

Course Outline

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**COURSE:** LAWS 6000F PhD Seminar

**TERM:** FALL 2018

**PREREQUISITES:** N/A

**CLASS:** Day & Time: Tuesdays 11:35am–2:25pm  
Room: D490 Loeb Building

**INSTRUCTOR:** Professor Philip Kaisary

**CONTACT:** Office: D485 Loeb Building  
Office Hrs: TBA (please check cuLearn)  
Telephone: 613-520-2600 x. 4181  
Email: [Philip.Kaisary@carleton.ca](mailto:Philip.Kaisary@carleton.ca)

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

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**Academic Accommodations:**

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

**Pregnancy obligation:** 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](http://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](http://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](mailto:pmc@carleton.ca) for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me 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](http://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: <http://carleton.ca/studentaffairs/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](http://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](http://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/>

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## **CALENDAR COURSE DESCRIPTION**

Analysis of major themes, approaches and literature in contemporary legal and social theory.

### **COURSE DESCRIPTION**

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, we will move between different centers of gravity in the field of Legal Studies. We will draw on some classic texts that continue to shape the way that law, rights and the state have been conceptualized, but we will 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.

## **REQUIRED TEXTS**

Course readings will be accessible through ARES via cuLearn and/or available at Library Reserves.

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

## **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 (10 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 **October 2<sup>nd</sup>**. The second response is due no later than **October 30<sup>th</sup>**. The third response is due no later than **November 20<sup>th</sup>**. **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 4<sup>th</sup>**. The research paper proposal is due on **November 13<sup>th</sup>**.

**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.

<b>Grade</b>	<b>Percentage</b>	<b>Description</b>
<b>A+</b>	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.
<b>A</b>	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.
<b>A-</b>	80-84	Quality work that represents a high level of integration, comprehensiveness and complexity, as well as proficiency of relevant techniques/concepts.
<b>B+</b>	77-79	Satisfactory level of integration, comprehensiveness, and complexity; demonstrates a sound level of analysis with some weaknesses.
<b>B</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>B-</b>	70-72	Does not fulfill the course expectations. Work reveals deficiencies in knowledge, understanding or techniques.
<b>C+</b>	67-69	Unacceptable work at the graduate level. Represents an unacceptable level of integration, comprehensiveness and complexity.
<b>C</b>	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 <a href="http://calendar.carleton.ca/grad/gradregulations/administrationoftheregulations/#11">http://calendar.carleton.ca/grad/gradregulations/administrationoftheregulations/#11</a>)</i>
<b>C-</b>	60-62	
<b>D</b>	50-59	
<b>F</b>	0-49	Fail. Unsatisfactory performance, even though student completes course requirements including submission of final paper/ completion of final exam.

**SCHEDULE**

**Note: Fall Break is October 22<sup>nd</sup> – 26<sup>th</sup>.**

**1. September 11<sup>th</sup>****Introduction****2. September 18<sup>th</sup>****Making and Finding Law**

Clifford Geertz, “Local Knowledge: Fact and Law in Comparative Perspective,” *Local Knowledge: Further Essays in Interpretive Anthropology*, 3<sup>rd</sup> Ed. (New York: Basic Books, 1985), 167–234.

Lynn Hunt, *Inventing Human Rights: A History* (New York: Norton, 2007), 15–69.

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

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).

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

**3. September 25<sup>th</sup>****Stories of Origins 1: Social Contracts and Other Fictions**

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

Bartolomé de las Casas, *A Short Account of the Destruction of the Indies* [1542] (Penguin, 2004)

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

**Recommended:**

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

Aimé Césaire, *Discourse on Colonialism* (Monthly Review Press, 2001)

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

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. October 2<sup>nd</sup>

[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.

Frantz Fanon, *Black Skin, White Masks* [1952] Trans. Richard Philcox (Grove Press, 2008)

\* If you have French, read the original \*

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

#### Recommended:

Frantz Fanon, *The Wretched of the Earth* [1963] (New York: Grove Press, 2004)

Edward Said, "The Politics of Knowledge," *Raritan* (Vol. 11, No. 1. 1991), 17-31.

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).

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

#### 5. October 9<sup>th</sup>

#### Stories of Origins 3: Is the Law a White Dog?

Colin Dayan, *The Law is a White Dog: How Legal Rituals Make and Unmake Persons* (Princeton University Press, 2011): 1-70.

Recommended:

Antony Anghie “Francisco De Vitoria and the Colonial Origins of International Law”, *Social & Legal Studies* (Vol. 5, No. 3, 1996): 321–336

China Miéville, “Multilateralism as Terror: International Law, Haiti and Imperialism,” *Finnish Yearbook of International Law* 18 (2007).

Available online at: <http://eprints.bbk.ac.uk/783/2/HaitiBirk.pdf>

Colin Dayan, *The Story of Cruel and Unusual* (MIT Press, 2007)

**6. October 16<sup>th</sup>****Law, Capitalism, and Reification**

Georg Lukács, “Reification and the Consciousness of the Proletariat,” in: Georg Lukács, *History and Class Consciousness* (MIT Press, 1999), 83–222.

Todd Hendrick, “Reification in and through law: Elements of a theory in Marx, Lukács, and Honneth,” *European Journal of Political Theory* 2014, Vol. 13(2): 178–198

Charlie Chaplin (dir.), *Modern Times*, (1905)

[we will watch some excerpts in class but I will make a copy available for viewing beforehand]

Recommended:

Alex Honneth, “Reification and Recognition: A New Look at an Old Idea” in Alex Honneth *Reification: A New Look at an Old Idea* (Oxford University Press, 2008), 17–96.

Georg Lukács, “Ideology of Modernism,” in Terry Eagleton and Drew Milne, eds., *Marxist Literary Theory* (Oxford: Blackwell, 1996)

Fritz Lang (dir.) *Metropolis* [1927]

**7. October 30<sup>th</sup>**

**[second critical response: no later than today]**

**Poor Things? Law and Life After Reification**

Federico García Lorca, “Play and Theory of the Duende” in Federico García Lorca, *In Search of Duende*, (New York: New Directions, 1955, 1998), 48–62

Aaron James, *Surfing With Sartre: An Aquatic Inquiry into a Life of Meaning*, (New York, Doubleday, 2017), 1-99

Recommended:

Friedrich Nietzsche, *Thus Spoke Zarathustra* [1883–1891] (Penguin, 1969)

Jean-Paul Sartre, *Being and Nothingness* [1943] (Washington Square Press, 1993)

Hebert Marcuse, *One Dimensional Man: Studies in the Ideology of Advanced Industrial Society* (Beacon Press 1991)

Herbert Marcuse, *Eros and Civilization: A Philosophical Inquiry into Freud* (Beacon Press, 1974)

**8. November 6<sup>th</sup>**

**Law, Utopia, Dystopia**

Charlotte Perkins Gilman, *Herland* [1915] (Vintage, 2015)

Recommended:

Fredric Jameson, “Varieties of the Utopian,” in *Archaeologies of the Future: The Desire Called Utopia and Other Science Fictions* (London: Verso, 2005), 1-9

Terry Eagleton, “Utopia and Its Opposites,” *Socialist Register* 36 (2000): 30-40

Ernst Bloch, *The Principle of Hope [Vols. 1–3]* (MIT Press, 1995)

**9. November 13<sup>th</sup>**

**Eco-Catastrophe and Law**

Naomi Klein, “One Way or Another, Everything Changes,” in Naomi Klein, *This Changes Everything* (Vintage Canada, 2015), 1–28

Sam Adelman, “Human rights and climate change” in Gordon DiGiacomo (ed.), *Human rights: current issues and controversies* (Toronto: University of Toronto Press 2016), 411-435

Peter Burdon, *Exploring Wild Law: The Philosophy of Earth Jurisprudence* (Wakefield Press, 2011), 12–78

Recommended:

Verchick, Robert, *Facing Catastrophe: Environmental Action for a post-Katrina World* (Harvard University Press, 2010)



Austin Sarat, Lawrence Douglas, & Umphrey, Martha Merrill (eds.) *Law and Catastrophe* (Stanford University Press, 2007)

### 10. November 20<sup>th</sup>

[last chance for the third critical response]

#### Humans, Human Rights, Citizenship

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

Samuel Moyn, *Not Enough: Human Rights in an Unequal World* (Harvard University Press, 2018), 173–211.

Jessica Whyte, “Powerless companions or fellow travellers? Human rights and the neoliberal assault on post- colonial economic justice,” *Radical Philosophy* (June 2018),

<https://www.radicalphilosophy.com/article/powerless-companions-or-fellow-travellers>

Jessica Whyte, “Human Rights After October,” (December 16, 2017)

<https://legalform.blog/2017/12/16/human-rights-after-october-jessica-whyte/>

#### Recommended:

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

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

Illan rua Wall, *Human Rights and Constituent Power: Without Model or Warranty* (Routledge, 2012)

Nick Nesbitt, *Universal Emancipation: The Haitian Revolution and the Radical Enlightenment* (University of Virginia Press, 2008).

### 11. November 27<sup>th</sup>

#### Reading & Analysis of Primary Sources

In this class we will read selected primary sources of different genres that speak to issues we have raised in class. I offer the following as an initial suggestion, but please suggest additional sources throughout the semester.

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

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

### 12. December 4<sup>th</sup>

**Class format TBD (most likely research paper presentations)**

**Don't forget: The research paper is due on December 7<sup>th</sup> (via email).**