

Department of Law

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The Department

Chair of the Department:

R.P. Saunders

Supervisor of Graduate Studies:

To be announced.

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 M.A. program provides an interdisciplinary, theoretical, and research-oriented approach to studying law as a social and political institution, with emphasis on the relationship between law and social transformation. The plan of studies includes a range of fields linked by a common theoretical and methodological concern with the way law shapes and is shaped by its social environment. The program is designed to develop the conceptual and analytical skills required for conducting independent research on law and society.

Within this context, students will focus on one or more of the following areas of specialization:

- 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

The location of the M.A. program in Legal Studies at Carleton provides students with a wealth of resources for research purposes. As well as 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 Centre for Justice Statistics are all located in Ottawa. Ottawa houses many federal government departments and agencies, and the national headquarters of non-governmental organizations such as the Elizabeth Fry Society, the John Howard Society, and 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.

Qualifying -Year Program

Applicants with exceptional promise who have less than honours B.A. status may be admitted into a qualifying-year program designed to raise their standing to honours status. To be considered for admission into the master's program students must obtain at least a high honours average in their qualifying-year courses.

Master of Arts

Admission Requirements

The requirement for admission into the M.A. program in Legal Studies is an honours bachelor's degree or the equivalent, with at least high honours 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.

Applicants without a background in law may be required to complete one or more designated courses, including 51.397*, Legal Research Methods, from the Department's undergraduate program before taking courses towards the Master's degree.

Program Requirements

In consultation with the supervisor of graduate studies, each candidate 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.

All students are required to take 51.500: Theories of Law and Social Transformation; and Law 51.501: Legal Method and Social Enquiry. These courses provide students with a common theoretical and interdisciplinary framework for the 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 possible research skills, the course focuses on the importance of methodological issues and choices in research design.

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.

All students must obtain satisfactory grades in their course work; make satisfactory progress in

their research; maintain a close working relationship with their thesis supervisors; and attend seminars on 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 into Graduate Studies at the Department of Law. Previous work of the candidate may be used only as introductory or background material for the thesis.

A student may carry on research work related to the thesis off-campus if the work is approved in advance and supervision arrangements have been made with the supervisor of graduate studies.

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 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 delegaliza-

tion 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.

* 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.

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- 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

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 1993-94.

- 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, UN-CTAD, 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 labour law, housing and consumer protection, environmental protection and anti-combines legislation.

- Law 51.545F1, W1 or S1

Canadian Labour Law Policy from a Comparative Perspective

This course examines some major influences on the formation of Canadian labour law policy. A comparative perspective is used to highlight the divergencies in Western democratic nations. It questions whether Canadian labour law is distinctive, and if so, the reasons for this distinctiveness. The term "labour law" refers to both collective bargaining and the regulation of individual employment relationships through common law and statute. Specific examples of labour law policy are highlighted to consider their distinctiveness/sameness and to ask what forces may have led to specific policies.

- 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 51.556F1, W1 or S1

Advanced Administrative Law Problems

An in-depth study of selected legal questions involving the activities of public authorities.

Prerequisite: A course in administrative law 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. Students should check with the Department regarding the topic offered.

- Law 51.594F1, W1 or S1

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A research seminar which explores a selected topic from current debates in legal studies.

Students should check with the Department regarding the topic offered.

(Also offered as Sociology 53.586)

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

45.544	Society and Space Gender and Environments	50.585	Public-sector Collective Bargaining
<i>History</i>		<i>Social Work</i>	
24.459	Selected Problems in the History of Women and the Family: From the Industrial Revolution	52.503	Foundations of Sexuality
24.532	Ontario in the Nineteenth Century	52.504	Social Work and the Law
24.559	Women in Nineteenth- and Twentieth- Century North America and Britain	52.506	Women and Welfare
24.588	Historiography of Canada	52.508	Social Deviance and Social Control
24.688	Social History	52.510	History and Philosophy of Social Welfare
<i>International Affairs</i>		52.511	Social Policy Analysis
46.511	Canada in the International Political Economy	52.515	Poverty and Wealth
46.535	International Bargaining and Negotiation: Theory and Practice	52.516	Women and Social Policy
46.542	Territory and Territoriality	52.517	Social Policies for Children
46.545	International Organizations in International Affairs	52.530	Social Change and Social Welfare
46.555	International Law: Theory and Practice	52.531	Social Work with People in Conflict with the Law
46.557	International Economic Law: Regulations of Trade and Investment	<i>Sociology and Anthropology</i>	
46.588	International Political Economy	53.453	Workshop in Criminology/Deviance
<i>Journalism and Communication</i>		53.457	Workshop in Social Psychology
28.541	Journalism Law	53.500	Classical Sociological Theory
<i>Political Science</i>		53.502	Contemporary Sociological Theory
47.407	The Politics of Law Enforcement in Canada	53.509	Philosophy of Social Science I
47.413	The State in Advanced Capitalist Countries	53.511	Research Design and Data Analysis
47.509	Canadian Political Economy	53.512	Statistical Methods I
47.511	Canadian Federalism	53.513	Statistical Methods II
47.570	Basic Research Methods	53.514	Multivariate Analysis
47.573	Advanced Research Methods	53.521	Comparative Methods in Social Research
<i>Psychology</i>		53.530	Social Institutions I
49.510	Research Methods in Social Psychology	53.532	The Labour Process
49.514	Psychology of Women	53.536	Cultural Studies
49.517	Psychology of Family Violence	53.538	Feminist Analyses
49.522	Psychology and Criminal Justice	53.540	Political Sociology
49.523	Psychology and Human Services	54.541	Proseminar in Anthropology I
49.546	Quasi-experimental Design and Evaluation Research	53.544	Race, Ethnicity and Class in Contemporary Societies
<i>Public Administration</i>		53.545	Power and Stratification
50.502	Political Economy of Regulation	54.549	The Politics of Social Movements and the State
50.523	Microeconomics for Management and Policy	53.567	Contemporary Theories of Crime and Social Regulation
50.536	Law of Public Authorities I	53.568	Women and Work
50.537	Law of Public Authorities II	53.589	The Logic of the Research Process
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		