

Course Outline

COURSE:	LAWS 6000.F PhD Seminar
TERM:	Fall 2017
CLASS: DAY & TIME:	Thursdays, 11:35am-2:25pm
ROOM:	D490 Loeb
INSTRUCTOR:	Professor Christiane Wilke
CONTACT: Office:	D499 Loeb
Office Hours:	TBA (please check cuLearn)
Email:	Christiane.Wilke@carleton.ca

[please mention the course number in the email subject line]

COURSE OBJECTIVES & CONTENT:

What is Legal Studies? What is happening in Legal Studies? In this course, we will read texts that speak to key issues in Legal Studies broadly understood. The course makes no claim to set a canon of required, standard or even sacred texts. We will also not try to delineate Legal Studies by defining its boundaries or arguing what it is not. Instead, let us move between different centers of gravity in the field of Legal Studies. We will draw on some classic texts from different centuries that continue to shape the way that law, rights and the state have been conceptualized, but we focus our energy on recent contributions by scholars from a broad range of disciplinary backgrounds. These are (hopefully) inspiring texts to have conversations with and conversations about. In discussions, we will map and evaluate the differences and similarities between approaches, conceptual tools, findings, and styles of argument.

Your assignments ask for both depth of research and breadth of engagement with different topics and approaches. You will write three short critical responses to assigned readings. You will also propose and write a research paper. In addition, you will give two class presentations on assigned texts.

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/>

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*). 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) 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://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 MATERIAL:

All course material will be accessible through ARES via cuLearn. If these acronyms don't mean anything to you or if you are not yet fully registered, please let me know.

Login to cuLearn: <https://www.carleton.ca/culearn/>

You might also want to consider buying some of the books we read; they might become valuable intellectual interlocutors and companions over time.

EVALUATION:

- **Two class presentations 5% each (10% combined)**
- **Critical responses: 15% each (45% combined)**
- **Research paper proposal: 5%**
- **Research paper: 40%**
- **Class presentation and participation:** This seminar relies on informed participation and discussion. The presentations should provide a short (5 min) critical analysis of the text(s) and set a possible frame for further discussion. Presentations should not summarize the text(s).
- If everyone brings their own critical perspectives on the texts to the table, we will be able to gauge the range of possible interpretations and critiques of the texts. Thus, everyone's active participation is crucial for the success of the class. Participation presumes, of course, that you have read the texts carefully.
- **You cannot pass the class if you have missed three sessions or more without documented excuses.**
- **Critical responses** offer either a critical analysis of a key issue from assigned readings or make an independent argument on the basis of the assigned texts. You choose the issues addressed in the readings that you write about in 5-6 pages (double-spaced). Critical responses should mainly rely on your critical analysis and conceptual arguments, not on outside research. You may, however, refer back to texts we read earlier in the course. **Critical responses are due at the beginning of the class for which the reading covered in the essay is assigned. Late papers are not accepted.** The first response has to be submitted no later than **September 28th**. The second response is due no later than **October 19th**. The third response is due no later than **November 30th**. **You cannot write a response engaging with the same text that you are giving a presentation on**, but you can write a response paper for the same week you're presenting as long as the response and the presentation are clearly distinct.
- The **Research Paper** allows you to develop a more sustained and complex argument. The desired length is 20 pages (double-spaced, excluding bibliography). The research paper is due on **December 13th**. The research paper proposal is due on **November 16th**.

GRADING

The grades (and their meaning) are governed by Carleton University regulations on the relationship between percentages and letter grades as well as rules on what counts as a passing grade. In addition, the Department of Law and Legal Studies has passed the following table that connects letter grades to levels of demonstrated research competency.

Grade	Percentage	Description
A+	90-100	Exceptional work that is technically sound and original. Work demonstrates insight, understanding and independent application or extension of course expectations; often of publishable quality.
A	85-89	Very good work that demonstrates a very high level of integration of materials/ relevant scholarship. Work shows insight, understanding and independent application or extension of course expectations.
A-	80-84	Quality work that represents a high level of integration, comprehensiveness and complexity, as well as proficiency of relevant techniques/concepts.
B+	77-79	Satisfactory level of integration, comprehensiveness, and complexity; demonstrates a sound level of analysis with some weaknesses.
B	73-76	Unsatisfactory work that represents below a basic level of integration of key concepts/procedures. Comprehensiveness or technical skills may be lacking.
B-	70-72	Does not fulfill the course expectations. Work reveals deficiencies in knowledge, understanding or techniques.
C+	67-69	Unacceptable work at the graduate level. Represents an unacceptable level of integration, comprehensiveness and complexity.
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.

SCHEDULE:

1. September 7th

Introduction: Legal Studies

2. September 14th

Making and Finding Law

Rebecca Johnson, "Living Deadwood: Imagination, Affect, and the Persistence of the Past," *Suffolk University Law Review* XLII (2009): 809-828.

Mariana Valverde, *Everyday Law on the Street: City Governance In an Age of Diversity* (Chicago: University of Chicago Press, 2012), 1-47.

John Borrows, *Recovering Canada: The Resurgence of Indigenous Law* (Toronto: University of Toronto Press, 2002), 3-28.

John Borrows (Kegeedonce), *Drawing Out Law: A Spirit's Guide* (Toronto: University of Toronto Press, 2010), 1-29.

Recommended (i.e. readings you might be interested in if you would like to pursue the topic in more depth):

Justin Richland, *Arguing with Tradition: The Language of Law in Hopi Tribal Court* (Chicago: University of Chicago Press, 2008).

Joseph Slaughter, *Human Rights, Inc.: The World Novel, Narrative Form, and International Law* (New York: Fordham University Press, 2007).

Bruno Latour, *The Making of Law: An Ethnography of the Conseil d'État* (Malden, MA: Polity, 2010).

Alexandre Lefebvre, *The Image of Law: Deleuze, Bergson, Spinoza* (Stanford: Stanford University Press, 2008).

Ronald Niezen, *Public Justice and the Anthropology of Law* (New York: Cambridge University Press, 2010).

Ngaire Naffine, *Law's Meaning of Life: Philosophy, Religion, Darwin and the Legal Person* (Oxford and Portland: Hart, 2009).

Audra Simpson, *Mohawk Interruptus: Political Life Across the Borders of Settler States* (Durham and London: Duke University Press, 2014).

3. September 21st

Stories of Origins 1: Social Contracts and Other Fictions

John Locke, *Second Treatise of Government*, ed. Peter Laslett (Cambridge university Press, 1999), 267-302.

James Tully, *An Approach to Political Philosophy: Locke in Contexts* (New York: Cambridge University Press, 1993), 137-176.

Renisa Mawani, "Genealogies of the Land: Aboriginality, Law, and Territory in Vancouver's Stanley Park," *Social & Legal Studies* 14 (2005): 315-339.

Recommended:

Vanita Seth, *Europe's Indians: Producing Racial Difference, 1500-1900* (Durham and London: Duke University Press, 2010).

John Borrows, *Canada's Indigenous Constitution* (Toronto: University of Toronto Press, 2010)

David Armitage, "John Locke, Carolina, and the Two Treatises of Government," *Political Theory* 32 (2004): 602-627.

Carole Blackburn, "Searching for Guarantees in the Midst of Uncertainty: Negotiating Aboriginal Rights and Title in British Columbia," *American Anthropologist* 107 (2005): 586-596.

Bradley Bryan, "Legality Against Orality," *Law, Culture & the Humanities* 9 (2013): 261-274.

Andrea Smith, "Queer Theory and Native Studies: The Heteronormativity of Settler Colonialism," *GLQ: A Journal of Gay and Lesbian Studies* 16 (2010): 41-68.

Andrew Woolford, "The limits of justice: certainty, affirmative repair, and aboriginality," *Journal of Human Rights* 3 (2004): 429-444.

Susan Dianne Brophy, "Freedom, Law, and the Colonial Project," *Law & Critique* 24 (2013): 39-61.

Sunera Thobani, *Exalted Subjects: Studies in the Making of Race and Nation in Canada* (Toronto: University of Toronto Press, 2007).

Brenna Bhandar, "Plasticity and Post-Colonial Recognition: 'Owning, Knowing and Being,'" *Law & Critique* 22 (2011): 227-249.

Sudipta Sen, "Unfinished Conquest: Residual Sovereignty and the Legal Foundations of the British Empire in India," *Law, Culture & the Humanities* 9 (2013): 227-242.

4. September 28th

[first critical response: due no later than today]

Stories of Origins 2: Spatial and Racial Imaginaries and Orders

Edward Said, *Orientalism* [1978] (New York: Random House), xvi-xxx, 1-28.

Teemu Ruskola, "Raping Like a State," *UCLA Law Review* 57 (2010): 1477-1536.

Mariana Valverde, *Chronotopes of Law* (Abingdon: Routledge, 2015), 1-29.

Renisa Mawani, "Law As Temporality: Colonial Politics and Indian Settlers," *UC Irvine Law Review* 4 (2014): 65-95.

Recommended:

Lorenzo Veracini, "'Settler Colonialism': Career of a Concept," *The Journal of Imperial and Commonwealth History* 41 (2013): 313-333.

Renisa Mawani, *Colonial Proximities: Crossracial Encounters and Juridical Truths in British Columbia, 1871-1921* (Vancouver: UBC Press, 2009), 1-77.

Daniel Heller-Roazen, *The Enemy of All: Piracy and the Law of Nations* (New York: Zone, 2009).

Teemu Ruskola, *Legal Orientalism: China, the United States, and Modern Law* (Cambridge, MA: Harvard University Press).

Mark Mazower, *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations* (Princeton: Princeton University Press, 2009).

Lauren Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400-1900* (Cambridge: Cambridge University Press, 2010), 104-161.

Constance Backhouse, *Colour-Coded: A Legal History of Racism in Canada, 1900-1950* (Toronto: University of Toronto Press, 1999).

Lauren Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900* (Cambridge University Press, 2002).

Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870-1960* (Cambridge: Cambridge University Press, 2001).

David Theo Goldberg, *The Racial State* (Malden: Blackwell, 2002).

James Tully, *Public Philosophy in a New Key, Vol. II: Imperialism and Civic Freedom* (Cambridge: Cambridge University Press, 2008).

Catherine Dauvergne, *Humanitarianism, Identity, and Nation: Migration Laws in Canada and Australia* (Vancouver: UBC Press, 2005).

Christopher Tomlins, "After Critical Legal History: Scope, Scale, Structure," *Annual Review of Law and Social*

Science 8 (2012): 31-68.

5. October 5th

Complex Identities, Complex Inequalities, Complex Memories

Ken Burns (dir.), *The Central Park Five* (2012). [please watch the documentary before this class; I will make a copy available.]

Kimberlé Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color," *Stanford Law Review* 43 (1991): 1241-1299.

Shoshana Felman, "Forms of Judicial Blindness, or Evidence of What Cannot Be Seen: Traumatic Narratives and Legal Repetitions in the O.J. Simpson Case and in Tolstoy's *The Kreutzer Sonata*," in *The Juridical Unconscious: Trials and Traumas in the Twentieth Century* (Cambridge: Harvard University Press, 2002), 54-105.

Leslie McCall, "The Complexity of Intersectionality," *Signs: Journal of Women in Culture and Society* 30 (2005), 1771-1800.

Alicia Garza, "A Herstory of the #BlackLivesMatter Movement." Online:
<http://blacklivesmatter.com/herstory/> (accessed 30 August 2016)

Teju Cole, "The Superhero Photographs of the Black Lives Matter Movement," *New York Times*, 26 July 2016. Online: http://www.nytimes.com/2016/07/31/magazine/the-superhero-photographs-of-the-black-lives-matter-movement.html?_r=0 (accessed 30 August 2016).

Recommended:

Joanne Conaghan, "Intersectionality and the feminist project in law," in Emily Grabham et al, ed. *Intersectionality and Beyond* (Abingdon: Routledge, 2009), 21-48. (check these again, see if they can work)

Gabriele Winkler and Nina Degele, "Intersectionality as multi-level analysis: Dealing with social inequality," *European Journal of Women's Studies* 18 (2011), 51-66.

Rebecca Johnson, *Taxing Choices: The Intersection of Class, Gender, Parenthood, and the Law* (Vancouver & Toronto: UBC Press, 2002).

Pascale Fournier, "Calculating Claims: Jewish and Muslim women navigating religion, economics and law in Canada," *International Journal of Law in Context* 8 (2012): 47-72.

Sylvia Walby, Jo Armstrong, and Sofia Strid, "Intersectionality: Multiple Inequalities in Social Theory," *Sociology* 46 (2012): 224-240.

Mari Matsuda, "Beside My Sister, Facing the Enemy: Legal Theory Out of Coalition," *Stanford Law Review* 43 (1991), 1183-1192.

Catherine Albertyn, "Substantive Equality and Transformation in South Africa," *South African Journal on Human Rights* 23 (2007), 253-276.

Emily Grabham et al. (eds.), *Intersectionality and Beyond: Law, power, and the politics of location* (New York: Routledge, 2009).

Sylvia Walby, "Complexity Theory, Systems Theory, and Multiple Intersecting Social Inequalities," *Philosophy of the Social Sciences* 37 (2007): 449-470.

Seyla Benhabib, *The Rights of Others: Aliens, Residents and Citizens* (Cambridge: Cambridge University Press, 2004).

6. October 12th

What does law do?

Judith Butler, *Excitable Speech: A Politics of the Performative* (New York: Routledge, 1997), 1-71.

Julie Stone Peters, "Legal Performances Good and Bad," *Law, Culture and the Humanities* 7 (2008): 179-200.

Recommended:

Robert Cover, "The Supreme Court, 1982 Term -- Foreword: Nomos and Narrative," *Harvard Law Review* 97 (1983-1984): 4-68.

Marianne Constable, *Our Word is Our Bond: How Legal Speech Acts* (Stanford: Stanford University Press, 2014), 1-47.

Jacques Derrida, "Force of Law: The 'Mystical Foundation of Authority,'" in *Deconstruction and the Possibility of Justice*, ed. Drucilla Cornell, Michel Rosenfeld, and David Gray Carlson (New York: Routledge, 1992), 3-67.

J.L. Austin, *How to do Things with Words* (Cambridge, MA: Harvard University Press, 1962).

Judith Butler, *Bodies that Matter: On the Discursive Limits of 'Sex'* (New York: London: Routledge, 1993).

Cynthia Weber, "Performative States," *Millenium – Journal of International Studies* 27 (1998): 77-95.

Dawn Moore and Angus MacLean Rennie, "Hated Identities," *Canadian Journal of Criminology and Criminal Justice* 48 (2006): 823-836.

Julia Walker, "Why Performance? Why Now? Textuality and the Rearticulation of Human Presence," *The Yale Journal of Criticism* 16 (2003): 149-175.

Marianne Constable, *Just Silences: The Limits and Possibilities of Modern Law* (Princeton: Princeton University Press, 2007).

Carolyn Emcke, "Between Choice and Coercion: Identities, Injuries, and Different Forms of Recognition,"

Constellations 7 (2000): 483-495.

Nancy Fraser, "Rethinking Recognition," *New Left Review* (2000): 107-120.

Leonard C. Feldman, "Redistribution, Recognition, and the State: The Irreducibly Political Dimension of Justice," *Political Theory* 30 (2002): 410-440.

Patchen Markell, *Bound by Recognition* (Princeton: Princeton University Press, 2003), 1-38, 123-151.

Nancy Fraser and Axel Honneth, *Redistribution of Recognition? A Political-Philosophical Debate* (London: Verso, 2003).

7. October 19th

[second critical response: no later than today]

Legal and Other Knowledges

James C. Scott, "State Simplifications: Nature, Space and People," *The Journal of Political Philosophy* 3 (1995): 191-233.

Sally Engle Merry, *The Seduction of Quantification: Measuring Human Rights, Gender Violence, and Sex Trafficking* (Chicago: University of Chicago Press, 2016), 1-43, 75-111.

Jean Comaroff and John L. Comaroff, "Figuring Crime: Quantifacts and the Production of the Un/Real," *Public Culture* 18 (2006): 209-246.

Recommended:

Sally Engle Merry and Susan Bibler Coutin, "Technologies of truth in the anthropology of conflict," *American Ethnologist* 41 (2014): 1-16.

Mariana Valverde, *Law's Dream of a Common Knowledge* (Princeton: Princeton University Press, 2003), 1-28.

Claire Moon, "What One Sees and How One Files Seeing: Human Rights Reporting, Representation and Action," *Sociology* 46 (2012): 876-890.

Ann Laura Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton: Princeton University Press, 2009), 181-234.

Michele Leiby, "Digging in the Archives: The Promise and Perils of Primary Documents," *Politics & Society* 37 (2009), 75-100.

Justin Piché and Kevin Walby, "Problematizing Carceral Tours," *British Journal of Criminology* 50 (2010): 570-581.

Didier Fassin and Estelle d'Halluin, "Critical Evidence: The Politics of Trauma in French Asylum Politics,"

Ethos 35 (2007): 300-329.

Dawn Moore, *Criminal Artefacts: Governing Drugs and Users* (Vancouver: UBC Press, 2007).

Cornelia Vismann, *Files: Law and Media Technology*, trans. Geoffrey Winthrop-Young (Stanford: Stanford University Press, 2008), esp. chapter 1.

Richard A. Wilson, *The Politics of Truth and Reconciliation in South Africa* (Cambridge: Cambridge University Press, 2001), ch. 2 (technologies of truth).

Sherene H. Razack, "Timely Deaths: Medicalizing the Deaths of Aboriginal People in Police Custody," *Law, Culture & the Humanities* 9 (2013): 352-374.

8. November 2nd

Law and (Other) Technologies

Kieran Tranter, "'The History of the 'Haste-Wagons': The *Motor Car Act 1909* (Vic), Emergent Technology, and the Call for Law," *Melbourne University Law Review* 29 (2005): 843-879.

Fleur Johns, "Data, Detection, and the Redistribution of the Sensible in International Law," *American Journal of International Law* 111 (2017): 57-103.

Gavin Sullivan, "Taking on the Technicalities" of International Law – Practice, Description, Critique: A Response to Fleur Johns," *AJIL Unbound* 111 (2017): 181-186. DOI: <https://doi.org/10.1017/aju.2017.51>

Elsbeth Guild, "The Right to Dignity of Refugees: A Response to Fleur Johns," *AJIL Unbound* 111 (2017): 193-195. <https://doi.org/10.1017/aju.2017.54>

Nicholas Blomley, "Law, Property, and the Geography of Violence: The Frontier, the Survey, and the Grid," *Annals of the Association of American Geographers* 93 (2003): 121–141.

Recommended:

Sheila Jasanoff, *Science at the Bar: Law, science, and technology in America* (Cambridge, MA: Harvard University Press, 1995)

Rain Liivoja, "Technological change and the evolution of the law of war," *International Review of the Red Cross* 97 (2015): 1157-1177.

Sheila Jasanoff (ed), *States of Knowledge: The co-production of science and social order* (London and New York: Routledge, 2004).

Bruno Latour, *We Have Never Been Modern* (Cambridge, MA: Harvard University Press, 1993).

9. November 9th

Law, Visuality, Affect

Sharon Sliwinski, *Human Rights in Camera* (Chicago: University of Chicago Press, 2011), 17-33, 57-81.

Judith Butler, "Endangered/Endangering: Schematic Racism and White Paranoia," in *The Judith Butler Reader*, ed. Sarah Salih (Malden, MA: Blackwell, 2004), 204-211.

Sara Ahmed, "Collective Feelings; Or, the Impressions Left by Others," *Theory, Culture & Society* 21 (2004): 25-42.

Irus Braverman, "Hidden in Plain View: Legal Geography from a Visual Perspective," *Law, Culture, and the Humanities* 7 (2010): 173-186.

Recommended:

Sara Ahmed, "Affective Economies," *Social Text* 79 (2004): 117-139.

Avery Gordon, *Ghostly Matters: Haunting and the Sociological Imagination* (Minneapolis: University of Minnesota Press, 1997), 3-28.

Judith Butler, *Frames of War: When Is Life Grievable?* (London & New York: Verso, 2010), 1-32.

Alison Young, "From object to encounter: Aesthetic politics and visual criminology," *Theoretical Criminology* 18 (2014): 159-175.

Alison Young, "Criminal images: The affective judgment of graffiti and street art," *Crime Media Culture* 8 (2012): 297-314.

Nicholas Mirzoeff, *The Right To Look: A Counterhistory of Visuality* (Durham & London: Duke University Press, 2011).

Geoff Batchen et al. (ed), *Picturing Atrocity: Photography in Crisis* (London: Reaktion, 2012).

10. November 16th

[research paper proposal due]

Mobilities & Modalities of Violence

Robert Cover, "Violence and the Word," in *Narrative, Violence, and Nomos: The Essays of Robert Cover*, ed. Martha Minow, Michael Ryan and Austin Sarat (Ann Arbor: University of Michigan Press, 1995), 203-238.

Jason de León, *The Land of Open Graves: Living and Dying on the Migrant Trail* (Oakland: University of California Press, 2015): 1-85.

Karen Engle, "Anti-Impunity and the Turn to Criminal Law in Human Rights," *Cornell Law Review* 100 (2015): 1069-1127.

Recommended:

William Walters, "Migration, vehicles, and politics: Three theses on viapolitics," *European Journal of Social Theory* 18 (2015): 469-488.

Derek Gregory, "From a View to a Kill: Drones and Late Modern War," *Theory, Culture & Society* 28 (2011): 188-215.

Allison Mountz, "Specters at the Port of Entry: Understanding State Mobilities through an Ontology of Exclusion," *Mobilities* 6 (2011): 317-334.

Derek Gregory, *The Colonial Present* (Malden: Blackwell, 2004).

Kirsten Campbell, "The City of Law," *International Journal of Law in Context* 9 (2013): 192-212.

Kevin Walby and Randy Lippert, "Spatial Regulation, Dispersal, and the Aesthetics of the City: Conservation Officer Policing of Homeless People in Ottawa, Canada," *Antipode* 44 (2012): 1015-1033.

Matt McDonald, "Securitization and the Construction of Security," *European Journal of International Relations* 14 (2008): 563-587.

Derek Gregory, "War and Peace," *Transactions of the Institute of British Geographers* NS 35 (2010), 154-186.

Mariana Valverde, "Questions of Security: A framework for research," *Theoretical Criminology* 15 (2011): 3-22.

Neve Gordon, "Rationalising Extra-Judicial Executions: The Israeli Press and the Legitimation of Abuse," *International Journal of Human Rights* 8 (2004): 305-324.

Walter Benjamin, "Critique of Violence," in *Reflections*, ed. Peter Demetz (New York: Schocken, 1978), 277-300.

Achille Mbembe, "Necropolitics," transl. Libby Meintjes, *Public Culture* 15 (2003): 11-40.

Scott Veitch, *Law and Irresponsibility: On the legitimation of human suffering* (New York: Routledge, 2007).

Susanne Krasmann, "Targeted Killing and Its Law: On a Mutually Constitutive Relationship," *Leiden Journal of International Law* 25 (2012): 665-682.

11. November 23rd

Humans, Human Rights, Humanitarianism, Citizenship

Glen Coulthard, *Red Skin, White Masks* (Minneapolis: University of Minnesota Press, 2014), 1-49.

Cynthia G. Franklin and Laura E. Lyons, "'I have a family': Relational Witnessing and the Evidentiary Power

of Grief in the Gwen Araujo Case." *GLQ: A Journal of Gay and Lesbian Studies*, Vol. 22 (2016): 437-466.

Didier Fassin, "Humanitarianism as a Politics of Life," *Public Culture* 19 (2007): 499-520.

Recommended:

Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt Brace 1973 [1951]), 267-302.

Didier Fassin, "Another Politics of Life is Possible," *Theory Culture Society* 26 (2009): 44-60.

Costas Douzinas, *Human Rights and Empire: The political philosophy of cosmopolitanism* (Abingdon: Routledge, 2007), 3-50.

Megan Gaucher, "Monogamous Canadian Citizenship, Constructing Foreignness and the Limits of Harm Discourse," *Canadian Journal of Political Science* 49 (2016): 519-538.

Sally Engle Merry, *Human Rights & Gender Violence: Translating International Law into Local Justice* (Chicago: University of Chicago Press, 2006), 179-217.

Sheryl Hamilton, *Impersonations: Troubling the Person in Law and Culture* (Toronto: University of Toronto Press, 2009).

Vasuki Nesiah, "Placing International Law: White Spaces on a Map," *Leiden Journal of International Law* 16 (2003): 1-35.

Wendy Brown, "Suffering Rights as Paradoxes," *Constellations* 7 (2000): 230-241.

Roxanne Lynn Doty, "States of Exception on the Mexican Border: Security, 'Decisions,' and Civilian Border Patrols," *International Political Sociology* 1 (2007): 113-137.

Karolina Follis, *Building Fortress Europe: The Polish-Ukrainian Frontier* (Philadelphia: University of Pennsylvania Press, 2012), 1-53, 88-116.

Catherine Dauvergne, *Humanitarianism, Identity and Nation: Migration Laws in Canada and Australia*. (Vancouver: University of British Columbia Press, 2005), 1-20, 81-128.

Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge: Belknap, 2010).

Claire Moon, "Healing Past Violence: Traumatic Assumptions and Therapeutic Interventions in War and Reconciliation," *Journal of Human Rights* 8 (2009): 71-91.

Lawrence Douglas, *The Memory of Judgment: Making Law and History in the Trials of the Holocaust* (New Haven: Yale University Press, 2001).

Avery Gordon, *Ghostly Matters* (Minneapolis: University of Minnesota Press, 1997).

Costas Douzinas and Adam Gearey, *Critical jurisprudence: The political philosophy of justice* (Oxford: Hart, 2005).

Emilie Cameron, "Indigenous spectrality and the politics of postcolonial ghost stories," *Cultural Geographies* 15 (2008): 383-393.

Joanna Bourke, "Sexual Violence, Bodily Pain, and Trauma: A History," *Theory, Culture & Society* 29 (2012): 25-51.

Eleni Coundouriotis, "'You Only have Your Word:' Rape and Testimony," *Human Rights Quarterly* 35 (2013): 365-385.

Renisa Mawani, "Law's Archive," *Annual Review of Law and Social Science* 8 (2012): 337-365.

12. November 30th

[last chance for the third critical response]

Reading & Analysis of Primary Sources

In this class we will read selected primary sources of different genres that speak to issues we raised in class. Suggestions for sources are very welcome. Possibilities include these texts, but we can also wait and see what happens during the term:

Franz Kafka, *Before the Law*. Online (translated by Ian Johnston):

<http://records.viu.ca/~johnstoi/kafka/beforethelaw.htm>

Tsilhqot'in Nation v. British Columbia, 2014 SCC 44, [2014] 2 S.C.R. 256. Online: <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/14246/index.do>

R. v. Ghomeshi, Ontario Court of Justice, 24 March 2016.

13. December 7th

Class format TBD (most likely research paper presentations)

Don't forget: The research paper is due on Wednesday, December 13th (via email). No late papers, no exceptions. Thank you!