

**Course Outline**

**LAWS 4106C Law and Violence  
Winter 2024**

**Prerequisites:** LAWS 2908 or PAPM 3000 and fourth-year honors standing.

**Day & Time:** Fridays 2:35pm to 5:25pm

**Location:** *Please be sure to check Carleton Central to confirm location in case of changes.*

**Instructor:** Meg D. Lonergan (*they/she*)

**Office Hours:** Details on Brightspace.

**Email:** [Megan.Lonergan@cunet.carleton.ca](mailto:Megan.Lonergan@cunet.carleton.ca)

**Link To Brightspace Page:** Will be listed on Brightspace under the winter 2024 tab.<sup>1</sup>

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**Calendar Course Description**

Examination of how law defines, justifies, and addresses individual, collective and state violence: contemporary and historical case studies; theoretical inquiries into the relationship between law, legality and different forms of violence.

**Course Description**

This fourth-year seminar course is a critical examination of law and violence. In this course we will explore how law defines, justifies, and perpetuates violence; how law seeks to address violence; different forms of violence; and key debates related to the overarching theme of law and violence.

Is there a paradox at the heart of the relationship between law and violence? Law both enables and is a form of violence. Violence is often understood as necessary not only to the modern state's capacity to guarantee order, predictability, and maintain the rule of law - it is also implicated in dispossessing, excluding, and targeting specific populations through legal systems. How do

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<sup>1</sup> <https://brightspace.carleton.ca/d2l/home/222836>

systems and practices of law encounter, produce, and justify violence?

Throughout the term, we will explore the complex relationship between law and violence and its multiple manifestations through the emergence of narratives, norms, procedures, resistance and more. What is the relationship between law and justice with regards to violence?

In approaching these issues, we will engage with a diversity of theoretical texts and topics that demonstrate the complexity of that relationship, its defining aspects to our political imagination, as well as its centrality to our everyday lives.

### **Content Warning**

As the course title and description suggest, this course deals with content and conversations that some students may find difficult or uncomfortable. Students who find harm, violence, victimization, and death difficult to engage with in academic spaces may wish to enroll in a different course.

While discussions in seminar are expected to be engaged in with mutual respect and a generous spirit, there is no safe space in the university as an institution. Learning can be and often is an uncomfortable process.

Students are encouraged to contact the instructor with any questions or concerns, to make use of campus resources, and practice self-care regularly throughout the term.

### **Texts**

All required readings will be available via Brightspace under the week they are assigned for.

## **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.

***Students are expected to attend seminar regularly and prepared to engage in discussion based on the readings and themes for the week.***

### Weekly Reading Reflections and Discussion Questions: 25%

- **Due Thursday evening by 8pm via Brightspace**
- Late submissions will not be accepted.
- Should be 1-2 pages in length and include one discussion question per reading (see Brightspace for more details)
- Submissions should be properly cited and include a works cited page.
- Cumulative

### Seminar Participation: 20%

- *Participation is not the same as attendance; just showing up is not active participation.*
- Cumulative

### Paper Proposal 15%

- By the midpoint in the course, you should have a rough idea of the topic you would like to explore for your final paper.
- This assignment will ensure you start working on your final paper early and well ahead of the final due date.
- Feedback on your paper proposal will help ensure your success on the final by giving you time to incorporate feedback and clarify your topic.
- Due date and details on Brightspace.

### Final Paper: 40%

- Your final paper should demonstrate your engagement and understanding of course materials, concepts, readings, debates, etc. by arguing a clear and concise thesis related to law and violence.
- The final paper should be between 12 and 14 pages in length + title page and references.
- Students must use a *minimum* of four course readings and a *minimum* of four additional academic sources.
- Due on university designated take-home examination date by 8pm.

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

## Course Schedule

<b>Week 1</b> <b>Jan. 12</b>	<b>Introduction to Law and Violence</b> <ul style="list-style-type: none"><li>• Austin, J. L. (2020). "Lecture 1," in <i>How to do things with words</i>. Barakaldo Books, pp. 1-12.</li><li>• Derrida, Jacques. (1992). "Force of Law: The 'Mystical Foundation of Authority'," in <i>Deconstruction and the Possibility of Justice</i>, edited by Drucilla Cornell, Michel Rosenfeld, and David Gray Carlson. Routledge, pp. 3-67.</li><li>• Martel, James. (2021). "The Law of Rules: Hyperlegalism, Emergency and the Violence of Procedure." <i>Law, Culture and the Humanities</i> 17(1), 53–70.</li></ul>
<b>Week 2</b> <b>Jan. 19</b>	<b>Law as Violence</b> <ul style="list-style-type: none"><li>• Cover, Robert M. (1986). Violence and the word. <i>Yale Law Journal</i>, 95(8). 1601-1630.</li><li>• Foucault, Michel. (1978). "Right of death and power over life," in <i>The History of Sexuality, Volume I: An Introduction</i>. New York: Pantheon Books, pp. 135-159.</li><li>• Newell, Michael E. (2019). How the normative resistance of anarchism shaped the state monopoly on violence. <i>European Journal of International Relations</i>, 25(4), 1236-1260.</li></ul>
<b>Week 3</b> <b>Jan. 26</b>	<b>Law to Address Violence</b> <ul style="list-style-type: none"><li>• Becconsall-Ryan, Isabelle. (2022). Combatting hate in New Zealand: The problem with hate crime legislation and the importance of non-criminal alternatives. <i>Victoria University of Wellington Law</i>, 53(2), 129-157.</li><li>• Gotell, Lise. (2015). "Reassessing the place of criminal law reform in the struggle against sexual violence: A critique of the critique of carceral feminism," in <i>Rape Justice</i>. London: Palgrave Macmillan, pp. 53-71.</li></ul>

	<ul style="list-style-type: none"> <li>• Sklansky, David Alan. (2021). "Violence as a legal program," in <i>A Pattern of Violence: How Law Classifies Crimes and What it Means for Justice</i>. Harvard University Press, pp. 13-40.</li> </ul> <p><b>Suggested:</b></p> <ul style="list-style-type: none"> <li>• Wilkinson, Wayne W., and Peters, Christopher S. (2018). Evaluations of antigay hate crimes and hate crime legislation: Independent and differently predicted. <i>Journal of Homosexuality</i>, 65(6), 797-813.</li> </ul>
<p><b>Week 4</b> <b>Feb. 2</b></p>	<p><b>International Law and Violence</b></p> <ul style="list-style-type: none"> <li>• Basaran, Tugba. (2008). Security, law, borders: Spaces of exclusion", <i>International Political Sociology</i>, 2(4), 339-354.</li> <li>• Özsu, Umut. (2020). Genocide as Fact and Form, <i>Journal of Genocide Research</i>, 22(1), 62-71.</li> <li>• Renic, Neil C. (2018). Justified killing in an age of radically asymmetric warfare. <i>European Journal of International Relations</i>, 25(2), 408-430.</li> </ul> <p><b>Suggested:</b></p> <ul style="list-style-type: none"> <li>• Anderson, Kirtsten. (2008). Violence against women: State responsibilities in international human rights law to address 'harmful masculinities.' <i>Netherlands Quarterly of Human Rights</i>, 26(2), 173-197.</li> </ul>
<p><b>Week 5</b> <b>Feb. 9</b></p>	<p><b>Colonialism</b></p> <ul style="list-style-type: none"> <li>• Puar, Jasbir K. (2015). The 'right' to maim: Disablement and inhumanist biopolitics in Israel. <i>Borderlands</i>, 14(1), 1-27.</li> <li>• Mackey, Eva. (2014). Unsettling expectations: (Un)certainly, settler states of feeling, law, and decolonization. <i>Canadian Journal of Law and Society</i>, 29(2), 235-252.</li> <li>• Smith, Andrea. (2012). "The moral limits of the law: Settler colonialism and the anti-violence movement." <i>Settler Colonial Studies</i>, 2(2), 69-88.</li> </ul>

<p><b>Week 6</b> <b>Feb. 16</b></p>	<p><b>Punishment</b></p> <ul style="list-style-type: none"> <li>• Bargu, Banu. "The Silent Exception: Hunger Striking and Lip-Sewing." <i>Law, Culture and the Humanities</i>, May 2017: 1-28.</li> <li>• Dayan, Colin. "Civil death," in <i>The Law is a White Dog: How Legal Rituals Make and Unmake Persons</i>. Princeton, NJ: Princeton University Press, pp. 39-70.</li> <li>• Petković, Kresimir. (2017). "Punishment and power: If power punishes, does absolute power punish absolutely?" in <i>Discourses on Violence and Punishment</i>, Lexington Books, pp. 233-297.</li> </ul>
<p><b>Feb. 23</b></p>	<p><b>Reading week, no class.</b></p>
<p><b>Week 7</b> <b>Mar. 1</b></p>	<p><b>Slavery and Anti-Black Racism</b></p> <ul style="list-style-type: none"> <li>• Anker, Elisabeth R. (2020). 'White and deadly': Sugar, slavery, and the sweet taste of freedom. <i>Theory &amp; Event</i>, 23(1), 169-206.</li> <li>• Fanon, Frantz [1963]. "Concerning Violence" in <i>The Wretched of the Earth</i>, New York: Grove Press, 1-38.</li> <li>• McKittrick, Katherine. (2006). "The authenticity of this story has not been documented," in <i>Demonic grounds: Black women and the cartographies of struggle</i>. Minneapolis: University of Minnesota Press, pp. 65-90.</li> </ul> <p><b>Suggested:</b></p> <ul style="list-style-type: none"> <li>• McKittrick, Katherine. (2006). "Nothing's shocking: Black Canada," in <i>Demonic grounds: Black women and the cartographies of struggle</i>. Minneapolis: University of Minnesota Press, pp. 91-120.</li> </ul>
<p><b>Week 8</b> <b>Mar. 8</b></p>	<p><b>Nation and Citizenship</b></p> <ul style="list-style-type: none"> <li>• Arendt, Hannah (2017 [1952]). "The Decline of the Nation-State and the End of the Rights of Man" in <i>Origins of Totalitarianism</i>, UK: Penguin Classics, pp. 348-396.</li> <li>• Mbembe, Achille. (2003). <i>Necropolitics</i>. <i>Public Culture</i>,</li> </ul>

	<p>15(1),11-40.</p> <ul style="list-style-type: none"> <li>• Suresh, Mayur. (2016) "The file as hypertext: Documents, files and the many worlds of the paper state," in <i>Law, Memory, Violence: Uncovering the Counter-Archive</i> by Steward Motha and Honni van Rijawijk (eds.). NY: Routledge.</li> </ul>
<b>Week 9</b> <b>Mar. 15</b>	<p><b>Capitalism</b></p> <ul style="list-style-type: none"> <li>• Gourevitch, Alex. (2018). The right to strike: A radical view. <i>American Political Science Review</i>, 112(4), 905-917.</li> <li>• Michel, Cedric. (2017). Was it justified? Applying attribution theory to corporate violence. <i>Journal of Crime and Justice</i>, 40(2). 155-172.</li> <li>• Zizek, Slavoj. (2008). The violence of the liberal utopia. <i>Distinktion: Scandinavian Journal of Social Theory</i>, 9(2), 9-25.</li> </ul>
<b>Week 10</b> <b>Mar. 22</b>	<p><b>Representations of Violence</b></p> <ul style="list-style-type: none"> <li>• Butler, Judith. (2004). "Violence, mourning, politics" in <i>Precarious life: The powers of mourning and violence</i>. New York, NY: Verso, 2004: 19-49</li> <li>• Hesford, Wendy S. (2004). Documenting violations: Rhetorical witnessing and the spectacle of distant suffering. <i>Biography</i>, 27(1), 104-144.</li> <li>• Sontag, Susan. (2003). "Chapter 1 &amp; 2," in <i>Regarding the Pain of Others</i>. New York: Picardor,</li> </ul>
<b>Mar. 29</b>	<b>Statutory holiday, no class.</b>
<b>Week 11</b> <b>Apr. 5</b>	<p><b>Representation as Violence</b></p> <ul style="list-style-type: none"> <li>• de Ruyter, Adrienne. (2021). The distinct wrong of deepfakes. <i>Philosophy &amp; Technology</i>, 31, 1311-1332.</li> <li>• MacKinnon, Catherine A. (1991). Pornography as defamation and discrimination. <i>Boston University Law</i></li> </ul>

	<p><i>Review</i>, 71(5), 793-818.</p> <ul style="list-style-type: none"> <li>• Mowatt, Rasul A. (2018). Black lives as snuff: The silent complicity in viewing Black death. <i>Biography</i>, 41(4), 777-806.</li> </ul>
<p><b>Week 12</b> <b>Apr. 10</b> (follows a Friday schedule)</p>	<p><b>Critique</b></p> <ul style="list-style-type: none"> <li>• Benjamin, Walter, "A Critique of Violence", in <i>Walter Benjamin: Selected Writings, Volume 1: 1913-1926</i>, Cambridge: Harvard University Press, pp. 236-252.</li> <li>• Linnemann, Travis. (2022). "The Unthinkable World," in <i>The horror of police</i>. Minneapolis: University of Minnesota Press, pp. 195-219.</li> <li>• McLeod, Allegra. (2022). An abolitionist critique of violence. <i>The University of Chicago Law Review</i>, 89(2), 525-556.</li> </ul>

**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 short-term extensions, 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>.

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



## **University and Departmental Policies**

### **Department Policies and Regulations**

Please review the following webpage to ensure that your practices meet our department's expectations, particularly regarding standard departmental protocols and academic integrity requirements:

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

### **Plagiarism**

The University Academic Integrity Policy defines plagiarism as “presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one's own.” This 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, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

- any submission prepared in whole or in part, by someone else, including the unauthorized use of generative AI tools (e.g., ChatGPT);
- using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment;

- using another's data or research findings without appropriate acknowledgement;
- submitting a computer program developed in whole or in part by someone else, with or without modifications, as one's own; and
- failing to acknowledge sources through the use of proper citations when using another's work and/or failing to use quotations marks.

Plagiarism is a serious offence that cannot be resolved directly by the course's instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of "F" for the course.

### **Statement on Student Mental Health**

As a university student you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. ***If you need help, please speak to someone.*** There are numerous resources available both on- and off-campus to support you. Here is a list that may be helpful:

Emergency Resources (on and off campus):

- <https://carleton.ca/health/emergencies-and-crisis/emergency-numbers/>

### **Carleton Resources:**

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

### **Off Campus Resources:**

- Distress Centre of Ottawa and Region: (613) 238-3311 or TEXT: 343-306-5550, <https://www.dcottawa.on.ca/>
- Mental Health Crisis Service: (613) 722-6914, 1-866-996-0991, <http://www.crisisline.ca/>
- Empower Me: 1-844-741-6389, <https://students.carleton.ca/services/empower-me-counselling-services>
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

### **Addressing Human Rights Concerns**

The University and all members of the University community share responsibility for ensuring that the University's educational, work and living environments are free from discrimination and harassment. Should you have concerns about harassment or discrimination relating to your age, ancestry, citizenship, colour, creed (religion), disability, ethnic origin, family status, gender expression, gender identity, marital status, place of origin, race, sex (including pregnancy), or sexual orientation, please contact the Department of Equity and Inclusive Communities at [equity@carleton.ca](mailto:equity@carleton.ca).

### **Academic Accommodations**

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 more details about the accommodation policy, visit the [Equity and](#)

[Inclusive Communities \(EIC\)](#) website.

### ***Religious Obligation***

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, please go to:

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

### ***Academic Accommodations for Students with Disabilities***

The Paul Menton Centre for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or [pmc@carleton.ca](mailto:pmc@carleton.ca) for a formal evaluation. You can find the Paul Menton Centre online at: <https://carleton.ca/pmc/>

If you are already registered with the PMC, contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (if applicable).

### ***Survivors of Sexual Violence***

As a community, Carleton University is committed to maintaining a positive learning, working, and living environment where sexual violence will not be

tolerated, and where survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit:

<https://carleton.ca/equity/sexual-assault-support-services>

### ***Accommodation for Student Activities***

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. Read more here:

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

For more information on academic accommodation, please visit:

<https://students.carleton.ca/services/accommodation/>.