

Course Outline

COURSE: LAWS 3908A Legal Studies Methods and Theory II

PREREQUISITES: LAWS 2908

TERM: Summer 2009

CLASS: Day & Time: Monday & Wednesday 2:30-5:30pm
Room: Please check with Carleton Central for current room location
(238 Tory Building)

INSTRUCTOR: Zeina Bou-Zeid, PhD

CONTACT: Office: D488 Loeb
Office Hrs: Monday 1:00-2:00 and Wednesday 1:00-2:00
Zeina_Bou-Zeid@carleton.ca
Email:

"Students with documented disabilities requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities (PMC) for a formal evaluation of disability-related needs. Documented disabilities include physical, mental, and learning disabilities, mental disorders, hearing or vision disabilities, epilepsy, drug and alcohol dependencies, environmental sensitivities, as well as other conditions. Registered PMC students are required to contact the PMC at 613-520-6608, early each term to ensure that your Instructor receives your Letter of Accommodation no later than two weeks before the first assignment is due or the first in-class test/midterm requiring accommodations. If you require accommodations for your formally scheduled exam(s) in this course, please submit your request for accommodations to the Paul Menton Centre as soon as possible." Also available at http://www.carleton.ca/pmc/faculty/acom_statement.html. For Religious and Pregnancy accommodations, please contact Equity Services, 613-520-2600 x. 5622 or their website: www.carleton.ca/equity

COURSE OBJECTIVE AND CONTENT

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 & statutes), for a broader exploration of a legal topic.

The course theme is the experiences of immigrants and refugees. The course focuses on Canada, but will also include comparison with the immigration and refugee laws and policies of other countries. The following core themes are emphasized throughout the course: multiculturalism policies; citizenship theories; immigrant rights; the labour market experiences of migrant workers; discrimination & inequality; some gendered aspects and Canada's response to refugees.

REQUIRED TEXTS

The required readings include articles and books placed on reserve in the library. They are organized in a binder separated by class number.

Some of the articles will also be available on WebCT.

Students should check WebCT regularly for course updates and assignments.

COURSE EVALUATION**(All components must be completed in order to get a passing grade)****Class Participation & Attendance 20%**

This class is structured around discussions and class participation. The success of this course depends on informed and lively student leadership and participation. Regular attendance in class is necessary, but not sufficient, to constitute class participation. You are absolutely expected to do the readings carefully before class and come prepared to discuss them. You will be expected to bring questions and contributions to each class. Your analysis of the readings should reflect a critical analysis of the materials and address problems you detect in the readings. The professor will be monitoring the level of class participation by each student throughout the course. Below is a description of the evaluation for class participation.

Outstanding Contributor: Contributions in class reflect exceptional preparation. Ideas offered are always substantive, provide one or more major insights as well as direction for the class. Challenges are well substantiated and persuasively presented. If this person were not a member of the class, the quality of discussion would be diminished markedly. (Range: A+ to A)

Good Contributor: Contributions in class reflect thorough preparation. Ideas offered are usually substantive, provide good insights and sometimes direction for the class. Challenges are well substantiated and often persuasive. (Range: A- to B)

Adequate Contributor: Contributions in class reflect satisfactory preparation. Ideas offered are sometimes substantive, provide generally useful insights but seldom offer a new direction for the discussion. Challenges are sometimes presented, fairly well substantiated, and are sometimes persuasive. (Range: B- to C+)

Unsatisfactory Contributor: Contributions in class reflect inadequate preparation. Ideas offered are seldom substantive, provide few if any insights and never a constructive direction for the class. Integrative comments and effective challenges are absent. (Range: C to D+)

Non-Participant: This person says little or nothing in class. Hence, there is not an adequate basis for evaluation. If this person were not a member of the class, the quality of discussion would not be changed. (Range: D- to F)

Two Critical Review Papers 20% each

You are being asked to submit 2 critical review papers based on the readings for a particular class. Your critical review papers should include the key arguments or issues that you have identified in the class readings. The critical review papers will be between 5-6 pages (double-spaced).

Critical Review #1: Due (in class): **July 22, 2009**

This paper will be based on the readings from one the following classes: Class 2 to 5.

Critical Review # 2: Due (Law Dep. Drop Box by 4:00pm): **August 12, 2009**

This paper will be based on the readings from one the following classes: Class 6 to 7 or Class 9 to 10.

Take Home Exam 40%

You are being asked to complete a take-home open book exam. The exam format is short answer essay style questions. This exam will contain questions based on the readings from the course. The exam will be between 10-12 pages (double-spaced). Date Handed Out in Class: August 17, 2009.

Take-Home Exam: Due (Law Dep. Drop Box by 4:00pm): **August 25, 2009**

More detailed instructions for assignments will be provided in class.

ASSIGNMENTS

Any written work submitted must be typewritten, double-spaced, 12pt Times New Roman font with standard 1 inch margins. All assignments **must** include a title page with the course code, your name and your student number and my name on it. Title pages, bibliographies and endnotes are **not** counted in calculating page length for an assignment.

All written assignments must be completed in order to pass the course.

All assignments must be handed in at the Law Department office drop box by 4:00 pm on the due date or to me personally in class. Assignments will not be accepted by e-mail or under the door of my office.

Students must keep a hard copy of anything submitted for marking for 3 months after submission.

LATE ASSIGNMENTS

Late assignments will be marked down by one-half letter grade (e.g. B to B-, B- to C+) for each day the assignment is late. Assignments must be submitted within 7 days of the due date. If they are submitted after 7 days they will receive a grade of F.

Requests for an extension must be made to me prior to the due date and will only be considered if there is an extreme reason (requests must be accompanied by supporting documentation).

CLASS SCHEDULE & READINGS

Class 1. July 6

Introduction and Course Overview

- Discussion of critical analysis & relationship of theory and method.
- Broad overview of course requirements and assignments.
- Broad overview of immigration & refugee law and policy in Canada.

Class 2. July 8

Multiculturalism & National Identity

- Keith G. Banting, "The Multicultural Welfare State: International Experience and North American Narratives" (2005) 39(2) *Social Policy & Administration* pp. 98-115.
- Yvonne Brown, "Ghosts in the Canadian Multicultural Machine: A Tale of Absent Presence of Black People" (2008) 38 *Journal of Black Studies* pp. 374-387.

Class 3. July 13

Citizenship & Migration

- Joseph H. Carens, "The Rights of Immigrants" in *Group Rights*, Judith Baker (ed.) (Toronto, University of Toronto Press, 1994) pp. 142-162.
- Eleonore Kofman, "Citizenship, Migration and the Reassertion of National Identity" (2005) 9 *Citizenship Studies* pp. 453-467.
- Naima Bouteldja, "Integration, discrimination and the Left in France: a roundtable discussion" (2007) 49(3) *Race & Class* pp. 76-87.

Class 4: July 15**The Rights of Immigrants**

- Bhikhu Parekh, "Cultural Pluralism and the Limits of Diversity" (1995) 20 *Alternatives* pp. 431-457.
- Natasha Bakht, "Were Muslim Barbarians Really Knocking On the Gates of Ontario?: The Religious Arbitration Controversy" (2006) *Ottawa Law Review* pp. 67-82.

Class 5. July 20**The Social & Legal Construction of Immigrants**

- Peter Li, *Destination Canada: Immigration Debates and Issues* (Canada: Oxford University Press, 2003) pp. 38-50.
- Peter H. Schuck, "Law and the Study of Migration" in *Migration Theory: Talking Across Disciplines* Caroline Brettell & James F. Hollifield (eds.) (New York: Routledge, 2008) pp. 239-257.
- Judith K. Bernhard, *et al.*, "Living with Precarious Legal Status in Canada: Implications for the Well-Being of Children and Families" (2007) 24(2) *Refuge* pp. 101-114.

Class 6. July 22**Critical Review # 1 Due****Migrant Workers & Economic Benefit**

- Tanya Basok, "Post-national Citizenship, Social Exclusion and Migrants Rights: Mexican Seasonal Workers in Canada" (2004) 8(1) *Citizenship Studies* pp. 47-64.
- Antoine Pécoud & Paul de Guchteneire, "Migration, Human Rights and the United Nations: An Investigation into the Obstacles to the UN Convention on Migrant Workers' Rights" (2006) 24 *Windsor Y.B. Access Just.* pp. 241.
- Film (Viewed in Class): *El Contrato* (National Film Board of Canada, 2003).

Class 7: July 27**Racial Discrimination**

- Alan Simmons, "Racism & Immigration Policy" in V. Satzewich (ed.) *Racism & Social Inequality in Canada* (Toronto: Thompson Educational Pub., 1998) pp. 87-114.
- Avvy Go, "Whose Charter Is It Anyways? An Examination of Charter Litigation as It Relates to the Chinese Canadian Community" (2007) 22 *Nat'l J. Const. L.* pp. 93-118.

Class 8: July 29**NGO's and Activists**

- Teresa Hayter, "No Borders: The Case Against Immigration Controls" (2003) 73 *Feminist Review* pp. 6-18.
- Laura Pulido, "Frequently (Un)Asked Questions about Being a Scholar Activist" in Charles Hale (ed.) *Engaging Contradictions: Theory & Politics & Method of Activist Scholarship* (Berkeley: University of California Press, 2008) pp. 341-365.
- Canadian Council For Refugees, *Non-Citizens in Canada: Equally Human, Equally Entitled to Rights*. Report to the UN Committee on Economic, Social and Cultural Rights on Canada's compliance with the International Covenant on Economic, Social and Cultural Rights (2006) pp. 1-7.

- OCASI, *A Joint Report by the Ontario Council of Agencies Serving Immigrants, the Metro Toronto Chinese and Southeast Asian Legal Clinic and the South Asian Legal Clinic of Ontario On the Status of Compliance by the Canadian Government with respect to the International Convention on the Elimination of all forms of Racial Discrimination* (2007) pp. 1-7, 24-29.

August 3: Statutory Holiday (No Class or Office Hours)

Class 9: August 5

The Canadian Refugee Determination System

- Selwyn A. Pieters, "Assessment of credibility in the context of a Refugee Protection Division Hearing is not an exact science — it is the art that makes or breaks a Refugee claim" (2004) 31 *Immigration Law Reports (Articles)* pp. 276.
- Nurjehan Mawani, "Introduction to the Immigration and Refugee Board Guidelines on Gender-Related Persecution" (1993) 5(2) *International Journal of Refugee Law* pp. 240-247.
- FILM (Viewed in Class): *Seeking Refuge* (2009)

Class 10: August 10

Refugees & Security Threats

- Audrey Macklin, "Mr. Suresh and the Evil Twin" (2002) 20(4) *Refugee* pp. 15-22.
- Rene Bruin & Kees Wouters, "Terrorism and the Non-derogability of Non-refoulement" (2003) 15(1) *International Journal of Refugee Law* pp. 5-29.

Class 11: August 12

Trafficking in Women & Children

Critical Review # 2 Due

- Jacqueline Oxman-Martinez, Jill Hanley & Fanny Gomez, "Canadian Policy on Human Trafficking: A Four-year Analysis" (2005) 43(4) *International Migration* pp. 7-27.

Class 12: August 17

Course Overview

- Take-Home Exam Distributed & Discussed

TAKE-HOME EXAM: Due (August 25)