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**Course Outline**

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<b>COURSE:</b>	<b>LAWS 3908B</b>
<b>TERM:</b>	<b>Winter 2014</b>
<b>PREREQUISITES:</b>	<b>LAWS</b>
<b>CLASS:</b>	<b>Day &amp; Time:Wednesday 8:35-11:25</b> <b>Room:Please check with Carleton Central for current room location</b>
<b>INSTRUCTOR: (CONTRACT)</b>	<b>Adrian Smith</b>
<b>CONTACT:</b>	<b>Office:Loeb C475</b> <b>Office Hrs:Tuesday 1-2pm (By Appointment)</b> <b>Email:Through cuLearn only (please see my email policy below)</b>

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You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

**Pregnancy obligation:** write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

**Religious obligation:** write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

**Academic Accommodations for Students with Disabilities:** The **Paul Menton Centre** for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or [pmc@carleton.ca](mailto:pmc@carleton.ca) for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your **Letter of Accommodation** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.carleton.ca/equity/>

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## **COURSE DESCRIPTION**

The course engages with alternative approaches to research within the field of legal studies. Pushing students to go beyond the study of traditional sources of law such as statutes and cases, the course provides in-depth exposure to interdisciplinary and theoretically informed research methods. Students examine the links between theory, methodology and research design placing emphasis on what counts as 'evidence' and what makes up sound academic analysis. Thematic discussion broadly centers around issues of belonging and settler colonialism with an emphasis on historical and ongoing treatment of Indigenous peoples and communities, racialized immigrant and migrant workers, and radical activists. We address the empirical and theoretical challenge of how to disprove that Canada is an equitable and tolerant society. Classes will consist of interactive lectures, guest lectures, in-class discussions and debates. Students' views will be solicited and thoughtful interjections welcomed if not expected.

### **Office Hours & Email Policy**

I encourage students to discuss questions and issues related to the course during our weekly in-class meetings, or in my office during my regular office hour (on a first-come first-serve basis). If you cannot make the office hour please contact me to schedule an appointment which likely will be held Tuesday afternoons. Unless a question can be answered as a 'yes' or 'no', I do not respond to email questions from students related to the content of the course.

### **Attendance & Participation**

Weekly attendance is expected. Students will read assigned material before coming to class. Although this is a relatively large enrollment course, students are encouraged to participate. To facilitate "meaningful engagement", I will adopt an interactive approach to our weekly meetings. This is not an invitation for you to just talk aimlessly or for the sake of it. Strive for thoughtful and respectful interventions. Those students who do the readings and class preparation ought not to have any difficulty. Shyness is not an acceptable excuse for lack of participation. Effective oral communication is a skill of high importance in university and in future endeavours. I encourage shy students to speak to me immediately about devising strategies for improving the quality of their participation.

I take seriously my responsibility to provide a supportive and equitable learning environment free from unhelpful distractions. As such, students are not permitted to use cell phones or similar devices in the classroom. The use of these devices will not be tolerated. They serve as a distraction to both the user and those in the surrounding vicinity. Anyone found texting, using laptops and the internet inappropriately or otherwise engaging in problematic behaviour, will be required to remove themselves from an in-class meeting. Repeat offenders will not be permitted to remain in the course.

## **REQUIRED TEXTS**

There is no required text for this course. Students will be provided with electronic links to readings and will be expected to undertake independent research into topics in preparation for

in-class sessions.

## **SUPPLEMENTARY TEXTS**

I strongly suggest that students consult some or all of the following texts:

Constance Backhouse, *Colour-Coded: A Legal History of Racism in Canada, 1900-1950* (Toronto: University of Toronto Press, 1999).

Himani Bannerji, *The Dark Side of the Nation: Essays on Multiculturalism, Nationalism and Gender* (Toronto: Canadian Scholars' Press, 2000).

Todd Gordon, *Imperialist Canada* (Winnipeg: Arbeiter Ring, 2010).

Vic Satzewich, *Racism and the Incorporation of Foreign Labour: Farm Labour Migration to Canada since 1945* (London: Routledge, 2001).

Nandita Sharma, *Home Economics: Nationalism and the Making of 'Migrant Workers' in Canada* (Toronto: University of Toronto, 2006).

Daiva Stasiulis & Abigail B. Bakan, *Negotiating Citizenship: Migrant Women In Canada and the Global System* (Toronto: University of Toronto Press, 2005).

Sunera Thobani, *Exalted Subjects: Studies in the Making of Race and Nation in Canada* (Toronto: University of Toronto Press, 2007).

## **EVALUATION**

**(All components must be completed in order to get a passing grade)**

Critical Review I 20% (Due January 29th)

Students will complete a scholarly critical review of one of the readings from weeks #4 or 5. The review, which will be a maximum of 4 pages (double-spaced), 12-point font with proper margins, will address a central theme of the course. Please use proper citations and include a bibliography.

Critical Review II 25% (Due March 5th)

Students will critically apply the analysis within an assigned reading to a contemporary social issue in Canada. The aim is to use the assigned reading to illuminate the issue. Students are encouraged to conduct reviews of news media sources using Carleton library resources to identify an issue relevant to course themes. The review will be a maximum of 6 pages (double-spaced), 12-point font with proper margins. Please use proper citations and include a bibliography.

**Graduate Student Conference Reflection Paper 5% (Due March 19th)**

The annual graduate student conference of the Department of Law and Legal Studies is an important rite of passage for junior scholars to present their research in a serious and supportive public forum. This year's conference, entitled "Legal Exclusions: The Individual, Community, and the State", will be held on March 12th. You are required to attend the conference during regular class time (i.e. between 8:30 and 11:30) -- and you are welcome to stay for the entire event. Details will be provided closer to the time of the conference.

Students must complete a 2-3 page critical reflection on two presentations from the conference. In particular, you are expected to reflect on how specific presenters address themes of related to our course with references to course readings. You may find it useful to participate in the question and answer period following panel presentations and also to speak to individual presenters informally during break periods. Remember, however, that questions and comments should be posed in a respectful and coherent way.

**Major Paper 40% (Due April 2nd)**

Students will complete a major research paper on a topic of their choosing related to the course's theme. The paper must be a maximum of 12 pages (double-spaced), 12-point font with proper margins and sourcing, including a bibliography.

**Participation 10%**

Students are expected to attend in-class sessions each week and strive for meaningful participation.

**Grading Policy**

Late assignments will be penalized at the rate of 10% per day. After the fifth day late assignments will not be read. Late assignments must be submitted electronically to: [adrian.smith@carleton.ca](mailto:adrian.smith@carleton.ca) (please use the subject heading: Assignment - 3908: [Your Name]).

**Assignments submitted to the Law Department 'drop box' will not be graded.**

Note: I will not read drafts of your assignments and comment on them. Carleton University provides a Writing Tutorial Service (within the Student Academic Success Centre). I strongly encourage students to familiarize themselves with the writing and other services as soon as possible. In addition to excellent online resources, the Centre offers opportunities for students to develop effective writing skills and time management skills – both of which are crucial to success in university. This is an invaluable resource. Please use it!

## **SCHEDULE**

### **1. January 8th: *Intro***

Aims, Expectations & Responsibilities

#### **I: On Not Belonging**

### **2. January 15th: *Re/making Canada***

Herbert Grubel, "Canada's Immigrant Selection Policies: Recent Record, Marginal Changes and Needed Reforms" Fraser Institute (August 2013).

<http://www.fraserinstitute.org/uploadedFiles/fraser-ca/Content/research-news/research/publications/canadas-immigrant-selection-policies.pdf>

Darlene Johnston, "First Nations and Canadian Citizenship" in William Kaplan, ed., *Belonging: The Meaning and Future of Canadian Citizenship* (Kingston: Mc-Gill-Queen's University, 1994) 349.

<http://catalogue.library.carleton.ca:80/record=b2589623~S9>

### **3. January 22nd: *'Discovering' Canada***

David Austin, "Narratives of Power: Historical Mythologies in Contemporary Québec and Canada" (2010) 51:2 *Race & Class* 19.

Nandita Sharma, "On Being Not Canadian: The Social Organization of 'Migrant Workers' in Canada" (2001) 38:4 *Canadian Review of Sociology and Anthropology* 416.

*In-Class Exercise: Discover Canada*

<http://www.cic.gc.ca/english/resources/publications/discover/index.asp#pdf>

Recommended:

Yvonne Brown, "Ghosts in the Canadian Multicultural Machine: A Tale of Absent Presence of Black People" (2008) 38 *Journal of Black Studies* 374.

### **4. January 29th: *'Colonial Powers As Shape Shifters'***

Taiiaki Alfred & Jeff Corntassel, "Being Indigenous: Resurgences against Contemporary Colonialism" (2005) 40 *Government and Opposition* 597.

<http://web.uvic.ca/igov/uploads/pdf/Being%20Indigenous%20GOOP.pdf>

Todd Gordon, "Canada, Empire and Indigenous People in the Americas" (2006) *Socialist Studies* 47.

<http://www.socialiststudies.com/index.php/sss/article/viewArticle/36>

Recommended:

Mark D. Walters, "Histories of Colonialism, Legality, and Aboriginality" (2007) 57 U.T.L.J. 819-32.

<http://law.queensu.ca/facultyAndStaff/facultyDirectory/walters/waltersHistoriesOfColonialism.pdf>

Bonita Lawrence, "Gender, Race, and the Regulation of Native Identity in Canada and the United States: An Overview" (2003) 18:2 Hypatia 3.

<http://muse.jhu.edu/login?auth=0&type=summary&url=/journals/hypatia/v018/18.2lawrence.html>

## 5. February 5th: *Theorizing History, Historicizing Theory*

Donna Baines & Nandita Sharma, "Migrant Workers as Non-Citizens: The Case Against Citizenship as a Social Policy Concept." (2002) 69 Studies in Political Economy

<http://spe.library.utoronto.ca/index.php/spe/article/view/6686>

Recommended:

Tanya Basok, "Post-national Citizenship, Social Exclusion and Migrants Rights: Mexican Seasonal Workers in Canada" (2004) 8:1 Citizenship Studies 47.

<http://dx.doi.org/10.1080/1362102042000178409>

Life and Debt (Stephanie Black, 80 mins)

## 6. February 12th: *In-Class Movie: El Contrato* (Min Sook Lee, 51 mins)

Vic Satzewich, "Unfree Labour and Canadian Capitalism: The Incorporation of Polish War Veterans" (1989) 28 Studies in Political Economy 89.

<http://spe.library.utoronto.ca/index.php/spe/article/view/13181>

\* February 19th: Winter Break (No Class)

## II: Citizenship and Its Alternatives

7. February 26th: *'On the Lam(b)': Confronting the G20 Security Operation*  
(Guest Lecture: Nick Lamb, Doctoral Candidate, Carleton Law & Legal Studies)

Peter Small, "Judge acquits G20 'jester' of carrying Molotov cocktails" (Toronto Star)

[http://www.thestar.com/news/gta/g20/2011/05/12/judge\\_acquits\\_g20\\_jester\\_of\\_carrying\\_molotov\\_cocktails.html](http://www.thestar.com/news/gta/g20/2011/05/12/judge_acquits_g20_jester_of_carrying_molotov_cocktails.html)

**8. March 5th: *Habitual Idling?***

Naomi Klein, "Dancing the World into Being: A Conversation with Idle No More's Leanne Simpson" Yes! (March 2013)

<http://www.yesmagazine.org/peace-justice/dancing-the-world-into-being-a-conversation-with-idle-no-more-leanne-simpson>

Glen Coulthard, "#IdleNoMore in Historical Context"

<http://decolonization.wordpress.com/2012/12/24/idlenomore-in-historical-context/>

Robert Lovelace, "Prologue. Notes from Prison: Protecting Algonquin Lands from Uranium Mining"

<http://www.ubcpres.ca/books/pdf/chapters/2009/SpeakingforOurselves.pdf>

**9. March 12th: Grad Student Conference: "Legal Exclusions: The Individual, Community, and the State"**

\* Attendance is mandatory (details to be provided)

**10. March 19th: *Decolonization and its Limits***

Joyce Green, "Decolonization and Recolonization in Canada" in Wallace Clement & Leah Vosko eds.. *Changing Canada: Political Economy As Transformation* (McGill-Queen's, 2003) 51.

<http://catalogue.library.carleton.ca:80/record=b2589938~S9>

Andrea Smith, "Queer Theory and Native Studies: The Heteronormativity of Settler Colonialism" (2010) 16 *GLQ: A Journal of Gay and Lesbian Studies* 41.

[https://muse.jhu.edu/login?auth=0&type=summary&url=/journals/journal\\_of\\_lesbian\\_and\\_gay\\_studies/v016/16.1-2.smith.html](https://muse.jhu.edu/login?auth=0&type=summary&url=/journals/journal_of_lesbian_and_gay_studies/v016/16.1-2.smith.html)

**11. March 26th: *'New' Ways Backward***

Lawrence, Bonita & Enakshi Dua. "Decolonizing Antiracism" (2005) 32:4 *Social Justice* 120.

Nandita Sharma & Cynthia Wright. "Decolonizing Resistance, Challenging Colonial States" (2008/2009) 35:3 *Social Justice* 120.

<http://nanditasharma.net/writings/sharma-decolonizing-resistance.pdf>

**12. April 2nd: *Summation***