

Course Outline

COURSE: LAWS 5000.G – Theories of Law and Social Transformation**TERM:** FALL 2023**PREREQUISITES:** Open to MA Legal Studies students**CLASS:** **Day & Time:** Tuesdays, 2:35 – 5:25pm
Space: Please check Carleton Central for room assignment**PROFESSOR:** Christiane Wilke**CONTACT:**
Office Hrs: Wednesdays, 10-11am & by appointment (Zoom or in person)
Email: christiane.wilke@carleton.ca

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," "society" and "theory." We will read authors whose work has been shaped by a range of intellectual traditions and disciplinary conventions. The course highlights the contributions of Black and Indigenous authors as well as researchers from the Global South to the critique, rethinking and re-imagining of key concepts.

In addition, the course serves as an introduction to the MA Legal Studies. We will discuss strategies for reading, discussing, and writing about theoretical texts. We will talk about different modes and traditions of theorizing, about using theory in a range of research papers, about disciplinary norms and boundaries, and about what it means to work with theory in an interdisciplinary way.

REQUIRED TEXTS

The course revolves around five books that we will read (almost) cover to cover. If possible, I encourage you to buy physical copies of the books. This will minimize the time you spend looking at a screen, and it will make it easier to underline, make comments in the margins, and take notes on the readings.

Octopus Books (<https://octopusbooks.ca/>, 116 3rd Avenue in Ottawa), a small independent bookstore with a history of supporting students, will have these books available. They can hold or ship books to you.

With the exception of Cole's *The Skin We're In*, all books are available as library e-books. For reading pdf e-books, I recommend Foxit PDF Reader, a free pdf reading and annotation software.

Desmond Cole, *The Skin We're In: A Year of Black Resistance and Power* (Doubleday, 2020). (At Octopus Books: \$19.95)

Brenna Bhandar, *Colonial Lives of Property: Land, Law, and Racial Regimes of Ownership* (Duke University Press, 2018). (Library e-book available; \$36.95 at Octopus Books)

Patricia Hill Collins, *Intersectionality as Critical Social Theory* (Duke University Press, 2019). (Library e-book available; \$40.95 at Octopus Books)

Başak Ertür, *Spectacles and Specters: A Performative Theory of Political Trials* (New York: Fordham University Press, 2022). (library e-book available; \$46.50 at Octopus Books)

Simone Browne, *Dark Matters: On the Surveillance of Blackness* (Durham and London: Duke University Press, 2015). (library e-book available; \$35.95 at Octopus Books)

Max Liboiron, *Pollution is Colonialism* (Durham and London: Duke University Press, 2021). (library e-book available; \$33.95 at Octopus Books)

If you buy all six books from Octopus Books, they give you a 15% discount (\$182 instead of \$214.25).

LOGISTICS AND PRIORITIES

What is this course about and what matters?

LAWS 5000 is one of the two required core courses for the Legal Studies MA. Most students take it in their first semester of graduate studies. We will take this as our starting point and talk about strategies for reading, discussing, and writing about texts as a graduate student.

The course is designed to be a seminar. It is driven by student questions, concerns, and engagement, not by some professorial magic. The seminar discussion is not about being right, but about collectively asking questions, trying out answers, and seeing the promise and limits of theories. We can also use the class discussion to talk about our experiences reading, discussing, and writing the texts.

Participating in the discussions is much more important than I can express in grades. It helps you make sense of the texts, think more complex thoughts, connect with your peers, and ultimately write better papers. Yet grading participation is complicated: it encourages "look at me being brilliant" participation, and it directs my attention to the grading rather than leading (and following) the discussion. That's why there is only a small direct numerical value on class participation, but I want to hear from you (almost) all of the time.

We presume that the discussions will take place on campus in the designated classroom, but if the situation requires it, we can easily move them to Zoom.

EVALUATION & ASSIGNMENTS

The course aims to offer you a foundation in socio-legal theories from different traditions. The assignments will allow you to show your understanding of the readings and your ability to contextualize, question, apply, challenge, and modify theoretical concepts. As a consequence, you will complete a series of smaller assignments to help you become familiar with different kinds of readings, followed by a mid-sized research paper in which you have more space to think through and with theories we have discussed.

The evaluation has three larger components: class engagement (30%), analysis & response papers (45%), and the final research paper (25%).

1. Class Engagement (30%)

This category includes different forms of engagement, including but not limited to class discussion.

- Two meetings with the professor. (2 x 2.5% = 5%)

One meeting should take place in the first month of the course; the second meeting can be at any time from reading week to the last day of class. You bring some questions for me and we discuss whatever is important to you at that point. You can have as many additional meetings as you need, but let's make sure that we talk at least twice during the term.

- **Discussion questions (5%).**

Please let me know what questions you have before we step into the classroom. **For ten of the weeks, post one question you have about the readings on Brightspace, due Wednesday at noon.** The point of the questions is not to show me what you have understood, but what you want to figure out during class. **One question equals half a point** (unless there's no indication that you have done the reading). You are very welcome to respond to (and build on) questions asked by your colleagues.

- **Take notes for the class (2%).**

Each class, one student will take notes on behalf of the class. These notes will help any student who is absent, struggling, or would simply like to listen more and type less. By switching roles and taking turns taking notes, we're practicing collegiality and are making the course more accessible. (This also means that if it's not your turn, you don't have to take a lot of notes.)

- **Attend three research talks. (3%)**

Seminars are exciting, but let's not forget about learning from other researchers and meeting faculty and students in the department. Please attend (at least) three research events (public lectures, workshops, work-in-progress series), including at least two hosted by the Department of Law and Legal Studies. Write up a short reflection (one paragraph) on each of them, to be posted on Brightspace no later than a week after the event.

- **Presentation on one text (5%).**

Each student will prepare a brief presentation on one of the readings (or, in some cases, a portion of the reading). The presentation should briefly introduce the text, might give some context on the text or author, and discuss two or three issues raised in the text. The presentation cannot and should not aim to give a comprehensive summary or critique of the text. It should be 5-10 minutes long.

- **Seminar participation (5%).**

This category rewards participation in the seminar discussion, taking account of: **quantity** (how much you participated), **quality** (the understanding and thoughtfulness displayed in the comments & questions), and **collegiality** (the ability and willingness to engage in a respectful discussions with others).

- Reflection on Theorizing (5%).

Write a 2-3 page (double spaced) reflection on reading, discussing, and/or writing about theory in this course. Has any reading challenged you, and if so, how? Have you changed your approach to reading, thinking, or writing? How do you understand theory differently through discussion as opposed to individual reading? The assignment is a reflection on your relationship to theorizing and/or this course and/or being a graduate student. It's graded on the basis of thoughtfulness and clear writing. It can be completed at any time, but is due on the last day of class.

Attendance: We all need to show up for class to make the seminar magic happen. Everyone can miss one class for any reason without impacting their participation grade. For any unexcused missed class beyond that, participation marks will be deducted (0.5% for each missed class). To let me know why you can't attend class, please send me an email before the class (unless that's not logistically feasible). I don't require a detailed account or documentation, but please indicate an umbrella category. (Example: I will not be able to attend this week's class due to illness/power outage/a family emergency.)

2. Analysis & Response Papers (45%)

- Three analysis & response papers in which you select a conceptual/theoretical aspect of the readings that is interesting to you analyze it, and develop an argument of your own. Each paper should be 5-6 pages long (double spaced, 1 inch margins) and will be worth 15% of the overall mark.
- Analysis & response papers are due (via Brightspace) before the beginning of the class in which we discuss the readings.
- The first of these papers has to be submitted no later than week 4. The other papers can be submitted (no more than one per week) at any time during the course.
- If one or more of these papers don't turn out the way you (and I) are happy with, you are welcome to write additional papers. The best analysis & response paper marks count.

3. Final Research Paper (25%)

Write a 12-15 page research paper in which you apply, compare, and/or develop theoretical concepts from any of the course readings. The emphasis of this assignment is not to write a long paper, but to focus on using theories and concepts for our own research interests.

- Research Papers are due on December 11th via Brightspace.

Official disclaimer: 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.

ACCOMMODATIONS AND REQUESTS FOR EXTENSIONS

In this course, deadlines for different assignments are set for different reasons, but they should not become barriers. Depending on the reasons for the deadlines, we can either move the deadline or modify the assignments for any student who is experiencing significant barriers (medical or otherwise) to completing the assignments.

Attendance: If you are experiencing structural or recurring barriers to attending class, please let me know. My concern is not so much with your absence, but with trying to make sure that you can meaningfully participate in this class. Since absences will affect seminar participation and might affect your ability to post discussion questions, we need to talk about alternate arrangements.

Analysis & Response Papers: The papers are due before class in order to make sure that no student had the extra benefit of relying on class discussion. If you are unable to submit the paper on time for medical or other reasons, there are two options: (1) if you haven't been able to do a lot of work on the paper yet, skip it and focus on the next week. (2) If you are close to finished, ask me for an extension.

Reflection & Research Papers: If you are dealing with circumstances that prevent you from dedicating the usual amount of time to this class and you require an extension on these assignments, please let me know.

Asking for accommodations & extensions: what do I need to know? You don't need to tell me more than you think I need to know to help you navigate this course. For some accommodation requests, it might be helpful if I have a sense of how (and for how long) your ability to participate, read, or write will be affected. But in other cases, a boilerplate email is sufficient. (Example: "Due to a family emergency, I haven't been able to submit this assignment, but I expect to be able to complete it by Friday.")

For longer extensions and requests to modify the assignment or evaluation structure, I might ask you to complete this form <https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf> and send it to me via email.

ACADEMIC INTEGRITY

As a graduate student, you are developing your skills and identity as a scholar. Maintaining high standards of academic integrity is central to this process: be the kind of scholar that you would like to read and work with. A central component of good scholarly practice is to show how you have been relying on the work of researchers who came before you. This means that in discussions we acknowledge our influences and in our written work, we quote and cite others to show our intellectual debts and relationships. If we use specific terms or phrases (let alone sentences) from other authors, the use of quotation marks is essential. Good quoting and citing practices help to separate your voice from that of others and highlight your contributions.

In this class you can use any citation style that works for you as long as you give the pinpoint reference (precise page number or page range) if appropriate. Please consult the Carleton University Library for quick guides (<https://library.carleton.ca/guides/help/citing-your-sources>) on citation styles.

Research is a collaborative effort, but there are rules about what forms of collaboration require to include someone else as a co-author. All your assignments in this course are expected to have you as the sole author (unless you have asked for and received written permission for another format). This means, among other things:

- You may ask others to look over your work for spelling, grammar, and clarity.
- You may discuss your research projects with anyone (in the class and beyond).
- Any distinctive ideas that others have contributed need to be acknowledged (example footnotes: "Jeanne Doe, personal communication" or "I'm grateful to Jeanne Doe for suggesting this connection.")
- You may not rely on or incorporate text generated by AI (such as ChatGPT) unless you have (1) asked and received permission for a specific use in writing, and (2) clearly mark the extent of the text that has been generated by AI (similar to citing and quoting human authors).

Academic integrity violations will be taken seriously because they undermine the trust and respect we need to place in each other. At the same time, I would like to encourage you to treat the official academic integrity rules as a minimum standard and to aim for ethical, respectful, and just research and citational practices.

WHAT DO GRADES MEAN?

Although learning shouldn't be about grades, grades can matter for your progress in the program, your ability to apply for scholarships, and your sense of accomplishment. The graduate grade scale differs from the undergraduate grade scale. The following table illustrates the relationship between letter grades, percentages, and levels of achievement in the Department of Law and Legal Studies. I will give comments on all assignments to help you understand the strengths and areas of improvement for your work. In the end, grades matter, but your intellectual journey is unique and cannot be fully described by grades.

Grade	Percentage	Description
A+	90-100	Exceptional work that is technically sound and original. Work demonstrates insight, understanding and independent application or extension of course expectations; often of publishable quality.
A	85-89	Very good work that demonstrates a very high level of integration of materials/ relevant scholarship. Work shows insight, understanding and independent application or extension of course expectations.
A-	80-84	Quality work that represents a high level of integration, comprehensiveness and complexity, as well as proficiency of relevant techniques/concepts.
B+	77-79	Satisfactory level of integration, comprehensiveness, and complexity; demonstrates a sound level of analysis with some weaknesses.
B	73-76	Unsatisfactory work that represents below a basic level of integration of key concepts/procedures. Comprehensiveness or technical skills may be lacking.
B-	70-72	Does not fulfill the course expectations. Work reveals deficiencies in knowledge, understanding or techniques.
C+	67-69	Unacceptable work at the graduate level. Represents an unacceptable level of integration, comprehensiveness and complexity.
C	63-66	<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>
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.

SCHEDULE**September 12th****Week 1: Law's Contexts**

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

September 19th**Week 2: Locating Laws, Things, and Ourselves**

Aaron Mills, "The Lifeworlds of Law: On Revitalizing Indigenous Legal Orders Today," *McGill Law Journal / Revue de droit de McGill*, 61 (2016), 847–884.

Brenna Bhandar, *Colonial Lives of Property: Land, Law, and Racial Regimes of Ownership* (Duke University Press, 2018), 1-32.

Başak Ertür, *Spectacles and Specters: A Performative Theory of Political Trials* (Fordham University Press, 2022), 1—17.

September 26th**Week 3: Thinking through Histories**

Brenna Bhandar, *Colonial Lives of Property: Land, Law, and Racial Regimes of Ownership* (Duke University Press, 2018), 33-77, 149-200.

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

Shiri Pasternak et al., "Infrastructure, Jurisdiction, Extractivism: Keywords for decolonizing geographies," *Political Geography* 101 (2023).

Suggested reading order: Bhandar 33-77, Locke, Bhandar 149-200, Pasternak et al.

October 3rd

Week 4: When Law is Acting: Performances and Performatives

Başak Ertür, *Spectacles and Specters: A Performative Theory of Political Trials* (Fordham University Press, 2022), 21—130.

Sara Ahmed, "The nonperformativity of Antiracism," *Meridians 20th Anniversary Reader* (2020): 198—218.

Recommended:

Judith Butler, *Excitable Speech: A Politics of the Performative* (Routledge, 1997), 1—69 (focus on 1—41).

October 10th

Week 5: Theorizing Theory: Intersectionality

Patricia Hill Collins, *Intersectionality as Critical Social Theory* (Duke University Press, 2019), 1—53, 121—154, 226—252, 286—290.

October 17th

Week 6: Complicating Equality and Rights

Sumi Cho, Kimberlé Crenshaw and Leslie McCall, "Towards a Field of Intersectionality Studies: Theory, Applications, and Praxis," *Signs* 38 (2013): 785—810.

Shireen Hassim, "Decolonising equality: the radical roots of the gender equality clause in the South African constitution," *South African Journal on Human Rights* 34 (2018): 342—358.

Nicola Perugini and Neve Gordon, *The Human Right to Dominate* (Oxford University Press, 2015), 1—47.

Recommended:

Jennifer C. Nash, "Re-thinking intersectionality," *Feminist Review* (2008), 1—15.

Sara Salem, "Intersectionality and its discontents: Intersectionality as traveling theory," *European Journal of Women's Studies* 25 (2018): 403—418.

October 31st

Week 7: Surveillance and Law

Simone Browne, *Dark Matters: On the Surveillance of Blackness* (Duke University Press, 2015). 1—164.

November 7th

Week 8: Law, Science, Colonialism: Pollution

Max Liboiron, *Pollution is Colonialism* (Duke University Press, 2021), 1—157.

November 14th

Week 9: Trials beyond Guilt and Innocence

Başak Ertür, *Spectacles and Specters: A Performative Theory of Political Trials* (Fordham University Press, 2022), 131—185.

Mattia Pinto, "Historical Trends of Human Rights Gone Criminal," *Human Rights Quarterly* 42 (2020): 729—761.

November 21st

Week 10: Knowledges, Implication, and Ignorance

Veronica Ivy (Rachel McKinnon), "Epistemic Injustice," *Philosophy Compass* 11/8 (2016): 437—446.

Anna Cook, "Recognizing Settler Ignorance in the Canadian Truth and Reconciliation Commission," *Feminist Philosophy Quarterly* 4 (2018), Article 6.

Michael Rothberg, *The Implicated Subject: Beyond Victims and Perpetrators* (Stanford University Press, 2019), 1—58.

November 28th

Week 11: Violence Before and Outside the Law

Franz Kafka, *Before the Law*. Available online: <http://johnstoi.web.viu.ca/kafka/beforethelaw.htm>.

Achille Mbembe, "Necropolitics," *Public Culture* 15 (2003): 11—40.

Craig Jones, "Gaza and the Great March of Return: Enduring violence and spaces of wounding," *Transactions of the Institute of British Geographers* 48 (2023): 249—262.

December 5th

Week 12: Conclusion

Readings TBA.

We will use the class to talk about the final paper projects
and reflect on our journey through this semester.

[The final essay is due on December 11th.]

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 Accommodation Form:
<https://carleton.ca/equity/contact/form-pregnancy-accommodation/>

Pregnancy

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

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/>