

**COURSE:** LAWS 3908B Approaches in Legal Studies II

**TERM:** Fall 2017

**PREREQUISITES:** *LAWS 2908 and third-year Honours standing.*

**CLASS:** **Day & Time:** Thursday 8:35–11:25AM  
**Room:** Please check with Carleton Central for current room location

**INSTRUCTOR:** Craig McFarlane  
**(CONTRACT)**

**CONTACT:** **Office:**  
**Office Hrs:** Monday and Thursday by appointment  
**Telephone:**  
**Email:** [craig\\_mcfarlane@carleton.ca](mailto:craig_mcfarlane@carleton.ca)

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### **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 more details visit the Equity Services website: <http://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 Equity Services website: <http://carleton.ca/equity/>

**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](mailto: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*). **Requests made within two weeks will be reviewed on a case-by-case basis.** After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website ([www.carleton.ca/pmc](http://www.carleton.ca/pmc)) for the deadline to request accommodations for the formally-scheduled exam (*if applicable*).

***You can visit the Equity Services website to view the policies and to obtain more detailed information***

*on academic accommodation at <http://carleton.ca/equity/>*

### **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: <http://carleton.ca/studentaffairs/academic-integrity/>

### **Student Services**

The Centre for Student Academic Support (CSAS) is a centralized collection of learning support services designed to help students achieve their goals and improve their learning both inside and outside the classroom. CSAS offers academic assistance with course content, academic writing and skills development. Visit CSAS on the 4<sup>th</sup> floor of MacOdrum Library or online at [carleton.ca/csas](http://carleton.ca/csas)

### **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. <http://carleton.ca/law/current-students/>

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## **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 OVERVIEW**

This course aims to provide students with a sufficient overview of legal theory and the competency to apply various theories to analyze and understand socio-legal issues in Canada. The first part of the course will focus on traditional conceptions of law by examining Natural Law, Positivist Law, and Legal Realist theories. The second part of the course will focus on sociological and critical theories of law by reviewing and applying the frameworks of Durkheim, Marx, Weber, Critical Legal Studies, Feminist

Jurisprudence, and Critical Race Theory. Students must demonstrate their comprehension of legal theory by successfully completing a midterm, group presentation, an individual essay, and a final exam. In accomplishing these course objectives, students will acquire extensive knowledge, skill set, and confidence to engage with and utilize legal theory in their future research and professional endeavors.

## **REQUIRED TEXTS**

The following text is required and is available for purchase at Haven Books:

George Pavlich. 2011. *Law and Society Redefined*. Oxford University Press.

All other readings are available via cuLearn.

## **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.

Mid-term (in class)	40%
Small Group Presentation	20%
Research Paper	40%

Mid-term (in class) — The mid-term exam will take place in-class on **October**, and students will have the entire duration of the class (3 hours) to complete it. It will consist of definition and short-answer questions regarding lecture and reading material from September 14 through October 5 inclusive. The mid-term exam is worth **40%** of the student's final grade.

Small Group Presentation — During the second week of class, students will be sorted into eight groups, with around 6 to 8 students per group depending on current enrollment numbers. Based on group members' interests and schedules, every group will vote for and will eventually be assigned one week of the course (from weeks 3-11) in which they will provide a half-hour presentation in front of the class that introduces that week's legal theory. The 'Week 11' group has a choice between two theories (i.e. Feminist Legal Theory or Critical Race Theory). To undertake an effective presentation, the group should meet outside of class time and/or correspond online to make sure each member does their part to adequately research, prepare, rehearse, and carry out the presentation. The objectives of the group presentation are the following:

1. Introduce the basic principles/characteristics/elements of the legal theory for that week.
2. Provide a brief bio of one key scholar that helped develop the theory.
3. Demonstrate how the theory would study, explain, and/or critique a (historical or present-day) legal case, issue, event, or process.
4. Discuss the main criticisms, assumptions, weaknesses, and/or limitations of the theory.
5. End the presentation by posing one question to the class about the theory to generate an

informative and lively class discussion.

To sufficiently accomplish these objectives, your group will need to not only draw information from the assigned readings for that week but also from researching and using external material from relevant academic and media sources. **The use of Powerpoint, Prezis, and/or other visual aids is required.**

The group presentation is worth 20%. The same grade will be allocated to each group member unless I have and/or been given reason to believe that a student(s) did not sufficiently assist their fellow group-members in undertaking the assignment. Please communicate any group-related issues with me either through email or during office hours as soon as they arise.

Research paper — Throughout the entire semester students should be thinking and developing a research paper that applies a legal theory (discussed in the course) to analyze, explain, and/or better understand a particular (historical or contemporary) socio-legal issue. The Research Paper will be approximately 2000 to 3000 words (11-12 font size, 8-12 double spaced pages), sources should be properly referenced (i.e. in-text citations/footnotes and bibliography), and the writing should contain little to no grammar or spelling errors. Students will submit a digital copy (in PDF) of their paper by **11:55pm on Tuesday, December 5<sup>th</sup> through electronic submission via the course's CULearn webpage**. The document should include a separate title page with the date, your full name and student ID#, working title of research project, course code (LAWS3908A: Approaches to Legal Studies II) and instructor name (Craig McFarlane). This assignment is worth **40%** of the student's final grade.

## **SCHEDULE**

September 14 — Classical and Modern Natural Law

Pavlich, Introduction and Chapter 1

September 21 — Modern Natural Law

Pavlich, Chapter 2

Rundel, "Fuller's Internal Morality of Law"

Finnis, "The 'Natural Law Tradition'"

September 28 — Legal Positivism

Pavlich, Chapter 3

Hart, "Positivism and the Separation of Law and Morals"

October 5 — Legal Realism

Pavlich, Chapter 4

Llewellyn, "Law and the Social Sciences, Especially Sociology"

October 12 — Mid-term Exam

October 19 — Durkheim's Sociology of Law

Pavlich, Chapter 5

Durkheim, "Types of Law in Relation to Types of Social Solidarity"

October 26 — Reading Week

November 2 — Marx's Sociology of Law

Pavlich, Chapter 6

Spitzer, "Toward a Marxian Theory of Deviance"

November 9 — Weber's Sociology of Law

Pavlich, Chapter 7

Trubek, "Max Weber on Law and the Rise of Capitalism"

November 16 — Critical Legal Studies

Pavlich, Chapter 8

Hunt, "The Critique of Law: What Is Critical About Critical Legal Theory?"

November 23 — Feminist Jurisprudence and Critical Race Theory

Pavlich, Chapter 8

Fineman, "Feminist Legal Theory"

Tanovich, "The Charter of Whiteness"

November 30 — Catch Up, Review, Etc