

Course Outline

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<b>COURSE:</b>	<b>LAWS 1001E – Introduction to Legal Studies I: Foundations &amp; Rights Protection</b>
<b>TERM:</b>	<b>Winter 2021</b>
<b>PREREQUISITES:</b>	<b>None</b>
<b>CLASS:</b>	<b>Day &amp; Time: Wednesdays 11:35 — 13:25 (ONLINE CuLearn—using Big Blue Button)</b>
	<b>Room: All Courses in the Winter 2021 term are offered online.</b>
	<b>Please check Carleton Central for current Class Schedule.</b>
<b>INSTRUCTOR: (CONTRACT)</b>	<b>Professor Sébastien Malette, Ph.D.</b>
<b>CONTACT:</b>	<b>Office: D591 Loeb Building</b>
	<b>Office Hrs: By appointment and office hours using Big Blue Button: Fridays, 13:00—15:00</b>
	<b>Telephone: 613-520-2600 x. 3681 (email preferred)</b>
	<b>Email: <a href="mailto:sebastien.malette@carleton.ca">sebastien.malette@carleton.ca</a></b>

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**CALENDAR COURSE DESCRIPTION**

Introduction to legal studies: concepts, sources, nature and functions of law; historical, cultural and constitutional foundations of Canadian legal system; common and civil law traditions; statutory interpretation; precedent; legal institutions; frameworks for analyzing formal and informal conceptions of law and its role in society. Lectures and discussion three hours a week.

**COURSE DESCRIPTION**

This course is designed to provide an introduction to the field of Canadian legal studies. As such, it has two main objectives. A first objective is to provide a basic knowledge of the formal foundations of law and the legal system in Canada. Students will learn about the sources of formal law in Canada, the structure and function of legal institutions, the process of law-making and the various actors in the legal process. As well, students will be introduced to important areas of substantive law (such as criminal law, constitutional law, and contract law). A second objective of the course is to provide students with the tools to begin to think critically about the law and our legal system. Students will be introduced to various theoretical perspectives concerning what law is, how law is “made”, how we experience law, the role of law in shaping relationships between individuals and groups as well as relations between the state and society. The ways in which the law may be manipulated to serve particular societal interests will also be considered. Ultimately, students will consider the role that law plays in either advancing or inhibiting social justice and social change.

Learning Objectives: Upon successful completion of the course, students should be able to:

- Identify and explain several different theoretical frameworks that can be used to examine the different forms and roles of law within Canadian society, including both formal and informal conceptions of “law”;
- Identify, explain and critically evaluate the roles and functions of institutions and actors involved in the formal legal system;
- Recognize, explain and critically evaluate the formal process of legal rule-making, including the legislative process and judicial decision making;
- Recognize, explain and critically evaluate a cross-section of the formal legal rules and frameworks that directly affect the lives of Canadians;
- Recognize and critically evaluate the ways in which both formal and informal “law” may be used to affect the distribution of power in society and recognize different ways of assessing the relationship between law and justice and between law and social change.

### **REQUIRED TEXTS**

1. Stephen Tasson, Rebecca Bromwich, Jane Dickson, Vincent Kazmierski, Bettina Appel Kuzmarov, Sébastien Malette, Umut Öszu (eds.), *Introduction to Legal Studies: Foundations and Rights Protection* (vol.1) Canadian Legal Studies Series (Concord: Captus Press, 2080); ISBN 978-1-55322-375-7.
2. Patrick Fitzgerald, Barry Wright, and Vincent Kazmierski, *Looking at Law: Canada’s Legal System*, 7th ed. (Toronto: Butterworths, 2019). ISBN 978-0-433-49892-6

May also be purchased through the Carleton University Bookstore website:  
<https://www.bkstr.com/carletonstore/home>)

### **SUPPLEMENTARY TEXTS**

Please verify CuLearn on a weekly basis for any addition pedagogical material.

### **EVALUATION**

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.

There are four formal evaluation components in this course: two assignments, attendance and participation in discussion groups, and a single multiple-choice examination held in the regular examination period in April 2021. Assignments must be completed and submitted electronically to the appropriate Teaching Assistant via CuLearn by 4:30 p.m. on the due date. Papers submitted in any other fashion will not be accepted; late papers will not be accepted save in the case of a documented medical excuse or similarly serious and unforeseen circumstance. Details of the late submission policy are outlined below.

- Assignment 1 (25%): Short essay, due February 24, 2021, by 4:30 p.m. (full details of the assignment will be posted on CULearn).
- Assignment 2 (25%) Case Summary, due March 24 19, 2021, by 4:30 p.m. (full details of the assignment will be posted on CULearn).
- Final Examination (35%) A Multiple Choice Examination of all topics/materials covered during the Winter Term, written during the formal examination period.
- Discussion Group (15%) Students will be expected to attend and participate in weekly discussion groups.

Failure to complete all assignments and exams in the course will result in the student receiving a failing grade for the course. Deferrals will not be granted unless all other course requirements have been met.

### **LATE PENALTIES AND REQUESTS FOR EXTENSIONS**

Late assignments will be marked down 2 marks for each day submitted after the due date (including weekend days). Extensions will only be given out in extreme circumstances, such as severe illness of the student or death of a family member. Appropriate documentation will be required to accompany all requests for extensions. Grade Appeals: Students who have questions about the grade they receive on an assignment or who wish to challenge the grade must contact their TA via email to request a review/appeal of their grade within one week of the posting of the disputed mark on CULearn. Considerations of requests for reviews/appeals, which fall outside this timeline, are solely at the discretion of the TA. Students who are not satisfied with the outcome of a grade review/appeal, or who are denied a review/appeal, may appeal that outcome or denial to the Instructor within one week of receiving the TA's determination or denial of their review/appeal. The instructor will not generally entertain reviews/appeals of grades outside this timeline, nor consider any grade review/appeal that has not first been discussed with the T.A.

The granting of extensions is determined by the instructor who will confirm whether an extension is granted and the length of the extension. For requests for extensions lasting less than 7 days, please complete the form at the following link and submit it to the instructor prior to the assignment due date. [https://carleton.ca/registrar/wp-content/uploads/COVID-19\\_Self-declaration.pdf](https://carleton.ca/registrar/wp-content/uploads/COVID-19_Self-declaration.pdf) **Extensions for longer than 7 days will normally not be granted.** In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

### **SCHEDULE**

**January 6, 2021**

**February 15, 2021**

**February 15 – 19, 2021**

**April 9, 2021**

**April 11 – 23, 2021**

**Classes Begin**

**Statutory Holiday, University Closed**

**Winter Break, No Classes**

**Winter Term Ends**

**Classes follow a Monday Schedule**

**Formally Scheduled Final Exams**

1	<b>Introduction to Legal Studies</b> No Readings – Review Course Outline
<b>Law in Context</b>	
2	<b>What is Law and What Does It Do?</b> <i>Legal Studies Course Reader</i> , 1(a)-(b)-(c) <i>Looking at Law</i> , pp. 1-4
3	<b>Sources of Law in Canada</b> <i>Legal Studies Course Reader</i> , 2(a)-(d) <i>Looking at Law</i> , pp. 23-34
4	<b>Law, the State and the Constitution</b> <i>Legal Studies Course Reader</i> , 3(a)-(b)-(e) <i>Looking at Law</i> , pp.47-62
<b>Looking at Law: Difference Lenses for Law and Legal Studies</b>	
5	<b>Approaches to Law: Law, Morality and Justice</b> <i>Legal Studies Course Reader</i> , 5(a)-(b)-(e)-(f) <i>Looking at Law</i> , pp. 4-12
<b>Reading Week No Classes</b>	
6	<b>Approaches to Law: Legal Liberalism and Its Critics</b> <i>Legal Studies Course Reader</i> , 6(a)-(c) <i>Looking at Law</i> , pp.12-20
<b>Assignment Due Feb 24 2021 by 4:30 p.m.</b>	
7	<b>Approaches to Law: Law and Society</b> <i>Legal Studies Course Reader</i> , 7(a)-(c)
<b>Making Law: Judicial Decisions and Legislation</b>	
8	<b>Making Law I: Legislation, Administrative Decisions, Enforcement and Discretion</b> <i>Legal Studies Course Reader</i> , 9(a)-(d) <i>Looking at Law</i> , pp. 34-40, 152-154

9	<b>Making Law II: Judicial Decisions</b> <i>Legal Studies Course Reader</i> , 8(a)-(b) <i>Looking at Law</i> , pp. 40-47, pp. 121-133
Law, the State and Citizens	
10	<b>Law, Citizenship and Human Rights I</b> <i>Legal Studies Course Reader</i> , 10(a)-(e) <i>Looking at Law</i> , pp.173-189
Assignment Due March 24 2021 by 4:30 p.m.	
11	<b>Law, Citizenship and Human Rights II – the Charter</b> <i>Legal Studies Course Reader</i> , 11(b)-(d) <i>Looking at Law</i> , pp. 62-71
12	<b>Catch-up Lecture and Exam Review</b>

Winter Term Ends April 9, 2021 – Formal Examination Period usually runs April 11-23, 2021

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## ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows: <https://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf>

### Pregnancy obligation

Please contact 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 Department of Equity and Inclusive Communities (EIC): <https://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 Department of Equity and Inclusive Communities (EIC): <https://carleton.ca/equity/>

### Academic Accommodations for Students with Disabilities

If you have a documented disability requiring academic accommodations in this course, please contact The Paul Menton Centre (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 as soon as possible to ensure accommodation arrangements are made. Please consult the PMC Website for their deadline to request accommodations for the formally-scheduled exam (if applicable) <https://carleton.ca/pmc>

### **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: <https://carleton.ca/registrar/academic-integrity/>

### **Survivors of Sexual Violence**

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/studentssupport/svpolicy/>

### **Accommodation for Student Activities**

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor 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. <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

For more information on academic accommodation, please contact the departmental administrator or visit: <https://students.carleton.ca/services/accommodation/>

### **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: <https://carleton.ca/law/current-students/>