

Course Outline

COURSE: LAWS 5001W – Legal Research and Social Inquiry

TERM: WINTER 2019

CLASS: **Day & Time:** Tuesdays 6:05 – 8:55 pm
 Room: Loeb D492

INSTRUCTOR: Dr. Sheryl N. Hamilton

CONTACT: **Office:** Loeb C463 and 2306 Richcraft Hall
 Office Hrs: Tuesdays 9:30 – 11:30 am or by appointment
 Telephone: X1178 and X1975
 Email: Sheryl.hamilton@carleton.ca

CALENDAR COURSE DESCRIPTION

Introduces problems of research strategy and methods. Explores contrasting methodologies in legal research; evaluates methodologies employed in understanding legal reasoning, discourses, and practices. Includes seminars in which participants present outlines of their own research projects, focusing on methodologies and research questions.

COURSE DESCRIPTION

This course studies relations of knowing, specifically in relation to law, culture and society. Methodology, research design, and methods are at the heart of scholarly work, including graduate work, and yet they are often assumed, ignored, feared, unarticulated, and/or unproblematized. This course invites students to think critically about the nature of research and how we do it.

This course will study issues and practices of qualitative methodology in legal studies research at the epistemological, theoretical, and empirical levels. A combination of seminar and workshop, we will explore both questions of methodology (the privilege of the author, the ‘problem’ of rigour, different knowledge communities, the status of the ‘the object,’ self-reflexivity, and so on), as well as more practice-oriented questions of method (the relationship between methodology and method, interviewing and participant observation, treating different types of legal objects, working with ‘human subjects,’ scholarly ethics, activism and research, and so on). We will obviously not be able to treat every method that you could use in your own research, but we will explore a range of different approaches and orientations.

As you will note evaluation is focused on process rather than outcomes and the course assumes that everyone in the class is interested in exploring the pleasures of research, in honing their research skills and in developing further their identity as a researcher.

LEARNING OBJECTIVES

There are six learning objectives for this course:

- To facilitate students in transitioning from their identities as knowledge consumers to knowledge producers;
- To assist students in developing research designs and epistemological vocabularies suitable to their own research projects and goals;
- To expose students to a range of different methodologies and methods that they can use in their own research;
- To enable to students to integrate issues of methodology and method into their theoretical, social, cultural and political commitments;
- To encourage and support critical thinking about, and analysis of methodological issues in, the students' own research and the work of other scholars; and
- To stimulate an ongoing reflective approach to relations of knowing and an abiding curiosity about socio-legal relations as they are lived in everyday life.

REQUIRED TEXTS

All readings are available through CULearn. You are required to obtain one blank journal for the Reading Journal.

EVALUATION

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

All components of the evaluation must be completed in order to pass the course. Standing in a course is determined by the course instructor subject to the approval of the Department and 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. For further guidance as to standards, please see Appendix 1 for a grading guidelines policy adopted by the Department of Law and Legal Studies.

Evaluation will have the following elements:

Seminar Engagement	25%
Intellectual Biography	no grade
Reading Journal	30% (3 X 10%)
Methodological Analysis of Academic Article	15%
Field Notes	15%
Archive Reflection	15%

Seminar Engagement

This course will operate as a seminar. You are expected to participate thoughtfully in the discussions through posing questions, offering examples, sharing relevant experiences, and critically analyzing the course materials and your own position. Each student will be evaluated on their participation in, and level of engagement with, the

issues, content and dynamics of the seminar. This includes having done the assigned readings every week, being prepared to discuss them in an informed manner, making constructive interventions to facilitate the production of group knowledge, and listening to colleagues with attention and respect.

The expectation in graduate school is that every week you will have completed all of the readings in a careful manner that enables their critical discussion in class.

Please respect the start and finish times of class. Attendance in graduate seminars is mandatory and absences are exceptional. You cannot pass the class if you have missed three sessions or more without documented and appropriate reasons.

Unless your cell phone needs to be on the table for reasons of an emergency situation, your phone should be stowed during class time. Use of laptop computers in class is strongly discouraged except in cases of official accommodation requests handled through PMC and CSAS. Try working with hard copies of your readings, underlining, making marginal notes with pen in hand, etc. – you will be amazed at how much more complex and nuanced your engagement with the readings is and how your retention is substantially improved.

Throughout the course you will be asked to make yourself vulnerable through not merely discussing academic readings in the abstract, but by relating academic literature to questions that you want to research and issues that are of interest to you. This is not always easy and we will not all agree. We are, however, all expected to work to make the classroom environment a space of respect where everyone feels comfortable sharing their research, their questions, and their views. If, at any time, you are not comfortable in the class, please speak to me as soon as possible so that we can address the situation.

Intellectual Biography

Each of us comes to the research projects that we do for a variety of reasons. Some of these reasons may include past teachers or professors who motivated us, books or articles that we have read that have inspired us, the programs in which we have chosen to study, or events in the world around us. As well, however, our intellectual work is shaped by our more personal biography, including how we understand our selves, our identity, our communities, and our life experiences. These factors can impact the kinds of scholarly questions we want to ask and how we want to explore the process of finding possible answers to those questions. Students will be asked to present their intellectual biographies to the class on either **January 22nd or February 5th**. Presentations should be limited to 5 minutes. I will have to time these strictly given the class size, so please practice your presentation before class in order to ensure you respect the time limit. Not only will these help us to get to know each other better and see where each other is “coming from” in our future discussions, it will hopefully stimulate in each student an ongoing process of intellectual self-reflection that will make their research stronger.

Reading Journal

Please invest in a blank journal. In this journal, please record your reading notes, key quotations or passages to which you want to return, ongoing themes, personal reflections, diagrams or drawings, examples of phenomena that pertain to the issues you’ve identified, a glossary of key concepts, and so on. The design, format and aesthetic choices around the Reading Journal are yours to make and may change as you refine your reading, note-taking and analytic practices.

The Reading Journal should be started in the first week of class and you should add to it every week upon completion of the course readings and at other times when you make connections, get inspired, have ideas, find questions, etc. For inspiration, please take a look at Harold Adam Innis’s “Idea File” (available in the library – AC8.I66) or Walter Benjamin’s “Archive” (available in library PT2603.E455 Z942513 2007).

You will submit your Reading Journals twice during the course of the term and then again at the completion of class – **February 5th, March 12th, and April 9th**.

You should bring them to class every week with your readings as they will form the foundation of your capacity to participate in class discussion of the readings at the level expected.

Methodological Analysis of Academic Article

Select a piece of academic writing that engages you – because it convinces you, entertains you, frustrates you, intimidates you, angers you, inspires you, etc. – and write a brief paper (approx. 5-7 pages, double-spaced) analyzing its methodology and method(s). I recommend a) selecting an article or chapter which you have already read for another class or for your research and b) running your selection past me to ensure that it is suitable for the assignment.

Identify the author’s epistemological assumptions, the methodology and methods used, how the methodology and method(s) relate to the theoretical choices made by the author, and the implications of the design of the research for the kind of knowledge produced. How do questions of writing, style and address suffuse the choices made by the author? Note that these assumptions are not always well articulated or justified in some academic writing and so you may well have to extrapolate from what is written on the page. Please also reflect upon the role that methodology and method(s) play in your intellectual and affective response to the piece.

The Methodological Analysis of an Academic Article is due February 12th.

Field Notes

Part of being an effective researcher is attuning oneself to the questions that our environments provoke. This assignment focuses on careful observation and the taking of field notes in a specific location. Review the readings from the week entitled, “Participating In and Observing the Legal in Space and Place” prior to engaging in your field observation.

You should select a public space/location off campus that is suitable for observation, where your presence will pose no disruption to the activities in that space and where your activity will not negatively impact any of the individuals in that environment. Sites provided for or involving vulnerable subjects are not appropriate for this assignment. The observation may be mobile (i.e. walking or moving) or situated. The location should be selected in conjunction with the development of a question about the legal power dynamics of that particular location. Begin with curiosity. Possible appropriate sites include: a shopping mall, a public court room or administrative hearing, a library, an art gallery or museum, a coffee shop or restaurant, a grocery store, a public monument, a bus stop, etc.. Please have your location approved by me prior to conducting the observation. You should plan on a 1-2 hour observation. You should not record the activities of that space with any digital, video or sound-based technology. You should, however, take detailed notes, ideally as you conduct the observation. You will also likely add some further reflections after the observation is complete.

Some questions to guide you include:

- what kind of space did you select and why?
- what does the space look like and how is it structured? Does the physical environment impact what occurs in that place – light, temperature, noise, built environment, odours, etc.? (pay attention to as many sensory registers as you can)
- what people do you notice during your analysis and how are they acting? Do their actions impact what occurs in that space?
- how do various types of activity unfold over time in the environment? Does temporality impact what you observe in that space?

- how do you feel? Does this change over the period of observation and why?
- how is your presence impacting what is occurring in the space, if at all?
- what challenges are you encountering, if any?
- what is interesting about this space?
- are you surprised by anything? What? Why?
- having conducted your preliminary observation, and reviewing your notes, what research questions might you develop in relation to this space?

Please use the above questions only as a guide for undertaking your observation and organizing your notes. Not all of them may make sense for your particular observation context. Each observation will generate unique questions (not listed above) and resulting observations.

Your Field Notes are due in class on February 26th.

Archive Reflection

We are very fortunate that Ottawa is home to a large number of archives – National Library and Archives, City of Ottawa Archives, Bank of Canada Archives, Canadian Museum of History Archives, Canadian Museum of Nature Library and Archives, Bytown Museum Archives, Nature Canada Library and Archives, Royal College of Physicians and Surgeons Library and Archives, Canadian Women’s Movement Archives, Canadian War Museum Library and Archives, National Art Gallery Archives, and more.

Begin either with a particular question which takes you to a specific archive or to develop a question out of an engagement with the holdings of an archive that you find interesting. If you wish to examine a different archive than those listed above, please run it by me first. Your archive must be located outside of Carleton University.

Begin by reviewing the holdings of the archive (usually online) as well as the protocols and specific practices for accessing the collection of primary materials that you would like to examine. Different institutions have different rules and practices and you are expected to respect and adhere to the protocols of the particular institution at which you are working. Please ensure you have read the weeks on Archives from April 2 prior to conducting your site visit.

Attend at the archives to read, examine and handle primary materials. Plan a visit of at least 3-4 hours. Record notes on the experience and, within the rules of that institution about photography and so on, some records/notes on the primary material itself. You are to submit a 5-page reflection on your experience of working with primary materials, your experience in the archive, and your interaction with the specific institution of the archive.

Your Archive Reflection is due in class on April 2nd.

SCHEDULE

January 8 Introduction: Knowers, Knowing, and Knowledge

January 15 Questioning Research, Questioning Law

Guba E.G. and Lincoln Y.S. (1994), “Competing Paradigms in Qualitative Research” in *Handbook of Qualitative Research* (N.K. Denzin and Y.S. Lincoln, eds.), Thousand Oaks, CA: Sage, pp. 105-117.

Ewick, Patricia and Susan S. Silvey (1998) "The Social Construction of Legality" in *The Common Place of Law: Stories From Everyday Life*, Chicago: University of Chicago Press, pp. 33-53.

Strega, Susan (2005), "The View from the Poststructural Margins: Epistemology and Methodology Reconsidered" (Leslie Brown and Susan Strega, eds.) in *Research as Resistance: Critical, Indigenous and Anti-oppressive Approaches*. Toronto: Canadian Scholars Press, pp. 199-235.

Day, Lindsay et al. (2017), "The Expanding Digital Media Landscape of Qualitative and Decolonizing Research: Examining Collaborative Podcasting" in *MediaTropes eJournal* VII(1): 203-28.

January 22 On Being a Scholar

Mills, C. Wright (1959), "On Intellectual Craftsmanship" in *The Sociological Imagination*, New York: Grove Press, pp. 195-226.

Doucet, Andrea (2008), "From Her Side of the Gossamer wall(s): Reflexivity and Relational Knowing" in *Qualitative Methodology* 31(1): 73-87.

Mason, Jennifer (2002), "Finding a Focus and Knowing Where You Stand" in *Qualitative Researching*, London: Sage, pp. 13-23.

Benjamin, Walter (1970), "Unpacking My Library: A Talk About Book Collecting" in *Illuminations*, New York: Fontana/Collins, pp. 59-68.

Presentations of Intellectual Biographies I

January 29 Class is cancelled this week. I am in Calgary giving a talk.

February 5 On Reading Like a Scholar

Edwards, Paul N., n.d. "How to Read a Book v.5.0.," pp. 1-10.

Best, Stephen and Sharon Marcus (2009), "Surface Reading: An Introduction" in *Representations* 108(1): 1-21.

Sedgwick, Eve (2003), "Paranoid Reading and Reparative Reading, or, You're So Paranoid, You Probably Think This Essay is About You" in *Touching Feeling: Affect, Pedagogy, Performativity*, Durham, NC: Duke University Press, pp. 123-151.

Blair, Ann (2003), "Reading Strategies for Coping with Information Overload, ca. 1550-1700" in *Journal of the History of Ideas* 64: 11-28.

Presentations of Intellectual Biographies II

Turn in Reading Journals

February 12 On Writing Like a Scholar

Richardson, Laurel and Elizabeth Adams St. Pierre (2005), "Writing: A Method of Inquiry" in *Handbook of Qualitative Research*, 3rd edition (N.K. Denzin and Y.S. Lincoln, eds.), Thousand Oaks: Sage, pp. 959-78.

Moreira, Claudio and Marcelo Diversi (2014), "The Coin Will Continue to Fly: Dismantling the Myth of the Lone Expert" in *Cultural Studies – Critical Methodologies* 14(4): 298-302.

Lykke, Nina (2010), "Shifting Boundaries Between Academic and Creative Writing Practices" in *Feminist Studies: A Guide to Intersectional Theory, Methodology and Writing*, New York: Routledge, pp. 163-86.

Lokford, Lesa (2012), "Writing Qualitative Inquiry and Other Impossible Journeys" in *Qualitative Inquiry* 19(3): 163-6.

Popova, Maria (n.d.), "Susan Sontag on Writing" and "The Writer's Technique in Thirteen Theses: Walter Benjamin's Timeless Advice on Writing" in *Brainpickings*

Methodological Analyses of Academic Articles due**February 19 Spring Break****February 26 – Originality and Building Knowledge Communities: The Literature Review**

Montuori, Alfonso (2005), "Literature Review as Creative Inquiry: Reframing Scholarship as a Creative Process" in *Journal of Transformative Education* 3(4): 374-93.

Randolph, Justus J. (2009), "A Guide to Writing the Dissertation Literature Review" in *Practical Assessment, Research and Evaluation* 14(13): 1-13.

Branley, Duncan (2004), "Doing a Literature Review" in *Researching Society and Culture* (C. Seale, ed.), London: Sage, pp. 145-62.

Fieldnotes due**March 5 Observing the Legal *in situ***

Mulla, Sameena (2014), "Introduction" in *The Violence of Care: Rape Victims, Forensic Nurses, and Sexual Assault Intervention*, New York: New York University Press, pp. 1-36.

Shortell, Timothy (2016), "Introduction: Walking as Urban Practice and Research Method" in *Walking in Cities: Quotidian Mobility As Urban Theory, Method, and Practice* (Evrick Brown and Timothy Shortell, eds.), Philadelphia: Temple University Press, pp. 1-16.

Wolfinger, Nicholas (2002), "On Writing Fieldnotes: Collection Strategies and Background Expectancies" in *Qualitative Research* 2(1): 85-93.

March 12 Telling Stories: Narratives of Law and Law as Narrative

Esterberg, Kristin G. (2002), "Narrative Analysis" in *Qualitative Methods in Social Research*, Boston: McGraw Hill, pp. 181-95.

Smyth, Michael A. (2006), "Queers and Provocateurs: Hegemony, Ideology, and the 'Homosexual Advance' Defense" in *Law and Society Review* 40(4): 903-30.

Brooks, Peter (2005), "Narrative in and of the Law" in *A Companion to Narrative Theory* (James Phelan and Peter J. Rabinowitz, eds.), Oxford: Blackwell, pp. 415-26.

Ewick, Patricia and Susan Silbey (1995), "Subversive Stories and Hegemonic Tales: Toward a Sociology of Narrative" in *Law and Society Review* 29(2): 197-226.

Turn in Reading Journals**March 19 – Talking as Methodology**

Della Porta, Donatella (2014), "In-depth Interviews" in *Methodological Practices in Social Movement Research*, Oxford University Scholarship Online, pp. 1-48.

Warren (2017), "Pluralising the Walking Interview: Research (Im)mobilities with Muslim Women" in *Social and Cultural Geography* 18(6): 786-807.

Opie, Anne (2008), "Qualitative Research, Appropriation of the 'Other' and Empowerment" in *Just Methods: An Interdisciplinary Feminist Reader* (Allison M. Jaggar, ed.), Boulder and London: Paradigm Publishers, pp. 362-73.

March 26 – Scholarly Ethics as More Than Bureaucratic Requirement

Guillemin, M. and Gillam L. (2004), "Ethics, Reflexivity, and 'Ethically Important Moments' in Research" in *Qualitative Inquiry*, 10(2): 261-280.

Battiste, Marie (2008), "Research Ethics for Protecting Indigenous Knowledge and Heritage: Institutional and Research Responsibilities" in *Handbook of Critical and Indigenous Methodologies* (N.K. Denzin, Y.S. Lincoln, and L. Tuhiwai Smith, eds.), Thousand Oaks, CA: Sage, pp. 1-16.

Pittaway, Eileen et al. (2010), "'Stop Stealing Our Stories': The Ethics of Research with Vulnerable Groups" in *Journal of Human Rights Practice* 2(1): 229-251.

Review the Carleton University Policy on the Responsible Conduct of Research: <http://carleton.ca/secretariat/wp-content/uploads/Responsible-Conduct-of-Research.pdf>

Watch "Ethics Issues Throughout the Research Life Cycle" on the Indigenous Research Ethics Institute website of Carleton University.

April 2 On Touching Stuff and Being a Detective: Archives

Mawani, Renisa (2012), “Law’s Archive” in *Annual Review of Law and Social Science* 8: 337-365.

Schmid, Laura (n.d.), “Using Archives: A Guide to Effective Research” at archivists.org

Atkinson, Logan (2008), “ ‘Our Woe ... Our Great Distress’: Law, Literature and Suffering During the Great Plague of London, 1665” in *Law, Mystery, and the Humanities: Collected Essays* (Logan Atkinson and Diana Majury, eds.), Toronto: University of Toronto Press, pp. 279-302.

McAllister, Kirsten Emiko (2010), “Archive and Myth: The Changing Memoryscape of Japanese Canadian Internment Camps” in *Placing Memory and Remembering Place in Canada* (James Opp and John C. Walsh, eds.), Vancouver: University of British Columbia Press, pp. 215-246.

Archive Reflections due**April 9 Visualizing Law and Thinking About Aesthetics**

Feigenson, Neal (2011), “The Visual in Law: Some Problems for Legal Theory” in *Journal of Law, Culture and the Humanities* 10(1): 13-23.

Rose, Gillian (2016), “Towards a Critical Visual Methodology” in *Visual Methodologies: An Introduction to Researching with Visual Materials*, 4th ed.), London: Sage, pp. 24-47.

Buchanan, Ruth and Rebecca Johnson (2009), “Strange Encounters: Exploring Law and Film in the Affective Register” in *Studies in Law, Politics and Society* 46: 33-60.

Young, Alison (2014), “From Object to Encounter: Aesthetic Politics and Visual Criminology” in *Theoretical Criminology* 18: 159-175.

Turn in Reading Journals**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 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

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 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/>

Appendix 1: GRADING

The grades (and their meaning) are governed by Carleton University regulations on the relationship between percentages and letter grades as well as rules on what counts as a passing grade. In addition, the Department of Law and Legal Studies has passed the following table that connects letter grades to levels of demonstrated research competency.

Grade	Percentage	Description
A+	90-100	Exceptional work that is technically sound and original. Work demonstrates insight, understanding and independent application or extension of course expectations; often of publishable quality.
A	85-89	Very good work that demonstrates a very high level of integration of materials/ relevant scholarship. Work shows insight, understanding and independent application or extension of course expectations.
A-	80-84	Quality work that represents a high level of integration, comprehensiveness and complexity, as well as proficiency of relevant techniques/concepts.
B+	77-79	Satisfactory level of integration, comprehensiveness, and complexity; demonstrates a sound level of analysis with some weaknesses.
B	73-76	Unsatisfactory work that represents below a basic level of integration of key concepts/procedures. Comprehensiveness or technical skills may be lacking.
B-	70-72	Does not fulfill the course expectations. Work reveals deficiencies in knowledge, understanding or techniques.
C+ C C- D	67-69 63-66 60-62 50-59	Unacceptable work at the graduate level. Represents an unacceptable level of integration, comprehensiveness and complexity. <i>(Carleton University requirements: "A grade of B- or better must normally be obtained in each course credited towards the master's degree" and a grade of B- must be obtained in each course credited towards the PhD. Grades below B- may result in the student's removal from the Program. See http://calendar.carleton.ca/grad/gradregulations/administrationoftheregulations/#11)</i>
F	0-49	Fail. Unsatisfactory performance, even though student completes course requirements including submission of final paper/ completion of final exam.