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<b>COURSE:</b>	<b>LAWS 2502, Section D – Law, State and Citizen</b>
<b>TERM:</b>	<b>Fall 2021</b>
<b>PREREQUISITES:</b>	<b>1.0 credit from LAWS 1001, LAWS 1002, PSCI 1100, PSCI 1200 or HUMR 1001 [1.0] or PAPM 1000 [1.0]</b>
<b>CLASS:</b>	<b>Day &amp; Time: Mondays 6:05 pm to 8:55 pm (Eastern Standard Time)</b>
<b>Room:</b>	<b>This course will be offered online. Lectures in this course will be delivered using prerecorded videos that will be made available through the course Brightspace page. Live Zoom sessions will also be held Mondays at 6:05 to 8:05 <i>unless indicated otherwise</i>. These sessions are meant to help students who would like to further discuss the lectures and course readings.</b>
<b>INSTRUCTOR:</b>	<b>Andrew Costa</b>
<b>CONTACT:</b>	<b>Office Hrs: Wednesdays 11:00 am– 12:00 pm (Eastern Standard Time) (Via Zoom)</b>
	<b>Telephone: N/A</b>
	<b>Email: <a href="mailto:andrewcosta@cmail.carleton.ca">andrewcosta@cmail.carleton.ca</a></b>

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**CALENDAR COURSE DESCRIPTION**

Law, State and Citizen

Theories and Practices of Modern Citizenship in Canada and Abroad. Themes examined include the Racial and Colonial Roots of Citizenship, Violence and Sovereign Power, Group Rights, Multiculturalism, More-Than-Human Citizenship, Indigenous Rights, Plurinational citizenship and Anarchism.

**COURSE DESCRIPTION**

At no other time in the past several decades has the concept of citizenship been as contested as it is now. Attempts to challenge the colonial and racial roots of modern citizenship have caused several diverse groups to demand social and cultural rights to be recognized as minorities by their associated states. Others have also looked to expand citizenship rights to animals and various elements in the natural world.

On the other hand, this course also looks at future developments through assessing citizenship and its tenuous relation to the state. These matters will be explored in discussions on how Indigenous Nations throughout the Americas articulate demands to Self Determination adjacent to the state. It also determines how non – state organizing can also impact claims to citizenship past the state as well.

Key questions the course asks include:

How have racism and colonialism structured modern citizenship ideals? What is the relation between sovereign power and violence? How are citizenship rights realized among groups and other minorities? Can citizenship rights be extended to non-human entities like animals and the natural world? How do Indigenous nations and anti-statist groups conceive of citizenship?

### **COURSE OBJECTIVES**

Upon successful completion of this course, students should be able to:

- Learn about the Racial and Colonial roots inhering in Modern Citizenship and how these roots have been carried over into the present.
- Understand the connections and tensions between Sovereign Power and Violence in modern societies.
- Learn about how present citizenship matters animate social and political concerns in Canada and abroad.
- Explain how debates around citizenship are not just state centered but are also adjacent to the state. I.e., Indigenous Rights, Plurinationalism, and Anarchism
- Critically analyze scholarly literature.
- Synthesize conceptual and practical knowledge and apply it to contemporary events.

### **REQUIRED TEXTS**

All required and supplementary readings will be posted and available on CU Learn

### **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.

<u>Assignment</u>	<u>Description</u>	<u>Due Date</u>	<u>Weight</u>
Short Essay # 1	3 to 4 Pages	October 4	20%
Short Essay # 2	3 to 4 Pages	November 8	20%
Short Essay # 3	3 to 4 Pages	November 29	20%
Final Exam	Based on Course Readings and Lectures	TBD	40%

### **Course Components**

#### *3 Papers (60% Total)*

You will be required to write small papers on some major themes taken up in each of the course's three sections. Paper # 1 deals with the Racial and Colonial roots inhering in Citizenship through concepts like the "Discovery" Doctrine and the Racial Contract. In Paper # 2, you will be writing about how Citizenship debates impact matters like Group Rights and Multiculturalism. Paper # 3 explains how citizenship can exist adjacent to the state through Indigenous Rights, Plurinationalism, and Anarchism. These papers will be graded on their relatedness to the course, quality of the writing and the references the originality of the argument.

The papers are due on **October 4, November 8, and November 29**

#### *Final Exam (40%)*

There will be a final exam on the course's content and readings. It will consist of ten short answer questions and one essay question. **This exam will be cumulative.**

Questions will be based on the required articles throughout the entire course. **Exams will be submitted and graded via Bright Space.**

### **GRADE REQUIREMENTS**

Grading of assignments includes evaluation of the students' knowledge of, and ability to discuss, information and ideas presented. Grading will also take matters of spelling, grammar, punctuation, proper citation, and clarity of expression into account.

To appeal a grade please wait 48 hours after receiving your grade to reflect on the

justification given. Emails sent before the 48-hour period will not receive a response. After the 48-hour period, you must send your T.A. a detailed explanation that explains why you believe you deserve a better mark based on the required guidelines. If upon appealing to the T.A. you are still unclear or unhappy about your grade you can then contact the Instructor. The instructor will then evaluate your grade.

### **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/wp-content/uploads/self-declaration.pdf>.

**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).

All assignments must be submitted via CU Learn. It is your responsibility to upload assignments BEFORE the deadline and in readable formats that are compatible with the CU Learn system (e.g., PDF, .docx).

### **SCHEDULE**

#### Week 1: Introduction

September 13

Syllabus Review

No Readings

### PART 1: CITIZENSHIP'S RACIAL AND COLONIAL ROOTS

#### Week 2: Citizenship's Racial and Colonial Roots

September 20\*

Required Readings:

Robert A. Williams Jr. (1991) "Columbus' Legacy: Law as an Instrument of Racial Discrimination Against Indigenous Peoples' Rights of Self-Determination" *Arizona Journal of International and Comparative Law*. 8 (2), 51 – 75.

Antony Anghie (1996) "Francisco De Vitoria and the Colonial Origins of International Law" *Social and Legal Studies*. 5 (3), 321 – 336.

*\* I will not be holding a Zoom Live Session this week due to a pre-existing family commitment. Kaltura Capture lecture videos will be made available on the course's Bright Space page.*

Week 3: Modern Epistemologies of Citizenship

September 27

## Required Readings:

Charles Mills (1997) *The Racial Contract*. Ithaca, NY: Cornell University Press.  
Overview (9 – 40).

<https://wisc.pb.unizin.org/app/uploads/sites/26/2017/05/Mills-racial-contracxt.pdf>

Boaventura de Sousa Santos (2018) *The End of the Cognitive Empire: The Coming Age of Epistemologies of the South*. Durham, NC: Duke University Press.  
Introduction (1 – 19)

[https://www.dukeupress.edu/Assets/PubMaterials/978-1-4780-0015-0\\_601.pdf](https://www.dukeupress.edu/Assets/PubMaterials/978-1-4780-0015-0_601.pdf)

Week 4: Citizenship, Violence and Sovereignty

October 4

## Required Readings:

Jurgen Habermas (1996) “The European Nation State. Its Achievements and Its Limitations, On the Past and Future of Sovereignty and Citizenship” *Ratio Juris*. 9 (2), 125 – 137

Richard Delgado (2014) “Law’s Violence” *University of Pittsburgh Law Review*. 75 (4), 435 – 455.

Week 5: Thanksgiving Holiday

October 11

No Required Reading

Week 6: Citizenship Rights and Racism

October 18

## Required Readings:

Anna Spain Bradley (2019) “Human Rights Racism” *Harvard Human Rights Journal*. 32 (1), 1 – 58

\* There will be no Zoom Live Session due to the holiday break. A Kaltura Capture lecture video will be made available on the course’s Bright Space page.

Week 7: Reading Week

October 25

No Required Reading

## PART 2: GENERAL TOPICS IN CITIZENSHIP

Week 8: Citizenship and Group Rights

November 1

## Required Readings:

David Miller (2002) “Group Rights, Human Rights and Citizenship” *European Journal of Philosophy*. 10 (2), 178 – 195.

Andrew Sharp (1999) “What if Value and Rights Lie Foundationally in Groups?”

The Maori Case” *CRISPP*. 2 (2), 1 – 28.

Week 9: Multicultural Citizenship

November 8

Required Readings:

Jurgen Habermas (1995) “Multiculturalism and the Liberal State” *Stanford Law Review*. 47 (5), 849 – 854.

Will Kymlicka (2003) “Canadian Multiculturalism in Historical and Comparative Perspective: Is Canada Unique?” *Constitutional Forum* 13 (1), 1 – 8.

Cindy L. Holder and Jeff J. Corntassel (2002) “Indigenous Peoples and Multicultural Citizenship: Bridging Collective and Individual Rights” *Human Rights Quarterly*. 24 (1), 126 – 151.

Week 10: More-Than-Human Citizenship

November 15

Required Readings:

Will Kymlicka and Sue Donaldson (2014) “Animals and the Frontiers of Citizenship” *Oxford Journal of Legal Studies*. 34 (2), 201 – 219.

Laura S. Lynes (2019) “The Rights of Nature and the Duty to Consult in Canada” *Journal of Energy and Natural Resources Law*. 37 (3), 353 – 362.

PART 3: CITIZENSHIP FUTURES

Week 11: Indigenous Rights and State Citizenship

November 22

Required Readings

June McCue (2007) “New Modalities of Sovereignty: An Indigenous Perspective” *Intercultural Human Rights Law Review*. 2 (1), 19 – 30

James (Sakej) Youngblood Henderson (2019) “UN Declaration on the Rights of Indigenous Peoples and Treaty Federalism in Canada” *Review of Constitutional Studies*. 24 (1), 17 – 42.

Damien Lee (2019) “Adoption Constitutionalism: Anishinaabe Citizenship Law at Fort William First Nation” *Alberta Law Review*. 56 (3), 785 – 816.

Week 12: Pluriversal Citizenship

November 29

Required Readings:

Arturo Escobar (2018) *Designs for the Pluriverse: Radical Interdependence, Autonomy, and the Making of Worlds*. Durham, NC: Duke University Press. Introduction (1 – 21).

[https://www.dukeupress.edu/Assets/PubMaterials/978-0-8223-7105-2\\_601.pdf](https://www.dukeupress.edu/Assets/PubMaterials/978-0-8223-7105-2_601.pdf)

Roger Merino (2018) "Reimagining the Nation-State: Indigenous Peoples and the Making of Plurinationalism in Latin America" *Leiden Journal of International Affairs*. 31 (4), 773 – 792.

Week 13: Citizenship Beyond the State

December 6

Required Readings:

Ruth Kinna, Alex Prichard, and Thomas Swann (2019) "Occupy and the Constitution of Anarchy" *Global Constitutionalism*. 8 (2), 357 – 390.

Amy J. Cohen (2013) "On Being Anti-Imperial: Consensus Building, Anarchism and ADR" *Law, Culture, and the Humanities*. 9 (2), 243 – 260.

Exam Review

December 10

No Assigned Reading

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## **COVID-19 PREVENTION MEASURES**

All members of the Carleton community are required to follow COVID-19 prevention measures and all mandatory public health requirements (e.g. wearing a mask, physical distancing, hand hygiene, respiratory and cough etiquette) and [mandatory self-screening](#) prior to coming to campus daily.

If you feel ill or exhibit COVID-19 symptoms while on campus or in class, please leave campus immediately, self-isolate, and complete the mandatory [symptom reporting tool](#). For purposes of contact tracing, attendance will be taken in all classes and labs. Participants can check in using posted QR codes through the cuScreen platform where provided. Students who do not have a smartphone will be required to complete a paper process as indicated on the [COVID-19 website](#).

All members of the Carleton community are required to follow guidelines regarding safe movement and seating on campus (e.g. directional arrows, designated entrances and exits, designated seats that maintain physical distancing). In order to avoid congestion, allow all previous occupants to fully vacate a classroom before entering. No food or drinks are permitted in any classrooms or labs.

For the most recent information about Carleton's COVID-19 response and required measures, please see the [University's COVID-19 webpage](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact [covidinfo@carleton.ca](mailto:covidinfo@carleton.ca)

Please note that failure to comply with University policies and mandatory public health requirements, and endangering the safety of others are considered misconduct under the [Student Rights and Responsibilities Policy](#). Failure to comply with Carleton's COVID-19 procedures may lead to supplementary action involving Campus Safety and/or Student Affairs.

## **ACADEMIC ACCOMMODATIONS**

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:  
<https://students.carleton.ca/course-outline/>.

### **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 Department of Equity and Inclusive Communities (EIC):  
<https://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 Department of Equity and Inclusive Communities (EIC):  
<https://carleton.ca/equity/>.

### **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): <https://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: <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/studentsupport/svpolicy/>.

### **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 contact the departmental administrator or visit: <https://students.carleton.ca/services/accommodation/>.

### **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: <https://carleton.ca/law/student-experience-resources/>.

### **Intellectual Property and Copyright Policy**

The course materials posted on this course's Bright Space page are designed for use as part of the LAWS 2502 D course at Carleton University and are the intellectual property of the Instructor (© 2021, Andrew Costa. All rights reserved.) unless otherwise stated. Unless a user's right in Canada's Copyright Act covers the particular use, you may not record, copy, publish, post on an internet site, sell, or otherwise distribute this course's content without the Instructor's express permission.

Third party copyrighted materials (such as book chapters, journal articles, music, videos, etc.) have either been licensed for use in this course or fall under an exception or limitation in Canadian Copyright law.

### **Time Zone**

The time zone that will be used for the purposes of all assignment submissions,

synchronous class activities and so on will be Eastern Standard Time. If you are not in that time zone, you should make the appropriate adjustments to the times specified in the outline.