
Course Outline

COURSE:		LAWS 5001W– Legal Method and Social Inquiry
TERM:		Winter 2015
CLASS:	Day & Time:	Monday, 2:35-5:25
	Room:	Please check with Carleton Central for current room location
PROFESSOR:		Dr. Dale C. Spencer
CONTACT:	Office:	Loeb D582
	Office Hrs:	By Appointment.
	Telephone:	613-520-2600 extension 8096
	Email:	dale.spencer@carleton.ca

Academic Accommodations

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 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/>

Plagiarism

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes 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. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's **Academic Integrity Policy** can be found at:

<http://www.carleton.ca/studentaffairs/academic-integrity/>

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://www.carleton.ca/law/student-resources/department-policies/>

COURSE DESCRIPTION & COURSE OBJECTIVES

Calendar Description

Introduces problems of research strategy and methods. Explores contrasting methodologies in legal research; evaluates methodologies employed in understanding legal reasoning, discourses, and practices. Includes seminars in which participants present outlines of their own research projects, focusing on methodologies and research questions.

General Course Description

This course surveys a range of methods associated with sociolegal research. It will focus on many areas of sociolegal research including archival research, ethnography, narrative-based research, and media, film and fictional writing Analysis. This seminar is intensely interactive and will allow students the opportunity to explore and discuss a range of legal methodologies and their possible applicability to each student's particular research interests. The course is oriented towards understanding research design and the process of conducting research projects related to law and legal studies. After completing this course, students will be able to construct their thesis proposals and have a more coherent sense of identifying a research puzzle that will guide their questions, selection of methodology, data analysis, and write up.

The readings for this course are both instructive and demonstrative. In relation to the former, the readings included in this course serve as guides to carrying out specific methods. In relation to the latter, the readings serve as exemplary pieces that demonstrate how sociolegal

scholars have approached a topic using a specific method.

REQUIRED MATERIALS

All materials for this course are available through the Carleton University library online journal and catalogue system or cuLearn.

All components must be completed in order to get a passing grade.

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

GRADES & SCORING

Assignments	Percentage of Total Grade	Due Date
Presentations (X2)	20%	To be selected by students.
Ethics Assignment	25%	February 10 th , 2015
Sociolegal Research Project <i>or</i> Debates in Sociolegal Research Paper	40%	April 7 th , 2015
Final Paper Presentation	5%	March 31 st , 2015
Class Participation	10%	NA

Grades: Percentage, Letter Grade and Descriptive Scale GPA

93 to 100 = A+, Exceptional 4.5

85 to 92 = A, Excellent 4.0

80 to 84 = B+, Very Good 3.5

70 to 79 = B, Good 3.0

66 to 69 = C+, Satisfactory 2.5

60 to 65 = C, Adequate 2.0

50 to 59 = D, Marginal 1.0

0 to 49 = F, Failure 0.0

ASSIGNMENTS

Participation (10%)

Students who are not presenting are expected to attend each presentation and are responsible for engaging in scholarly debate, posing critical questions, or raising scholarly points for discussion on the assigned readings and the presentation of the assigned readings (10%). It is not enough to be in attendance to receive a participation grade; students must verbally contribute to the discussion.

Ethics in Sociolegal Research Assignment (25%) – October 8, 2013

The purpose of this assignment is to critically examine ethical issues in sociolegal research. Students are expected to develop an ethical position in relation to sociolegal research by drawing from course readings and external materials that speak to the principles that may guide sociolegal inquiry. Questions to consider: What should ethics imply in relation to sociolegal research? At what junctures in the research process does ethics matter? Does ethics matter in relation to sociolegal research?

This assignment is to be no more than 1500 words (plus references) and will be evaluated on the sophistication of your argument and the level of brevity in your response (i.e. how adequately you keep to the word length).

Presentation (20% - 10% per presentation)

Each student will conduct two presentations. There will be two presentations per week (See sign-up sheet).

Presentations will introduce the class to the major issues related to the designated topic, will synthesize the required reading of the respective week, and will evaluate the material in terms of its strengths and limitations (presenters are encouraged to include their own views, criticisms, and interpretations). The presenter will prepare a presentation of approximately 30 minutes in length. The remainder of the class will be dedicated to a discussion of the issues. The use of visual aids is encouraged as the aim of the presentation is to promote class discussion and debate not only on the content of the material but also on the general theme.

Sociolegal Research Project *or* Debates in Sociolegal Research Paper (40%):

Sociolegal Research Project – On the first day of class students will receive an outline of the scope of this assignment and the types of hands-on research that can be carried out as part of this assignment.

Sociolegal Research Debates Paper Option:

For this assignment, students are required to choose one debate in the sociolegal research literature and offer a position piece. It is not enough to submit a literature review for this assignment. Students will be evaluated on their ability to outline the debate and the sophistication of their argument(s). It is important to utilize ideas, arguments, and concepts presented in class and in course readings and to discuss and critically evaluate the materials you use in your paper. The aim of the research paper is to synthesize, discuss, and assess (not simply describe or summarize) scholarly literature and to develop a conceptual analysis of the topic chosen.

Papers shall be no less than **20 pages** and must be *typed* and *double-spaced*.

Composition of the Research Paper: The paper should reflect and communicate specific information from the writer to the reader. It should start with a statement of intentions and objectives, followed by a discussion and analysis of supporting and illustrative materials. Do not limit yourself to descriptive analyses only; employ relevant concepts and incorporate theoretical (or formal explanatory) arguments within your study. In writing your essay, you should be able to summarize the thesis (major argument) in a brief statement or short paragraph.

Layout of the Research Paper:

Introduction: The introduction presents the theme or issues explored in the essay. It briefly outlines your approach to the topic and the major ideas and argument(s) advanced in the main body of the essay. This section is 1-2 pages in length.

Main body of the research essay: This section develops and contains the central thesis or argument(s) of the essay. This main body should review and assess the appropriate literature, while providing an exposition of the central points. The research theme, together with ideas relating to the central thesis, should be clearly presented and substantiated. Ideally, each paragraph should focus upon a major point related to the central argument(s) or theoretical framework. Internal headings and sub-headings are useful as a device to mark shifts in discussion while, at the same time, maintaining an integration of points to the central theme. This section is 16-18 pages in length.

Conclusion: This last section provides a brief summary of the essay's major argument(s) within the context of the central theme addressed. The conclusion is 1-2 pages in length.

Bibliography/References: Each research paper must make direct references to appropriate course readings on your specific topic.

A minimum of 20 cited scholarly references is required including; at least five references from course reading materials and at least fifteen separate scholarly journal articles or academic quality book chapters on your selected topic by different reputable social

scientific authors.

References to source(s) of information should include the author's surname, year of publication, and pagination as in the *APA citation style*.

Citation of the sources must always be given for the following: all direct quotations; paraphrases of the statements of others; opinions, ideas, and theories not your own; and, information which is not a matter of general knowledge. Even when using proper citation, it is a mistake to place too much reliance on one source. Furthermore, direct quotations from one or more authors should seldom occur in an essay and should not be longer than two or three sentences in length. All quotations of over four text lines should be indented and single spaced with quotation marks omitted. Quotations of any kind, however, must be acknowledged by a reference to the source, and include the page number(s). Quotations should be used as a way to emphasize a point or because the original author has an authority of expertise that can be best expressed by her/him).

- **On request, students may submit their thesis proposal. Dr. Spencer will provide a document outlining the thesis proposal format.**

Final Paper Presentation - Students are required to present some of the main ideas of their research paper in a short presentation (approx. 5 minutes) during the final seminar (March 31, 2015). This session will be organized as a mini-conference or workshop where students can share ideas and receive feedback on their work before submitting their final paper.

ATTENDANCE & LATE ASSIGNMENT POLICY

Students will be expected to attend all seminars and read all *assigned readings*. Additional readings are suggested sources, but are not required reading for this course.

Late assignments will be deducted **10% *per day late***. In order to avoid late penalties, students must submit a doctor's note with their late assignment.

Weekly Breakdown – Tentative Reading List

Week 1 – January 6th, 2015 – Introductions

Week 2 – January 13th, 2015 – The State of Sociolegal Research

Assigned Readings

Hillyard, P. (2007). Law's Empire: Socio-legal Empirical Research in the Twenty-first Century. *Journal of Law and Society*, 34(2): 266–279.

Schmidt, P. & Halliday, S. (2009) Beyond methods: law and society in action. *Conducting Law and Society Research: Reflections on Methods and Practices*. P. 1-13. Cambridge: Cambridge University Press.

Martel, J., Hogeveen, B., & Woolford, A. (2006). The State of Critical Scholarship in Criminology and Socio-Legal Studies in Canada. *Canadian Journal of Criminology and Criminal Justice/La Revue canadienne de criminologie et de justice pénale*, 48(5): 633-646.

Week 3 – January 20th, 2015 – Epistemologies

Assigned Readings

Norrie, A. (2000). From Critical to Socio-Legal Studies: Three Dialectics in Search of a Subject. *Social & Legal Studies*, 9(1): 85–113.

Menkel-Meadow, C., & Diamond, S. S. (1991). Introduction: The Content, Method, and Epistemology of Gender in Sociological Studies. *Law & Society Review*, 25(2): 221–238.

Harrington, C. B., & Yngveson, B. (1990). Interpretive Sociological Research. *Law & Social Inquiry*, 15(1): 135–148.

Sarat, A. (1990). Off to Meet the Wizard: Beyond Validity and Reliability in the Search for a Post-empiricist Sociology of Law. *Law & Social Inquiry*, 15(1), 155–170.

Week 4 – January 27th, 2015 – Ethics of Sociological Inquiry

Assigned Readings

Feeley, M. M. (2007), Legality, Social Research, and the Challenge of Institutional Review Boards. *Law & Society Review*, 41: 757–776.

Haggerty, K. D. (2004). Ethics Creep: Governing Social Science Research in the Name of Ethics. *Qualitative Sociology*, 27(4), 391–414.

Israel, M. (2004). Strictly Confidential? Integrity and the Disclosure of Criminological and Socio-Legal Research. *British Journal of Criminology*, 44(5): 715–740.

Additional Readings:

Lundy, P., & McGovern, M. (2006). The ethics of silence Action research, community “truth telling” and post-conflict transition in the North of Ireland.

Action Research, 4(1), 49–64.

González-López, G. (2011). Mindful Ethics: Comments on Informant-Centered Practices in Sociological Research. *Qualitative Sociology*, 34(3): 447–461.

Guillemin, M., & Gillam, L. (2004). Ethics, Reflexivity, and “Ethically Important Moments” in Research. *Qualitative Inquiry*, 10(2): 261–280.

Ellis, C. (2007). Telling secrets, revealing lives: Relational ethics in research with intimate others. *Qualitative Inquiry*, 13: 3-29.

Week 5 – February 3rd, 2015 – Sampling Strategies and Case Selection

Readings

Walby, K. and Larsen, M. (2012). Access to Information and Freedom of Information Requests: Neglected Means of Data Production in the Social Sciences. *Qualitative Inquiry*, 18(1): 31-42.

Small, M. L. (2009). ‘How many cases do I need?’ On science and the logic of case selection in field-based research. *Ethnography*, 10(1): 5–38.

Hirschl, R. (2005). The Question of Case Selection in Comparative Constitutional Law. *The American Journal of Comparative Law*, 53(1): 125–155.

Short Video – Access to Information – Dr. Kevin Walby

Week 6 – February 10th, 2015 – Case, Statutory and Legislative Analysis

Assigned Readings

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

Smith, M. (2007). Framing Same-sex Marriage in Canada and the United States: Goodridge, Halpern and The National Boundaries of Political Discourse. *Social & Legal Studies*, 16(1): 5–26.

Epstein, L. and Tonja, J. (2010) The Strategic Analysis of Judicial Decisions. *Annual Review of Law and Social Science*, 6: 341-358.

***Ethics Assignment Due**

Week 7 – February 17th, 2015 – Winter Break

Week 8 – February 24th, 2015 – Narrative Analysis In Sociolegal Studies

Assigned Readings

Ewick, P. and Silbey, S. (1995). Subversive Stories and Hegemonic Tales: Toward a Sociology of Narrative. *Law and Society Review* 29: 197-226.

Sarat, A. (1990). 'The Law is All Over': Power, Resistance and the Legal Consciousness of the Welfare Poor. *Yale Journal of Law and Humanities* 2: 343-379.

Barnes, M. L. (2005). Black Women's Stories and the Criminal Law: Restating the Power of Narrative. *U.C. Davis Law Review*, 39, 941-990.

Additional Readings

Sandberg, S. (2010). What can "Lies" Tell Us about Life? Notes towards a Framework of Narrative Criminology. *Journal of Criminal Justice Education*, 21: 447-465.

Morrill, C., Yalda, C., Adelman, M., Musheno, M., and Bejarano, C. (2000). Telling Tales in School: Youth Culture and Conflict Narratives. *Law and Society Review* 34: 521-566.

Week 9 – March 3rd, 2015 – Sociolegal Ethnographic Methods

Assigned Readings

Flood, John, (2005) Socio-Legal Ethnography. In *Theory and Method in Socio-Legal Research*. R. Banakar & M. Travers (eds.), Oxford: Hart Publishing.

Tavory, I., & Timmermans, S. (2009). Two cases of ethnography Grounded theory and the extended case method. *Ethnography*, 10(3), 243–263.

Monaghan, L. F. (2004). Doorwork and Legal Risk: Observations from an Embodied Ethnography. *Social & Legal Studies*, 13(4), 453–480.

Additional Reading

Rigakos, G. (2007). *Nightclub: Bouncers, Risk and the Spectacle of Consumption*. Chapter 6. Montreal and Kingston: McGill-Queens University Press.

Cunningham, C. D. (1991). Lawyer as Translator Representation as Text: Towards an Ethnography of Legal Discourse. *Cornell Law Review*, 77: 1298-1387.

Lezaun, J. (2012). The Pragmatic Sanction of Materials: Notes for an Ethnography of Legal Substances. *Journal of Law and Society*, 39(1), 20–38.

Week 10 – March 10th, 2015 – Alternative Ethnographies

Assigned Readings

Halliday, S., Burns, N., Hutton, N., McNeill, F. and Tata, C. (2008), Shadow Writing and Participant Observation: A Study of Criminal Justice Social Work Around Sentencing. *Journal of Law and Society*, 35: 189–213.

Jewkes, Y. (2012). Autoethnography and Emotion as Intellectual Resources Doing Prison Research Differently. *Qualitative Inquiry*, 18(1), 63–75.

Pink, S. (2008). Mobilising Visual Ethnography: Making Routes, Making Place and Making Images. *Forum Qualitative Sozialforschung / Forum: Qualitative Social Research*, 9(3). Retrieved from <http://www.qualitative-research.net/index.php/fqs/article/view/1166>

Additional Readings

Schwartz, D. (1989). Visual ethnography: Using photography in qualitative research. *Qualitative Sociology*, 12(2), 119–154.

Twine, F. W. (2006). Visual ethnography and racial theory: Family photographs as archives of interracial intimacies. *Ethnic and Racial Studies*, 29(3), 487–511.

Gatson, S. N. (2003). On Being Amorphous: Autoethnography, Genealogy, and a Multiracial Identity. *Qualitative Inquiry*, 9(1), 20–48.

Khosravi, S. (2007). The “illegal” traveller: an auto-ethnography of borders. *Social Anthropology*, 15(3), 321–334.

Week 11 – March 17th, 2014 – Sociolegal Histories

Assigned Readings

Razack, S. (1998). Race, Space, and Prostitution: The Making of the Bourgeois Subject. *Canadian Journal of Women and the Law*, 10, 338-376.

Biebricher, T. (2008). Genealogy and Governmentality. *Journal of the Philosophy of History*, 2(3): 363–396.

Llewellyn, K.N. and E. Adamson Hoebell. (1941). *The Cheyenne Way: Conflict and Case Law in Primitive Jurisprudence*. Chapter 2. Norman, Oklahoma: University of Oklahoma Press.

Guest Speaker – Dr. Sébastien Malette

Week 12 – March 24th, 2015 – Media, Film and Fictional Writing Analysis as Sociolegal Research Methodologies

Assigned Readings

Khan, U. (2009). Putting a Dominatrix in her Place: The Representation and Regulation of Female Dom / Male Sub Sexuality. *Canadian Journal of Women and the Law* 21 (1): 143-175.

Hamilton, S. & Gerlach, N. (2010). 'It Won't Always Be Wrong': Morality and Monsters in Legal Rational Authority. *Law, Culture and Humanities*, 6(3): 394-419.

Valverde, M. (2010). From the Hard-Boiled Detective to the Pre-crime Unit. In C. Greer (ed.) *Crime and Media: A reader*. New York and London: Routledge.

Additional Reading

Mason, P. (2003). Introduction: Visions of crime and justice. In P. Mason (Ed.), *Criminal visions: Media representations of crime and justice* (pp. 1-10). Devon, UK: Willan Publishing.

Week 13 – March 31st, 2015 – Class Summation

Paper Presentations

Week 14 – April 7, 2015

Hand in Final Papers

Other matters

Your feedback about the course: If you have any suggestions about the course, they are encouraged at any time. I have incorporated a number of students' suggestions in the past.

Electronic Devices: Students are required to silence all electronic devices (cellular phones, Blackberries, I-phones, pagers, ipods, etc.) when in the classroom. If there is a reason that you require your device to remain on 'ring' mode (i.e., sick child at daycare), please inform me at the start of the class. Students are not permitted to send or receive text messages during class. A student found texting during class will be asked to leave. Students are welcome to bring laptop computers to class for notetaking purposes only. Students found using social networking sites or surfing the Internet during class will be asked to leave.

Classroom Disruptions: Students should recognize that excessive talking, late arrival, or early departures from the classroom are disrupting for both the instructor and classmates. Please be considerate of others in the class. Continual disruption by

a student may result in disbarment from the course. Please notify the instructor at the onset of class if you need to leave early or if you have to come late to the next class.