

Course Outline

COURSE:	LAWS 5006 F
TERM:	Fall 2012
PREREQUISITES:	LAWS
CLASS:	Day & Time: Tuesdays 2:35-5:25 Room: Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Professor Adrian Smith
CONTACT:	Office: Loeb C475 (Beside the Law Department main office) Office Hrs: Thursdays (By Appointment) Telephone: Ext 3608 Email: Contact me through WebCT only

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/>

COURSE DESCRIPTION

Our task, to rephrase Walter Benjamin's words, is to brush socio-legal history against the grain. We will do so by confronting the received wisdom on the historical role of law in society, accounting for 'official' and 'unofficial' perspectives. Through interrogation of our guiding questions -- What is legal history? Who is it for? -- this seminar explores currents and themes in the uses of history in law and of law in history. We will touch on issues such as Canada's Chinese 'Head Tax', truth commissions and transitional justice, courts and labour history, and colonial legal regimes. The course draws on materials related to Canada, Guatemala and the Caribbean, although students are by no means limited in the geographic scope of their own work. Indeed, you will be encouraged to widen and deepen your

own interests through historicization. Using Canada and Canadian legal history as a frame of reference, you will see important parallels and continuities in lines of inquiry with other contexts. Along the way, we will endeavour to ascertain the value of historical inquiry and methods, and to sharpen understanding of the “uses and abuses” of history in legal studies. The hope is that participants will see that attentiveness to historical inquiry must entail, at the very least, rigour, reflexivity and creativity; and, at its best, sustained commitment to confronting historical and ongoing injustices.

Office Hours & Communication

I encourage students to discuss questions and issues related to the course during class hours, on WebCT or in my office by appointment. Unless a question can be answered as a ‘yes’ or ‘no’, I do not respond to WebCT email questions from students related to the content of the course.

REQUIRED TEXTS

None.

SUPPLEMENTARY TEXTS

See the list of assigned readings.

EVALUATION

(All components must be completed in order to earn a passing grade)

Class Participation: 25%

Presentation: 15% (8, 15, 22, 29 November)

Research Essay: 60% (topic selected by 23 October, due 3 December)

Class Participation

Weekly attendance is expected. However, participation is an active process and so merely “showing up” without getting involved is not sufficient. Anyone who attends but does not meaningfully engage will be deemed not to have participated. ‘Meaningful engagement’ is not an invitation for you to just talk aimlessly or for the sake of it. Class participation is measured in terms of quality and not quantity. Strive for thoughtful and respectful interventions. Those students who do the readings and class preparation ought not to have any difficulty.

Shyness is not an acceptable excuse for lack of participation. Effective oral communication is a skill of high importance in graduate studies and in future endeavours. I encourage shy students to speak to me immediately about devising strategies for improving in-class participation. Do not wait to speak to me about these issues at the end of the term. It will be too late.

Presentation

In one of the final four sessions, students will give an oral presentation of no more than 20 minutes on their research project. This is an opportunity to discuss your topic, research question(s), methods, key sources and so on. Presenters will be graded on the depth and quality of treatment of each of these areas and on their oral communication skills. Although essays need not be completed by this point, you would do well to have a draft prepared to facilitate the presentation process.

Research Essay

You must choose your own topic and set a research question by October 23rd. Although I will not of course choose one for you, you are strongly encouraged to speak with me about it. You also will have ample opportunity to work through pertinent issues related to your essay during seminar sessions. Students that begin work on the essay early will find the weekly sessions most useful.

Essays are due on Monday December 3rd by 4pm. Late papers will be penalized at the rate of 5% per day, including weekends. Of course medical and other emergencies will be respected provided that proper documentation is provided. After the seventh day late papers will not be read.

Essays must be at least 20 pages long, double-spaced, in 12 pt. font with proper margin, paragraph and page formatting and in full compliance with citation rules as set out in the “McGill Guide”. These citation rules can be quite onerous and labour-intensive so leaving them to the last minute is not recommended.

Please also note University regulations on academic integrity and academic offences as set out in the Graduate Calendar. Students with disabilities requiring academic accommodation are asked to contact the Paul Menton Centre before the term deadline for completion of the necessary forms.

SCHEDULE

Seminar Topics

- 1. Introduction: No/Know History of Legal Studies?**
- 2. Doing & Undoing (Canadian) Legal History**
- 3. ‘Critical Legal Histories’: The First, the Last, the Everything?**
- 4. Law, Violence, Colonialism – Oh My!**
- 5. Canada’s Chinese ‘Head Tax’**
- 6. Transitioning to and from Injustice**
- 7. Courting Labour History**
- 8. Re/De-Colonizing Legal Regimes**

Remainder of Term: Presentations