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## From Law to Legal Studies and Beyond: 50 Years of Law and Legal Studies at Carleton University

Vincent Kazmierski  
*Carleton University*

Darren Pacione  
*Public Service Alliance of Canada*

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Vincent Kazmierski\*  
Darren Pacione\*\*

From Law to Legal Studies and  
Beyond: 50 Years of Law and  
Legal Studies at Carleton University

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*This paper considers the evolution of Carleton University's Department of Law and Legal Studies and its approach to the study of law and the legal within the context of the continuing growth of legal studies programs across the country. It starts by outlining the historical development of the Department and the evolution of its perspective of its role and purpose. Part II examines a number of aspects of the architecture of fourteen undergraduate legal studies programs across the country and the ways in which the roles of these programs are described. Part III provides a brief outline of the current structure of the undergraduate programs offered by the Department and considers how it fits within the broader landscape of academic units offering undergraduate legal studies programs in Canada. The paper concludes by identifying some of the challenges faced by the Department as it prepares for the next 50 years.*

*Cet article examine l'évolution du Département de droit et d'études juridiques de l'Université Carleton et son approche de l'étude du droit dans le contexte de la croissance continue des programmes d'études juridiques à travers le pays. Il commence par décrire l'évolution historique du Département et l'évolution de sa perspective quant à son rôle et à sa raison d'être. La partie II examine un certain nombre d'aspects de la structure de quatorze programmes d'études juridiques de premier cycle au pays et la façon dont les rôles de ces programmes sont décrits. La Partie III donne un bref aperçu de la structure actuelle des programmes de premier cycle offerts par le Département et examine comment ils s'intègrent au paysage plus large des universités offrant des programmes de premier cycle en droit au Canada. Le document se termine par une description de certains des défis auxquels le Département est confronté alors qu'il se prépare pour les 50 prochaines années.*

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\* Vincent Kazmierski, Associate Professor and Chair, Department of Law and Legal Studies, Carleton University. The authors would like to thank Zorana Dimitrijevic for her excellent research assistance. We would also like to thank the following members of the Department of Law and Legal Studies for reviewing drafts of the article: Lynn Campbell, Brett Dawson, Michael MacNeil, Diana Majury, Neil Sargent, Ron Saunders, Peter Swan, Rosemary Warskett and Bary Wright. Finally, thanks to the anonymous reviewers and editors of the Dalhousie Law Journal for their assistance.

\*\* Darren Pacione, PhD Research Officer at Public Service Alliance of Canada and graduate of the PhD in Law and Legal Studies at Carleton University (Class of 2017).

*Introduction*

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*Introduction*

In a 2012 address delivered at the London School of Economics, the late professor Roderick Macdonald stated his case for why “Every Great University Needs a Legal Studies Programme.”<sup>1</sup> He noted at the outset of his address that he was not advocating on behalf of a particular form of program or a specific institutional arrangement of legal study. Rather he argued that the particular types of questions pursued in legal study, and the skills developed to answer those questions, render it especially useful to both the university and the citizens it serves. Professor Macdonald summarized these four dimensions of legal study as follows:

These are four dimensions of legal study that lend themselves to the task of inoculating the university against the virus of complacency: a focus on institutions and processes within the University as means-ends complexes that need continual questioning; a focus on moral justification for action, and not just legal authority; a concern for holding the everyday, the implicit, the customary up to the scrutiny of the transcendent, and the reverse; and a willingness to be self-critical, with the courage to confront the critiques of others.<sup>2</sup>

Professor Macdonald’s address concluded by considering the ways in which legal studies programs, of all types, must help to inoculate universities against a variety of pressures driving them to become

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1. Roderick A Macdonald, “Does Law Have a Place in the Modern University? Or Every Great University Needs a Legal Studies Programme” (2012) LSE Law Working Paper No 4/2012 downloaded at: <http://ssrn.com/abstract=2017427>.

2. *Ibid.*

instrumental tools for the advancement of business as opposed to centers for the cultivation of moral excellence or virtue. He noted:

...the inquiries and aspirations of legal study are incompatible with passive compliance. No respectable legal studies programme can avoid the self-critique inherent in genuine engagement with the law. Legal studies departments can be, and have the responsibility to be, sites of reflection on the purposes of the university, as an institution, as a collection of roles, and as a community. Faculty and students of legal studies departments can also take the lead in translating such reflections into specific institutional practices and policies. In holding fast, legal studies programmes can be the anti-virus with which the University can be vaccinated before the malign virus fatally weakens it.<sup>3</sup>

While Professor Macdonald's comments were addressed to all types of legal studies programs, including both law schools and legal studies programs located outside of law schools, this article will focus on those programs located outside of law schools, which we will broadly categorize as legal studies<sup>4</sup> programs, and on the Department of Law and Legal Studies at Carleton University in particular.

The Department of Law and Legal Studies at Carleton University (the "Department") is the home of the oldest and largest undergraduate legal studies program in Canada. As the Department celebrates its 50th anniversary, it seems an appropriate opportunity to take up Professor Macdonald's call for legal studies programs to engage in self-reflection and self-critique, while considering the evolution of the Department and its approach to the study of law and the legal within the context of the continuing growth of legal studies programs across the country. In so doing, this paper engages a broader literature tracing the evolution

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3. *Ibid.*

4. Legal studies programming in Canada is characterized and branded in myriad different ways that reflect various approaches, perspectives, and tracts of study: "law in society," "law and society," "law for...," "socio-legal studies," "legal studies," "law and justice," and "law and legal studies" compose many of the different iterations. While some departments and programs offer coursework aimed at educating students about legal institutions, their rights, and their respective limits, others focus in on theoretical social and political assumptions that render law ubiquitous yet contestable. For the purpose of this article, we will use the term "legal studies" to refer to the broader field and the set of academic programs that fit within this broad field.

of individual legal studies programs in Canada,<sup>5</sup> the United States<sup>6</sup> and Australia.<sup>7</sup>

This paper also fits within a larger literature examining the benefits and challenges of legal studies programs. In Canada, one of the first mainstream acknowledgements of the potential benefits of such programs was offered in the *Arthurs Report*, released in 1983 and more formally known as the *Law and Learning* report.<sup>8</sup> The *Arthurs Report*, now celebrating its 35th anniversary, encouraged the teaching of law outside of law schools and the development of legal studies programs, noting that teaching in legal studies programs:

...relieves the subject of its professional training connotations, facilitates integration of legal study and research with parallel activities in other disciplines, and recognizes that law ought to be understood by and subject to the critical scrutiny of as many citizens as possible.<sup>9</sup>

Several scholars have identified a variety of different ways that learning about the law outside of professional law schools prepares undergraduate students for citizenship. First, it allows students to understand the roles and importance of legal institutions. Second, it provides them with sufficient background to participate meaningfully in debates concerning particular legal rules or actions of public officials. Third, it prepares students to oppose unjust legal rules, actors or institutions. Finally, learning about the law and legal processes provides students with an important foundation in critical analysis and moral reasoning.<sup>10</sup>

5. For example, for discussion of the evolution of the Law and Society programs at York University in Canada, see: Richard Weisman, "Law and Society: Notes Towards a History of the Program" in Darryl Reed and Richard Wellen, eds, *Social Science @ 50: A Half-Century of Critical Interdisciplinary Teaching at York University* (Toronto: York University Dept of Social Sciences, 2013); Lesley A Jacobs, "Legal Consciousness and Its Significance for Law and Society Teaching Outside Canadian Law Schools" (2003) 18:1 CJLS 61.

6. For example, for discussion of the evolution of the Legal Studies program at the University of Massachusetts at Amherst, see Peter D'Errico, Stephen Arons & Janet Rifkin, "Humanistic Legal Studies at the University of Massachusetts at Amherst" (1976–1977) 28:1 J Leg Educ 18.

7. For example, for discussion of the evolution of the Legal Studies program at La Trobe University, see Christopher Tomlins, "Law 'And', Law 'In', Law 'As': The Definition, Rejection and Recuperation of the Socio-Legal Enterprise" (2013) 29:2 Law in Context 137; Susanne Davies, "From Law to 'Legal Consciousness': A Socio-legal Pedagogical Expedition" (2013) 29:2 Law in Context 42.

8. Social Sciences and Humanities Research Council of Canada, *Law and Learning/Le droit et le savoir: Report of the Consultative Group on Research and Education in Law* (Ottawa: SSHRC Council, 1983) [*Arthurs Report*].

9. *Ibid* at 158.

10. For examples of these arguments, see, DM McRae, "The Law School and the University: A Law Course for Undergraduates" (1971) 21 UTLJ 529 at 533-535; Donna E Arzt, "'Too Important to Leave to the Lawyers': Undergraduate Legal Studies and Its Challenge to Professional Legal Education" (1988–1989) 13:1 Nova L Rev 125 at 137; Keith J Bybee, "The Liberal Arts, Legal Scholarship,

This last benefit, the development of critical analysis and moral reasoning, is often emphasized over the others by scholars who argue that legal studies programs should ensure a healthy distance between their curriculum and the curriculum of the programs offered in professional law schools. Emphasizing what has sometimes been called a “humanistic vision”<sup>11</sup> of legal studies, many scholars thus urge legal studies programs to develop unique ways of teaching about the law, through, for example, adopting the “legal consciousness” approach as a guiding framework.<sup>12</sup>

In light of the above, we suggest two key distinct, yet overlapping, roles for legal studies programs. These two roles have been described by Kazmierski as follows:

The first role is to create a space for critical, interdisciplinary engagement with law and the legal, not as an autonomous body of rules, claims, or knowledge, but as an integrated part of our larger political, social, economic, and cultural structures. The second role is to teach non-lawyers about the law—in other words, to demystify the law so as to allow students to participate more fully in the creation and critique of legal rules as part of their democratic engagement as citizens.<sup>13</sup>

The 50th anniversary of our Department provides an opportunity for us to reflect on the ways in which the Department has sought to embrace these two roles of legal studies programs, while also considering some of the ways that the promise of legal studies, recognized by the *Arthurs Report* 35 years ago, has been mobilized by other programs across the country. We examine some of the challenges and opportunities that have developed since Carleton University claimed space for the study of law outside of professional law schools in Canada 50 years ago.

Our paper starts by outlining the historical development of Carleton’s Department of Law and Legal Studies and the evolution of the perspective of its role and purpose. Part II considers the wider context of undergraduate legal studies programs in Canada. Part III provides a brief outline of the current structure of the undergraduate programs offered by the Department and considers the way in which it fits within the broader landscape of academic units offering undergraduate legal studies programs in Canada.

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and the Democratic Critique of Judicial Power” in Austin Sarat, ed, *Law in the Liberal Arts* (Ithaca: Cornell University Press, 2004) 41 at 55-56; Austin Sarat, “Situating Legal Scholarship in the Liberal Arts: An Introduction” in Austin Sarat, ed, *Law in the Liberal Arts*, *ibid* 1 at 4-5.

11. Austin Sarat, “Law’s Two Lives: Humanist Visions and Professional Education” (2013) 5:1 *Yale JL & Human* 201.

12. See, for example: Jacobs, *supra* note 5; and Davies, *supra* note 7.

13. Vincent Kazmierski, “How Much Law in Legal Studies? Approaches To Teaching Legal Research and Doctrinal Analysis in a Legal Studies Program” (2014) 29 *CJLS* 297 at 299.

The paper concludes by identifying some of the challenges faced by the Department as it prepares for the next 50 years.

I. *A brief history of the Department of Law and Legal Studies at Carleton University: The first 50 years (1967–2017)*

Interestingly, the Department of Law and Legal Studies did not begin as a distinct pedagogical project; rather, the Department, and its academic identity and mission, evolved gradually over a period of time.<sup>14</sup> The Department germinated from the seeds of a smattering of law courses taught in different departments at Carleton University from as early as 1946. The earliest administrative incarnation of the Department was a sub-unit of the Department of Political Science called the Department of Public Law that was chaired by a member of the Department of Political Science.<sup>15</sup>

The Department was officially founded in 1967, when it received its first full-time faculty appointment and became administratively independent of the Department of Political Science, although its name was not changed to the Department of Law until 1969. By this time, the Department included four full-time faculty members. It grew rapidly and by 1975 the Department comprised 11 full-time faculty members, 14 sessional lecturers, 40 teaching assistants, and the equivalent of 470 full-time students.<sup>16</sup>

The founding of the Department was multidisciplinary; courses were established in consultation with other academic units on campus in recognition of the importance of the study of law in a number of different disciplines outside of professional law schools.<sup>17</sup> However, the Department did not offer its own stand-alone majors—students could only complete a combined degree with Law and another discipline and some characterized it as a “service department” that only provided courses for other programs. Yet, even in these early days the identity of the Department was not entirely that of a black-letter institution. In 1977, professor John Barnes described the Department’s mission as follows: “The Department teaches law in the

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14. Our summary of the early history of the Department is drawn from the description provided in: John Barnes, “The Department of Law, Carleton University, Ottawa” (1976–1977) 3:3 Dal LJ 814. This was the first article to describe the evolution of the Department. Additional articles reflecting on the evolution of our Department are cited below.

15. *Ibid* at 816.

16. *Ibid*.

17. For example, the university course calendar from 1967/1968 to 1970 indicated that “[m]any of its courses have been established after consultation with the Department of Political Science, the School of Public Administration and the Committee on Commerce Studies.” Carleton University, *Twenty-sixth Annual Calendar for the Academic Year 1967–68*, online: <<https://archive.org/details/cp185> at 249>.

context of the social sciences but is certainly not an “Institute of Socio-Legal Studies” or a “Department of the Sociology of Law...”<sup>18</sup> Professor Barnes went on to describe the ways in which the approach to teaching in the Department distinguished itself from professional law schools as follows:

... The approach to law teaching in the Department represents a balancing of historical, philosophical, sociological, practical and “black letter” techniques. Individual instructors will stress one approach more than the other according to their experience and interest, and the constituency of many classes will make it apparent which approach is desired...

Courses are taught from multi-dimensional perspectives allowing for the contribution of various disciplines to the problems considered. Instruction simply in the content of legal rules and principles is avoided. The broad areas covered in courses are designed to be presented against the background of the functioning of government, of the economy, or of society at large. Students at all times are encouraged to bring to bear on legal subjects the insights they are simultaneously gaining in their work in other disciplines. This contrasts with the process of conditioning attempted in the first year of law school—to make students “think like lawyers”—a process which then has to be undermined if profitable insight is to be achieved at an advanced level. The Department sets a higher value on imaginative thinking than on legal thinking.<sup>19</sup>

While the Department viewed its mission as greater than simply mimicking the type of law teaching in a professional law school, it was institutionally constrained in its ability to fulfill this mission. In particular, it was constrained by the University administration’s preference to rely on sessional lecturers (now called contract instructors) to teach many of the Department’s courses. While these sessional lecturers were drawn from a number of professional backgrounds, many of the courses taught by these lecturers looked like (and often continued to be taught like) law school courses.<sup>20</sup> In addition, the absence of its own undergraduate major program had left its potential largely untapped and many of its full-time faculty underwhelmed. For example, in a 1984 article reflecting on the *Arthurs Report*, one of the Department’s professors cast some doubt on the potential for non-professional law programs to deliver the type of interdisciplinary approach to legal education advocated by the *Arthurs Report*, noting: “...my experience in teaching law in an undergraduate

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18. Barnes, *supra* note 14 at 821.

19. *Ibid* at 821-822.

20. For a discussion of a number of other institutional restraints, see Neil Sargent, “The Possibilities and Perils of Legal Studies” (1991) 6 CJLS 1 at 17-18.



social sciences setting has not convinced me of the intellectual efficacy or value of such a programme.”<sup>21</sup>

Thankfully, the appetite for moving beyond black-letter approaches to law continued to increase as the Department grew over time and as the full-time faculty members asserted more control over its curriculum. By the early 1980s the Department had begun to take greater control of its academic mission and in 1980, it implemented a stand-alone degree program.

In 1983, the Department initiated a review of its undergraduate curriculum. Professor Lynn Campbell described the goals of this review stating:

The Department wished to develop a more co-ordinated and structured programme for the academic, non-professional study of law. At the same time, it also wished to maintain high academic standards and a continuing contribution to interdisciplinary studies.<sup>22</sup>

As a result of the curriculum review, the Department initiated a series of changes to its courses and program requirements. Professor Campbell noted that the curriculum changes were an explicit manifestation of the Department’s commitment to interdisciplinary legal studies:

It is clear that the Department now wishes to concentrate on its own programme as an interdisciplinary study.... This step is an important one because the programme may now finally be assuming an identity of its own, truly distinct from that of a service department and an acceptable social science discipline separate from traditional legal education.<sup>23</sup>

The importance of this curriculum design process cannot be understated.

Another key step in the evolution of the Department’s identity was the introduction of the first M.A. program in legal studies in Canada in 1991. The process of developing and implementing the M.A. program, which focuses on the interaction between law and social change, encouraged a more explicit identification of the multidisciplinary and interdisciplinary approaches that increasingly guided the teaching and research in the Department. The same may be said of the moments that led to the continued expansion of the graduate program with the addition of a Graduate Certificate in Conflict Resolution in 1997 and a new PhD in legal studies in 2011.<sup>24</sup>

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21. RP Saunders, “Book Review: Law and Learning: Report of the Social Sciences and Humanities Research Council of Canada” (1984) 16 *Ottawa LRev* 218 at 222.

22. RL Campbell, “Law as a Social Science” (1985) 9:2 *Dal LJ* 404 at 412.

23. *Ibid* at 414.

24. The Graduate Certificate is now a Graduate Diploma in Conflict Resolution.

By 1991, professor Neil Sargent was able to state (if somewhat reservedly) that the Department was emerging from its “self-proclaimed identity crisis.”<sup>25</sup> Of course, identity crisis and interdisciplinarity often go hand-in-hand as academic units struggle to articulate coherently what makes them “interdisciplinary,” and we would suggest that our Department continues to engage in periodic (sometimes painful) review and reiteration of its identity. The most recent, explicit, expression of that identity came in the form of the Department’s 2010 Self-Appraisal Report for the Undergraduate Program Review. It stated:

Indeed, interdisciplinary legal studies challenges and seeks to offer an alternative perspective to the traditional study of law, according to which legal rules, institutions and procedures develop according to their own autonomous internal logic without reference to other aspects of social, political, cultural and economic life. At the same time, the Department values and promotes the study of law as an important component of an undergraduate liberal arts education. In so doing, the Department reinforces a long-standing commitment to ensuring that ‘law’ as a discipline is made accessible outside of professional law schools and to demystifying the nature of law and legal processes.<sup>26</sup>

In our view, the above description illustrates the way in which the Department has embraced both its historical origins in teaching about the law outside of professional law schools and its evolving and strong commitment to critical, interdisciplinary engagement with law and the legal. Notably, the Department’s 2010 Undergraduate Program review followed closely after a second major reorganization of its undergraduate curriculum. This reorganization resulted in the addition of a second required course in interdisciplinary research approaches for students enrolled in Honours programs offered by the Department, the introduction of a new Honours Concentration in Transnational Law and Human Rights and the splitting of three full year courses that had formed the backbone of the second year of the undergraduate program into six half-year courses.

Each of these changes reflected the growing interdisciplinary engagement of the undergraduate program. The additional research approaches course was designed to introduce students to interdisciplinary approaches and methods to research, while the new Honours Concentration was introduced to allow students to explore human rights concepts outside of traditional boundaries of domestic and international law and institutions.

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25. Sargent, *supra* note 20 at 19.

26. Department of Law Self-Appraisal Report for Undergraduate Program Review, 2010 [on file with the authors].

Finally, the splitting of the second-year courses into half-credit courses both allowed greater flexibility within the undergraduate programs and more accurately reflected the orientation of these courses to broader conceptions of the ways in which laws may organize (or not) particular types of relationships among individuals, groups and institutions within society.<sup>27</sup>

As the curriculum has become more interdisciplinary, so too has the composition of the Department's faculty. In the early 1980s, the full-time faculty consisted primarily of professors with LLM degrees as their terminal degree. Today, 29 of 35 full time faculty members hold doctoral degrees, 14 of which are in areas outside the discipline of law, including Anthropology, Communications, Criminology, English and Comparative Literature, History, Religion, Political Science, and Sociology. Even among those faculty members who hold doctorates in law, there is a significant number (eight) who also have graduate degrees in other disciplines.

While the qualifications of our faculty have become increasingly multi-disciplinary, it is important to recognize that the movement to increase the interdisciplinary nature of our department has been supported by long-standing faculty members with LLM's in law. This should not be surprising given that recognition of the importance of interdisciplinary study of law in Canada has resonated among academics positioned in both traditional law schools and legal studies program across the country.

Perhaps the most explicit recognition of the Department's commitment to the dual roles identified in its Self-Appraisal Report may be seen in the recent change to the Department's name from "Department of Law" to "Department of Law and Legal Studies." The name change was a subject of much debate and discussion, and ultimately reflects a compromise. Such differing, and sometimes conflicting, visions of the role and identity of a department are to be expected in an academic unit comprising more than thirty full-time faculty members. Indeed, we would argue that some level of tension concerning the identity of such a large academic unit is to be welcomed, indeed valued, rather than feared. At the same time, it is worth noting that these tensions are not articulated according to whether faculty members have more traditional legal academic training or backgrounds rooted in other disciplines. Instead, the tensions have most often surfaced around the same types of issues faced by all academic units, typically concerning priority areas of teaching and research.

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27. This was reflected in the new titles of the courses. Thus, for instance, the former full-year course LAWS 2005—Public Law, was split into two new half-year courses: LAWS 2501—Law, State and Constitution and LAWS 2502—Law, State and Citizen.

The historical development of the Department has, in some ways, reflected both the evolution of legal studies as a discipline in Canada and some of the ongoing tensions within the field. The Department, and the field, both evolved from an initial recognition that there was a need for, and benefit to, the study of law outside of the setting of professional law schools. As the field of legal studies evolved both inside and outside of Carleton University, so too has the recognition of the need for increasingly critical reflection on the nature and role of law in society and the importance of both multidisciplinary and interdisciplinary approaches to legal study.<sup>28</sup> At the same time, it is important to note that there are many different approaches to studying law and the legal outside of professional law school settings. In the next section, we provide a brief overview of some of those different approaches.

## II. *Canadian undergraduate legal studies programs: a snapshot*

In a consideration of the socio-legal project in Canada, written thirty years after the *Arthurs Report*, Bunting and Arthurs point out that legal studies research (and we submit teaching) is no longer dominated by law school faculties.<sup>29</sup> The organizational snapshot included in this section provides a look at the different ways Canadian universities teach legal studies to undergraduate students.<sup>30</sup> As law schools in Canada face increasing pressure from provincial law societies and the Federation of Law Societies of Canada to remain focused on black-letter law and doctrinal thinking at the undergraduate level,<sup>31</sup> this section asks: what does legal studies look like for undergraduate students outside of the law school environment in Canada?

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28. By “multidisciplinary,” we mean the use of approaches from one or more distinct disciplines to study or analyze an issue or phenomenon. By “interdisciplinary,” we mean the combination of two or more approaches from separate disciplines to form a new approach to study or analyze an issue or phenomenon.

29. Harry Arthurs & Annie Bunting, “Socio-legal Scholarship in Canada: A Review of the Field” (2014) 41:4 *JL & Soc’y* 487 at 492-3.

30. We have focused our study on programs offering a 3 or 4-year major/honours in legal studies. We have not considered criminology departments within this study (despite the fact that they are certainly often locations of socio-legal study) unless the criminology department specifically offers an undergraduate legal studies program. We also did not include programs offered for paralegal training, programs offered by law schools, or programs offered by business schools. Finally, due to the direct entry of high school/CEGEP students into civil law programs, we focused this study on undergraduate programs offered outside Quebec.

31. This pressure has been exerted primarily through the creation of national competency requirements by the Federation of Law Societies of Canada. See, for example: <<https://flsc.ca/wp-content/uploads/2018/01/National-Requirement-Jan-2018-FIN.pdf>>. For commentary on this pressure, see: Lee Stuesser, “The Future for Canadian Law Schools” (2013) 37:1 *Man LJ* 155 at 159-161; Harry Arthurs, “‘Valour Rather Than Prudence’: Hard Times and Hard Choices for Canada’s Legal Academy” (2013) 76 *Sask L Rev* 73.

In short, it looks very vibrant across the country with a plethora of majors/honours, minors, concentrations and certificates available in undergraduate legal studies. While focusing on majors/honours programs, we offer an inventory of the administrative architecture, and the departmental and programmatic organization of legal studies programs in an attempt to understand the different settings in which undergraduate students may be introduced to the diverse field of legal studies in Canada. To be clear, this section is not attempting to categorize the particular approaches to scholarship adopted by academics within particular programs. Neither is it our desire to catalogue the entire diversity of programmatic approaches, or to create a hierarchy of designs or approaches to program structure. Rather it is our modest goal to survey the landscape of existing majors/honours programs to continue the conversation about the rich diversity of approaches to legal studies available to undergraduate students in Canada.

We reviewed 14 Canadian universities that offer undergraduate legal education (majors/honours) outside professional law schools. Our survey builds on the observations of previous discussions of legal studies programs in the United States, particularly, the identification of specific “models” of legal studies programs identified by Arzt, who distinguished between the “interdisciplinary concentration” model and the “departmental” model<sup>32</sup> and by D’Errico, Arons and Rifkin, who distinguished between the “multidisciplinary task-force” model, the “truly-interdisciplinary” model and the “personal-interdisciplinary” model.<sup>33</sup> However, rather than identify particular models in Canada, we seek to illuminate some of the varying underlying elements of the different programs in this country, including administrative structures of the academic units offering the programs, the ways in which the programs are described and the ways in which the programs themselves are structured.

The following outlines the questions that framed this investigation. To get a sense of where prospective students would find legal studies programs and departments, we first considered which faculties house the academic units offering undergraduate legal studies programs and how these academic units are structured. Are these academic units freestanding, or are they component-parts of larger departments? Alternatively, are they part of an interdisciplinary or multidisciplinary grouping of programs? With respect to departmental and program staffing, how are academic units composed? Are faculty members exclusively dedicated to particular

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32. Arzt, *supra* note 10 at 138.

33. D’Errico, Arons & Rifkin, *supra* note 6 at 23-27.

departments or units? Or are faculty members cross-appointed or assigned to multiple units?

We also considered how academic units offering legal studies programs describe themselves and the programs they offer in order to discover both commonalities and differences. And finally, with regard to course offerings and pedagogical structures, we considered how many dedicated courses each of the programs offers and whether the programs have dedicated and mandatory methodology courses. We considered what types of approaches were taught in the methodology courses on offer. These questions aim to illuminate the spectrum of legal studies programming and the broader context of undergraduate legal studies across Canada, and then situate within that array the experiences in Carleton University's Department of Law and Legal Studies.

### *1. Host faculty*

Undergraduate legal education fits within a variety of academic faculty organizations ranging from public affairs to arts and social sciences to the humanities. However, faculties of arts or social sciences and humanities make up the vast majority (12 of 14) of the faculty units that house legal studies programs, with only Carleton (Public Affairs) and York (Liberal Arts and Professional Studies) falling outside the more traditional faculties. While not the focus of this paper, there are also examples of professional law faculties that offer legal education programming exclusively to non-law school students (e.g., the Civil Law Section of the University of Ottawa Faculty of Law<sup>34</sup> and Queen's University Faculty of Law) and university business schools/faculties offering legal studies programs (e.g., Cape Breton University, MacEwan University and Ryerson University).

### *2. Academic unit structure*

A wide diversity of structures exist among the academic units that offer legal studies programs.

#### *(a) Programs offered by a free-standing legal studies department*

Across Canada, in five instances, the academic unit offering a legal studies program is a free-standing legal studies department situated in a broader faculty or college. Algoma's Law and Politics Department is housed in the Faculty of Social Sciences, Laurentian University's Department of Law and Justice, Regina's Department of Justice Studies and Waterloo's

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34. The Civil Law Section of the University of Ottawa Faculty of Law offers a General Certificate in Law and a Minor in Law to students studying outside the Faculty of Law. Most of the courses are offered in French, however some courses are offered in English. We expect that there will be more law schools exploring the option of offering courses or programs for undergraduate students in the future.

Sociology and Legal Studies Department are all housed in Faculties of Arts, while Carleton's Department of Law and Legal Studies is located in the Faculty of Public Affairs. All freestanding units employ at least one or more dedicated faculty members, and at a minimum offer at least ten or more dedicated courses that compose degree requirements. While some of the faculty members in that department may be cross-appointed to other departments, the freestanding unit is a "home base" and those appointments are negotiated between the chairs of the respective departments. As Tables 1 and 3 highlight, despite being a freestanding departmental unit, dedicated departmental faculty varies and is not necessarily an indicator of breadth in course offerings, nor whether these programs enlist courses and faculty from outside of the department.

(b) *Programs offered by an interdisciplinary or multidisciplinary unit within a faculty*

It is more common that legal studies programs are offered by an interdisciplinary or multidisciplinary unit within broader Social Science, Humanities, or Arts faculties (e.g., York University's Law and Society Program is situated in the Department of Social Science, which is housed in the Faculty of Liberal Arts and Professional Studies). This was the case for fifty percent (seven of 14) of the surveyed programs. Legal studies programming offered in such academic units may have dedicated faculty members, but often teaching is also conducted by cross-appointed faculty members or those who teach in many programs under the administrative umbrella of a larger overarching department or faculty. Courses offered in such contexts may be designated as legal studies courses (e.g., Legal Studies at University of Ontario Institute for Technology (UOIT)), or, as in the case of Law & Society at York University courses reflect the broader unit (Department of Social Science) course designation.

(c) *Programs offered by a unit within another discipline*

A third category of academic units offering legal studies programs involves traditional disciplinary departments housing legal studies programming, such as the Department of Sociology at the University of Calgary and the Political Science Department at Memorial University. In these units, faculty members teaching legal studies courses are part of the broader department, which offers programs in addition to the legal studies program. While not the focus of this paper, it is worth noting that a number of disciplinary units across the country that do not offer major/honours programs in legal studies do offer concentrations, minors or certificates in legal studies or law and society (e.g., the Department of History at Concordia University and the Criminology Department at Simon Fraser University). Additionally, a

number of Political Science Departments offer minors or specializations in Public Law (e.g., Brock University and McMaster University).

### 3. *Program descriptions*

As the broader field of legal studies has emerged over the past 30 years, the scope and method of inquiry embraced within the field have expanded dramatically. While Dermot Feenan recalls that the emergence of socio-legal studies, particularly within law schools,<sup>35</sup> offered a space for many legal scholars and teachers to engage in critiques of how law operated and how it functioned in social contexts, more recent approaches that contest the “socio” and the “legal” critique and unpack social categories including race, gender and sexuality, and post-colonial and non-Western approaches.<sup>36</sup> Legal studies programs often ask key questions about the relation between law and morality or justice, or about the nature of legal authority. Many programs also emphasize the linkages to the everyday in order to situate the study of the “social” and the “legal” within multiple perspectives.

In light of the vast scope of the field of legal studies, we sought to review how legal studies programs offered to undergraduate students and the units offering the programs are described. While typically broad in scope, departmental or program descriptions may offer glimpses of the particular focus of offering units. More importantly, the fact that programs offered by different units are described using the same or similar language in their descriptions provides some evidence of a shared understanding of the field or at least how it can be described to undergraduate students.

Our review focused on the descriptions provided on the websites for academic units offering legal studies programs. After reviewing the websites of 14 universities offering majors/honours programs to undergraduate students, the constitutive language of the programs was charted to identify language that appeared in program descriptions (see Table 2). A dominant recurring descriptor was a program’s “multidisciplinary” or “interdisciplinary” approaches. Nearly all (12 of 14) academic units emphasize the importance of engaging socio-legal thinking from interdisciplinary or multidisciplinary perspectives. Many departments characterized the work that they do as such regardless of how the academic unit is structured. The constitutive language that populates program descriptions often also lists many associated disciplines including

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35. Richard Collier, “‘We’re All Socio-legal Now?’ Legal Education, Scholarship and the ‘Global Knowledge Economy’—Reflections on the UK Experience” (2004) 26:4 Sydney L Rev 503 at 503.

36. Dermot Feenan, “Exploring the Socio of Socio-Legal Studies” in Dermot Feenan ed, *Exploring the ‘Socio’ of Socio-Legal Studies* (Basingstoke: Palgrave Macmillan, 2013) at 3-19.



history, political science, gender studies, economics, political economy, psychology, sociology, anthropology, geography, philosophy, and native or indigenous studies. The emphasis on interconnectivity is characterized with reference to the study of law and social order, law and society, law and justice, as well as law and economic, political, and social ideas and conditions. In a few cases, emphasis on particular themes over others reveals correlations between the type of programming—theoretical, methodological, or otherwise—that compose a program.

As Paula Baron notes, socio-legality is expressly interdisciplinary, and we add, so is its teaching. Julia Kristeva, to whom Baron refers in making her argument, submits that socio-legal thinking composes “the in-between, the ambiguous, and the composite.”<sup>37</sup> Yet, unsurprisingly, the fact that law produces complex, wicked, and at times muddled spaces to think and learn is not always captured or represented by unit and program descriptions. Thus, while program descriptions indicate a wide agreement that legal studies programs emphasize a multidisciplinary or interdisciplinary approach to studying and understanding “law” and the “legal,” however they may be defined, the picture of the different types of approaches to legal studies to which students may be exposed in various programs is more difficult to glean simply from program descriptions. For example, it is very difficult to ascertain the role of studying formal (doctrinal) conceptions of law within various legal studies programs. Almost half of academic units made reference to the doctrinal (i.e. legislative, case law, statutes, etc.) nature of law and its systems. However, such references cannot provide a perfect picture of the importance accorded to understanding doctrinal approaches within a particular program.

As another example, 10 of 14 academic units use language that refers to linkages between law and various aspects of our everyday and social lives. This may signal a particular emphasis on legal consciousness approaches within the program offered by that unit. For instance, members of the Law and Society program at York have written about the importance of such an approach within their programs.<sup>38</sup> However, two of the units (Carleton and Memorial) that refer to the everyday impact of law also refer to legal institutions and formal legal rules. Certainly, in Carleton’s case, this points to an approach that attempts to provide students with a grounding in a diversity of ways of studying law and the legal, that includes legal consciousness and more formal approaches. In short, the words used to

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37. Julia Kristeva, *Powers of Horror: An Essay on Abjection* (NY: Columbia University Press, 1982) at 4; and Paula Baron, “Borderlines: Socio-legality as the Abject” (2013) 29:2 L in Context 24 at 28.

38. See, e.g., Jacobs, *supra* note 5.

describe a program are not sufficient to provide a picture of the approaches to legal studies that are encapsulated in the programs. To get a better sense of this, we also looked at the types of research methodologies to which students are exposed in required research methods courses within the various programs surveyed in the next section of the article.

#### 4. *Methods courses*

Methodology and research methods would seem a natural preoccupation for a field that emphasizes multidisciplinary and interdisciplinarity. However, it is also worth recognizing that rigorous coherence of academic programs has not been a traditional hallmark of legal studies programs. To some extent, the observations of Donna Arzt in the late 1980s remain applicable today:

The legal studies literature is replete with descriptions of its “multidisciplinary,” “interdisciplinary,” “cross-disciplinary,” “trans-disciplinary” or “personally interdisciplinary” nature. While valiant attempts have been made to distinguish each of these and rank them on an evolutionary scale, legal studies programs, no matter how they define themselves, often lack conceptual coherence.<sup>39</sup>

Arzt’s concern was echoed more recently in Canada by Susan Brophy and J.C. Blokhuis. In their article, “Defining Legal Studies in Canada,” they noted the lack of conceptual clarity concerning how different programs in this country use terms such as ‘Law and Society,’ ‘Socio-legal Studies’ and ‘Legal Studies,’ stating:

Although the fluidity with which various programmes use these identifying terms is confusing, the tie that binds each programme is the proclaimed interdisciplinarity of its approach. However, this identifier alone offers only minimal clarity; more needs to be done to distinguish how the individual Legal Studies programme conceives of and supports its interdisciplinarity, and how this serves broader intellectual and educational objectives.<sup>40</sup>

While coherence may continue to prove elusive, we would argue that the types of research methods courses offered (or required) by legal studies programs may provide an indicator of what these programs mean by “multidisciplinary” and/or “interdisciplinarity” and the nature of their commitment to exposing undergraduate students to multidisciplinary or interdisciplinary research and analysis. Here it is worth recalling that the

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39. Arzt, *supra* note 10 at 146.

40. Susan Brophy & J.C. Blokhuis, “Defining Legal Studies in Canada” (2017) 12:1 J Commonwealth L & Leg Educ 7 at 12.

*Arthurs Report* called for funding agencies and law faculties to encourage law faculty members to hone research methodologies and interdisciplinary perspective over time.<sup>41</sup> We argue that similar support should be provided to students in undergraduate legal studies programs. Methods courses help ensure that legal studies undergraduates develop key translatable project and research-development tools as they enter the workforce and civil society.

Legal studies programs with mandatory methods courses are making a pedagogically-oriented programmatic choice. These types of courses challenge students to develop research frameworks and contextualized approaches to law—to attend to the scaffolding that structures what they think.<sup>42</sup> Surprisingly, however, there appear to be relatively few legal studies programs in Canada with formal methods course requirements. Ten of 14 legal studies programs include methods courses (see Table 3), however of those 10, only seven methods courses are mandatory as per the undergraduate course calendars at those institutions.

Interestingly, there is no apparent correlation between the institutional form of the academic unit in which a legal studies program is offered—freestanding, housed in a broader department, or an interdisciplinary or multidisciplinary collaboration—and whether or not a particular academic unit offers methods courses, as there are examples in each. While there is no correlation between academic unit structure and whether a program offers methods courses, the majority that does offer such courses provide courses that focus on quantitative approaches. There is no indication that a particular type of methods course tends to be mandatory over others.

As a matter of distinction, one of the significant differences among the methods courses that are offered by legal studies programs is determined by where the course is housed (or offered). Methods courses taught “in-house” are often oriented around research design, and hone an array of interdisciplinary and multidisciplinary perspectives. For example, Legal Studies at Waterloo (housed in the Department of Sociology and Legal Studies) offers two mandatory methods courses (e.g., research methods and field research methods). However, many other methods-related courses offered in the undergraduate course calendars range from statistics and quantitative social science approaches to sampling and probability relative to sociological and criminological perspectives to courses that critically

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41. Arthurs & Bunting, *supra* note 29 at 492.

42. Michael Weinrath, “From Studies in Justice and Law Enforcement to the Department of Criminal Justice: A Reflection from the University of Winnipeg” (2014) 4 *The Annual Rev of Interdisciplinary Justice Research* 103 at 113.

evaluate these methods in order to glean historical, philosophical, and other insights into their fallibilities and limits.

Alternatively, methods courses that are offered by interdisciplinary or multi-departmental units are usually cross-listed or housed outside of these units, but provide many options for students thinking about research design. For example, Law and Society students at Wilfrid Laurier are required to take a course that is cross-listed with two other programs and that provides a broad introduction to social science research methods, including both quantitative and qualitative approaches. Interestingly, at University of Calgary, Law and Society students in the Sociology Department are encouraged to take courses related to historical methods (offered by the History Department), critical interdisciplinary methods (offered by the Communications Department), and other iterations of similar courses offered by departments ranging from Geography to Political Science and even Sociology itself.

Not surprisingly, research methods courses that are offered in-house are more likely to focus on interdisciplinary approaches that are specific to the field of legal studies. Thus, for example, a third year “research strategies of law and society” course in the Law and Society Program at York University surveys a number of different methodologies within the specific context of the interdisciplinary field of Law and Society:

This course is designed to improve students’ abilities to read and evaluate research in the interdisciplinary field of Law and Society, as well as critically assess the ethics and politics of information. The major research methods are studied using exemplary texts and hands on assignments and include: quasi-experiments, surveys, ethnography, historical method, case studies, textual analysis, and interviewing.<sup>43</sup>

A similar approach is taken in the third-year methods course offered in-house by Carleton University’s Department of Law and Legal Studies. The course description for that course states:

Advanced approaches to interdisciplinary research and analysis in law and legal studies. Emphasis on the important role of theory. Approaches considered will vary by section, and may include theoretical, quantitative, qualitative, literary, or historical approaches. Honours students are strongly encouraged to take this course in the third year of their program.<sup>44</sup>

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43. York University Undergraduate Course Calendar, online: <<http://laso.sosc.laps.yorku.ca/courses/course-descriptions/>>.

44. LAWS 3908—Approaches in Legal Studies II. This course is required for all students enrolled in Honours programs offered by the Department. Carleton University Undergraduate Calendar, online: <<http://calendar.carleton.ca/undergrad/courses/LAWS/>>.

A second significant difference in research methods course offerings concerns the way in which doctrinal legal research is incorporated into methods offerings. In many cases, doctrinal legal research is given little mention in methods course descriptions. However, consider, for example, this description from a UOIT required in-house legal research methods course:

The objective of this course is to have the student gain basic Legal Research skills that can be applied to any legal problem, as well as acquire a critical understanding of research methods used in the interdisciplinary field of Legal Studies. The student will learn traditional methods of legal research, such as locating and interpreting relevant case law and legislation, as well as research skills for placing legal issues in a broader social context. The students will also be exposed to a variety of social science and humanities research methods that inform the field of Legal Studies.<sup>45</sup>

The UOIT course emphasizes a focus on both critical social science and humanities perspectives and relevant doctrinal approaches to understanding law and research design. Again, a similar approach on acknowledging the importance of traditional legal research within the context of interdisciplinary legal studies research can be seen in the course description for the second-year required research methods course offered at Carleton University:

Introduction to interdisciplinary research and analysis in law and legal studies; finding and analyzing primary and secondary legal sources; introduction to the interrelationship between theory, practice and research. Students are strongly encouraged to take this course in the second year of their program.<sup>46</sup>

The range of methods courses offered by different programs provides further evidence of a range of approaches to the field of legal studies within undergraduate legal studies programs in Canada. While most programs describe themselves as adopting either a multidisciplinary or interdisciplinary approach to the field, it is more likely for students to be exposed to methods courses that build on a multidisciplinary framework by exposing students to specific methodologies engaged within traditional disciplines, such as political science or sociology as opposed to courses

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45. UOIT Undergraduate Course Calendar, online: <[http://calendar.uoit.ca/preview\\_program.php?catoid=12&pooid=2205&returnto=443](http://calendar.uoit.ca/preview_program.php?catoid=12&pooid=2205&returnto=443)>.

46. LAWS 2908—Approaches in Legal Studies I. This is a required course for students enrolled in both General and Honours programs offered by the Department. LAWS 2908 is a prerequisite for LAWS 3908. Carleton University Undergraduate Calendar, online: <<http://calendar.carleton.ca/undergrad/courses/LAWS/>>.

specifically designed to expose students to interdisciplinary approaches specific to legal studies. This is not surprising given that the methodological approaches adopted in traditional disciplines are often engaged within the field of legal studies either in their “pure” form or as part of a hybrid approach combining several different methodologies.

Nonetheless, it would be desirable, we argue, to see more courses developed that address the particular interdisciplinary methodologies employed within the field of legal studies. This is more likely to occur if such courses are designed in-house regardless of the institutional structure of the academic unit offering the academic program. Such courses provide students with an important foundation to engage in critical analysis of what law is and how it functions within society. By introducing students to examples of interdisciplinary research approaches, we expose them to different ways of thinking about the law while building important skills in knowledge acquisition and critique.

More importantly, in our view more programs should consider making the completion of at least one research methods course a requirement of their undergraduate programs. Requiring completion of a methods course underlines the fundamental importance of building skills in creative and critical inquiry of the nature and function of law. Here, the admonishment of Brophy and Blokhuis is particularly apt: “... unless we articulate a clear vision and identity, one that promotes integrity and agency in interdisciplinary scholarship, it will be difficult to avoid being regarded as a mere pathway to law school.”<sup>47</sup> Promoting research methods courses as a core element is a key way for legal studies programs to articulate their identities and to fulfill their pedagogical missions.

Finally, while we believe that it is best to provide undergraduate students with a robust introduction to legal research and doctrinal analysis as part of the foundation for critical analysis in the field of legal studies, we recognize that this view may be fiercely contested. Certainly, there appears to be a spectrum of approaches to the role of doctrinal analysis within legal studies ranging from relative indifference to more complete integration in programs such as those offered by UOIT and Carleton University. Such a spectrum of approaches is to be welcomed in a diverse, interdisciplinary field such as legal studies.

### III. *The Department of Law and Legal Studies today*

Where does the Department at Carleton University stand in relation to other academic units offering legal studies programs in Canada? In many

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47. Brophy & Blokhuis, *supra* note 40 at 15.

ways, alone. Unlike most other legal studies programs, it is a stand-alone interdisciplinary department, offering its own courses and programs at both the graduate and undergraduate levels. While other stand-alone legal studies departments exist, none comes close to the size of the Department either in terms of full-time faculty members, courses or programs offered. The Department includes 35 full-time professors, typically offering 60 separate courses every year (many with multiple sections) from a complement of over 85 courses listed in the academic calendar. In 2017–2018, there were more than 1350 students enrolled in undergraduate programs offered by the Department, and an additional 660 students enrolled as law majors in the Criminology and Criminal Justice program.<sup>48</sup> A further measure of the attractiveness of the courses offered by the Department is the fact that there were over 12,000 course enrolments in undergraduate courses offered by the Department in the 2017–2018 academic year.

The Department is also the only academic unit offering legal studies programs located within a faculty of public affairs in Canada.<sup>49</sup> At the same time, while not located within a faculty of social sciences, arts or humanities like the plurality of other legal studies units, the Department has maintained important links to more traditional academic allies in the humanities, a factor reflected in the fact that the Department is the home of the Canadian Initiative for Law, Culture and the Humanities (CILCH) and that the Department has been the administrative home of the Canadian Journal of Law and Society since 2008. The Department also retains important roots in humanities-based teaching initiatives at Carleton University, such as the Human Rights program noted below.

The size of the Department has allowed it to develop and participate in a wide range of undergraduate academic programs. The Department currently offers a three-year (15 credit) General Bachelor of Arts in Law, a four-year (20 credit) Honours B.A. in Law, a Masters of Arts in Legal Studies (since 1991), a Graduate Diploma in Conflict Resolution (since 1997), as well as a Ph.D. in Legal Studies (since 2011). Students enrolled in the Honours B.A. can choose from one of three concentrations: Business

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48. The figures are based on Fall 2017 and include 953 students enrolled in the Law Honours B.A., 263 students in the Law B.A. General and 152 students enrolled in the Global Law and Human Rights specialization with the Bachelor of Global and International Studies. The 660 students enrolled as “Law” majors in the CCJ program include 580 Honours students and 80 B.A. General students. Figures include both full-time and part-time students.

49. The Faculty of Public Affairs also includes the Departments of Political Science and Economics, the Arthur Kroeger College of Public Affairs, the Norman Patterson School of International Affairs, the School of Social Work, the School of Public Policy and Administration, the School of Journalism and Communication, and a number of interdisciplinary programs such as Criminology and Criminal Justice, European, Russian and Eurasian Studies, African Studies and Political Economy.

Law; Law, Policy and Government; and Transnational Law and Human Rights. Students may complete a Combined Honours degree with any other Honours program offered at Carleton that allows combined degrees. The Department also participates in a number of more traditionally-structured (multi-unit) interdisciplinary programs including: Human Rights; Criminology and Criminal Justice; Public Affairs and Policy Management; and Global and International Studies.<sup>50</sup> Finally, courses offered by the Department are formally listed as electives in many other programs offered within the university.

Like other legal studies programs across Canada, students enrolled in Carleton programs are required to complete a number of foundational courses in addition to electives within the program. At Carleton, all of these required courses (and most program electives) are offered by the Department. Students enrolled in Carleton undergraduate Law programs must complete more required methods courses than students in almost all other legal studies programs in Canada. Students in both General and Honours B.A. programs must complete a half-credit second-year course in research methods entitled Approaches to Legal Studies I (“LAWS 2908”). LAWS 2908 provides an introduction to the research process and to the use of formal legal sources, such as judicial decisions, legislative instruments and government documents, within the context of interdisciplinary, theoretically-informed research in law and legal studies.<sup>51</sup> Students enrolled in the B.A. Honours programs must also complete a second half-credit course in research methods, Approaches in Legal Studies II (“LAWS 3908”), which is meant to provide students with a more in-depth exposure to a variety of interdisciplinary approaches to research. The requirement that Honours students complete two methods courses is a reflection of the importance the Department accords to the development of research

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50. Carleton University Undergraduate Calendar, online: <<http://calendar.carleton.ca/undergrad/undergradprograms/gins/>>. This program includes faculty and courses from 18 different academic units at Carleton University.

See also: Carleton University Undergraduate Calendar, online: <<http://calendar.carleton.ca/undergrad/undergradprograms/humanrights/>>. Other participating units include, the Departments of Philosophy, Political Science and Law.

See also: Carleton University Undergraduate Calendar, online: <<http://calendar.carleton.ca/undergrad/undergradprograms/criminologyandcriminaljustice/>>. Other participating units include, the Departments of Sociology and Anthropology, and Psychology.

See also: Carleton University Undergraduate Calendar, online: <<http://calendar.carleton.ca/undergrad/undergradprograms/publicaffairsandpolicymangement/>>. Other participating units include the Graduate School of Public Policy and Administration, the Norman Patterson School of International Affairs, the School of Social Work, and the Department of Political Science.

51. For a description of the evolution of the development of this second-year methods course, see: Kazmierski, *supra* note 13.



skills among its students and to its ongoing commitment to ensuring that students are provided a foundation in understanding formal aspects of the legal system while also being challenged to think critically about the nature and role of law using a number of different perspectives and approaches.<sup>52</sup>

Has our Department been successful in its ongoing mission to provide an interdisciplinary undergraduate education in law and the legal that combines an introduction to a variety of legal rules and frameworks with critical perspectives on how law is understood and created and the many ways law can impact individuals and groups within society? It was beyond the scope of this study to conduct an in-depth survey of graduates to seek their input, although anecdotal evidence certainly suggests that many students appreciate the variety of perspectives on law to which they were exposed during their undergraduate studies. Career paths of graduates also suggest that our Department's programs are not simply a 'feeder' system for professional law schools, although graduates of our programs are certainly well equipped with the critical analysis skills required to succeed in law school. An admittedly imperfect survey of program alumni indicates that about 15% of our graduates end up pursuing careers as lawyers. Many more end up working in government departments and agencies (32%), while others work in services or as consultants (13%) or in the finance, insurance and property industries (12%), in education (11%), health care and social support (8%), media communications and IT (6%) as well as resources, manufacturing and trade (4%).<sup>53</sup>

In their article concerning the evolution of the legal studies program at University of Massachusetts (Amherst), D'Errico, Arons and Rifkin noted that for a program to be "truly interdisciplinary" it should include courses that are taught by interdisciplinary teams as opposed to simply reflecting interdisciplinary content and approaches.<sup>54</sup> The "truly interdisciplinary" model was contrasted to the "multidisciplinary" model, where a variety different disciplinary approaches are brought to legal topics in different courses, and the "personal interdisciplinary" model, where individual members bring their own interdisciplinary approaches to the courses they teach. We would suggest that courses within our Department fall along the continuum of models suggested by D'Errico, Arons and Rifkin, with most falling into the multidisciplinary or personal interdisciplinary models.

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52. While the possibility of requiring B.A. General students to complete LAWS 3908 in addition to LAWS 2908 has been explored, it has not been implemented to date due to resource constraints.

53. These statistics are drawn from a database maintained by Carleton University's alumni services. The statistics do not represent a scientific sample of all graduates. The total equals 101% due to rounding.

54. D'Errico, Arons & Rifkin, *supra* note 6 at 24-25.

At the same time, the Department has experimented with team-teaching approaches and has engaged a team-based approach to developing teaching materials in its larger courses that are offered in multiple sections. This is the case with the first year Introduction to Legal Studies course, where the instructors of the multiple sections have collaborated over decades to produce a shared course book published by Captus Press.<sup>55</sup>

Despite its rather modest beginnings, the Department has evolved over the past 50 years into an important hub of interdisciplinary legal studies. It is currently the home of the largest undergraduate legal studies programs in Canada and the largest complement of professors in one academic unit within the field of legal studies. The size of the Department allows it to offer a variety of its own undergraduate and graduate programs, while also participating in a number of other multi-unit interdisciplinary programs. The diversity of faculty members also makes the Department a natural home for important interdisciplinary initiatives such as the Canadian Initiative in Law Culture and the Humanities and as the current administrative home of the Canadian Journal of Law and Society.

#### IV. *The next 50 years*

The Department faces a number of challenges as it begins its second half-century. One ongoing challenge for the Department is that of maintaining a sense of its identity while continuing to expand. As noted earlier, the Department now includes 35 full-time faculty members. It also employs about 35 contract instructors annually who often teach about 50 percent of the courses offered by the Department. Contract instructors bring a diversity of professional experiences and academic backgrounds and many students appreciate the opportunity to take courses from practicing lawyers, judges and others with direct experiences of formal legal and policy processes. Just as importantly, the Department simply could not meet the demand for courses without the aid of its contract instructors. Nonetheless, relying on such a high proportion of contract instructors brings a number of challenges, including the administrative load of managing a second staff of precarious, contract employees, and the difficulty of relying on part-time employees to deliver a core element of the university's mission. It also remains challenging to ensure that all contract instructors understand that the undergraduate courses offered by the Department are not meant to replicate courses that might otherwise be taken in a traditional law school. While many long-standing contract instructors are comfortable

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55. This book is currently in its fifth edition: Steve Tasson et al eds, *Introduction to Legal Studies*, 5th ed (Concord: Captus Press, 2015). The redevelopment of the Department's second year research approaches course (LAWS 2908) also engaged a team-teaching approach.

with the more critical approach that the Department encourages, it remains important to find ways to ensure this is well understood and accepted by new recruits to the contract instructor ranks. That being said, as the Department has evolved, so has the pool of its contract instructors, which now includes individuals working in a wide variety of professional environments including non-governmental organizations, policy branches of government, lawyers practicing in a variety of settings as well as students and graduates from our own PhD program.

Like all legal studies programs, the Department needs to continue to redefine its understanding of what it means to engage in interdisciplinary research and how to best prepare students to conduct such research. As part of this task, the Department faces the challenge of ensuring that its methods courses provide students within its programs with the best foundation for conducting and understanding interdisciplinary research within the field of legal studies. As noted earlier, the Department has taken this challenge seriously by requiring Honours students to complete two methods courses. In the coming years the Department will have to review the performance of the courses to determine whether they are meeting the goal of developing its students' interdisciplinary research skills.

Finally, the Department must continue to consider the role of theory, and more specifically theory courses, within its undergraduate programs. The Department has emphasized the importance of theoretically-informed inquiry as a foundation of the interdisciplinary study of law and the legal. However, rather than requiring students to complete one or two specific "theory courses" that are meant to represent a "cannon" of legal studies theory, the Department has emphasized that all courses should include theory components. Unfortunately, this approach is not ideal in an academic environment where fifty percent of courses in any given year may be taught by contract instructors. Moreover, it is our experience that many undergraduate students, who are often averse to having to take "too much theory" become adept at avoiding instructors who are known to emphasize the role of theory in their courses. As such, it is likely time for the Department to consider a new approach to the role of theory in its undergraduate curriculum. Such an approach could introduce a required theory component that could be fulfilled from a menu of existing theory courses avoiding the need to identify a specific cannon of legal studies theory, while ensuring students cannot avoid the rigours of "pure" theory courses in their program.

### *Conclusion*

We have used the 50th anniversary of the Department of Law and Legal Studies at Carleton University as an opportunity to take up Professor Macdonald's call for legal studies programs of all sorts to foster self-reflection and self-critique. We have also sought to provide a context for that self-reflection by starting a conversation about the different ways that legal studies programs are offered to undergraduate students in Canada. The purpose of this conversation is not to designate particular institutional structures or programmatic choices as better or worse. To the contrary, we endorse Professor Macdonald's view that the "nomenclature and the institutional form are less salient than the inquiry taken."<sup>56</sup> However, Professor Macdonald also recognized the fact that institutional structures and rules can either facilitate or impede the ultimate goals of university programs.<sup>57</sup> In light of this, we suggest that it is important to begin discussing the different institutional and programmatic forms that underlie the pedagogical and teaching strengths of legal studies in Canada and, ultimately, to begin exploring the strengths and weaknesses of these different approaches. We hope that this article has provided a modest impetus for this conversation.

Returning to our own Department, the past fifty years have witnessed the evolution of the Department—both in research and teaching—alongside the field of legal studies more generally. The Department has evolved from one focused on offering law courses to other academic units within the university to an interdisciplinary department dedicated to making concepts of law accessible within the context of an undergraduate liberal education and to fostering critical, interdisciplinary study of law and the legal within society.

There were a number of important catalysts that facilitated this evolution, including the initial implementation of a stand-alone undergraduate program in Law in 1980, the development of the Masters in Legal Studies in 1991, two major undergraduate curriculum revisions in 1983 and 2008-2009 and, most recently, the development of the PhD program in Legal Studies in 2011. Each of these important stages of curriculum and program development required processes that encouraged self-reflection, dialogue and consideration of new ideas. Each stage allowed the Department to reflect, critically, on its place within the university, and within the growing field of Legal Studies. In our view, each of these periods of reflection

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56. Macdonald, *supra* note 1.

57. *Ibid.*

led to a strengthening of the interdisciplinary approaches engaged in the undergraduate and graduate teaching within the Department.

There is much to be celebrated as the Department marks its first half-century. The Department has certainly established itself as a key center of student engagement in the university with among the largest undergraduate student enrollments in both the Faculty of Public Affairs and Carleton University as a whole. As the home of 35 full-time professors, the Department is also a key hub of legal studies scholarship and teaching within the larger field in Canada and beyond. There are, of course, challenges to be met and new opportunities to explore. Many of the challenges are, paradoxically, rooted in the success of the Department. With 35 full-time faculty members, 35 or more contract instructors and in excess of 1300 students enrolled in its undergraduate programs alone, the goal of encapsulating a coherent vision for the Department can seem fleeting at best.

That being said, one of the strengths of the Department, and of the field more generally, has been its openness to new and emerging conceptions of the meaning of legal study over time. At Carleton, this openness has been facilitated within the institutional structure of a stand-alone academic department that offers a wide-range of its own courses and programs, while also actively participating in a number of other more traditional interdisciplinary (multi-unit) programs. The interdisciplinary nature of the Department has grown and evolved over time and has been reflected both in the increasing diversity of the full-time faculty members hired by the Department and the nature of the courses and programs it offers. While it is perhaps too soon to claim that the Department is “truly interdisciplinary” in the sense described by D’Errico, Arons and Rifken, it continues to actively explore new ways to provide its students with opportunity to understand law, its meaning, its roles and its impacts from a variety of different, critical perspectives as part of an undergraduate university education with the goal of fostering virtuous citizens.

Table 1. Institutional Organizations

University	Social Science/ Humanities	Arts/ LibArts	Other	Free-standing	In trad. disciplinary dept.	Multi. / Interdisc.	0	1 - 5	6 - 10	11-20	21+
Algoma	X			X				X			
Athabasca	X					X		X			
Calgary		X			X			X			
Carleton			X	X							X
Dalhousie	X	X				X	X				
Laurentian		X		X					X		
Memorial	X				X					X*	
Regina		X		X					X		
St. Thomas	X					X		X			
UNB		X				X	X				
UOIT	X					X			X		
Waterloo		X		X						X*	
Wilfrid Laurier		X				X		X			
York			X			X				X	

Universities offering Undergraduate Legal Studies Programming  
 Current as of January 2019. (\* Reflects the entire unit. It is unclear how many faculty members are dedicated to legal studies programming within the unit)

Table 2. *Constitutive Language of Legal Studies Program Descriptors*

University	Program Descriptors									
	Inter-disciplinary	Multi-disciplinary	...and the Everyday	Comparative	Other disciplines	Institutions	Legal Theory	(Inter)-national	Liberal Arts	
Algoma										
Athabasca										
Calgary										
Carleton										
Dalhousie										
Laurentian										
Memorial										
Regina										
St. Thomas										
UNB										
UOIT										
Waterloo										
Wilfrid Laurier										
York										

\* Current as of January 2019

Table 3. Programs and Course Offerings

Universities offering Undergraduate Legal Studies Programming	University	Department/ Academic Unit	Program	Degree conferred			Dedicated Legal Studies Courses in that Academic Unit					
				Major/ Hons	Minor	Concentration/ Specialization**	0	1-20	21-40	41+	Methods Course	
	Algonia	Law and Politics	Law & Justice	X	X				X			X
	Athabasca	Centre for Social Sciences	Legal Studies	X				X				
	Calgary	Sociology	Law & Society	X		X		X				X*
	Carleton	Law & Legal Studies	Law	X	X	X				X		X*
	Dalhousie	Arts and Social Sciences	Law, Justice & Society	X	X			X				
	Laurentian	Law & Justice	Law & Justice	X	X	X			X			
	Memorial	Political Science	Law & Society	X	X	X		X				X*
	Regina	Justice Studies	Human & Justice Studies; Police Studies	X	X						X	X*
	St. Thomas	Social Sciences	Law, Politics and Society	X	X			X				X
	UNB	Interdepartmental Programs	Law in Society	X	X	X		X				
	UOIT	Legal Studies	Legal Studies	X	X	X		X				X*
	Waterloo	Sociology & Legal Studies	Legal Studies	X	X			X				X*
	Wilfrid Laurier	Liberal Arts	Law & Society	X	X					X		X*
	York	Social Science	Law & Society	X	X	X				X		X

\*Current as of January 2019. (\*mandatory methods courses; \*\*does not include "Certificates" or other variations such as "Options")



