an in-class Seminar Presentation worth 20%** and a **Major Legal Research Paper worth 80%**.

3.1 SEMINAR PRESENTATION ON RECENT LEGAL MATERIAL - 20%

Using selected post 1980 legal material, research and develop a **10-minute Seminar Presentation** in which **you** lead a class seminar and discussion on: *'Race' and Law in Canada*.

Selected topics must be pre-approved by Professor Thornhill and assigned a scheduled presentation date on a first come, first served basis.

Duplication of topic choices will not be permitted.

On or before the class following their Seminar presentations, students will submit to Professor Thornhill a written **3-5 page Critical Reflexion** on their respective Seminar presentations.

NOTE: "Legal material" can encompass such legal instruments as codified law, (acts, Statutes, decrees, regulations, ...) judge-made or case law, procedural law, trial records, administrative directives, internal policy ...

3.2 MAJOR RESEARCH PAPER - 80%

*"There is an on-going process in Canadian Legal Culture by which **Law has been utilized to uphold, ease and/or eliminate 'Race' as a marker signifying distinction, preference or exclusion.**"*

Reflect on the foregoing statement.

Then, using both the corpus of course materials examined in class, and the fruits of your own innovative research on *Authentic Documents*, **provide a critique of the above statement in a 25-40 page Major Legal Research Paper of original content.**

Law School standards state that Major Research Papers should be work "of publishable quality".

NOTE: You may or may not elect to focus your work, for example, on one or more time periods, racialized communities, recurring themes or leitmotifs, types of legal instruments, case law, public policy predicated on, or inspired by statutory enactments..

4. RESEARCH SUPERVISION & *ENCADREMENT*

- 4.1 All students are required to meet with Professor Thornhill **at least once** before the end of September.
- 4.2 Major Paper Outlines should be approved by Professor Thornhill and submitted before the end of October.
- 4.3 Major Papers must be handed in directly to Professor Thornhill, or stamped and initialed by the Receptionist **on or before the last day of classes, i.e. December 7st 2009.**

5. OFFICE HOURS

Weekly Sign-up Sheets for designated Office Hours will be posted on my Office Door, Room #426. Other Appointments can also be scheduled directly with myself.

6. PLAGIARISM

All students in this course must read:

- i) the University policies on plagiarism and academic honesty referenced in the policies and Student Resources sections of the plagiarism.dal.ca website, and
- ii) the Law School policy on plagiarism, as set out in:
 - the law school regulations (available in hard copy from the Associate Dean's office and online at http://law.dal.ca/law_3104.html) or
 - the Orientation Handbook (provided to all first year students and available online at http://law.dal.ca/law_6945.html).

Any paper or assignment submitted by a student at Dalhousie Law School may be checked for originality to confirm that the student has not plagiarized from other sources. Plagiarism is considered a serious academic offence which may lead to *loss of credit, suspension or expulsion* from the law school, or even *revocation of a degree*. It is essential that there be correct attribution of authorities from which facts and opinions have been derived. Prior to submitting any paper or other assignment, students should read and familiarize themselves with the policies referred to above.

Ignorance of the policies on plagiarism will not excuse any violation of those policies.

7. ACCOMMODATION : STUDENTS WITH SPECIAL NEEDS OR REQUIREMENTS FOR ACCOMMODATION

Professor Pothier is the faculty advisor to students with disabilities. Students wishing to discuss in-class accommodation or in-class study assistance needs should see Professor Pothier.

Students seeking special accommodation with regard to any aspect of course evaluation (including exam deferrals and extensions to deadlines) must make an application to the Studies Committee. Academic regulations require such requests to be made as soon possible and, in any event, no later than the date on which the exam is to be written or the paper or other assignment is to be submitted. Students should contact Associate Dean Michael Deturbide or Assistant Dean Elizabeth Hughes for more information about requests for accommodation and about the Studies Committee process

8. PANDEMIC *H1N1* VIRUS INFLUENZA ADVISORY IN RELATION TO ACADEMIC COMMUNITY

In the event of an escalation of the pandemic H1N1 influenza virus, the University may need to authorize Academic Units to change elements of class schedules and/or evaluation plans as outlined in course syllabi. Any change is intended to support the primary goal of reducing the risk of spreading a pandemic influenza among students, faculty and staff

Although it is difficult to predict the severity of the pandemic, the University is committed to minimizing the impact on student's academic progress. Therefore, every effort will be made to provide students with options for continued learning and for continued fair evaluations.

Changes may include but are not limited to:

- Adjustments to course assignments;
- Changes to the dates of exams;
- Arrangements for alternative evaluations for students affected by H1N1 influenza virus;
- Adjustments to work terms;
- Modification of marks awarded for participation;
- Adjustments to attendance policies

Any alternative plan made in individual courses may be superseded by University-wide or Government measures to reduce the spread of the pandemic H1N1 influenza virus.

7. COURSE OVERVIEW

VOLUME I

****	September 10 th	INTRODUCTORY CLASS
Class #1	September 17 th	INTRODUCTION - pp. 1-62
Class #2	September 24 th	COLONIAL PERIOD pp.61-168
Class #3	October 1 st	Idem
Class #4	October 8 th	EXERCISE OF COLONIAL AUTHORITY pp. 170-389
Class #5	October 15 th	Idem
Class #6	October 22 nd	Idem

VOLUME II

Class #7	October 29 th	PRE-WAR & WAR PERIODS pp 390-476
Class #8	November 5 th	Idem
Class #9	November 12 th	MODERN AGE: HUMAN RIGHTS ERA 477-549
Class #10	November 19 th	EMERGING PATTERNS pp 550-729
Class #11	November 26 th	'RACE' AND THE CANADIAN STATE pp. 731-841
Class #12	December 3 rd	Idem

******* Monday, December 7th 2009 Deadline for Major Legal Research Paper *******

NOTE:- Optional Class Field Trip – Date to be determined

Professor E. Thornhill
September 8th 2009