

Course Outline

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**COURSE:** LAWS 4102 A – Controversies in Rights Theory

**TERM:** Winter - 2017

**PREREQUISITES:** Fourth Year Honours Standing

**CLASS:**           **Day & Time:** Tuesdays 11:35–14:25 \_\_\_\_\_  
                          **Room:** Please check with Carleton Central for current room location

**INSTRUCTOR:** Prof. Philip Kaisary

**CONTACT:**           **Office:** \_D485\_\_\_\_\_

**Office Hrs:** \_Tuesdays 15:30–17:30\_\_\_\_\_

**Telephone:** \_XT. 4181\_\_\_\_\_

**Email:** \_Philip.Kaisary@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://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](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*). **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](http://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/>

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## **COURSE DESCRIPTION**

This course will focus on the Haitian Revolution and rights. The Haitian Revolution broke out on the French colony of Saint Domingue on the night of August 22, 1791, when black slaves rose up and attacked plantations in the colony's richest sugar-growing district. Some thirteen years later, the events set in motion that night culminated on January 1, 1804, with the Haitian Declaration of Independence by a former slave, Jean-Jacques Dessalines. Achieving the overthrow of colonialism, slavery, and racial inequality, the Haitian Revolution reshaped western political thinking at the end of the eighteenth century. Of the three great world revolutions of the period – the American, French, and Haitian – the Haitian case was the most profound. Each was animated by the rhetoric and ideals of liberty and freedom, but only in Haiti were the implications of those ideals pursued unconditionally. However, the Haitian Revolution's relevance for law, rights discourse, and other related fields is far from universally accepted. Indeed, to pose the question is to adopt a minority perspective. This course will therefore critically examine the Haitian Revolution from the vantage point of rights theory, posing questions of human rights historiography and the production of global intellectual history. Our overarching framework will be attentive to the question of how the Haitian Revolution impinges on a critical geography of the Global South. We will draw on a range of primary materials (Haiti's early constitutions, the Declaration of Independence, and other legal-political writings produced by the revolutionaries themselves), film (Gillo Pontecorvo's 1969 feature, *Burn!*), C.L.R. James' classic account of the revolution, *The Black Jacobins*, and a range of scholarship generated by the recent boom in Haitian Revolutionary Studies.

Note:

This is a **reading-intensive course**. The course will be taught by way of discussion-based seminars. Therefore, it is **essential** that you come to class having read the assigned texts and ready to discuss them.

## **REQUIRED TEXTS**

1. **Course Pack [Available at the University Bookstore]**
2. **C.L.R. James, *The Black Jacobins* [2<sup>nd</sup> ed. rev. 1963] (Vintage, 1989)**
3. **Jeremy Popkin, *A Concise History of the Haitian Revolution* (Wiley-Blackwell, 2012).**

The James and Popkin texts are available at Octopus Books, the University Bookstore, Amazon, and Abe Books among many others. Used copies of *The Black Jacobins* are usually available on Amazon and/or Abe Books.

**SUPPLEMENTARY TEXTS**

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

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.

**Attendance: 10%**

**Participation: 10%**

**Note: this does not mean dominating class discussion! High-quality seminar participation involves coming to class having carefully read the assigned readings and completed the preparation tasks, ready to discuss your ideas and to actively listen to your peers with an open but critical mind.**

**Mid-term paper (1,500 words max): 20%**

**A 1,500-word critical analysis of *The Black Jacobins*.**

**Due: FEBRUARY 14TH; in class in week 6**

**Final paper proposal (1,000 words max): 20%**

**Due: MARCH 14<sup>TH</sup>; in class week 9**

**Final essay (3,000 words max): 40%**

**Due: APRIL 4<sup>TH</sup>; in class week 12**

**COURSE OVERVIEW**

Week	Date	Seminar readings
1	January 10 <sup>th</sup>	Introduction
2	January 17 <sup>th</sup>	Dubois & Trouillot
3	January 24 <sup>th</sup>	Constitutions, Declaration of

		Independence, and Fischer
4	January 31st	<i>The Black Jacobins I</i>
5	February 7 <sup>th</sup>	<i>The Black Jacobins II</i>
6 * Mid-term Due in Class *	February 14th	<i>The Black Jacobins III</i>
Reading Week	Reading Week	Reading Week
7	February 28 <sup>th</sup>	Lectures on <i>Black Jacobins</i>
8	March 7 <sup>th</sup>	Nesbitt
9 * Final Essay Proposal Due in Class *	March 14th	Hegel and Haiti
10	March 21st	<i>Burn!</i>
11	March 28 <sup>th</sup>	Popkin
12 * Final Essay Due in Class *	April 4 <sup>th</sup>	Ghachem

**COURSE OUTLINE****Week 1, January 10<sup>th</sup>: *Introduction***

No set reading this week

In class viewing:

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

***Unit 1: Law and the Intellectual Context of Haitian Revolutionary Studies*****Week 2, January 17<sup>th</sup>**

Required reading:

Laurent Dubois, *A Colony of Citizens: Revolution & Slave Emancipation in the French Caribbean, 1787–1804* (UNC Press, 2006), introduction + chapter 1 “Insurrection and the Language of Rights”: 1–30.

Michel-Rolph Trouillot, “An Unthinkable History: the Haitian Revolution as a Non-event,” *Silencing the Past* (Beacon Press, 1995): 70–107

Further reading:

Laurent Dubois, “Atlantic Freedoms,” *Aeon Magazine*, November 2016, <https://aeon.co/essays/why-haiti-should-be-at-the-centre-of-the-age-of-revolution>

Sibylle Fischer, *Modernity Disavowed: Haiti and the Cultures of Slavery in the Age of Revolution*, (Duke UP, 2004): ‘Introduction: Truncations of Modernity’: 1–38.

**Week 3, January 24<sup>th</sup>**

Required reading:

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

“The 1804 Haitian Declaration of Independence.” In: *The Haitian Declaration of Independence: Creation, Context, and Legacy* edited by Julia Gaffield, (Charlottesville & London: University of Virginia Press, 2016): 239–47.

“The 1805 Imperial Constitution of Haiti.” In: *Slave Revolution in the Caribbean, 1789–1804: A Brief History with Documents* edited by Laurent Dubois & John D. Garrigus, (Boston & New York: Bedford-St. Martin’s, 2006): 191–96.

Sibylle Fischer, *Modernity Disavowed*, chapter 11: “Foundational Fictions: Postrevolutionary

Constitutions I”: 227–244 & Chapter 13: “Liberty and Reason of State: Postrevolutionary Constitutions II”: 260–271.

Further reading:

David Geggus, “Haiti’s Declaration of Independence,” in *The Haitian Declaration of Independence: Creation, Context, and Legacy* edited by Julia Gaffield, (University of Virginia Press, 2016): 25–41.

Philip Kaisary, “Hercules, the Hydra, and the 1801 Constitution of Toussaint Louverture.” *Atlantic Studies*, Vol. 12, No. 4 (2014): 393–411.

## ***Unit 2: C.L.R. James and the Haitian Revolution***

### **Week 4, January 31st**

Required reading:

C.L.R. James, *The Black Jacobins* (2<sup>nd</sup> ed. rev. Vintage, 1963) chapters 1–5 (pp. 3–144)

### **Week 5, February 7<sup>th</sup>**

Required reading:

C.L.R. James, *The Black Jacobins* chapters 6–12 (pp. 145–288)

### **Week 6, February 14th \* Mid-Term Due in Class \***

Required reading:

C.L.R. James, *The Black Jacobins* chapter 13, “The War of Independence” (pp. 289–377)

**\*\*\* WINTER READING BREAK FEBRUARY 20<sup>TH</sup> – 24<sup>TH</sup> – NO CLASSES \*\*\***

### **Week 7, February 28th**

Required reading:

C.L.R. James, “Lectures on *The Black Jacobins*,” [1971] rpt. *Small Axe*, (Vol. 4, No. 2, 2000): 65–112.

Further reading:

Charles Forsdick & Christian Høgsbjerg (eds.) *The Black Jacobins Reader* (forthcoming Duke University Press, January 2017). Read the essays by Mumia Abu-Jamal, David Scott and Russell Maroon Shoatz.

***Unit 3: The Haitian Revolution and Radical Ideologies of Freedom***

**Week 8, March 7th**

Required reading:

Nick Nesbitt, “Alter-Rights: Haiti and the singularization of universal human rights, 1804–2004,” *International Journal of Francophone Studies* Vol. 12 No. 1 (2009): 93–108.

Nick Nesbitt, “Foundations of Caribbean Critique: From Jacobinism to Black Jacobinism,” & “Jacobinism, Black Jacobinism, and the Foundations of Political Violence” in *Caribbean Critique*, (University of Liverpool Press, 2013): 29–65 & 159–172.

Further reading:

Nick Nesbitt, *Universal Emancipation: The Haitian Revolution and the Radical Enlightenment* (University of Virginia Press, 2008).

**Week 9, March 14th \* Final Paper Proposal Due in Class \***

Required reading:

Susan Buck-Morss, “Hegel and Haiti” in *Hegel, Haiti, and Universal History* (University of Pittsburgh Press, 2009): 21–75.

**Week 10, March 21st**

In class viewing:

Gillo Pontecorvo (dir.), *Burn!* (1969)

Required reading:

Frantz Fanon, “The Negro and Recognition,” *Black Skin, White Masks* [1952] trans. Richard Philcox (Grove Press, 2008): 185–197.

Marcus Wood, “The Horrible Gift of Freedom: An Odd Title?,” *The Horrible Gift of Freedom: Atlantic Slavery and the Representation of Emancipation* (University of Georgia Press, 2010): 1–34.

***Unit 4: “History is not a simple morality play”: Haiti and the New Historiography of Human Rights***

**Week 11, March 28th**

Required reading:

Jeremy Popkin, *You Are All Free: The Haitian Revolution and the Abolition of Slavery*, (CUP, 2010):

246–288; 376–396 (chapter 8 and conclusion)

**Week 12, April 4<sup>th</sup> \* FINAL ESSAY DUE \***

Required reading:

Malick W. Ghachem, *The Old Regime and the Haitian Revolution* (CUP, 2012): 211–254  
(chapter 5)