

## COURSE OUTLINE

**LAWS 5005****LAW, STATE AND POLITICS****PREREQUISITES:** Graduate standing or permission of the instructor**TERM:** Winter 2008**Day & Time:** Wednesdays 11:35-2:25  
Loeb B454**INSTRUCTOR:** Professor Amy Bartholomew**Office:** Loeb D581**Office Hours:** Wednesdays 2:30-4:00**Telephone:** 520-2600 x. 3696**Email:** Amy\_Bartholomew@carleton.ca

Law, state and politics are all deeply implicated in the ‘global war on terror’. In this seminar, we will consider the challenges that the ‘global war on terror’ poses to legality and, conversely, the challenges that legality poses to the ‘war on terror’. How do important contemporary authors attempt to understand the relationships between the ‘war on terror’ and law and legality? We will explore this subject primarily through two lenses: first, the idea of ‘legitimate legality’, and, second, the idea of the ‘state of exception’ as conceptualized initially by the Nazi jurist Carl Schmitt and now by contemporary interpreters like Giorgio Agamben. We will focus, in particular, on Guantanamo Bay as a contested space. Is it an imperial space? Is it a “lawless” space? A “legal black hole?” A “space of exception?” Or, is it a space where the rule of law still (or again?) obtains? Are the ‘legal’ innovations developed for this space likely to infiltrate other spaces? Is the pre-2001 movement toward ‘postnational citizenship’ and the expansion of human rights being contracted, ignored or reconstructed today? And, what are we to make of contests over law’s ‘extraterritorial’ reach? In sum: what is the relationship among law, politics, state and legality today – nearly eight years after September 12?

**EVALUATION:**

Evaluation will be based on the following combination of participation and written work.

**1. A participation mark of 20%** based on discussion leadership and weekly participation. The participation mark is a composite mark, evaluating your performance over the entire term.

**2. 4 short essays** over the course of the term (each essay to be approximately 5 (max) pages double-spaced) **20%**.

The short essays may generally be written for any of the substantive weeks of the course: weeks 3 through 11. **However, you may *not* write on week 4 and you *must* write a short essay for weeks 7 or 8; and for weeks 11 or 12.** Each short essay is worth 5% for a total of 20% of your mark. The short essay is due at the beginning of the class for which it is submitted. **No late essays will be accepted.** You may submit your essay via email attachment prior to class if (and only if) you will miss class that day.

The short essays should *evaluate* some aspect of the literature/topic for the relevant week and raise at least *one question* for discussion in class. The evaluation may be tentative but you must go beyond description of the literature. The question(s) should be conceptual rather than primarily empirical in nature. The short essays will be marked on the basis of the thoughtfulness of the issue chosen for consideration, the evaluation provided and the question posed. The essay must address *all* of the literature read for class that week. While short essays need not be as formal as a research essay or the final exam, writing style, grammar etc. will count and citations are required.

Please provide an indication of which essay you are handing in (your first, second, third etc.) on the title page or at the very beginning of the essay.

**3. Take home examination or research essay 60%.** You may choose to write a take home examination or write a research essay for this course.

The take home examination will be distributed in the last class meeting. If you choose to write a research essay, you must clear the topic with me by March 25 at the latest.

Both the exam and research essay are due on Friday, April 11, before 4pm. They must be submitted *both* as a hardcopy to the main Law Dept. office drop box *and* as an email attachment. Late exams and essays will result in failure in the course in the absence of a solid medical excuse. I determine when the exam has been handed in, not the Law Department stamp.

## **Course Schedule**

### **1. Introduction January 7**

### **2. No Class – Professor Away January 14**

**To make-up for this missed day, if at all possible, please attend the important session organized by the Institute of Political Economy (information below) on Friday January 9.**

Please also use this time to organize readings, sort out discussion leadership preferences (and email me by January 15 with those preferences) and read ahead.

Institute of Political Economy    Celebrating our Graduates Series

Friday, January 9<sup>th</sup>, 2:00 p.m.

Room 303 Paterson Hall, Carleton University

**Mathew Coleman**

**Spaces of Insecurity: the Localization of Immigration Enforcement in the War on Terror**

**Mathew Coleman** (Ph.D., UCLA, 2005) is Assistant Professor of Geography at Ohio State University. He is also Fellow at the Center for Interdisciplinary Law and Policy Studies at Ohio State. He has research and teaching interests in political and economic geography, with a special emphasis on critical geopolitics and the politics of undocumented immigration in the US-Mexico context. His current research explores local-federal immigration policing partnerships in the US, as well as municipal sanctuary laws in the US and their relationship to federal immigration legislation. He is also looking at how contemporary US immigration enforcement at home and abroad blends public and foreign policy issues and spaces into a single field of geopolitical practice and representation. He teaches graduate seminars as well as undergraduate courses on political geography and geopolitics. Mathew received his Master's degree in Political Economy from Carleton University.

**Neil Smith**

**Neoliberalism: Dominant but Dead**

**Neil Smith** is Distinguished Professor of Anthropology and Geography at the Graduate Center of the City University of New York where he is the founding Director of the Center for Place, Culture and Politics. He is also Sixth Century Chair in Geography and Social Theory at University of Aberdeen. His books include *American Empire: Roosevelt's Geographer and the Prelude to Globalization* which won the Los Angeles Times Book Prize for Biography, 2004; *The Endgame of Globalization* (2005), *New Urban Frontier* (1996) and *Uneven Development* (3<sup>rd</sup> ed., 2008). His work is translated into more than a dozen languages, he lectures widely, and he is an organizer of the International Critical Geography Group.

**3. Global War on Terror    January 21**

BC Civil Liberties Thursday December 18, 2008 "A Setback for Human Rights Protection: Federal Court of Appeal Rules in Afghan Prisoner Case" (send email)

Gregory, Derek. 2007. "Vanishing Points: Law, Violence and Exception in the Global War Prison." Pp.205-236 in *Violent Geographies: Fear, Terror and Political Violence*, edited by Derek Gregory and Allan Pred. New York: Routledge.

Kaplan, Amy. 2005. "Where is Guantanamo?" *American Quarterly* 57:831-858.

Daulatzai S. 2007. "Protect Ya Neck: Muslims and the Carceral Imagination in the Age of Guantanamo". *Souls* 9:132-147.

Supplementary:

Steyn, Johan, 2004. "Guantanamo Bay: The Legal Black Hole." *International and Comparative Law Quarterly* 53, no. 1:1-15.

Scheuerman, William E. 2006. "Carl Schmitt and the Road to Abu Ghraib." *Constellations* 13:108-124.

Jayasuriya, Kanishka. 2005. *Reconstituting the Global Liberal Order*. London: Routledge. Chapter one.

Jabri, Vivienne. 2006. "War, Security and the Liberal State." *Security Dialogue* 37:47-64.

Smith Neil. 2006. "Global Executioner." *South Atlantic Quarterly* 105:55-69.

#### **4. US Supreme Court Decisions on Guantanamo 'Conference' January 28**

This week, everyone must read Dworkin's essay, below. Seminar participants will split up into four groups with each group focusing on one of the Supreme Court decisions, below. Your group should: summarize and evaluate the decision and analysis of the Court and the dissent (if there is one), focusing on the Court's treatment of 'enemy combatant' status, citizenship, territory (does the 'constitution follow the flag'? and how does international law apply to Guantanamo?), the protections of habeas corpus and the interpretations of the Geneva Conventions (or any other relevant international law). Finally, you are expected to do a bit of research on the fate of the detainee(s) in your case since the decision.

Please assume your group has a maximum of 30 minutes to discuss the case, the detainee's fate etc.

Please provide a textual summary of the case and other issues to every member of the seminar by 2pm Tuesday January 27.

Every seminar participant is expected to familiarize him/herself with the summaries distributed before the seminar. This way we can have an informed discussion while pooling our knowledge of the most important Supreme Court decisions on Guantanamo Bay in the 'war on terror'.

Dworkin, Ronald, 2008. "Why It was a Great Victory." *New York Review of Books* 55. Available on line at: <http://www.nybooks.com/articles/21711>

*Rasul v. Rumsfeld* 2004.

[http://www.humanrightsfirst.org/us\\_law/inthecourts/gitmo\\_briefs/Rasul\\_SCt\\_Decision.pdf](http://www.humanrightsfirst.org/us_law/inthecourts/gitmo_briefs/Rasul_SCt_Decision.pdf)

*Hamdi v. Rumsfeld* 2004.

<http://www.supremecourtus.gov/opinions/03pdf/03-6696.pdf>

*Hamdan v. Rumsfeld* 2005.

<http://www.supremecourtus.gov/opinions/05pdf/05-184.pdf>

*Boumediene v. Bush* 2008.

<http://www.supremecourtus.gov/opinions/07pdf/06-1195.pdf>

*Munaf v. Geren* 2008

<http://www.scotusblog.com/wp/wp-content/uploads/2008/06/06-1666.pdf>

Just read the headnote (summary) of *Munaf*

Supplementary:

Moeckli, Daniel. 2005. "The US Supreme Court's 'Enemy Combatant' Decisions: A 'Major Victory for the Rule of Law?'" *Journal of Conflict and Security Law* 10: 75-99.

Puchner, Martin. (2004). "Guantanamo Bay." *London Review of Books* 26(24): [www.lrb.co.uk/v26/n24/puch01\\_.html](http://www.lrb.co.uk/v26/n24/puch01_.html) (subscribers only).

Russell, Jim. 2005. "Rethinking Post-national Citizenship: The Relationship between State Territory and International Human Rights Law." *Space and Polity* 9:29-39

Dworkin, Ronald. 2004. "What the Court Really Said," *New York Review of Books* 51, 13.

Lelyveld, Joseph. 2007. "No Exit." *New York Review of Books*, 54.

Wilke, Christiane. 2005. "War v. Justice: Terrorism Cases, Enemy Combatants, and Political Justice in U.S. Courts." *Politics and Society* 33: 637-669.

UN Human Rights Commission. 2006. "Situation of Detainees at Guantanamo Bay". Geneva

Raustiala Kai. 2006. "The Geography of Justice." *Fordham Law Review* 73:101-6

Londras Fiona de. 2008. "Guantanamo Bay: Toward Legality?" *The Modern Law Review* 71:36-58.

Hafetz JL. 2006. The Supreme Court's 'Enemy Combatant' Decisions: Recognizing the Rights of Non-Citizens and the Rule of Law. *Temple Civil and Political Rights Law Review* 14:409-32.

Happold Matthew. 2007. *Hamdan v. Rumsfeld* and the Law of War. *Human Rights Law Review* 7:418-31.

Emergency after 9/11." Unpublished manuscript.

Willis, Susan. 2006. "Guantanamo's Symbolic Economy." *New Left Review* 39:123.

Denike, Margaret. 2008. "The Human Rights of Others: Sovereignty, Legitimacy and 'Just Causes' for the 'War on Terror'." *Hypatia* 23:95-121

Coleman, Mat. 2003. "The naming of terrorism and evil outlaws: geopolitical place-making after 11 September." *Geopolitics*, 8, No. 3, pp. 87-104.

**5. 'Unlawful Enemy Combatants': Unilaterally Constructed Objects of Empire or Products of International Humanitarian Law? February 4**

Danner, Allison M. "Defining Unlawful Enemy Combatants: A Centripetal Story". *Texas International Law Journal* 43:1-14.

Wilke, Christiane. 2005. "War v. Justice: Terrorism Cases, Enemy Combatants, and Political Justice in U.S. Courts". *Politics and Society* 33:637-69.

Scheuerman William E. 2006. "Carl Schmitt and the Road to Abu Ghraib". *Constellations* 13:108-124.

Supplementary:

Maxwell, Mark David 'Max' and Sean M. Watts. 2007. 'Unlawful Enemy Combatant': Status, Theory of Culpability, or Neither? *Journal of International Criminal Justice* 5:19-25.

Klabbers, Jan. 2003. "Rebels with a Cause? Terrorists and International Humanitarian Law." *European Journal of International Law* 14:299-312

Stewart, JG. 2006. Rethinking Guantanamo: Unlawful Confinement as Applied in International Criminal Law. *Journal of International Criminal Justice* 4:12-30

Sassoli, Marco M. 2004. "The Status of Persons Held in Guantanamo under International Humanitarian Law" *Journal of International Criminal Justice*, 2, No. 1, pp. 96-106.

Detter, Ingrid. 2007. "The Law of War and Illegal Combatants." *George Washington Law Review* 75:1049-104

Diez CG-J. ? Enemy Combatants versus Enemy Criminal Law.

Honigsburg, PJ. 2007. Chasing 'Enemy Combatants' and Circumventing International Law: A License for Sanctioned Abuse. *UCLA Journal of International Law and Foreign Affairs* forthcoming

Jinks, Derek. 2006. "The Applicability of the Geneva Conventions to the Global War on Terrorism". *University of Texas School of Law Public Law and Legal Theory Research Paper No. 96 46*

Kinsella, Helen. 2005. "Discourses of Difference: Civilians, Combatants and Compliance with the Laws of War." *Review of International Studies* 31:163-85

Megret, Frederic. 2006. "From 'Savages' to 'Unlawful Combatants': A post-colonial look at international humanitarian law's 'other'." In *International Law and its Others*, ed. Anne Orford, pp. 265-317. Cambridge: Cambridge University Press.

Berman, Nathaniel. 2004. "Privileging Combat? Contemporary Conflict and the Legal Construction of War". *Columbia Journal of Transnational Law* 43:8

Mertens, Thomas 2005. "Criminal Justice After 9-11: ICC or Military Tribunals?" *German Law Journal* 5:545-68

*Parhat v. Gates*. 2008 US Court of Appeals for DC  
 Rivkin, DB, and LA Casey. 2007. "Impunity for Al-Qaeda". *Washington Post* :A 19  
 Wilke Christiane. 2007. "Law's Enemies: Enemy Concepts in U.S. Supreme Court Decisions." *Studies in Law, Politics, and Society* 40:41-77.  
 Schmitt, Carl. 2007 [1975]. *Theory of the Partisan: Intermediate Commentary on the Concept of the Political*. New York: Telos Press.  
 Sassoli, Marco. 2006. "Terrorism and War." *Journal of International Criminal Justice* 4: 959-981.

## 6. Torture and Legality      February 11

Morgan, David. 2008. "Senate Report Ties Rumsfeld to Abu Ghraib Torture." Reuters. 12 December. <http://www.truthout.org/121208J?print>

Waldron, Jeremy. 2005. "Torture and Positive Law: Jurisprudence for the White House." *Columbia Law Review* 105:1681.

Guantanamo Torture Log, Detainee 063  
<http://www.supremecourtus.gov/opinions/07pdf/06-1195.pdf>

---

### Supplementary:

Rosen, Jeffrey. 2007. "Conscience of a Conservative." *New York Times Magazine* September 9: [www.nytimes.com/2007/2009/2009/magazine/2009rosen.html](http://www.nytimes.com/2007/2009/2009/magazine/2009rosen.html).

Annas, George J. 2007. "Human Rights Outlaws: Nuremberg, Geneva, and the Global War on Terror." *Boston University Law Review* 87:427-

Goldsmith, Jack. *The Terror Presidency*, chapter 5.

Frankenberg, Gunther. 2008. "Torture and Taboo: An Essay Comparing Paradigms of Organized Cruelty." *The American Journal of Comparative Law* 56:403-

---

Scheuerman William E. 2008. "Torture and the New Paradigm of Warfare." *Constellations* 15:561-575.

Linebaugh, Peter. 2004. "Chapter 39, Order 39 Torture and Neo-Liberalism with Sycorax in Iraq." *Counterpunch*: [www.counterpunch.org/linebaugh11272004.html](http://www.counterpunch.org/linebaugh11272004.html).

---

Luban, David. 2005. "Liberalism and the Unpleasant Question of Torture." *Virginia Law Review* 91:1425-1461.

Lewis, Anthony. 2004. "Making Torture Legal." *New York Review of Books* LI:4.

Sussman, David. 2005. "What's Wrong with Torture?" *Philosophy and Public Affairs* 33.

Wendel, W. Bradley. 2005. "Legal Ethics and the Separation of Law and Morals." *Cornell Law Review* 91:67.

Dayan, J. 2005. "Cruel and Unusual: The End of the Eighth Amendment." *Boston Review* 29(5).

## **7. Carl Schmitt on the state of exception    February 25**

Schmitt, Carl. 2005 [1922] *Political Theology: Four Chapters on the Concept of Sovereignty* (Chicago: University of Chicago Press), pp. 1-66.

### Supplementary:

Scheuerman, William E. 2006. "Carl Schmitt and the Road to Abu Ghraib." *Constellations* 13:108-.

Scheuerman, William E. 1997. *Between the Norm and the Exception: The Frankfurt School and the Rule of Law*. Cambridge, MA: The MIT Press.

McCormick, John. *Carl Schmitt's Critique of Liberalism*

Balakrishnan, Gopal. 2000. *The Enemy: An Intellectual Portrait of Carl Schmitt*. London: Verso.

Huysmans, Jef. 2004. "Minding Exceptions: The Politics of Insecurity and Liberal Democracy." *Contemporary Political Theory* 3:321-341.

—. 2006. "International Politics of Exception: Competing Visions of International Political Order Between Law and Politics." *Alternatives* 31:135-165.

Bhuta, Nehal. 2003. "A Global State of Exception? The United States and World Order." *Constellations* 10:371-391.

Norris, Andrew. 2005. "A Mine the Explodes Silently." *Political Theory* 33:887-898.

Lazar, Nomi Claire. 2006. "Must Exceptionalism Prove the Rule? An Angle on Emergency Government in the History of Political Thought." *Politics and Society* 34:245-275.

Dyzenhaus, David. 1997. *Legality and Legitimacy: Carl Schmitt, Hans Kelsen and Hermann Heller in Weimar* Oxford: Clarendon Press.

## **8. Giorgio Agamben on state of exception, bare life and 'the camp' March 4**

Agamben, Giorgio. 2005. *State of Exception*. Chicago: University of Chicago Press.

Agamben, Giorgio. 1995. *Homo Sacer: Sovereign Power and Bare Life*. Stanford: Stanford University Press, "The Camp as the 'Nomos' of the Modern", pp. 166-180, and 18-20, 86, 114.

Kohn, Margaret. 2006. "Bare Life and the Limits of the Law." *Theory and Event* 9(2).

### Supplementary:

Brophy, Susan Dianne. 2008. "Lawless Sovereignty: Challenging the State of Exception." Forthcoming

Humphreys, Stephen. (2006). "Legalizing Lawlessness: On Giorgio Agamben's State of Exception." *European Journal of International Law* 17(3): 677-687.

Kinsella, Helen K. 2008. "Arendt and Analogies". *International Politics* 45:497-505.



Munster, Rens Van (2004). "The War on Terrorism: When the Exception Become the Rule." *International Journal for the Semiotics of Law* 17: 141-153.  
 Agamben, Giorgio 2005. Chapter in Norris, Andrew, ed. *Politics, Metaphysics and Death*. Durham: Duke University Press.

## **9. Gregory, Butler and Owen on Agamben, Foucault, Arendt and Schmitt Mar. 11**

Gregory, Derek. 2006. "The Black Flag: Guantanamo Bay and the Space of the Exception," *Geografiska Annaler*, Series B: Human Geography 88, No. 4, 405–427.

Butler, Judith. 2004. *Precarious Life: The Powers of Mourning and Violence*. London: Verso. Read chapter 3, "Indefinite Detention," pp. 50-100.

Owens, Patricia. 2008. "Humanity, Sovereignty and the Camps". *International Politics* 45: 522-530.

### Supplementary

Aradau, Claudia. 2006. "Law Transformed: Guantanamo and the 'Other' Exception." *Third World Quarterly* 28:489-501.

Fitzpatrick, Peter and Richard Joyce. 2007. "The Normality of the Exception in Democracy's Empire," *Journal of Law and Society* 34, No. 1: 65-76.

## **10. Guantanamo as State of Exception? March 18**

Johns, Fleur. 2005. "Guantanamo Bay and the Annihilation of the Exception." *European Journal of International Law* 16:613-635.

Hussain, Nasser. 2007. "Beyond Norm and Exception: Guantanamo," *Critical Inquiry*, 33, 4.

### Supplementary:

Huysmans, Jef. 2004. "Minding Exceptions: The Politics of Insecurity and Liberal Democracy." *Contemporary Political Theory* 3:321-41

Huysmans, Jef. 2006. "International Politics of Exception: Competing Visions of International Political Order Between Law and Politics," *Alternatives*, 31, 135-165.

Neal AW. 2006. "Foucault in Guantanamo: Towards an Archaeology of the Exception." *Security Dialogue* 37:31-46

Aradau, Claudia. 2007. "Law transformed: Guantánamo and the 'other' exception" *Third World Quarterly*, 28, No. 3: 489-503.

Dayan, Joan. 2004. "The End of the Eighth Amendment." *Boston Review* October/November.

## 11. Legality/Legitimacy from a Habermasian Perspective      March 25

Habermas, Jürgen. 1996 [1994]. "Postscript." *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*. Trans. William Rehg. Cambridge, Mass.: MIT Press, 447-462.

Habermas, Jürgen. 2006. *The Divided West*. Ed and Trans. Cronin, Ciaran. London: Polity, pp. 34-36.

Kuum Mattias. 2004. "The Legitimacy of International Law: A Constitutionalist Analysis". *European Journal of International Law* 15:907-931.

### Supplementary:

Dyzenhaus, David. 1996. "The Legitimacy of Legality". *University of Toronto Law Journal* 46:129-80.

Rehg, William. 1996. "Translator's Introduction." Habermas, Jürgen. *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*. Trans. William Rehg. Cambridge, Mass.: MIT Press, ix-xxxvii.

Habermas, Jürgen. 1996. *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*. Trans William Rehg. Cambridge, Mass.: MIT Press, chapter 9, "Paradigms of Law."

Habermas, Jürgen. 1998. "Paradigms of Law". In *Habermas on Law and Democracy: Critical Exchanges*, eds. Rosenfeld, Michel and Andrew Arato. Berkeley, Ca.: University of California Press, 13-25.

Tamanaha, Brian Z. 2004. *On The Rule of Law: History, Politics and Theory*. Oxford: Oxford University Press.

Nardin, Terry. 1992. "International Ethics and International Law." *Review of International Studies* 18:19-31.

Watts, Sir Arthur. 1993. "The International Rule of Law." *German Yearbook of International Law* 36:15-45.

Scheppele, Kim Lane. 2008. "The Empire's New Laws: The International State of Emergency after 9/11". Unpublished manuscript.

Bogdandy, Armin von. 2006. "Constitutionalism in International Law: Comment on a Proposal from Germany". *Harvard International Law Journal* 47:223-242.

Borelli, Silvia. 2005. "Casting Light on the Legal Black Hole: International Law and Detentions Abroad in the 'War on Terror'." *International Review of the Red Cross* 87:39-68.

Cohen, Jean L. 2008. "A Global State of Emergency or the Further Constitutionalization of International Law: A Pluralist Approach". *Constellations* 15:456-84.

Habermas, Jürgen. 2008. "The Constitutionalization of International Law and the Legitimation Problems of a Constitution For World Society". *Constellations* 15: 444-55.

## 12. Rule of Law/Rule by Law/State of Exception April 1

**Take home exam will be distributed this day**

Dyzenhaus, David. 2006. "Schmitt v. Dicey: Are States of Emergency Inside or Outside the Legal Order?" *Cardozo Law Review* 27:2005-2040

Brannstrom Leila. 2008. "How I Learned to Stop Worrying and Use the Legal Argument." *NoFo: No Foundations Journal of Extreme Legal Positivism* 5:22-49. <http://www.helsinki.fi/nofo/>

### Supplementary:

Balasubramaniam, R. Rueban. 2008. "Indefinite Detention: Rule by Law or Rule of Law?" forthcoming.

Moeckli, Daniel. 2008. "Human Rights Strategies in an Age of Counter-Terrorism," SSRN 30 July, University of Nottingham.

[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1189722](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1189722)

Bartholomew, Amy. 2006. "Empire's Law and the Contradictory Politics of Human Rights" In *Empire's Law: The American Imperial Project and the 'War to Remake the World'*, ed. Amy Bartholomew, pp. 161-92. London: Pluto.

Russell, Jim. 2005. "Rethinking post-national citizenship: The relationship between state territory and international human rights law." *Space and Polity*, 9, No. 1, 29-39.

Kaplan, Amy. "Where is Guantanamo?" *American Quarterly* 57:831-858.

Puchner, Martin. (2004). "Guantanamo Bay." *London Review of Books* 26 (24): [www.lrb.co.uk/v26/n24/puch01\\_.html](http://www.lrb.co.uk/v26/n24/puch01_.html) (subscribers only).

Simon Reid-Henry, "Exceptional Sovereignty? Guantanamo Bay and the Re-Colonial Present," *Antipode* (2007): 627-648.

Raustiala, Kal. 2006. "The Geography of Justice." *Fordham Law Review* 73:101 - 106.

Sassen, Saskia. 2005. *Denationalization: Territory, Authority and Rights*,. Princeton: Princeton University Press.

Soysal, Yasmine. 1994. *Limits to Citizenship*. Chicago: University of Chicago Press.

Dyzenhaus, David. 2005. "An Unfortunate Outburst of Anglo-Saxon Parochialism." *Modern Law Review*.

Lievesley, Geraldine. "Cuba, the USA and Guantanamo Bay: the collision between national sovereignty and imperial ambition" *Contemporary Politics*, March 2006, vol. 12, no. 1, pp. 3-24.

Neuman, Gerald L. 2004. "Closing the Guantanamo Loophole." *Loyola Law Review* 50:1-66.

Roosevelt III, Kermit. 2005. "Guantanamo and the Conflict of Laws: *Rasul* and Beyond." *University of Pennsylvania Law Review* 153:2107-2071.

Philbin, Patrick F., and John C. Yoo. 2001. "Possible Habeas Jurisdiction over Aliens Held in Guantanamo Bay, Cuba." *U.S. Justice Department Memo to*

*the Department of Defense concerning the applicability of International Humanitarian law to prisoners.* From: "The Philbin/Yoo Memo," Newsweek: [www.yirmeyahureview.com/archive/documents/prisoner\\_abuse/011228\\_philbinmemo.pdf](http://www.yirmeyahureview.com/archive/documents/prisoner_abuse/011228_philbinmemo.pdf).

**Before and After September 12: extra-territoriality, postnationalism and  
'juridical othering' Jan 14**

Mantouvalou V. 2005. "Extending Judicial Control in International Law: Human Rights Treaties and Extraterritoriality." *International Journal of Human Rights* 9:147-163.

Russell, Jim. 2005. "Rethinking Post-national Citizenship: The Relationship between State Territory and International Human Rights Law." *Space and Polity* 9: 29-39.

Nash Kate. 2007. "Pinochet: Cosmopolitanism and Intermestic Human Rights." *British Journal of Sociology* 58: 417

Supplementary:

Jamieson, Ruth and Kieran McEvoy. 2005. "State Crime by Proxy and Juridical Othering". *British Journal of Criminology* 45:504-527

Sassen, Saskia. 2008. "Neither Global Nor National: Novel Assemblages of Territory, Authority and Rights." *Ethics and Global Politics* 1:61-79

Cohen, Jean L. 1999. "Changing Paradigms of Citizenship and the Exclusiveness of the Demos." *International Sociology* 14:245-68.

Vaughan-Williams, Nick. 2008. "Borders, Territory, Law." *International Political Sociology* 2:322-338.

Raustiala, Kai. 2006. "The Geography of Justice." *Fordham Law Review* 73:101.

Roosevelt, Kermit III. 2004-2005. "Guantanamo and the Conflict of Laws: *Rasul* and Beyond." *University of Pennsylvania Law Review* 153:2017-2083.