

Course Outline

COURSE:	LAWS 3104 A – Critical Theory for Legal Studies: An Introduction
TERM:	Fall 2024
PREREQUISITES:	1.0 credit in LAWS at the 2000 level
CLASS:	Day & Time: Tuesdays, 2:35 pm – 5:25 pm Room: Please check Carleton Central for current Class Schedule A weekly in-person lecture course.
TA:	Janakan Muthukumar JanakanMuthukumar@email.carleton.ca
INSTRUCTOR:	Dr. Philip Kaisary
CONTACT:	Office: C574 Loeb Building Office Hrs: By appointment Telephone: 613-520-2600 Ext. 4181 Email: Philip.Kaisary@carleton.ca
BRIGHTSPACE:	https://brightspace.carleton.ca/d2l/home/290254

CALENDAR COURSE DESCRIPTION

Introduction to the general contours of critical theory as it pertains to law and legal studies. The course will introduce key concepts and controversies in the field, identify specific theoretical debates, and consider what conceptual consequences follow from the elaboration of specific positions or arguments.

COURSE DESCRIPTION & LEARNING OUTCOMES

This course is intended as an introduction to the project of reading critical theory for legal studies. The core objectives of critical theory are to analyze the ways in which our present society falls short of being a just and liberated society and to consider new possibilities by which universal justice and liberation might be attained.

Lectures and readings will impinge upon such topics as rights, colonization, power, resistance, social transformation, race, class, gender, indigeneity, morality, and progress. The core objective

of the course is the development of competence in the field of critical theory as it pertains to law and legal studies. 'Competence' in this context will take the form of an ability to situate specific ideas, methods, schools, and theorists accurately within the wider theoretical field, and to discern what is at stake in specific debates.

Please note: All personal electronic devices are expected to be switched off for the duration of each class. Further, if you take notes on a laptop, you should disconnect it from the internet by disabling the Wi-Fi for the duration of each class.

REQUIRED TEXTS

Texts will be made available online via the Library's Course Reserves (ARES). Texts for which the Library is unable to obtain online copyright permission will be placed in the Library's physical reserves collection.

To encourage a deeper engagement with the materials, I strongly recommend that you read physical (printed) copies of all the assigned readings rather than read from a screen.

SUPPLEMENTARY TEXTS

Gerald Graff and Cathy Birkenstein, *They Say/I Say: The Moves that Matter in Academic Writing*, (5th ed. Norton, 2021).

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.

Notebook / lever arch folder of notes: not required, not graded

I *strongly suggest* you keep a *physical* notebook or lever arch folder of notes throughout the course. This will become an essential piece of documentation to map out the material covered and to refer to as you build towards the final essay at the end of the course. Typically, this notebook or folder should include your annotated copies of all reading materials, your independently prepared notes on weekly readings, weekly lecture notes, assignments and drafts of assignments.

Attendance and participation: 15%

Mid-term: 35%

The mid-term assessment will take place on **Tuesday October 15** in our regularly scheduled class time and it will be open book. It will comprise two mini essays to be written in 60 minutes. Students must work alone. Further information will be provided closer to the time.

Final exam: 50%

2 essays to be written in a 2-hour, in-person exam You will choose from a list of essay questions to be provided. The exact date, time, and place will be confirmed in due course but the exam will be scheduled in the date period **December 9–21** (inclusive).

All components must be successfully completed in order to get a passing grade.

EMAILING ME

Please email me only from your Carleton email account. Emails from personal accounts often end up in my junk or spam folders. I try to respond to email within two business days (Saturdays, Sundays, and public holidays are not business days). **Please include a clear subject line, the course code and section number, your first and last name, and your student number. Please keep your email to the matter at hand and offer a courteous salutation (“Dear Philip” is perfectly fine).** The CUOL best-practices for emailing your instructor is a useful document: <https://carleton.ca/online/online-learning-resources/emailing-your-instructor/>

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

The granting of extensions is determined by the instructor, who will confirm whether an extension is granted and the length of the extension. For requests for extensions lasting less than 7 days, please complete the form at the following link and submit it to the instructor prior to the assignment due date: <https://carleton.ca/registrar/academic-consideration-coursework-form/>

Extensions for longer than 7 days will normally not be granted. In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

Final exam deferrals must be applied for at the Registrar’s Office. Please view the following link for more information and how to apply for a deferral: <https://carleton.ca/registrar/deferral/>

For more information regarding academic consideration for short-term incapacitation (illness, injury, or extraordinary circumstances beyond a student’s control), please visit the following link: <https://students.carleton.ca/course-outline/#academic-consideration-for-short-term-incapacitation>

SCHEDULE**Week 1: Tuesday September 10: Introduction: What is ‘Theory’? What is ‘Critical Theory’?**

Required reading:

The course outline

Stephen Eric Bonner, “Introduction: what is critical theory?” *Critical Theory: A Very Short Introduction*, 2nd ed., Oxford University Press, 2017: 1–6.**Week 2: Tuesday September 17: Kant: Law, Modernity, and Enlightenment**

Required reading:

Immanuel Kant, “What Is Enlightenment?” [1784] *Practical Philosophy: The Cambridge Edition of the Works of Immanuel Kant*, ed. M. Gregor, Cambridge University Press, 1996: 11–22.Michel Foucault, “What Is Enlightenment?” *The Foucault Reader*, ed. Paul Rabinow, trans. Catherine Porter, Pantheon Books, 1984: 32–50.

Required listening:

Deutschlandfunk Kultur: Sein und Streit, Lea Ypi on freedom and morality: “Did Kant invent socialism?”, June 16, 2024, (29 mins, 6 secs).

Available at: <https://www.deutschlandfunkkultur.de/lea-ypi-on-freedom-and-morality-did-kant-invent-socialism-english-dlf-kultur-f911c314-100.html/>

Further reading:

Hannah Arendt, *Lectures on Kant’s Political Philosophy*, University of Chicago Press, 1982: 7–77Jürgen Habermas, “Taking Aim At The Heart of the Present: On Foucault’s Lecture on Kant’s *What is Enlightenment?*” in Jürgen Habermas, *The New Conservatism: Cultural Criticism and the Historians’ Debate*, ed. and trans. Shierry Weber Nicholsen, MIT Press, 1989: 173–179.Dorinda Outram, *The Enlightenment* (4th ed.) Cambridge University Press, 2019.**Week 3: Tuesday September 24: Hegel, Slavery, and Revolution**

Required reading:

G. W. F. Hegel, “Master-Slave Dialectic” in *The Phenomenology of Spirit* [1807], Oxford University Press, 1979: 113–119, paras. 186–196Susan Buck-Morss, “Hegel and Haiti”, *Critical Inquiry*, 26, 2000: 821–865.

Further reading:

Pau Gilroy, "Slavery and the Enlightenment Project," *The Black Atlantic: Modernity and Double Consciousness*, Harvard University Press, 1993: 46–58

Week 4: Tuesday October 1: Karl Marx and Law

Required reading:

Karl Marx, *Capital: A Critique of Political Economy, Vol. 1* [1867], trans. Ben Fowkes, Penguin, 1990: 340–416.

Daniel McLachlin and Talina Hürzeler, "Marx on the Factory Acts: Law, exploitation, and class struggle," *Research Handbook on Law and Marxism*, eds. Paul O'Connell and Umut Özsu, Edward Elgar, 2021: 21–34.

Further reading:

David Harvey, *A Companion to Marx's Capital*, Verso, 2010: 1–53.

Evgeny Pashukanis, *Law and Marxism: A General Theory*, Pluto Press, 1987.

Raymond Williams, "Base and Superstructure in Marxist Cultural Theory," *New Left Review*, Vol. 1, No. 82, (Nov/Dec, 1973), 3–16.

Week 5: Tuesday October 8: Critical Theory and Indigeneity

Required reading:

Glen Coulthard, *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*, University of Minnesota Press, 2014: 25–49, 131–149.

Further reading:

Sophie McCall, "Reconsidering Fanon's language of recognition in Indigenous studies," *Partisan Universalism: Essays in Honour of Ato Sekyi-Out*, eds. Gamal Abdel-Shehid and Sofia Noori, Daraja Press. <https://pressbooks.pub/daraja21/>

Week 6: Tuesday October 15: In-class Mid-Term Assessment

October 21–25, 2023: Fall Break: No Classes

Week 7: Tuesday October 29: The Frankfurt School

Required reading:

Theodor Adorno, "Freudian Theory and the Pattern of Fascist Propaganda" (1951). In: *The Essential Frankfurt School Reader*, edited by Andrew Arato and Eike Gebhardt, (New York: Continuum Books, 1987): 118–37.

Peter E. Gordon, “The Authoritarian Personality Revisited: Reading Adorno in the Age of Trump,” *boundary 2*, Vol. 44, No. 2 (2017): 31–56.

Further reading (primary):

Adorno et al. *The Authoritarian Personality* (1950). (New York: Verso, 2019).

Further reading (secondary):

Amy Allen, *The End of Progress: Decolonizing the Normative Foundations of Critical Theory*, Columbia University Press, 2016.

Susan Buck-Morss, *The Origin of Negative Dialectics: Theodor W. Adorno, Walter Benjamin, and the Frankfurt Institute*, Free Press, 1977.

Week 8: Tuesday November 5: Postcolonialism: The Question of Violence in Fanon’s work

Required reading:

Frantz Fanon, *The Wretched of the Earth* [1963] trans. Richard Philcox, Grove Press, 2004: 1–62.

Edward Said, “Collaboration, Independence, and Liberation,” [Part V of Chapter 3], *Culture and Imperialism*, (New York: Alfred A. Knopff, 1993): 262–281.

Required viewing:

Gillo Pontecorvo, dir. *The Battle of Algiers*. (1966, Italy / Algeria. Igor Film / Casbah Film).

Further reading:

Amy Allen, “Adorno, Foucault, and the End of Progress: Critical Theory in Postcolonial Times,” in: *Critical Theory in Critical Times: Transforming the Global Political and Economic Order*, eds. Penelope Deutscher and Cristina Lafont, Columbia University Press, 2017: 183–206.

Neil Lazarus, *The Postcolonial Unconscious*, Cambridge University Press, 2011: 1–20; 161–182.

Nick Nesbitt, “Revolutionary Inhumanism: Fanon’s ‘On Violence,’” *Caribbean Critique: Antillean Critical Theory from Toussaint to Glissant*, University of Liverpool Press, 2013: 192–216.

Week 9: Tuesday November 12: Feminist Critical Theory and Law

Required reading:

Toril Moi, “What is a Woman? Sex, Gender, and the Body in Feminist Theory”, *What is a Woman? And Other Essays*, Oxford University Press, 2001: 3–120.

Further reading:

Simone de Beauvoir, "Introduction" and Chapter 14: "The Independent Woman", *The Second Sex* [1949] trans. Constance Borde & Sheila Malovany-Chevallier, Vintage, 2009: 3–17, 721–751.

Judith Butler, "Sex and Gender in Simone de Beauvoir's *Second Sex*," *Yale French Studies*, No. 72, (1986): 35-49.

Week 10: Tuesday November 19: Psychoanalysis and Law

Required reading:

Sigmund Freud, *Civilization and Its Discontents*, [1930] trans. J. Strachey, Norton, 1961: 11–32.

Sigmund Freud, *New Lectures on Psychoanalysis*, translated by J. Sprott, New York, Norton, 1961 [1933]: 104–112.

Rebecca Comay, "Resistance and repetition: Hegel and Freud," *Research in Phenomenology*, (Vol. 45, No. 2, 2015), 237–266.

Further reading:

Jacques Lacan, "The Mirror-phase as formative of the function of the I." *New Left Review*, Vol. 51, Sept.-Oct. 1968: 63–77.

Week 11: Tuesday November 26: Foucault, Modernity, and the Disciplinary Society

Required reading:

Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan, Vintage, 1979, 3–31; 135–69; 170-94; 195–228.

Further reading:

Anne Schwan and Stephen Shapiro, *How to Read Foucault's Discipline and Punish*, Pluto Press, 2011.

Week 12: Tuesday December 3: Revision Lecture

December 9–21: Final exam. Date and time TBC. Examinations are normally held all seven days of the week.

University and Departmental Policies

DEPARTMENT POLICIES AND REGULATIONS

Please review the following webpage to ensure that your practices meet our Department's expectations, particularly regarding standard departmental protocols and academic integrity requirements: <https://carleton.ca/law/student-experience-resources/>.

ACADEMIC INTEGRITY

Permissibility of submitting substantially the same piece of work more than once for academic credit:

- Re-using work from different courses/assignments is prohibited.

Permissibility of the use of generative artificial intelligence tools (e.g. ChatGPT):

- Any use of generative AI tools to produce assessed content is considered a violation of academic integrity standards.
- AI tools are not permitted in this course.

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/>.

Statement on Student Mental Health

As a student you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. If you need help, please speak to someone. There are numerous resources available both on- and off-campus to support you. For more information, please consult <https://wellness.carleton.ca/>

The following is a list of useful resources:

Emergency Resources (on and off campus)

- Suicide Crisis Helpline: call or text 9-8-8, 24 hours a day, 7 days a week.
- For immediate danger or urgent medical support: call 9-1-1

Carleton Resources

- Mental Health and Wellbeing: <https://carleton.ca/wellness/>
- Health & Counselling Services: <https://carleton.ca/health/>
- Paul Menton Centre: <https://carleton.ca/pmc/>
- Academic Advising Centre (AAC): <https://carleton.ca/academicadvising/>
- Centre for Student Academic Support (CSAS): <https://carleton.ca/csas/>
- Equity & Inclusivity Communities: <https://carleton.ca/equity/>

Off Campus Resources

- Distress Centre of Ottawa and Region: call 613-238-3311, text 343-306-5550, or connect online at <https://www.dcottawa.on.ca/>
- Mental Health Crisis Service: call 613-722-6914 or toll-free 1-866-996-0991, or connect online at <http://www.crisisline.ca/>
- Empower Me Counselling Service: call 1-844-741-6389 or connect online at https://studentcare.ca/rte/en/IHaveAPlan_CarletonUniversityUndergraduateStudentsCUS_A_EmpowerMe_EmpowerMe
- Good2Talk: call 1-866-925-5454 or connect online at <https://good2talk.ca/>
- The Walk-In Counselling Clinic: for online or on-site service <https://walkincounselling.com>

ACADEMIC ACCOMMODATIONS

Carleton is committed to providing academic accessibility for all individuals. You may need special arrangements to meet your academic obligations during the term. The accommodation request processes, including information about the Academic Consideration Policy for Students in Medical and Other Extenuating Circumstances, are outlined on the Academic Accommodations website (<https://students.carleton.ca/course-outline>).

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

Pregnancy Obligation and Family-Status Related Accommodations

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 about the accommodation policy, visit the [Equity and Inclusive Communities \(EIC\) website](#).

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, please go to: <https://carleton.ca/equity/focus/discrimination-harassment/religious-spiritual-observances/>.

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. You can find the Paul Menton Centre online at: <https://carleton.ca/pmc/>

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).

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 where 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/equity/sexual-assault-support-services>

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. Read more here: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit: <https://students.carleton.ca/services/accommodation/>.

Academic Consideration for Medical and Other Extenuating Circumstances

Due to medical and other extenuating circumstances, students may occasionally be unable to fulfill the academic requirements of their course(s) in a timely manner. The University supports the academic development of students and aims to provide a fair environment for students to succeed academically. Medical and/or other extenuating circumstances are circumstances that are beyond a student's control, have a significant impact on the student's capacity to meet their academic obligations, and could not have reasonably been prevented.

Students must contact the instructor(s) as soon as possible, and normally no later than 24 hours after the submission deadline for course deliverables. If not satisfied with the instructor's decision, students can conduct an "informal appeal" to the Chair of the department within three (3) working days of an instructor's decision. We have created a webform specifically for appeals

to the Chair, which can be found here: <https://carleton.ca/law/application-for-review-of-refusal-to-provide-academic-consideration/>. *Note: This form only applies to LAWS courses and is not the same as a formal appeal of grade.* More information about the academic consideration can be found [here](#).