

Course Outline

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<b>COURSE:</b>	<b>LAWS 3908C – Approaches in Legal Studies II</b>
<b>TERM:</b>	<b>Winter 2015</b>
<b>PREREQUISITES:</b>	<b>LAWS 2908 and third-year Honours standing</b>
<b>CLASS:</b>	<b>Day &amp; Time: Monday 18:05 – 20:55</b> <b>Room: Please check with Carleton Central for current room location</b>
<b>INSTRUCTOR: (CONTRACT)</b>	<b>Lawrence Buhagiar</b>
<b>CONTACT:</b>	<b>Office: B442 LA (Loeb) – Contract Instructors' Office</b> <b>Office Hrs: MONDAY 17:00 – 18:00 OR BY APPOINTMENT</b> <b>Telephone: 613-797-0589</b> <b>Email: buhagiar@icloud.com</b>

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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://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](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*). 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/>

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**COURSE DESCRIPTION**

This course will focus on theoretically informed analysis, critical thinking, interdisciplinary approaches to legal research and the study of different interdisciplinary research methods and designs. The course will ask you to go beyond the study of traditional sources of law (cases and statutes), for a broader exploration of a legal topic. Students examine the links between theory, methodology and research design placing emphasis on what counts as evidence and what makes up sound academic analysis.

The specific theme for this course is “Neuroscience and the Law.” The course will examine developments in the area of neuroscience from the historical biological roots of criminology to issues of legal responsibility flowing from advances in neuroimaging. The following core themes are emphasized throughout the course: legal and moral culpability, responsibility, the constitution of the criminal, and the criminalization of bodies. This theme will be used to further develop students’ abilities to think critically. Each lecture will include both theoretical and practical aspects of critical research methodologies relating to socio-legal analyses.

### **REQUIRED TEXTS AND READINGS**

The required text for this course is: **Balaguer, Mark (2014) *Free Will*. MIT Press Essential Knowledge**. This text will be available at Octopus Books (The Glebe location: Third and Bank St.) There will be **additional weekly readings – articles, cases, videos, etc. – that are outlined below in the schedule section of this syllabus**. These items reside within the public domain. Other required readings will include articles and cases. These readings are indicated in this syllabus. Some weeks direct web URLs are provided to required readings or videos. With the exception of the required text, these documents are available to students either through their library database access; or, they already reside in the public domain.

### **EVALUATION (All components must be completed in order to get a passing grade)**

The dates for the assignment, paper and final are indicated below. If you are unable to write the examination or turn in any of the assignments on the dates as scheduled below, it is strongly suggested you consider taking the course another time.

**You must complete all of the assignments in order to obtain this course**. Failure to complete all of the components for evaluation will result a failure of the course. Additional information will be provided about the assignments in class.

1. **Review Essay 30% – Due in class on Jan 26, 2015** Students will write a review of **Balaguer, Mark (2014) *Free Will*. MIT Press Essential Knowledge** relating the material to the main themes in this course. The review is a maximum of 6 pages (double-spaced), 12-point Times New Roman font with proper margins. Additional information on this assignment will be handed out in and discussed in class. Late penalty is 10% per day.
2. **Critical Review Essay 30% – Due in class on Mar 16, 2014** Students will write a critical review. The review is a maximum of 6 pages (double-spaced), 12-point font with proper margins. Late penalty is 10% per day.
3. **Final Examination 40%** – Students will write a formal final examination set during the official examination period April 11-23, 2015 that applies the concepts, themes and materials used in this course.

**Submission and Return of Term Work:** Papers must be handed directly to the instructor and will not be date-stamped in the departmental office. Please note that assignments submitted via the drop box in the Law and Legal Studies Department will be assigned the date for the following day. The permission of the Instructor is required to submit an assignment electronically.

**Grades:** Final grades are derived from the completion of course assignments. Failure to write the final exam will result in the grade ABS. Deferred final exams are available ONLY if the student is in good standing in the course.

Percentage	Letter grade	12-point scale	Percentage	Letter grade	12-point scale
90-100	A+	12	67-69	C+	6
85-89	A	11	63-66	C	5
80-84	A-	10	60-62	C-	4
77-79	B+	9	57-59	D+	3
73-76	B	8	53-56	D	2
70-72	B-	7	50-52	D-	1

**Approval of final grades:** 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.

**Email Account:** All email communication to students from the Department of Law and Legal Studies will be via your Carleton e-mail account. Important course and University information is also distributed via the Carleton email system. It is the student's responsibility to monitor their Carleton account and to ensure it is capable of receiving larger files. For further information, please refer to: <http://carleton.ca/ccs/all-services/email/carleton-student-email>

<b>GUIDELINES FOR THE EVALUATION OF WORK</b>	
A+ A A-	<b>Outstanding performance.</b> Represents work of exceptional quality. Content, organization and style all at a high comprehension of subject and use of existing research and literature where appropriate. Also uses sound critical thinking, has innovative ideas on the subject, and shows personal engagement with the topic.
B+ B B-	<b>Good performance.</b> Represents work of good quality with no major weaknesses. Writing is clear and explicit and topic coverage and comprehension is more than adequate. Shows some degree of critical thinking and personal involvement in the work. Good use of existing knowledge on the subject.
C+ C C-	<b>Satisfactory performance.</b> Adequate work. Shows fair comprehension of the subject, but has some weaknesses in content, style and/or organization of the paper. Minimal critical awareness or personal involvement in the work. Adequate use of the literature.
D+ D D-	<b>Marginal performance.</b> Minimally adequate work, barely at a passing level. Serious flaws in content, organization and/or style. Poor comprehension of the subject, and minimal involvement in the paper. Poor use of research and existing literature.
F	<b>Failing work.</b>

### **Rules and Regulations**

The following rules and regulations specifically apply to this course.

Students are like snowflakes. Each one has their own unique circumstances that can impact their academic performance. It is up to each student to balance their obligations to this course and their lives beyond this course.

To pass this course, you must complete all elements of the evaluation scheme. Failure to complete all elements of the evaluation scheme will result in an incomplete (which will convert into an F).

It is recognized that students pay a lot of money for the opportunity to learn, your grade will be based on your ability to demonstrate what you have learned through the assignments rather than your cancelled check or registrar's receipt.

Students are responsible for their own course notes and should not rely on the PowerPoint slides which are simply a skeleton used to facilitate lectures. If you miss a lecture you will need to find a benevolent class-mate. The professor/instructor is not your note-taker.

If your conduct is disturbing or disruptive, you will be asked to leave the class.

Smartphones, Blackberry and pagers should either be turned off or set to vibrate mode. The use of technology in class is permitted in class for the purpose of note-taking. No surfing, streaming, chatting, DM'ing, IM'ing, FB'ing, tweeting, etc. is permitted in class. Students who choose to do so will be asked to leave. A second occurrence will result in the student being dropped from the course.

The **Internet may be used as a research tool to locate academic material.** Internet materials are not to be used in this course unless they meet the academic standards for scholarly publications.

Students are expected to be fully engaged and active participants in their education. Put another way, it is expected that students will be active rather than passive learners. The choice to attend class belongs to each student as do the consequences of non-attendance. Any

It is not the role of the professor/instructor to make your education a convenient experience. It is expected that you will make 'sacrifices' in accordance with your desire to obtain a university degree.

**Warning:** A student's failure to adequately plan does not constitute an emergency or extenuating circumstance in the Instructor's world that will exonerate, alleviate or exempt you from any of the requirements or demands of this course.

Students require a working e-mail capable of receiving attachments. I generally respond to e-mails quickly. However, I do maintain 48 hour rule. If 48 hours have passed and you have not heard back from me assume that technology has failed us and try an alternative method of contact: text, calling, etc.

Extensions are extremely rare occurrences and will only be granted in cases of exceptional circumstances. The decision to grant an extension is solely the discretion of the Instructor. A physician's medical opinion does not automatically entitle a student to an extension.

To **request an extension.** prior to the due date, students must submit all work completed on the assignment to that date (e.g. drafts, notes, etc.) and produce proper documentation for consideration (e.g. medical certificate; death certificate; etc.). No extensions will be granted after the due date.

**Computer problems are not an acceptable excuse for an extension.** Students are expected to ensure their work is saved and backed-up, either on a diskette, CD, memory stick, e-mailing it to yourself or as a printed copy.

**Deferrals** are the purview of the Registrar's Office. Should you require an extension please contact the Registrar's Office directly.

<b>APPROACHES TO LEGAL STUDIES II COURSE TOPICS</b>		
<b>Date</b>	<b>Lecture</b>	<b>Weekly Assigned Reading</b>
Lecture 1 – Jan 5, 2015	Introduction & Administrivia	Course outline; Rosen Article
Lecture 2 – Jan 12, 2015	Crime, History & Science I	Garland, 1985
Lecture 3 – Jan 19, 2015	Crime, History & Science II	Rose, 2009
Lecture 4 – Jan 26, 2015	Neuroscience Explained <b>Book Review Essay Due – 30%</b>	Neuro Basics for lawyers
<b>Lecture 5 – Feb 2, 2015</b>	Neurons, Determinism & Freedom	Philosophical Basis
Lecture 6 – Feb 9, 2015	Science in the Courtroom	Lobes & Robes
<b>Statutory Holiday Feb 16th / Winter break from Feb 16<sup>th</sup> – Feb 20<sup>th</sup></b>		
Lecture 7 – Feb 23, 2015	The (Ab)Use of Evidence	Evidentiary Value
Lecture 8 – Mar 2, 2015	Scientific and Legal Discourse	History of Scientific Images in Law
Lecture 9 – Mar 9, 2015	Eugenics & Pre-crime	Promises & Pitfalls
<b>Lecture 10 – Mar 16, 2015</b>	What can we know <b>Critical Review Essay Due – 30%</b>	Brain Overclaim Syndrome
Lecture 11 – Mar 23, 2015	Bad brain or Bad Science?	Blind Justice or Blind Faith
Lecture 12 – Mar 30, 2015		
Lecture 13, April 2, 2015	Review Class	No assigned reading
<b>Final Exam – 40% – To be set during the official exam period</b>		

**\* This schedule is subject to revision depending on our progress.**