
Course Outline

Course: LAWS 1001E **Introduction to Legal Studies I**

Term: Winter 2019

Prerequisites: None

Class Time: Tuesday 11:35-1:25pm (Tutorials scheduled: 10:35-11:25 or 1:35-2:25)

Room: Please check on *Carleton Central* for current room location

Instructor: Stephen Tasson

Contact: **Office:** Loeb Building D599 (w/ T. Purvis)

Office Hours: TBA

Email: steve_tasson@carleton.ca

Calendar 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.

Overview of the course

In contemporary societies law is not only an important mechanism used to resolve disputes, but importantly also defines a significant part of our collective and individual identities. Constituting the “legal foundations” of a community – and negotiating the (dis)connections to other “foundations” (such as a community’s moral, political and social bases) – is an important way that groups practically define themselves and the roles and responsibilities they expect from individual members. Law, in this way, is a means to define what it means to be a citizen and the rights and responsibilities that are associated with that citizenship.

Some big questions we discuss:

- How do we know “the Law”?
- Must law be moral? Coercive?
- What does it mean to be a citizen?
- What is the relationship between ‘formal’ and ‘substantive’ justice?
- What are the key formal sources of contemporary Canadian law?
- What are “rights” and who has them?
- Who should ultimately make decisions about our rights and their limits?
- Are there more effective alternatives to the current adversarial court system?
- What is the practical and ideological power of our system of precedent and legal interpretation?

While inclusion in these identities and institutions can **empower** individuals and may provide a strong sense of security and belonging, the impact and consequences of legal definition and legal processes are not always so positive. Law is never politically or culturally “neutral” or “value-free”. Thus we must ask how legal definitions and foundational claims also potentially foster and

maintain – rather than alleviate – **social inequalities** and exclusions (based on class, ethnicity, gender, religion, sexuality, etc).

These are critical questions. They are fundamentally questions about what law is and *does*; and crucially what it ought to do and be.

To begin to answer these questions we must first think about how we understand and define “law”, “the legal” and by extension “legal studies”; we must understand the constitutional foundations” of our legal institutions (in Canada) and also the more mundane processes of legal decision-making that order and stabilize these foundations. What principles and structures support “law” in Canada? How are these established? Who decides, and on what authority? What can the operation of “law” in Canada tell us about the constitution and reproduction of Canadian society, more generally (if anything)?

Course Objectives (or, ‘what I want you to get out of the course’)

1. Explore the implications of competing “perspectives of law” and law’s ambiguous roles and impacts in contemporary societies.
2. Develop an understanding of the sources of Canadian law and the historical links to, and treatment of, “other(ed)” systems of law and social ordering.
3. Explore the relationship between Charter rights, human rights, and the principle of Parliamentary supremacy.
4. Understand the relatively stabilizing role and practices of “precedent” in judicial interpretation and decision-making within the Common Law tradition.
5. Develop your ability to critically evaluate the strengths and weaknesses of competing written arguments.
6. Explore the relationship between law, politics, economics and morality (as sometimes complimentary, and sometimes conflicting, systems of social ordering). Be capable of reading existing debates and social issues such as obscenity and the limits of freedom of expression through these intersections.
7. Examine the relationship between political “liberal rights” and contemporary theories of citizenship, multiculturalism, social inclusion, exclusion, and state violence.
8. Improve your ability to structure and communicate ideas and arguments both orally and in writing.

Required Texts

Tasson, S. *et al.* (eds.) (2018). *Introduction to Legal Studies: Foundations and Rights Protection* (1th ed.). North York: Captus Press.

In addition to this main text there will be **additional readings** for which you will be also be responsible. These will be available to you through CULearn.

Note: This text is available from ***Octopus Books*** (located in “the Glebe”- a 20 minute walk from campus or a short ride on the #7). The book is **NOT** available for this section of 1001 at the Carleton Bookstore. Be sure to purchase the correct edition!

The schedule for weekly topics & required readings is available on CULearn

Course Evaluation

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

“Short Paper”	20%	(due 11:30pm February 15 th)
Term Paper	30%	(due 11:30pm March 22 nd)
Final Exam	30%	(formally scheduled)
Reading Responses (4)	10%	(continuous, see below)
Course Participation	10%	(continuous)

NOTE: 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.

Course Components

****You must complete ALL components of the course to receive a passing grade****

“Short Paper”

The “short paper” in this class is a more summary-oriented paper. It is designed to give you a chance to both submit a substantial piece of writing for “early feedback” prior to your term paper and also to explore and discuss a select(ion of) article(s) from the course in more detail. The “short paper” will be **approx. 6 double-spaced pages** in length. As with all course requirements, more specifics will be **clarified in an assignment sheet and discussed in the lecture and in the tutorials.**

Term Paper

The term paper asks you to summarize, synthesize and critique (i.e. take a position on) some of the material we investigate in the course. It provides you an opportunity to discuss the readings that we investigate in the course and draw connections to some of the broader questions and themes highlighted in the lectures. The Term Paper will be **approx. 8 double-spaced pages** in length. The specific question and rubric for evaluation will outlined in the assignment sheet and will also be **discussed in more detail in the lecture and in the tutorials.**

NOTE: “Outside” research (other than course texts and lectures) will not be required and is usually not encouraged on the papers.

Final Exam

The final exam will be sat during the formally scheduled exam period. The date, time and location are centrally scheduled by the university (I’m at their whim as much as you!). The exam will likely consist of 80 -100 multiple-choice questions; though there may be some short and long answer questions as well (if this is the case I will inform you early in the term). For the most part multiple-choice exams aim to test the **breadth** of knowledge you have gained in the

course rather than the **depth** (this is what your papers are for!). The specifics of the exams and tips for studying will be discussed closer to the end of each term.

Reading Responses (4)

One major challenge in designing any course is to promote and award weekly engagement with the material throughout term and not just when it comes time to prepare term papers. Thus...

4 weeks out of the term (you pick which ones but it's **highly** advisable to complete them **early in the term if you can**) you submit an **approx. one-page (double-spaced)** "response" to the weekly question (available in advance on CULearn) by drawing-on/referring primarily to the week's reading(s), lecture or on issues raised by the week's topic.

These "responses" should demonstrate you have read the required readings/sources (summary) and considered the arguments/topic in some depth (analysis). Again, the main aim of your response should be to demonstrate "engagement" and, if possible, to connect the week's material to larger themes or issues you see developing in the course.

Like other written components of the course, these responses are submitted electronically via CULearn and must be submitted before the deadline indicated on CULearn.

NOTE: There are **NO LATE penalties for these assignments**. If they are not submitted on time they **WILL NOT be accepted** for grading.

They are *purposefully flexible* to allow you to complete them when it works best throughout the term (so when you are NOT sick, or NOT juggling assignments in other courses, etc). If you "miss" a week – for whatever reason(s) – you can just try the following week.

Course Participation (Tutorials)

Despite the fact that this is primarily delivered as a lecture course, individual weekly participation and "engagement" is still a key component of the course and your mark. Your main opportunity to participate is in the weekly discussion groups (a.k.a. "tutorials"). **You are expected to contribute to your discussion group and come prepared to participate.** Your participation mark is based not only on your basic attendance but your actual participation in the group discussions and planned exercises.

NOTE: It is very important that you attend the tutorials! As with the lecture, **all material that is discussed or presented there may appear on exams or be the subject of assignments** (e.g. there may be a couple of short documentaries shown in the groups).

Also, while a key function is to provide a place to discuss course material with your peers, my intention is that they should also **help clarify assignment expectations and develop some of the skills necessary for success in the course** (and beyond) (e.g. reading and analysing judicial decisions, etc.).

Some General Guidelines on Assignments for This Course

(We will be discussing these requirements in more detail in lecture or the tutorial)

ASSIGNMENT FORMATTING and SUBMISSION

Any written work submitted in this course **must** be double-spaced, 12pt Times or Arial font with standard 1" margins. All assignments **must** include a title page that has, at minimum, your name and student number, the course code, my name and your tutorial leader (TA)'s name on it. Title pages, bibliographies and extensive footnotes are not counted in determining an assignment's page length. Assignments are to be submitted **using the links provided for this purpose on the CULearn page** for this course.

It is **your** responsibility to ensure that assignments are submitted in a *readable* format before the deadline. If you anticipate any issues (technological or otherwise) you should discuss this with your TA or with me ASAP **in advance** of the deadline.

**Failure to format or submit your assignments as indicated
may result in them not being accepted**

EXTENSIONS & LATE ASSIGNMENTS POLICY

Every term I (and your TAs) spend a great deal of my time dealing with extension requests and last-minute appeal for mercy just before deadlines (or, worse, weeks after deadlines). This is far from ideal.

6 Reasons Why Deadlines Really Matter (even if they sometimes don't seem to)

1. Deadlines create a date that allows you to plan your time in order to fulfil course work.
2. Deadlines ensure that everyone is allowed (theoretically) the same limited resource (time!) to complete the assignment and so establish some minimal "baseline" that allows me to measure student's "engagement and commitment" to the course.
3. Deadlines are artificial. My MAIN goal in this course is to have you LEARN skills and information. Learning is a process that takes *time* and happens very differently for different people. Learning is, in some part, disconnected from deadlines and, in some cases, deadlines can actually get in the way of this learning.
4. Students have different commitments and priorities. Some of these priorities are MORE URGENT and MORE IMPORTANT than this course (and this is OK). You may have to make hard choices about deadlines that reflect these different priorities and, again, this is "OK". It's not ideal, but we don't live in an ideal world.
5. You are not a "bad person" for missing a deadline. Not getting something in by a deadline does not reveal some deep moral fault! Everyone misses at least one deadline because in the real world people over-commit, have unforeseeable emergencies, health issues, family trouble, etc...
6. Deadlines *do* matter because, in courses where TAs are used primarily to mark materials, we have to work on "marking cycles". Teaching Assistants are students too! They have their own assignments and course/research work to complete – and have their own deadlines (and in some limited cases, actual lives to live). They plan their term schedule around when they have to grade and complete feedback for their students and when papers are late this puts

additional pressure on them and complicates my ability to maintain consistency in grades across the course.

Ultimately, in a class containing hundreds of students, clear standards, criteria and timelines maximizes our best chances of engaging all the required material in a way that best achieves the learning outcomes of the course for most students.

Late assignments will normally be penalized **3% per day** that they are late (unless otherwise specified on the assignment instructions). Late assignments are to be submitted normally through **CULearn** unless otherwise noted. **Email is NOT considered an acceptable means of submission for assignments.**

Extensions (i.e. academic accommodation on deadlines) beyond the normal academic accommodations noted as part of University Policy on Academic Accommodation must normally:

- a. be supported by documentation (in the case of “sick notes”, include specific dates)
- b. be requested in advance of the deadline
- c. ideally be discussed “in person” during office hours or an appointment

BACKUP COPIES

Student must retain a **paper hard copy** of anything submitted for a grade in the class. This hard copy should be kept for at least 3 months following the end of the course in case there is any discrepancy in final grades. Students must be able to produce a copy of assignments immediately upon request.

CITATION, REFERENCING and PLAGARISM

Assignments in the course must be properly referenced/cited and include a bibliography of all sources used in the preparation of the assignment. You will discuss the citation style in some detail in your tutorial group. Good citation takes some practice but the main goals are: clarity and consistency! **Failure to reference properly or attempting to pass someone else’s ideas or work off as your own is plagiarism.** I take it very seriously and so should you. Plagiarism can lead to penalties that are very serious. Engaging in it is incredibly misguided.

Some material in course is tough and so you may want to turn to the internet for additional information. Note that relying on alternative Internet-based sources to complete assignments is, at best, very risky: most obviously because such practices may invite plagiarism and secondly, because some online information may not be entirely accurate and may in fact **unduly complicate or undermine your own (better!) arguments**. In short, these tools can sometimes be a brick rather than a life-preserver when you’re struggling to stay afloat. It is far better to come and talk to me about assignment expectations if you are worried or confused.

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: 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 Equity Services website: carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf

Religious 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 Equity Services website: carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf

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 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) www.carleton.ca/pmc

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: carleton.ca/sexual-violence-support

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.c/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

For more information on academic accommodation, please contact the departmental administrator or visit: <http://students.carleton.ca/course-outline>

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/>

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