

Course Outline

COURSE: LAWS 5001 X – Legal Research and Social Inquiry

TERM: Winter 2016-17

CLASS: **Day & Time:** Mondays 11:35 am – 2:25 pm
 Room: Please check with Carleton Central for current room location

INSTRUCTOR: Sheryl Hamilton

CONTACT: **Office:** Loeb 463C or 4316 Richcraft Hall
 Office Hrs: By appointment
 Telephone: X1975 or X1178
 Email: Sheryl.hamilton@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

This course takes as its problematic relations of knowing, specifically in relation to law and society. Methodology, research design, and methods are at the heart of graduate work, yet they are often assumed, ignored, feared, unarticulated, and/or unproblematized. This course invites students to think critically about the nature of research and how we do it.

This course will study issues and practices of qualitative methodology in legal studies research at the epistemological, theoretical, and empirical levels. A combination of seminar and workshop, we will explore both questions of methodology (the privilege of the author, the 'problem' of rigour, different knowledge communities, the status of the 'the object,' self-reflexivity, and so on), as well as more practice-oriented questions of method (the relationship between methodology and method, interviewing and participant observation, treating different types of legal objects, working with 'human subjects,' scholarly ethics, activism and research, and so on). We will obviously not be able to treat every method that you could use in your own research, but we will explore a range of different approaches and orientations. More importantly, we will explore the challenges, the rewards, and the pleasures of being a researcher and doing research.

COURSE OBJECTIVES

There are five objectives for this course:

- To facilitate students in transitioning from their identities as knowledge consumers to knowledge producers;
- To assist students in developing research designs suitable to their own research projects and goals;
- To expose students to a range of different methods that they can use in their own research;
- To enable to students to integrate issues of methodology and method into their theoretical, social, cultural and political commitments; and
- To encourage and support critical thinking about and analysis of methodological issues in the students' own research and the work of other scholars.

COURSE MATERIALS

All readings are either available through CULearn or through the MacOdrum library website.

EVALUATION

All components of the evaluation must be completed in order to pass the course. Standing in a course is determined by the course instructor subject to the approval of the Department and 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.

There will be five modes of evaluation in this class:

Seminar Participation	15%
Presentation of Intellectual Biography	5%
Methodological Analysis of Academic Scholarship	15%
Presentation on Readings	20%
Paper: Working with a Method	45% (35% for paper and 10% for presentation)

Seminar Participation

This course will operate as a seminar. You are expected to participate thoughtfully in the discussions through posing questions, offering examples, sharing relevant experiences, and critically analyzing the course materials and your own position. One cannot be passive while learning methods! Each student will be evaluated on her or his participation in the seminar. Participation includes having done the assigned readings every week, being prepared to discuss them in an informed manner, making constructive interventions to facilitate the production of group knowledge, and listening to colleagues with attention and respect.

Throughout the course you will be asked to make yourself vulnerable through not merely discussing academic readings in the abstract, but by relating academic literature to questions that you want to research and issues that are of interest to you. This is not always easy and we will not all agree. We are, however, all expected to work to make the classroom environment a space of respect where everyone feels comfortable sharing their research, their questions, and their views.

Presentation of Intellectual Biography

Each of us comes to the research projects that we do for a variety of reasons. Some of these reasons may include past teachers or professors who motivated us, books or articles that we have read that have inspired us, the programs in which we have chosen to study, or events in the world around us. As well, however, our intellectual work is shaped by our more personal biography, including how we understand our selves, our identity, our communities, and our life experiences. These factors can impact the kinds of scholarly questions we want to ask and how we want to explore the process of finding possible answers to those questions. Students will be asked to present their *intellectual biographies* to the class on either **January 16 and January 23**. Presentations should be limited to **5 minutes**. I will have to time these strictly given the class size, so please practice your presentation before class in order to ensure you respect the time limit. Not only will these help us to get to know each other better and see where each other is “coming from” in our future discussions, it will hopefully stimulate in each student a process of intellectual self-reflection that will make her or his work stronger.

Methodological Analysis of Academic Scholarship

Select a piece of academic writing that is one of your favourites – because it convinces you, entertains you, frustrates you, intimidates you, etc. – and write a brief paper (approx. 5-7 pages, double-spaced) analyzing its methodology and method(s). Identify the author's methodological assumptions, the methods used, how the methodology and method(s) relate to the theoretical choices made by the author, and the implications of the design of the research for the kind of knowledge produced. Note that these assumptions are not always well articulated or justified in some academic writing. As well, analyze what role the methodology and method(s) play in your intellectual and affective response to the piece. These will be due at the beginning of class on **February 27**.

Presentation on Readings

All students will sign up to present the course materials for one week. There will be two presentations per week. Presentations should critically synthesize the materials for that week, engage with the overall issue(s), and include three questions to stimulate discussion. Presentations and questions should facilitate the class's critical engagement with the claims of the authors, draw links among the readings, provide context and deeper reflection, etc.; the goal is to stimulate a critical discussion of the readings and, more broadly, of the theme for that week. Presentations may include supplementary materials, visual aids, other media content, and so on that elucidate, contextualize, animate, or illustrate the themes, ideas and critiques the presenter wishes to emphasize. Presentations should be 20 minutes in length.

Paper: Working With a Method and Presentation

Students shall submit a 20-25 page paper (typed and double-spaced) which is an application of/engagement with a particular methodology and method. The method does not have to be one studied in class. Students should think about their research orientation and epistemological choices, identify a social problem, design a research question that addresses an element of that social problem, select an appropriate method, research academic writing on that method as well as applications of it, and then, on a reasonable scale, apply that method to their object in order to address the research question. The paper should be an expression of that decision-making and research process, provide the outcome of the research, and a reflection on the methodology and method used. Papers will be due on **April 10**. Students will present on their process on **April 3**.

Special Needs

If you have any other special needs as a student not addressed or not addressed adequately by existing policies, and that would benefit from an informal accommodation for you to maximize your learning experience (employment, travel, child or elder care, etc.), please speak to me at the beginning of the term so that we can arrange a mutually satisfactory approach to meeting the course requirements and objectives.

SCHEDULE

January 9 – Introduction: Thinking About Relations Among Knowers, Knowing, and Knowledge

January 16 – On Being a Scholar

Mills, C. Wright (1959), "On Intellectual Craftsmanship" in *The Sociological Imagination*, New York: Grove Press, pp. 195-226.

Doucet, Andrea (2008), "From her side of the gossamer wall(s): Reflexivity and relational knowing" in *Qualitative Methodology* 31(1): 73-87.

Mason, Jennifer (2002), "Finding a Focus and Knowing Where You Stand" in *Qualitative Researching*, London: Sage, pp. 13-23.

Kovach, Margaret (2005), "Emerging from the Margins: Indigenous Methodologies" in *Research as Resistance: Critical, Indigenous and Anti-Oppressive Approaches* (Leslie Brown and Susan Strega, eds.), Toronto: Canadian Scholar's/Women's Press, pp. 19-36.

January 23 – On Reading Like a Scholar

Blair, Ann (2003), "Reading Strategies for Copying with Information Overload, ca. 1550-1700" in *Journal of the History of Ideas* 64: 11-28.

Best, Stephen and Sharon Marcus (2009), "Surface Reading: An Introduction" in *Representations* 108(1): 1-21.

Felski, Rita (2011) "Context Stinks" in *New Literary History* 42(4): 573-591.

Liu, Alan (2014), "The Big Bang of Online Reading" in *Advancing Digital Humanities: Research, Methods, Theories* (Paul Longley Arthur and Katherine Bode, eds.), Palgrave MacMillan, pp. 274-90.

January 30 – On Writing Like a Scholar

Richardson, Laurel (1994), "Writing: A Method of Inquiry" in *Handbook of Qualitative Research* (N.K. Denzin and Y.S. Lincoln, eds.), Thousand Oaks: Sage, pp. 516-529.

Rothman, Joshua (2014), "Why is Academic Writing So Academic?" in *The New Yorker*, February 20.

Hyland, Ken (2005), "Stance and Engagement: A Model of Interaction in Academic Discourse" in *Discourse Studies* 7(2): 173-192.

Moreira, Claudio and Marcelo Diversi (2014), "The Coin Will Continue to Fly: Dismantling the Myth of the Lone Expert" in *Cultural Studies – Critical Methodologies* 14(4): 298-302.

Lykke, Nina (2010), "Shifting Boundaries Between Academic and Creative Writing Practices" in *Feminist Studies: A Guide to Intersectional Theory, Methodology and Writing*, New York: Routledge, pp. 163-186.

February 6 – Research, Originality and Knowledge Communities: The Literature Review

Montuori, Alfonso (2005), "Literature Review as Creative Inquiry: Reframing Scholarship as a Creative Process" in *Journal of Transformative Education* 3(4): 374-393.

Randolph, Justus J. (2009), "A Guide to Writing the Dissertation Literature Review" in *Practical Assessment, Research and Evaluation* 14(13): 1-13.

Branley, Duncan (2004), "Doing a Literature Review" in *Researching Society and Culture* (C. Seale, ed.), London: Sage, pp. 145-162.

Guetzkow, Joshua et al. (2004), "What is Originality in the Humanities and Social Sciences" in *American Sociological Review* 69(2): 190-212.

February 13 – Narratives in and of Law and Culture

Esterberg, Kristin G. (2002), "Narrative Analysis" in *Qualitative Methods in Social Research* Boston: McGraw Hill, pp. 181-195.

Smyth, Michael A. (2006), "Queers and Provocateurs: Hegemony, Ideology, and the 'Homosexual Advance' Defense" in *Law and Society Review* 40(4): 903-930.

Brooks, Peter (2005), "Narrative in and of the Law" in *A Companion to Narrative Theory* (James Phelan and Peter J. Rabinowitz, eds.), Oxford: Blackwell, pp. 415+.

Ewick, Patricia and Susan Silbey (1995), "Subversive Stories and Hegemonic Tales: Toward a Sociology of Narrative" in *Law and Society Review* 29(2): 197-226.

February 20 – Spring Break

February 27 – Participating in/Observing the Legal in Space and Place

Kin Gagnon, Monika (2006), "Tender Research: Field Notes from the Nikkei Internment Memorial Centre, New Denver, B.C." in *Canadian Journal of Communication* 31(1): 215-225.

Liberman, Kenneth (1999), "From Walkabout to Meditation: Craft and Ethics in Field Inquiry" in *Qualitative Inquiry* 5(1): 47-63.

Fortier, Anne Marie (1996), "Troubles in the Field: the use of personal experiences as sources of knowledge" in *Critique of Anthropology* 16(3): 303-323.

Williams, Matthew (2007), "Avatar watching: participant observation in graphical online environments" *Qualitative Research* 7(1): 5-24.

Wolfiger, Nicholas (2002), “On Writing Fieldnotes: Collection Strategies and Background Expectancies” in *Qualitative Research* 2(1): 85-93.

March 6 – Activism and/as Method

Uldam, Julie and Patrick McCurdy (2013), “Studying Social Movements: Challenges and Opportunities for Participant Observation” in *Sociology Compass* 7: 941-951.

Strega, Susan (2005), “The view from the poststructural margins: Epistemology and methodology resistance” (Leslie Brown and Susan Strega, eds.) in *Research as Resistance: Critical, Indigenous and Anti-oppressive Approaches*. Toronto: Canadina Scholars Press, pp. 199-235.

Choudry, Aziz (2014), “(Almost) everything you wanted to know about activist research but were afraid to ask: What activist researchers say about theory and methodology” in *Contention: The Interdisciplinary Journal of Social Protest* 1(2): 75-88.

Zavala, Miguel (2013), “What Do We Mean by Decolonizing Research Strategies? Lessons from Decolonizing, Indigenous Research Projects in New Zealand and Latin America” in *Decolonization: Indigeneity, Education & Society* 2(1): 55-71.

March 13 – Talk as method: Interviewing

Platt, Jennifer (2001), “The History of the Interview” in *Handbook of Interview Research: Context and Method* (J.F. Gubrium and J.A. Holstein, eds.), Thousand Oaks, CA: Sage, pp. 33-54.

Evans, James and Phil Jones (2011), “The Walking Interview: Methodology, Mobility and Place” in *Applied Geography* 31: 849-858.

Nairn, Karen, *et al.* (2005), “A Counter-Narrative of a ‘Failed’ Interview” in *Qualitative Research* 5(2): 221-244.

Opie, Anne (2008), “Qualitative Research, Appropriation of the ‘Other’ and Empowerment” in *Just Methods: An Interdisciplinary Feminist Reader* (Allison M. Jaggar, ed.), Boulder and London: Paradigm Publishers, pp. 362-373.

March 20 – Scholarly Ethics and Ethics Review

Presentation by a member of the Research Ethics Board at Carleton University

Hammersley, Maryn and Anna Traianou (2014), “Foucault and Research Ethics: On the

Autonomy of the Researcher” in *Qualitative Inquiry* 23: 227-238

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

Haggerty, Kevin (2004), “Ethics Creep: Governing Social Science Research in the Name of Ethics” in *Qualitative Sociology* 27(4): 391-414.

Please review the Carleton University Policy on the Responsible Conduct of Research:
<http://carleton.ca/secretariat/wp-content/uploads/Responsible-Conduct-of-Research..pdf>

March 27 – Visualizing Law/Law in the Visual Register

Feigenson, Neal (2011), “The Visual in Law: Some Problems for Legal Theory” in *Journal of Law, Culture and the Humanities* 10(1): 13-23.

Buchanan, Ruth and Rebecca Johnson (2009), “Strange Encounters: Exploring Law and Film in the Affective Register” in *Studies in Law, Politics and Society* 46: 33-60.

Manderson, Desmond (2012/13), “The Law of the Image and the Image of the Law” in *New York Law School Law Review* 57: 153+.

Review videos and materials from the *Encountering Democracy* project --
<http://jacquelinekennelly.ca/encountering-democracy/>

April 3 – Round Table on Research

Student research presentations