

Course Outline

COURSE:	LAWS 3908-C
TERM:	Winter 2016
PREREQUISITES:	LAWS 2908
Day & Time:	Thursday: 2:35-5:25pm
Room:	Please check with Carleton Central for current room location
INSTRUCTOR:	Adrian A Smith
CONTACT:	Office: C476 Loeb
	Office Hrs: Thursday Noon-1pm (typically by appointment)

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 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

The course engages with alternative approaches to research within the field of legal studies. Pushing students to go beyond the study of traditional sources of law such as statutes and cases, the course provides in-depth exposure to interdisciplinary and theoretically informed research methods. Students examine the links between theory, methodology and research design placing emphasis on what counts as 'evidence' and what makes up sound academic analysis. Thematic discussion broadly centers around issues of belonging and settler colonialism with an emphasis on historical and ongoing treatment of indigenous peoples and communities, immigrant and migrant workers, and radical activists. We address the empirical and theoretical challenge of how to disprove that Canada is an equitable and tolerant society. Classes will consist of interactive lectures, guest lectures, in-class discussions and debates. Students' views will be solicited and thoughtful interjections welcomed if not expected.

Office Hours & Email Policy

I encourage students to discuss questions and issues related to the course during our weekly in-class meetings, or in my office during my regular office hour (by appointment). If you cannot make the office hour please contact me to schedule an appointment which likely will be held Wednesday or Thursday. Unless a question can be answered as a 'yes' or 'no', I do not respond to email questions from students related to the content of the course.

Attendance & Participation

Weekly attendance is expected. Students will read assigned material before coming to class. Although this is a relatively large enrolment course, students are encouraged to participate. To facilitate "meaningful engagement", I will adopt an interactive approach to our weekly meetings. This is not an invitation for you to just talk aimlessly or for the sake of it. Strive for thoughtful and respectful interventions. Those students who do the readings and class preparation ought not to have any difficulty. Shyness is not an acceptable excuse for lack of participation. Effective oral communication is a skill of high importance in university and in future endeavours. I encourage shy students to speak to me immediately about devising

strategies for improving the quality of their participation.

I take seriously my responsibility to provide a supportive and equitable learning environment free from unhelpful distractions. As such, students are not permitted to use cell phones or similar devices in the classroom. The use of these devices will not be tolerated. They serve as a distraction to both the user and those in the surrounding vicinity. Anyone found texting, using laptops and the internet inappropriately or otherwise engaging in problematic behaviour, will be required to remove themselves from an in-class meeting. Repeat offenders will not be permitted to remain in the course.

REQUIRED TEXTS

There is one required text for this course: *Aziz Choudry, Learning Activism: The Intellectual Life of Contemporary Social Movements (University of Toronto, 2015)*. It is available at Octopus Books (116 Third Avenue, Ottawa, Ontario). I strongly recommend that you purchase it at Octopus as a way of supporting one of few remaining independent bookstores in Ottawa.

Students will be provided with electronic links to other readings and will be expected to undertake independent research into topics in preparation for in-class sessions. (If a link is for some reason not working, please take the initiative to track down the source on your own.)

SUPPLEMENTARY TEXTS

I strongly suggest that students consult some or all of the following texts:

Constance Backhouse, *Colour-Coded: A Legal History of Racism in Canada, 1900-1950* (Toronto: University of Toronto Press, 1999).

Himani Bannerji, *The Dark Side of the Nation: Essays on Multiculturalism, Nationalism and Gender* (Toronto: Canadian Scholars' Press, 2000).

Todd Gordon, *Imperialist Canada* (Winnipeg: Arbeiter Ring, 2010).

Vic Satzewich, *Racism and the Incorporation of Foreign Labour: Farm Labour Migration to Canada since 1945* (London: Routledge, 1991).

Nandita Sharma, *Home Economics: Nationalism and the Making of 'Migrant Workers' in Canada* (Toronto: University of Toronto, 2006).

Daiva Stasiulis & Abigail B. Bakan, *Negotiating Citizenship: Migrant Women In Canada and the Global System* (Toronto: University of Toronto Press, 2005).

Sunera Thobani, *Exalted Subjects: Studies in the Making of Race and Nation in Canada* (Toronto: University of Toronto Press, 2007).

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.

(All components must be completed in order to receive a passing grade)

Critical Review 15% (Due on or before February 11th at 11:59pm)

Students will complete a scholarly critical review of one of the readings from week #5 or all from week# 7. The review, which will be a maximum of 4 pages (double-spaced), 12-point font with proper margins, will address a central theme of the course. Please use a proper citation format and include a title page (with your full name, student number, course code and date) and bibliography.

Advocacy Submission 25% (Due on or before March 17th at 11:59pm)

Students will write an advocacy submission addressing the need for policy or law reform on an issue identified by the course instructor (details to follow). Students are required to conduct reviews of secondary and news media sources using Carleton library resources. The review will be a maximum of 10 pages (double-spaced), 12-point font with proper margins. Please use proper citations and include a title page (with your full name, student number, course code and date) and bibliography. **In preparation of your submission, you are expected to consult: Aziz Choudry, Learning Activism, Chapters 4 and Epilogue.**

Major Paper 50% (Due: April 7th at 11:59pm)

Students will complete a major research paper on a topic of their choosing related to the course's theme. The paper must be 18 to 20 pages (double-spaced), 12-point font with proper margins and sourcing. In addition, you must include a title page (with your full name, student number, course code and date) and bibliography. To ensure success, start your research paper early in the term.

Participation 10%

Students are expected to attend in-class sessions each week and strive for meaningful participation.

Grading Policy

Assignments will be submitted electronically using the format discussed in class.

Assignments submitted to the Law Department 'drop box' will not be graded.

Late assignments will be penalized at the rate of 10% per day. After the fifth day late assignments will not be read.

Note: I will not read drafts of your assignments and comment on them. Carleton University provides a Writing Tutorial Service (within the Student Academic Success Centre). I strongly encourage students to familiarize themselves with the writing and other services as soon as possible. In addition to excellent online resources, the Centre offers opportunities for students to develop effective writing skills and time management skills – both of which are crucial to success in university. This is an invaluable resource. Please use it!

SCHEDULE

1. January 7th: Intro

Aims, Expectations & Responsibilities

January 14th: Discover 'Canada'

Discover Canada

<http://www.cic.gc.ca/english/resources/publications/discover/index.asp#pdf>

I: On Not Belonging

2. January 21st: *Re/making Canada*

Herbert Grubel, “Canada's Immigrant Selection Policies: Recent Record, Marginal Changes and Needed Reforms” Fraser Institute (August 2013).

<http://www.fraserinstitute.org/uploadedFiles/fraser-ca/Content/research-news/research/publications/canadas-immigrant-selection-policies.pdf>

Darlene Johnston, “First Nations and Canadian Citizenship” in William Kaplan, ed., *Belonging: The Meaning and Future of Canadian Citizenship* (Kingston: Mc-Gill-Queen’s University, 1994) 349.

<http://catalogue.library.carleton.ca:80/record=b3646054~S9>

3. January 28th: *Re-Discovering Canada*

David Austin, “Narratives of Power: Historical Mythologies in Contemporary Québec and Canada” (2010) 51:2 *Race & Class* 19.

<http://rac.sagepub.com/content/52/1/19.abstract>

Nandita Sharma, “On Being Not Canadian: The Social Organization of ‘Migrant Workers’ in Canada” (2001) 38:4 *Canadian Review of Sociology and Anthropology* 416.

<http://onlinelibrary.wiley.com/doi/10.1111/j.1755-618X.2001.tb00980.x/abstract>

Recommended:

Yvonne Brown, “Ghosts in the Canadian Multicultural Machine: A Tale of Absent Presence of Black People” (2008) 38 *Journal of Black Studies* 374.

<http://www.jstor.org.proxy.library.carleton.ca/stable/40034386>

4. February 4th: *Knowing What 'We' Know*

Aziz Choudry, *Learning Activism*, Chapters 1 and 3.

5. February 11th: *'Colonial Powers As Shape Shifters'*

Taiaiake Alfred & Jeff Corntassel, "Being Indigenous: Resurgences against Contemporary Colonialism" (2005) 40 *Government and Opposition* 597.

<http://web.uvic.ca/igov/uploads/pdf/Being%20Indigenous%20GOOP.pdf>

Todd Gordon, "Canada, Empire and Indigenous People in the Americas" (2006) *Socialist Studies* 47.

<http://www.socialiststudies.com/index.php/sss/article/viewArticle/36>

Recommended:

Mark D. Walters, "Histories of Colonialism, Legality, and Aboriginality" (2007) 57 *U.T.L.J.* 819.

<http://law.queensu.ca/facultyAndStaff/facultyDirectory/walters/waltersHistoriesOfColonialism.pdf>

Bonita Lawrence, "Gender, Race, and the Regulation of Native Identity in Canada and the United States: An Overview" (2003) 18:2 *Hypatia* 3.

<http://muse.jhu.edu/login?auth=0&type=summary&url=/journals/hypatia/v018/18.2lawrence.html>

* February 18th: Winter Break (No Class)

II: Citizenship and Its Alternatives

6. February 25th: *Theorizing History, Historicizing Theory*

Vic Satzewich, "Unfree Labour and Canadian Capitalism: The Incorporation of Polish War Veterans" (1989) 28 *Studies in Political Economy* 89.

<http://spe.library.utoronto.ca/index.php/spe/article/view/13181>

Donna Baines & Nandita Sharma, "Migrant Workers as Non-Citizens: The Case Against Citizenship as a Social Policy Concept." (2002) 69 *Studies in Political Economy*

<http://spe.library.utoronto.ca/index.php/spe/article/view/6686>

Recommended:

Tanya Basok, "Post-national Citizenship, Social Exclusion and Migrants Rights: Mexican Seasonal Workers in Canada" (2004) 8:1 *Citizenship Studies* 47.

<http://dx.doi.org/10.1080/1362102042000178409>

7. March 3rd: *Law and Learning in Social Movements*

Adrian A. Smith, 'The stilling of radiant energy': Learning about Law in a Photovoice Project with the Aamjiwnaang 'Green Teens', unpublished.

Choudry, Learning Activism, Chapter 2.

Recommended:

Frank Munger, "Inquiry and Activism in Law and Society" (2001) 35:1 Law & Society Review 7.

8. March 10th: *Habitual Idling?*

Naomi Klein, "Dancing the World into Being: A Conversation with Idle No More's Leanne Simpson" Yes! (March 2013)

<http://www.yesmagazine.org/peace-justice/dancing-the-world-into-being-a-conversation-with-idle-no-more-leanne-simpson>

Glen Coulthard, "#IdleNoMore in Historical Context"

<http://decolonization.wordpress.com/2012/12/24/idlenomore-in-historical-context/>

Robert Lovelace, "Prologue. Notes from Prison: Protecting Algonquin Lands from Uranium Mining"

<http://www.ubcpres.ca/books/pdf/chapters/2009/SpeakingforOurselves.pdf>

9. March 17th: *In-Class Movie & Discussion*

Shiri Pasternak, "Jurisdiction and Settler Colonialism: Where Do Laws Meet?" (2014) 29:2 Canadian Journal of Law and Society 145.

Joyce Green, "Decolonization and Recolonization in Canada" in Wallace Clement & Leah Vosko eds.. Changing Canada: Political Economy As Transformation (McGill-Queen's, 2003) 51.

<http://catalogue.library.carleton.ca:80/record=b2589938~S9>

Sherene Razack, "It Happened More Than Once": Freezing Deaths in Saskatchewan" (2014) 26:1 Canadian Journal of Women and the Law 54-80.

<http://www.utpjournals.press/doi/abs/10.3138/cjwl.26.1.51>

10. March 24th: *(Alternative) Methods to our Madness*

Glen Coulthard, "Subjects of Empire: Indigenous Peoples and the 'Politics of Recognition' in Canada" (2007) 6 Contemporary Political Theory 437–460.

<http://www.palgrave-journals.com/cpt/journal/v6/n4/full/9300307a.html>

Andrea Smith, "Queer Theory and Native Studies: The Heteronormativity of Settler Colonialism" (2010) 16 GLQ: A Journal of Gay and Lesbian Studies 41.

https://muse.jhu.edu/login?auth=0&type=summary&url=/journals/journal_of_lesbian_and_gay_studies/v016/16.1-2.smith.html

11. March 31st: 'New' Ways Backwards

Bonita Lawrence & Enakshi Dua. "Decolonizing Antiracism" (2005) 32:4 Social Justice 120.

Nandita Sharma & Cynthia Wright. "Decolonizing Resistance, Challenging Colonial States" (2008/2009) 35:3 Social Justice 120.

<http://nanditasharma.net/writings/sharma-decolonizing-resistance.pdf>

12. April 7th: Summation