

Course Outline

---

<b>COURSE:</b>	<b>LAWS 3908A: Approaches in Legal Studies II</b>
<b>TERM:</b>	<b>Fall 2017</b>
<b>PREREQUISITES:</b>	<b>LAWS 2908 and Third-year Honours standing</b>
<b>CLASS:</b>	<b>Day &amp; Time: Tuesdays 11:35am – 2:25pm</b> <b>Room: Please check with Carleton Central for current room location</b>
<b>INSTRUCTOR: (CONTRACT)</b>	<b>Nicholas Lamb: PhD Candidate; Legal Studies; Carleton</b>
<b>CONTACT:</b>	<b>Office: B442 Loeb Building</b> <b>Office Hrs: 3-4pm Tuesdays</b> <b>Email: nicholas.lamb@carleton.ca</b>

---

**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/>

**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](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*). **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](http://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/>

**Student Services:** The Centre for Student Academic Support (CSAS) is a centralized collection of learning support services designed to help students achieve their goals and improve their learning both inside and outside the classroom. CSAS offers academic assistance with course content, academic writing and skills development. Visit CSAS on the 4<sup>th</sup> floor of MacOdrum Library or online at [carleton.ca/csas](http://carleton.ca/csas)

### **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 & Objectives**

This course aims to provide students with a sufficient overview of legal theory and the competency to apply various theories to analyze and understand socio-legal issues in Canada. The first part of the course will focus on traditional conceptions of law by examining Natural Law, Positivist Law, and Legal Realist theories. The second part of the course will focus on sociological and critical theories of law by reviewing and applying the frameworks of Durkheim, Marx, Weber, Critical Legal Studies, Feminist Jurisprudence, and Critical Race Theory. Students must demonstrate their comprehension of legal theory

by successfully completing a midterm, group presentation, an individual essay, and a final exam. In accomplishing these course objectives, students will acquire extensive knowledge, skill set, and confidence to engage with and utilize legal theory in their future research and professional endeavors.

### Course Material

#### **Required Books:**

George Pavlich. 2011. *Law and Society Redefined*. Toronto, Ontario: Oxford University Press. The course textbook is available for purchase at Haven bookstore located at 43 Seneca St, Ottawa.

#### **Supplementary Readings:**

Assigned journal articles are retrievable online by accessing the CULearn LAWS3908A website.

#### **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.

### Course Evaluation

Assignments	Due Date	% of Final Grade
Attendance	Ongoing	10
Mid-Term	Oct. 17	20
Group Presentation	TBD	15
Individual Research Essay	Dec. 5	30
Exam (Final exam period, December 10 – 22)	TBD	25
<b>Total</b>	-	<b>100</b>

#### **Attendance:**

Students are expected to come to class having read and prepared to discuss all assigned readings. Throughout the semester students are also expected to raise and deliberate issues relating to their own respective group presentations and individual research essays. The ongoing evaluation is based on **10%** of actual attendance in classes.

#### **Mid-Term Exam:**

The mid-term exam will take place in-class on **October 17**, and students will have the entire duration of the class (3 hours) to complete it. It will consist of multiple-choice and short-answer questions regarding lecture and reading material from weeks one through five. The mid-term exam is worth **15%** of the student's final grade.

#### **Group Presentation:**

During the second week of class, students will be sorted into eight groups, with around 6 to 8 students per group depending on current enrollment numbers. Based on group members' interests and schedules,

every group will vote for and will eventually be assigned one week of the course (from weeks 3-11) in which they will provide a half-hour presentation in front of the class that introduces that week's legal theory. The 'Week 11' group has a choice between two theories (i.e. Feminist Legal Theory or Critical Race Theory). To undertake an effective presentation, the group should meet outside of class time and/or correspond online to make sure each member does their part to adequately research, prepare, rehearse, and carry out the presentation. The objectives of the group presentation are the following:

1. Introduce the basic principles/characteristics/elements of the legal theory for that week.
2. Provide a brief bio of one key scholar that helped develop the theory.
3. Demonstrate how the theory would study, explain, and/or critique a (historical or present-day) legal case, issue, event, or process.
4. Discuss the main criticisms, assumptions, weaknesses, and/or limitations of the theory.
5. End the presentation by posing one question to the class about the theory to generate an informative and lively class discussion.

To sufficiently accomplish these objectives, your group will need to not only draw information from the assigned readings for that week but also from researching and using external material from relevant academic and media sources. **The use of Powerpoint, Prezis, and/or other visual aids is required.** The group presentation is worth **15%**. The same grade will be allocated to each group member unless I have and/or been given reason to believe that a student(s) did not sufficiently assist their fellow group-members in undertaking the assignment. Please communicate any group-related issues with me either through email or during office hours as soon as they arise.

### **Individual Research Essay**

Throughout the entire semester students should be thinking and developing a research paper that applies a legal theory (discussed in the course) to analyze, explain, and/or better understand a particular (historical or contemporary) socio-legal issue. The 'Individual Research Essay' will be approximately 2000 and 3000 words (11-12 font size, 8-12 double spaced pages), sources should be properly referenced (i.e. in-text citations/footnotes and bibliography), and the writing should contain little to no grammar or spelling errors. Students will submit a digital copy (in Microsoft Word format) of their paper by **11:55pm on Tuesday, December 5<sup>th</sup> through electronic submission via the course's CULearn webpage**. The document should include a separate title page with the date, your full name and student ID#, working title of research project, course code (LAWS3908A: Approaches to Legal Studies II) and instructor name (Nicholas Lamb). This assignment is worth **30%** of the student's final grade.

### **Exam:**

The exam will take place during the scheduled exam period (December 10 – 22) and students will have three hours to complete it. It will consist of multiple-choice and short-answer questions regarding material from **weeks seven through twelve**. In other words, the exam is not cumulative. The exam is worth **25%** of the student's final 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.

### Course Policies

#### **Late Policy:**

A late assignment will be penalized at the rate of **5% per day (including weekends)**. Please consult with me (not the TA) at least **three days** before the due date if you have a current or impending serious medical or personal matter that will prevent you from submitting an assignment on time. Only in exceptional circumstances, will I grant an extension less than three days prior to the due date. Third party documentation is required for all extensions.

#### **Draft Review Policy:**

Neither the TA nor I will review or provide feedback on drafts of the research paper. However, students are encouraged to pose any questions about assignments during class time and/or my office hours. Students can also email their research questions to me (but not the TA) to get a brief explanation or clarification. If you are experiencing difficulties in writing composition please consult the Writing Tutorial Service provided by the Student Academic Success Centre (<https://carleton.ca/sasc/writing-tutorial-service/>). I strongly encourage students to familiarize themselves with on campus writing services/resources as soon as possible. In addition to excellent online resources, the Centre offers opportunities for students to develop effective writing skills and time management skills – both of which are crucial to success in university.

#### **Intellectual Property:**

Classroom teaching and learning activities and materials including lectures, PowerPoint slides, student presentations, are protected by copyright and remain the intellectual property of their respective author(s). Students registered in the course may take notes and make copies of course materials for their own educational use only. Students are not permitted to reproduce or distribute lecture notes and course materials publicly for commercial or non-commercial purposes without express written consent from the copyright holder(s).

### Class Schedule

Week	Date	Topics/Themes	Readings & Assignments
1	Sept. 12	Course Introduction and Objectives	Pavlich, <i>Introduction</i> (pg. 1-11)
2	Sept. 19	Classical Natural Law: Greco-Roman Origins, and Christian and Secular Revisions of Universal and Natural Justice and Law	Pavlich, <i>Chapter 1</i> (pg. 14-26)
3	Sept. 26	Natural Law Theory: The Internal Morality of Law, the Craft of	Pavlich, <i>Chapter 2</i> (pg. 27-39)

		Lawmaking, and the Basic Forms of Human Flourishing	Rundel, "Fuller's Internal Morality of Law". (pg. 499-506)  Finnis, "The 'Natural Law Tradition'" (pg. 492-495)
4	Oct. 3	Legal Positivist Theory: Sovereign Commands, Rules, Norms, and the Separation of Law and Morality	Pavlich, <i>Chapter 3</i> (pg. 40 - 54)  Hart, "Positivism and the Separation of Law and Morals" (pg. 593-629)
5	Oct. 10	Legal Realism Theory: Sociological Jurisprudence, Law-Jobs, and the Internal Dynamic of the Law	Pavlich, <i>Chapter 4</i> (pg. 55-69)  Llewellyn, "Law and the Social Sciences, Especially Sociology" (pg. 451-462)
6	Oct. 17	Midterm Exam	Study Weeks 1-5
**	<b>Oct. 24</b>	<b>Reading Week</b>	
7	Oct. 31	Durkheim's Sociology of Law: The Constituted Individual, Social Solidarity, and the Necessity of Crime in Society	Pavlich, <i>Chapter 5</i> (pg. 72-86)  Durkheim, 'Types of Law in Relation to Types of Social Solidarity' (pg. 17-29)
8	Nov. 7	Marx's Sociology of Law: Ruling Ideology, Class Struggle, and the Functions of Law in Capitalist Society	Pavlich, <i>Chapter 6</i> (pg. 87-102)  Spitzer, 'Toward a Marxian Theory of Deviance'. (pg. 638-651)
9	Nov. 14	Weber's Sociology of Law: Modern Disenchantment, the Rationalization of Law, and Basic Categories of Legal Thought	Pavlich, <i>Chapter 7</i> (pg. 103-116)  Trubek, "Max Weber on Law and the Rise of Capitalism" (pg. 720-753)
10	Nov. 21	Critical Legal Studies: Critiquing the Hegemony and Ideology of Law, Focusing on Power Relations, and Engaging in Legal Activism	Pavlich, <i>Chapter 8</i> (pg. 117-124)  Hunt, "The Critique of Law: What Is Critical about Critical Legal Theory?" (pg. 5-19)
11	Nov. 28	Feminist Jurisprudence and Critical Race Theory: Confronting the Law's Gendered	Pavlich, <i>Chapter 8</i> (pg. 124-133)  Fineman, "Feminist Legal Theory"

		and Racialized Oppressions	(pg. 13-23)  Tanovich, "The Charter of Whiteness" (pg. 655-686)
12	Dec. 5	Course Summary and Conclusion: The Future of Legal Theory and Exam Review	***Individual Research Essay DUE***