

African Nova Scotians and the Law

Course Syllabus Winter 2018-2019

Prof. Michelle Y. Williams

African Nova Scotians and the Law

1 ADMINISTRATIVE DETAILS

1.1 MAJOR PAPER COURSE: 3 CREDITS

1.2 CLASS LOCATIONS AND TIMES

The class will meet once a week for a two hour seminar session on Friday's from 11:05 to 12:55 p.m. in room 308.

1.3 CONTACT DETAILS

Instructor: Michelle Williams
Office: Room 324, Weldon Law Building
Office Hours: Fridays 1:00-3:00 p.m. and other times by appointment
Assistant: Valerie Armstrong 902-494-1639/ibandm@dal.ca
Email: Michelle.Williams@dal.ca
Telephone: 902-494-1542/902-430-0545 (cell for any urgent matters)

2 PURPOSE OF THE COURSE

The course will examine how municipal, provincial, federal, and international law has constructed and mediated the lives of African Nova Scotians from slavery and segregation through to contemporary endemic inequities in the areas of human rights, employment, criminal justice, health, and education. The course will specifically explore the range of legal remedies that African Nova Scotians in collaboration with allies have used to address discriminatory laws, policies and practices; and will also assist students in developing public interest lawyering skills through the use of contemporary case studies. Students will choose a case study early in the course, develop a corresponding legal advocacy plan, and execute components of the plan through in-class assignments.

3 TEACHING METHOD

The class is designed to integrate anti-oppressive theory and praxis, to develop public interest lawyering skills, and to expand relevant essential competencies in the areas of race, class and gender through detailed examination of African Nova Scotian legal issues. The course will involve active participation by students, and directly engage members of the African Nova Scotian community as guest speakers where possible.

4 ASSESSMENT

Each student is required to: (1) participate actively in class (10%); (2) examine a topic/case study and complete two additional skills-based assignments based on his or her subject (20%); (3) present his or her research to the class and invited members of the African Nova Scotian community (10%); and (4) complete a research paper (60%).

4.1 PARTICIPATE ACTIVELY

Each student is required to complete the mandatory reading for each class. Class participation will be evaluated on the basis of attendance, preparedness for informed discussion, willingness to contribute and to respectfully engage with others, and the relevance of the comments to the topic at hand.

4.2 TOPIC AREAS

Students will work with a topic area/case study based on a current legal problem within its historical and contemporary context. The topics reflect unresolved African Nova Scotian legal issues in order to encourage students to think creatively and to generate relevant responses and remedies.

4.3 SKILLS BASED ASSIGNMENTS

Students will be required to complete two additional skills-based assignments to be determined based on course structure.

4.4 CLASS PRESENTATIONS

One full day at the end of the term will be set aside for presentations of the students' research. Each student will present for 20 minutes and then respond to questions from the class and invited guests. A number of guests may be invited from the African Nova Scotian community, and broader legal community, based on their involvement in the subject areas covered by the presentations.

4.5 MAJOR PAPER

- 4.5.1 Students are expected to complete a major paper of at least 25 pages in accordance with the "Major Paper Guidelines."
- 4.5.2 In consultation with Prof. Williams, each student will select a specific topic which will be independently studied by the student over the course of the term. Your **topic must be submitted by February 11, 2019.**
- 4.5.3 **By February 25, 2019, you must submit a paper proposal of up to 5 pages**, including a summary of your thesis question, an outline of the paper, and a preliminary bibliography.
- 4.5.4 Students are encouraged to submit a draft of their paper by week nine (**March 22**) for more detailed feedback from the instructor.
- 4.5.5 **Major papers must be submitted in hard copy by 3:00 p.m. on Tuesday, April 9th** to the Reception Desk (Julie Harnish, 1st Floor), and students should ensure they are date and time stamped.
- 4.5.6 Students are also required to provide an identical electronic copy of their paper to the instructor by the due date and time.

Submission of Major Papers and Assignments

Major papers and assignments must be submitted in hard copy. Students should hand papers in to the place stipulated by the instructor and ensure they are date and time stamped. Please read the law school policy on late penalties: <https://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>

Please note students may also be required to provide an identical electronic copy of their paper to the instructor by the due date. Papers may be submitted by the instructor to a text-matching software service to check for originality. Students wishing to choose an alternative method of checking the authenticity of their work must indicate to the instructor, by no later than the add/drop date of the course, which one of the following alternative methods they choose:

- a) submit copies of multiple drafts demonstrating development of their work
- b) submit copies of sources
- c) submit an annotated bibliography

Plagiarism

All students must read the University policies on plagiarism and academic honesty

<http://academicintegrity.dal.ca/> and the Law School policy on plagiarism

<http://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>. Any paper or assignment submitted by a student at the Schulich School of Law 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 and should consult with the instructor if they have any questions. Ignorance of the policies on plagiarism will not excuse any violation of those policies.

Please also note the Fair Dealing Guidelines <https://libraries.dal.ca/services/copyright-office/guidelines/fair-dealing-guidelines.html>

5 COURSE MATERIALS

Materials will be posted in advance to Brightspace or sent via email and may be supplemented by in-class handouts.

6 OTHER ACADEMIC POLICIES

Student Requests for Accommodation

Requests for special accommodation for reasons such as illness, injury or family emergency will require an application to the Law School Studies Committee. Such requests (for example, for assignment extensions) must be made to Associate Dean, Academic Michael Deturbide or the Director of Student Services and Engagement Dana-Lyn Mackenzie as soon as possible, before a scheduled exam or a deadline for an assignment, and will generally require documentation. Retroactive accommodation will not be provided. Please note that individual professors cannot entertain accommodation requests.

Students may request accommodation for either classroom participation or the writing of tests and exams due to barriers related to disability, religious obligation, or any characteristic under the Nova Scotia *Human Rights Act*. Students who require such accommodation must make their request to the Advising and Access Services Center (AASC) at the outset of the regular academic year. Please visit www.dal.ca/access for more information and to obtain the Request for Accommodation – Form A. Students may also contact the Advising and Access Services Centre directly at (902) 494-2836.

General Academic Support is available at Dalhousie. See https://www.dal.ca/campus_life/academic-support/advising.html

Please do not hesitate to contact me with questions or concerns. I look forward to working with you.

Prof. Williams

- 6.1 CLASS 1: INTRODUCTION & CRITICAL RACE THEORY (JAN. 11)
- 6.2 CLASS 2: AFRICAN NOVA SCOTIAN LEGAL HISTORY (JAN. 18)
Discussion of case study/paper topics.
Select case study topic.
- 6.3 CLASS 3: CRITICAL RACE THEORY & LAND TITLES/ENVIRONMENTAL RACISM (JAN. 25)
- [NO CLASS ON FEB. 1 - MUNRO DAY]
- 6.4 CLASS 4: SEGREGATION: PRIVATE SECTOR SEGREGATION: ACCESS TO GOODS & SERVICES & HEALTH (FEB. 8)
Skill development: Writing an op-ed.
Discussion of major paper proposal.
Deadline for major paper topic – Feb. 11.
- 6.5 CLASS 5: EDUCATION (FEB. 15)
Op-ed due.
Major paper proposal due February 25 (5 pages).
- [NO CLASS ON FEBRUARY 22 – STUDY BREAK]
- 6.6 CLASS 6: FAMILY, CHILD WELFARE & HEALTH ISSUES (MAR. 1)
Skill development: Political lobbying & law reform briefs.
- 6.7 CLASS 7: LABOUR & EMPLOYMENT/HUMAN RIGHTS PROTECTIONS (MAR 1)
- [NO CLASS ON MARCH 8 – MAKE UP CLASS ON MARCH 1]
- 6.7 CLASS 8: CRIMINAL JUSTICE SYSTEM (MAR. 15)
Government lobbying strategy due.
Skill Development: Community engagement and mobilization/social media.
- 6.8 CLASS 9: AFRICAN NOVA SCOTIAN RESISTANCE, RESILIENCE & REMEDIES (INTERNATIONAL LAW & REPARATIONS) (MAR 22)
Draft paper due. (Optional)

6.9 CLASS 10: PRESENTATIONS (MAR 30)

[NO CLASS ON MARCH APR. 5 – GOOD FRIDAY]

Major Paper due at 3 p.m. on Tuesday, April 9.

Possible Case Studies/Paper topics:

- Exploring a constitutional and legal claim for Indigenous Blacks as a distinct people;
- Topics in relation to the Nova Scotia Restorative Inquiry into the Nova Scotia Home for Colored Children;
- Application of the 'race and culture' legislative provisions in child welfare and family law proceedings, and the impact of the recent legislative changes on African Nova Scotian children;
- Land based reparations for the forced removal of Africville residents;
- Environmental Racism Case Study, (Hammonds Plains, Lincolnton);
- Enforcement of legal mechanisms to address anti-Black hate crimes, and related victim compensation; (e.g. Garnetta Cromwell, burning of Shelburne Black Loyalist Heritage Centre, burning of Cumberland African Nova Scotian Centre, racist graffiti on N.S. Home for Colored Children, destruction of Richard Preston plaque outside of Cornwallis St. Baptist Church, defacing of the Africville memorial.) You could also consider developing a related hate crime reporting process and educational campaign;
- Challenging the racialized enforcement of provincial *Safe Schools Policies* (suspensions and expulsions) & Memorandum of agreement between Provincial Government and School Boards;
- Conceptualization and remedies for racial bullying;
- The legal basis for the establishment of Black focus schools;
- Reparations for slavery and unfulfilled government promises to Black Loyalists and Refugees;
- Land titles/creative land use – community trusts;
- The extension of s. 718(2) (e) of the *Criminal Code of Canada* to African Nova Scotians; (i.e. – *R v. X* and the requirement of African Nova Scotian *Gladue*-type reports.)
- Examining the effectiveness of restorative approaches to resolving racial discrimination complaints (e.g. Black Firefighters case, Cole Harbour High School policing matter, Digby policing matter)
- Developing remedies for the overrepresentation of African Nova Scotians in the criminal justice system;
- Racial Profiling – carding and street checks;

- Articulating the right to culturally specific programs and services in correctional facilities and related prison rights;
- Developing remedies for consumer racial profiling;
- Challenging the cap on damage awards in human rights claims;
- Developing a legal argument for the collection of disaggregated data by the provincial and municipal government;
- Challenging the legality of political boundary changes (e.g. Prestons) and issues of African Nova Scotian political representation;
- Reparations for the siting of Grandview Golf Course on sacred African Nova Scotian burial grounds;
- Integrating international law into local anti-racism campaigns;
- Identification of remaining temporal segregation (i.e. anti-Black municipal curfews) and the legal argument to have them expunged;
- Whether the disproportionate number of African Nova Scotian students on Individual Program Plans (IPP) within the provincial education system constitutes discrimination and applicable remedies;
- Case study on Gerald Barton case;
- Conceptualizing 'colourism' within law; the *Brothers* decision;
- The role and legacy of the judiciary in enforcing slavery;
- The argument for set-asides in the awarding of government contracts –the Irving Shipbuilding case study;
- Implementation of international human rights obligations re African Nova Scotians; and
- Your idea here.