

**School of Public Policy and Administration  
Faculty of Liberal and Professional Studies**

**AP/PPAS/POLS 4130A 6.00 POLITICS, LAW AND THE COURTS**

**JUSTICE PURSUED, JUSTICE DERAILED?**

2021-2022

TUESDAY 11:30 AM-2:30 PM EST

OVER ZOOM ONLY

[Thaddeus Hwong](#)

*“We must make our choice.*

*We may have democracy, or we may have wealth concentrated in the hands of a few,  
but we can't have both.”*

*~ Louis Brandeis*

1. Seminar Overview: What kind of justice do you want?

Justice is blind. Is it just? In what way? Is that what you have? Is that what you want? Are you living in a just world? What kind of a just world do you want to live in? How does the battle of ideas affect justice in our society?

Law is politics – all the more so now than ever. In this academic year we embark on a quest to delve into the conflicts of different perspectives on how we as a people should organize ourselves in order to determine what we could aspire to be as a *just* society.

The set of issues planned to be covered in 2021-2 in the tentative schedule at the back of this seminar outline will be reviewed as an integrated set in the first class.

2. Learning Outcomes: Who you want to be determines what you will learn

The learning outcomes could be transformative if students want them to be, no matter what the subject of a seminar or a course is. Being held hostage in the quagmire of post-truth delusions, we could safeguard a scintilla of hope that whatever left of our idealism is not destined for demolition by daring ourselves to ask: does it have to be this way? If students are willing, at the end of our time together, students would be able to ask the tough questions needed in challenging the status quo.

Like university studies in general, the seminar is designed to develop your capabilities in critical thinking, information literacy, effective communication as well as a sense of your responsibility.

**Critical thinking.** A big challenge in your daily experience is to live with ambiguity. The world is not neatly organized, and it won't organize itself for you. But you can make sense of what you initially see as disorganization for yourself if you want to. Hopefully this seminar will give you enough opportunities to learn to face the messy world.

**Information literacy.** In our society another big challenge is to live with information overload. The massive information flow does not come with navigation manuals or come in handouts or PowerPoint slides. But you can separate the useful information from the noise if you want to. Hopefully this seminar will give you enough opportunities to learn to separate the good from the bad information.

**Effective communication.** Whether some ideas become entrenched often rests on how they are argued. Agenda setting is cruel as at times the most compelling arguments beat the most sensible ideas. But you can be precise and concise in making your arguments if you want to. Hopefully the seminar will give you enough opportunities to learn to cut to the chase.

**A sense of your responsibility.** University education is to enlighten, not to indoctrinate to conform. It incurs opportunity costs for not just you but also for our society. Sadly, nowadays our society allows university education to become just a big broken promise that mutates into a gigantic opportunity loss. But if you want you can help make things right by working hard to be responsible. As responsible students, you can solve the problems you are asked to solve on your own rather than just giving up and asking others to solve them for you. Hopefully the seminar will give you enough opportunities to learn to nurture your sense of responsibility.

On how to learn in this seminar, here are three actionable suggestions:

- **Pay attention.** Once you start paying attention many seemingly unanswerable questions will end up as information that you can look up.
- **Prepare relentlessly.** Students are expected to do most of their work outside the classroom, and they are expected to demonstrate their outside work with their level of engagements inside the classroom.
- **Own it.** When you have a problem, look for the solution yourself. Whenever something does not go your way, ask “What have I done wrong and how can I do better?”

At university you learn to become not only a productive employee but also an informed and responsible citizen. If you learn to think about justice in a way to appreciate its important role in society, you will have achieved something. Your seminar grade is just a reflection of your performance in the seminar, but you are the only one who really knows whether you are making any progress in developing your sense of critical thinking, information literacy and effective communication as well as responsibility in your journey to learn to become a lifelong learner. A grade is just a grade. In five years no one will care what you get as a student in this seminar. But people do care who you are as a human being – whether you care not only about your own self-interests but also about others’ well-being.

Students will earn the grades they get and get the grades they earn. Students are expected to take full responsibilities for studying and keeping up with the fast pace of the seminar. No special consideration will be given to students who do not get the grades they want due to reasons not required to be considered by university policies. Students should not negotiate for marks they did not earn, and all academic queries on marks if warranted should be made on an academic basis. For example, claiming that you have worked very hard or you have never received such a low grade will not be sufficient. By the same token, claiming that you need such a grade to advance to the next level, keep your scholarship or graduate and get a job will not be sufficient either.

3. Seminar Materials: You can learn to connect the dots and think about the big picture

No one can predict the future accurately but we all could learn from the past to not only understand the present but also make an educated guess about the future. In working through the seminar materials, students will gain a sense of the convergence of the past, the present and the future. The seminar materials are by and large experimental, i.e. definitely not the usual materials students would expect. Given the learning trajectory of the students as shown in their work, an evolving set of materials including links to caselaw, news stories, academic journal articles, think tank and government reports would be assigned throughout the seminar to optimize the learning experience of students. The design of the seminar content is to balance between the need to stay as current as possible and the hope to keep students engaged. The package for an upcoming class will be posted on eClass the Monday before the Tuesday class. Understandably some students might prefer to have all the packages now. As 4130 has multiple sections, those students are better off in choosing another section that can fit their learning style.

4. Teaching Approach: We will work together

The seminar is markedly different from other seminars in the same genre in one aspect. I strive to explore the injustices in the justice system in the shape and form of stories. Yes, this is not a literature class. But as many who are much wiser than me say – we learn about ourselves not through treatises but through narratives.

The framing of law and politics as stories does not mean that we only want to describe what happened. We are more intellectually ambitious than that. We would cut through the noises in the narratives to find the granular of the best available version of the truth.

The seminar adopts an integrated perspective by thinking about the justice system as a complex system. Instead of considering politics, law and courts as separate from each other the seminar will start with the idea that politics, law and courts do interact with each other. The perspective will enable us to view the pursuit of justice through realistic lens. Hopefully through an exploration of complexity we will emerge with a deeper understanding of the kind of justice we have and the kind of justice we want to have.

Critiquing is easy, but solving problems is hard. The teaching approach is to encourage students to identify problems in the pursuit of justice and seek solutions that tackle the problems. No matter how many times one says the system has a problem, the problem will remain unless one finds a workable solution to the problem.

No class is designed to be missed. Students missing any class will be at their own peril no matter how hard I try to accommodate their absence. Students are involved directly and indirectly in finalizing the design of the seminar through in-class discussions. Not all of such info will be available on eClass.

The seminar will NOT be recorded in order to try to protect all parties involved. Please note that informed consent is required to record anyone or anything during the seminar. As there are multiple sections of the seminar, no doubt students can find a suitable section with recordings that will suit their needs if a seminar with recordings will work best with their preferred learning styles.

5. Evaluation: What do you need to learn for your careers and your lives?

The evaluation focuses on basic academic skills that students are expected to learn in university studies – information literacy, critical thinking and effective communication as well as responsibility. All students will be graded and ranked in comparison to their peers. Very specific submission and presentation protocols of work done for the seminar will only be explained in class. Failure to follow the protocols could lead to failures in the seminar. **Students who attend all classes in full and do everything as required for the course will likely get a B or above. Students who don't will unlikely get a B or above.** A final grade for the seminar will be given to each student at the end of the academic year based on the following components.

- 5.1. **At least five articles proposed by each student for all students in the seminar to work through deemed to be acceptable to be linked to on eClass (20%).** As you can see in the class schedule near the end of the seminar outline, no readings are listed under the topic of each class. In each class a discussion of the topic for the following class will be held for students to gain a sense of what the following class could be about. Each student will have until 7 am EST in the morning of the Sunday before the class on Tuesday to submit a link of a proposed article to [taxlaw@yorku.ca](mailto:taxlaw@yorku.ca) from a York University student email account with the following subject line: 4130-proposed reading for class x [x refers to the class number]. One student can only make one submission for each class. **Late submission will not be accepted. Not all submissions will be used in class.** Students will find out whether their articles are accepted on eClass when the package for the Tuesday's seminar is posted on Monday. Students with an articles accepted for use in the seminar will be engaged with a conversation about the proposed article in class. As not all proposed articles will be accepted, students are encouraged to submit articles for more than five classes. More information will be provided in class and in class only.
- 5.2. **Reading diary (40%).** Students are required to read a part of a Kindle book every day throughout the academic year. Each student is required to log what they read each day in a special Excel spreadsheet available on eClass. The selected book will be revealed in class 3. **The deadline will be 11:59 pm EST Wednesday Feb. 2, 2022. Late submission will not be graded.** More information will be provided in class and in class only.
- 5.3. **Capstone project (40%).** Students are required to take good notes on the content package for each class *after* each class for use in their capstone projects. More on that will be covered in the first class. More information on the capstone project will be provided in class around the Reading Week in the Winter term. **The deadline will be 11:59 pm EST Monday April 11, 2022. Late submission will not be graded.** More information will be provided in class and in class only.

All students must use their York University email accounts – perhaps through Outlook – for all course correspondences. All emails must be sent to [taxlaw@yorku.ca](mailto:taxlaw@yorku.ca) only. More information will be provided in class and in class only.

6. Tentative Schedule of Issues [changes may be made along the way to enhance the students' learning experience]

**THE PURSUIT OF JUSTICE ...**

**Class 1. Sept. 14 – 50 Shades of Grey of Justice**

**Class 2. Sept. 21 – Law is Politics**

**Class 3. Sept. 28 – Everyone Knows about *Oakes*?**

**Class 4. Oct. 5 – Two Kinds of Freedoms**

**... IN A DANGEROUS TIME**

**Class 5. Oct. 19 – Haves v Have-nots**

**Class 6. Oct. 26 – Still Litigating for Social Change?**

**RACE IS NOT JUST ABOUT COLOUR**

**Class 7. Nov. 2 – Systemic Racism**

**Class 8. Nov. 9 – The Network Effect**

**GENDER IS NOT JUST ABOUT SEX**

**Class 9. Nov. 16 – Missing Women**

**Class 10. Nov. 23 – Deterrence, The Wrong Kind**

**CLASS IS NOT JUST ABOUT MONEY**

**Class 11. Nov. 30 – Everyone is Vulnerable**

**Class 12. Dec. 7 – Otherwise, We Are Complicit**

**WELL-BEING, FOR SOME MORE THAN OTHERS?**

**Class 13. Jan. 11 – Public Health**

**Class 14. Jan. 18 – Going Private**

**ABSOLUTE POWER, FOR WHOM EXACTLY?**

**Class 15. Jan. 25 – Living Wage**

**Class 16. Feb. 1 – Unionization as Public Good**

**Class 17. Feb. 8 – Are You an Employee?**

**Class 18. Feb. 15 – Some Family Values**

**THE DAY AFTER TOMORROW LOOKS STARK**

**Class 19. Mar. 1 – Green New Deal?**

**Class 20. Mar. 8 – Carbon Tax**

**Class 21. Mar. 15 – Pipeline**

**ON THE PRECIPICE OF A FUTURE THAT WILL NEVER COME**

**Class 22. Mar. 22 – An Honesty Problem**

**Class 23. Mar. 29 – Redistribution**

**Class 24. Apr. 5 – Building a Just Society**

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### Adapted Standardized Information from York University

Please note that this is a course that depends on remote teaching and learning. There will be no in-person interactions or activities on campus. eClass, Zoom and the university's email network will be used in this course.

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Students shall note that Zoom is hosted on servers in the U.S. This includes recordings done through Zoom. If you have privacy concerns about your data, provide only your first name or a nickname when you join a session. The system is configured in a way that all participants are automatically notified when a session is being recorded. In other words, a session cannot be recorded without you knowing about it. Please review the technology requirements and FAQs for eClass [<https://lthelp.yorku.ca/95440-student-faq>].

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In this course, we strive to maintain academic integrity to the highest extent possible. Please familiarize yourself with the meaning of academic integrity by completing SPARK's Academic Integrity module at the beginning of the course [<https://spark.library.yorku.ca/academic-integrity-what-is-academic-integrity/>]. Breaches of academic integrity range from cheating to plagiarism (i.e., the improper crediting of another's work, the representation of another's ideas as your own, etc.). All instances of academic dishonesty in this course will be reported to the appropriate university authorities, and can be punishable according to the Senate Policy on Academic Honesty [<https://www.yorku.ca/secretariat/policies/policies/academic-honesty-senate-policy-on/>].

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All materials prepared for this course at York University are the intellectual property of Professor Thaddeus Hwong unless otherwise stated. This can include but is not limited to the following materials: spoken and written presentations; assignment handouts and instructions. Course materials should only be used by students enrolled in this course. As a student in this course, you may not publish, post on an Internet site, sell, or otherwise distribute any of this work without the instructor's express permission. Unauthorized or commercial use of these materials is strictly prohibited. Copying this material for distribution (e.g. uploading material to a commercial third-party website, or online sharing of course material with people outside of the course) may lead to a charge of misconduct under York's Code of Student Rights and Responsibilities [<https://oscr.students.yorku.ca/student-conduct>] and the Senate Policy on Academic Honesty. In addition, you may face legal consequences for any violation of copyright law.

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While all students are expected to satisfy the requirements of their program of study and to aspire to achieve excellence, the university recognizes that persons with disabilities may require reasonable accommodation to enable them to perform at their best. For more information about this policy, please refer to these guidelines and procedures: Academic Accommodation for Students with Disabilities [<https://www.yorku.ca/secretariat/policies/policies/academic-accommodation-for-students-with-disabilities-policy/>]. The university encourages students with disabilities to register with Student Accessibility Services [<https://accessibility.students.yorku.ca>] to discuss their accommodation needs as early as possible in the term. An Accessibility Counsellor will help you establish recommended academic accommodations, which will then need to be communicated to your course instructor(s) as necessary. Please let the course instructor(s) know as early as possible in the term if you anticipate requiring academic accommodation, so that your accommodation needs can be discussed and considered within the context of this course.