

COURSE OUTLINE

COURSE:	LAWS 4904 Advanced Legal Topics The idea of hierarchy
TERM:	Fall 2021
PREREQUISITES:	LAWS 2908, fourth-year Honours standing, and permission of Department.
CLASS:	Day: 2:30-5:30 Thursdays (ONLINE) Time:
INSTRUCTOR:	Zoran Oklopčic
CONTACT:	Office: LA-D587 Office Hrs: upon appointment Email: zoran.oklopčic@carleton.ca

COURSE DESCRIPTION

What do liberalism, capitalism, socialism, nationalism, and many other '-isms' have in common? What unites aristocracy, democracy, and theocracy? What is the common denominator of monarchy, patriarchy, and oligarchy? What single organizing principle can no liberal state, no communist party, no capitalist enterprise, no national-liberation movement, no cosmopolitan federation do without—not to mention hordes, schools, churches, armies, universities and criminal syndicates? The answer is **hierarchy**, the central theme of this advanced trans-disciplinary course in modern legal theory.

But what is hierarchy? The answer is seemingly simple and straightforward: 'a system or organization in which people or groups are ranked one above the other according to status or authority'. On closer inspection, our understanding of hierarchy will depend not only on our scholarly or professional perspectives, but also on the ways in which we imagine the basic elements of our (social) world in general (its levels, nodes, interfaces, and modes of control) as well as the ways in which those components relate to other mental and social schemata that play a role in the shaping of our social imaginaries—from queues and networks, to cores, peripheries, systems and swarms. With this in mind, the aim of this course is to explore the boundaries of our hierarchy-dominated political thinking:

- with close attention to the visual representations that make the idea of hierarchy not only imaginable but also (seemingly) sensible (pyramids, trees, chinese boxes, sociograms, and other diagrams);
- across disciplinary divides (eg jurisprudence, anthropology, sociology, ecology, complexity theory);
- in relation to political facts (plurality, unity) ideals (democracy, autonomy), wrongs (patriarchy, inequality) and possible alternatives (anarchy, heterarchy, polyarchy)—all of which presuppose some idea of hierarchy (whether or not they actually embrace it).

GRADING SCHEME

20 % class participation.

This course is the exploration of less well illuminated corners of legal, social, and political thought. Its success depends on your ongoing interaction with the material, and among yourselves, as its active participants. For that reason, your **attendance is strongly encouraged.**

20% X 2 reflection pieces [400—600 words each]

40 % Essay [2000-2500 words]

COURSE OUTLINE*

1. Introduction
2. Hierarchy: from theology to social imaginary
 - Charles Taylor, C. (2002), 'Modern Social Imaginaries', 14:1 Public Culture 91-124
 - Nicholas Verdier, 'Short History of Hierarchy' in Denise Pumain (ed.) *Hierarchy in Natural and Social Sciences* (Springer 2006) 13-39.
3. Hierarchy and community
 - Rogers Brubaker, 'Ethnicity without groups' (2002) 43(2) European Journal of Sociology, 163-189
 - Pierre Bourdieu, 'The social space and the genesis of groups' Theory and society 14.6 (1985): 723-744.
4. Everyday hierarchies: queueing

*** Please note: the readings may change, in part depending on the substance and the dynamic of the discussions in the class. This is another reason for attending the online sessions as regularly as possible.**

- Neil MacCormick, 'Norms, Institutions and Institutional Facts' (1998) 17[3] *Law and Philosophy* 301-345.

5. Hierarchy and sovereignty

- Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty* (George Schwab tr, first published 1922, University of Chicago Press 2006) [excerpts]
- Carl Schmitt, *The Concept of the Political* (Georg Schwab tr, first published 1932, University of Chicago Press) [excerpts]

6. Hierarchy and legality

- Hugh Heclo, 'Thinking Institutionally' in *Oxford Handbook of Political Institutions* (Oxford University Press)
- Hans Kelsen, *Introduction to the Problems of Legal Theory* (Clarendon 1992) 55-77.

7. Hierarchy and international community

- Martti Koskenniemi, M. (1997). Hierarchy in international law: A sketch. *European Journal of International Law*, 8(4), 566-582
- David Kennedy, 'Law and the Political Economy of the World' (2013) 26[1] *Leiden Journal of International Law* 7-48.

8. Hierarchy and (capitalist) economy

- Jodi Dean, 'Neofeudalism: The End of Capitalism?' *Los Angeles Review of Books* <https://lareviewofbooks.org/article/neofeudalism-the-end-of-capitalism/>
- Rahel Jaeggi, 'What (if anything) is wrong with capitalism? Dysfunctionality, exploitation and alienation: three approaches to the critique of capitalism' (2016) 54[S1] *The Southern Journal of Philosophy* 44

9. Hierarchy and (individual) liberty

- Isaiah Berlin, 'Two Concepts of Liberty' in Henry Hardy (ed), Isaiah Berlin, *Liberty* (Oxford University Press 1995).

10. Hierarchy and ideology

- Mary Douglas, 'Being fair to hierarchists.' *U. Pa. L. Rev.* 151 (2002): 1349.
- David Graeber, 'Super Position' *The New Inquiry* (2012) <https://thenewinquiry.com/super-position/>

11. Hierarchy in the academy

- Duncan Kennedy, 'Legal education and the reproduction of hierarchy' (1982) 32:4 *Journal of Legal Education* 591-615.

12. Hierarchy and mental imagery

- John Law and Vicky Singleton, 'Object lessons' (2005) 12 Organization 331. Cf. Annemarie Mol and John Law, 'Regions, Networks and Fluids: Anemia and Social Topology' (1994) 24 Social Studies of Science 641.
- Lizardo, Omar, 'Re-conceptualizing Abstract Conceptualization in Social Theory: The Case of the "Structure" Concept.' Journal for the Theory of Social Behaviour 43.2 (2013): 155-180.

13. Wrap-up. General discussion

Just for fun: David Graeber, 'What's the Point If We Can't Have Fun?' January 2014 No. 24
<https://thebaffler.com/salvos/whats-the-point-if-we-cant-have-fun>

Fall Term 2021 Sessional Dates and University Closures	
<i>Please find a full list of important academic dates on the calendar website: https://calendar.carleton.ca/academicyear/</i>	
September 6, 2021	Statutory holiday. University closed.
September 8, 2021	Fall term begins. Fall and fall/winter classes begin.
October 11, 2021	Statutory holiday. University closed.
October 25-29, 2021	Fall break, no classes.
November 26, 2021	Last day for summative tests or examinations, or formative tests or examinations totaling more than 15% of the final grade before the official examination period (see examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar).
December 10, 2021	Fall term ends. Last day of fall term classes. Classes follow a Monday schedule.
December 11-23, 2021	Formally Scheduled Final Exams may be held.
December 23, 2021	All take home examinations are due on this day, with the exception of those conforming to the examination regulations in the Academic Regulations of the University section of the Undergraduate Calendar/General Regulations of the Graduate Calendar.
December 25, 2021 through January 1, 2022 inclusive	University closed.

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).

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

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

Academic Accommodation

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 accommodation regarding a formally-scheduled final exam, you must complete the [Pregnancy Accommodation Form](#).

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 [click here](#).

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. 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 will be provided to students who compete or perform at the national or international level. 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: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

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/>.

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For more information on academic accommodation, please 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/>