

Course Outline

Course:	LAWS 3908 section A/B [Approaches in Legal Studies II]
Term:	FALL 2020
Prerequisite s:	LAWS 2908 and third-year Honours standing. Honours students are strongly encouraged to take this course in the third year of their program.
Class:	This is an asynchronous class. Lectures in this course will be delivered <u>using pre-recorded interactive videos lessons</u> that will be made available through our course cuLearn page each week. Online Lessons will begin Tuesday September 15th at 9am
Instructor:	Professor Ummni Khan
Contact:	Office: Loeb Building C572 Office Hrs: Please email your questions or to set up a phone/video chat Email: ummni.khan@carleton.ca

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.

COURSE DESCRIPTION

Welcome to 3908 online! This course engages with a variety of texts and mediums that address key theoretical and methodological issues in Legal Studies. We will consider some of the major theories of law and justice, ranging from canonical to critical approaches. With an emphasis on rights, justice and decolonization, the material engages with both theory and application of theory to concrete social issues. In our discussions, we will compare and contrast the different theories, politics, methodologies, ontological assumptions, epistemological premises, aesthetic forms and rhetorical choices of each approach.

This is a rigorous class that demands full participation every week through challenging material, weekly quizzes, online lessons and discussion forums; a mid-term exam; and an essay for the final assignment.

REQUIRED TEXTS

Course readings/viewings will be accessible through ARES via cuLearn and/or available at Library Reserves.

Login to cuLearn: <https://www.carleton.ca/culearn/>

EVALUATION

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

*** Weekly online quizzes: 15% (except week 8 (midterm) and week 12 (review))**

**** Weekly online lesson completion: 10%**

*****Weekly contributions to discussion forum: 10% (except midterm week)**

******Midterm: 30% (Week 8, opens Nov.10 @ 9am – closes Nov. 12 @ 9am)**

*******Final Assignment: 35% (Due December 11)**

***Online Quizzes (numerical grade):** For each week of assigned texts, there will be a quiz based on the readings/viewings before class. You must complete the quiz in order to unlock the lesson. Please note that once the quiz is opened, you will be given a **six-hour** time period to complete it. The quizzes will be graded and will consist of 10 multiple-choice questions, which are worth one point each. The lowest grade will be dropped at the end of term.

For the first week, there is a quiz that must be completed **after** the lesson to help you familiarize yourself with the syllabus and academic integrity issues.

****Weekly online lesson completion (each week graded as a pass/fail):** each week includes a lesson that consists of short lecture videos interspersed with multiple choice “knowledge-check” questions and reflection questions. In order to receive a pass, each video should be viewed and all questions must be complete. Incorrect multiple choice questions will loop back to the question so that you can input the correct answer. Reflections must fully answer the question and meet the minimum word count (no online lesson for the midterm week).

*****Weekly contributions to discussion forum (each week graded as a pass/fail)** you must respond to the discussion forum question with an original post and thoughtfully and respectfully respond to at least one other student (no discussion forum for midterm week).

******Midterm November 10-12:**

- Accessible for 48 hours (opens Nov.10 @ 9am - Nov. 12 @ 9am)
- Once open you have **6 hours** to complete
 - Multiple Choice Questions (cover all the readings)
 - Short answers
 - Short Essay

******Final Assignment**

The Final Assignment will be handed out in week 11 and will be due on December 11. It will consist of one short essay question that will ask you to apply the theories we have studied to one or more fact scenarios.

SCHEDULE**NO CLASS September 8th or 9th**

WEEK 1 (September 15): INTRODUCTION

- Complete Lesson 1:
 - Introductory Lecture
 - Class Overview
 - Syllabus review
 - Watch: "The Trial: Before the Law", (17 April 2009), online: YouTube<<https://youtu.be/pqPel7-eVgc>> (integrated into lecture)
- Complete quiz on syllabus and academic integrity
- Contribute to discussion forum

WEEK 2 (September 22): Legal Approaches and Traditions

READ (before class):

- Borrows, John. "Sources and Scope of Indigenous Legal Traditions" in Canada's Indigenous Constitution, ed (Toronto: Univ. of Toronto Press, 2012) pp 23-58.
- Wacks, Raymond. "Law's roots" Chapter 1 in Law: A Very Short Introduction, (Oxford University Press, 2008).

*Complete online Quiz

*Complete Lesson

*Contribute to Discussion Forum

WEEK 3 (September 29): Natural law

READ (before class):

- Hutchison, Abigail. "The Whanganui river as a legal person." *Alternative Law Journal* 39.3 (2014): 179-182.
- Wacks, Raymond. "Natural Law" **Chapter 1** in Philosophy of Law: A Very Short Introduction, ed (Oxford University Press, 2006).
- Murray, Anthony. "When Judges Believe in 'Natural Law'", (27 January 2014), online: *The Atlantic* <https://www.theatlantic.com/national/archive/2014/01/when-judges-believe-in-natural-law/283311/>

*Complete online Quiz

*Complete Lesson

*Contribute to Discussion Forum

Week 4 (October 6): Legal Positivism

READ (before class):

- Wacks, Raymond. "Legal positivism" **Chapter 2** in Philosophy of Law: A Very Short Introduction, (Oxford: Oxford University Press, 2006).
- Chambers, Stuart. "Pierre Elliott Trudeau and bill C-150: a rational approach to homosexual acts, 1968-69", (2010), online: *Journal of homosexuality* <https://www.ncbi.nlm.nih.gov/pubmed/20390992>

*Complete online Quiz

- *Complete Lesson
- *Contribute to Discussion Forum

WEEK 5 (October 13): Legal Consciousness

READ (before class):

- o Jacobs, Lesley A. "Legal Conscious and Its Significance for Law and Society Teaching outside Canadian Law Schools." *Can. JL & Soc.* 18 (2003): 61.
- o Smith, Adrian A. "Legal Consciousness and Resistance in Caribbean Seasonal Agricultural Workers." *Canadian Journal of Law & Society/La Revue Canadienne Droit et Société* 20.2 (2005): 95-122.

- *Complete online Quiz
- *Complete Lesson
- *Contribute to Discussion Forum

Week 6 (October 20): Critical Legal Studies

READ (before class):

- o Russell, J. Stuart. "The critical legal studies challenge to contemporary mainstream legal philosophy." *Ottawa L. Rev.* 18 (1986).
- o Douglas, Justin. "The Criminalization of Poverty: Montreal's Policy of Ticketing Homeless Youth for Municipal and Transportation By-Law Infractions." *Appeal: Rev. Current L. & L. Reform* 16 (2011): 49.
- o R. v. Banks, 2001 CanLII 38740 (ON SC), <<http://canlii.ca/t/g1dxj>> (you are required to read **only the headnotes**)

- *Complete online Quiz
- *Complete Lesson
- *Contribute to Discussion Forum

October 27: Reading Week

WEEK 7 (November 3): Critical Race Theory

READ (before class):

- o "Herstory", (7 September 2019), online: *Black Lives Matter* <https://blacklivesmatter.com/herstory/>
- o Maynard, Robyn. "Preface" and "Chapter 3" in *Policing Black lives: state violence in Canada from slavery to the present*, ed (Halifax ; Winnipeg: Fernwood, 2017).
- o Cole, Desmond. "The Skin I'm In: I've been interrogated by police more than 50 times-all because I'm black", (27 October 2015), online: <https://torontolife.com/city/life/skin-im-ive-interrogated-police-50-times-im-black/>
- o Sealy-Harrington, Joshua. "Untelling the Story of Race", (15 July 2020), online: <https://thewalrus.ca/untelling-the-story-of-race/>

- *Complete online Quiz
- *Complete Lesson
- *Contribute to Discussion Forum

WEEK 8 (November 10-12): **Midterm**

Accessible for 48 hours, once opened 6 hours to complete. (opens Nov.10 @ 9am - Nov. 12 @ 9am)

WEEK 9 (Nov. 17): Feminist Legal Theory via Film (Law & Humanities)

READ AND/OR WATCH BEFORE CLASS:

- Rashomon [film: electronic resource] 1950.
 - Accommodation: Students who do not wish to watch the film because they find the issue of sexual coercion triggering in visual form are offered the option of reading the story the film is based on ("In A Grove" by Ryūnosuke Akutagawa) instead.
 - Suzanne Bouclin, Chapter 3: Feminism, Law, Cinema in Brooks, K., & Mathen, C. (2010). Women, law, and equality: A discussion guide.
 - R. v. Ainscow, 2008 ABPC 150 (CanLII)
- *Complete online Quiz
 *Complete Lesson
 *Contribute to Discussion Forum

WEEK 10 (November 24): Law & Economics

READ (before class):

- Salib, Peter N. "Why Prison: An Economic Critique." Berkeley J. Crim. L. 22 (2017):
 - Prisoners of the War on Drugs. Artist: Sabrina Jones; Writers: Sabrina Jones, Ellen Miller-Mack & Lois Ahrens The Real Cost of Prisons www.realcostofprisons.org (http://www.realcostofprisons.org/materials/comics/war_on_drugs.pdf)
- *Complete online Quiz
 *Complete Lesson
 *Contribute to Discussion Forum

WEEK 11 (DECEMBER 1): Stories and the Law

READ and WATCH (before class):

- Napoleon, Val, and Hadley Friedland. "An inside job: Engaging with Indigenous legal traditions through stories." McGill Law Journal/Revue de droit de McGill 61.4 (2016): 725-754.
 - In the name of all Canadians (film): Kanopy Streaming; 2018.
- *Complete online Quiz
 *Complete Lesson
 *Contribute to Discussion Forum
 ** FINAL ASSIGNMENT RELEASED

WEEK 12 (DECEMBER 8):

NO READINGS

Wrap up and review:

- *Complete Lesson
- *Contribute to Discussion Forum

DECEMBER 11: Final Assignment Due

ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows: <https://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf>

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 Department of Equity and Inclusive Communities (EIC): <https://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 Department of Equity and Inclusive Communities (EIC): <https://carleton.ca/equity/>

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) <https://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: <https://carleton.ca/registrar/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: <https://carleton.ca/studentsupport/svpolicy/>

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

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: <https://carleton.ca/law/current-students/>