

Course Outline

COURSE:	LAWS 5000 Theories of Law and Social Transformation
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TERM:	Fall 2026
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PREREQUISITES:	NA
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CLASS:	Day, Time Wednesdays 2:35-5:25 pm
	Room: Please check Carleton Central for current Class Schedule

INSTRUCTOR:	Doris Buss
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CONTACT:	Office Hrs: Wednesdays, 5:30 – 6:30 pm in person/via zoom (usually), or by appointment)
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	Telephone:
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	Email: Doris.buss@carleton.ca
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BRIGHTSPACE:	forthcoming
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CALENDAR COURSE DESCRIPTION

Examines three groups of theories of law (liberal, sociological and Marxist) focusing on different ways law is conceived as an object of inquiry and on different accounts of trajectories of legal development. Potential of law for realizing or inhibiting social change provides analytic framework.

COURSE DESCRIPTION

Scholarship on law and legality reflects a rich and broad array of theories, far more expansive than the categories 'liberal, sociological, and Marxist' can capture. The readings this year reflect analytical developments in legal geography, feminist legal theory, sociolegal studies of law, indigenous approaches to law, as well as the ongoing influence of liberal theory and Marxism. The thread that guides the selection of readings comes from the ongoing legal disputes in Canada over land and reconciliation with indigenous peoples. As an anchoring course in Legal Studies, there is not space for a deep dive into reconciliation or property law in Canada. Instead, this course builds out from these contexts to explore different analytical approaches to studying legality in relation to the social life of law, land and property, selfhood, reconciliation and resistance.

LEARNING OUTCOMES

The objective of this course is to introduce different concepts and analytical approaches to the study of law and legality. The texts explored here are not exhaustive, but illustrative of some approaches to the study of 'the legal'. By the end of this course, students should be able to:

- a. Discuss the analytical implications of distinguishing between 'law', 'legal', and 'legality';
- b. Identify at least three different concepts, metaphors, and/or theoretical approaches used by scholars to deepen understanding and study of law in everyday life, including but not limited to legal consciousness, legal geography, spatial/governmentality, legal assemblage; autonomy and relationality;
- c. Craft questions, based on the students' deep reading, about scholarly texts to provoke discussion and reflection on analytical concepts and arguments; and
- d. Be able to apply, in writing and orally, ideas or concepts developed by an author/text for an understanding of the ideas or concepts developed by other authors.

REQUIRED TEXTS

The materials for this course can be found mostly online through the Carleton University library.

Students are advised to purchase a copy of: Brenna Bhandar. 2018. *Colonial Lives of Property: Law, land and racial regimes of ownership*. Duke University Press. Octopus Books (<https://octopusbooks.ca/>, 116 3rd Avenue in Ottawa), a small independent bookstore is a good option. I will ask that they have available several copies of this book as well as *Mohawk Interruptus*.

EVALUATIONS & Assignments

	Assignment	Due Date	Weight
1	Autobiography and intellectual history: law in your everyday life (1.5 pages) Reflect on the readings for the first 2 weeks and the relationship between daily life and scholarship. Write your intellectual biography: what brought you to this this degree, here, and now (at this time). Identify at least one reading or conversation that sparked your interest in graduate study and graduate study in Legal Studies. What intellectual and/or other 'life' developments sparked your interest in a Legal Studies program; and what connections do you see	Midnight, 22 Sept. Brightspace	6

	between your previous study/life events and the legal topics that interest you? choose one story from the news in the past 6 months that interests you, that relates to a topic on which you wish to know more, and that you see as related to the themes of law and legality in everyday life as outlined by the authors from the first two weeks of the course.		
2	Discussion Questions x 5 weeks (sign up in class; at least 2 must be before reading week; at least 2 must be from after reading week): Due the Monday night immediately preceding the week for which those readings are required: by 6:00 pm (via Brightspace) Write two questions, with short explanations for two of the readings from that week: <u>First question</u>: What question do you wish to explore in order to fully understand or clarify the authors' arguments. Write 1-2 sentences explaining WHY you have posed that question. <u>Second question</u> is about the authors' depiction of/understanding of law and its relationship to social, political, economic life. Choose a reading/author from earlier in the course. What question do you think this other (earlier) author/s would ask about the way law is depicted in the work of this author? Write 1 – 2 sentences explaining your question. These will be posted to Brightspace discussion forum for that week.	Various; Monday night by 6:00 pm	20 [4 marks x 5 weeks]
3.	Discussion Question Moderators Two students will be responsible each week for reviewing the questions posed by other students (see #2 above); and will select 2 of the questions they would like to explore in the class discussion with a brief discussion of why. The students will then moderate the discussion for part of the class exploring those questions. Sign up in class	Various 4 marks x 1	4
4	IN CLASS WRITING ASSIGNMENTS -First half of the semester (Weeks 2-6); 3 assignments x 5 marks each Each week, students will have the opportunity to complete an in-class writing assignment reflecting on the readings and discussion for that week. The objective is to begin working on skills of deep reading, analysis and engaging with the texts as part of an ongoing conversation about analytical and theoretical approaches to studying the legal. Learning to read texts in relation to (and sometimes speaking directly to) other	Various	15

	scholarly debates and trajectories is an important, and often challenging component of graduate study. ** it is your responsibility to complete three in-class essays. Students who are ill or unable to make a class, can choose another week in which to write their in-class essay. There will be NO make up options.		
5	Synthesis Paper – mid term. Completed in class (week 7). This week students will answer a question about the readings that require a synthesis of the arguments and approaches of the readings up to this point in the course.	October 21	20
6.	Paper a. Paper Proposal, 8 marks: i) Provide a 3-5 page proposal for your final paper. Your proposal should identify the legal issue/ development/case you want to explore, explaining why and in what way this is a significant issue. Identify at least 2 of the 3 course texts you anticipate engaging with, explaining your preliminary rationale for why you are selecting those texts. ii) Provide an annotation for at least 3 scholarly (ideally peer-reviewed) sources on the issue/development you have chosen and that you have/will draw from in your paper. The annotations are included in the page length. b. Paper, 17 marks : o Write a 7-9 page paper in which you examine some of the course readings in relation to an issue of your choosing. Your discussion should draw from at least three texts (at least two of which must be from weeks 8-11) to explore: how you think the three authors would analyze this issue; What approach would they bring and why; How do you think these authors would see the ‘legal’ dimensions of this issue? Which concepts developed by these authors do you think would be useful in analyzing this topic?	2 Nov 5 December	25
7.	Presenting your paper: In the last week of class, students will take it in turn to present their research papers (10-15 minutes). While it is expected that your paper may still be incomplete, you can present this as a ‘work in progress’. Your presentation should reflect progress from your proposal in deepening your understanding of your chosen issue, and being able to draw productive connections with at least 2 of the three course readings.	Choose	4

	Department of Law and Legal Studies and write a short reflection (one paragraph) posted on Brightspace within 1 week of the event. 3 marks)		
8	Participation: 2 components a. Engaged participation throughout the semester reflecting preparation and a willingness to be present and involved in class discussion b. Attend one research talk (public lectures, workshops, work-in-progress) hosted by the Department of Law and Legal Studies and write a short reflection (one paragraph) posted on Brightspace within 1 week of the event. 3 marks)	Various	6

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.

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

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

As graduate students, it is important to submit your assignments on time. Rescheduling assignments often results in scheduling conflicts. My general preference is to NOT allow extensions except in the most extreme cases (ill health or accident). If you do require an extension, please get in touch with me as soon as possible. Assignments submitted late, without contacting me in advance, will be deducted 2 marks for each 24 hours (or portion thereof) they are late. Assignments that are more than 48 hours late will receive a 0.

Final Grade Approval

Standing in a course is determined by the course instructor subject to the approval 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 Dean.

Plagiarism, collaboration, academic good practice, generative AI

The University Academic Integrity Policy defines plagiarism as “*presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one’s own.*” This 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, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

- any submission prepared in whole or in part, by someone else, including the unauthorized use of generative AI tools (e.g., ChatGPT);
- using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another's data or research findings without appropriate acknowledgement;
- submitting a computer program developed in whole or in part by someone else, with or without modifications, as one's own; and
- failing to acknowledge sources through the use of proper citations when using another's work and/or failing to use quotations marks.

Plagiarism is a serious offence that cannot be resolved directly by the course's instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of "F" for the course.

Collaboration: Reading groups, discussion groups, supportive help and guidance among graduate students is to be encouraged. Good scholarship, while often individually authored, is usually the result of ongoing conversations, suggestions and encouragement.

However, as graduate students it is essential that ALL YOUR work is generated by you, in your own words, and is original for each course. Assignments, in whole or in part, cannot be submitted to one or more assignment requirement or course. Re-using any portion of previous work, regardless of its extent, will be treated as a violation of academic integrity.

Academic good practice means citing appropriately, and using quotation marks where needed. Passing off work as your own that relies on the words, phrases, or ideas of others, including by generative AI, is NEVER PERMITTED.

Use of Generative AI

- **permissible:** brainstorming; creating draft outlines (ie helping you organize your thoughts). Any such use needs to be documented: what technology did you use, what questions did you ask to generate your brainstorming or outline; how did you adapt these for your purposes. This explanation will not negatively impact your

mark in any way. Its just good practice (and good for you to create a record of which prompts worked well for you, and which did not).

- **Unacceptable use:** writing and/or compiling of an assignment. Student might be tempted to generate and rely upon readings summaries produced through some generative AI interface (whether Chat GPT or otherwise). You cannot REPRODUCE these summaries in any form. Doing so, in any way, is a form of plagiarism that will not be tolerated.

But, more importantly, use of generative AI for summarizing readings is strongly discouraged. Why?

- a. The most utilitarian reason: generative AI is still not able to do this well and at a level of depth and comprehension appropriate to an MA. The summaries it will generate for you will be superficial and may even be inaccurate.
- b. Assessments in this class require you to read more deeply than an AI-generated summary. The ‘short cut’ of an AI summary will end up costing you in marks, but also means you will not develop the skills you need for this course and for your future.

My colleague Philip Kaisary puts it this way:

“The course readings are supposed to be challenging: the process of reading and rereading them to make sense of them can be a struggle, but this process of struggle is fundamental to developing a mastery of the course materials. Or, to put in another way, you can hire someone to lift weights for you, but that defeats the point. The value lies in the struggle itself.”

- c. Need more reasons? See this [study](#) comparing groups of students using generative AI (referred to as large language models in this study, or LLMs) to write an essay. The findings: students who use only their brains (the “brain only” group) had “stronger memory and greater semantic accuracy”. The LLM group showed “weaker memory, reduced self-monitoring, and fragmented authorship” (p 138). That is, the ease of LLMs will impact your cognitive abilities. Do you want that?
- d. Environmental and security concerns: Data centers needed for generative AI consume enormous amounts of electricity and water. They are expected to exponentially increase their draws of both electricity and water, becoming a key driver of climate change and water loss. See [here](#) and [here](#) Oh, and there are other related issues about national and individual security (Canadian national ownership of digital infrastructure is woeful. We are under the thumb of the tech bros and why add to that?)
- e. And, if you are not already convinced: generative AI gets better, stronger and more profitable for the owners (a small group of uber wealthy guys in the US

mostly) when YOU use it. That is, each time you use generative AI you are helping to make the tech better, and the tech bros wealthier. Why would you?

See below the Schedule for further university and departmental policies and regulations.

SCHEDULE

WEEK	TOPIC
WK 1. Sept 9	Introduction to Course – Law and legality and law in everyday life - Patricia Ewick and Susan Sibley. 1998. <i>The common place of law: Stories from everyday life</i> Chapters 1 and 2 (pp 3 -32) https://www.youtube.com/watch?v=y4_U2DRYEwA
WK 2. Sept 16	Origins and sources: challenging the unity of law - John Borrows. 2019. <i>Law's indigenous Ethics</i>, Chapter 2, “Niizho-Miigwewin: Debwewin (Gift Two: Truth). Truth: Origin Stories, Metaphysics and Law”, pp. 50-108; - Sylvia Tamale. Chapter 5, “Legal pluralism and decolonial feminism”, pp. 132-160;
WK 3 Sept 23	Law, legality and governance - Ulrich Bröckling, Susanne Krasmann and Thomas Lemke. “From Foucault’s Lectures at the Collège de France to Studies of Governmentality: An Introduction” in Bröckling et al., eds. <i>Governmentality: Current Issues and Future Challenges</i> Taylor & Francis, pp 1-20; - Nikolas Rose and Mariana Valverde, 1998. ‘Governed by law?’ <i>Social and Legal Studies</i> 7(4) 541- - Mariana Valverde. 2003. “Police Science, British Style: pub licensing and knowledges of urban disorder”, <i>Economy and Society</i> 32(2): 234-252. Recommended: - Nikolas Rose and Peter Miller. 1992. “Political power beyond the state: Problematics of Government”, 43(June): <i>The British Journal of Sociology</i> 173-205;
WK 4 Sept 30	Coloniality and the Spatialities of Law and Violence - Cole Harris. 2004. “How did colonialism dispossess? Comments from an edge of empire” <i>Annals of the Association of American Geographers</i> 94(1): 165-182 - Shiri Pasternak. 2014 “Jurisdiction and Settler Colonialism: Where do Laws Meet?” , <i>Canadian Journal of Law and Society</i> 29(2): 145-161

	• Tyler McCreary 2024, <i>Indigenous legalities, pipeline viscosities: Colonial Extractivism and Wet'suwet'en Resistance</i>, chapter 2, "From renunciation to reconciliation: Colonialism goes to court", pp. 45-76 (finishing at the end of the first paragraph).
Wk 5 Oct 7	Colonial Lives of Property • Brenna Bhandar. 2018. <i>Colonial Lives of Property: Law, land and racial regimes of ownership</i>. Duke University Press, Introduction, pp. 1- 28; • Bhandar, Colonial lives of Property, Chapter 1, "Use" pp33-113
Wk 6 Oct 14	Properties of law/legal properties of the self • Margaret Davies. 2007. <i>Property: Meaning, histories, theories</i>. Routledge-Cavendish, pp. 1-22; • Margaret Davies. 1998. "Queer property, queer persons: Self-ownership and beyond" <i>Social & Legal Studies</i> 8(3): 327-352; ** you can shorten this reading if needed: 327-341; 345 – 352. • Jennifer Nedelsky. 1990. "Law, boundaries and the bounded self", <i>Representation</i> 30: 162-189.
Wk 7 Oct 21	In class Writing Assignment
Oct 28	READING WEEK – no class
WK 8 Nov 4	Performativity and Public Gathering • Judith Butler. 2018. Butler, Judith. <i>Notes Toward a Performative Theory of Assembly</i>, Harvard University Press, ◦ Introduction (pp 1-23); ◦ Chapter 1 (pp. 24 – 48 (end of first paragraph on this page). • Samuel Spiegel. 2021. "Climate injustice, criminalisation of land protection and anti-colonial solidarity: Courtroom ethnography in an age of fossil fuel violence", <i>Political Geography</i> 84: 102298 (whole articles)
WK 9 Nov 11	Recognition To be announced.
WK 10 Nov 18	Resistance and subversion • Sarah Keenan. 2010. "Subversive Property: Reshaping Malleable Spaces of Belonging", <i>Social & Legal Studies</i> 19(4) 423-439 • Audra Simpson. 2014. <i>Mohawk Interruptus: Political Life Across the Borders of Settler States</i>, • Chapters 1 "Indigenous interruptions: Mohawk nationhood, citizenship and the state", (whole chapter) • Chapter 2 "A brief history of land, meaning, and membership in Iroquoia and Kahnawà:ke" (whole chapter)
WK 11 Nov 25	Student presentations

Wk 12 Dec 2	Student Presentations

UNIVERSITY AND DEPARTMENTAL POLICIES

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Examples of plagiarism include, but are not limited to:

- any submission prepared in whole or in part, by someone else, including the unauthorized use of generative AI tools (e.g., ChatGPT);
- using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another’s data or research findings without appropriate acknowledgement;
- submitting a computer program developed in whole or in part by someone else, with or without modifications, as one’s own; and
- failing to acknowledge sources through the use of proper citations when using another’s work and/or failing to use quotations marks.

Plagiarism is a serious offence that cannot be resolved directly by the course’s instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of “F” for the course.

STATEMENT ON STUDENT MENTAL HEALTH

As a University student you may experience a range of mental health challenges that significantly

impact your academic success and overall well-being. If you need help, please speak to someone. There are numerous resources available both on- and off-campus to support you.

For more information, please consult <https://wellness.carleton.ca/>

Emergency Resources (on and off campus):

- <https://wellness.carleton.ca/get-help-now/>

Carleton Resources:

- Mental Health and Wellbeing: <https://carleton.ca/wellness/>
- Health & Counselling Services: <https://carleton.ca/health/>
- Paul Menton Centre: <https://carleton.ca/pmc/>
- Academic Advising Centre (AAC): <https://carleton.ca/academicadvising/>
- Centre for Student Academic Support (CSAS): <https://carleton.ca/csas/>
- Equity & Inclusivity Communities: <https://carleton.ca/equity/>

Off Campus Resources:

- Distress Centre of Ottawa and Region: (613) 238-3311 or TEXT: 343-306-5550, <https://www.dcottawa.on.ca/>
- Mental Health Crisis Service: (613) 722-6914, 1-866-996-0991, <http://www.crisisline.ca/>
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

ACADEMIC ACCOMMODATIONS

Carleton is committed to providing academic accessibility for all individuals. You may need special arrangements to meet your academic obligations during the term. The accommodation request processes, including information about the Academic Consideration Policy for Students in Medical and Other Extenuating Circumstances, are outlined on the Academic Accommodations website (students.carleton.ca/course-outline).

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows.

Pregnancy Obligation and Family-Status Related Accommodations

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 about the accommodation policy, visit the [Equity and Inclusive Communities \(EIC\)](#) website.

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/>.

Academic Consideration for Medical and Other Extenuating Circumstances

Due to medical and other extenuating circumstances, students may occasionally be unable to fulfill the academic requirements of their course(s) in a timely manner. The University supports the academic development of students and aims to provide a fair environment for students to succeed academically. Medical and/or other extenuating circumstances are circumstances that are beyond a student's control, have a significant impact on the student's capacity to meet their academic obligations, and could not have reasonably been prevented.

Students must contact the instructor(s) as soon as possible, and normally no later than 24 hours after the submission deadline for course deliverables. If not satisfied with the instructor's decision, students can conduct an "informal appeal" to the Chair of the department within three

(3) working days of an instructor's decision. We have created a webform specifically for appeals to the Chair, which can be found here: <https://carleton.ca/law/application-for-review-of-refusal-to-provide-academic-consideration/>. *Note: This form only applies to LAWS courses and is not the same as a formal appeal of grade.* More information about the academic consideration can be found [here](#).