

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

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

**IS OUR LEGAL SYSTEM A JUSTICE SYSTEM?**

2022-2023

TUESDAY 11:30 AM-2:30 PM EST

LIVE CLASSES 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*

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1. Seminar Overview: Is what's legal just?

Law and Order .... is not life. No, we won't start each class with da dun. In 2022-23, we will cross-examine the rule of law we have -- is what's legal just?

The key question you are required to ask concerning the content of each class is this: what do you want to be done about the injustices? In an ironic way that is likely least expected, the classes would cover the administration of the legal system and the outcomes of civil and criminal disputes through the lens of the pursuit of justice for all.

The seminar is a great fit for students who want to learn how to pursue justice for all, not just for the rich and the powerful. If you want to challenge yourself to do the best not just for yourself but for others in the pursuit of a just society, you will find the learning experience in the seminar rewarding.

I aspire to teach students to think not just about themselves but also about others. I do understand that aspirations are dangerous. Specifically, aspirations as unintentional injuries come in two types -- food and nonfood. I always hope my aspiration is not an unintentional injury. Time will tell.

Here's the synopsis of the seminar on my university academic page: "The Fall/Winter 2022-23 seminar of Politics, Law and the Courts would push the boundaries of the pursuit of justice beyond the confines of the reproduction of hierarchies and the entrenchment of the establishment." For my teaching philosophy, see <https://profiles.laps.yorku.ca/profiles/thwong/>.

If you read my academic page and maybe even my twitter feed, you will find that I have a particular point of view. Of course please feel free to decide whether you agree or disagree with it or not. If you agree with it, you will enjoy learning how to put theory to practice. More importantly, if you disagree with it, you will enjoy learning how to learn from a point of view that is different from yours. After all, that's what university is for.

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All classes will be conducted over Zoom. Logistical info will be available on eClass before Class 1. The technical requirements in the context of privacy protection will be discussed in Class 1. Given the design of the seminar, to protect the privacy of all no class will be recorded.

Only students who attend all classes in full and do everything they are asked to do should expect to be able to achieve a B or better letter course grade.

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

If you enjoy the challenges of learning to be self-sufficient in learning, you will have a good chance to learn about the pursuit of justice that I am confident that most people don't think much about.

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 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 information 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 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

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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. 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

You will likely find this seminar different from any seminar you have taken before. Delving into judicial decisions, statutes, academic journal articles, think tank reports, government papers, polls, op-eds as well as news stories, you will have the opportunity to decide what you want to learn and how you want to learn it within the confines of the pedagogical design of the seminar.

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 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.

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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 designed with lifelong learning in mind. If you are interested in learning how to find answers to questions on your own independently, if you are interested in learning how to evaluate your learning progress on your own independently, and if you are interested in learning how to manage a heavy workload on your own independently, you will enjoy the seminar.

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 outside our weekly classes.

As you can guess in terms of the course, the workload is heavy as students are expected to be able to work independently with minimal guidance, and the pace is quick as students are expected to be able to grasp the content of a new topic each class. You have to learn how to learn on your own without seeking help from others so the learning curve is steep. Getting a B in such a seminar requires far too many hours, compared to the demands of your other courses. Students who miss any class or don't have the time to do all they are required to do will be very disappointed in their course grades.

Given the design of the seminar, classes 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.

I am keen to talk shop almost all the time. For security purposes, students must use their York University email accounts for seminar correspondence. The designated seminar email account is [taxlaw@yorku.ca](mailto:taxlaw@yorku.ca). Any email

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must have 4130A in the subject line. Students who have questions that they think they cannot find answers on their own can email [taxlaw@yorku.ca](mailto:taxlaw@yorku.ca). Such questions will be brought up in class in appropriate settings so all students can learn from their insights. Unless a reply in addition to an auto-reply is sent, the student email is deemed to be filed for future use.

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

The evaluation focuses on basic academic skills 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. 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 letter grade for the seminar will be given to each student at the end of the academic year based on the following components. On grading schemes, see <https://calendars.students.yorku.ca/2022-2023/grades-and-grading-schemes>.

5.1. **At least ten 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].

Students are expected to start making submissions after Class 1. In the submission emails, students are expected to explain very briefly why the article is proposed. Students are encouraged to go beyond just googling for a news item that looks like it might fit the class.

One student can only make one submission for each class. 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. Proposed articles not used will not be counted as submissions. As students have plenty of opportunities to file, no late submission will be accepted. Students with a link of an article accepted for use in the seminar will be engaged with a conversation about the proposed article in class.

More information on how to find suitable articles and send appropriate links 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. Every day means every day. Each student is required to log what they read each day in a special Excel spreadsheet available on eClass. Students will choose from one of two books. The two books will be revealed in class 3.

Students are expected to start logging their daily reading after Class 3. The deadline to submit the diary in the specific Excel file will be 11: 59 pm EST Jan. 24, 2023. No other file format will be accepted. Students are required to use their York University email account to email the provided Excel workbook to

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[taxlaw@yorku.ca](mailto:taxlaw@yorku.ca) with the following subject line: 4130-diary.

Normally late submission will not be graded. To help reduce the stress levels of students, a discretionary decision is made to grade some but not all late submissions.

If a submission arrives after 12 am EST Jan. 25, 2023 but before 1 am EST Jan. 25, 2023, the submission will be graded with a 30% penalty. That means if such a submission earns 50 marks, the 30% penalty will be 15 marks, and the marks recorded will be 35 marks.

If a submission arrives after 2 am EST Jan. 25, 2023 but before 3 am EST Jan. 25, 2023, the submission will be graded with a 60% penalty. That means if the exam earns 50 marks, the 60% penalty will be 30 marks, and the exam marks recorded will be 20 marks.

If the submission arrives after 3 am EST Jan. 25, 2023, the submission will be given 0 mark.

More information on how to perform the exercise each day will be provided in class and in class only.

### 5.3. **Capstone project (40%).**

As less is more, the capstone project based on students' notes on at least three modules as per the class schedule has an upper word limit of 1,000 words excluding all in-text citations.

Students are required to take good notes on the content package for each class after each class for use in their capstone projects. Students are expected to start preparing their notes after Class 1.

The capstone project topic along with very specific submission protocol will be provided in class around the Reading Week in the Winter term.

The deadline for the submission of the capstone to [taxlaw@yorku.ca](mailto:taxlaw@yorku.ca) following very specific submission protocol will be 11:59 pm EST April 10, 2022.

Normally late submission will not be graded. To help reduce the stress levels of students, a discretionary decision is made to grade some but not all late submissions.

If a submission arrives after 12 am EST April 11, 2023 but before 1 am EST April 11, 2023, the submission will be graded with a 30% penalty. That means if such a submission earns 50 marks, the 30% penalty will be 15 marks, and the marks recorded will be 35 marks.

If a submission arrives after 2 am EST April 11, 2023 but before 3 am EST April 11, 2023, the submission will be graded with a 60% penalty. That means if the exam earns 50 marks, the 60% penalty will be 30 marks, and the exam marks recorded will be 20 marks.

If the submission arrives after 3 am EST April 11, 2023, the submission will be given 0 mark.

More information on how to prepare for the capstone project will be provided in class and in class only.

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

*Each module other than Module 1 is about one field of law. Can you guess what each is all about? Module 1 is different from the other modules. What do you think it is for?*

Module I: Your wellbeing

Sept. 13, 2022 – Class 1: Is a legal system a justice system?

Sept. 20, 2022 – Class 2: Law is politics

Sept. 27, 2022 – Class 3: Judicial review

Oct. 4, 2022 – Class 4: Judicial decision making

Module II: Your safety

Oct. 18, 2022 – Class 5: Mandatory minimum

Oct. 25, 2022 – Class 6: Domestic violence

Nov. 1, 2022 – Class 7: Sexual assault

Nov. 8, 2022 – Class 8: Privacy & free speech

Module III: Your career

Nov. 15, 2022 – Class 9: Race discrimination

Nov. 22, 2022 – Class 10: Gender discrimination

Nov. 29, 2022 – Class 11: Toxic work

Dec. 6, 2022 – Class 12: Unfair labour practice

Module IV: Your health

Jan. 10, 2023 – Class 13: COVID

Jan. 17, 2023 – Class 14: Mask mandates

Jan. 24, 2023 – Class 15: Privatization

Jan. 31, 2023 – Class 16: Disabilities

Module V: Your home

Feb. 7, 2023 – Class 17: Free market dogmas keep you on suicidal path

Feb. 14, 2023 – Class 18: Pipeline

Feb. 28, 2023 – Class 19: Conservation

Mar. 7, 2023 – Class 20: Carbon tax

Module VI: Your money

Mar. 14, 2023 – Class 21: Tax avoidance

Mar. 21, 2023 – Class 22: Tax evasion

Mar. 28, 2023 – Class 23: Wealth tax?

Apr. 4, 2023 – Class 24: The high-income defense industry says to hell with justice

## Adapted Standardized Information from York University

### Land Acknowledgment

York University recognizes that many Indigenous Nations have longstanding relationships with the territories upon which York University campuses are located that precede the establishment of York University. York University acknowledges its presence on the traditional territory of many Indigenous Nations. The area known as Tkaronto has been care taken by the Anishinabek Nation, the Haudenosaunee Confederacy, and the Huron-Wendat. It is now home to many First Nation, Inuit, and Métis communities. We acknowledge the current treaty holders, the Mississaugas of the Credit First Nation. This territory is subject of the Dish with One Spoon Wampum Belt Covenant, an agreement to peaceably share and care for the Great Lakes region [see <https://www.yorku.ca/laps/land-acknowledgement/>]. For a video, see <https://www.youtube.com/watch?v=qNZi3o1-p8k>.

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

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Zoom is hosted on servers in the United States and Canada. Recordings done since May 1, 2022 are stored in Canada. For more information, please refer to the notes on Zoom Privacy and Security provided by Information Security at York. If you have privacy concerns about your data, provide only your first name 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.

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Please review the technology requirements and FAQs for eClass [<https://lthelp.yorku.ca/95440-student-faq>].

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For undergrad emails, see <https://google.info.yorku.ca>.

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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://www.yorku.ca/unit/vpacad/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 PPAS 4130A 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

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presentations; assignment handouts and instructions. Course materials should only be used by students enrolled in PPAS 4130A. As a student in PPAS 4130A, 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.