

Course Outline

COURSE:	LAWS 4102B – Controversies in Rights Theory
TERM:	WINTER 2019
PREREQUISITES:	LAWS 2908 and Forth-year Honours standing
CLASS:	Day & Time: Fridays, 11:35am – 2:25pm Room: Please check with Carleton Central for current room location
INSTRUCTOR:	Dr. Philip J. Kaisary
CONTACT:	Office: D485 Loeb Building Office Hrs: TBA Telephone: 613-520-2600 x. 4181 Email: Philip.Kaisary@carleton.ca

CALENDAR COURSE DESCRIPTION

This course examines selected controversies in rights theories, practices, and/or historiography. Illustrative questions may include: Are rights universal or culturally relative? Can rights be justified after the demise of natural rights philosophy? Do rights undermine difference? Do communities benefit from a rights-based culture?.

COURSE DESCRIPTION

This course will offer a detailed examination of the Haitian Revolution of 1791–1804 and its significance for rights discourse. 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. We will draw on a range of historical materials, 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 on readings:

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. Readings are classified as either “required” or “further”: required readings are mandatory; further readings are suggestions should you wish to explore a topic and deepen your knowledge. The further readings are also suggested starting points for researching your final essay.

REQUIRED TEXTS

C.L.R. James, *The Black Jacobins* [2nd ed. rev. 1963] (Vintage, 1989)

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. Jeremy Popkin, *A Concise History of the Haitian Revolution* (Wiley-Blackwell, 2012).
2. Jeremy Popkin, *A Short History of the French Revolution* (6th Edition, Routledge, 2016).

Reading, or at least skimming, the Popkin texts will be enormously helpful to you as you progress through the course.

3. Gerald Graff and Cathy Birkenstein, *They Say/I Say: The Moves that Matter in Academic Writing*, (3rd ed. Norton, 2014)
4. Gordon S. Harvey, *Writing with Sources: A Guide for Students*, 2nd ed. rev. (Hackett, 2008)

There are copies of these texts in the University Library. Should you wish to purchase any of these supplementary texts try Octopus Books, the University Bookstore, Amazon, or Abe Books. Used copies are usually available on Amazon and/or Abe Books.

Other supplementary texts will be provided on ARES and/or via the course CU Learn webpage.

EVALUATION

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

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%

Each unauthorized absence will result in you being docked 1%. Missing 10 or more classes will result in an attendance mark of zero.

Participation: 10%

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

Group Presentation: 20%

Each group will receive one mark (in each group all presenters will receive the same mark). You must collaborate and work together.

Critical Response Paper (4–5 pages, double spaced): 20%

Final essay (4,000 words max): 40%

SCHEDULE

Class 1, January 11: *The Making of Haiti: Egalité for All*

No required reading this week but begin reading the Popkin texts:

Jeremy Popkin, *A Concise History of the Haitian Revolution* (Wiley-Blackwell, 2012).

Jeremy Popkin, *A Short History of the French Revolution* (6th Edition, Routledge, 2016).

In class viewing:

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

Also available online at: <https://www.youtube.com/watch?v=3R4DQ4DIP4I>

Suggested further reading:

Laurent Dubois, *Avengers of the New World: The Story of the Haitian Revolution* (Harvard UP, 2004)

Carolyn Fick, *Making Haiti: The Saint Domingue Revolution From Below* (University of Tennessee Press, 1991)

Class 2, January 18: *The French Revolution and Rights*

Required reading:

“The ‘Declaration of the Rights of Man and the Citizen,’ 1789 in: Jeremy Waldron, *Nonsense Upon Stilts: Bentham,*

Burke and Marx on the Rights of Man (Routledge, 1987): 22–28. [Read the introduction on pp. 22–25 and the actual text on pp. 26–28]

Lynn Hunt, “Introduction: The Revolutionary Origins of Human Rights,” in *The French Revolution and Human Rights: A Brief Documentary History*. Edited, translated and introduced by Lynn Hunt, (Bedford St. Martin’s Press, 1996): 1–32.

Class 3, January 25: *The Haitian Revolution and Rights*

Required reading:

Nick Nesbitt, “The Idea of 1804,” *Yale French Studies*, No. 107, (2005): 6–38.

Franklin W. Knight, “The Haitian Revolution and the Notion of Human Rights,” *Journal of the Historical Society*, Vol. 5 No. 3 (2005): 391–416.

Class 4, February 1: *The Unthinkable Haitian Revolution*

Required reading:

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

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

Suggested further reading:

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

Class 5, February 8: *Haitian Revolutionary Constitutionalism*

Required Reading:

"Haitian Constitution of 1801," in: *Toussaint L'Ouverture: The Haitian Revolution*, edited by Nick Nesbitt, (London: Verso, 2008): 45–61.

"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.

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

Philip Kaisary, "'To break our chains and form a free people': Race, Nation, and Haiti's Imperial Constitution of 1805," in *Race and Nation in the Age of Emancipations*, edited by Whitney Stewart and John Garrison Marks, University of Georgia Press, (2018): 71–88.

Suggested further reading:

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.

"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.

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.

Class 6, February 15: *The Black Jacobins I*

Required reading:

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

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Class 7, March 1: *The Black Jacobins II*

Required reading:

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

Class 8, March 8: *The Black Jacobins III*

Required reading:

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

Class 9, March 15: Lectures on *The Black Jacobins*

Required reading:

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

Class 10, March 22: No class

Work on your final essay

Class 11, March 29: *The Unfinished Haitian Revolution*

Required reading:

Laurent Dubois, *Haiti: The Aftershocks of History* (New York: Metropolitan Books, 2012): 52–68, 84–88, 104–118.

Robert Fatton, Jr., *The Roots of Haitian Despotism* (Boulder, CO: Lynne Rienner, 2007): 1–12.

Michel-Rolph Trouillot, *Haiti: State Against Nation* (New York: Monthly Review Press, 1990): 35–58.

Class 12, April 5: *Conclusions*

No assigned reading this week

Final essay due

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: Please contact 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: carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf

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: carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf

Academic Accommodations for Students with Disabilities: If you have a documented disability requiring academic accommodations in this course, please contact The Paul Menton Centre (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 as soon as possible to ensure accommodation arrangements are made. Please consult the PMC Website for their deadline to request accommodations for the formally-scheduled exam (if applicable) www.carleton.ca/pmc

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: <https://carleton.ca/registrar/academic-integrity/>

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: carleton.ca/sexual-violence-support

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor 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. <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

For more information on academic accommodation, please contact the departmental administrator or visit: students.carleton.ca/course-outline

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/>