

Course Outline

COURSE:	LAWS 3908B: Approaches in Legal Studies II
TERM:	Fall 2018
PREREQUISITES:	LAWS 2908 and Third-year Honours standing
CLASS:	Day & Time: Monday 11:35am – 2:25pm Room: Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Nicholas Lamb: PhD (abd); Legal Studies; Carleton MA; Legal Studies; Carleton BA; Sociology; Wilfrid Laurier
CONTACT:	Office: B442 Loeb Building Office Hrs: By appointment only Email: nicholas.lamb@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: 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: 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: 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 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 their deadline to request accommodations for the formally-scheduled exam (if applicable) www.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 Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source.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: <http://carleton.ca/studentaffairs/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 is 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.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

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

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

CALENDAR COURSE DESCRIPTION:

Advanced approaches to interdisciplinary research and analysis in law and legal studies. Emphasis on the important role of theory. Approaches considered will vary by section, and may include theoretical, quantitative, qualitative, literary, or historical approaches. Honours students are strongly encouraged to take this course in the third year of their program.

This course aims to provide students with an overview of prevalent philosophical, sociological, and critical theories about law, and the ability to apply these legal theories to study and explain socio-legal issues and problems in Canada. The first part of the course will focus on philosophical conceptions of law by examining Natural Law, Positivist Law, Legal Realism, and Post-Structuralism. The second part focuses on sociological theories of law by reviewing and applying the frameworks of Durkheim, Marx, Weber, and Bourdieu. Lastly, the course introduces students to critical perspectives of law including Critical Legal Studies, Critical Race Theory, and Feminist jurisprudence. Students must demonstrate their comprehension of legal theory by successfully completing an assignment, group work, a research paper, and a final exam. By accomplishing these course objectives, students will acquire extensive knowledge and competence to engage with and utilize a variety of socio-legal theoretical frameworks 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 the Carleton Bookstore)

Supplementary Readings:

Assigned journal articles are retrievable online by accessing the CULearn LAWS3908B website.

Course Evaluation

Assignments	Due Date	% of Final Grade
Attendance	Ongoing	10
Group Work	Ongoing	10
Midterm Assignment	Nov. 5	20
Exam (Final exam period, December 9 – 21)	TBD	30
Research Paper	Dec. 7	30
Total	-	100

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 research papers. The ongoing evaluation is based on **10%** of actual attendance in classes.

Group Work:

At the beginning of the term, students will be randomly organized into several small groups. Throughout the term, every student is required to participate in their designated group to help complete course related tasks assigned by the instructor. At the end of the semester, every student will complete an evaluation of their own contributions to the group and those of other members. Group evaluation reports are due via CULearn dropbox on **December 7th**. Based on this information, student averages will be calculated and given an overall value out of 10, which equates to **10%** of their final grade. However, the instructor has discretionary power to revise the group work grade if circumstances arise.

Midterm Assignment: Philosophical Legal Theory Summaries

This assignment entails writing four summary essays, one for each of the philosophical theories covered from weeks 3 to 6 in part I of the course (via readings and lectures). Summaries should explain the particular theory's (1) historical and contextual background; (2) biographical information about one influential scholar; (3) main concepts and arguments about law; (4) the strengths and weaknesses/limitations; and (5) its applicability to analyze a socio-legal issue. Each summary will be approximately 750-1000 words (3 to 4 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 ONE digital copy containing all four essays by **11:55pm November 5th through electronic submission via the course's CULearn webpage**. The document should also include a separate title page with the date, your full name and student ID#, title (i.e. Part I Assignment), course code (i.e. LAWS3908B: Approaches to Legal Studies II) and instructor name (Nicholas Lamb). This assignment is worth **20%** of the student's final grade. Further details about this assignment will be discussed during the second week of class.

Exam:

The exam will take place during the scheduled exam period (December 9 – 21) and students will have three hours to complete it. It will consist of 100 multiple-choice questions regarding material from **weeks two through eleven**. In other words, the exam is **cumulative**, it includes all content from parts I & II of the term. The exam is worth **30%** of the student's final grade.

Research Paper

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 4000 - 5000 words (15 – 18 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 December 7th 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#, title of paper, course code (LAWS3908B: Approaches to Legal Studies II) and instructor name (Nicholas Lamb). This assignment is worth **30%** 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

PART I		Philosophical Legal Theories	
Week	Date	Topics/Themes	Readings & Assignments
1	Sept. 10	Course Introduction, Expectations, and Objectives	Pavlich, <i>Introduction</i> (pg. 1- 11)
2	Sept. 17	Classical Natural Law Theory: Greco-Roman Origins, Christian Interpretations, and Secular Revisions	Pavlich, <i>Chapter 1</i> (pg. 14-26) *Part I Assignment Instructions (also posted on course CUlearn webpage)

3	Sept. 24	Modern Natural Law Theory: Lawmaking as a craft, Procedural Morality, and Practical Reasoning through Intuitive Methods	Pavlich, <i>Chapter 2</i> (pg. 27-39)
4	Oct. 1	Legal Positivist Theory: Sovereign Commands, Rules, Norms, and the Separation of Law and Morality	Pavlich, <i>Chapter 3</i> (pg. 40 - 54)
5	Oct. 15	Legal Realism Theory: Sociological Jurisprudence, Law-Jobs, and the Internal Dynamic of the Law	Pavlich, <i>Chapter 4</i> (pg. 55-69)
**	Oct. 22	No Class	Fall Break
6	Oct. 29	Foucault's Philosophical Discourses about Power- Knowledge, Governance and the Law	Pavlich, <i>Chapter 9</i> (pg. 124-133)
PART II	Sociological and Critical Legal Theories		
7	Nov. 5	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) Part I Assignment Due (20%); submit via course's CULearn webpage by 11:55pm
8	Nov. 12	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)
9	Nov. 19	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)
10	Nov. 26	Bourdieu's Sociology of Law: The Social Field, Habitus, and	Bourdieu, <i>The Force of Law: Toward a Sociology of the Juridical Field</i> (pg.

		Symbolic Violence of Law	805-852) [CULearn]
11	Dec. 3	Critical Legal Studies: Critiquing hegemonic ideology of Law, and Confronting the Law's Gendered and Racialized Oppressions.	Pavlich, <i>Chapter 8</i> (pg. 117-133)
12	Dec. 7	Course Conclusions, Limitations, and Exam Instructions	Research Paper is DUE via CULearn Group Work Evaluation DUE via CULearn