

Course Outline

COURSE: LAWS 6000F - Doctoral Seminar in Legal Studies

TERM: FALL 2019

CLASS: **Day & Time:** Fridays, 11:35am–2:25pm
 Room: Check with Carleton Central for current room location

INSTRUCTOR: Prof. Philip Kaisary

CONTACT: **Office:** Room D485 Loeb Building
 Office Hrs: TBC
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CALENDAR COURSE DESCRIPTION

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

COURSE DESCRIPTION

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 or standard texts. We will not try to delineate Legal Studies by defining its boundaries or by arguing what it is or is not. Instead, we will move between different centers of gravity in the field. We will draw on some classic texts that shaped the way that law, rights and the state have been conceptualized, as well as 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 two 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

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.

- Two class presentations: 10% each (20% combined)
- Two critical responses: 15% each (30% combined)
- Research paper proposal (4–5 pages, double-spaced, including bibliography): 10%
- Research paper (20 pages, double-spaced, excluding bibliography): 40%
- Class presentation and participation: This seminar relies on informed participation and discussion. The presentations should provide a **15 to 20-minute critical analysis** of the text(s) and set a possible frame for further discussion. Presentations should not simply 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 4-5 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 must be submitted no later than **October 11th**. The second response is due no later than **November 8th**. 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 6th**. The research paper proposal is due on **November 15th**.

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	

SCHEDULE

October 21 – 25 - Fall Term Break

1. September 6th

Introduction (no assigned reading)

2. September 13th**Making and Finding Law**

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

Joseph Slaughter, *Human Rights, Inc.: The World Novel, Narrative Form, and International Law* (New York: Fordham University Press, 2007): 1–44.

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

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).

3. September 20th**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).

Recommended:

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

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

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. September 27th**Stories of Origins 2: Spatial and Racial Imaginaries and Orders**

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

* If you have French, read the original *

Recommended:

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

Henry Louis Gates Jr, "Critical Fanonism," *Critical Inquiry* (Vol. 17, No. 3, Spring, 1991): 457-470.

David Macey, *Frantz Fanon: A Biography*, 2nd ed. (London: Verso, 2012).

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

Nick Nesbitt, "Négritude." [on CU Learn]

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

Also:

"Frantz Fanon's Daughter to Michigan Prisons: Take 'Black Skin, White Masks' Off the Banned Book List" [on CU Learn]

"HOWARD CENTER AND ACLU DEMAND MICHIGAN PRISONS END UNLAWFUL BAN OF ICONIC BOOK ON STRUCTURAL RACISM" [on CU Learn]

5. October 4th**Stories of Origins 3: *Orientalism***

Edward Said, *Orientalism* [1978] (New York: Random House, 1994): 1-110 (Introduction and chapter 1).

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>

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

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

6. October 11th

Freud, Civilization, Repression, Law

Sigmund Freud, *Civilization and Its Discontents* [1930] (trans. David McLintock) (London: Penguin, 2002): 1–82.

Recommended:

Anthony Storr, *Freud: A Very Short Introduction* (Oxford: OUP, 2003).

7. October 18th

*** No Class ***

Fall Break October 21st–25th

8. November 1st

Law and the Liberation of Eros

Herbert Marcuse, *Eros and Civilization: A Philosophical Inquiry into Freud* (Beacon Press, 1974), 11–54.
(Chapters 1 & 2)

Recommended:

Caren Irr, "One-Dimensional Symptoms: What Marcuse Offers a Critical Theory of Law," in: *Rethinking the Frankfurt School: Alternative Legacies of Cultural Critique* edited by Jeffrey T. Nealon and Caren Irr, (SUNY Press, 2002): 169–86.

Brian O'Connor, "Marcuse and the Problem of Repression," in *The Routledge Companion to the Frankfurt School* edited by Peter E. Gordon, Espen Hammer and Axel Honneth (Routledge: 2018): 302–312.

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

9. November 8th**Law and *Dialectic of Enlightenment***

Max Horkheimer and Theodor Adorno, *Dialectic of Enlightenment: Philosophical Fragments* [1947] (Stanford University Press, 2002): 1–93. (First 3 chapters or “fragments”)

Recommended:

Stephen Eric Bonner, *Critical Theory: A Very Short Introduction*, 2nd ed. (Oxford: OUP, 2017).

Roger Cotterrell, “Critique and Law: The Legacy of the Frankfurt School,” in: *Law's Community: Legal Theory in Sociological Perspective* (Oxford: Clarendon Press, 1997): 204–217. [on CU Learn]

Martin Jay, *The Dialectical Imagination: A History of the Frankfurt School and the Institute of Social Research, 1923-1950* [1973] (University of California Press, 1996).

Stuart Jeffries, *Grand Hotel Abyss: The Lives of the Frankfurt School* (London: Verso, 2016).

William E. Scheuerman, “Critical Theory and the Law,” in: *The Routledge Companion to the Frankfurt School* eds. Peter E. Gordon, Espen Hammer, Axel Honneth, (Routledge: 2018): 459–471.

10. November 15th**Law in the Anthropocene / Capitalocene**

Jason W. Moore, “Wall Street is a Way of Organizing Nature,” *Upping the Anti: A Journal of Theory and Action* 12 (May 2012): 39-53. (PDF on CULearn)

Jason W. Moore, “The Capitalocene, Part I: on the nature and origins of our ecological crisis,” *The Journal of Peasant Studies*, (44:3, 2017): 594–630.

Recommended:

Carl Cassegård and Håkan Thörn, “Toward a postapocalyptic environmentalism? Responses to loss and visions of the future in climate activism,” *Environment and Planning E: Nature and Space* (2018): 1-18

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

Andreas Malm, “Introduction: Theory for the Warming Condition,” *The Progress of this Storm: Nature and Society in a Warming World* (Verso 2018)

Imre Szeman, “Introduction: Pipeline Politics,” *South Atlantic Quarterly* 116.2, (April 2017): 402-407

11. November 22nd**Utopian Feminism**

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

12. November 29th***What Should Legal Analysis Become?***

Roberto Mangabeira Unger, *What Should Legal Analysis Become?* (London: Verso, 1996): 1–50, 182–190.

13. December 6th**Class format TBD**

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: <https://carleton.ca/equity/accommodation/academic/students/>

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: <https://carleton.ca/equity/accommodation/academic/students/>

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). <https://carleton.ca/pmc/students/accommodations/>

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: <https://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: <https://carleton.ca/equity/accommodation/academic/>

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/>