

Course Outline

COURSE:	LAWS 3908 B – Approaches in Legal Studies II
TERM:	Fall 2023
PREREQUISITES:	LAWS 2908 and third-year Honours standing
CLASS:	Day & Time: Tuesdays 14:35 – 17:25 Time: **all sessions are in person unless otherwise indicated for exceptional reasons** Room: Please check Carleton Central for current Class Schedule
INSTRUCTOR:	Dr. Rebecca Jaremko Bromwich
CONTACT:	Office Hrs: By appointment via Zoom, Teams or in person Email: Rebecca.Bromwich@Carleton.ca

CALENDAR COURSE DESCRIPTION

Advanced approaches to interdisciplinary research and analysis in law and legal studies. Methodological approaches considered will vary by section, and may include theoretical, quantitative, qualitative, literary, or historical approaches.

COURSE DESCRIPTION

This course is a space for students to explore research methodologies in the interdisciplinary field of legal studies that go beyond doctrinal research. The goal of the course is to give students the necessary tools to conduct a research project in legal studies. To accomplish this, the course is divided in two parts:

- (1) an introduction to concepts, aspects, issues, etc., relevant to all social sciences and humanities research with a focus on legal studies; and
- (2) an exploration of particular methodologies relevant to legal studies.

After introducing what is (and is not) inter/trans/multidisciplinary approaches to law, the first part will cover topics such as designing a research project; the role and importance of theory in

research; the meaning and role of methodology, epistemology and ontology; and research ethics, both formal (i.e. research ethics boards) and informal (personal ethics, community ethics, etc.). The second part will explore some of non- doctrinal methodologies for legal studies: legal history, discourse analysis, and narrative approaches (including Indigenous storytelling as a methodology). The course concludes by looking at the place and role of activism within legal research.

Learning outcomes- at the end of this course, students should be able to:

- Demonstrate understanding non-doctrinal approaches to legal research;
- Demonstrate understanding of, and distinguish, the steps and components of legal research;
- Demonstrate understanding of, and identify, ethical issues in research;
- Describe and compare various legal studies methodologies;
- Assess various legal research methods and their use by others;
- Design and conduct a legal studies research project;
- Apply research methods to a legal topic and justifying research choices;
- Synthesize and analyze important issues related to research and its use in society;
- Analyze various ways of conceptualizing research and knowledge production; and
- Demonstrate capacity to navigate interdisciplinary research.

REQUIRED TEXTS

All mandatory reading and audio-visual materials will be available on Brightspace (either directly or through a link). No material needs to be purchased.

SUPPLEMENTARY TEXTS

If you prefer to have a textbook to follow along or to use as a reference, I recommend the following (note, however, that no textbook follow the structure of this course; textbooks can be an additional learning tool, but they are not equivalent to the content of the course):

- Sharlene Nagy Hesse-Biber, *The Practice of Qualitative Research*, 3rd ed (Sage, 2017)
- Ashley T Rubin, *Rocking Qualitative Social Science: An Irreverent Guide to Rigorous Research* (Stanford University Press, 2021)
- Naomi Creutzfeldt, Marc Mason & Kirsten McConnachie, eds, *Routledge Handbook of Socio-Legal Theory and Methods* (Routledge, 2020)

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.

They are meant to help you build the necessary skills to create a feasible and novel research project (one that could become an Honours Research Essay or could evolve into a Master's Thesis, for those interested in pursuing these avenues). Doing the assignments in a timely manner, participating in the course and doing the readings are all essential to producing a good final Research Project Proposal. Overall, the evaluation methods will immerse you in the world of research, help you understand the essential elements of research and will allow you to develop the practical skills needed to carry out a research project.

Evaluation for this course is divided as follow:

- • Participation: 20%
- • Research Topic Proposal and Preliminary Bibliography: 10%
- • Reflection on Methodology: 15%
- • Annotated Bibliography and Methodology Proposal: 15%
- • Tri-Council Research Ethics Training: 5%
- • Research Project Proposal: 35%

Participation (20%)

The participation grade is divided as follow:

five (5) points will go towards attending class time;

five (5) points will go towards a meeting with the instructor or TA to discuss plans for the final assignment; and

ten (10) points will go towards participating in the synchronous activities.

Synchronous activities will be done in small groups in zoom breakout rooms and will involve activities such as discussions, workshops, drafting, etc. The details of the participation marks will be posted on Brightspace approximately a week before the first class and will be explained during the first class along with the rest of the course outline (there is no synchronous activities planned for the first class).

Research Topic Proposal and Preliminary Bibliography (10%) due on 4 October 2023

The Research Topic Proposal describes the topic your final Research Project Proposal will address and includes a preliminary bibliography. You should summarize the context of your proposed project, explain why you chose this topic, state your research question(s) and list potential research methods that would allow you to answer the question. The preliminary bibliography should contain at least eight (8) scholarly source (academic books, book chapters and articles) and relevant factual and contextual sources (blog posts, news article, literary works, etc.). The assignment should be three to four (3-4) pages long, plus the preliminary bibliography.

Reflection on Methodology (15%) due on 1 November 2023

The Reflection consist of a short essay of six to seven (6-7) pages summarizing a particular legal studies methodology. The bulk of the essay should be the analysis section. This section should indicate the methodology's strengths and limitations, what it can and cannot teach us about legal issues, offer your own assessment of the methodology based on your chosen theoretical, conceptual, ontological and/or epistemological perspective, and any other relevant analysis (which will vary depending on the methodology).

Annotated Bibliography and Methodology Proposal (15%) due on 29 November 2023

The Annotated Bibliography consists of five (5) scholarly sources that are annotated, that is, in addition to selecting the sources, you will summarise each source (300-400 words per source) and indicate how the source relates to the other sources. The assignment, after incorporating feedback, should be integrated in the "literature review" section of your Research Project Proposal.

On the same document, you will indicate your choice of methodology for your Research Project Proposal and write a paragraph justifying your choice (i.e., why is this methodology appropriate for your research project). This part of the assignment may need to be resubmitted within a week if the choice of methodology is clearly inappropriate (you are encouraged to book a zoom appointment to discuss your choice of methodology in advance of the due date if you are uncertain about your choice).

Tri-Council Research Ethics Training (5%) due at the latest on 10 December 2023

Complete the TCPS 2: CORE (Tri-Council Policy Statement: Course on Research Ethics): <https://tcps2core.ca/welcome>. At the completion of the online training, you will receive a pdf certificate, which you will submit to the instructor via Brightspace. The certificate only confirms completion; it does not mention how many attempts you needed to answer any of the questions. The entire training should take no more than 3 hours to complete. You will be able to go through the training modules at your own pace (progress automatically saved). This is a pass/fail activity (i.e., if you submit the certificate, you will get the marks; if you do not, you will get 0).

Research Project Proposal (35%) due on 13 December 2023

The Research Project Proposal is this course's final assignment. It builds on nearly all other assignments. The proposal takes the form of exam to be completed during the formal examination period (instructions on the assignment will be communicated after the last day of class). The proposal should be between twelve to fifteen (12-15) pages long and must contain the following sections: (1) an abstract; (2) an introduction (description of topic, research questions, and objectives); (3) a literature review; (4) a statement on theory; (5) a statement on methodology; (6) an analysis plan; and (7) a knowledge dissemination and outcome plan. The proposal also needs to include a bibliography (which does not count towards the page number requirement).

All components must be successfully completed in order to get a passing grade.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

While active participation is a crucial pedagogical component of this course, it should not be a barrier. If you are experiencing difficulties that prevent you from actively participating in the synchronous activities or that might hinder the timely completion of an assignment, please let me know and we can discuss an appropriate accommodation to ensure that you can still benefit from the course without hardship.

For one-time accommodation or for a short extension (4 days or less), an email suffices. For a longer extension or for more holistic accommodations, send me an email with this form <https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf> filled and attached. Information on formal accommodation requests is found at the end of this syllabus.

If you submit an assignment after the deadline without proper justifications or without having obtained an extension, you incur the risk of getting a grade penalty of up to five (5) points per day on your final assignment (out of 100) or one (1) point on other assignments (out of 10 or 15), at my discretion.

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/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

Please provide a weekly schedule of topics, include readings with page numbers, for each week.

12 September

- Course Outline
- Pages 1-7 and Chapter 2 of Ashley T Rubin, *Rocking Qualitative Social Science: An Irreverent Guide to Rigorous Research* (Stanford University Press, 2021)
- Chapter 2 of Marilyn Lichtman, *Qualitative Research for the Social Sciences* (Sage, 2014)

19 September: Elements of Inter/Trans/Multi-Disciplinary Legal Research

- Chapter 1 of Allen F Repko & Rick Szostak, *Interdisciplinary Research: Process and Theory*, 4th ed (Sage, 2021)
- Chapter 1 of Max Travers, *Understanding Law and Society* (Routledge, 2010)
- Lisa Webley, "The why and how to of conducting a socio-legal empirical research project" in Naomi Creutzfeldt, Marc Mason & Kirsten McConnachie, eds, *Routledge Handbook of Socio-Legal Theory and Methods* (Routledge, 2020) 58

26 September - Understanding Methodology, Epistemology and Ontology

- Pages 6-11 and Chapter 2 of Sharlene Nagy Hesse-Biber, *The Practice of Qualitative Research*, 3rd ed (Sage, 2017)

- Walker DePuy et al, "Environmental governance: Broadening ontological spaces for a more livable world" (2021) *Environment and Planning E: Nature and Space*
- Andrea Doucet & Natasha S Mauthner, "Feminist Methodologies and Epistemology" in Clifton D Bryant & Dennis L Peck, eds, *21st Century Sociology: A Reference Handbook*, Vol II (Sage, 2007) 36
- 3 October: The Role of Theory and Conceptual Approach/Framework**
- Chapter 4 of Rubin, *Rocking Qualitative Social Science*
- Yosef Jabareen, "Building a Conceptual Framework: Philosophy, Definitions, and Procedure" (2009) 8:4 *International Journal of Qualitative Methods* 49
- Denis J Galligan, "Legal Theory and Empirical Research" in Peter Cane & Herbert M Kritzer, eds, *The Oxford Handbook of Empirical Legal Research* (Oxford University Press, 2010) 976

10 October: Research Ethics and Other Ethical Considerations

- Chapter 4 of Hesse-Biber, *The Practice of Qualitative Research*
- Complete the Indigenous Learning Bundle: Engaging with Indigenous Communities on Brightspace
- Julia K Riddell et al, "Laying the groundwork: A practical guide for ethical research with Indigenous communities" (2017) 8:2 *The International Indigenous Policy Journal* 5

17 October: Research Design and Planning a Research Project

- Chapter 7 of Lichtman, *Qualitative Research for the Social Sciences*
- Chapter 12 of Hesse-Biber, *The Practice of Qualitative Research*

31 October: Legal History 1 – Internal and External Sources

- Philip Handler, "Legal History" in Dawn Watkins & Mandy Burton, eds, *Research Methods in Law* (Routledge, 2013) 85
- David Ibbetson, "Historical Research in Law" in Mark Tushnet & Peter Cane, eds, *The Oxford Handbook of Legal Studies* (Oxford University Press, 2005) 863

7 November: Legal History 2 – Approaches to Historiography

- Pages 324-52 of Valentina Vadi, "International Law and Its Histories: Methodological Risks and Opportunities" (2017) 58:2 *Harvard International Law Journal* 311
- H Timothy Lovelace Jr, "Critical Race Theory and The Political Uses of Legal History" in Markus D Dubber & Christopher Tomlins, eds, *The Oxford Handbook of Legal History* (Oxford University Press, 2018) 621

14 November: Discourse Analysis 1 – General Overview

- Chapter 1 of Linda A Wood & Rolf O Kroger, *Doing Discourse Analysis: Methods for Studying Action in Talk and Text* (Sage, 2000)
- Chapter 3 of Kennet Lynggaard, *Discourse Analysis and European Union Politics* (Palgrave Macmillan, 2019)
- Mark Laffey & Jutta Weldes, "Methodological Reflections on Discourse Analysis" (2004) 2:1 *Qualitative & Multi-Method Research* 28

21 November: Discourse Analysis 2 – Critical Engagement with the Law

- Chapter 1 of Charlotte Epstein, *The Power of Words in International Relations: Birth of an Anti-Whaling Discourse* (MIT Press, 2008)
- Michael Meyer, “Between theory, method, and politics: positioning of the approaches to CDA” in Ruth Wodak & Michael Meyer, eds, *Methods of Critical Discourse Analysis* (Sage, 2001) 14
- Jothie Rajah, “Legal discourse” in John Flowerdew & John E Richardson, eds, *The Routledge Handbook of Critical Discourse Studies* (Routledge, 2018) 480

28 November: Narratives and Storytelling as Methodology

- Avi Brisman, “On Narrative and Green Cultural Criminology” (2016) 6:2 *International Journal for Crime, Justice and Social Democracy* 64
- Val Napoleon & Hadley Friedland, “An Inside Job: Engaging with Indigenous Legal Traditions through Stories” (2016) 61:4 *McGill Law Journal* 725

5 December: Research and Activism, and Information Session on Research Opportunities at Carleton and Beyond

- Michael D Giardina & Joshua I Newman, “The Politics of Research” in Patricia Leavy, ed, *The Oxford Handbook of Qualitative Research*, 2nd ed (Oxford University Press, 2020) 1125

Fall 2023 Sessional Dates and University Closures	
<i>Please find a full list of important academic dates on the calendar website: https://calendar.carleton.ca/academicyear/</i>	
September 6, 2023	Fall term begins.
September 19, 2023	Last day for registration and course changes (including auditing) in fall and fall/winter courses.
September 30, 2023	Last day to withdraw from full fall and fall/winter courses with a full fee adjustment.
October 9, 2023	Statutory holiday. University closed.
October 23-27, 2023	Fall break, no classes.
November 15, 2023	Last day for academic withdrawal from full fall courses.
November 24, 2023	Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade, in fall term or fall/winter undergraduate courses, before the official December final examination period (see examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar).
December 8, 2023	Fall term ends.
	Last day of fall classes.
	Classes follow a Monday schedule.
	Last day for final take-home examinations to be assigned, with the exception of those conforming to the examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar.
	Last day that can be specified by an instructor as a due date for term work for full and late fall courses.
	Last day for receipt of applications for undergraduate degree program transfers for winter term.

University and Departmental Policies

DEPARTMENT POLICIES AND REGULATIONS

Please review the following webpage to ensure that your practices meet our Department's expectations, particularly regarding standard departmental protocols and academic integrity requirements: <https://carleton.ca/law/student-experience-resources/>.

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/>.

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 accommodation regarding a formally-scheduled final exam, you must complete the Pregnancy Accommodation Form that can be found at:

<https://carleton.ca/equity/contact/form-pregnancy-accommodation/>

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, please go to: <https://carleton.ca/equity/focus/discrimination-harassment/religious-spiritual-observances/>

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 for a formal evaluation. You can find the Paul Menton Centre online at: <https://carleton.ca/pmc/>

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 the deadline to request accommodations for the formally-scheduled exam (if applicable).

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 where 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/equity/sexual-assault-support-services>

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. Read more here:

<https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit:

<https://students.carleton.ca/services/accommodation/>.