

## Course Outline

<b>COURSE:</b>	<b>LAWS 3908C – Approaches to Legal Studies II</b>
<b>TERM:</b>	<b>Winter 2014</b>
<b>PREREQUISITES:</b>	<b>LAWS 2908 and third-year Honours standing</b>
<b>CLASS:</b>	<b>Day &amp; Time: Monday 18:05-20:55</b>
	<b>Room: Southam 516 (Please check with Carleton Central for current room location)</b>
<b>INSTRUCTOR: (CONTRACT)</b>	<b>Lawrence Buhagiar</b>
<b>CONTACT:</b>	<b>Office: C476 LA (Loeb) – Contract Instructors’ Office</b>
	<b>Office Hrs: Wednesday – 17:00-18:00 or by appointment</b>
	<b>Telephone: 613-797- 0589</b>
	<b>Email: <a href="mailto:buhagiar@mac.com">buhagiar@mac.com</a></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

This course will focus on theoretically informed analysis, critical thinking, interdisciplinary approaches to legal research and the study of different interdisciplinary research methods and designs. The course will ask you to go beyond the study of traditional sources of law (cases and statutes), for a broader exploration of a legal topic. Students examine the links between theory, methodology and research design placing emphasis on what counts as evidence and what makes up sound academic analysis.

The specific theme for this course is “Neuroscience and the Law.” The course will examine developments in the area of neuroscience from the historical biological roots of criminology to issues of legal responsibility flowing from advances in neuroimaging. The following core themes are emphasized throughout the course: legal and moral culpability, responsibility, the constitution of the criminal, and the criminalization of bodies. This theme will be used to further develop students’ abilities to think critically. Each lecture will include both theoretical and practical

aspects of critical research methodologies relating to socio-legal analyses.

### **REQUIRED TEXTS AND READINGS**

The required text for this course is Sam Harris' *Free Will*. This text will be available at Octopus Books (The Glebe location: Third and Bank St.) Additionally, there are required readings, which are identified in the Course Topics and Readings section of this syllabus. These resources will be extremely useful. These documents are available to students either through their library database access; or, they already reside in the public domain.

### **ACADEMIC OFFENCES**

Students are deemed to be both aware of the regulations detailed in the Carleton Undergraduate Calendar regarding academic offences. University rules regarding registration, withdrawal, appealing marks, and most anything else you might need to know can be found on the university's website, here:

<http://www.carleton.ca/cu0708uc/regulations/acadregsuniv.html>

Plagiarism is the passing off of someone else's work as your own and is a serious academic offence. For the details of what constitutes plagiarism, the potential penalties and the procedures refer to the section on Instructional Offences in the Undergraduate Calendar.

A student found to have plagiarized an assignment may be subject to one of several penalties including: expulsion; suspension from all studies at Carleton; suspension from full-time studies; and/or a reprimand; a refusal of permission to continue or to register in a specific degree program; academic probation; award of an FNS, Fail, or an ABS.

All allegations of plagiarism are reported to the faculty of Dean of FASS and Management. Documentation is prepared by instructors and/or departmental chairs. The Dean writes to the student and the University Ombudsperson about the alleged plagiarism. The Dean reviews the allegation. If it is not resolved at this level then it is referred to a tribunal appointed by the Senate.

**Plagiarism:** The University Senate defines plagiarism as "presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own." This can include but is not limited to the following:

- reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source;
- submitting a take-home examination, essay, laboratory report or other assignment written, in whole or in part, by someone else;
- using ideas or direct, verbatim quotations, or paraphrased material, concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another's data or research findings;
- failing to acknowledge sources through the use of proper citations when using another's works and/or failing to use quotation marks;
- handing in "substantially the same piece of work for academic credit more than once without prior written permission of the course instructor in which the submission occurs.

Plagiarism is a serious offence which cannot be resolved directly with the course's instructor. The Associate Deans of the Faculty conduct a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They include a mark of zero for the plagiarized work or a final grade of "F" for the course.

**Oral Examination:** At the discretion of the instructor, students may be required to pass a brief oral examination on research papers and essays.

### **Course Rules and Regulations**

The following rules and regulations specifically apply to this course. If you have any questions please discuss with your professor/instructor as soon as possible. The onus is on each student to ensure they understand and comply with all of the relevant rules and regulations.

### **Expectations**

- Students are deemed to have read and understood the relevant University rules and regulations that pertain to them.
- Students are expected to 'manage' their obligations to this course. Each and every student has a unique set of circumstances that can influence their performance in this course. Each student is responsible for all of the obligations, choices and decisions in their lives outside of the course that may influence their performance.
- Plagiarism is a serious matter and will be dealt with accordingly. **The Carleton University Academic Calendar states that: "Academic fraud is an act by a student, which may result in a false academic evaluation of that student or of another student"**. Please read the relevant sections concerning academic fraud in the Undergraduate Calendar. All material quoted or paraphrased from any source must be properly credited. The instructor also reserves the right to orally examine any student regarding work they submit in this course.
- To pass this course, you must complete all elements of the evaluation scheme. Failure to complete all elements of the evaluation scheme will result in an incomplete (which will convert into an F).
- This course will provide students with an intellectually challenging yet safe learning environment. Information will be presented in a manner that is accessible. Students will be assessed in a manner that is reasonable and fair.
- It is recognized that students pay a lot of money for the opportunity to learn, your grade will be based on your ability to demonstrate what you have learned through the assignments rather than your cancelled check or registrar's receipt.
- Students are expected to be fully engaged and active participants in their education. Put another way, it is expected that students will be active rather than passive learners. The role of the instructor is to 'facilitate' active learning, those expecting to learn via a passive method will find this course.
- The choice to attend class belongs to each student. The consequences of non-attendance are also borne by each student.
- Students are expected to engage in class discussions of the topics and themes that form the basis of this course.

**Warning:** A student's failure to adequately plan does not constitute an emergency or extenuating circumstance in the Instructor's world that will exonerate, alleviate or exempt you from any of the requirements or demands of this course.

### **Course Notes**

- **Each student is responsible for their own course notes.** My lectures are not posted on any website, nor are they made available through the library reserve. If you are unable to attend a lecture you will need to obtain notes from one of your classmates.
- Students are encouraged to engage in note-taking from the assigned readings as well as at lectures.
- The Powerpoint slides I will show in class are only a skeleton to help guide lectures. Students are expected to put the 'flesh' onto this skeleton in the form of their notes in class and from the assigned readings.

### **E-mail / Internet / Computer Usage**

- Please note that you will be able to link your CONNECT (MyCarleton) account to other non-CONNECT accounts and receive emails from us. However, for us to respond to your emails, we need to see your full name, CU ID, and the email must be written from your valid CONNECT address. Therefore, it would be easier to respond to your inquiries if you would send all email from your connect account. If you do not have or have yet to activate this account, you may wish to do so by visiting <https://portal.carleton.ca/>
- E-mails to the class will be sent out through the university's computing system. If you are using an e-mail address other than the one provided by the university, please ensure that your university e-mail account is active and set to forward messages to your other e-mail account(s). **If this is not done you will not be able**

**to receive important e-mail messages sent to the class.**

- The Internet may be used **as a research tool to locate academic material**. Internet materials are not to be used in this course unless they comport with the academic standards for scholarly publications.
- **Computer problems are not an acceptable excuse for an extension**. Students are expected to ensure their work is saved and backed-up, either on a diskette, CD, memory stick, e-mailing it to yourself or as a printed copy.

**Getting Help**

- The instructor will make himself *reasonably* accessible for the duration of the course. You have my phone number. You have my e-mail (which goes to both my Mac account and my Blackberry). I have office hours before class or by appointment.
- Feel free to use any of these means to contact me, however, keep in mind that I also have many other things I need to get done. So don't wait until the very last moment to seek clarification or help.
- If you have questions or concerns relating to the material in the course feel free to come see during my office hours or to contact me to schedule an appointment. If you prefer e-mail that's fine with me.
- With respect to using e-mail to contact me, however, you should **allow 48 hours for a response**. If you have not received a response within this time, try sending another e-mail, come see me during my office hours or during class. You can also leaving a note in my departmental mailbox.

**In-Class Behaviour**

- People should not be talking in class or conducting themselves in a manner that is disturbing or disruptive to others. Students are expected to be respectful when discussing controversial topics.
- If your conduct is disturbing or disruptive, you will be asked to leave the class.
- Your cell phone, blackberry and/or pager should either be turned off or set to vibrate mode.
- Laptop computers are permitted in class for the specific purpose of note-taking. If you wish to use your computer to surf the Internet, Facebook, IM message, etc., please do so somewhere other than lectures.

**Extensions and Deferrals**

- Extensions are extremely rare occurrences and will only be granted in cases of exceptional circumstances.
- When requesting an extension students must tender all work completed on the assignment to that date (e.g. drafts, notes, etc.).
- Students must produce proper documentation for consideration (e.g. medical certificate; death certificate; etc.).
- The decision to grant an extension is solely the discretion of the Instructor. A physician's medical opinion does not entitle a student to an automatic extension.
- Deferrals are the purview of the Registrar's Office. Should you require an extension please contact the Registrar's Office directly.

**Final/Deferred Final Examinations**

Please note specifically page 40, 2.5 b Deferred Final Examinations, paragraph 2:

"...The granting of a deferral also requires that the student has performed satisfactorily in the course according to the evaluation scheme established in the Course Outline, excluding the final examination for

which deferral privileges are requested. Reasons for denial of a deferral may include, among other conditions, a failure to (i) achieve a minimum score in the course before the final examination; (ii) attend a minimum number of classes; (iii) successfully complete a specific task (e.g. term paper, critical report, group project, computer or other assignment); (iv) complete laboratory work; (v) successfully complete one or more midterms; or (vi) meet other reasonable conditions of successful performance..."

## METHODS OF EVALUATION AND DUE DATES

The dates for the assignment, paper and final are indicated below. If you are unable to write the examination or turn in any of the assignments on the dates as scheduled below, it is strongly suggested you consider taking the course another time.

You must complete all of the assignments in order to obtain this course. Failure to complete all of the components for evaluation will result a failure of the course. Additional information will be provided about the assignments in class.

1. **Annotated Bibliography 20% - Due at start of each class – Starting Lecture 2, ending Lecture 11**  
Students will submit annotated bibliographical entries for each lecture's readings. The entry will comprise a proper bibliographical citation/reference as a title for each reading and a summary of the article no more than 150 words per reading. Instructions on how to write an annotated bibliography will be provided to students along with a sample annotation.
2. **Book Review 20% - Due February 10, 2014** – Students will complete a scholarly review of Sam Harris' book, *Free Will* a book that addresses the courses' main themes. The review is a maximum of 6 pages (double-spaced), 12-point font with proper margins. Sample review, analysis of sample review and a guide for writing book reviews will be provided to students. Late penalty is 10% per day.
3. **Critical Application Paper 25% - Due March 10, 2014** – Students will complete a Critical Application Paper (CAP) using only pre-selected resources. The task will be to see how well students can apply specific works to a defined goal/objective. The CAP will be a maximum of 6 pages (double-spaced), 12-point font with proper margins and sourcing, including a bibliography. Instructions on how to write an critical analysis paper will be provided to students. Late penalty is 10% per day.
4. **Take-Home Examination (35%) - Due April 26, 2014** – Students will write a take-home examination that applies the concepts, themes and materials used in this course.

**Submission and Return of Term Work:** Papers must be handed directly to the instructor and will not be date-stamped in the departmental office. Please note that assignments submitted via the drop box in the Law and Legal Studies Department will be assigned the date for the following day. The permission of the Instructor is required to submit an assignment electronically.

**Grades:** Final grades are derived from the completion of course assignments. Failure to write the final exam will result in the grade ABS. Deferred final exams are available ONLY if the student is in good standing in the course.

**Approval of final grades:** Standing in a course is determined by the course instructor subject to the approval of the Faculty Dean. This means that grades submitted by an instructor may be subject to revision. No grades are final until they have been approved by the Dean.

**Connect Email Accounts:** All email communication to students from the Department of Law and Legal Studies will be via your Carleton e-mail account. Important course and University information is also distributed via the Carleton email system. It is the student's responsibility to monitor their Carleton account and to ensure it is capable of receiving larger files.

**GRADES**

**Grading:** Assignments and exams will be graded with a percentage grade. To convert this to a letter grade or to the university 12-point system, please refer to the following table.

Percentage	Letter grade	12-point scale	Percentage	Letter grade	12-point scale
90-100	A+	12	67-69	C+	6
85-89	A	11	63-66	C	5
80-84	A-	10	60-62	C-	4
77-79	B+	9	57-59	D+	3
73-76	B	8	53-56	D	2
70-72	B-	7	50-52	D-	1

Final grades are subject to the Dean's approval. Supplemental and Grade-raising exams are no longer available. The following *Criteria for the Evaluation of Grades and Grade Profile* will be used in the evaluation of assignments.

<b>GUIDELINES FOR THE EVALUATION OF WORK</b>	
A+ A A-	<b>Outstanding performance.</b> Represents work of exceptional quality. Content, organization and style all at a high comprehension of subject and use of existing research and literature where appropriate. Also uses sound critical thinking, has innovative ideas on the subject, and shows personal engagement with the topic.
B+ B B-	<b>Good performance.</b> Represents work of good quality with no major weaknesses. Writing is clear and explicit and topic coverage and comprehension is more than adequate. Shows some degree of critical thinking and personal involvement in the work. Good use of existing knowledge on the subject.
C+ C C-	<b>Satisfactory performance.</b> Adequate work. Shows fair comprehension of the subject, but has some weaknesses in content, style and/or organization of the paper. Minimal critical awareness or personal involvement in the work. Adequate use of the literature.
D+ D D-	<b>Marginal performance.</b> Minimally adequate work, barely at a passing level. Serious flaws in content, organization and/or style. Poor comprehension of the subject, and minimal involvement in the paper. Poor use of research and existing literature.
F	<b>Failing work.</b>

<b>GRADE PROFILE</b>	
<b>GRADE A: SUPERIOR</b>	
Cognitive Abilities	Evidence of a high degree of conceptual integration and synthesis, original thought, and critical evaluation.
Content	Mastery of a wide-range of relevant literature.
Argument	Sophisticated and articulate development of ideas in a coherent essay structure.
Syntax and Usage	Flexibility in sentence structure and paragraph development in a manner appropriate to the theme.
<b>GRADE B: GOOD</b>	
Cognitive Abilities	Evidence of application, analysis, a basic integration of concepts, some synthesis.
Content	Mastery of substantial body of relevant literature.
Argument	Clear organization, good intra- and inter-paragraph structure, linear development.
Syntax and Usage	Basic competence in sentence structure, paragraph development, vocabulary, punctuation, spelling.
<b>GRADE C: SATISFACTORY</b>	
Cognitive Abilities	Evidence of knowledge, comprehension, and some application.
Content	Mastery of adequate body of relevant literature.
Argument	Adequate organization and coherent argument.
Syntax and Usage	As in "B" above but with greater tolerance for error.
<b>GRADE D: PASS</b>	
Cognitive Abilities	Evidence of knowledge and understanding of basic concepts, little application, analysis, or integration.
Content	Evidence of the bare minimum of relevant literature.
Argument	Basically comprehensible.
Syntax and Usage	Sentence structure, vocabulary, usage minimally acceptable.

<b>APPROACHES TO LEGAL STUDIES II COURSE TOPICS AND READINGS</b>		
Date	Lecture	Assigned Readings
<b>Lecture 1 - Jan 6, 2013</b>	Introduction & Administrivia	<ul style="list-style-type: none"> <li>▪ Course Outline</li> </ul>
<b>Lecture 2 - Jan 13, 2013</b>	Crime, History & Science I	<ul style="list-style-type: none"> <li>▪ Garland, 1985</li> </ul>
<b>Lecture 3 - Jan 20, 2013</b>	Crime, History & Science II	<ul style="list-style-type: none"> <li>▪ Rose, 2009,</li> <li>▪ Rose 2010</li> </ul>
<b>Lecture 4 - Jan 27, 2013</b>	Neuroscience Explained	<ul style="list-style-type: none"> <li>▪ Neuro Basics for Lawyers;</li> <li>▪ Brain Waves 4</li> </ul>
<b>Lecture 5 - Feb 3, 2013</b>	Neurons, Determinism & Freedom	<ul style="list-style-type: none"> <li>▪ Free Will Case Study;</li> <li>▪ Philosophical Basis</li> </ul>
<b>Lecture 6 - Feb 10, 2013</b>	Science in the Courtroom <b>Book Review Due</b>	<ul style="list-style-type: none"> <li>▪ Lobes &amp; Robes;</li> <li>▪ Neuroscience in the Courtroom</li> </ul>
<b>Feb 17, 2013</b>	<b>Statutory Holiday</b>	<b>No Class</b>
<b>Feb 17 - 24, 2013</b>	<b>Reading Week</b>	<b>No Classes</b>
<b>Lecture 7 - March 3, 2013</b>	The (Ab)Use of Evidence	<ul style="list-style-type: none"> <li>▪ Evidentiary Value;</li> <li>▪ Brain Images as Evidence</li> </ul>
<b>Lecture 8 - Mar 10, 2013</b>	Scientific and Legal Discourse <b>Critical Application Paper Due</b>	<ul style="list-style-type: none"> <li>▪ History of Scientific Images in Law;</li> <li>▪ Nothing &amp; Everything</li> </ul>
<b>Lecture 9 - Mar 17, 2013</b>	Pre-crime & Eugenics	<ul style="list-style-type: none"> <li>▪ Promises &amp; Pitfalls;</li> <li>▪ Neuroprediction</li> </ul>
<b>Lecture 10 - Mar 24, 2013</b>	What Can We Know?	<ul style="list-style-type: none"> <li>▪ Brain Overclaim Syndrome;</li> <li>▪ Neuro-Literacy</li> </ul>
<b>Lecture 11 - Mar 31, 2013</b>	Bad Brains or Bad Science? <b>Annotated Bibliography Due</b>	<ul style="list-style-type: none"> <li>▪ Raine article;</li> <li>▪ Blind Justice or Blind Faith</li> </ul>
<b>Lecture 12 - April 7, 2013</b>	Review Class	<ul style="list-style-type: none"> <li>▪ No assigned reading</li> </ul>
<b>Take-Home Exam - Due April 26, 2014</b>		

\* This schedule is subject to revision depending on our progress.