

Course Outline

COURSE:	LAWS 5000F Theories of Law and Social Transformation
TERM:	Fall 2015
PREREQUISITES:	None
CLASS:	Day & Time: Monday 8:35am – 11:25am Room: Please check with Carleton Central for current room location
INSTRUCTOR:	Stacy Douglas
CONTACT:	Office: Loeb D496 Office Hrs: Monday 11:35pm - 12:30pm Telephone: 613.520.2600 x. 8028 Email: Stacy.Douglas@carleton.ca

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

This course will advance your knowledge of diverse theoretical approaches to the study of law, and, in so doing, contribute to the shaping of your MA or MRP project. While there are many theoretical texts that explore the juncture of law, the social, and transformation, this course is designed to highlight the rich debates over the meaning of and relationship between the terms themselves. As such, the course is split into three parts: i) what is law?, ii) what is the social?, and iii) what is transformation? The exploration of these questions through an array of thinkers will help you develop thoughtful approaches and robust methodologies in your own projects.

REQUIRED TEXTS (Available at: Octopus Books, 116 Third Ave., 613-233-2589)

Foucault, Michel (1977) *Discipline and Punish: The Birth of the Prison*. New York: Vintage.

Schmitt, Carl (1985) *Political Theology: Four Chapters on the Concept of Sovereignty*. Chicago: University of Chicago Press.

Fanon, Frantz (2005) *Wretched of the Earth*. New York: Grove Press.

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.

Assignment	Weight	Due
Weekly Assignments	25%	Five due throughout term
Presentation	10%	Student must sign up
Discussant	5%	Student must sign up
MA Thesis/Book Review	15%	Monday 2 November
Proposal Presentations	15%	Monday 7 December
Final Paper	30%	Monday 14 December

Weekly Assignments (25%)

You are required to submit FIVE two to three page critical reflections on the primary reading throughout the term (double-spaced, with proper references). Submitted assignments must include the following three elements, in sentence form:

- 1) A description of the author's central thesis;
- 2) A description of the author's supporting points, as well as a reflection on the strength of these points (are they well-supported and if so, how? etc...). Please note that this is not a request for your personal opinion on the piece;
- 3) A reflection on what the piece says about its respective category (i.e., 'law', 'the social', or 'transformation').

These must be handed in at the start of class so remember to print two copies or keep a secure back up for your own records. Each assignment is worth 5%. You may choose to submit one additional assignment (six) and I will count your five highest marks.

Presentation (10%)

On the first day of class you must sign up to present on one of the scheduled primary readings. This presentation should be 20 minutes in length (I will cut you off after 21 minutes) and include (but is not limited to):

- 1) A brief overview of the author's argument;
- 2) A contextual situating of the author's contribution (i.e., how the chosen selection relates to the longer text, other works by this author, etc...);
- 3) A reflection on what the piece says about 'law', 'the social', or 'transformation';
- 4) A critical analysis of the argument that includes insights from recommended and other secondary texts (see 'Additional Readings');
- 5) An in-depth exploration of one central idea or concept from the reading (consider using examples from outside the text to illustrate).

Students who miss or are late to their presentations will see this reflected in their marks.

Discussant (5%)

On the first day of class you must sign up to act as a discussant for one seminar. As discussant you will be responsible for arriving to class with:

- 1) An in-depth understanding of the primary text;
- 2) Some understanding of critical reflections on the primary text (see 'Additional Readings');
- 3) A set of 3-4 thoughtful questions for further reflection on the primary text;
- 4) A commitment to engaging with and an ability to constructively respond to the presentation for that week;

- 5) A commitment to engaging with and an ability to stimulate group discussion on the text and your questions.

Students who miss or are late to the presentations for which they are intended to act as discussants will see this reflected in their marks.

MA Thesis OR Book Review (15%)

Seek out an electronic copy of an MA thesis from the Department of Law and Legal Studies OR a single-author book that has been published between 2012-2015 in your area of interest and write a 1,000 word review of it. If you choose the book review, expect to write it with a view of having it published in an academic journal. The two processes are outlined below:

i) MA THESIS

Go to the MacOdrum Library online catalogue and find electronic copies of all of the MA theses successfully defended since 2012. Choose an MA thesis written between 2012-2015 and write a review of it. When submitting to me, include:

- a description of the thesis of the MA, including their methodology;
- some positive observations of the MA;
- some critical observations of the MA (the positive and negative are not necessarily equally weighted – you have to decide);
- an assessment of what the MA contributes to the field;
- an assessment of what audience this MA is best suited for.

My feedback will comment on your: i) grammar/style, ii) tone, and iii) ability to address the elements listed above. This assignment is intended to introduce you to what a complete and defended MA thesis looks like.

ii) BOOK REVIEW

You can find new books by looking at new books acquired at MacOdrum Library and/or browsing websites of academic presses. Do not choose an edited collection as they are very time consuming to review. Once you select a book, you should then write to the Book Review Editor of a relevant journal and ask them if they would be interested in publishing your review. Once you get confirmation from the journal, providing that they don't already have a copy of the book, you should write to the publisher and ask for a review copy. They will send you one free of charge in exchange for the review.

This process may take a few weeks so you should choose your book no later than Friday 21 September so that you will be sure to secure a spot with the journal and a copy of the book in plenty of time to complete your review by the beginning of November. When submitting your review to me ensure you include:

- a description of the book's argument;
- some positive observations of the book;
- some critical observations of the book (the positive and negative are not necessarily equally weighted – you have to decide);
- an assessment of what the book contributes to the field (including how it relates to other similar titles);
- an assessment of what audience this book is best suited for;
- the name of the journal you are submitting your review to.

My feedback will comment on your: i) grammar/style, ii) tone, iii) ability to speak to the journal audience, and iv) ability to address the elements listed above. This assignment is intended to introduce you to the academic world of publishing and, hopefully, result in you having a small publication on your CV in your first year of your MA.

DUE: Monday 2 November – no extensions

Proposal Presentation (15%)

This presentation will take place the week before your final essays are due. You will give a five-minute presentation on the outline of your final paper (outline below). Essential parts of your presentation will include telling your audience:

- the thesis and outline of your final paper;
- how you will support your argument (including primary and secondary sources);
- what the counter-argument to your thesis is and how you will defeat it;
- what your paper says about the themes of “law”, “the social”, and/or “transformation”.

You will be evaluated on your ability to i) adequately attend to the elements set out above, ii) present your thoughts orally to your colleagues, and iii) answer further questions asked of you. Please stick to time. Giving a well-timed, concise, and prepared presentation on your topic is part of the challenge. Due to time constraints, I ask that you not use audio visual aids (i.e., power point) in your presentation, although chalkboard use is fine.

DUE: Monday 7 December – no extensions

Final Paper (30%)

Your paper must demonstrate your in-depth engagement with one author or approach to law and social transformation that we have examined in the course (or that you have cleared with me by Monday 16 November). As made clear in the outline of your proposal, your engagement will draw on both primary and secondary sources, and reflect on what contribution this approach makes to the study of law and social transformation for an issue relevant to your scholarly interests. This assignment will help to advance your knowledge of one particular theoretical approach to law and social transformation, and, in so doing, contribute to shaping your MA or MRP project. The paper must be approximately 20-25 pages, double-spaced, and properly referenced.

DUE: Monday 14 December at 12pm in my office (LOEB D496) – no extensions

GRADING

The following table illustrates the relationship between letter grades, percentages, and levels of achievement relative to the expectations for MA and PhD students.

Grade	Percentage	Description
A+	90-100	Exceptional work that is technically flawless and original. Work demonstrates insight, understanding and independent application or extension of course expectations; often of publishable quality.
A	85-89	Excellent work that demonstrates a very high level of integration of materials/ relevant scholarship. Work demonstrates insight, understanding and independent application or extension of course expectations.
A-	80-84	Very good quality work that represents a high level of integration, comprehensiveness and complexity, as well as mastery of relevant techniques/concepts.
B+	77-79	Represents a largely satisfactory level of integration, comprehensiveness, and complexity; demonstrates a sound level of analysis with no major weaknesses.
B	73-76	Acceptable work that fulfills the minimum expectations of the course. Represents a satisfactory level of integration of key concepts/procedures. However, comprehensiveness or technical skills may be lacking.
B-	70-72	Acceptable and somewhat fulfills the course expectations. Work reveals some deficiencies in knowledge, understanding or techniques.
C+	67-69	Unacceptable work at the graduate level. Represents an unacceptable level of integration, comprehensiveness and complexity. Mastery of some relevant techniques or concepts lacking.
C	63-66	<i>(Carleton University requirements: "A grade of B- or better must normally be obtained in each course credited towards the master's degree" and a grade of B- must be obtained in each course credited towards the PhD. Grades below B- may result in the student's removal from the Program. See http://calendar.carleton.ca/grad/gradregulations/administrationoftheregulations/#11)</i>
C-	60-62	
D	50-59	
F	0-49	Fail. Unsatisfactory performance, even though student completes course requirements including submission of final paper/ completion of final exam.

When I grade your assignments I will be marking with the following criteria in mind:

Style

Has the author taken care in their formatting, grammar, attention to word count, and appropriate referencing? Where appropriate, have they attempted to infuse their work with creative flourish?

Structure

Has the author laid out a clear and effective argument for their reader? In particular did the author begin with a clear introduction and overview of their supporting points, and use signposting throughout? Is it a convincing argument overall?

Content

Has the author understood the material and conveyed it effectively to their reader? Have they supported their interpretations with page references and other academic sources?

Research

Has the author demonstrated a thoughtful and meticulous approach to their research? Have they been intellectually honest about their sources by seeking out primary material and bolstering their interpretation with appropriate secondary sources?

Critical Analysis

Has the author been able to understand the material, communicate about it clearly, **and** use their critical reading and writing skills to analyze the material? A demonstrated depth of critical analysis will be key for achieving high marks on essays.

REFERENCING

The Law Department recommends that you follow the Legal Style set out here:

http://www1.carleton.ca/law/ccms/wp-content/ccms-files/legal_style_sheet.pdf

However, if you prefer another referencing style, you may use it provided that you are consistent throughout and the style is academically recognized (e.g. Harvard, MLA, Chicago). If you are unsure about the proper format of a particular referencing style, please consult a referencing style guide from the library.

The Academic Writing Centre and Writing Tutorial Services provide students and faculty assistance with the teaching and learning of academic writing. Please contact them in advance and make use of their services:

<http://www.carleton.ca/wts/>

Tips for avoiding plagiarism:

- Give yourself enough time to work on your assignment, so you are not tempted to copy text from other sources.
- Take notes carefully so that you include specific sources and page numbers. Be sure to clearly identify which ideas are your own and which come from your sources.
- Reference as you write, rather than leaving all the referencing to the end. Even if you just use shorthand as you write (i.e. note the author's last name and page number), you can then go back

and do the formatting later. But it is always better to reference as you go – it will save you time in the long run and you are less likely to forget something.

- Consult a referencing guide! If you are unsure about referencing format or procedure, check a referencing style guide. There are plenty available in the library and online.

For more help see: <http://www.library.carleton.ca/help/citing-your-sources>

Remember: Using another person's work without acknowledgment, or using work in a way that may mislead or deceive your reader is plagiarism. It does not matter whether you deliberately intended to deceive or not; it still counts as plagiarism and is subject to the university's policies and penalties on academic misconduct. Plagiarism is not only dishonest, but it undermines the integrity of academic scholarship and is not acceptable.

***ALL INSTANCES OF PLAGIARISM WILL BE REPORTED
DIRECTLY TO THE DEAN.***

SCHEDULE

LAWS 5000 Course Overview		
4 September	Seminar One	<i>Law, the Social, and Transformation</i>
PART I: WHAT IS LAW?		
17 September (resched from 14 Sept)	Seminar Two	<i>General Theory of Law and Marxism</i>
21 September	Seminar Three	<i>Law's Normative Predilections?</i>
28 September	Seminar Four	<i>Norms and Decisions</i>
5 October	Seminar Five	<i>Law, Regulation, Governance</i>
PART II: WHAT IS THE SOCIAL?		
15 October (resched from 12 Oct)	Seminar Six	<i>Contaminating the Political</i>
19 October	Seminar Seven	<i>Reassembling the Social?</i>
26 October	-----	Reading Week
2 November	Seminar Eight	<i>Law as Speech Acts</i>
9 November	Seminar Nine	<i>Judgment and Reform</i>
16 November	Seminar Ten	<i>Violence & Law as Symbolic Other</i>
PART III: WHAT IS TRANSFORMATION?		
23 November	Seminar Eleven	<i>Reading It In, or the Potential of Recognition</i>
30 November	Seminar Twelve	<i>The (Disciplinary) Power of Rights</i>
7 December	Seminar Thirteen	<i>Presentations</i>

SEMINAR ONE

Law, the Social, and Transformation
(4 September)

SEMINAR CANCELLED

Please see email sent to all registered students on Friday 21 August with important information.

PART I: WHAT IS LAW?**SEMINAR TWO**

General Theory of Law and Marxism
(Thursday 17 September)

PLEASE NOTE THAT THIS SEMINAR IS RESCHEDULED FROM OUR REGULAR MONDAY CLASS.

Pashukanis, Evgeny (1980) Introduction, Chapter One, Two, Three, and Four. In: *General Theory of Law and Marxism. Selected Writings on Marxism and Law*, P. Beirne and R. Sharlet (Eds.), Peter Maggs (Trans.), London: Academic Press, 32-131. (99 pages).

Available at: <www.marxists.org/archive/pashukanis/1924/law/>.

Additional Readings:

Brown, Wendy (1994) "Rights and Identity in Late Modernity: Revisiting the 'Jewish Question'". In: *Identity, Politics and Rights*. Austin Sarat and Thomas Kearns (Eds.). Ann Arbor: University of Michigan Press, 85-130.

Cain, Maureen and Alan Hunt (1979) *Marx and Engels on Law*. London: Academic Press.

Head, Michael (2008) *Evgeny Pashukanis: A Critical Reappraisal*. New York: Routledge.

Poulantzas, Nicos (1978) Introduction and Part One. In: *State, Power, Socialism*. London: Verso, 9-122. (113 pages).

Warrington, Ronnie (1983) Pashukanis and the Commodity Form. In: *Law, Ideology, and the State*. Ed. David Sugarman. New York Academic Press, 43-68. (25 pages).

SEMINAR THREE

Law's Normative Predilections?
(21 September)

Fuller, Lon (1958) "Positivism and the Ideal of Fidelity to Law – A Reply to Professor Hart", *Harvard Law*

Review, 71(4), 30–672. (42 pages).

Hart, HLA (1958) “Positivism and the Separation of Laws and Morals”, *Harvard Law Review*, 71(4), 593-629. (37 pages).

Additional Readings:

Dyzenhaus, David (1996) “The Legitimacy of Legality” (1996) 82 *Archiv für Rechts und Sozialphilosophie* 324 and (1996) 46 *University of Toronto Law Journal* 129.

Waldron, Jeremy (2008) “Positivism and Legality: Hart’s Equivocal Response to Fuller”. *New York University Law Review*, 83, 1135.

SEMINAR FOUR

Norms and Decisions

(28 September)

Schmitt, Carl (1985) *Political Theology: Four Chapters on the Concept of Sovereignty*. Chicago: University of Chicago Press. (66 pages).

Additional Readings:

Kahn, Paul (2011) Introduction: Why Political Theology Again? In: *Political Theology: Four New Chapters on the Concept of Sovereignty*. New York: Columbia University Press, 1-30. (29 pages).

Mouffe, Chantal (1998) Schmitt and the Paradox of Liberal Democracy. In: *Law as Politics: Carl Schmitt’s Critique of Liberalism*. Ed. David Dyzenhaus. Durham: Duke, 159-178. (19 pages).

Vatter, Miguel (2011) “Introduction: Crediting God with Sovereignty”. In: *Crediting God: Sovereignty and Religion in the Age of Global Capitalism*. Migeul Vatter (Ed.). New York: Fordham University Press, 1-28. (27 pages).

SEMINAR FIVE

Law, Regulation, Governance

(5 October)

Foucault, Michel (1977) *Discipline and Punish: The Birth of the Prison*. New York: Vintage. (308 pages).

Additional Readings:

Burchell, Graham, Colin Gordon and Peter Miller (1991) *The Foucault Effect: Studies in Governmentality*. Chicago: Chicago University Press.

Foucault, Michel (1990) *The History of Sexuality, Volume 1*. New York: Vintage.

Hunt, Alan and Gary Wickham (1994) *Foucault and Law: Towards a Sociology of Law as Governance*. London: Pluto Press. Available online at: <http://web2.uvcs.uvic.ca/courses/lawdemo/webread/HUNT3.htm>

Mitchell, Dean (2009) *Governmentality: Power and Rule in Modern Society*. London: Sage.

PART II: WHAT IS THE SOCIAL?

SEMINAR SIX

Contaminating the Political
(Thursday 15 October)

PLEASE NOTE THAT THIS SEMINAR IS RESCHEDULED FROM OUR REGULAR MONDAY CLASS.

Arendt, Hannah (2006) Chapter One and Chapter Two. In: *On Revolution*. London: Penguin, 11-105. (94 pages).

Additional Readings:

Christodoulidis, Emiliós (2011) "Depoliticizing Poverty: Arendt in South Africa". *Stellenbosch Law Review*, 22(3), 501-520. (19 pages). [Not available through Carleton library. Ask Professor Douglas for a copy].

Honig, Bonnie (1991) "Declarations of Independence: Arendt and Derrida on the Problem of Founding a Republic." *American Political Science Review*, 85(1), 97-113. (16 pages).

Pitkin, Hannah (1998) The Problem of the Blob. In: *The Attack of the Blob: Hannah Arendt's Concept of the Social*. Chicago: Chicago University Press, 1-18. (17 pages).

Schell, Jonathan (2006) Introduction. In: *On Revolution*. London: Penguin, xi-xxix. (18 pages).

Scott, David (2004) Epilogue. In: *Conscripts of Modernity: The Tragedy of Colonial Enlightenment*. Durham: Duke University Press, 209-222. (13 pages).

SEMINAR SEVEN

Reassembling the Social?
(19 October)

Latour, Bruno (2005) Introduction and Part One. In: *Reassembling the Social: An Introduction to Actor Network Theory*. Oxford: Oxford University Press, 1-158. (157 pages).

Additional Readings:

Bromberg, Svenja (2013) "The Anti-Political Aesthetics of Objects and Worlds Beyond". *Mute Magazine*, 3(4). Available at: <<http://www.metamute.org/editorial/articles/anti-political-aesthetics-objects-and-worlds-beyond>>.

Cloatre, Emilie and Nick Wright (2013) "A Socio-legal Analysis of an Actor-World: The Case of Carbon

Trading and the Clean Development Mechanism”. *Journal of Law and Society*, 39(1), 76-92. (16 pages).

Latour, Bruno (2011) *The Making of Law: An Ethnography of the Conseil d’Etat*. London: Polity.

Mitchell, Timothy (2002) “Can the Mosquito Speak?”. In: *Rule of Experts: Egypt, Techno-Politics, Modernity*. Berkeley: University of California Press, 9-53. Available online at: <http://climate.geo.msu.edu/lingkungan/RuleofExperts_Egypt_Techno-Politics-Modernity.pdf>.

READING WEEK

No seminar
(26 October)

SEMINAR EIGHT

Law as Speech Acts
(2 November)

****MA THESIS/BOOK REVIEW DUE****

Constable, Marianne (2014) Chapters One, Two, and Three. *Our Word is Our Bond: How Legal Speech Acts*. Stanford: Stanford University Press. (106 pages).

Additional Readings:

Berlant, Lauren (2002) “The Subject of True Feeling: Pain, Privacy, and Politics”. In: *Left Legalism/Left Critique*. Durham: Duke University Press, 105-133. (28 pages).

Brown, Wendy (2005) “Freedom’s Silences”. In: *Edgework: Critical Essays on Knowledge and Politics*. Princeton: Princeton University Press, 83-97. (14 pages).

Butler, Judith (1997) Introduction and Chapter One. In: *Excitable Speech: A Politics of the Performative*. London: Routledge, 1-70. (69 pages).

Nietzsche, Friederich (1998) *Twilight of the Idols*. Duncan Large (Trans.). Oxford: Oxford University Press.

Sarat, Austin (1994) “Leading Law Into the Abyss: What (If Anything) Has Sociology Done to Law?” *Law and Social Inquiry*, 19(3), 609-624. (15 pages).

PART III: WHAT IS TRANSFORMATION?

SEMINAR NINE

Judgment and Reform
(9 November)

Cornell, Drucilla (2000) Chapters One, Two, Three, and Four. In: *Just Cause: Freedom, Identity, and Rights*. New York: Rowman and Littlefield.

Additional Readings:

Hunter, Rosemary, Clare McGlynn, and Erika Rackley (2010) *Feminist Judgments: From Theory to Practice*. Oxford: Hart Publishing.

Kennedy, Duncan (1998) *A Critique of Adjudication*. Cambridge: Harvard University Press.

SEMINAR TEN

Violence & Law as Symbolic Other (16 November)

Fanon, Frantz (2005) *Wretched of the Earth*. New York: Grove Press. (320 pages).

Additional Readings:

Benjamin, Walter (1978) Critique of Violence. In: *Reflections: Essays, Aphorisms, Autobiographical Writings*. Peter Demetz (Ed.). Edmund Jephcott (Trans.). New York: Schocken Books, 276-300. (24 pages).

Coulthard, Glen (2014) *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*. Minneapolis: University of Minnesota Press.

Cornell, Drucilla (1995) *The Imaginary Domain: Abortion, Pornography and Sexual Harassment*. New York: Routledge.

Fanon, Frantz (1967) Chapter Five, Six, and Seven. In: *Black Skin, White Masks*. Trans. Charles Lam Markmann. New York: Grove Press, 109-222. (113 pages).

Lacan, Jacques (1994) The Mirror-phase as Formative of the Function of the I. In: *Mapping Ideology*. Ed. Slavoj Žižek. London: Verso, 93-99. (6 pages).

SEMINAR ELEVEN

Reading It In, or the Potential of Recognition (23 November)

Borrows, John (2002) Chapter One, Two, Three, Four, and Five. In: *Recovering Canada: The Resurgence Of Indigenous Law*. Toronto: University of Toronto, 3-137. (134 pages).

Additional Readings:

Bhandar, Brenna (2007) "Re-Covering The Limits Of Recognition: The Politics Of Difference And Decolonisation in John Borrows' 'Recovering Canada: The Resurgence Of Indigenous Law'". *Australian Feminist Law Journal*, 27, 125-151. (26 pages).

Coulthard, Glen (2007) "Subjects of Empire: Indigenous Peoples and the 'Politics of Recognition' in Canada". *Contemporary Political Theory*, 6(4), 437-460. (23 pages).

Cornell, Drucilla and Nyoko Muvangua (Eds.) (2011) *uBuntu and the Law: African Ideals and Postapartheid Jurisprudence*. New York: Fordham University Press.

Hsueh, Vicki (2010) *Hybrid Constitutions: Challenging Legacies of Law, Privilege, and Culture in Colonial America*. Durham: Duke University Press.

Rifkin, Mark (2012) *The Erotics of Sovereignty: Queer Native Writing in the Era of Self-Determination*. Minneapolis: University of Minnesota.

SEMINAR TWELVE

The (Disciplinary) Power of Rights
(30 November)

Spade, Dean (2011) Introduction, Chapter One, Two, and Five. In: *Normal Life: Administrative Violence, Critical Trans Politics, and the Limits of Law*. Brooklyn: South End Press, 19-100 and 171-204. (114 pages).

Sedgwick, Eve Kosofsky (2003) "Paranoid Reading And Reparative Reading; Or, You're So Paranoid You Probably Think This Introduction Is About You". In: *Touching Feeling: Affect, Pedagogy, Performativity*. Durham: Duke University Press, 123-152.

Additional Readings:

Arendt, Hannah (2004) *The Origins of Totalitarianism*. New York: Schocken Books.

Brown, Wendy (2002) "Suffering the Paradoxes of Rights". In: *Left Legalism/Left Critique*. Durham: DUP, 420-434. (14 pages).

Turner, Dale (2011) "Chapter One: White Paper Liberalism and the Problem of Aboriginal Participation". In: *This is Not a Peace Pipe: Towards a Critical Indigenous Philosophy*. Toronto: University of Toronto Press, 12-37. (25 pages).

SEMINAR THIRTEEN

Presentations
(7 December)

PRESENTATIONS IN CLASS

FINAL PAPERS DUE: MONDAY 14 DECEMBER

No Extensions