

Course Outline

COURSE:	LAWS 3908 B – Approaches in Legal Studies II
TERM:	Fall 2021
PREREQUISITES:	LAWS 2908 and third-year Honours standing.
CLASS:	Day & Time: Tuesdays, 8:30 – 11:00 am (blended delivery) <ul style="list-style-type: none">- 8:30 – 9:30 am, and 11:00 – 11:30 is delivered asynchronously- 9:30 – 11:00 am is delivered synchronously, Please see Brightspace for the zoom link
	Please check Carleton Central for current Class Schedule.
INSTRUCTOR:	Pierre Cloutier de Repentigny
CONTACT:	Office: tbd Office Hrs: by appointment (see course format section) Telephone: tbd Email: pierre.derepentigny@carleton.ca

Please read the *Course Format* section for details on course communications and how the course will operate online

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 explores research methodologies in the interdisciplinary field of legal studies 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/multi-

disciplinary 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.

COURSE OBJECTIVES

At the end of this course, students should be able to engage with and understand the various aspects of research (e.g. understand and summarily assess the methodology section of a report), and to create and conduct their own non-doctrinal legal studies research project.

Learning outcomes:

- Understanding non-doctrinal approaches to legal research
- Understanding and distinguishing the steps and components of legal research
- Understanding and identifying ethical issues in research
- Describing and comparing various legal studies methodologies
- Assessing various legal research methods and their use by others
- Designing and conducting a legal studies research project
- Applying research methods to a legal topic and justifying research choices
- Synthesizing and analyzing important issues related to research and its use in society
- Analyzing the various ways of conceptualizing research and knowledge production
- Navigating interdisciplinary research

COURSE FORMAT

Given the current risks and uncertainties associated with the COVID-19 pandemic, this course is offered remotely online. Lectures will be prerecorded into multiple shorter videos totaling around one hour and a half (1.5h) of lecture videos per class. These videos will be posted on Brightspace at least a week ahead of each class. They will stay live for the entire duration of the course (giving you the ability to revisit them later in the term if needed). The lectures are designed to offer an overview of the topic surveyed that week and should be viewed before doing the assigned readings. The lectures and readings complement each other. In addition to these components, we will meet online on zoom each week during regular class time (9:30-11:00am). This one hour and a half (1.5h) will be dedicate to synchronous activities meant to stimulate reflections on that week's topic. Details on these activities will be posted in advance of class on Brightspace. A portion of the synchronous class time will be reserved for questions. The synchronous meeting will also allow me to explain assignments, activities, and other course

components as needed (in addition to written info posted on Brightspace).

In terms of communication, you should ask all **course related questions** (e.g., questions related to assignments or a topic covered in the course) on the Q&A Forum on Brightspace. This ensures that questions and answers are available for all students to see. Before asking a question, make sure it has not been asked already. **Questions related to individual issues** (e.g., extensions, accommodations, technical difficulty) should be asked directly to me via email. I will only respond to emails between 9am and 5pm on regular weekdays. For **meetings**, you will be able to book a meeting on Brightspace with me to discuss any issues related to the course or your studies. If your questions cannot easily be answered via email, I will suggest you book an appointment with me instead. The **course TA** will be available for meetings (via the same system) during the last weeks of the course to facilitate consultations on the final assignment. The availability of the TA outside of these meetings (if any) and the how and when to communicate with them will be posted on Brightspace.

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.

Detailed instructions for the assignments will be posted on Brightspace and discussed in our Zoom class meetings well ahead of due dates. The assignments are linked and culminate in the

final Research Project Proposal. 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 synchronous 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 2021

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 2021

The Reflection consist of a short essay of six to seven (6-7) pages summarizing and analyzing 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 2021

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 2021

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 23 December 2021

The Research Project Proposal is this course 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).

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.

SCHEDULE

- **14 September 2021: Introduction to the Course and to Understanding and Doing Research**
 - 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)
- **21 September 2021: 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
- **28 September 2021: 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
- **5 October 2021: 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
- **12 October 2021: 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
- **19 October 2021: 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*
- **2 November 2021: 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
- **9 November 2021: 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
- **16 November 2021: 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
- **23 November 2021: 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
- **30 November 2021: 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
- **7 December 2021: 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

COVID-19 PREVENTION MEASURES

All members of the Carleton community are required to follow COVID-19 prevention measures and all mandatory public health requirements (e.g. wearing a mask, physical distancing, hand hygiene, respiratory and cough etiquette) and [mandatory self-screening](#) prior to coming to campus daily.

If you feel ill or exhibit COVID-19 symptoms while on campus or in class, please leave campus immediately, self-isolate, and complete the mandatory [symptom reporting tool](#). For purposes of contact tracing, attendance will be taken in all classes and labs. Participants can check in using posted QR codes through the cuScreen platform where provided. Students who do not

have a smartphone will be required to complete a paper process as indicated on the [COVID-19 website](#).

All members of the Carleton community are required to follow guidelines regarding safe movement and seating on campus (e.g. directional arrows, designated entrances and exits, designated seats that maintain physical distancing). In order to avoid congestion, allow all previous occupants to fully vacate a classroom before entering. No food or drinks are permitted in any classrooms or labs.

For the most recent information about Carleton's COVID-19 response and required measures, please see the [University's COVID-19 webpage](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact covidinfo@carleton.ca

Please note that failure to comply with University policies and mandatory public health requirements, and endangering the safety of others are considered misconduct under the [Student Rights and Responsibilities Policy](#). Failure to comply with Carleton's COVID-19 procedures may lead to supplementary action involving Campus Safety and/or Student Affairs.

ACADEMIC ACCOMMODATIONS

Academic Accommodation

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](#).

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 [click here](#).

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. 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 will be provided to students who compete or perform at the national or international level. 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: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

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/>.

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/>.

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/student-experience-resources/>.