
Course Outline

COURSE:	LAWS 5001-W– Legal Research and Social Inquiry	
TERM:	Winter 2017	
CLASS:	Day & Time:	Monday, 11:35-2:25
	Room:	Please check with Carleton Central for current room location
PROFESSOR:	Dr. Dale C. Spencer	
CONTACT:	Office:	Loeb D597
	Office	By Appointment.
	Hours:	
	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://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://carleton.ca/equity/>

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*). **Requests made within two weeks will be reviewed on a case-by-case basis.** After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website (www.carleton.ca/pmc) for the deadline to request accommodations for the formally-scheduled exam (*if applicable*).

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

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 historical and textual 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, a small number of readings serve as exemplary pieces that demonstrate how sociolegal scholars have approached a topic using a specific method.

REQUIRED MATERIALS

All required and additional readings can be found on either cuLearn or the Carleton University library website.

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.
Critical Commentaries	25%	Weekly
Research Proposal <i>or</i> Debates in Sociolegal Research Paper	40%	April 3 rd , 2017
Final Paper Presentation	5%	March 27 th , 2017
Class Participation	10%	Weekly

Grades: Percentage, Letter Grade and Descriptive Scale GPA

Grade	Percentage	Description
A+	90-100	Exceptional work that is technically flawless and original. Work demonstrates insight, understanding and independent application or extension of course expectations; often of publishable quality.
A	85-89	Excellent work that demonstrates a very high level of integration of materials/ relevant scholarship. Work demonstrates insight, understanding and independent application or extension of course

		expectations.
A-	80-84	Very good quality work that represents a high level of integration, comprehensiveness and complexity, as well as mastery of relevant techniques/concepts.
B+	77-79	Represents a largely satisfactory level of integration, comprehensiveness, and complexity; demonstrates a sound level of analysis with no major weaknesses.
B	73-76	Acceptable work that fulfills the minimum expectations of the course. Represents a satisfactory level of integration of key concepts/procedures. However, comprehensiveness or technical skills may be lacking.
B-	70-72	Acceptable and somewhat fulfills the course expectations. Work reveals some deficiencies in knowledge, understanding or techniques.
C+	67-69	<p>Unacceptable work at the graduate level. Represents an unacceptable level of integration, comprehensiveness and complexity. Mastery of some relevant techniques or concepts lacking.</p> <p><i>(Carleton University requirements: "A grade of B- or better must normally be obtained in each course credited towards the master's degree" and a grade of B- must be obtained in each course credited towards the PhD. Grades below B- may result in the student's removal from the Program. See http://calendar.carleton.ca/grad/gradregulations/administrationoftheregulations/#11)</i></p>
C	63-66	
C-	60-62	
D	50-59	
F	0-49	Fail. Unsatisfactory performance, even though student completes course requirements including submission of final paper/ completion of final exam.

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.

Critical Commentaries (25%)

To promote class discussion and participation, each class member shall prepare a written

critical commentary on the required readings (*three per week*) and be prepared to raise issues from their commentaries in class each week (20%) from week 2 through week 11.

Critical commentaries should briefly outline the central claims and issues, the central debates or points of comparison, and the scholarly strengths and limitations of material as you see it (interpretations of the material are encouraged). Commentaries must include at least two critical questions that will inform class discussion and stimulate debate of issues of scholarly importance. Each submission of critical commentaries must be 4 double-spaced typed pages in length and *handed in on the day that the reading is assigned*. Students *are not* required to submit a critical commentary on the weeks that they are presenting.

**Do NOT ask to hand in late critical commentaries.*

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.

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

Thesis Research Project Proposal: 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* or *Harvard* 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).

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 27, 2017). 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 9th, 2017 – Introductions

Week 2 – January 16th, 2017 – Knowledge Production

Assigned Readings

Bhaskar, R. (1978). On the Possibility of Social Scientific Knowledge and the Limits of Naturalism. *Journal for the Theory of Social Behaviour*, 8(1), 1-28.

Weber, M. 1949 [1904]. ‘‘Objectivity’’ in Social Science and Social Policy’. Pp. 49-112 in *The Methodology of the Social Sciences*, edited by Edward A. Shils and Henry A. Finch. Glencoe (Ill.): The Free Press.

Timmermans, S., & Tavory, I. (2012). Theory Construction in Qualitative Research From Grounded Theory to Abductive Analysis. *Sociological Theory*, 30(3), 167–186.

Additional Reading

Reichertz, J. (2009). Abduction: The Logic of Discovery of Grounded Theory. *Forum Qualitative Sozialforschung / Forum: Qualitative Social Research*, 11(1). Retrieved from <http://www.qualitative-research.net/index.php/fqs/article/view/1412>

Week 3 – January 23rd, 2017 – Epistemology

Assigned Readings

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.

Guba, E. G., & Lincoln, Y. S. (1994). Competing paradigms in qualitative research. In N. K. Denzin & Y. S. Lincoln (Eds.), *Handbook of qualitative research* (pp. 105-117). Thousand Oaks, CA: Sage.

Mason, J. (2002). Finding a Focus and Knowing Where you Stand, In *Qualitative Researching*. London: Sage. pp. 13-23.

Week 4 – January 30, 2017 – Ethics of Sociolegal Inquiry

Assigned Readings

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

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

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

Week 5 – February 6th, 2017 – Sampling Strategies and Case Selection

* Guest Lecture – Dr. Jeffrey Monaghan

Assigned Readings

Flyvbjerg, B. (2006). Five Misunderstandings About Case-Study Research.

Qualitative Inquiry, 12, (2), 219-245.

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.

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.

Resource: Short Video – Access to Information – Dr. Kevin Walby

Additional Reading

Kazmierski, V. (2011). Accessing Democracy: The Critical Relationship between Academics and the Access to Information Act. *Canadian Journal of Law & Society / La Revue Canadienne Droit et Société*, 26(3), 613–622.

Week 6 – February 13th, 2017 – Case Law and Legal Studies

Assigned Readings

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

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

Wendel, W. B. (2010). Explanation in Legal Scholarship: The Inferential Structure of Doctrinal Legal Analysis Symposium: The Future of Legal Theory: Essay. *Cornell Law Review*, 96, 1035–1074.

Additional Reading

Tiller, E. H., & Cross, F. B. (2006). What Is Legal Doctrine Symposium - The First Century: Celebrating 100 Years of Legal Scholarship - Essay. *Northwestern University Law Review*, 100, 517–534.

Week 7 – February 20th, 2017 – Winter Break

Week 8 – February 27th, 2017 – Narrative Analysis and 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.

Doucet, A., & Mauthner, N. S. (2008). What can be known and how? Narrated subjects and the Listening Guide. *Qualitative Research*, 8(3), 399–409.

Larrabee, M. J., Weine, S., & Woolcott, P. (2003). “The Wordless Nothing”: Narratives of Trauma and Extremity. *Human Studies*, 26(3), 353–382.

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 6th, 2017 – Ethnographic Methods

Assigned Readings

Wilson, William Julius, and Anmol Chaddha. (2010). The Role of Theory in Ethnographic Research. *Ethnography* 10(4): 549-564.

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

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

Pink, S. (2008). Mobilizing 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

- 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.
- Tavory, I., & Timmermans, S. (2009). Two cases of ethnography: Grounded theory and the extended case method. *Ethnography*, 10(3), 243–263.
- Jewkes, Y. (2012). Autoethnography and Emotion as Intellectual Resources Doing Prison Research Differently. *Qualitative Inquiry*, 18(1), 63–75.
- Khosravi, S. (2007). The “illegal” traveller: an auto-ethnography of borders. *Social Anthropology*, 15(3), 321–334.

Week 10 – March 13th, 2017 – Analyzing ‘Text’

Assigned Readings

Fairclough, N. (2001) Critical discourse analysis as a method in social scientific research. In *Methods of Critical Discourse Analysis*, Wodak, R. & Meyer, M. 121-136. Thousand Oaks: Sage.

Hsieh, H.-F., & Shannon, S. E. (2005). Three Approaches to Qualitative Content Analysis. *Qualitative Health Research*, 15(9), 1277–1288.

Kozinets, R. (2015). Introduction. In *Netnography Redefined* (2nd Edition). Thousand Oaks: Sage. pp. 1-22.

Week 11 – March 20th, 2017 – Sociolegal Histories

***Trip to the Library and Archives Canada – Downtown**

Assigned Readings

Abrams, P. (1980). History, Sociology, Historical Sociology. *Past and Present* 87, 3–16.

Skocpol, T. (1987). Social History and Historical Sociology: Contrasts and Complementaries. *Social Science History*, 11(1), 17–30.

Week 12 – March 27th, 2017 – Proposal or Paper Presentations

Presentations in Class.

Week 13 – April 3rd, 2017 – Class Summation

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 me at the onset of class if you need to leave early or if you have to come late to the next class.