

SLST 6065/SOCI 6893/SPTH 6146

Colonialism, Race and the Law: Sociological Implications

Fall 2017

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***Please note class locations throughout the term.**

This course examines the complex relationships between colonialism, race and the law. The course works from the premise that law is central to the constitution of social life, political meaning and cultural relations. Law plays a central role in producing histories of violence and social marginalization as it does in maintaining and challenging contemporary social and political relations. As such, law is understood as a complex set of discourses, representations, institutions, practices, identities, obligations and affective commitments. Through an examination of law as a field of interaction, negotiation and coercion, we will focus on the ways in which liberal forms of governance rely on practices of racialized control and discipline. The course will survey thinking in this direction in critical race theory, anti-colonial theory, cultural studies of law, legal anthropology, feminist theory and other points of departure. Though other colonial formations will be referenced, the empirical context of the course will mainly be anchored in the context of white settler societies.

The specific objectives of this course are three-fold:

1. To develop a familiarity and literacy with theoretical terminology through a focus on colonialism, racialization, recognition, rights, subjectivity and their contextualized deployments;
2. To critically examine theoretical debates and methodological frameworks pertinent to the study of colonial and racial formations and the law;
3. To develop interdisciplinary approaches to the consideration of socio-legal processes in order to engage specific empirical sites and questions.

This course is intended for students pursuing interdisciplinary research in the field of socio-legal studies and/or the sociology of race and colonialism.

Evaluation:

Class Participation	30%
Critical Response Paper(s)	20%
Final Paper	50%

Class Participation 15%

This class will follow a seminar format. As a seminar, the success of this course depends on informed and engaged student participation. Regular attendance is necessary *but not sufficient* to constitute class participation. Class participation will be assessed in terms of how well the student is prepared for each class. It will be based on a combined assessment of class participation and the extent to which discussion and analysis derived from the class is evident in student written and/or oral contributions. It is expected that you will complete readings before class and attend the seminar prepared for discussion. You are required to bring the reading material with you to class each week.

Seminar Presentation 15%

This course will be based in part on student facilitation of class discussions. You will be responsible (individual or in groups, depending on class size) for facilitating a class discussion on the collection of articles from the weekly readings. Students will sign up for weeks/articles in the second week of classes. It is suggested that you outline the major arguments, contexts, contributions and limitations of the article. The purpose of this exercise is to stimulate classroom discussion. It may be useful to prepare topics for discussion or questions that will frame your presentation and prompt class discussion.

To read an article critically means that you are not simply reading it to glean facts about a topic but rather you are reading it with a view to examining the way *the author has understood, argued and presented the topic*. Critical analysis does not simply mean ‘criticism’ (ie. pointing out something that is negative or lacking from the reading). It involves unpacking and evaluating the article’s central questions/arguments; the conceptual/theoretical tools that frame and inform the article; the methodology and evidence used in the article; its socio-political implications; and its overall strengths and weaknesses. As such, your discussion questions should attempt to probe some of these elements that you will then be able to discuss and probe further during your seminar. In addition to these kinds of “internal analyses” (ie. internal to the article/book itself), your seminar must also include consideration of the explicit or implicit ways in which the readings raise different concepts, how these concepts might be relevant in other contexts, how these are approached/understood by the author(s) and how the readings compare with each other and with other approaches covered in our class (‘external analyses’).

Discussion questions will not work if they simply require a yes or no answer or the simple retrieval of a fact from a reading. Instead, questions can focus on, among other aspects, the nature and quality of the empirical evidence in the reading, the elements and consistency of the argument, methodological issues raised by the reading, theoretical issues raised by the reading, key concepts used in the reading, the ways in which the reading sheds light on course concepts, comparisons with other course readings, and how the reading helps us understand other contexts or issues.

Seminar leaders should try to think creatively about how to facilitate and guide class discussion in these directions. The posing of other critical, follow-up questions is one strategy of stimulating and guiding discussion, but there are other alternative, thoughtful

and creative ways of engaging the class with the readings that seminar leaders are encouraged to explore.

Other points to note about the seminar facilitation:

- On the day of your seminar, you will provide the class with a one-page (hard copy) outline of your seminar that includes your questions. You are expected to begin with a *brief* summary of the reading(s) that identifies the main points and arguments of the reading in your own words.
- It is then your responsibility to garner responses to your two questions and from there to encourage and guide the discussion in critical directions using follow-up questions and other strategies. As noted above, the questions should be used as a tool to get the class thinking critically about the readings and to stimulate and guide class discussion.
- **This is a joint assignment.** It should be approached as a cooperative, team effort. Not only should you and your seminar partner work together to carefully plan and organize your seminar, you also need to think about how you can integrate comparative consideration of the two articles (for example, by finding common themes, critical differences, comparing research methods, sources of information, theoretical tools, policy implications). Therefore, each of you should be able to demonstrate that you have *both* read and thought carefully about *both* of the required readings.
- Seminars will be evaluated according to: the quality of the discussion questions (e.g. Were they thoughtfully constructed to engage students in critical thinking about the readings; Did they effectively provoke critical discussion; were they relevant to the course?); the quality of the oral synopsis of the readings (e.g. Was it presented in an engaging manner? Did it accurately capture the main arguments of the article? Was it logical, well-organized and concise?); internal analysis (critical analysis of the article on its own terms); external analysis (links made with course concepts, comparative consideration of the articles in relation to each other and in relation to other course readings, links made with external items: print or broadcast media, policy documents, legal decisions, non-governmental reports, etc).

Critical Response Papers 20% Paper(s) due on or before November 8, 2017

You are required to submit 1 or 2 critical response papers. *Do not submit a response paper for the week you are scheduled to facilitate discussion.*

A critical response paper is a written engagement with one or two of the ideas that you encounter in a set of weekly readings. The paper may include a very brief summary of the ideas contained in the article however, it is not just a summary paper. The paper should

show evidence of a faithful outline of the text (read *with the grain*) and an indication of how the texts under examination relate to one another. It should show evidence of critical engagement with the ideas and arguments advanced in the article(s)/book. Try to choose concepts that you find compelling or which are of particular salience to concerns that you are trying to think through. If you choose to submit two papers, the response papers should be approximately 4-6 pages. Each paper is worth 10%. If you chose to submit one response paper, it should be approximately 10-12 pages in length (double-spaced, 12 pt font).

Final Paper 50% December 6, 2016

There are two options for the Final Paper.

1. Essay Assignment

The essay assignment will be (no more than) a 20-page paper (double-spaced, 12pt font) which critically examines one of the course themes or a theme of your choosing related to course material. The essay should take up one or a combination of theoretical ideas addressed in the course. This paper is a more substantial critical response to a particular topic or a combination of works, or it may be an examination of how a given theme was addressed by class members during the week that the theme was discussed and/or presented. This paper requires that you make a substantial and substantiated argument about a particular research area, reading or collection of readings.

2. Book Review Essay Assignment

The essay assignment will be (no more than) a 20-page paper (double-spaced, 12pt font). Choose 3 books related to a specific research area and/or theoretical field related broadly to colonialism, 'race'/'racism' and the law. (If you choose an anthology of collected work, you may work with two books in total). The purpose is to identify key themes and critical issues and assess each writer's contributions to understanding the general topics/research area. The aim of a book review essay is to evaluate the ways in which different researchers examine and interpret issues related to a specific research problem. Above all, a review makes an argument. The most important element of a review is that it is a commentary, not merely a summary.

There are three main elements to the book review essay assignment: 1. The review gives the reader a concise summary of the content of each text under review. This includes a relevant description of the topic as well as its overall perspective, argument, or purpose; 2. A review offers a critical assessment of the content (ie. what strikes you as noteworthy, whether or not it was effective or persuasive, and how it enhanced your understanding of research/theory in the area); and 3. In addition to analyzing the work, a review often suggests whether or not the audience would appreciate it.

Here are a series of questions to focus your thinking:

1. What is the thesis/main argument of each book? If the author wanted you to get one idea from the book, what would it be?

2. What exactly is the subject or topic of each book? Does the author cover the subject adequately? What is the approach to the subject (topical, analytical, chronological, descriptive)?
3. How does the author of each book support his or her argument? What evidence does each author use to prove his or her point? Do you find that evidence convincing? Why or why not? Does any of the author's information [or conclusions] conflict with other books?
4. How does the author structure his or her argument? What are the parts that make up the whole?
5. How has each book helped you understand the subject? Would you recommend the book to others? Why or why not?

Note: Please review York University's Senate Policy on Academic Honesty found here: <http://www.yorku.ca/secretariat/policies/document.php?document=69>

For further information please see the Academic Honest Tutorial: http://www.yorku.ca/tutorial/academic_integrity/index.html

Required Texts

All required course material is available from the York University Bookstore. Where noted in the syllabus additional material is available on Moodle.

Razack, Sherene. *Dying from Improvement: Inquests and Inquiries into Indigenous Deaths in Custody*. University of Toronto Press, Scholarly Publishing Division, 2015.

Schedule

Sep 13 Introduction YL 280A

Sep 20 Colonialism, Race and Modernity KT 901

Goldberg, D. T. "Introduction: Racial Subjects," *Racist Culture: Philosophy and the Politics of Meaning*. Oxford: Blackwell, 1993, 1-13. [Moodle]

Hesse, Barnor. "Im/Plausible Deniability: Racism's Conceptual Double Bind," *Social Identities*, vol. 10, no. 1 (2004): 9-29.

Wolfe, Patrick. "Settler-colonialism and the elimination of the native," *Journal of Genocide Research*, 8, 4, 2006, 387-409.

Sep 27 Race, Space and Property YL 280A

Harris, Cheryl I. "Whiteness as Property." *Harvard Law Review* 106, 8 (1993): 1707-1791. [excerpt on Moodle]

Razack, Sherene H. "When Place Becomes Race," *Race, Space and the Law: Unmapping a White Settler Society*. Toronto: Between the Lines, 2002, 1-20. [Moodle]

Walker, Barrington. "Introduction: From a Property Right to Citizenship Rights – The African Canadian Legal Odyssey." *The African Canadian Legal Odyssey: Historical Essays*. Toronto: Osgoode Society for Canadian Legal History. Toronto: University of Toronto Press, 2012, 3-38.

Bhandar, Brenna. "Status as Property: Land and the Dispossession of First Nations Women in Canada." *darkmatter journal* 14, 2016. darkmatter101.org

Oct 4 Biopolitics, Colonialism, and Race KT 626

Foucault, Michel. "Part Five: Right To Death and Power Over Life", *The History of Sexuality: An Introduction, vol. 1*. New York: Vintage, 1978, 133-160. [Moodle]

Foucault, Michel. *Society Must Be Defended*. Picador: New York, 2003, 239-263. [Moodle]

Mbembe, Achille. "Necropolitics," *Public Culture* 15, 1 (2003): 11-40

For a brief introduction to some of Foucault's writing:

Murdocca, C. "Michel Foucault: Theories and Method." Murdocca C. with D. Brock, A. Glasbeek, eds. *Criminalization, Representation, Regulation*. University of Toronto Press, 2014, p.5-28.

Recommended Readings

Scott, David. "Colonial Governmentality," *Refashioning Futures: Criticism after Postcoloniality*. New Jersey: Princeton University Press, 1999, 23-52.

Young, Robert. "Foucault on Race and Colonialism." [Moodle]

Stoler, Ann. *Race and the Education of Desire: Foucault's History of Sexuality and the Colonial Order of Things*. Durham and London: Duke University Press, 1995.

Burchell, Graham, Colin Gordon, and Peter Miller. *The Foucault Effect: Studies in Governmentality*, Chicago: The University of Chicago Press, 1991, 1-104.

Oct 11 Law and Recognition I (and Decolonization) KT 626

Hegel, G.W.F. "Lordship and Bondage," *Phenomenology of the Spirit*, Translated by A.V. Miller. Oxford: Oxford University Press, 1977, 111-119. [Moodle]

Fanon, Frantz. "The Fact of Blackness." *Black Skin, White Masks*. New York: Grove Press, 1967, 109-140. [Moodle]

Fanon, Frantz. "Concerning Violence." *The Wretched of the Earth*. New York: Grove Press, 1963, 35-106. [Moodle]

Recommended Reading

Kojeve, Alexandre. "In Place of An Introduction," *Introduction to the Reading of Hegel, Lectures on the Phenomenology of the Spirit*, Allan Bloom, ed. James H. Nichols, Jr., trans. Ithaca and London: Cornell University Press, 1969, 3-30.

Oct 18 Law and Recognition II YL 280A

Coulthard, Glen. "Subjects of Empire: Indigenous People and the 'Politics of Recognition' in Canada." *Contemporary Political Theory* 6, 2007, 437-460.

Povinelli, Elizabeth A. *The Cunning of Recognition: Indigenous Alterities and the Making of Australian Multiculturalism*. Durham and London: Duke University Press, 2002, 1-34. [Moodle]

Lenon, Suzanne J. "Marrying Citizens! Raced Subject? Re-thinking the Terrain of Equal Marriage Discourse" *Canadian Journal of Women and the Law* 17 (2005): 406-421.

Recommended Reading

Carbado, Devon. "Colorblind Intersectionality." *Signs* 4, 38 (2013): 811-845.

Erevelles, Nirmala and Andrea Minear. "Unspeakable Offenses: Untangling Race and Disability Discourses of Intersectionality." *Journal of Literary and Cultural Disability Studies* 4.2 (2010): 127-146.

Spade, Dean. "Intersectional Resistance and Law Reform." *Signs* 4, 38 (2013): 1-25.

Nov 29 Paper Discussion and/or Workshop

Recommended Readings

Ahmed, Sara. "Affective Economies." *Social Text* 79, vol. 22, no. 2 (2004): 117-139.

Blomley, Nicholas. "Law, Property, and the Geography of Violence: The Frontier, the Survey, and the Grid." *Annals of the Association of American Geographers*, 93, 1, (2003): 121-141.

Brown, Wendy. "Wounded Attachments," *States of Injury: Power and Freedom in Late Modernity*. New Jersey: Princeton University Press, 1995, 52-76.

Claxton, Nicholas Xumthoult. "ISTA SCIANEW, ISTA SXOLE 'To Fish as Formerly:' The Douglas Treaties and the WSANEC Reef-Net Fisheries," *Lighting the Eighth Fire: The Liberation, Resurgence and Protection of Indigenous Peoples*, Leanne Simpson, ed. Winnipeg: Arbeiter Ring Publishing, 2008, 47-58.

Da Silva, D. F. Towards a Critique of the Socio-logos of Justice: The Analytics of Raciality and the Production of Universality. *Social Identities*, 7, 3 (2001): 421-454.

Eng, David. "The Feeling of Kinship: Affect and Language in *History and Memory*," *The Feeling of Kinship: Queer Liberalism and the Racialization of Intimacy*. Durham and London: Duke University Press, 2010, 166-198.

Fassin, Didier. *The Empire of Trauma: An Inquiry into the Condition of Victimhood*. New Jersey: Princeton University Press, 2009, 1-24, 225-274.

Keenan, Sarah. "Moments of Decolonization: Indigenous Australia in the Here and Now." *Canadian Journal of Law and Society* 29, 2 (2014): 163-180.

Loomba, Ania. *Colonialism/Postcolonialism*. London and New York: 1998, 1-57.

Memmi, Albert. *The Colonizer and the Colonized*. Boston: Beacon Press, 1991.

Moore, Donald S. *Suffering for Territory: Race, Place and Power in Zimbabwe*. London and Durham: Duke University Press, 2006.

Razack, Sherene H. "Gendered Racial Violence and Spatialized Justice: The Murder of Pamela George," *Race, Space and the Law: Unmapping a White Settler Society*. Toronto: Between the Lines, 2002, 121-156.

Stoler, Ann Laura and Frederick Cooper. "Between Metropole and Colony: Rethinking a Research Agenda," *Tensions of Empire: Colonial Cultures in a Bourgeois World*, Frederick Cooper and Ann Laura Stoler, eds. Berkeley: University of California Press: 1997, 1-58.

Volpp, Leti. "Framing Cultural Difference: Immigrant Women and Discourses of Tradition." *Differences* 22, 1 (2011): 90–110.