

Department of Law

Loeb Bldg. C473

The Department

Chair of the Department:

R.P. Saunders

Supervisor of Graduate Studies:

C.N. Sargent

The Department of Law offers a program of advanced study and research leading to a Master of Arts degree in Legal Studies. The program is open to full-time and part-time students.

The primary focus of the M.A. program is to provide an interdisciplinary, theoretical and research-oriented graduate program which explores the critical role of law as a social and political institution and which places special emphasis on the relationship between law and social transformation. The program provides a flexible plan of studies broad enough to encompass a range of substantive areas of investigation which are linked by common theoretical and methodological concerns. These concerns are directed towards exploring the complex way in which the law both impacts upon the social environment and is in turn shaped or constituted by that environment. Within this focus, several areas of specialization in the department can be identified:

- Legal theory and social theory
- Law, crime and social order
- Women, law and gender relations
- Political economy of law
- International and comparative legal regimes
- Social history of law

It is expected that graduate students in legal studies will concentrate their study in one (or more) of these areas.

The course and program requirements are designed to prepare students to carry on independent research. Emphasis will be placed on developing in students from a variety of academic backgrounds the conceptual and methodological skills required to undertake research in the area of law and society.

The location of the M.A. program in Legal Studies at Carleton provides students with a wealth of resources for research purposes. In addition to the resources of the MacOdrum Library, students will have access to extensive Canadian and international research material through the Social Science Data Archives located at Carleton. The Library of the Supreme Court of Canada, the National Library, the National Archives, the Library of Parliament, Statistics Canada and the Center for Justice Statistics are all located in

Ottawa. Ottawa also houses the headquarters of many federal government departments and agencies, and the national headquarters of non-governmental organizations such as the Elizabeth Fry Society, the John Howard Society, the National Association of Women and Law. Many government departments and non-governmental organizations maintain specialized libraries, and offer access to documents and other research materials.

Master of Arts

Admission Requirements

The minimum requirement for admission to the M.A. program in Legal Studies is an honors bachelor's degree (or the equivalent) with at least high honors standing.

Applicants will be considered for admission on the basis of their academic background and standing. Where relevant, previous professional experience may be taken into account in determining an applicant's standing on admission.

Applicants without a prior background in law may be required to complete one or more designated courses, including 51.397, Legal Research Methods, from the undergraduate program offered by the Department of Law prior to taking courses towards the master's degree.

Qualifying -Year Program

Applicants with exceptional promise with a general (pass) bachelor's degree may be admitted into a qualifying-year program designed to raise their standing to honors status. To be considered for admission into the master's program students must attain at least an overall high honors standing in their qualifying-year courses.

Program Requirements

Graduate students in the Department of Law are governed by the section of this calendar entitled General Regulations.

All graduate students in the Department of Law must obtain satisfactory grades in their course work, must make satisfactory progress in their research, and must satisfy the following criteria of activity or "presence" in the program:

- Maintain a close working relationship with their thesis supervisors
- Attend seminars held to discuss current research and related topics. Each student will be required from time to time to present a seminar on his/her research

Thesis Regulations

The thesis must represent the result of the candidate's independent research undertaken after being admitted to graduate studies at Carleton University's Department of Law.

Previous work of the candidate may be used only as introductory or background material for the thesis.

A candidate may carry on research work related to the thesis off campus provided that the work is approved in advance and arrangements have been made for regular supervision of thesis research activities with the department's supervisor of graduate studies.

Program Requirements

Each candidate, in consultation with the supervisor of graduate studies, is required to complete the following program of studies:

- Three full courses, or the equivalent (3.0 credits); and
 - A thesis (2.0 credits) and an oral examination
- In selecting their program of studies all students are required to take 51.500, Theories of Law and Social Transformation; and 51.501, Legal Method and Social Enquiry. In addition, students are encouraged to take at least one half course (0.5 credits) in a related discipline, in consultation with the supervisor of graduate studies.

Residence Regulations

The residence regulations for the M.A. program will be those of the Faculty of Graduate Studies and Research. These specify that four full courses must be taken at Carleton University to qualify for a master's degree.

Language Requirement

A demonstrated facility in another language is recommended but is not mandatory for students in the proposed M.A. program.

to provide a central and shared basis for the whole program. The methods course is designed to develop the link between the theoretical orientation and the

important research component of the program.

Rather than seeking to provide all the research skills that students might require, the course focuses on the importance of methodological issues and choices in research design.

- Law 51.500F1, W1 or S1

Theories of Law and Social Transformation

This course examines three groups of theories (liberal jurisprudence, sociological theories of law and Marxist theories of law). They are explored from two main perspectives: the first focuses on the different ways in which law is conceived as an object of inquiry; the second, and more empirical, examines the different accounts of trajectories of legal development from the period of industrial capitalism to the present, with its paradoxical processes of expanded legalization and legal centralism and the contrasting delegitimation and legal pluralism. The limits and potential of law as an agency for realizing or inhibiting different types of social change provide a framework for this comparative analysis.

- Law 51.501F1, W1 or S1

Legal Method and Social Inquiry

This course introduces problems associated with the choice of research strategy and methods. Starting from problems in the philosophy of social science it explores the connection between strategies and methods. It explores contrasting methodologies in legal research, such as: the handling of historical sources;

sources and handling of statistical data; participant observation studies. It evaluates the potential and limitations of alternative methodologies employed in understanding legal reasoning, legal discourses and legal practices. The course includes a series of seminars in which participants present outlines of their research projects, focusing upon the methodological issues and problems involved.

- Law 51.599F4, W4, S4

M.A. Thesis

Graduate Courses*

Core Courses

The two compulsory courses are designed to give substance to the major objectives of the program. They provide the theoretical and interdisciplinary framework which will set the terms of discussion and debate for the program. The courses are designated as compulsory because it is anticipated that students will be drawn from both law and social science backgrounds and consequently there is a need

*F, W, S indicates term of offering. Courses offered in the fall and winter will be followed by T.

The number following the letter indicates the credit weight of the course: 1 denotes a half-course credit, 2 denotes a full-course credit, etc.

Other Law Courses

The following is a complete list of all graduate courses in the Department of Law. Please note that not all courses are offered every year. Students should consult the university and departmental timetables for the scheduling of courses offered in 1992-93.

- Law 51.502F1,W1 or S1

Law and Gender Relations

This course examines diverse theoretical approaches informed by the significance of gender to the structure and operation of law and legal institutions in society. Concepts such as essentialism, difference, cultural determination, and the social construction of gender relations are examined in the context of contemporary feminist debates. The aims of the course include development of a detailed understanding of and facility with feminist analysis and methodology.

- Law 51.503F1,W1 or S1

Law, Economy and Society

This course addresses the relationship between law, economy and society. Competing theoretical accounts of the relationship between legal regulation and social and economic change are explored through selected historical and contemporary case studies.

- Law 51.504F1,W1 or S1

Law, Crime and Social Order

This course examines the theoretical dimensions of the relationship between law, state, crime and social order. It explores the scope and limitations of the criminal justice system as an agency of social control. Attention is given to shifts in the forms of social order and their relation to changes in criminal law and sanctions.

- Law 51.505F1,W1 or S1

Law, State and Politics

This course explores the relationship between the law, state and politics. Major theoretical explanations of the relationship are examined. Attention is focused on the role of rights, the rule of law, separation of powers and judicial review. The course examines alternative views of the interrelationship between political and legal change and developments in the contemporary state.

- Law 51.506F1,W1 or S1

Historical Perspectives on Law and Society

This course examines the historical relationship between social forces, law and legal institutions. It

surveys issues concerning legal historical theory, and the foundations of modern legal concepts and institutions. In particular, the course focuses on two discrete areas; the relationship between socio-economic change and private and regulatory law, and the changing conceptions of crime and the nature of the state's responses through the uses of criminal law.

- Law 51.507F1,W1 or S1

Race, Ethnicity and the Law

This course examines the way in which race and racism interact with gender and class in shaping the legal system. It also explores the ways in which the legal system institutionalizes racism and the potential for using the legal system to combat racism. Selected areas such as immigration law and native rights may be used to illustrate the themes of the course.

- Law 51.510F1, W1 or S1

Advanced Problems in Legal Philosophy

Studies in legal theory and analyses of law advanced by Hart, Dworkin, and others, and legal concepts: for example, principles, rights, duties, liability, etc. Precise course content will vary from year to year and will be announced at the beginning of the term.

Prerequisites: Either Law 51.315 or 51.311 (32.311) and 51.312(32.312) or permission of the department.

(Also offered as Philosophy 32.510)

- Law 51.520F1,W1 or S1

International Economic Law: Regulation of Trade and Investment

A study of selected problems associated with the regulation of international economic activity. The seminar focuses on a discussion of relevant international institutions (GATT, UNCTAD, IMF, World Bank), and introduction to the legal aspects of integration (e.g. EEC, ASEAN), governmental regulation of trade and investment (e.g., FIRA), and the problem of extraterritoriality.

(Also offered as International Affairs 46.557)

- Law 51.532F1,W1 or S1

Feminism, Law and Social Transformation

This course addresses the nature and possibilities of feminist engagement with law and the legal process. Policies and strategies of law reform and/or social transformation are formulated and evaluated through the application of theoretical frameworks to particular topics. The significance of the Canadian Charter of Rights and Freedoms is examined, together with human rights legislation.

- Law 51.535F1, W1 or S1

Crime, Social Change and Criminal Law Reform
This course examines the ideological and practical consequences of criminal law reform and policy initiatives undertaken by the state. Specific criminal justice reform proposals are examined in order to illustrate not only the possible alternate responses to social problems but also the varying effects of these responses.

- Law 51.540F1, W1 or S1

Law, Economy and the Regulatory Process
This course addresses the relationship between law, the economy and the regulatory process. The focus is on understanding the choice of regulatory models from a political and economic perspective, and the impact of different theories of regulation on regulatory practice and enforcement. Selected topics for investigation may be drawn from the areas of labor law, housing and consumer protection, environmental protection and anti-combines legislation.

- Law 51.550F1, W1 or S1

The Canadian Constitution
A highly concentrated half course, designed to familiarize graduate students with the terminology, principles, and doctrines of judicial interpretation of the *Constitution Acts 1867-1982* and other constitutional statutes. The emphasis will be on the division of legislative powers in the Canadian federation. This course or its equivalent is a prerequisite for the course Law 51.553:

Advanced Legal Problems of Federalism.

Prerequisite: Open only to graduate students in their master's year who have not previously studied Canadian constitutional law.

- Law 51.553F1, W1 or S1

Advanced Legal Problems of Federalism
An advanced study of selected Canadian constitutional problems including constitutional revision. Some comparisons with other federal systems may be made.

Prerequisite: A course in Canadian constitutional law, for example Law 51.550 or permission of the department.

- Law 51.563F1, W1 or S1

International Law: Theory and Practice
This course is designed to give students an appreciation of various theoretical perspectives on international law, with a view to locating the role which international law plays in the international system. Topics include the basis of international law, the creation and sources of international law, the utilization of international law in international dispute-resolution, and international law and world order transformation. Illustrative issues will vary according to the interests of

students each year.

(Also offered as International Affairs 46.555)

- Law 51.590F1, W1 or S1

Tutorials/Directed Readings in Law
Tutorials or directed readings in selected areas of law, involving presentation of papers as the basis for discussion with the tutor.

- Law 51.591F1, W1 or S1

Tutorial/Directed Readings in Law
Tutorials or directed readings in selected areas of law, involving presentation of papers as the basis for discussion with the tutor.

- Law 51.593F1, W1 or S1

Contemporary Topics in Legal Studies
A research seminar which explores a selected topic from current debates in legal studies.

- Law 51.594F1, W1 or S1

Contemporary Topics in Legal Studies
A research seminar which explores a selected topic from current debates in legal studies.

Selection of Courses in Related Disciplines

In addition to the graduate courses offered by the Department of Law, students in the M.A. program are encouraged to take at least one half course (0.5 credits) in a related discipline, in consultation with the supervisor of graduate studies. Courses offered by other academic units which can be taken towards the requirements of the M.A. in Legal Studies are listed below. This list is not exhaustive and is subject to change.

In certain circumstances (with the approval of the supervisor of graduate studies) up to one credit may be selected from among those offered at the 400 level.

Note: Students should be aware that the number of spaces in graduate courses offered by other departments may be limited, and that registration may be conditional upon obtaining the prior approval of the department concerned. It is the student's responsibility to ensure that permission is obtained from the appropriate department prior to registering in any of the department's courses.

Students are advised that there is no guarantee that all of these courses will be offered in any given year, or in any given term. Full-credit courses are scheduled over two terms. Students should check the current university timetable to ensure course availability and schedule when planning their program.

Canadian Studies

- 12.510 Northern and Native Issues
- 12.520 Women's Studies

Economics

- 43.432 Competition Policy
- 43.533 Regulation and Public Enterprise
- 43.538 Law and Economics
- 43.543 Public Choice

Geography

- 45.541 Society and Space
- 45.544 Gender and Environments

History

- 24.459 Selected Problems in the History of Women and the Family: From the Industrial Revolution
- 24.532 Ontario in the Nineteenth Century
- 24.559 Women in Nineteenth- and Twentieth-Century North America and Britain
- 24.588 Historiography of Canada
- 24.688 Social History

International Affairs

- 46.511 Canada in the International Political Economy
- 46.535 International Bargaining and Negotiation: Theory and Practice
- 46.542 Territory and Territoriality
- 46.545 International Organizations in International Affairs
- 46.555 International Law: Theory and Practice
- 46.557 International Economic Law: Regulations of Trade and Investment
- 46.588 International Political Economy

Journalism

- 28.541 Journalism Law

Political Science

- 47.407 The Politics of Law Enforcement in Canada
- 47.413 The State in Advanced Capitalist Countries
- 47.509 Canadian Political Economy
- 47.511 Canadian Federalism
- 47.570 Basic Research Methods
- 47.573 Advanced Research Methods

Psychology

- 49.510 Research Methods in Social Psychology
- 49.514 Psychology of Women
- 49.517 Psychology of Family Violence
- 49.522 Psychology and Criminal Justice
- 49.523 Psychology and Human Services
- 49.546 Quasi-experimental Design and Evaluation Research

Public Administration

- 50.502 Political Economy of Regulation
- 50.523 Microeconomics for Management and Policy
- 50.536 Law of Public Authorities I
- 50.537 Law of Public Authorities II
- 50.551 Quantitative Methods I

- 50.552 Quantitative Methods II
- 50.567 Political Economy of the State
- 50.568 Policy and Decision Making
- 50.569 Public Choice: Theory and Application
- 50.584 Industrial Relations and Collective Bargaining
- 50.585 Public-sector Collective Bargaining

Social Work

- 52.503 Foundations of Sexuality
- 52.504 Social Work and the Law
- 52.506 Women and Welfare
- 52.508 Social Deviance and Social Control
- 52.510 History and Philosophy of Social Welfare
- 52.511 Social Policy Analysis
- 52.515 Poverty and Wealth
- 52.516 Women and Social Policy
- 52.517 Social Policies for Children
- 52.530 Social Change and Social Welfare
- 52.531 Social Work with People in Conflict with the Law

Sociology and Anthropology

- 53.453 Workshop in Criminology/Deviance
- 53.457 Workshop in Social Psychology
- 53.500 Classical Sociology Theory
- 53.502 Contemporary Sociological Theory
- 53.509 Philosophy of Social Science I
- 53.511 Research Design and Data Analysis
- 53.512 Statistical Methods I
- 53.513 Statistical Methods II
- 53.514 Multivariate Analysis
- 53.521 Comparative Methods in Social Research
- 53.530 Social Institutions I
- 53.532 The Labor Process
- 54.536 Cultural Studies
- 54.538 Feminist Analyses
- 53.540 Political Sociology
- 54.541 Proseminar in Anthropology I
- 53.544 Race, Ethnicity and Class in Contemporary Societies
- 53.545 Power and Stratification
- 54.549 The Politics of Social Movements and the State
- 53.567 Contemporary Theories of Crime and Social Regulation
- 53.568 Women and Work
- 53.589 The Logic of the Research Process