

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?

2023-2024

TUESDAY 11:30 AM-2:30 PM EST

LIVE CLASSES OVER ZOOM ONLY

[TENTATIVE VERSION; TO BE UPDATED]

Thaddeus Hwong

[\[https://profiles.laps.yorku.ca/profiles/thwong/\]](https://profiles.laps.yorku.ca/profiles/thwong/)

“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 [allegedly]

**** Adapted Standardized Information from York University ****

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 ([LA&PS Land Acknowledgement](#)). For video, see [Understanding the Land Acknowledgement](#).

1. Seminar Overview: Is What is Legal Just?

Welcome to a journey to learn to find your own unique voice for justice amid the flaws in our legal system!

We will cross-examine the rule of law we have -- is what is legal just? The key question to ask concerning the content of each class is this: what do you want to be done about the injustices you encounter in our seminar? You would ask oft-ignored questions about the administration of the legal system and the outcomes of civil and criminal disputes through the lens of the pursuit of justice for all.

In the seminar, we would try to learn more about how to pursue justice for all, not just for the rich and the powerful. We would challenge ourselves to do the best not just for ourselves but also for others in the pursuit of a just society.

The 2023-24 version of the seminar will challenge the status quo in light of the fact that to many the legal system is not a justice system. The determinants of such injustices include income inequality, wealth inequality and political inequality. The seminar will offer opportunities to explore the pursuit of criminal justice, labour justice, health justice, environmental justice and tax justice.

For the teaching philosophy behind the seminar, see <https://profiles.laps.yorku.ca/profiles/thwong/>. The seminar has a particular perspective. Students who agree with the perspective would have the opportunities to put theory to practice. The students who disagree with the perspective would have the opportunities to wrestle with their own beliefs. Broadening the horizon for students is what the university is for.

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

2. Learning Outcomes: Who You Want to be Determines What You Will Learn

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

The learning outcomes could be transformative if you want them to be. 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 you are willing, at the end of our time together, you 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 if you want to. Hopefully this seminar will give you plenty of opportunities to learn to face the messy world.

Information literacy. In our society another big challenge is to live with information overload. The information flow does not come with navigation manuals or handouts or PowerPoint slides. But you can separate the useful information from the noise if you want to. Hopefully this seminar will give you plenty of 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. At times unfortunately 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 plenty of 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 to you can help make things right by learning to be responsible. As responsible students, you would 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 plenty of opportunities to learn to nurture your identity 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 simply 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 think you have run into a problem, look for the solution yourself. Whenever something does not go your way, ask the following series of questions: “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 in this seminar. 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 learning 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.

3. Seminar Materials: You Can Learn to Connect the Dots and Think About the Big Picture

You will likely find the seminar materials 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.

The seminar materials might not be 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.

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 are expected to be able to grapple with the convergence of the past, the present and the future.

A design feature of the seminar is that you will help form and shape the content of the seminar for all students. See 5.1 in this seminar outline. The criteria for the 5.1 submissions will be discussed in the first class.

4. Teaching Approach: We Will Work Together

*** Adapted Standardized Information from York University ***

Students shall note the following:

- *Zoom is hosted on servers in the United States and Canada. Recordings done since May 4, 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 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.*

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 by sifting out the disinformation and misinformation in order to find the granular of the most obtainable 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 and such a solution is implemented.

In each class, students will be called upon to answer questions. The Q & A etiquette will be discussed in Class 1. No class is designed to be missed. Students missing any class will be at their own peril no matter what attempts are made to keep them up to speed as the design of the seminar is for students to learn in class in order for them to save a lot of time after class. To save students' time, students are advised not to spend time on the content package of a class until after the discussion of the package in class.

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.

One feature of the seminar is the Capstone Project, which requires students to use what they have learnt in the seminar to prepare an original document about the pursuit of justice in terms of law, politics and courts as if they were asked to prepare that for an internship application to an international organization. A design feature of the Capstone Project is that students are expected to keep track of their own learning trajectory in weekly submissions of notes prepared based on a specific template. See 5.3.

The public policy seminar immerses students in an environment in which they are encouraged to learn what they want to learn in the way they want to learn it within the confines of the design of the seminar. Students can demonstrate that in their 5.1 submissions as highlighted in 5.1 as well as in their Reading Diary as highlighted in 5.2. Each of us is unique, and one rationale behind the seminar design is to give each of us a chance to find a way to live life as an informed and responsible citizen, no matter how different each of us is compared to each other.

I am keen to talk shop almost in all my waking hours. For security purposes, students must use their York University email accounts for seminar correspondence. The designated seminar email account is taxlaw@yorku.ca. Any email 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. Such questions might 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, a 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 what would help develop students into lifelong learners – information literacy, critical thinking and effective communication as well as responsibility. All students will be graded and ranked in comparison to their peers. That is, for example, at the end of the term students who have attended more classes than others will likely have advantages over those who attended fewer classes. The reason is not about attendance. The reason is that the former students have likely learnt more than the latter, and their learning outcomes would likely show up in their work done for the seminar.

A 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/2023-2024/grades-and-grading-schemes>.

*** Adapted Standardized Information from York University ***

Students are not permitted to use generative artificial intelligence (AI) in this seminar. Submitting any work created through the use of generative AI tools will be considered a violation of York University's [Senate Policy on Academic Honesty](#). For more information, please review [AI Technology & Academic Integrity: Information for Students](#).

5.1. At least ten articles proposed by each student for use in the seminar 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. For example, the theme for Class 2 will be discussed at the end of Class 1 so students can make their 5.1 submissions for Class 2.

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 from a York University student email account with the following subject line: 4130-proposed reading for Class x [x refers to the class number in the class schedule at the back of this outline].

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 based on the discussion of the theme for the class in the prior class in the spirit of the learning outcomes. 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 or not on eClass when the package for the Tuesday's seminar is posted on eClass before class. Proposed articles not used will not be counted as submissions for the 20% of seminar grade. 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.

Details on how to make your 5.1 submissions will be provided in Class 1.

5.2. Reading diary of reading a part of an assigned book every day before the submission deadline (40%).

Students are required to read a part of an assigned Kindle book every day in a specified period and log what they read each day in a special Excel spreadsheet available on eClass. Every day means every day.

Students are expected to start logging their daily reading after Class 3. Every week students are required to use their York University email account to submit the provided Excel workbook to taxlaw@yorku.ca with the following subject line: 4130-diary as discussed in Class 3. That is, the diary will contain an entry every day, and every week's submission will have all the entries before the submission is made.

The deadline to submit the entire diary in the specific Excel file will be 11:59 pm EST Jan. 23, 2024. No other file format such as MS Word, PDF or Numbers will be accepted.

The assigned book will be revealed in Class 3 along with the criteria in preparing the diary. Late submission penalties will be discussed in Class 3.

5.3. Capstone project (40%).

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

Students are required to submit a write-up as if it were submitted as part of an international application. In Class 1, students will be given a list of internships for them to choose from. Also, students will be introduced to the parameters of the Capstone Project. In Class 18 if not earlier, the assigned topic will be discussed.

Students are required to only cite their own notes that they are required to take on the content package for each class after each class based on a specific template for use in their capstone projects. Students are expected to start preparing their notes after Class 1. The submission criteria will be discussed in Class 1.

In terms of submission logistics, students will be asked to submit their notes from the prior class when they are asked to do so in class in a PDF to taxlaw@yorku.ca with the subject line: 4130A-note-[Class number].

The deadline for the submission of the entire Capstone Project to taxlaw@yorku.ca following very specific submission protocol using their York University email account will be 11:59 pm EST April 9, 2024. Late submission penalties will be discussed when the assigned topic is discussed.

6. Tentative Class Schedule

Module I: Your wellbeing	Sept. 12, 2023 – Class 1: Is a legal system by a default a justice system? Sept. 19, 2023 – Class 2: Law is politics Sept. 26, 2023 – Class 3: Judicial decision making Oct. 3, 2023 – Class 4: Litigating for social change?
Module II: Your safety	Oct. 17, 2023 – Class 5: Mandatory minimum Oct. 24, 2023 – Class 6: Intimate partner violence Oct. 31, 2023 – Class 7: Sexual assault Nov. 7, 2023 – Class 8: Privacy & free speech
Module III: Your career	Nov. 14, 2023 – Class 9: Race discrimination Nov. 21, 2023 – Class 10: Gender discrimination Nov. 28, 2023 – Class 11: The right to strike Dec. 5, 2023 – Class 12: Workers' rights
Module IV: Your health	Jan. 9, 2024 – Class 13: Pharmacare Jan. 16, 2024 – Class 14: Dental care Jan. 23, 2024 – Class 15: Privatization Jan. 30, 2024 – Class 16: Disabilities
Module V: Your home	Feb. 6, 2024 – Class 17: Free market dogmas keep you on suicidal path Feb. 13, 2024 – Class 18: Pipeline Feb. 27, 2024 – Class 19: Conservation Mar. 5, 2024 – Class 20: Carbon tax
Module VI: Your money	Mar. 12, 2024 – Class 21: Tax injustices Mar. 19, 2024 – Class 22: Wealth tax? Mar. 26, 2024 – Class 23: The enablers say to hell with justice Apr. 2, 2024 – Class 24: Who is stealing from you?

Additional Adapted Standardized Information from York University

**** Academic Integrity ****

As a student at York University, you have a responsibility to both understand and uphold the integrity of the academic experience. The Faculty of Liberal Arts & Professional Studies supports the International Center for Academic Integrity's [definition of academic integrity](#). That is, you will be committed to acting in all academic matters, even in the face of adversity, with honesty, trust, fairness, courage, respect and responsibility. Here is how you can demonstrate academic integrity in the completion of this course:

- **Respect the ideas of others:** Your course work should represent your own knowledge and ideas. [You should not falsely claim credit for ideas that are not your own, by presenting another's work as yours](#). If you are quoting, paraphrasing, or summarizing another person's work in order to support your own ideas, identify the work and the author through proper citation practices. For more information about how to cite properly, use the [Student Papers and Academic Research Kit \(SPARK\)](#). You can improve your writing, research, and personal learning abilities through the [Learning Commons](#), or by visiting the [Writing Centre](#) or [ESL Open Learning Centre](#).
- **Respect your peers:** [Know when you are allowed to collaborate](#). Ask your instructor about what group work entails when it comes to the [sharing of work](#). In test situations and assignments, don't steal or give answers to your peers, whether in-person or online (e.g., in group chats and/or on [third-party content-sharing websites](#), such as Chegg, Course Hero, etc.). Both cheating and aiding in a breach of academic honesty are violations of York University's academic honesty policy.
- **Respect your course instructor(s):** Understand what your instructors are asking of you in class, as well as on assignments, tests and/or exams. If you are unsure, ask your professor or teaching assistant. They are committed to making you feel supported and want to assess you fairly and with integrity. Please do not submit the same piece of work for more than one course without your instructor's permission. That can be considered an act of cheating.
- **Respect yourself:** When you act with integrity, you know that your work is yours and yours alone. You do not allow others to take tests for you. [You do not buy or otherwise obtain term papers or assignments](#). You do the work. As a result, you know that you earned the grades that you receive, so you can be proud of your York degree. By acting with integrity in your course work, you are also practising a valuable professional skill that is important in all workplaces.
- **Take responsibility:** If you have acted in an academically dishonest way, you can demonstrate courage and take responsibility for your mistake. You can admit your mistake to your course instructor as soon as possible.

Students who engage in academic dishonesty can be subject to disciplinary action under the [Senate Policy on Academic Honesty](#). Your lack of familiarity with the Senate Policy does not constitute a defense against its application. Some academic offences can also constitute offences under the [Criminal Code of Canada](#), which means that you may also be subject to criminal charges.

**** Intellectual Property ****

Course materials are designed for use as part of PPAS 4130A at York University and are the intellectual property of Professor Thaddeus Hwong unless otherwise stated. Third-party copyrighted materials (such as book chapters, journal articles, music, videos, etc.) have either been licensed for use in this course or fall under an exception or limitation in Canadian copyright law. Students may not publish, post on an Internet site, sell, or otherwise distribute any course materials or work without the instructor's express permission. Course materials should only be used by students enrolled in this course. Copying this material for distribution (e.g., uploading material to a commercial third-party website) may lead to a charge of misconduct according to York's [Code of Student Rights and Responsibilities](#), the [Senate Policy on Academic Honesty](#), and/or legal consequences for copyright violations.

**** Student Support and Resources ****

To help you succeed academically, York University offers a wide range of resources and services. Everything from writing workshops and peer mentorship to wellness support and career guidance is available to fulfill our LA&PS students' needs. Explore the links below to access these on-campus resources:

- [Academic Advising](#) is available to provide students support and guidance in making academic decisions and goals.
- [Student Accessibility Services](#) are available for support and accessibility accommodation when required.
- [Student Counselling, Health & Wellbeing](#) offers workshops, resources, and counselling to support your academic success.
- [Peer-Assisted Study Sessions \(PASS\) Program](#) provides student study sessions for students to collaborate and enhance their understanding of course content in certain courses.
- [Student Numeracy Assistance Centre at Keele \(SNACK\)](#) supports students in courses involving math, stats, and Excel.
- [The Writing Centre](#) provides multiple avenues of writing-based support including drop-in sessions, one-to-one appointments, a Multilingual Studio, and an Accessibility Specialist.
- [ESL Open Learning Centre \(OLC\)](#) supports students with building proficiency in reading, writing, and speaking English.
- [Learning Skills Services](#) provides tips for time management, effective study and learning habits, keeping up with coursework, and other learning-related supports.
- [Learning Commons](#) provides links to supports for time management, writing, study skills, preparing for exams, and other learning-related resources.
- [Roadmap to Student Success](#) provides students with timely and targeted resources to help them achieve academic, personal, and professional success.
- [Office of Student Community Relations \(OSCR\)](#) is responsible for administering the [Code of Student Rights & Responsibilities](#) and provides critical incident support.
- [goSAFE](#) is staffed by York students and can accompany York community members to and from any on-campus location, such as the Village Shuttle pick-up hub, parking lots, bus stops, or residences.
- For a full list of academic, wellness, and campus resources visit [Student Support & Resources](#).

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