

Course Outline

COURSE:		LAWS 6000F – Doctoral Seminar Legal Studies
TERM:		FALL 2022
PREREQUISITES:		LAWS XXXX
CLASS:	Day & Time:	Thursdays 11:35am-2:25pm
	Room:	D492
		Seminars in this course will be delivered in person.
INSTRUCTOR:		Stacy Douglas
CONTACT:	Office:	Loeb D596A
	Office Hrs:	Thursdays 9:15-11:00am
		Book here: https://stacydouglas.youcanbook.me/
	Telephone:	
	Email:	Stacy.Douglas@carleton.ca

CALENDAR COURSE DESCRIPTION

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

COURSE DESCRIPTION

An introduction to some of the major themes and debates in law and legal studies. We want to come away with an understanding of what we mean (in our respective projects) by “law”, “legality”, and “state”, as well as other core concepts. To do so requires engagement with some of the “foundational” thinkers on these questions. However, such engagements will always bear in mind anticolonial, feminist, queer, and other important critique.

REQUIRED TEXTS

We will be using online links and the University’s electronic course record service, Ares.

USEFUL PODCASTS**[History of Ideas](#)**

A series of talks by David Runciman in which he explores some of the most important thinkers and prominent ideas lying behind modern politics – from Hobbes to Gandhi, from democracy to patriarchy, from revolution to lock down.

CounterSign

A podcast hosted by Stewart Motha, Professor of Law at Birkbeck. Stewart and guests discuss books, films, and other materials from across disciplines to consider new perspectives on law, difference, and being in common.

This is Not a Pipe

Explores Critical Theory, Cultural Studies, and Philosophy through contemporary/recent publications.

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.

Assignment	Weight	Due Date
Annotated Concept Paper	30%	31 October
Discussant	10%	TBD
Literature Review	45%	16 December
Participation	15%	Throughout

ASSIGNMENTS

1. **Annotated Concept Paper (35%)**: Pick a single concept that you think is central to your research (i.e., theology, public, extraction, contract, imperialism etc...) and write an annotated bibliography of that concept as it relates to law in the field/from the angle that you are approaching it from. The bibliography should reflect other authors that take up the concept, how they take it up, and how it relates (or not) to your intellectual interests. You can choose to do a traditional annotated bibliography or you can do an essay-style report. The paper should be approx. 15-20 pages and include an analytic framing by you, the author (i.e., you must introduce the literature with an analysis and a conclusion). Please consult me before choosing your key concept.
2. **Discussant (10%)**: By 9am Wednesday on the weeks you select, you must submit to me (by email) a one page handout for each of the week's readings. This will be used for the following day's class. The handout will include: a synopsis of the author's argument and method (about half a page) and three well-developed questions that take us deeper into the text and/or questions the readings occasion (the other half of the page). I will provide feedback to you by 12pm on the same day for you to incorporate in advance of Thursday's class.
3. **Literature Review (55%)**: Pick a field of study that you think is central to your research (i.e., law and technology, sexuality and regulation, colonialism and international law, etc...) and write a literature review of that field. The paper should be approx. 20-30 pages and include an analytic framing by you, the author (i.e., there must be an argument). Please consult me before choosing your field of study.
4. **Participation (15%)**: Each student is expected to attend seminar every week and participate in engaged, informed, and thoughtful discussion with colleagues. Unexplained absence is not permitted. Of course, exceptional circumstances should be discussed with me asap.

GRADING

Students must complete all assignments at a satisfactory level in order to pass. When I grade your assignments I will be marking with the following criteria in mind:

Style

Has the author taken care in their formatting, grammar, attention to word count, and appropriate referencing? Where appropriate, have they attempted to infuse their work with creative flourish?

Structure

Has the author laid out a clear and effective argument for their reader? In particular did the author begin with a clear introduction and overview of their supporting points, and use signposting throughout? Is it a convincing argument overall?

Content

Has the author understood the material and conveyed it effectively to their reader? Have they supported their interpretations with page references and other academic sources?

Research

Has the author demonstrated a thoughtful and meticulous approach to their research? Have they been intellectually honest about their sources by seeking out primary material and bolstering their interpretation with appropriate secondary sources?

Critical Analysis

Has the author been able to understand the material, communicate about it clearly, **and** use their critical reading and writing skills to analyze the material? A demonstrated depth of critical analysis will be key for achieving high marks on essays.

Grade	Percentage	Description
A+	90-100	Exceptional work that is technically flawless and original. Work demonstrates insight, understanding and independent application or extension of course expectations; often of publishable quality.
A	85-89	Excellent work that demonstrates a very high level of integration of materials/ relevant scholarship. Work demonstrates insight, understanding and independent application or extension of course expectations.
A-	80-84	Very good quality work that represents a high level of integration, comprehensiveness and complexity, as well as mastery of relevant techniques/concepts.
B+	77-79	Represents a largely satisfactory level of integration, comprehensiveness, and complexity; demonstrates a sound level of analysis with no major weaknesses.

B	73-76	Acceptable work that fulfills the minimum expectations of the course. Represents a satisfactory level of integration of key concepts/procedures. However, comprehensiveness or technical skills may be lacking.
B-	70-72	Acceptable and somewhat fulfills the course expectations. Work reveals some deficiencies in knowledge, understanding or techniques.
C+	67-69	<p>Unacceptable work at the graduate level. Represents an unacceptable level of integration, comprehensiveness and complexity. Mastery of some relevant techniques or concepts lacking.</p> <p><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></p>
C	63-66	
C-	60-62	
D	50-59	
F	0-49	Fail. Unsatisfactory performance, even though student completes course requirements including submission of final paper/ completion of final exam.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

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/COVID-19_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).

SCHEDULE

LAWS 6000 Course Overview		
8 September	Seminar One	<i>You are a writer</i>
15 September	Seminar Two	<i>Law's Emergence?</i>
22 September	Seminar Three	<i>Law & Legality</i>
29 September	Seminar Four	<i>Law, State, Politics</i>
3 October	Seminar Five	<i>Force of Law</i>
13 October	Seminar Six	<i>Law & Hegemony</i>
20 October	Seminar Seven	<i>Law & the International</i>
READING BREAK		
3 November	Seminar Eight	<i>Law & Labour</i>
10 November	Seminar Nine	<i>Law & Psychoanalysis</i>
17 November	Seminar Ten	<i>Law & Narrative</i>
24 November	Seminar Eleven	<i>Law & STS</i>
1 December	Seminar Twelve	<i>Presentations</i>
8 December	Seminar Thirteen	<i>Writing Workshop</i>

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 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://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. <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/>

COVID Update

It is important to remember that COVID is still present in Ottawa. The situation can change at any time and the risks of new variants and outbreaks are very real. There are [a number of actions you can take](#) to lower

your risk and the risk you pose to those around you including being vaccinated, wearing a mask, staying home when you're sick, washing your hands and maintaining proper respiratory and cough etiquette.

Feeling sick? Remaining vigilant and not attending work or school when sick or with symptoms is critically important. If you feel ill or exhibit COVID-19 symptoms do not come to class or campus. If you feel ill or exhibit symptoms while on campus or in class, please leave campus immediately. In all situations, you must follow Carleton's [symptom reporting protocols](#).

Masks: Carleton has paused the [COVID-19 Mask Policy](#), but continues to strongly recommend masking when indoors, particularly if physical distancing cannot be maintained. It may become necessary to quickly reinstate the mask requirement if pandemic circumstances were to change.

Vaccines: Further, while proof of vaccination is no longer required as of May 1 to attend campus or in-person activity, it may become necessary for the University to bring back proof of vaccination requirements on short notice if the situation and public health advice changes. Students are strongly encouraged to get a full course of vaccination, including booster doses as soon as they are eligible, and submit their booster dose information in [cuScreen](#) as soon as possible. Please note that Carleton cannot guarantee that it will be able to offer virtual or hybrid learning options for those who are unable to attend the campus.

All members of the Carleton community are required to follow requirements and guidelines regarding health and safety which may change from time to time. For the most recent information about Carleton's COVID-19 response and health and safety requirements please see the [University's COVID-19 website](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact covidinfo@carleton.ca.

SEMINAR BREAKDOWN**Seminar 1: You are a writer**

- 1) Nelson, Maggie (2015) Selection from *The Argonauts*. Minneapolis: Graywolf Press: 1-21.
- 2) Kumar, Amitava (2020) Part I: Self-Help. In: *Every Day I Write the Book: Notes on Style*. Durham: Duke University Press: 5-19.
- 3) Leguin, Ursula (2014) Acceptance Speech. *The National Book Foundation Medal for Distinguished Contribution to American Letters*. Available [here](#).

Further:**Readings**

- Cowan D., and Wincott D. (2016) Exploring the 'Legal'. In: Cowan D., Wincott D. (eds) *Exploring the 'Legal' in Socio-Legal Studies*. London: Palgrave Macmillan: 1-31.
- Etxabe, Julen (2020) "Law as Politics: Four Relations." *Law, Culture and the Humanities*, 16 (1): 24-41.
- Fisk, Catherine L & Robert W Gordon (2011) "Foreword: 'Law As...' Theory and Method in Legal History", *UC Irvine Law Review*, 1 (3): 519-527
- Fitzpatrick, Peter & Hunt, Alan (1987) Critical Legal Studies: Introduction. *Journal of Law and Society*, 14(1), 1-3. (See entire issue).
- Kazmierski, Vincent and Darren Pacione (2019) "From Law to Legal Studies and Beyond: 50 Years of Law and Legal Studies at Carleton University". *Dalhousie Law Journal*, 41 (2): 379-409.
- Philippopoulos-Mihalopoulos, Andreas (2018) Introduction: The "and" of law and theory. In: *Routledge Handbook of Law and Theory*. New York: Routledge: 1-12.
- Twining, William (2003) "A Post-Westphalian Conception of Law." *Law & Society Review*, 37 (1): 199-258.

Seminar 2: Law's Emergence?

- 1) Nietzsche, Friedrich (1998 [1887]). First and Second Treatise. In: *On the Genealogy of Morality*. Indianapolis: Hackett Publishing Company: 9-66. (57 pages)
- 2) Elden, Stuart (2013) Introduction. *The Birth of Territory*. Chicago: University of Chicago Press: 1-18. Available [here](#). (18 pages)
- 3) Freud, Sigmund (1961 [1930]) *Civilization and its Discontents*. Trans. James Strachey. Introduction by Peter Gay. Standard ed. New York: W. W. Norton, 1961. Available [here](#). (53 pages)

Further:**Readings**

- Agamben, Giorgio (2011) *The Kingdom and the Glory: For a Theological Genealogy of Economy and Government*. Trans. Lorenzo Chiesa with Matteo Mandarini. Palo Alto: Stanford University Press.
- Cain, Maureen and Alan Hunt (1979) *Marx and Engels on Law*. London: Academic Press.
- Cormack, Bradin (2009) *Power to Do Justice: Jurisdiction, English Literature, and the Rise of Common Law*. Chicago: University of Chicago Press.
- Deloria, Vine Jr. and Vine Deloria Sr. (2011) *Legal Universe: Observations of the Foundations of American Law*. Golden, CO: Fulcrum Publishing.
- Dorsett, Shaunnagh and Shaun McVeigh (2007) "Questions of Jurisdiction." In: *Jurisprudence of Jurisdiction*. Edited by Shaun McVeigh. Oxford: Routledge.
- Durkheim, Emile (1933) *The Individual and Society: Collective Consciousness and Law*. New York: Free press of Glencore.
- Fitzpatrick, Peter (1992) *Mythology of Law*. New York: Routledge.
- Ford, Richard T. 1999. "Law's Territory (A History of Jurisdiction)." *Michigan Law Review*, 97: 843-930.
- Foucault, Michel (1977) *Discipline and Punish: The Birth of the Prison*. New York: Vintage.
- Head, Michael (2008) *Evgeny Pashukanis: A Critical Reappraisal*. New York: Routledge.
- Hsueh, Vicki (2010) *Hybrid Constitutions: Challenging Legacies of Law, Privilege, and Culture in Colonial America*. Durham: Duke University Press.
- Miller, Robert J., Jacinta Ruru, Larissa Behrendt, and Tracey Lindberg (2010) *Discovering Indigenous Lands: The Doctrine of Discovery in the English Colonies*. Oxford: Oxford University Press.
- Patton, Paul (2004) "Power and Right in Nietzsche and Foucault." *International Studies in Philosophy*, 36 (3): 43-61.
- Robinson, Cedric (2000 [1983]) *Black Marxism: The Making of The Black Radical Tradition*. University of North Carolina Press.
- Valverde, Mariana and Peter Goodrich (2005) *Nietzsche and Legal Theory: Half-written Laws*. New York: Routledge.
- Whyte, Jessica (2019) Chapters One and Two. In: *Morals of the Market: Human Rights and the Rise of Neoliberalism*. New York, Verso: 1-74.

Podcast:

- [Nietzsche's Genealogy of Morality](#) | In Our Time (Also available on [YouTube](#)) (48 mins)
- [Audra Simpson | Empire of Feelings \(50 mins\)](#)
- [Race, Capitalism and Intersectionality | Always Already Podcast \(1hr 2mins\)](#)

Videos:

- [Philip Deloria on Vine Deloria's *Custer Died for Your Sins: 50 years on* \(1hr 3 mins\)](#)
- [Robin Kelley "What is Racial Capitalism and Why Does it Matter?" \(1hr 26 mins\)](#)
- [Ruth Wilson Gilmore "Geographies of Racial Capitalism" \(16 mins\)](#)

Seminar 3: Law & Legality

- 1) Hart, HLA (1958) "Positivism and the Separation of Laws and Morals", *Harvard Law Review*, 71(4), 593-629. (37 pages).

- 2) Fuller, Lon (1958) "Positivism and the Ideal of Fidelity to Law – A Reply to Professor Hart", *Harvard Law Review*, 71(4), 30–672. (42 pages).
- 3) Waldron, Jeremy (2008) "Positivism and Legality: Hart's Equivocal Response to Fuller". *New York University Law Review*, 83, 1135. (35 pages)
- 4) Christie, Gordon (2019) "Chapter Five: Problems with Theorizing About Law". In: *Canadian Law and Indigenous Self-Determination: A Naturalist Analysis*. Toronto: University of Toronto Press: 214-257. (43 pages)

Further:

Readings:

- Bargu, Banu (2016) *Starve and Immolate: The Politics of Human Weapons*. New York: Columbia University Press.
- Dyzenhaus, David (1996) "The Legitimacy of Legality" (1996) 82 *Archiv für Rechts und Sozialphilosophie* 324 and (1996) 46 *University of Toronto Law Journal* 129.
- Fitzgerald, A. & Spencer, Dale (2020) "Governmentality and Environmental Rights: Regulatory Failure and the Volkswagen Emissions Fraud Case". *Critical Criminology*, 28 (1): 43-63.
- Foucault, Michel (1970) *The Order of Things: An Archaeology of the Human Sciences*. London: Routledge.
- Foucault, Michel (1977) *Discipline and Punish: The Birth of the Prison*. New York: Vintage.
- Foucault, Michel (1978) *The History of Sexuality: An Introduction (Volume 1)*. Trans. Robert Hurley. New York: Vintage Books.
- Gaucher, Megan (2016) "Monogamous Canadian Citizenship, Constructing Foreignness, and the Limits of Harm Discourse." *Canadian Journal of Political Science*, 49 (3): 519-538.
- Golder, Ben (2011) "Foucault's Critical (Yet Ambivalent) Affirmation: Three Figures of Rights," *Social & Legal Studies*, 20 (3): 283-312.
- Hamilton, Sheryl (2020) "Sensuous Governance". Special Issue of *The Senses and Society*.
- Hunt, Alan (1992) "Foucault's Expulsion of Law: Toward a Retrieval." *Law & Social Inquiry*, 17 (1): 1-38.
- Moore, Hollis (2020) "Extralegal Agency and the Search for Safety in Northeast Brazil". *The Cambridge Journal of Anthropology*, 38(1): 33-51.
- Munro, Vanessa E. (2001) "Legal Feminism and Foucault: A Critique of the Expulsion of Law." *Journal of Law and Society* 28 (4): 546-67.
- Keenan, Sarah (2017) "Smoke, Curtains and Mirrors: The Production of Race Through Time and Title Registration". *Law and Critique* 28: 87-108.
- King, Matthew (2009) "Clarifying the Foucault—Habermas Debate: Morality, Ethics, and 'normative Foundations'." *Philosophy & Social Criticism*, 35 (3): 287–314.
- Malette, Sebastien (2009) Foucault for the Next Century: Eco-Governmentality. In: *A Foucault for the 21st Century: Governmentality, Biopolitics, and Discipline in the New Millennium*. Newcastle: Cambridge Scholars Press: 221-239.
- Mbembe, Achille (2019) *Necropolitics*. Trans. Steve Corcoran. Durham: Duke University Press. Introduction available [here](#).
- Piska, N. (2011). Radical Legal Theory Today, or How to Make Foucault and Law Disappear Completely. *Feminist Legal Studies*, 19: 251-263.

- Purvis, T. and Hunt, A. 1993. 'Discourse, Ideology, Discourse, Ideology...'. *British Journal of Sociology*, 44: 473-499.
- Spade, Dean (2011) *Normal Life: Administrative Violence, Critical Trans Politics, and the Limits of Law*. Brooklyn: South End Press.
- Wacquant, Loic (2009) *Punishing the Poor: The Neoliberal Government of Social Insecurity*. Durham: Duke University Press.
- Walby, Kevin (2007) "Contributions to a Post-Sovereignist Understanding of Law: Foucault, Law as Governance, and Legal Pluralism," *Social & Legal Studies*, 16 (4): 551-572.
- Wickham, Gary (2006) "Foucault, Law, and Power: A Reassessment." *Journal of Law and Society*, 33 (4): 596-614.

Blogs:

- Martire, Jacopo (2018) "A Foucauldian Interpretation of Modern Law: From Sovereignty to Normalisation and Beyond" [University of Bristol Law School Blog](#).

Podcast:

- [On Foucault | BBC \(28 mins\)](#)

Seminar 4: Law, State, Politics

- 1) Schmitt, Carl (1985) "Chapter One and Two", In: *Political Theology: Four Chapters on the Concept of Sovereignty*. Chicago: University of Chicago Press: 5-35. (30 pages)
- 2) Habermas, Jürgen (1996) "Translator's Introduction, Preface and Chapter Three", In: *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*. Cambridge, Mass: MIT Press, 1996.. ix-xliii; 82-131 (83 pages).

On Writing:

- 3) Sedgwick, Eve Kosofsky (2003) "Paranoid Reading And Reparative Reading; Or, You're So Paranoid You Probably Think This Introduction Is About You". In: *Touching Feeling: Affect, Pedagogy, Performativity*. Durham: Duke University Press, 123-152. (29 pages)

Further:

Readings:

- Górniewicz, Arkadiusz. "Totemism of the Modern State: On Hans Kelsen's Attempt to Unmask Legal and Political Fictions and Contain Political Theology." *Ratio Juris* 33, no. 1 (March 1, 2020): 49-65. doi:10.1111/raju.12267.
- Kelsen, Hans (1967) *Pure Theory of Law*. Berkeley: University of California Press.
- Luhmann, Niklas., and Fatima. Kastner. *Law as a Social System*. Oxford: Oxford University Press, 2004.
- McLennan, Gregor., David. Held, and Stuart Hall. *The Idea of the Modern State*. Milton Keynes [England] ;; Open University Press, 1984.

- Mills, Charles W. (2000) "Race and the Social Contract Tradition". *Social Identities: Journal for the Study of Race, Nation and Culture*, 6:4, 441-462.
- Mouffe, Chantal (1998) Schmitt and the Paradox of Liberal Democracy. In: *Law as Politics: Carl Schmitt's Critique of Liberalism*. Ed. David Dyzenhaus. Durham: Duke, 159-178.
- Pashukanis, Evgeny (1980) Introduction, Chapter One, Two, Three, and Four. In: *General Theory of Law and Marxism. Selected Writings on Marxism and Law*, P. Beirne and R. Sharlet (Eds.), Peter Maggs (Trans.), London: Academic Press, 40-90. Available [here](#).
- Pateman, Carol (1988) *The Sexual Contract*. Stanford University Press.
- Schwab, George (1996) Introduction. In: *The Concept of the Political*. Chicago: University of Chicago Press, 3-16.
- Simon, Jonathan. "Between Power and Knowledge: Habermas, Foucault, and the Future of Legal Studies: Comment." *Law & Society Review* 28, no. 4 (1994): 947-61. <https://doi.org/10.2307/3054004>.
- Vatter, Miguel (2008) The Idea of Public Reason and the Reason of State: Schmitt and Rawls on the Political. *Political Theory*, 36(2), 239-271.
- Zerilli, Linda M. G., 'From Willing to Judging: Arendt, Habermas, and the Question of '68', *A Democratic Theory of Judgment* (Chicago, IL, 2016;7)

Seminar 5: Force of Law

- 1) Bourdieu, Pierre (1987) "The Force of Law: Toward a Sociology of the Juridical Field". *Hastings Law Journal*, 38: 805-853. (48 pages)
- 2) Trubek, David M. "Max Weber On Law And The Rise Of Capitalism." *Wisconsin Law Review* 3, no. 3 (1972): 720-753. (33 pages)
- 3) Benjamin, Walter (1978) "Critique of Violence". In: *Reflections: Essays, Aphorisms, Autobiographical Writings*. Peter Demetz (Ed.). Edmund Jephcott (Trans.). New York: Schocken Books, 276-300. (24 pages).

Further:

Readings:

- Agamben, Giorgio (1999) The Messiah and the Sovereign. In: *Potentialities: Collected Essays in Philosophy*. Trans. and Ed. Daniel Heller-Roazen. Stanford: Stanford University Press, 160-174.
- Clarke, Michael. "Durkheim's Sociology of Law." *British Journal of Law and Society* 3, no. 2 (1976): 246-55. <https://doi.org/10.2307/1409819>.
- Derrida, Jacques (1989) "Force of Law: The Mystical Foundation of Authority". Trans. Mary Quaintance, *Cardozo Law Review*, 11: 920-1045.
- Durkheim, Émile, and George. Simpson. *The Division of Labor in Society*. New York: Free Press, 1984.
- Greenhouse, Carol J. "Durkheim and Law: Divided Readings over Division of Labor." *Annual review of law and social science* 7, no. 1 (2011): 165-185.

- Hamacher, Werner (1994) Afformative, Strike: Benjamin's 'Critique of Violence'. In: *Walter Benjamin's Philosophy: Destruction and Experience*. Trans. Dana Hollander. Eds. Andrew Benjamin and Peter Osborne. London: Routledge, 110-138.
- Martel, James (2012) Walter Benjamin's Dissipated Eschatology. In: *Divine Violence: Walter Benjamin and the Eschatology of Sovereignty*. London: Routledge, 47-66.
- Whyte, Jessica (2009) 'I Would Prefer Not To': Giorgio Agamben, Bartleby and the Potentiality of the Law. *Law and Critique*, 20, 309-324.

Seminar 6: Law & Hegemony

- 1) Hall, Stuart et al. (1978) Chapter One and Two. In: *Policing the Crisis: Mugging, the State, and Law and Order*. London: Macmillan: 1-52.
- 2) Litowitz, Douglas (2000) Gramsci, Hegemony, and the Law. *Brigham Young University Law Review*: 515-551. Available [here](#).
- 3) Jhally, Sut (2016) Stuart Hall: The Last Interview. *Cultural Studies*, 30(2): 332-345.

Further:

Readings:

- Althusser, Louis (1971). [Ideology and ideological state apparatuses](#). In L. Althusser (Ed.), *Lenin and philosophy and other essays*. New York: Monthly Review Press. For more on [Althusser](#).
- Gramsci, Antonio, Quintin Hoare, and Geoffrey Nowell-Smith (1972) *Selections from the Prison Notebooks of Antonio Gramsci*. New York: International Publishers.
- Miliband/Poulantzas Debate:
 - o Poulantzas, N. (1969) The problem of the capitalist state. [New Left Review](#), 1/58, 67-78.
 - o Miliband, R. (1970) The capitalist state: Reply to Nicos Poulantzas. [New Left Review](#), 1/59, 53-60.
 - o Laclau, Ernesto (1974) The specificity of the political: the Poulantzas-Miliband debate. Trans. Elizabeth Nash and William Rich. [Economy and Society](#), 4:1.
 - o Poulantzas, N (1976) The Capitalist State: A Reply to Miliband and Laclau. [New Left Review](#) I/95.
 - o Hall, Stuart (1980) Nicos Poulantzas: State, Power, Socialism, [New Left Review](#) 1/119.

Blogs:

- Hall, Stuart (2017) [Gramsci and Us](#). London: Verso Books.

Podcast:

- [On Antonio Gramsci](#) (24 mins)

Seminar 7: Law & the International

- 1) Anghie, Antony (2006) "The Evolution of International Law: Colonial and Postcolonial Realities." *Third World Quarterly*, 27 (5): 739-53. (14 pages)
- 2) Tzouvala, Ntina. *Capitalism as Civilisation: A History of International Law*. Cambridge: Cambridge University Press, 2020. 1-43. (42 pages)
- 3) Mawani, Renisa (2018) Introduction. In: *Across Oceans of Law: The Komagata Maru and Jurisdiction in the Time of Empire*. Durham: Duke University Press, 1-34. Available [here](#). (33 pages)

On Writing:

- 4) Kumar, Amitava (2020) Diana Studies and Appendix A. In: *Every Day I Write the Book: Notes on Style*. Durham: Duke University Press. 91-94 and 201-206. (8 pages)

Further:

Readings:

- Appel Kuzmarov, Betina (2018) *Unilateral Acts: A History of a Legal Doctrine*. New York: Routledge.
- Bartholomew, Amy (Ed) (2006) *Empire's Law*. London: Pluto.
- Bowring, Bill (2008) *The Degradation of the International Legal Order: The Rehabilitation of Law and the Possibility of Politics*. London: Routledge.
- Clarke, Kamari (2019) *Affective Justice: The International Criminal Court and the Pan-Africanist Pushback*. Durham: Duke University Press.
- Knox, Robert (2016) Valuing race? Stretched Marxism and the Logic of Imperialism. *London Review of International Law*, 4 (1): 81-126.
- Koskeniemi, Martti (2019) Imagining the Rule of Law: Rereading the Grotian "Tradition". *The European Journal of International Law*, 30 (1). Available [here](#).
- Lenin, Vladimir (1939) *Imperialism, The Highest Stage of Capitalism: a popular outline*. New York: International Publishers.
- Okafor, Obiora Chinedu (2000) *Re-Defining Legitimate Statehood: International Law and State Fragmentation in Africa*. Boston: Martinus Nijhoff Publishers.
- Oklopcic, Zoran (2018) *Beyond the People: Social Imaginary and Constituent Imagination*. Oxford: Oxford University Press.
- Orford, Anne (2011) The Past as Law or History? The Relevance of Imperialism for Modern International Law (September 9, 2011). *IILJ Working Paper 2012/2* (History and Theory of International Law Series). Available [here](#).
- Özsu, Umut (2019) "Grabbing Land Legally: A Marxist Analysis." *Leiden Journal of International Law* 32 (2): 215-33. (Also see entire issue)
- Polonskaya, Ksenia (2020) "Selecting Candidates to the Bench of the World Court: (Inevitable) Politicization and Its Consequences." *Leiden Journal of International Law*, 33 (2): 409-28.

- Richmond, Sean (2016) "Transferring Responsibility? The Influence and Interpretation of International Law in Australia's Approach to Afghan Detainees". *Asia-Pacific Journal on Human Rights and the Law*, 17 (2), 240-256.
- Tzouvala, Ntina (2020) *Capitalism as Civilisation: A History of International Law*. Cambridge: Cambridge University Press.
- Wilke, Christiane (2017). "Seeing and Unmaking Civilians in Afghanistan: Visual Technologies and Contested Professional Visions". *Science, Technology, & Human Values*, 42 (6), 1031-1060.

Blogs:

- [Interview with Antony Anghie](#) (2019)

Podcasts:

- [Renisa Mawani | A Ship as Archive of the Present | CounterSign \(1hr 8 mins\)](#)
- [Rob Knox \(2012\) Civilising Interventions? Race, War and International Law](#) (32 mins)
- [Compilation of podcasts from Oxford](#)

Seminar 8: Law & Labour

- 1) Blackett, Adele (2011) "Emancipation in the Idea of Labour Law". In: *The Idea of Labour Law*. Eds. Guy Davidov and Brian Langille. Oxford: Oxford University Press: 420-436. (16 pages)
- 2) Marx, Karl (1887) [Chapter 26: The Secret of Primitive Accumulation](#). In: *Capital: Volume 1*. Moscow: Progress Publishers.
- 3) Young, Iris Marion. "Responsibility And Global Justice: A Social Connection Model." *Social Philosophy and Policy* 23, no. 1 (2006): 102-30. (28 pages)
- 4) Cruz, Katie (2018), "Beyond Liberalism: Marxist Feminism, Migrant Sex Work, and Labour Unfreedom". *Feminist Legal Studies*, 26: 65-92. (27 pages)

On Writing:

- 5) Lopate, Phillip (2013) On the Necessity of Turning Oneself into a Character. In: *To Show and to Tell: The Craft of Literary Nonfiction*. New York: Free Press: 17-25. (8 pages)

Further:**Readings:**

- Arendt, Hannah (1958) [The Human Condition](#). Chicago: University of Chicago Press.
- Choudry, Aziz and Adrian Smith (2016) *Unfree Labour? Struggles of Migrant and Immigrant Workers in Canada*. Oakland: PM Press.
- Christodoulidis, Emilios. Introduction. In: *The Redress of Law: Globalisation, Constitutionalism and Market Capture*. Cambridge University Press, 2021.

- Dukes, Ruth (2019) The Economic Sociology of Labour Law. *Journal of Law and Society*, 46 (3): 396-422.
- Fudge, Judy (2011) "Labour as 'Fictive Commodity': Radically Reconceptualizing Labour Law". In: *The Idea of Labour Law*. Eds. Guy Davidov and Brian Langille. Oxford: Oxford University Press.
- Mumme, Claire (2014) Property in Labour and the Limits of Contract. *Handbook on Political Economy and Law*, U. Mattei and J. Haskell, eds. Edward Elgar Publishing.
- Rigakos, George (2016) *Security/Capital: A General Theory of Pacification*. Edinburgh: Edinburgh University Press.
- Salazar, Alberto and Spencer Sikora (2017) "Employees' Say on Pay: Do Works Councils Help Narrow the CEO-Worker Pay Gap in Germany?" *European Company Law Journal*, 14 (4): 162.
- Weeks, Kathi (2011) Introduction. In: *The Problem With Work: Feminism, Marxism, Antiwork Politics, and Postwork Imaginaries*. Durham: Duke University Press: 1-36.
- Zbyszewska, Ania (2018) "Regulating Work with People and 'Nature' in Mind: Feminist Reflections". *Comparative Labor Law and Policy Journal* 40(1).

Websites:

- [Labour Law and Development Research Lab](#) (McGill)

Podcasts:

- On [The Problem with Work \(1hr 13 mins\)](#)
- [Your Home is a Factory: Social Reproduction and COVID-19 \(1hr 6 mins\)](#)

Seminar 9: Law & Psychoanalysis

- 1) Fitzpatrick, Peter (2001) Intro and Chapter One. *Modernism and Grounds of Law*. Cambridge: Cambridge University Press, 1-36. (36 pages)
- 2) Lacan, Jacques (2006 [1966]) The Mirror Stage as Formative of the I Function as Revealed in Psychoanalytic Experience. In: *Ecrits*. Trans. Bruce Fink. New York: London: 75-81. Available [here](#). (6 pages).
- 3) Aristodemou, Maria (2014) Chapters One and Two. In: *Law, Psychoanalysis, Society: Taking the Unconscious Seriously*. New York: Routledge: 1-16. (16 pages)
- 4) Dailey, Anne C. (2017) Introduction and Part 1:1. In: *Law and the Unconscious: A Psychoanalytic Perspective*. New Haven: Yale University Press: 1-37. (37 pages)

Further:

Readings:

- Constable, Marianne (2015) "Law, Psychoanalysis, Society: Taking the Unconscious Seriously," *Law & Society Review*, 49 (4): 1028-1030.
- Cornell, Drucilla (1995) *The Imaginary Domain: Abortion, Pornography and Sexual Harassment*. New York: Routledge.

- Derrida, Jacques (1996) *Archive Fever: A Freudian Impression*. Trans. Eric Prenowitz. Chicago: University of Chicago Press.
- Fanon, Frantz (1967) *Black Skin, White Masks*. Trans. Charles Lam Markmann. New York: Grove Press.
- Freud, Sigmund, McLintock, D., & Freud, S. (2002 [1930]). *Civilization and its Discontents*. London: Penguin.
- Freud, Sigmund (1938) *Totem and Taboo: Resemblances between the Psychic Lives of Savages and Neurotics*. Harmondsworth, Middlesex: Penguin Books.
- Goodrich, Peter (1995) *Oedipus Lex: Psychoanalysis, History, Law*. Berkeley: University of California Press.
- Goodrich, Peter (Ed) (2016) *Law and the Unconscious: A Legendre Reader*. Basingstoke: Palgrave.
- Khan, Ummni (2014) *Vicarious Kinks: S/M in the Socio-legal Imaginary*. Toronto: University of Toronto Press.
- Klein, Melanie (1997 [1933]) *The Psychoanalysis of Children*. London: Vintage.
- Legendre, Pierre (2016) "The Other Dimension of Law". *Derecho PUCP*, 77 (Nov.), 63-84.
- Stolzenberg, Nomi Maya (2020) "Feminine Law: Freud, Free Speech, and the Voice of Desire by Jill Gentile with Michael Macrone Law and The Unconscious: A Psychoanalytic Perspective by Anne C. Dailey Law, *Psychoanalysis, Society: Taking the Unconscious Seriously* by Maria Aristodemou." *Journal of the American Psychoanalytic Association*, 68 (3): 503-520.
- Winnicott, D.W. (1971) *Playing and Reality*. New York: Routledge.

Podcasts:

- Fanon on Colonialism | [History of Ideas](#) (41 mins)
- Sigmund Freud | [In Our Time](#) (27 mins)
- D.W. Winnicott | [BBC 4](#) (58 mins)

Websites:

- Jacques Lacan | [Yale Literature Lecture with Professor Paul Fry](#) (51 mins)
- Melanie Klein | [School of Life](#) (7 mins)

Seminar 10: Law and Narrative

- 1) Stern, S. (2019). Narrative in the Legal Text: Judicial Opinions and Their Narratives. In: *Narrative and metaphor in the law* (Hanne & R. Weisberg, Eds.) 121-139. Cambridge University Press. (18 pages)
- 2) Ewick, P. & Silbey, S.(1995). "Subversive Stories and Hegemonic Tales: Toward a Sociology of Narrative". *Law and Society Review*, 29(2): 197-226. (29 pages)
- 3) Borrows, John (2002) "Chapter One: With or Without You: First Nations Law in Canada". In: *Recovering Canada: The Resurgence of Indigenous Law*. Toronto: University of Toronto Press: 3-28. (25 pages)

- 4) Cover, Robert M. "The Supreme Court, 1982 Term." *Harvard Law Review* 97, no. 1 (1983): 1-68. Available [here](#). (68 pages)

Further:

Readings:

- Adrian, Melanie (2017) "The Principled Slope: Religious Freedom and the European Court of Human Rights." *Religion, State and Society*, 45 (3-4): 174-185.
- Boyd White, James (1973) *The Legal Imagination*. Chicago: University of Chicago Press.
- Constable, Marianne (2014) How to Do Things with Law. In: *Our Word is Our Bond: How Legal Speech Acts*. Stanford: Stanford University Press: 17-46.
- Cornell, Drucilla and Nyoko Muvangua (Eds.) (2011) *uBuntu and the Law: African Ideals and Postapartheid Jurisprudence*. New York: Fordham University Press.
- Douglas, Stacy (2017) *Curating Community: Museums, Constitutionalism, and the Taming of the Political*. Ann Arbor: University of Michigan University Press.
- Etxabe, Julen. "The Legal Universe After Robert Cover." *Law and humanities* 4, no. 1 (2010): 115-147.
- Kahn, Paul (2000) *The Cultural Study of Law: Reconstructing Legal Scholarship*. Chicago: University of Chicago Press.
- Kaisary, Philip (2015) "Hercules, the Hydra, and the 1801 Constitution of Toussaint Louverture." *Atlantic Studies*, 12 (4): 393-411.
- Khan, Ummni (2009). "Having Your Porn and Condemning it Too: A Case Study of a 'Kiddie Porn' Expose." *Law, Culture and the Humanities*, 5 (3), 391-424.
- Napoleon, Val and Hadley Friedland (2016) "An Inside Job: Engaging with Indigenous Legal Traditions Through Stories". *McGill Law Journal*, 61 (4): 725-754.
- Perry, Imani (2008) "Black Arts and Good Law: Literary Arguments for Racial Justice in the Time of Plessy." *Law, Culture and the Humanities*, 4 (1): 70-97.
- Sarat, Austin, Matthew Anderson, Cathrine O. Frank (2009) [Introduction: On the Origins and Prospects of the Humanistic Study of Law](#). *Law and the Humanities: An Introduction*. Cambridge: Cambridge University Press: 1-46
- Valverde, Marianna (2015) "Borrowing Bakhtin: Sociolegal Studies in a New Key". In: *Chronotopes of Law: Jurisdiction, Scale, Governance*. New York: Routledge: 1-29.
- West, Robin (1988) "Communities, Texts, and Law: Reflections on the Law and Literature Movement." *Yale Journal of Law and the Humanities*: 129-156.
- Young, Diana (2011) "Law and the Foucauldian Wild West in Michael Cimino's Heaven's Gate." *Law, Culture and the Humanities*, 7 (2), 310-326.

Website

- [An Interview with Marianne Constable](#) (2010)
- [Law, Culture, and the Humanities](#) journal
- [Law and Literature](#) journal

Seminar 11: Law & Science and Technology Studies

- 1) Latour, Bruno (2010) Chapter One. In: *The Making of Law: An Ethnography of the Conseil D'Etat*. Cambridge: Polity Press, 1-69. (68 pages)

- 2) Cloatre, Emilie and Nick Wright (2013) "A Socio-legal Analysis of an Actor-World: The Case of Carbon Trading and the Clean Development Mechanism". *Journal of Law and Society*, 39 (1): 76-92. (16 pages)
- 3) Matthews, Daniel (2019) "From Global to Anthropocenic Assemblages: Re-Thinking Territory, Authority and Rights in the New Climatic Regime". *Modern Law Review*, 82 (4): 665-691. (26 pages)

On Writing:

- 4) Dillard, Annie (1989) Chapter Three. In: *The Writing Life*. Toronto: Harper, 41-59. (18 pages)

Further:

Readings:

- Buss, Doris (2018) "Conflict Minerals and Sexual Violence in Central Africa: Troubling Research", *Social Politics*, 25 (4): 545-567.
- Christensen, Michael (2013). The social facts of democracy: Science meets politics with Mosca, Pareto, Michels, and Schumpeter. *Journal of Classical Sociology*, 13 (4): 460-486.
- Cloatre, Emilie (2018) "Law and ANT (and its Kin): Possibilities, Challenges, and Ways Forward". *Journal of Law and Society*, 45: 646-663.
- Cotterrell, Roger (2011) "Ant's Eye-View of Law: Bruno Latour at the Conseil D'État". *Journal of Classical Sociology*, 11: 506-510.
- Latour, Bruno (2005) *Reassembling the Social: An Introduction to Actor Network Theory*. Oxford: Oxford University Press.
- Malte-Christian Gruber (2020) "Why Non-Human Rights?" *Law and Literature*, 32 (2): 263-270.
- McGee, Kyle (Ed.) (2016) *Bruno Latour and the Passage of Law*. Edinburgh: Edinburgh University Press.
- Mitchell, Timothy (2002) "Can the Mosquito Speak?". In: *Rule of Experts: Egypt, Techno-Politics, Modernity*. Berkley: University of California Press: 9-53. Available [here](#).
- Moore, Dawn and Rashmee Singh (2015) Seeing Crime: ANT, Feminism, and Images of Violence Against Women. In: *Actor-Network Theory and Crime Studies: Explorations in Science and Technology*. Eds. Dominique Robert, Martin Dufresne. New York: Routledge: 67-80.
- Povinelli, Elizabeth (2016) *Geontologies: A Requiem to Late Liberalism*. Durham: Duke University Press.
- Riles, Annelise (2010) "Collateral Expertise: Legal Knowledge in the Global Financial Markets". *Current Anthropology*, 51 (6), 795-818.
- Silbey, Susan S. "Studying Legal Consciousness: Building Institutional Theory from Micro Data", *Droit et société*, vol. 100, no. 3, 2018, pp. 685-731.
- Valverde, Mariana (2009) "Jurisdiction and Scale: Legal 'Technicalities' as Resources for Theory". *Social & Legal Studies*, 18 (2), 139-157.
- Valverde Mariana and Adriel Weaver (2016) "'The Crown Wears Many Hats': Canadian Aboriginal Law and the Black-boxing of Empire". In: *Bruno Latour and the Passage of Law*. Edinburgh: Edinburgh University Press: 93-121.

- Vismann, Cornelia (2008) *Files: Law and Media Technology*. Trans. Geoffrey Winthrop-Young. Stanford: Stanford University Press.

Podcast:

- [Bruno Latour and Dipesh Chakrabarty: Geopolitics and the Facts of Climate Change \(1 hr 7 mins\)](#)
- [Elizabeth Povinelli on Geontologies | CounterSign \(1hr 7 mins\)](#)

Seminar 12: Presentations

This week everyone will be asked to make a 10-minute presentation on their Literature Review paper. The presentation should outline i) the reasons for the chosen field, ii) how you drew the boundaries of your scope, iii) a summary of a few of the key texts in said field, as well as iv) the preliminary argument of the author. We will then discuss each presentation, soliciting constructive feedback from each other.

Seminar 13: Writing Workshop

This week we will discuss the writing process. Everyone is asked to submit two short paragraphs on i) one writing technique that is working for them (one paragraph) and ii) one writing “problem” they are having or that is recurrent (one paragraph). Techniques and problems can range from daily routines to technical dilemmas – anything goes! Please email me these by 12pm on Weds 7 December. We will then take up these issues (anonymously) together in class. I can also answer specific questions about the Literature Review paper.