

Course Outline

COURSE:	LAWS 2502 D – Law, State, and Citizen
TERM:	Winter - 2017
PREREQUISITES:	1.0 credit from LAWS 1000 [1.0], PAMP 1000 [1.0], PSCI 1001, PSCI 1100 and PSCI 1200.
CLASS:	Day & Time: Thursdays 14:35 – 17:25 Room: Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Philip Kaisary
CONTACT:	Office: ___ D485 ___ Office Hrs: ___ Tuesdays 15:30 – 17:30 ___ Telephone: ___ XT. 4181 ___ Email: ___ Philip.Kaisary@carleton.ca ___

Academic Accommodations:

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://carleton.ca/equity/>

Religious obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://carleton.ca/equity/>

The Paul Menton Centre for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your **Letter of Accommodation** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). **Requests made within two weeks will be reviewed on a case-by-case basis.** After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website (www.carleton.ca/pmc) for the deadline to request accommodations for the formally-scheduled exam (*if applicable*).

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://carleton.ca/equity/>

Plagiarism

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material,

regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's **Academic Integrity Policy** can be found at:

<http://carleton.ca/studentaffairs/academic-integrity/>

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://carleton.ca/law/current-students/>

COURSE DESCRIPTION

This course provides a comparative, critical, and interdisciplinary introduction to the key concepts of law, state, and citizen, their historical underpinnings, and their relations from the age of revolutions to today's neoliberal order. We will begin by developing a theoretical framework for our investigation. Then, we will consider the relational aspects of law, state, and citizen in the context of the Haitian Revolution, the Soviet State, 20th century anti-colonialism, and as represented in Franz Kafka's classic novel, *The Trial*. The final part of course will examine our theme in relation to the Canadian Charter of Rights and Freedoms, indigeneity in the Canadian context, and neoliberal legality. The course thus comprises a rigorous examination of the topic in theoretical terms and historical contexts.

REQUIRED TEXTS

1. Course Pack (Available at the University Bookstore)
2. Kafka, Franz (1995) *The Trial*. New York: Schocken Books. ** THIS EDITION ** (Available at: the University Bookstore and Octopus Books, 116 Third Ave., 613-233-2589)

SUPPLEMENTARY TEXTS

1. Gerald Graff and Cathy Birkenstein, *They Say/I Say: The Moves that Matter in Academic Writing*, (3rd ed. Norton, 2014)
2. Gordon S. Harvey, *Writing with Sources: A Guide for Students*, 2nd ed. rev. (Hackett, 2008)

There are copies of both in the University Library. Used copies are usually available on Amazon and/or Abe Books.

EVALUATION**Attendance & Participation: 20%****Quiz: 20%*****In-class, week 7, February 16th*****First Writing Assignment (1,500 words): 20%*****Due in-class, week 8, March 2nd*****Final Essay: (2,500 words) 40%*****Due in-class, week 12, March 30th*****All components must be completed to receive a passing grade.**

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

COURSE SCHEDULE

Week	Date	Lecture
1	January 5th	Introduction
2	January 12th	What is Law?
3	January 19th	What is the State?
4	January 26th	What is a Citizen?
5	February 2nd	Law and the Haitian Revolution
6	February 9nd	Law and the Soviet State
7 * Assessment: In-Class Quiz *	February 16nd	20th Century Anti-Colonialism

READING WEEK	READING WEEK	READING WEEK
8 * First Writing Assignment Due *	March 2nd	Law, State and Citizen with Kafka
9	March 9th	The Canadian Charter of Rights and Freedoms
10	March 16th	Indigeneity and the Charter
11	March 23 rd	Post-Liberal / Socio-Economic Rights
12 * Final essay due *	March 30th	Neoliberal Legality

COURSE OUTLINE

Part I: Introduction, Theory, Concepts

Week 1: Introduction, January 5th

No set reading this week

Week 2: What is Law? January 12th

Required Reading:

Clifford Geertz, “Local Knowledge: Fact and Law in Comparative Perspective,” *Local Knowledge: Further Essays in Interpretive Anthropology*, 3rd Ed. (New York: Basic Books, 1985): 167–234.

Further reading:

“Law, State, and Social Goals and Techniques” in *Introduction to Public Law: Readings on the Law, State, and Citizen*, (Concord, ON: Captus Press, 2015): 1–20.

Colin Dayan, *The Law is a White Dog: How Legal Rituals Make and Unmake Persons* (Princeton University Press, 2011).

Nicos Poulantzas, “Law” in *State, Power, Socialism* (London & New York: Verso, 2014): 76–92.

Sally Falk Moore, *Law as Process: An Anthropological Approach* (1983, rpt. Hamburg: LIT Verlag, 2000).

Week 3: What is the State? January 19th

Required Reading:

Immanuel Wallerstein, “The Rise of the States-System: Sovereign Nation-States, Colonies, and the Interstate System,” in *World Systems Analysis: An Introduction* (Duke University Press, 2004): 41–59

Nicos Poulantzas, “The Capitalist State: A Reply to Milliband and Laclau,” in *The Poulantzas Reader: Marxism, Law and the State* edited by James Martin (London: Verso, 2008): 270–93.

Further reading:

Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (1983, rpt. London: Verso, 2006) (265pp.)

Week 4: What is a Citizen? January 26th

Required Reading:

Engin F. Isin & Bryan S. Turner, “Citizenship Studies: An Introduction,” in *Handbook of Citizenship Studies*, edited by Engin F. Isin & Bryan S. Turner, (Sage, 2002): 1–12

Thomas Janoski & Brian Gran, “Political Citizenship: Foundations of Rights,” in *Handbook of Citizenship Studies*, edited by Engin F. Isin & Bryan S. Turner, (Sage, 2002): 13–52.

Yasmeen Abu Laban, “Citizenship and Foreignness in Canada” in *Routledge Handbook of Global Citizenship Studies*, eds. Engin F. Isin & Peter Nyers (Routledge, 2014): 274–283.

Further reading:

Étienne Balibar, *Citizenship*, (Polity Press, 2015).

Part II: Case Studies**Week 5: Law and the Haitian Revolution, February 2nd**

In class viewing:

Sujewa Ekanayake (dir.) *Egalité for All: Toussaint Louverture and the Haitian Revolution* (PBS, 2009)

Required Reading:

“Haitian Constitution of 1801.” In: *Toussaint L’Overture: The Haitian Revolution*, edited by Nick Nesbitt, (London: Verso, 2008): 45–61.

Philip Kaisary, “Hercules, the Hydra, and the 1801 Constitution of Toussaint Louverture.” *Atlantic Studies*, Vol. 12, No. 4 (2015): 393–411.

Further reading:

Malick Ghachem, *The Old Regime and the Haitian Revolution* (Cambridge: Cambridge University Press, 2012)

C.L.R. James, *The Black Jacobins* (2nd ed. rev. Vintage, 1963.)

Jeremy Popkin, *A Concise History of the Haitian Revolution* (Oxford: Wiley-Blackwell, 2012).

Week 6: The Soviet State, February 9th

Required Reading:

John Quigley, “The Soviet Challenge” in *Soviet Legal Innovation and the Law of the Western World*, (Cambridge University Press, 2012): 3–61.

Further reading:

Scott Newton, *Law and the Making of the Soviet World: The Red Demiurge* (Routledge, 2014)

Week 7: 20th Century Anti-Colonialism, February 16th

*** Assessment: In-Class Quiz ***

In class viewing:

Gillo Pontecorvo, dir. *The Battle of Algiers* (Italy/Algeria: Casbah Film, 1966)

Required Reading:

Samuel Moyn, “Why Anticolonialism Wasn’t a Human Rights Movement,” in *The Last Utopia: Human Rights in History* (Harvard University Press, 2010): 84–119.

Further reading:

Aimé Césaire, *Discourse on Colonialism* (1955, rpt. Monthly Review Press, 2001)

***** WINTER READING BREAK FEBRUARY 20TH – 24TH – NO CLASSES *****

Week 8: Law, State, and Citizen with Franz Kafka, March 2nd

*** First Writing Assignment Due ***

Required Reading:

Franz Kafka, *The Trial*, [1925] (New York: Schocken Books, 1995). (312 pp.)

Week 9: The Canadian Charter of Rights and Freedoms, March 9th

Required Reading:

The Canadian Charter of Rights and Freedoms, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11.

Patrick J. Monahan, “The Canadian Charter of Rights and Freedoms”, in *Constitutional Law* (3rd Ed.) (Toronto: Irwin Law, (2006): 385–438.

Further reading:

Adam Dodek, “Glossary” and “Short History of the Canadian Constitution”. In: *The Canadian Constitution*. (Toronto: Dundurn, 2013): 13–34.

Peter H. Russell, “The Charter and Canadian Democracy” in: *Contested Constitutionalism: Reflections on the Canadian Charter of Rights and Freedoms*, edited by James B. Kelly and Christopher P. Manfredi, (Toronto: UBC Press, 2009): 287–306.

Week 10: Indigeneity and the Canadian Charter, March 16th

Required Reading:

David Milward, “Addressing the Tension”, in *Aboriginal Justice and the Charter: Realizing A Culturally Sensitive Interpretation of Legal Rights*, (Toronto: UBC Press, 2012): 49–61.

Attawapiskat First Nation v. Canada, 2012 FC 948. (30 pp.)

Further Reading:

Glen Coulthard, “Introduction: Subjects of Empire”, in: *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*. (Minneapolis: University of Minnesota, 2014): 1–24.

Week 11: Post-Liberal / Socio-Economic Rights, March 23rd

Required Reading:

Tanudjaja v. Canada (Attorney General), 2014 (37 pp.)

Further reading:

Allan C Hutchinson, “Indeterminately Speaking: From Axiom to Action,” in *Waiting for Coraf: A Critique of Law and Rights*. Toronto: University of Toronto Press, (1995): 28–56.

Week 12: Citizenship, the State, and Neoliberal Legality, March 30th

Final Essay Due

Required reading:

Wendy Brown, “Undoing Democracy: Neoliberalism’s Remaking of State and Subject,” *Undoing the Demos: Neoliberalism’s Stealth Revolution*, (Zone Books, 2015): 17–46.

Further reading:

Étienne Balibar, “Neo-liberalism and de-democratization” and “Democratizing Democracy” in *Citizenship*, (Polity Press, 2015): 102–118 & 119–131.

Honor Brabazon (ed.), *Neoliberal Legality: Understanding the Role of Law in the Neoliberal Project* (London: Routledge, forthcoming January 2017)

David Harvey, “The Neoliberal State” in *A Brief History of Neoliberalism*, (Oxford University Press 2007): 64–86.