

Course Outline

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<b>COURSE:</b>	<b>LAWS 5000 – Theories of Law and Social Transformation</b>
<b>TERM:</b>	<b>FALL 2020</b>
<b>PREREQUISITES:</b>	<b>Open to MA Legal Studies Students</b>
<b>CLASS:</b>	<b>Day &amp; Time: Thursdays 11:35am – 2:25pm (Ottawa Time)</b> <b>Room: All Courses in the Fall 2020 term are offered online. Please check Carleton Central for current Class Schedule.</b>
<b>INSTRUCTOR:</b>	<b>Megan Gaucher (She/Her)</b>
<b>CONTACT:</b>	<b>Office Hrs: Thursdays 1:30-2:30 (Zoom) <u>OR</u> by appointment (phone, online, carrier pigeon)</b> <b>Telephone: 613-520-2600 x. 4207</b> <b>Email: Megan.Gaucher@carleton.ca</b>

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**CALENDAR COURSE DESCRIPTION**

Examines three groups of theories of law (liberal, sociological and Marxist) focusing on different ways law is conceived as an object of inquiry and on different accounts of trajectories of legal development. Potential of law for realizing or inhibiting social change provides analytic framework.

**COURSE DESCRIPTION**

This course offers an overview of different ways of theorizing law, theorizing with law, and theorizing the limits of traditional understandings of “law” and “theory.” While there are many theoretical texts that explore the juncture of law, the social, and transformation, this course is designed to highlight the rich debates over the meaning of and relationship between the concepts themselves (e.g. Whose law? Whose transformation?). In order to accomplish this, students will read and engage with works that have been informed by a range of intellectual traditions and disciplinary conventions.

**REQUIRED TEXTS**

This course is structured around five books that we will read (almost) cover to cover and will be revisiting throughout the term. If possible, I encourage you to buy physical copies of the books; however, four of the books are also available as e-books on the Carleton library website.

All required texts can be purchased at Octopus Books (<https://octopusbooks.ca>) and they offer curbside pickup (116 Third Avenue) and delivery:

Cole, Desmond. (2020) *The Skin We're In: A Year of Black Resistance and Power*. Toronto: DoubleDay.

Keegitah Borrows, Lindsay. (2018) *Otter's Journal Through Indigenous Language and Law*. Vancouver: UBC Press. **(Also available as an eBook on the Carleton Library Website)**  
Valverde, Mariana. (2012) *Everyday Law on the Street: City Governance in an Age of Diversity*. Chicago: University of Chicago Press. **(Also available as an eBook on the Carleton Library Website)**

Constable, Marianne. (2014) *The Word is Our Bond: How Legal Speech Acts*. Stanford: University of Stanford Press. **(Also available as an eBook on the Carleton Library Website)**

Ahmed, Sara. (2012) *On Being Included: Racism and Diversity in Institutional Life*. Durham: Duke University Press. **(Also available as an eBook on the Carleton Library Website)**

All other readings will be available electronically through cuLearn (Carleton University's learning platform).

### **COURSE OBJECTIVES/EXPECTATIONS**

- 1) **We didn't sign up for this** – not for a global pandemic, not for online classes, not for the current pause of our collective campus experience. While this is the safest option, I can only imagine how frustrated some of you must feel about all of this. Please know you're not alone. That being said, the current in-class structure is not without flaw – specifically with respect to accessibility – and as such, parts of the course will try to emulate the traditional MA seminar experience and others will involve features of online learning platforms to foster engagement that are hopefully valuable and accessible for all of us. Simply put, even though we're online, this course can still be a space for us to come together and create community.
- 2) **Be kind to yourself and others.** This unprecedented situation creates potential learning challenges for all of us (e.g. access to technology, care responsibilities; financial hardship; physical and mental health, etc.). As we navigate these challenges together, please remember to be patient and understanding with yourselves and others.
- 3) **Privacy will be respected.** Please do not share class Zoom links or meeting information with anyone who is not enrolled in our course. Group discussions will be recorded, but only shared with the class. Students are welcome to participate on Zoom using audio functions only (i.e. there is no requirement for video participation). Children and pets are more than welcome – the more, the merrier.
- 4) **We will remain flexible and adjust to the situation.** We don't know what will happen over the next few months. If you are in need of a personal accommodation, please contact me and we will figure out a reasonable plan that enables you to succeed in this course.

**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.

Type of Assignment	Weighting	Due Date
Attendance/Participation	25%	N/A
Reflection Assignment	10%	September 17 <sup>th</sup>
Analysis/Response Papers (4)	40%	Chosen Weeks
Final Essay	25%	December 17 <sup>th</sup>

All written assignments are to be uploaded in the appropriate cuLearn drop-box.

**Attendance/Participation (25%)**

We will hold weekly class discussions on Zoom on Thursday mornings from 11:35am-1:25pm (Ottawa time). The discussion will be 2 hours maximum, and there will be a break.

The third hour of our allotted class time is reserved for post-seminar “hallway chats” and office hour appointments. We might decide to have a discussion about a specific topic (e.g. upcoming assignments, reading/writing strategies, staying motivated, etc.), or you might have specific questions you would like answered. While attendance during this third hour every week is not mandatory, I do expect to see you at least **twice** (once in the first half of the term and once in the second half of the term).

I know that life happens and sometimes things come up that are out of our control (especially in 2020) – to accommodate this, I am giving each student **ONE** free absence. This means that you can miss an online session without explanation and without penalty. If illness or other unavoidable issues cause you to miss multiple classes, please keep me advised of the situation and we can figure out a reasonable accommodation plan.

In order to complement the live discussion portion of the class, there will be several opportunities for class participation:

- **1) Introductory Message/Video/Sound File (2%)** - You are required to upload a short message/video/voice message (3 mins max) that tells us your story (who are you, why you decided on an MA in legal studies – basically anything you think is important for me to know). Your file is to be uploaded on cuLearn by **September 14<sup>th</sup>**. This will be graded on a pass/fail basis.
- **2) Discussion Forum Facilitator (5%)** – There will be an online discussion forum for each week of readings. You will be responsible for initiating one of these discussion forums with a post that draws some connections between the assigned readings (300 words max) and posits two questions (**due the Monday before class at noon**). Weeks will be assigned in the first class on September 10<sup>th</sup>.
- **3) Discussion Forum Contributor (18%)** – Once the Discussion Forum Facilitator has posted their questions/comments, everyone is asked to either comment/answer the

Facilitator's questions/comments or add their own that builds on that particular discussion. You are required to participate in nine forums (not including the one in which you're the Facilitator). Discussion forums will be open between Mondays at 12:00pm and Thursdays at 9:00am.

### **Reflection Assignment (10%)**

You are required to submit a 4-5 page (double-spaced) reflection on the question: ***How has 2020 shaped, changed, or challenged your understanding of law and your questions about law?*** This assignment does not require any outside sources/citations. Your reflection paper is due on **September 17<sup>th</sup>**.

### **Analysis/Response Papers (4x10%=40%)**

You are required to write/submit a minimum of **four** critical reviews on the readings for an upcoming class. Papers should be 5-7 pages (double-spaced) and are due (via cuLearn) before the beginning of the class in which we will be discussing those specific readings. Your papers should identify/include the following:

- Central claims/arguments (e.g. What are the authors arguing? What theoretical framework/methodology do the authors use?)
- Central debates (e.g. How do the authors back up their claims? How do these readings speak and/or come into contention with each other? What are the implications of the authors' claims for our understanding of law? How do these readings speak to/disrupt concepts, themes, etc. discussed in class?)

The purpose of these reviews is not just to summarize the readings; rather, it is to critically engage with the authors' arguments. To be clear – “critically engaging” does not mean you have to tear the readings to shreds. If you have issues with the readings, that's totally fine; but you can also agree with everything the authors are saying and still critically engage with the authors' arguments, theoretical/empirical choices, etc.

You can submit as many papers as you like, and your best **four** papers will be counted. The last week to submit a reflection paper is **Week Twelve (December 3<sup>rd</sup>)**.

### **Final Essay (25%)**

You are required to submit a 10-12 page paper on a topic that builds and expands on some of the course readings. Further information will be posted on cuLearn. This assignment must be uploaded on cuLearn by **December 17<sup>th</sup>**.

### **LATE PENALTIES AND REQUESTS FOR EXTENSIONS**

This course has assignment deadlines for two reasons: (1) fairness to everyone, and (2) we want to be able to stay on track. That being said, I recognize that meeting all deadlines might not be possible for everyone and as such, some flexibility is required.

All I ask is that if you find yourself falling behind, please just keep me in the loop. If you are dealing with circumstances (medical or otherwise) that prevent you from dedicating the usual

amount of time to this class and you require an extension on any of the assignments, please let me know. Undertaking an MA is stressful enough when you aren't starting it during a global pandemic. That being said, it is challenging for me to help you when I don't know what is going on. This does not mean you have to divulge all personal information – you can share what you're comfortable with. But the sooner I know that we need to figure out a reasonably adjusted game plan that enables you to complete all course requirements, the better.

For shorter extensions (up to five days), an email is sufficient. For longer extensions and requests to modify the assignment or evaluation structure due to medical or other urgent issues, please complete this form: <https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf> and send it to me via email.

## **SCHEDULE**

### **Week One (September 10<sup>th</sup>): Law's Contexts**

Cole, Desmond. 2020. *The Skin We're In: A Year of Black Resistance and Power*. Toronto: Doubleday.

### **Week Two (September 17<sup>th</sup>): Law's Places**

**\*\*Reflection Assignment Due\*\***

Keegitah Borrows, Lindsay. 2018. *Otter's Journal Through Indigenous Language and Law*. Vancouver: UBC Press, 3-53.

Valverde, Mariana. 2012. *Everyday Law on the Street: City Governance in an Age of Diversity*. Chicago: University of Chicago Press, 1-77.

### **Week Three (September 24<sup>th</sup>): Law's Stories**

Locke, John. 1999. *Second Treatise of Government*. Ed by Peter Laslett. Cambridge: Cambridge University Press, 267-302, 330-355.

Starblanket, Gina and Dallas Hunt. 2020. "The Case That's 'Not About Race'" in *Storying Violence: Unraveling Colonial Narratives in the Stanley Trial*. Winnipeg: ARP Book, 49-69.

Razack, Sherene. 2020. "Settler Colonialism, Policing and Racial Terror: The Police Shooting of Loreal Tsingine." *Feminist Legal Studies* 28: 1-20.

### **Week Four (October 1<sup>st</sup>): Multiplicities of Laws and Languages**

Keegitah Borrows, Lindsay. 2018. *Otter's Journal Through Indigenous Language and Law*. Vancouver: UBC Press, 54-82, 105-166.

Valverde, Mariana. 2012. *Everyday Law on the Street: City Governance in an Age of Diversity*. Chicago: University of Chicago Press, 78-140.

### **Week Five (October 8<sup>th</sup>): Law's Exception**

Shachar, Ayelet. 2019. Bordering migration/migrating borders. *Berkeley Journal of International Law*, 37(1), 93-151.

Mbembe, Achille. 2003. "Necropolitics," *Public Culture* 15: 11-40.

Wilke, Christiane. 2020. "Beyond Law and Numbers: Civilian Suffering and the ICC's Engagement with Afghanistan," *Third World Approaches to International Law Review* (July 28<sup>th</sup>): <https://twailr.com/beyond-law-and-numbers-civilian-suffering-and-the-iccs-engagement-with-afghanistan/>.

### **Week Six (October 15<sup>th</sup>): Contestations and Transformations**

Tuck, Eve and K. Wayne Yang. 2012. "Decolonization is not a metaphor," *Decolonization: Indigeneity, Education & Society* 1: 1-40.

Lamble, Sarah. 2013. "Queer Necropolitics and the Expanding Carceral State: Interrogating Sexual Investments in Punishment," *Law & Critique* 24, 229-53.

Valverde, Mariana. 2012. *Everyday Law on the Street: City Governance in an Age of Diversity*. Chicago: University of Chicago Press, 191-218.

### **Week Seven (October 22<sup>nd</sup>): Complexities**

Crenshaw, Kimberle. 1991. "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color," *Stanford Law Review* 43: 1241—1299.

Rochelle, Safiyah. 2019. "Encountering the 'Muslim': Guantanamo Bay, Detainees, and Apprehensions of Violence," *Canadian Journal of Law and Society* 34: 209-225.

Snyder, Emily, Val Napoleon and John Borrows. 2015. "Gender and Violence: Drawing on Indigenous Legal Resources." *University of British Columbia Law Review* 48: 593-654.

### **Week Eight (November 5<sup>th</sup>): Law, Justice and the Limits of Rights**

Spade, Dean. 2015. *Normal Life: Administrative Violence, Critical Trans-Politics and the Limits of Law (2<sup>nd</sup> Edition)*. Durham: Duke University Press. **(TBD)**

Cruz, Katie and Wendy Brown. 2016. "Feminism, Law, and Neoliberalism: An Interview and Discussion with Wendy Brown," *Feminist Legal Studies* 24: 69-89.

Engle Merry, Sally. 2016. *The Seduction of Quantification: Measuring Human Rights, Gender Violence and Sex Trafficking*. Chicago: University of Chicago Press, 1-26.

### **Week Nine (November 12<sup>th</sup>): Law and Emotion**

Butler, Judith. 2004. *Precarious Life: The Powers of Mourning and Violence*. London: Verso, 19-49.

Thompson, Debra. 2017. "An Exoneration of Black Rage," *South Atlantic Quarterly* 116: 457-481.

Jones, El. 2020. *On Wounding*. Halifax Examiner (July 13).  
[https://www.halifaxexaminer.ca/featured/on-wounding/?fbclid=IwAR26wXEjsj5vvH2sQeVv3x1bpqutO07z6k8prO\\_43T8DVkMAMECL6FWKe3c](https://www.halifaxexaminer.ca/featured/on-wounding/?fbclid=IwAR26wXEjsj5vvH2sQeVv3x1bpqutO07z6k8prO_43T8DVkMAMECL6FWKe3c)

### **Week Ten (November 19<sup>th</sup>): Law and Language**

Constable, Marianne. 2014. *The Word is Our Bond: How Legal Speech Acts*. Stanford: Stanford University Press, 1-140.

### **Week Eleven (November 26<sup>th</sup>): Law at Work**

Keegitah Borrows, Lindsay. 2018. *Otter's Journal Through Indigenous Language and Law*. Vancouver: UBC Press, 83-104.

Valverde, Mariana. 2012. *Everyday Law on the Street: City Governance in an Age of Diversity*. Chicago: University of Chicago Press, 141-164.

Ahmed, Sara. 2012. *On Being Included: Racism and Diversity in Institutional Life*. Durham: Duke University Press, 1-50.

### **Week Twelve (December 3<sup>rd</sup>): Law and Diversity**

**\*\*Last Week to Submit an Analysis/Response Paper\*\***

Ahmed, Sara. 2012. *On Being Included: Racism and Diversity in Institutional Life*. Durham: Duke University Press, 51-187.

### **Week Thirteen (December 10<sup>th</sup>): Law's Future**

R. v. Theriault, 2020 ONSC 3317 (CanLII); available online:  
<https://www.canlii.org/en/on/onsc/doc/2020/2020onsc3317/2020onsc3317.html>

Maynard, Robyn and Leanne Betasamosake Simpson. 2020. "Towards Black and Indigenous Futures on Turtle Island: A Conversation," in Rodney Diverlus, Sandy Hudson and Syrus Marcus Ware (eds.) *Until We are Free: Reflections on Black Lives Matter in Canada*. Regina: University of Regina Press, 75-94.

**\*\*Final Essay Due December 17<sup>th</sup>\*\***

## **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://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf>

### **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/studentssupport/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: <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/current-students/>