

Please note that the syllabus may change prior to January 11, 2023

Course:		LAWS 3908 section C [Approaches in Legal Studies II]
Term:		Winter 2023
Prerequisites:		LAWS 2908 and third-year Honours standing. Honours students are strongly encouraged to take this course in the third year of their program.
Class:	Day: Time:	Asynchronous (except Midterm and Final Exam) Opens Wednesday January 11, 2023
	Room:	Online (except Midterm and Final Exam)
Instructor:		Professor Ummni Khan
Contact:	Office:	Loeb Building D592
	Office Hrs:	By Appointment
	Telephone:	Ext. 1547
	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! This online course engages with a variety of texts and mediums that address key issues in legal theory. We will consider some of the major approaches to law and justice,

ranging from Indigenous to “Western” and from canonical to critical. With an emphasis on rights, justice and decolonization, the material engages with both theory and its application. The course will further grapple with politics, ontological assumptions, epistemological methods, and aesthetic and rhetorical choices.

This is a rigorous class that demands full participation through challenging material, interactive lessons, reflections, discussion board participation, along with two quizzes, a mid-term and a final exam.

LEARNING OBJECTIVES

At the end of the course, students will be able to:

- Comprehend and define key Indigenous, mainstream and critical legal theories
- Apply different legal theories to analyze a situation, case or story
- Analyze a diverse set of texts through a theoretical lens, including creative works, oral storytelling, scholarship, statutes and cases
- Engage respectfully with peers about the meaning and application of legal theory

REQUIRED TEXTS

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

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.

Module completion (10% pass/fail)

Weekly Reflection questions (5% pass/fail)

Weekly Discussion board (5% pass/fail)

Quiz 1: 2.5% (before midterm)

Quiz 2: 2.5% (before final)

Midterm (timed, multiple choice, short answers + short essay) (35%)

Final Exam (timed, multiple choice, short answers + short essay) -- (40%)

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

Module completion

There are 12 Modules in this course. Module 7 is dedicated to the midterm exam, on March 1 from 2:30-11:30 pm. The rest of the modules are interactive lessons, providing content (static slides, audio or video) interspersed with questions (knowledge verification and reflection). In order to receive full marks, the student must fully complete the module and answer all the questions by the due date, **which is one week from the day it opens.**

Weekly reflection questions

For the interactive lesson modules, you will be asked open-ended reflection questions. At the end of the module, you will be prompted to download your answers to these reflection questions into a Word document. This document can be edited, if desired, and then you must submit it to the Reflection Assignment drop box by the due date, which is one week after the module is open. Module one will provide a video demonstrating how to do this.

Weekly Discussion board

Each week, students must contribute to the discussion board. Students must make at least one post, and after that, respond to two other students. Students are strongly encouraged to respond to questions/comments that have yet to receive a response. All students are welcome to post more questions and responses than the required minimum. Further instructions will be provided.

Quiz 1: (Open 48 hours between February 1, 2:35 pm -- February 3, 2:35 pm)

There will be a short timed digital quiz as a rehearsal to the midterm. It will be an open book test and you will have one hour to complete it once it is open.

Midterm digital exam (March 1)

The midterm is an in-person digital exam, scheduled for **March 1, 11:35-2:35 pm.** Students studying remotely, or varsity athletes have the flexibility of applying to write off-campus if they will be at least 160 km away from Carleton on midterm day. The midterm will consist of multiple choice questions, short answer questions and one short essay question, all based on modules 1- 6. No outside research is required, although students are welcome to draw on other sources if they deem it relevant.

Quiz 2: (Open 48 hours between March 22 2:35 pm -- March 24 2:35 pm)

There will be a short timed digital quiz as a rehearsal to the final exam. It will be an open book test and you will have one hour to complete it once it is open.

Final in-person digital exam (April 15-27, 2023)

The final exam is an in-person digital exam scheduled during the regular final exam period (April 15-27, 2023). Students studying remotely, or varsity athletes have the flexibility of applying to write off-campus if they will be at least 160 km away from Carleton on exam day. It will cover all the modules and consist of multiple choice questions, short answer questions, and one short essay question that requires the student to draw on and apply the legal theories we have covered in class.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

If an assignment or module is late, 10% of the grade will be deducted per day, including weekends and holidays.

If there is a medical or equity related reason for a delay, the student must request an extension before the deadline. The granting of extensions is determined by the instructor, who will confirm whether or not 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>.

As per Carleton policy, 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).

Module 1: Introduction

January 11, 11:35am

PREPARE:

READ:

- The Syllabus

COMPLETE: Module 1, respond to all knowledge verification and reflection questions.

- Syllabus Overview
- Academic Integrity

- Course Overview
- Discussion of “The Trial: Before The Law”, (17 April 2009), online: YouTube<<https://youtu.be/pqPeI7-eVgc>>

SUBMIT: Module 1 reflection assignment to the Assignment drop box by **January 18**.

Module 2: Indigenous Law and Conceptions of Human Rights

PREPARE:

Read:

- Borrows, John. “Sources and Scope of Indigenous Legal Traditions” in Canada’s Indigenous Constitution, ed (Toronto: Univ. of Toronto Press, 2012) pp 23-58.

Listen:

- S1E6: “The River Knows Where to Go” *Entitled*, University of Chicago Podcast Network October 7, 2021
<https://podcasts.apple.com/kg/podcast/s1e6-the-river-knows-where-to-go/id1577996421?i=1000537837001>

COMPLETE: Module 2, respond to all knowledge verification and reflection questions.

SUBMIT: Module 2 reflection assignment to the Assignment drop box by **January 25**.

Module 3: Legal Theory Overview and Legal Storytelling

PREPARE:

Read:

- Devlin, Richard F. “Mapping Legal Theory.” *Alberta law review* 32.3 (1994): 602–. Web.
- King, Thomas. “Borders.” *One Good Story, That One*. 2nd ed. Toronto: Harper Perennial Canada, 1993. 131–47.

COMPLETE: Module 3, respond to all knowledge verification and reflection questions.

SUBMIT: Module 3 reflection assignment to the Assignment drop box by **February 1**.

Module 4: Natural law

PREPARE:

Read:

- 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: Oxford University Press, 2006).

- Murray, Anthony. "[When Judges Believe in 'Natural Law'](#)" (2014) *The Atlantic*

COMPLETE: Module 4, respond to all knowledge verification and reflection questions.

SUBMIT: Module 4 reflection assignment to the Assignment drop box by **February 8**.

Module 5: Legal Positivism

PREPARE:

Read:

- 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: Module 5, respond to all knowledge verification and reflection questions., .

SUBMIT: Module 5 reflection assignment to the Assignment drop box by **February 15**.

Module 6: Legal Consciousness

PREPARE:

Read:

- Jacobs, Lesley A. "Legal Consciousness and Its Significance for Law and Society Teaching outside Canadian Law Schools." *Can. JL & Soc.* 18 (2003): 61.
- 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: Module 6, respond to all knowledge verification and reflection questions.

SUBMIT: Module 6 reflection assignment to the Assignment drop box by **February 22**.

Module 7: Midterm

March 1, 11:35 am-2:35pm

Module 8: Poverty and Legal Geography

PREPARE:**Read:**

- Greene, Sara S. "A Theory of Poverty: Legal Immobility" *Washington University Law Review* 96.4 (2019): 753–799.
- Blomley, Nicholas, Alexandra Flynn, and Marie-Eve Sylvestre. "Governing the Belongings of the Precariously Housed: A Critical Legal Geography." *Annual review of law and social science* 16.1 (2020): 165–181. Web.

COMPLETE: Module 8, respond to all knowledge verification and reflection questions.

SUBMIT: Module 8 reflection assignment to the Assignment drop box **by March 15.**

Module 9: Critical Race Theory

PREPARE:**Read:**

- "Chapter 1, Critical Race Theory" in Aylward, Carol A. *Canadian Critical Race Theory Racism and the Law*. Halifax, N.S: Fernwood, 1999 (pp 19-50).
- Wing, Adrien Katherine. "Critical Race Feminism: Legal Reform for the Twenty-first Century." *A Companion to Racial and Ethnic Studies*. Oxford, UK: Blackwell Publishers Ltd, 2008. 160–169. Web.
- Joshua Sealy-Harrington, *Access to (in)justice: A critical race reflection*: The Lawyer's Daily. (n.d.). Retrieved December 13, 2022, from <https://www.thelawyersdaily.ca/articles/25551/access-to-in-justice-a-critical-race-reflection-joshua-sealy-harrington>

Watch:

- "Lessons Injustice" <https://youtu.be/jCzCvF-E2MM>

COMPLETE: Module 9, respond to all knowledge verification and reflection questions.

SUBMIT: Submit Reflection assignment to the Assignment drop box **by March 22.**

Module 10: Law & Film Feminist legal Theory

PREPARE:**WATCH:**

- Rashomon [electronic resource] / Daiei Kabushiki Kaisha seisaku ; seisaku Minoura Jingo ; gensaku Akutagawa Ryūnosuke ; kyakuhon Kurosawa Akira, Hashimoto Shinobu ; kantoku Kurosawa Akira. Janus Films 1950. Criterion-on-Demand [2013] in our library. Streaming video file (83 min.) : digital, sound, black and white

READ:

- Suzanne Bouclin and Orit Kamir, Chapter 3: Feminism, Law, Cinema [excerpt] in K. Brooks and C. Mathen (Eds.) *Women, Law, and Equality: A Discussion Guide* (Irwin Law, 2010).
- Sokolow, David Simon. "From Kurosawa to (Duncan) Kennedy: The Lessons of Rashomon for Current Legal Education." *Wis. L. Rev.* (1991): 969.
- [R. v. Ainscow](#), 2008 ABPC 150 (CanLII)

COMPLETE: Module 10, respond to all knowledge verification and reflection questions.

SUBMIT: Reflection assignment to the Assignment drop box **by March 29**.

Module 11: Disability and the Law

PREPARE:**Read:**

- Kanter, Arlene S. "The law: What's disability studies got to do with it or an introduction to disability legal studies." *Colum. Hum. Rts. L. Rev.* 42 (2010): 403.

Watch:

- Barton, Sarah, and Liz Burke. *Defiant Lives*. New York, N.Y: Women Make Movies, 2017. Film.

COMPLETE: Module 11, respond to all knowledge verification and reflection questions.

SUBMIT: Reflection assignment to the Assignment drop box **by April 5**.

Module 12: REVIEW

COMPLETE: Module 12, respond to all knowledge verification and reflection questions.

SUBMIT: Reflection assignment to the Assignment drop box **by April 12**.

Final Exam

(Scheduled during April 15-27, 2023)

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](#).

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 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/>.

Winter 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>	
January 9, 2023	Winter term begins.
January 20, 2023	Last day for registration and course changes (including auditing) in full winter and late winter courses.
February 20, 2023	Statutory holiday. University closed.
February 20-24, 2023	Winter break. No classes.
March 15, 2023	Last day for academic withdrawal from full winter, late winter, and fall/winter courses.
April 7, 2023	Statutory holiday. University closed.
April 12, 2023	Winter term ends. Last day of full winter, late winter, and fall/winter classes.
April 15-27, 2023	Final examinations in full winter, late winter, and fall/winter courses will be held.
April 27, 2023	All final take-home examinations are due on this day.