

Course Outline

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**COURSE:** LAWS 3908A - Approaches in Legal Studies II

**TERM:** Fall 2015

**PREREQUISITES:** LAWS 2908 and third-year honours standing

**CLASS:** **Day & Time:** Monday 6:05PM–8:55PM  
**Room:** Please check with Carleton Central for current room location

**INSTRUCTOR:** Craig McFarlane  
**(CONTRACT)**

**CONTACT:** **Office:** B442 Loeb  
**Office:** Monday and Friday by appointment  
**Hrs:**  
**Telephone:**  
**Email:** craig\_mcfarlane@carleton.ca

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**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://www2.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://www2.carleton.ca/equity/>

**Academic Accommodations for Students with Disabilities:** 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](mailto: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*). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.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://www.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://www.carleton.ca/law/student-resources/department-policies/>

## **COURSE DESCRIPTION**

This course examines the relation between law and culture. Specifically, it asks questions such as whether law itself is a form of culture and to what extent literary culture (e.g., fiction) can tell us about law. As a result, we will critically interrogate these two central concepts: *viz.*, "law" and "culture." In addition to reading several novels and short stories that claim to speak to "the law," "legal culture," or, better yet, "the Law," we will also study a number of theoretical texts that will assist our interpretation of these novels and a number of meta-theoretical/methodological texts that engage with the study of law as or in culture. Accordingly, this course is reading intensive. As the issues we will examine often exceed a simply delineated conception of law as doctrine, discussions will often spill over into related concepts, such as social control, violence, power, gender, and sexuality among others.

## **REQUIRED TEXTS**

The following books are *required* and are available for purchase at Octopus Books in the Glebe:

Beckett, Chris. *Dark Eden*. London: Corvus, 2012

Kakfa, Franz. *The Trial*. Translated by Breon Mitchell. New York: Schocken, 1999.

Le Guin, Ursula. *The Dispossessed*. New York: Perennial Classics, 2003.

Miéville, China. *The City & the City*. New York: Del Rey, 2010.

Raymond, Derek. *I Was Dora Suarez*. New York: Melville House, 2011.

Saramago, José. *Seeing*. New York: Harcourt, 2007.

All other readings available on cuLearn.

### **EVALUATION**

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.

Short Essays                    100% (4 x 25%)

### **Short Essays (4 x 25%)**

Students are required to complete three short papers (about 2000 words each). These short assignments are intended to be exercises wherein the student enquires into the logic of a particular concept, argument, or passage, discussing its strengths and weaknesses, its meaning, its implications, and potential applications. It is expected that papers will extend beyond mere summaries of the readings and will attempt to critically engage with the concepts. Students must focus on the assigned texts---i.e., those which are discussed in class---rather than relying upon secondary sources. Papers must be written in standard English, with proper citations and a bibliography. Any recognized style (APA, MLA, Chicago, etc) is acceptable. The text should be set in a standard font (e.g., Times New Roman, Helvetica, Palatino) with 1” margins on all four sides. A title page is not necessary, but your name, student number, and the course code should appear in the header of all the pages. The word count for the assignment must be included. Assignments must be submitted via cuLearn in PDF format.

#### **First assignment due October 9**

*The Trial* articulates a vision of the Law as deeply paradoxical and in contradiction with the laws. Is this a mere literary device, or does it provide important theoretical insight into the nature of the functioning of modern legal systems?

#### **Second assignment due November 6**

*Seeing* presents a powerful critique of democratic politics and the law suggesting that there is an inherent tendency towards “autoimmunity” and “inverted totalitarianism.” Drawing upon these concepts, present an analysis of the 2015 Canadian general election.

**Third assignment due December 4**

Among other themes, *Dark Eden* and *The Dispossessed* make striking claims about the relation between power, law, gender, and sexuality. Outline the theoretical basis of these claims and take a position on them.

**Fourth assignment (note: take-home exam) due December 21**

With reference to *The City & The City* and *I Was Dora Suarez*, discuss the role that the senses and emotions play in law and justice.

**SCHEDULE**

(L) indicates the primary *literary* text under consideration

(M) indicates a *methodological/meta-theoretical* text engaging with the relation between law and culture

(T) indicates a *theoretical* text animating some of the issues in the primary literature text

It is expected that students will arrive to class *prepared to discuss* all assigned texts.

**September 4, 2015**

(L) Dostoevsky, Fyodor. *The Brothers Karamazov*. Translated by Constance Garnett. New York: The Lowell Press, 1912. (Part II, Book V, Chapters IV and V)

(L) Le Guin, Ursula. "The Ones Who Walk Away from Omelas." In *The Wind's Twelve Quarters: Short Stories*, 275–84. New York: Perennial Library, 1987.

(M) Gerlach, Neil and Sheryl N. Hamilton. "A History of Social Science Fiction." *Science Fiction Studies* 30, no. 2 (2003): 161–73.

**September 14, 2015**

(L) Kafka, Franz. "In the Penal Colony." In *The Complete Short Stories*, 140-67. New York: Schocken Books, 1988.

(T) Foucault, Michel. *Discipline & Punish*. New York: Vintage, 1977. (Chapter 1)

(M) Cover, Robert. "Violence and the Word." *The Yale Law Journal* 95, no. 8 (1986): 1601–29.

**September 21, 2015**

(L) Kafka, Franz. *The Trial*. Translated by Breon Mitchell. New York: Schocken, 1999.

(T) Weber, Max. "Bureaucracy." In *Economy & Society*, edited by Guenther and Claus Wittich, 956–1005. Berkeley: University of California Press, 1978.

(M) Coombe, Rosemary J. "Critical Cultural Legal Studies." *Yale Journal of Law & The Humanities* 10,

no. 2 (1998): 463–86.

**September 28, 2015**

(L) Kafka, Franz. *The Trial*. Translated by Breon Mitchell. New York: Schocken, 1999.

(T) Benjamin, Walter. "Franz Kafka: On the Tenth Anniversary of His Death." In *Illuminations*, edited by Hannah Arendt, 111–140. New York: Schocken, 1968.

(M) Bourdieu, Pierre. "The Force of Law: Toward a Sociology of the Juridical Field." *The Hastings Law Journal* 38 (1987): 814–53.

**October 5, 2015**

(L) Saramago, José. *Seeing*. New York: Harcourt, 2007.

(T) Lefort, Claude. "The Question of Democracy." In *Democracy and Political Theory*, 9–20. Cambridge: Polity Press, 1988.

(T) Manin, Bernard. *Principles of Representative Democracy*. Cambridge: Cambridge UP, 1997. (Introduction, Chapter 6)

(M) Latour, Bruno. "Scientific Objects and Legal Objectivity."

**October 12, 2015** — No class

**October 19, 2015**

(L) Saramago, José. *Seeing*. New York: Harcourt, 2007.

(T) Derrida, Jacques. "Autoimmunity: Real and Symbolic Suicides." In *Philosophy in a Time of Terror: Dialogues with Jürgen Habermas and Jacques Derrida*, 85–136. Chicago: University of Chicago Press, 2003.

(T) Wolin, Sheldon. *Democracy Incorporated: Managed Democracy and the Spectre of Inverted Totalitarianism*. Princeton: Princeton UP, 2008. (Chapter 11)

**October 26, 2015** — No class

**November 2, 2015**

(L) Beckett, Chris. *Dark Eden*. London: Corvus, 2012.

(T) Engels, Friedrich. "The Origin of the Family, Private Property, and the State." In *The Marx-Engels Reader*, 2nd ed., edited by Richard C. Tuck, 734–51. New York: WW Norton, 1978.

(T) Rousseau, Jean-Jacques. "Discourse on the Origin and Foundations of Inequality Among Men." In *The Discourses and Other Early Political Writings*, edited and translated by Victor Gourevitch,

111-222. Cambridge: Cambridge UP, 1997. (Selections)

**November 9, 2015**

(L) Beckett, Chris. *Dark Eden*. London: Corvus, 2012.

(T) Engels, Friedrich. "The Origin of the Family, Private Property, and the State." In *The Marx-Engels Reader*, 2nd ed., edited by Richard C. Tuck, 751-9. New York: WW Norton, 1978.

(T) Nietzsche, Friedrich. *On the Genealogy of Morality*, edited by Keith Ansell-Pearson. Cambridge: Cambridge UP, 2006. (Selections)

**November 16, 2015**

(L) Le Guin, Ursula. *The Dispossessed*. New York: Perennial Classics, 2003.

(T) Scott, James C. *Two Cheers for Anarchism*. Princeton: Princeton UP, 2012. (Preface)

**November 23, 2015**

(L) Le Guin, Ursula. *The Dispossessed*. New York: Perennial Classics, 2003.

(T) Davis, Laurence. "The Dynamic and Revolutionary Utopia of Ursula K. Le Guin." In *The New Utopian Politics of Ursula K. Le Guin's The Dispossessed*, edited by Laurence Davis and Peter Stillman, 3-36. Lanham: Lexington Books, 2005.

(T) Stillman, Peter G. "*The Dispossessed* as Ecological Political Theory." In *The New Utopian Politics of Ursula K. Le Guin's The Dispossessed*, edited by Laurence Davis and Peter Stillman, 54-73. Lanham: Lexington Books, 2005.

**November 30, 2015**

(L) Miéville, China. *The City & the City*. New York: Del Rey, 2010.

(T) Althusser, Louis. "Ideology and Ideological State Apparatus (Notes Towards an Investigation)." In *Lenin and Philosophy and Other Essays*, 127-86. New York: Monthly Review Press, 1971.

(T) Butler, Judith. *Gender Trouble: Feminism and the Subversion of Identity*. London: Routledge, 1990. (Selections)

**December 7, 2015**

(L) Raymond, Derek. *I Was Dora Suarez*. New York: Melville House, 2011.

(T) Miller, William Ian. *The Anatomy of Disgust*. Cambridge: Harvard UP, 1997. (Chapter 1)

(T) Nussbaum, Martha. *Hiding from Humanity: Disgust, Shame, and the Law*. Princeton UP, 2004. (Introduction)