

Course: FYSM 1502D **Selected Legal Topics: Law, Society, Culture**

Term: Fall/Winter 2014-2015

Class Time: Tuesday & Thursday 2:35-3:55pm

Room: Room 3201, River Building

Instructor: Stephen Tasson

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Office Hours: TBA

(or by appointment)

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://www2.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://www2.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 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*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.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://www.carleton.ca/studentaffairs/academic-integrity/>

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://www.carleton.ca/law/student-resources/department-policies/>

Overview of the course

The aim of the course is to explore the complex definitions, and relationships between, “law” and “culture” (and to a lesser extent, “society”). Along the way we examine and discuss the origins and trajectory of several academic debates around the growth and usefulness of “cultural approaches” to law and the social sciences more generally (e.g. the “cultural turn”, the “law and literature” movement).

Centrally, as part of this work, we explore a number of more “popular” texts – some short novels and a film or two – that (arguably) provide useful insights into these relations and into the constitution, values and even absurdities of “the law” (or, at the very least, show us how some influential authors imagined the functions and dysfunction of legal processes, actors and institutions seeking “social order”).

One of the key benefits of the FYSM format is the ability to investigate these questions through an interdisciplinary approach i.e. drawing from the research and conceptual resources offered by multiple disciplines. A central aspect of the first part of the course will be to discuss some of the debates about the values and pitfalls of this type of approach.

While this course is offered through the department of **Law and Legal Studies**, students should expect to discuss questions and explore content and approaches coming through a number of disciplinary traditions (e.g. sociology, political science, etc.). As will become evident early on, what constitutes strictly “legal questions” and how we go about answering them – if and when “we” can find them(!)– is far from settled.

The course, then, is broadly organized around several “themes” which touch on a number of key questions, debates and also different methods.

Law and Culture/ Law in Culture:

Here we explore the central questions of the course about the basic inadequacies of past and present approaches to defining the relationship between law and culture.

As part of this theme we become familiar with the movement in Legal Studies known as *Law and Literature* and investigate its principle lessons, some of its familiar texts, and its future (if it has one). As a necessary part of this discussion we also highlight a number of other “movements” in legal studies and the traditional approaches to law and legal education that people in these movements sought to challenge or displace.

Law as Culture: or, if it quacks like a duck...

If law often looks and acts much like “culture” shouldn’t we understand it as such? What makes law *different* (if anything)? Are law schools themselves primarily just sites of acculturation (Macaulay)? Are the methods we use to understand “culture” the same ones we should use to understand legal institutions and actors e.g. law as a “legal field” (Bourdieu)? Following Cover can we say that law’s inescapable violence is what makes all the difference? What advantages (if any) follow from adopting a “critical cultural legal studies” (Coombe)?

Law for/against Culture:

Does law “enable”, undermine, or protect culture? This seemingly simple question not only draws on the basic theoretical questions about the ‘social contract’ and basis of the ‘rule of law’ but also asks about the relationship between law and culture today.

How are contemporary laws understood and employed to police the boundaries of cultural practices? What consequences follow from understanding and addressing perceived crimes as “cultural”? From the “youth culture” of the 1970s to more recent talk of “schoolyard cultures” of bullying and so-called “rape culture”, what consequences follow from constructing crimes as “cultural” in nature?

Some big questions we discuss:

- What do we mean by “culture”? Why has “culture” become so important?
- How is “culture” different than “society”?
- Do certain cultural texts allow us to better understand “law”: its paradoxical structure, its limits and its promise of something called “justice”?
- How do we understand ‘the law’ itself as a relatively closed culture of formalization and professionalization?
- Are literary narratives, rhetoric and stories any different than the kind law tells?
- How are laws used to protect or enable “culture” but also how is law used to undermine or stifle (usually) marginalized cultures (e.g. through obscenity/decency)?
- How is violence enabled in the name of culture (e.g. Quebec Charter of Values)?
- Can we talk about “the legal imagination” as analogous to the literary or “cultural imagination”?
- Is culture the “repository of justice”? (And is this always “beyond the law”?)

A few broad Course Objectives

1. Explore the implications of competing perspectives of “law” and “culture” (as sometimes complimentary, and sometimes conflicting, systems of social ordering and meaning-making).
2. Develop an understanding of the key academic debates and read some of the key texts in the fields of “law and literature” and “legal cultural studies”. Be capable of reading existing debates and social issues such as obscenity or the limits of freedom of expression using these approaches.
3. Strengthen and hone your ability to critically evaluate the strengths and weaknesses of competing written arguments.
4. Learn how to read, analyze and employ popular fiction texts in academic arguments.
5. Critically assess the potential of employing cultural forms to challenge contemporary understandings about the role and potential of law in social and political struggles.
6. Improve your ability to structure and communicate your ideas and arguments both orally and in writing.

Required Texts

There is no “textbook” as such for this course. Most required texts/readings for the **Fall Term** will be made available through CULearn. Students may be required to purchase 3-4 short texts, over the course of the year but likely not until the **Winter Term**. Further details regarding all the course readings will be discussed in the first class.

The schedule and list of required weekly readings is available on CULearn

Course Evaluation

Fall Term

Commentary I	10%	(due early October)
Commentary II	10%	(due late November)
Fall “take-home exam”	15%	(due end of fall exam period)
Participation	15%	

Winter Term

Commentary III	10%	(due early February)
Commentary IV	10%	(due March)
Winter “take-home exam”	15%	(due end of winter exam period)
Participation	15%	

Please Note: 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 Dean

Course Components

****You must complete ALL components of the course to receive a passing grade****

Participation (30%)

As you can see participation makes up a significant portion of your course grade. This is a “seminar” course which is very different from a lecture course. Seminars succeed or fail largely on the contributions of their members. **You are expected to prepare for, attend and contribute to our weekly discussions and activities**. This obviously means that you must **attend class**, but your participation grades are not merely a matter of bums in seats. Your participation mark is based on a number of criteria:

- 1) basic attendance;
- 2) the quality of your contribution to weekly in-class discussions and planned exercises;
- 3) in-class presentations or writing

Commentaries (40%)

There are a series of commentaries or short-papers for which students are responsible. These papers will be **approx. 5-7 pages** in length. They are slightly shorter, less formal, and more argument-driven than a traditional “research paper”. They are designed to give students a chance to explore and discuss a single text or set of texts from the course in more detail and critically engage it/them in relations to one of several themes that run through the class. As with all course requirements, more specifics will be discussed in class.

Take-home Exams (30%)

There are two “take-home” exams that ask you to summarize, synthesize and critique (take a position on) some of the material we investigate in the course. Very similar to the **Commentaries** these “exams” challenge you to discuss the readings that we investigate in the course and draw connections to some of the broader questions and themes highlighted in the lectures. The exam questions will be given out near the end of each term and the exam is due before the end of the formal exam period. The specific questions, due dates and rubrics for evaluation will be discussed in more detail in class.

NOTE: Take home exams are not subject to late marks. Failure to submit the exam on time will result in them not being accepted.

Some General Course Guidelines

IN CLASS BEHAVIOR

As noted, the class is a seminar and thus depends in part on the participation and attention of its members. If you don't plan to participate then don't bother coming- I won't be offended. Further, if you engage in behavior that discourages the active participation of others your participation mark will suffer. **Laptops and other similar attention-sucking devices are not generally permitted except when authorized as part of a student's formal accommodation granted through PMC.** Similarly, cellphones are not permitted. If you want to text your friends do so on your own time. Bring a notebook to take notes.

ASSIGNMENT FORMAT

Any written work submitted in this course **must** be typewritten, double-spaced, 12pt font with standard margins. All assignments **must** include a title page that has your name and student number, the course code, and my name on it. Assignments are **not to be put in plastic covers or other bindings**. Title pages, bibliographies and extensive footnotes are not counted in determining an assignment's page length.

LATE ASSIGNMENTS POLICY

Late assignments will be penalized **5% per day** that they are late (unless otherwise specified on the assignment instructions). Late assignments are to be submitted to the **Law Department's drop box** (outside C462 Loeb Building) unless otherwise noted. It is **your** responsibility to ensure that assignments are submitted before the deadline and to the right location.

Unless explicitly stated otherwise email is NOT an acceptable means to submit assignments

BACKUP COPIES

Student must retain a **paper hard copy** of anything submitted for a grade in the class for at least 3 months following the end of the course in case there is any discrepancy in final grades. In the very unlikely event that a submitted assignment is misplaced, you must be able to produce another copy upon request.

REFERENCING & PLAGIARISM

The assignments in the course must be properly referenced and include a bibliography of all sources used in the preparation of the assignment. We will discuss citation styles in some detail in class. **Failure to reference properly or attempting to pass someone else's ideas or work off as your own is considered plagiarism.** I take it very seriously and so should you. Plagiarism can lead to penalties that range from failure of the course to expulsion from the university. Engaging in it is incredibly dumb.

A note on 'the google'

The internet is your friend and also your enemy! While it may be a useful resource in the initial stages of research or even provide access to books or journals, it may also be tempting to rely on – or even “liberally borrow” – information found “there” to complete assignments. This is problematic for several reasons: most obviously because such practices may constitute **plagiarism** and secondly, because online information may not be entirely accurate and may in fact **unduly complicate or undermine your own (better!) arguments**. In short, these tools can sometimes be a brick rather than a life-preserver when you're struggling. In such moments of panic it is far better to contact me for help than to do something you'll surely regret later.