

Course Outline

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<b>COURSE:</b>	<b>LAWS 5903X– Contemporary Topics in Legal Studies: Law Through the Lens of Culture</b>
<b>TERM:</b>	<b>Fall 2015</b>
<b>PREREQUISITES:</b>	<b>None</b>
<b>CLASS:</b>	<b>Day &amp; Time: Fridays 8:35 to 11:25</b> <b>Room: Please check with Carleton Central for current room location</b>
<b>INSTRUCTOR: (CONTRACT)</b>	<b>Betina Appel Kuzmarov</b>
<b>CONTACT:</b>	<b>Office: D383 Loeb</b> <b>Office Hrs: Please see me after class to book an appointment</b> <b>Telephone: (613) 520-2600 ext. 8810</b> <b>Email: <a href="mailto:betina.kuzmarov@carleton.ca">betina.kuzmarov@carleton.ca</a></b>

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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 is designed to provide an understanding of law through the lens of cultural theory. This course will explore cultural studies theories of law and the role these theories play in explaining law's power and importance in society. To achieve this goal this course will likely focus on a few themes, Marxist and liberal approaches to culture, structuralism, cultural studies, post-structuralism, post-colonialism, culture and identity, feminism, queer theory, race and diasporas. It will use these various approaches to gain understanding of the role culture plays in our understanding of law and the role of law in our understanding of culture.

**COURSE STRUCTURE**

This course may be structured slightly differently than other seminars you are used to. My focus is on working with you to gain knowledge, build values and work on skills that you will need in your future (see B Coplin, 10 Things Employers Want You to Learn in College [Berkeley: 10 Speed, 2012]). I want you to see that you have gained substantive knowledge but also the ability to apply that knowledge in a meaningful way – in ways that you can apply to other classes, that you can use in your own research, and that are transferable to the job market. As with all your seminar classes, I will expect that you will have read the materials before class and prepared a memo on the week's readings. We will use these memos as the basis of a discussion for the first half of the class. We will then use the second half of class to work on reading primary sources and to solve problems from the readings, usually in pairs or small groups. This will allow us to use the learning outcomes to work on the skills and values outlined there. I will then wrap up with some "take aways" and preparation for the next class, to ensure that you have context for the class.

**LEARNING OUTCOMES****Content**

By the end of this course students will gain **understanding** of basic concepts and principles of cultural studies as it relates to law and **knowledge** of the variety of theoretical approaches to cultural studies. They will be able to **explain** and **interpret** these sources and **recall** this information when required during this course. This course will prepare students to take other graduate level courses in law.

**Skills**

By the end of this course, students will be able to take **responsibility** for their own learning in cultural studies approaches to law. They will be able to **identify** relevant sources, conduct independent **research** both on the web

and through library holdings and databases and they will be able to <sup>3</sup> **communicate** this research orally (one on one and in groups) and in writing (through formal written assignments, and informal emails and updates to me). They will also learn skills to **coach** other students through this process, eventually **modeling** skills such as **peer editing**. This will often require students to **work** with other students in pairs or teams and to communicate with me about their results both in person and in writing.

### **Values**

By the end of this course students will be able to **evaluate** the strengths and weaknesses of theoretical arguments in cultural studies of law. They will be able to **assess** the effectiveness of these arguments by a variety of techniques including **critiquing, comparing** and **defending** various viewpoints. They will also be able to **characterize** this information as it applies to new contexts. They will be able to organize their thoughts and when necessary and they will change their opinions as they develop their thoughts. Students will also be able to breakdown these arguments by identifying **assumptions, key components** and **internal relationships** in these arguments. Students will then **apply** these insights to their own original analysis through original research.

**As you can see I have a lot more emphasis on skills and values. I am confident that, at this stage of your education you have the skills and ability to gain a lot of the substantive knowledge on your own. Where I can add value to your learning is by helping you with areas of difficulty, clarifying concepts and coaching and mentoring you in the skills and values. Please don't hesitate to talk to me if you have any questions or concerns about this approach, I'll be happy to discuss this with you.**

### **COURSE HINTS**

My goal for this course is provide you with the knowledge, skills and values (and enthusiasm) to allow you to achieve to your best. So here are some tips for how to do this...

1. Questions: **If you are unsure please ask**. That's my job. Please don't hesitate to ask if something was unclear or if you have any questions about an assignment. Also, there are many great services available on campus that can also provide you with advice, for example there is the Writing Tutorial Service, the Student Academic Success Centre, and the Learning Commons. Please ask me about any of these services.
2. Email policy: **I'm always happy to answer emails**. I check my email regularly from 8 am to 6 pm (Monday to Thursday) and 8 am to 4 pm on Fridays. I do not check my e-mail regularly after these hours during the week or on the weekend and on holidays. If you send me an email during the week I will try to reply to it that same day and after these hours I'll try to reply the next day. If you send me an email on the weekend you can expect a reply on Monday.
3. How to address me: I am pretty flexible on this and **I don't mind Betina**. If you don't like using first names, I am happy to answer to more formal titles, like Dr. Kuzmarov, in class and in e-mails.
4. Contesting a grade: If you think you have a reason to contest a grade on an assignment please follow this procedure. First, wait a week and think carefully about the reasons why you want to contest the grade – you have to make a case as to why you feel (based on the comments and marking grid) your grade should be changed. Second, contact me with your concerns by e-mail (it helps to set them out in writing) and then set up an appointment to discuss your concerns with me. At this time we'll make arrangements for you to provide me with the graded paper. I am always happy to change grades for valid reasons, but requesting to have your grade reviewed can mean that **your grade may go down**, so please keep that in mind.

**TEXTS**

**Readings in this course can be found on Ares the system.** Ares will either link you to the source or will direct you to the library reserves for the readings.

**EVALUATION**

The evaluation for the course will be broken down as follows:

<b>Evaluation</b>	<b>%</b>	<b>Due Date</b>	<b>Learning Objectives</b>
Memos	40%	Each Class (Best 8/9 at 5% each)	Understanding, Knowledge, Recall Evaluate, Assess, Identify
Abstract, Outline			
Bibliography	10%	6 November	Identify, Apply, Recommend
Research Paper	30%	7 December	Identify, Apply, Recommend
Class Participation	20%	Ongoing	Work, Characterize, Model, Coach

I'll provide more details on each of these evaluations, including grading rubrics, in an assignment package that will be handed out at the first class.

**ALL ASSIGNMENTS MUST BE HANDED IN TO ME IN CLASS ON THE DUE DATE.** Please note that for written assignments marks may be deducted for spelling, grammar and style. Late Memos and Research Papers will not be accepted (without prior agreement) and late Abstract, Outline, Bibliographies will be penalized at a rate of 1 mark per day (so an AOB handed in 5 days late will start with a mark of 5/10).

Also, please note that all written work must be yours alone, as this is unauthorized copying, and any ideas you include in your work which are not original to you should be properly referenced, otherwise this is plagiarism. I will explain further in class about what plagiarism is and what academic integrity means at Carleton but as a good first step you should familiarize yourself with the Department's policies on proper referencing and citation. Also, you should take a look at the University's academic integrity policy and the Library's web page on plagiarism.

To create a consistent and fair policy I grant extensions only in the circumstances approved by the Registrar's Office, and only for the period up to the due date. If you think you may require an extension please see me **BEFORE** the assignment is due and I will be able to consider your request. Also, I cannot accept assignments **AFTER** the assignment has been returned to students (approved extensions aside). If you have not submitted your assignment by the time it is returned you will not receive a grade, and this is important because **ALL** assignments must be completed to receive a passing grade in this course.

You should also note that standing in a course is determined by the course instructor subject to the approval of the Faculty Dean. This means that **ALL GRADES** (on specific assignments and/or final grades) submitted by me may be revised. No grades are final until the Dean has approved them. This means your grades posted on cuLearn and recorded on your assignments/exams can change at any time until the Dean approves your final grade

**COURSE SYLLABUS:**

- 11 September** Introduction – L Hill, “The Question” in L Hill, *Black Berry Sweet Juice: On being Black and White in Canada* (Toronto: Harper Canada, 2001)
- 18 September** Politics  
 L Althusser, “Ideology and ideological State Apparatuses” in S Zizek, ed, *Mapping ideology* (London: Verso, 1994), 100.  
 A Gramsci, “Hegemony, Intellectuals and the State” in J Storey, ed, *Cultural Theory and Popular Culture*, 3<sup>rd</sup> ed, (Harlow: Pearson, 2006) 85  
 H Arendt, “The Crisis in Culture” in *Between Past and Future: Six Exercises in Political Thought* (New York: Viking, 1961), p. 197  
 J Habermas, “Equal Treatment of Cultures and the Limits of Postmodern Liberalism” (2005) 13 J Pol Phil 1.
- 25 September** No Class
- 2 October** Language  
 C Levi-Strauss, “Language and the Analysis of Social Laws” (1951) 53 *American Anthropologist* 155.  
 J Lacan, “The Instance of the Letter in the Unconscious” (1966) 36/37 *Yale French Studies* 112.  
 P Bourdieu, “Social Space and Symbolic Power” (1989) 7 *Sociological Theory* 14. Or P Bourdieu, “The Social Space and the Genesis of Groups” (1985) 14:6 *Theory and Society* 723.  
 D Kennedy, “The Semiotics of Legal Argument” (1991) 42 *Syracuse L. Rev.* 75.
- 9 October** Class  
 R Hoggart and R Williams, “Working Class Attitudes” (1960) 1:1 *New Left Review* 26  
 R Williams, “The Analysis of Culture” in J Storey, ed, *Cultural Theory and Popular Culture*, 3<sup>rd</sup> ed, (Harlow: Pearson, 2006) 32.  
 S Hall, “Cultural Studies: Two Paradigms” (1980) 2 *Media, Culture and Society* 57.  
 EP Thompson, “The Rule of Law” from *Whigs and Hunters*, in D. Thompson, ed., *The Essential EP Thompson* (New York: The New Press, 2001), 432.
- 23 October** Disruption  
 R Barthes, “Myth Today” in J Storey, ed, *Cultural Theory and Popular Culture*, 3<sup>rd</sup> ed, (Harlow: Pearson, 2006) 293  
 J Baudrillard, “Modernity” (1987) 11 *Canadian Journal of Social and Political Theory* 63.  
 J Kristeva, “Place Names” Trans, by T Gora and A Jardine in (1978) 6 *October* 93.  
 J Butler, “Merely Cultural” (1997) 52/53 *Social Text* 265.
- 30 October** **No Class (Fall Break)**

**6 November**

## Cultures

KN Panikkar, "Culture as a site of struggle" (2009) 37 *Social Scientist* 21.

E Said, "Representing the Colonized: Anthropology's Interlocutors" (1989) 15:2 *Critical Inquiry* 205.

G Chakravorty Spivak "Women's Texts and a Critique of Imperialism" (1985) 12 *Critical Inquiry* 243.

S Pahuja, "The Postcoloniality of International Law" (2005) 46 *Harv Int'l LJ* 459.

**Abstract Outline Bibliographies Due****13 November**

## Identity

S Hall, "Who Needs Identity (Introduction)" in S. Hall and P du Guy Eds, *Questions of Cultural Identity* (London: Sage, 1996)

S Hall, "Cultural Identity and Diaspora" in J Rutherford, ed, *Identity, Community and Cultural Difference* London: Lawrence & Wishart, 1990)

S Benhabib, *The Claims of Culture* (Princeton: Princeton University Press, 2002) 5.2

R Marwani, "Imperial Legacies (Post) Colonial Identities: Law, Space and the Making of Stanley Park" (2003) 7 *Law Text Culture* 98.

**20 November**

## Feminism

L Irigaray, *This Sex Which is Not One*, Trans. Catherine Porter, (Ithaca: Cornell University Press, 1985) Ch. 4

bell hooks, "The Oppositional Gaze: Black Female Spectators" in A. Jones, ed, *The Feminism and Visual Culture Reader* (New York: Routledge, 2003) 94.

MJ Frug, "A Postmodern Feminist Manifesto (An Unfinished Draft)" (1992) 105: 5 *Harv L Rev* 1045.

A Orford, "Ritual, Mediation and the International Laws of the South" (2007) 16:2 *Griffiths L Rev* 353.

**27 November**

## Gender

M Foucault, *Will to Knowledge, The History of Sexuality:1*, Trans. R. Hurley (London, Penguin, 1998) Part 4, Ch2.

E Kosofsky Sedgwick, "Queer Performativity: Henry James Art of the Novel" 1 *GLQ* 1.

D Spade, "Documenting Gender" (2007-2008) 59 *Hastings LJ* 731

S Lauria Morgensen, "Settler Homonationalism: Theorizing Settler Colonialism within Queer Modernities" 16 *GLQ* 105.

**4 December**

## Racializations, Indigeneity and the State

C West, "Black Postmodern Practices" in J Storey, ed, *Cultural Theory and Popular Culture*, 3<sup>rd</sup> ed, (Harlow: Pearson, 2006) 425

KW Crenshaw, "From Private Violence to Mass Incarceration: Thinking Intersectionally About Women, Race and Social Control" (2012) 59 *UCLA L Rev* 1418.

T Alfred & J Cornthassel, "Being Indigenous: Resurgences Against Contemporary Colonialism" (2005) *Government and Opposition* 597.

T-N Coates, "Letter to My Son" *The Atlantic* (4 July 2015) available online at [theatlantic.com](http://theatlantic.com)

**7 December****Final Papers Due**