

**COURSE:** LAWS 5001

**TERM:** Winter 2014

**CLASS:** **Day & Time:** Thursday 11:30 – 2:30 and Friday 11:30-2:30  
**Room:** Please check with Carleton Central for current room location

**INSTRUCTOR:** Neil Sargent

**CONTACT:** **Office:** D594 Loeb  
**Office Hrs:** Tuesday 10:00am-noon  
Wednesday 10:00-noon  
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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 Objectives:

The course is designed to introduce students to various approaches to research within the broad field of legal studies. We will focus on two aspects of the research process. First, we will explore different approaches to research within the field of legal studies with a view to examining the variety of ways in which research questions can be posed about things “legal”. Here our emphasis will be on the way the research question - the questions or issues the researcher is interested in exploring - influences the choice of research method and research design, what counts as evidence, and so forth. So our focus will be on the design and planning of the research, what problems the researcher confronted in the research, and how these research problems were addressed. We will examine these issues through a

critical exploration of different approaches to articulating a research question, putting together an argument, making claims, collecting and analyzing data, and so forth. In this component of the course students will be encouraged to think about the connections between theory, research design, methodology, what counts as ‘evidence’, and what makes up a sound academic analysis or argument. Throughout the course, the approach taken will be to critically examine a selection of published academic research, not with a view to evaluating the research from a methodological perspective, but rather to try to understand how the research program of the researcher, leading to the final published manuscript, was put together, as it were.

The idea behind the structure of the course is that through the examination of various selected pieces of academic research within the field of legal studies, we may gain some insight into the types of approaches or methods used in doing various kinds of legal studies research. In other words, that the texts of other researchers should be able to teach us something about the principles of their own construction, if you like. So rather than talking about different kinds of legal studies research methods in the classroom, let us try to situate the discussion through an examination of selected pieces of academic research that actually utilize the kinds of research methods or approaches we will be discussing in the course.

At the same time, by organizing the selected materials into various weekly topics, we can cover a range of substantive areas in legal studies research, which also has some value in providing students with some exemplars of various types of research methods or approaches that may be valuable in their own research.

The second major component of the course involves the practical question of how one successfully navigates the research component of the MA thesis or MRP, from finding supervisors, devising a research focus, identifying a research question, making a plan of research, and writing up the paper. This will involve the creation of a provisional research plan as part of the requirements for the course. As the course proceeds, we will switch from a primary focus on how other people’s research has been constructed to how your own research will be organized and planned, and the types of complexities or research problems likely to be encountered in doing the research..

## **Evaluation**

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

Evaluation for the course will consist of class participation, preparing two short papers critically analyzing selected pieces of research from the perspective of research design and methodology; and presenting your own research plan, in three stages: identification of the research statement or question; a brief discussion of the conceptual framework for the research; and preparation of the overall research plan at the end of term.

Class Participation	20%
Methodological analysis papers (2)	10% (each)
Research statement	10%
Conceptual framework	20%
Research plan	30%

**Methodological Analysis papers**

Each paper should be no more than five pages long. In these pages you will reflect on one of the course readings, considering the following kinds of questions:

Who is the researcher engaged in conversation with?

What is the nature of the argument or claim being made by the researcher?

What evidence is the researcher using to make this argument or to test this claim?

What are the key theoretical ideas or conceptual tools relied on by the researcher in making the argument or testing the claim?

How coherently or effectively is the claim made or the argument presented by the researcher? In other words, how effective is the research in answering or addressing the initial research question posed by the researcher?

**Research statement**

We will work on these in class. This should be a short (no more than 300 or 350 word) statement of what your research interest is.

**Theoretical framework and conceptual architecture of the research proposal:**

A 5-7 page synopsis of the theoretical and conceptual foundation for your work. On whose theoretical ideas or research practices do you build? What work has already been done to address the question(s) you are interested in researching? What are the kinds of theoretical claims and conceptual tools you will be using to frame your research question? Where are the spaces for you to contribute?

**Research Plan**

This includes revised versions of your research statement and the conceptual framework already presented, as well as an additional 8-10 page plan of your research. This should focus mainly on questions of method. How are you orienting to the research? What tools are you using? Why these tools? What kinds of data do you need? How will you obtain these data? What is the kind of argument or claim you hope to be making in the research? How do you locate yourself as a researcher in relation to this project?, etc.

**Course materials:****Required Readings:**

1. **Laws 5001 (Research methods)** Course pack, edited by Neil Sargent and Dawn Moore, available from Haven Books, Sunnyside Avenue (at Seneca), Ottawa,

This coursepak contains the selections of published research we will be critically examining during the course, and from which you should select the two articles you will critically examine from a methodological standpoint as part of the course requirements.

### **Recommended readings:**

There are many excellent guides to writing research papers and theses and dissertations available in the library. Three very useful ones are:

David Madsen, *Successful Dissertations and Theses*, 2d. Edition, San Francisco: Jossey Bass, 1992. (Also available from Haven Books, Sunnyside avenue, Ottawa).

Walliman, Nicholas, *Your Research Project. A Step by Step Guide for the first time researcher*, 2.ed., Los Angeles: Sage Publications, 2005; and

Jean Johnson, *The Bedford Guide to the Research Process. Steps for Searching, Re-Searching, and Writing the Research Paper*, 2d. Ed., Boston: St. Martin's Press, 1992.

Course Outline: (Note all readings are drawn from the coursepak)

### **Introduction**

#### **A. Researching the Courts and Disputing Behaviour**

Readings:

1. McGuire, Seana and Roderick MacDonald. (1996). "Judicial Scripts in the Dramaturgy of the Small Claims Court." *Canadian Journal of Law & Society* 11(1): 63-98.. (reading 2)
2. Mnookin, Robert, H. And Kornhauser, Louis, (1979) "Bargaining in the Shadow of the Law: The Case of Divorce". *Yale law Journal*, vol. 88, No.5, 950, at 950-58, 968-70;977-80, 996-7.
3. Brodsky, Gwen and Day, Shelagh (1989), *Canadian Charter Equality Rights for Women. One Step Forward or Two Steps Back?* Ottawa: Canadian Advisory Council on the Status of women, 47-67.
4. Freeman, Lisa, *The Legal Geography of Urban Squatting: The Case of Ottawa's Gilmour Street Squatters*. Carleton University, M.A. Thesis, 2005, Copyright, Lisa Freeman.. Introduction, pages 1-8 (reading 4)

#### **B. Studies of Citizenship and Marginalized identities**

5. Moore, Dawn and MacLean-Rennie, Angus (2006), "Hated Identities: Queers and Canadian Anti-Hate Legislation." in *Canadian Journal of Criminology and Criminal Justice*. 48(5): 823-836.

6. Sharma, Nandita. (2001). "On Being Not Canadian: The Social Organization of 'Migrant Workers' in Canada." In *Canadian Review of Sociology and Anthropology* 38(4): 416-439.

7. Isin, Engin, F. and Myer Siemiatycki. (2002). "Making Space for Mosques: Struggles for Urban Citizenship in Diasporic Toronto". In Sherene H. Razack, ed., *Race, Space and the Law. Unmapping a White Settler Society*. Toronto: Between the Lines Press, 185-209.

8. Brock, Debbie. (2000). "Victim, Nuisance, Fallen Woman, Outlaw, Worker? Making the Identity 'Prostitute' in Canadian Criminal Law". In Dorothy E. Chunn and Dany Lacombe, eds., *Law as a Gendering Practice*. Don Mills: Oxford University Press, 79-99.

### C. Socio-Legal Histories

9. Cole, Simon, A.. (2001). *Suspect Identities: The History of Fingerprinting and Criminal Identification*. Cambridge, Mass.: Harvard University Press, 6-31.

10. Comack, Elizabeth. (1986). "We will get some good out of this riot yet": The Canadian State, Drug Legislation and Class Conflict. In Stephen Brickey and Elizabeth Comack, eds., *The Social Basis of Law*. Toronto: Garamond Press, 67-89.

11.. Mawani, Renisa. (2002). In Between and Out of Place: Mixed-Race Identity, Liquor and the Law in British Columbia 1850 – 1913. In Sherene H. Rasack, ed., *Race, Space and the Law*. Toronto: Between the Lines Press, 49-69.

### D. Researching Equality and Constitutional Rights

(See Brodsky and Day, earlier)

12. Boyd, Susan B. "Looking Beyond *Tyabji*: Employed Mothers, Lifestyles, and Child Custody Law". In Susan B. Boyd, ed., *Challenging the Public / Private Divide: Feminism, Law and Public Policy*. Toronto: University of Toronto Press, 1997, 253-279.

13. Michael MacNeil (2010), "Collective Bargaining in the Shadow of the Charter Cathedral: Union Strategies in a Post B.C. Health World", 1-21.

14. Balasubramaniam, Rueban. (2008). "Indefinite Detention: Rule by Law or Rule of Law?" in Victor V. Ramraj, ed., *Emergencies and the Limits of Legality*. Cambridge: Cambridge University press, 118-141

### E. Transitional and Restorative Justice

15. Wilke, Christiane. (2010). "Enter Ghost: Haunted Courts and Haunting Judgments in Transitional Justice." In *Law and Critique*, vol. 21: 73-92.

<http://journals2.scholarsportal.info.proxy.library.carleton.ca/tmp/5155949743954599575.pdf>

16. Acorn, Annalise. (2004). *Compulsory Compassion: A Critique of Restorative Justice*. Vancouver: UBC Press, 1-26.

#### **F. Governmentality and Representation in Law and Film, Law and Literature, and Nightclubs.**

17. Khan, Ummni. (2009). "Putting a Dominatrix in her Place: The Representation and Regulation of Female Dom / Male Sub Sexuality." In *Canadian Journal of Women and the Law* 21 (1): 143-175.  
[http://muse.jhu.edu/journals/canadian\\_journal\\_of\\_women\\_and\\_the\\_law/v021/21.1.khan.pdf](http://muse.jhu.edu/journals/canadian_journal_of_women_and_the_law/v021/21.1.khan.pdf)

18. Rigakos, George. (2007), "Getting Noticed". In *Nightclub: Bouncers, Risk and the Spectacle of Consumption*. Montreal. McGill-Queen's Press, 186-218

19. Sargent, Neil. (2008). "Murder and Mayhem in Legal Method: or the Strange Case of Sherlock Holmes v. Sam Spade". In Logan Atkinson and Diana Majury, eds., *Law, Mystery and the Humanities*. Toronto: University of Toronto press, 39-66.

#### **G. Standpoint and Ethics**

20. Spivak, Gayatri, Chakravorty (1988). "Can the Subaltern Speak?". In Cary Nelson and Lawrence Greenberg, eds., *Marxism and the Interpretation of Culture*. London: MacMillan, 24-28.

21. Lowman, John and Ted Palys (2000), "Ethics and Institutional Conflict of Interest: The Research Confidentiality Controversy at Simon Fraser University" in *Sociological Practice: A Journal of Clinical and Applied Sociology* 2(4): 245-264.

**Laws 5100, Graduate research methods: Timetable for assignments**

Week 1 Introduction

Week 2

Week 3

Week 4 First methodology and research design analysis assignment due (10%)

Week 5

Week 6 Initial statement of research problem due

Week 7 Second methodology and research design analysis assignment due (or after study break)

**Study break**

Week 8 Second methodology and research design analysis assignment due

Week 9

Week 10 Conceptual or analytical framework assignment due

Week 11

Week 12 Research plan due