Social Justice Social Work and the Law

Course Description:
Throughout this course we will examine and critique ideas and discourses related to social work and the law, particularly the law-society relation. We will explore the implications of law for social work practice and social policies, including whether/how it is possible to work with the law and its institutions to pursue reform and social change. We will critically engage with law from a variety of perspectives, including Indigenous, feminist, critical and post-structural views. Emphasis is placed on these perspectives because they challenge prevailing assumptions about law and the justice system as fair, objective and neutral.

Course Intentions:
- Describe the constitutional, legal and judicial systems that govern, control or impact individuals or groups with whom social workers are likely to engage;
- Articulate a critical analysis of the law and its institutions as these intersect with race, class, gender, sexual orientation, disability and other positionalities;
- Develop an understanding of ways in which the law and institutions designed to ensure equal rights have been a source of oppression and exploitation as well as situations in which the law and its institutions have been a source of remedy and social change;
- Articulate a vision of social justice-informed social work practice and policy-making;
- Discuss alternatives to the existing justice system and critically analyze the potential and limitations of alternatives such as restorative practices.

Required Texts


Students will also need to access various statutes, for example the Charter of Rights and Freedoms. Youth Criminal Justice Act and Divorce Act’ Federal statutes: http://www.canada.justice.gc.ca; www.laws.justice.gc.ca
Relevant links to provincial/territorial statutes are provided in *Essential law for social work practice in Canada*. Note that most jurisdictions have legal education services that provide additional relevant links.

**Dates, Class Topic, Materials and Links**

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<th>Week</th>
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Watch: Crime is a Theory (Kim Pate: Elizabeth Fry Association) (Course Spaces)


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**Week 4**

Locating Law: Intersections of Gender, Class, Race, Colonialism, Sexual Orientation & Ability

**Required Readings**


**Choose two from the following list:**


**Week 5: Rights, Equality and Law**

**Required Readings:**


**Recommended Supplementary Reading:**


**Week 6**

**Welfare Law**

**Required Readings**

BC British Columbia Employment and Assistance Act


Chouinard, V. & Crooks, V. (2005). ‘Because they have all the power and I have none’: state restructuring of income and employment supports and disabled women’s lives in Ontario, Canada. *Disability and Society* 20(1), 19-32. (Moodle)


**Recommended Supplemental Reading**


**Week 7**

**Mental Health and the Law**

**Required Readings**

British Columbia Mental Health Act


Fraser, S. E. (2008). *Sanism and the legal profession: Why mad people should be angry*. Paper presented to the 11th Colloquium of the Law Society of Upper Canada) [www.lsuc.on.ca/media/eleventh_colloquium_susan.pdf](http://www.lsuc.on.ca/media/eleventh_colloquium_susan.pdf) (CourseSpace)


**Recommended Supplemental Reading**


**Week 8**

**Child Welfare Law**

**Required Readings**

British Columbia Child and Community Service Act


**Supplemental Reading:**


**Week 9**

**Family Law**

**Required Readings**

British Columbia Family Law Act


Native Women's Association of Canada (2011) "Bill S-2: Family Homes on Reserves and Matrimonial Interests or Rights Act. Download PDF.

Chunn, D. (2014). Feminism, law and “the family”: Assessing the reform legacy. In E. Comack (Ed.), *Locating Law: Race, class,*
gender, sexuality connections (2nd Ed.) (pp. 232-253). Halifax: Fernwood Publishing. (Course text)


Supplemental Reading


Week 10

Immigration Law

Required Readings


Bhuyan, Rupaleem. (2011) Negotiating social rights and social membership on the frontlines of service delivery to migrants with precarious status. CERIS Final Report. (CourseSpace)

**Recommended Supplemental Reading**


**Week 11**

**Youth and the Law**

**Required Readings**

Youth Criminal Justice Act


Watch: Bernard Schissel (2010) Youth, the Law and Civil Liberties (Moodle)


**Recommended Supplemental Reading**


**Week 12**

**Restorative & Alternative Approaches**

**Required Readings**


Watch: Elder George Isbister on Restorative Justice (CourseSpace)

Watch: The Restorative Justice “Industry” and Indigenous People (CourseSpace)

**Supplemental Readings**


Daly, K. (2007). Seeking justice in the 21\textsuperscript{st} century: Towards an intersectional politics of justice

Assignment #1: Media analysis

**Grade:** 30%

**Due:**
**Format and length:** Essay, approximately 10-12 double-spaced pages.

**Rationale:** Over the past couple years, we have witnessed many legal issues examined in the media which have a considerable impact in Canadian society especially in terms of social justice, and therefore have and will have considerable impact on social work practice. Some examples include physician assisted dying, legalization/regulation of marijuana, harm reduction/calls for safe injection sites, prostitution law, Safe Streets and Communities Act, sexualized violence and legal system, rights of Indigenous children living on reserve to equal child welfare funding, and recent decision by Supreme Court to extend constitutional rights to Metis people - just to name a few.
This assignment requires that you critically analyze media coverage of a current legal issue, bill, legislation and/or legal decision from some or all of the critical perspectives on the law-society relation presented in Topics 1-4 (although you are free to draw on other critical analytical perspectives). The ways in which the media depicts law and reactions and responses to it are influential not only in shaping public perceptions of legal issues/legislation and decisions, but also in shaping public perceptions of disadvantaged and/or marginalized populations most likely to be affected by the legal issue, legislation and or legal decision.

Instructions: Find six (6) substantive articles specifically focused on the legal issue, bill, legislation, and/or legal decision in widely-circulated mainstream (e.g. Globe and Mail, National Post, Toronto Star, Winnipeg Free Press, Vancouver Sun) and/or Indigenous print media (e.g. Windspeaker, Kahtou) published between September 2011 and May, 2016. Do not use blogs or podcasts.

Note: You can access most major Canadian newspapers (including Indigenous print media) through the UVIC libraries website. Many newspapers also have digital editions that may be accessible by the general ‘reading’ public without subscribing. To access articles through the UVic libraries website:
1. Go to UVic library webpage, http://library.uvic.ca
2. Click on ‘Databases’, and then click on ‘All Databases A-Z’.
3. Enter Canadian Newsstand in the search box
4. Click on the database name
5. Enter your Netlink ID and Password when prompted

3. Write a critical analysis of your selected articles, integrating information from the first four (4) course topics in your analysis, including information from the forum you watch in part 1 of this assignment. You are expected to make explicit links to course materials in your writing and to cite these in your reference list, though you are also free to draw on other materials to inform your analysis, including your own life and work (volunteer or paid) experiences.

Your analysis should include:
- A very brief summary of the key points of the selected media articles.
- A critical analysis of how the legal issue, bill, legislation and/or legal decision is presented: how prominent is the ‘official version’ of law as neutral and objective? Are any competing perspectives or critical analyses included? How are these positioned?
- A critical analysis of how various factors such historical & social context, justice, equality and rights are portrayed (or not) in the articles.
- A critical analysis of the assumptions, competing ideologies, values and biases implicit and explicit in the articles.
- A critical analysis of how the various media portrayals are likely to shape/inform the reader’s understanding of legal issue/bill/legislation/legal decision.
- A critical analysis of how your own social location/positionality influences your perceptions and analysis.
Note: You must list in your reference list and in APA format the articles you analyzed.

Evaluation criteria:

**Depth of analysis:** Useful, coherent and relevant application of course materials; integration of course materials into your work in a meaningful way, (i.e. little or no reliance on direct quotes); and clear, critical analysis of ideologies, assumptions, contradictions, views and biases.

**Clarity and depth of analysis of location/positionality:** Evidence of critical reflection on the influence of your location/positionality on your analysis, perceptions and ideas.

**Writing and organization skills:** Extent to which your writing is coherent, cogent and well-organized, including accurate grammar, spelling and referencing.

**Assignment #2: Small Group Class Presentation**

Grade: 30%
Length: 1.5 hours (Limit)
Due Date:

Working in small groups (3-4 students), you are asked to develop a class presentation on a topic area that your group is interested in researching more deeply. Topic areas can be as diverse as that presented in the course. For instance, you might want to research a topic reported in the media, such as a recent Supreme Court decision, which may have an impact on the legal rights of social work clients, or research more specifically a legal issue/discourse which shapes social work practice. This is also an opportunity to research a topic not explored in the course such as adult guardianship and representation agreements.

You will want to ensure that you include in your presentation a critical examination of the topic from a social justice perspective drawing upon the critical frameworks taken up in class.

**Evaluation criteria:**
- Clarity and depth of analysis/presentation topic as evidenced by flow of presentation, critical and in-depth analysis and conceptualization of area of law
- Evidence of thorough research/knowledge of topic area
- Clear linkages between theory, law and social work practice.

**Assignment #3: Locating law/Locating self**

Grade: 40%
Due:
**Format and length:** Essay, approximately 12-14 double-spaced pages.
To prepare for this assignment, you will need to have read and reflected on the course materials and class discussions throughout the course. You may find it useful to keep a journal throughout the course that you can draw on in preparing this assignment. You may also find it useful to discuss the questions that frame this assignment with other students in the course.

The course materials offer a multitude of critical reflections on how experiences with and perspectives on the law and its institutions are shaped by factors of location: historical, social, cultural and political. While race, class, ability, gender and sexual orientation are featured in the course materials, other factors such as sex/gender identity are also salient factors that shape experiences and perspectives. These matters of location/positionality shape how we understand the law and its institutions, as do our personal biographies and other influences to which we are exposed. This assignment requires that you write about your critical reflections on these matters.

This assignment is intended to provide you with an opportunity to identify, critically analyze and critically reflect on your assumptions, beliefs, biases and values about law and justice and how they have been affirmed or challenged throughout the course. You are required critically analyze and critically reflect on the sources of your assumptions, beliefs, biases and values and your personal experiences (or lack of them) with the law and its institutions. You are required to critically reflect on how your beliefs, assumptions and biases are likely to affect your practice especially in matters related to law.

Guiding questions:

1. Where, when and how did your very first understandings of the law develop? How were these understandings shaped by your historical, social, cultural and political locations? Which of these understandings have shifted through the course (and why) and which have not (and why not)?

2. Briefly describe a situation in which you were involved where a law or one of law’s institutions formed a significant part of what happened. Many people think of criminal law but for the purposes of this assignment any engagement with any legal matters, including administrative process, or legal institutions can be used.

   a) Describe your feelings and analysis (if any) at the time.

   b) Describe the relative historical, social, cultural and political locations of yourself and those you dealt with. How do you think these factors contributed (or didn’t) to how the situation played out?

   c) What role did ideologies, values and biases play in the situation, and how were various differences/conflicts of ideologies or values resolved or not resolved? Identify historical, social, cultural and political aspects of location that contributed to how conflict arose (or didn’t) and how it was
deal with.

d) Describe how this experience influenced your perception and understanding of the law and its institutions.

**OR (ALTERNATE ASSIGNMENT)**

2. If you have NEVER interacted with the law or one of legal or administrative institutions, please take this assignment up through the following questions:

   a) How is your lack of interaction with the law or one of its institutions related to your historical, social, cultural and political locations? How is it related to other factors? Explain.

   b) Who has had to interact with the law so that you haven’t had to – which people, by reason of their historical, social, cultural and political locations, have afforded you the luxury of not interacting with the law?

   c) Describe how your lack of experience with the law influences your perception and understanding of the law and its institutions, including your assumptions, values and biases. What are the sources of your non-experiential knowledge and perspective on the law? To what extent, and how, is your knowledge and perspective on the law shaped by those who occupy historical, social, cultural and political locations that are different from your own? To what extent, and how, is your knowledge and perspective on the law shaped by those who occupy historical, social, cultural and political locations that are similar to your own?

3. Discuss the implications of your current value base in relation to the law and its institutions and to reflect on how that might impact your practice.

**Evaluation criteria:**

- Clear explanation of your assumptions, beliefs, biases and values related to law and its institutions and legal processes and explore how are these are shaped by your history, location/positionality and life/work experiences.

- Critical analysis and critical reflection of how your social location(s)/positionalities (e.g. race, class, gender, ability, sexual orientation, culture, ethnicity, etc.) influence your knowledge, understanding, assumptions, values and beliefs about law, institutions and legal processes.

- Critical analysis and critical reflection of how you have (or have not) challenged these assumptions, beliefs, biases and values throughout this course and how that is related to your location.
- Critical analysis and critical reflection of where, how and why it has been difficult for you to challenge your knowledge, assumptions, beliefs, biases and values, and how that is related to your location.

- Critical analysis and critical reflection of how your location(s)/positionalities, life history and life/work experiences and present assumptions, beliefs, biases and values regarding the law and its institutions and processes may impact your practice.

- Writing and organization skills: Extent to which your writing is coherent, cogent and well-organized, including accurate grammar, spelling and referencing.

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**Request for Accommodation:** Please note that if you need assistance in order to fully participate and complete the assignments due to disability, you need to discuss this with me at the outset of the course. The School of Social Work's Policy for People with Disabilities can be viewed at the following link:
http://socialwork.uvic.ca/policies/pwdis.htm

**Class Attendance:** It is the School’s policy that students attend at least 80% of the classes. You are expected to follow this policy. Student’s who attend less than 80% of their classes will be not qualify to write the final paper assignment which means you would not receive a passing grade.

**Plagiarism Statement:** Students are expected to adhere to the University policies respecting plagiarism. See the University’s Policy on Academic Integrity at:
http://web.uvic.ca/calendar2013/FACS/UnIn/UARe/PoAcI.html
A first plagiarism violation may result in a warning. Subsequent violations will result in either failure of the assignment or a grade of F in the course.