

SYLLABUS: LAW 500

CURRENT LEGAL PROBLEMS: CONCEPTS AND METHODOLOGY IN THE STUDY OF LAW

2004-2005

2004/09/08

INSTRUCTOR:

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TIME AND PLACE

Classes take place **Thursdays, 5-8 p.m.**

Room 184/ 185

(By custom & consent discussion might continue in more convivial settings at the conclusion of class.)

COURSE OBJECTIVES

This seminar is designed to acquaint students with conceptual and methodological approaches to the study of law. It is hoped that these will be generally useful and helpful in particular with regard to the preparation of LL.M. theses.

Our LL.M. degree is a research degree. Students should think seriously about research method and conceptualization from the beginning. A knowledge of issues in social and legal theory and a self-critical approach to the research exercise will aid students in making and justifying the choices about thesis topics and methodology.

FORMAT AND PROCEDURES

- Successful completion of this seminar is a requirement of the LL.M. degree.
- The seminar meets weekly for two to three hours.
- Some assignments are due on specified dates occurring during the Fall term. Other assignments are due at the beginning of specific seminar sessions.
- You are expected to attend every session and to participate actively in class discussions. If some prior commitment poses a conflict, please inform the instructor in writing. As anyone who misses a seminar cannot contribute to our shared intellectual enterprise in person on that occasion you will be required to contribute a short written commentary on a matter of scholarly interest for the benefit of the group in lieu.

- All participants have an equal responsibility to contribute to the discussion. It is assumed that everyone will have read and thought about the materials before the seminar begins. The instructor or guest speaker is not responsible for conveying information.

Graduate students are responsible for their own learning and this is an opportunity for you to take an active role in developing your own intellectual formation.

Seminars in the spring term are devoted to:

- student presentations of their developing theses; and
- structured commentary on the work of other members of the seminar.

The format can vary from week to week, according to the desires of presenters and commentators. The “default” format is that of scholarly conferences with a chair, presenters, and commentators leading into group discussion.

The seminar is graded on a pass/fail basis. All assignments must be satisfactorily completed.

READINGS

Seminar content will be directed, in part, by student research interests and also in response to the research interests of a distinguished team of guest lecturers.

Required Readings: Ronald Beiner and Wayne Norman, *Canadian Political Philosophy*

CLASS VISITORS

Several classes will meet at Green College as part of the Interdisciplinary Law and Society Seminar. These are fully part of the seminar and are mandatory. For those who wish to dine at Green College following the seminars the Faculty of Law Graduate Office will sell dinner tickets at a discounted price of \$5.00 per ticket for a full course meal (Law Graduate Students only – partners and friends may buy tickets from Green College directly at the regular price).

These seminars will:

- 1) provide direct exposure to leading scholars from UBC and elsewhere;
- 2) provide a critical focus on particular substantive areas of research - to sharpen critical skills, engage your interest and permit you to participate in scholarly dialogue with established authors and with each other;
- 3) provide exposure to an array of approaches to scholarship about law. Some questions to consider as you take part in these sessions include:
 - how did they come up with this research project?
 - what research method/ conceptual framework did they select?
 - why did they feel it most appropriate?
 - what alternatives did they consider and reject?
 - how did they find relevant sources?
 - how and when did they know they had done enough "research" to begin writing?
 - what value do they see in the sort of work they do?
 - What value do you see in this sort of work?

During discussion sessions and also during dinner following you are encouraged to ask probing questions, to seek out conceptual/ methodological points of interest and to challenge visitors about their research.

UBC LAW-RELATED SEMINAR SERIES

Over the course of the year scholars from this faculty and other faculties present their work to colleagues and students in more and less formal contexts. In addition to the events that are scheduled as part of our seminar you may wish to note the following in particular:

- formal Faculty of Law Seminars (often on Fridays at 12:30, but also scheduled at other times and advertised)
- noon hour and other Law and Society Seminars
- Conferences organized by the Faculty of Law
- lecture series organized by research centres and units associated with the Faculty of Law including:
 - Feminist Legal Studies
 - Asian Legal Studies
 - First Nations Legal Studies
 - International Centre for Criminal Justice

Such seminars provide invaluable opportunities for scholarly exchange and discourse. They are part of the intellectual community of the university and an important part of the experience of graduate studies. You are urged to attend as many seminars as possible in addition to those required as part of the course schedule.

EVALUATION / TERM ASSIGNMENTS

1. **Autumn term** *Weekly assignments*. Throughout **the autumn term**, each student will be responsible for making a short (10-15 minutes - NO LONGER) presentation to the class. The purpose of the presentation is to raise questions and issues that stimulate class discussion. There is no “script” for a good commentary of this sort. Some matters to consider in developing your remarks include:

- internal coherence?
- logical presentation of arguments?
- adequacy of empirical data or other research relied upon?
- theoretical sophistication?
- writing style?
- persuasiveness?
- the key elements of the particular approach?
- issues and questions overlooked / not addressed within the particular approach?
- underlying values and presumptions?
- strengths and weaknesses of the methodology/ approach?
- potential use of the methodology / approach/ perspective for the work you are doing?
- importance of the methodology/ approach/ perspective in advancing legal knowledge?

2. **Autumn term:** during the autumn term you are required to attend at least two “UBC Law-related seminars” apart from those that are scheduled as part of the LL.M. seminar. On each occasion you should prepare a short “critique” document responding to the presentation, addressing some of the criteria above and offering any personal reflections relevant to your own work or your own understanding of law and legal scholarship. The critique need be no more than 350 words and can be in point form. Please bring these to the next class following the “UBC Law-related seminar” you attend for discussion in class and handing in.

3. **Autumn Term:** The following assignments are due during the autumn term:

- a preliminary working *bibliography* – arranged topically and briefly annotated; at least 20 thoughtfully selected items. Due: Thursday, September 30, 2004
- a *preliminary outline* of your thesis topic Due: Thursday, October 28, 2004
- A substantial paper of approximately 20 pages presenting a *literature review* and an overview of the *conceptual framework and research methodology* under-girding your thesis. Due: Wednesday, December 8, 2004

Note: these items should *also* be handed in to your supervisor and co-supervisor for substantive comments from experts in your field.

4. **Spring term:**

- **thesis presentation:** delivery of an oral *presentation on your thesis* (bullet-point handouts or equivalent should be prepared in advance)
- serve as a *peer commentator* for at least one presentation by a fellow student (at least one page of commentary notes should be handed in)

CLASS SCHEDULE FOR LL.M. Seminar, 2004-5

Thursday, September 9

- Seminar introduction; discussion of concept of law; concept of legal scholarship

Thursday, September 16

Ronald Beiner and Wayne Norman, *Canadian Political Philosophy*

- **Introduction**
- **Part 1: Rethinking Liberalism and Citizenship** (articles by Carens, Tully, Chambers)
- **Commentaries by 1) __Cindy____; 2) __James__ ; 3) __Brett____; 4) _____**

Thursday, September 23

Ronald Beiner and Wayne Norman, *Canadian Political Philosophy*

- **Part 1: Rethinking Liberalism and Citizenship** (continued) (articles by Weinstock, Callan)
- **Part 2: Equality, Justice & Gender** (article by Cohen)
- **Commentaries by 1) __Soraya____; 2) __Gerry____; 3) __Anne____; 4) _____**

Thursday, September 30

- **Interdisciplinary Law & Society @ Green College**
- Lorraine Weir (English, UBC) **The English Professor as Expert Witness: Notes from the Zone**

Friday, October 1: *Law in a Fearful Society Conference*

Thursday, October 7

Ronald Beiner and Wayne Norman, *Canadian Political Philosophy*

- **Part 2: Equality, Justice & Gender** (articles by Synnowich; Nedelsky; Makus)
- **Commentaries by 1) __Elizabeth__ ; 2) __Ciaran____; 3) __Gabrielle__ ; 4) _____**

Thursday, October 14

Ronald Beiner and Wayne Norman, *Canadian Political Philosophy*

- **Part 3: Minority Rights, Multiculturalism, and Identity** (articles by Kymlicka; Moore; Reaume)
- **Commentaries by 1) __Michelle____; 2) __Kurt____; 3) __Matthias____; 4) _____**

Thursday, October 21

Ronald Beiner and Wayne Norman, *Canadian Political Philosophy*

- **Part 3: Minority Rights, Multiculturalism, and Identity** (articles by Newman; Williams; Orwin)
- **Commentaries by 1) __Pooja____; 2) __Joan____; 3) __Kelly____; 4) _____**

Thursday, October 28 –

- **Interdisciplinary Law & Society @ Green College**
- “Democracy and Other Human Rights” **Jamie Mayerfeld** is Associate Professor of Political Science and at the University of Washington, where he teaches courses on political theory and human rights. He is the author of Suffering and Moral Responsibility (Oxford 1999), and has published articles on the duty to relieve suffering, nationalism, and human rights. In the spring of 2000 he received a Human Rights Teaching Fellowship from Columbia Law School. His articles on the International Criminal Court have appeared in Human Rights Quarterly, the Fletcher Forum of World Affairs, and the Finnish Yearbook of International Law.

Thursday, November 4

Ronald Beiner and Wayne Norman, *Canadian Political Philosophy*

- **Part 4: Nationalism and Self-Determination** (articles by Leydet; Booth; Resnick)
- **Commentaries by 1) ___Tracey___; 2) ___Joel___; 3) ___Michael___; 4) _____**

Thursday, November 11 – Remembrance Day – UBC closed**Thursday, November 18**

Ronald Beiner and Wayne Norman, *Canadian Political Philosophy*

- **Part 4: Nationalism and Self-Determination** (articles by LaForest; Dion; Turner)
- **Commentaries by 1) ___George___; 2) ___Victor___; 3) ___Will___; 4) _____**

Thursday, November 25

- **Interdisciplinary Law & Society @ Green College**

Thursday, December 2

- **Last class of autumn term**

Ronald Beiner and Wayne Norman, *Canadian Political Philosophy*

- **Part 5: In Dialogue with the History of Political Philosophy** (articles by Pangle; Ripstein; Andrew)
- **Commentaries by 1) _____; 2) _____; 3) _____; 4) _____**

Ronald Beiner and Wayne Norman, *Canadian Political Philosophy*

- **Part 5: In Dialogue with the History of Political Philosophy** (articles by Cooper; Taylor)
- **Commentaries by 1) _____; 2) _____; 3) _____; 4) _____**

Thursday, January 6**Presentations:**

- 1.
- 2.
- 3.
- 4.

Commentators:

- 1.
- 2.
- 3.
- 4.

Thursday, January 13**Presentations:**

- 1.
- 2.
- 3.
- 4.

Commentators:

- 1.
- 2.
- 3.
- 4.

Thursday, January 20**Presentations:**

- 1.
- 2.
- 3.
- 4.

Commentators:

- 1.
- 2.
- 3.
- 4.

Thursday, January 27

- **Interdisciplinary Law & Society @ Green College**
- *Canadian Law and Society mid-winter conference*
- Speakers from across Canada on the Friday; keynote address on Thursday evening.
- Annalise Acorn, author of *Compulsory Compassion: A Critique of Restorative Justice* (Vancouver: Law and Society Series, UBC Press, 2004) is the keynote speaker for the mid-winter Law and Society Conference which runs from Thursday, January 27 through Saturday, January 29, 2004.

Thursday, February 3

Presentations:

- 1.
- 2.
- 3.
- 4.

Commentators:

- 1.
- 2.
- 3.
- 4.

Thursday, February 10

Presentations:

- 1.
- 2.
- 3.
- 4.

Commentators:

- 1.
- 2.
- 3.
- 4.

Thursday, February 17

- Reading Week – no class

Thursday, February 24

- Interdisciplinary Law & Society @ Green College

Thursday, March 3

Presentations:

- 1.
- 2.
- 3.
- 4.

Commentators:

- 1.
- 2.
- 3.
- 4.

Thursday, March 10

Presentations:

- 1.
- 2.
- 3.
- 4.

Commentators:

- 1.
- 2.
- 3.
- 4.

Thursday, March 17

Presentations:

- 1.
- 2.
- 3.
- 4.

Commentators:

- 1.
- 2.
- 3.
- 4.

Thursday, March 24

Presentations:

- 1.
- 2.
- 3.
- 4.

Commentators:

- 1.
- 2.
- 3.
- 4.

[Friday, March 25 – Good Friday]

Thursday, March 31

- **Interdisciplinary Law & Society @ Green College**

Thursday, April 7 (Last class)

- **Review, Retrospective. Prospective**

After Term Events:

- **10th Annual Graduate Student Interdisciplinary Law Conference**

- **Law's Empire Conference: Harrison Hot Springs, BC: Saturday, June 25 to Thursday, June 30, 2005** http://www.law.ubc.ca/events/2005/june/06_25_2005_empire.html