

COURSE OUTLINE

LAWS 4106	Law and Violence
PREREQUISITES:	Fourth year honours standing – strictly enforced
TERM:	Fall 2014
Day & Time:	Mondays 11:35 – 2:25
Room:	Please check with Carleton Central for current room location
INSTRUCTOR:	Dr. Amy Bartholomew
CONTACT	
Office:	D581 LA (Loeb)
Office Hours:	Thursdays 3:00 to 5:00
Email:	Amy.Bartholomew@carleton.ca
Telephone:	520-2600 x. 3696

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 visit the Equity Services website: <http://www2.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 Equity Services website: <http://www2.carleton.ca/equity/>

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 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 to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-

scheduled exam (*if applicable*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.carleton.ca/equity/>

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: <http://www.carleton.ca/studentaffairs/academic-integrity/>

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.

<http://www.carleton.ca/law/student-resources/department-policies/>

Calendar 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.

Prerequisite(s): fourth-year Honours standing.

Seminar three hours a week.

The Fall 2014 iteration of "Law and Violence" will concentrate on "Resisting injustices in capitalist liberal democratic societies: paradoxes of violence and rights." Please review the schedule below for a fuller sense of what we will discuss.

Required Text: There are two required texts. Both will be available at Octopus Books.

Costas Douzinas, *Philosophy and Resistance in the Crisis: Greece and the Future of Europe*. Cambridge: Polity. 2013.

4106 Coursepack

SEMINAR:

This is a fourth year honours seminar. As a seminar, there will be virtually no lecture component. I view it as an intensive ‘reading seminar’ or ‘reading group’ the success of which is dependent on you, each member of the seminar, as well as upon me. I will attempt to guide the discussion where I think it needs guidance. I will also set the context for debates, where necessary. And, I will debate with you and sometimes (be prepared) suggest you need to rethink matters, or, even, that I think you are wrong. But, this seminar is a *completely collective project* for which we are all responsible and should be embraced as such by each of you. **If you do not wish to be part of a participatory seminar that seriously considers both theoretical and grounded literature, please don’t take this seminar!**

You absolutely must read everything, carefully, for the seminar, before the seminar. The success of a seminar depends on informed, lively and critical student participation. Regular attendance in seminar is necessary, but not sufficient, to constitute participation. The participation mark is a solid 20% of your overall mark so, please make the most of it. The foundation for informed participation (not to mention evaluation and critique) is close **study** of the readings before the class in which they are assigned and coming to seminar with **summaries** of the material along with questions and evaluations to be addressed in seminar.

EVALUATION:

Evaluation will be based on the following combination of seminar participation and written work.

1. Participation mark based on weekly seminar participation. 20%

The participation mark is a *composite mark* evaluating your performance over the entire term and with respect to discussion leadership, weekly seminar participation, and summaries of the literature prepared for seminar each week. You are expected to participate in seminar on the basis of having read and reflected seriously on the literature and issues each week. Please come to seminar **with your readings, your summary** of the readings (see below), **and a question, an objection, or an issue** you would like to discuss and be prepared to discuss it with the seminar. Our discussion will focus on making sense of and evaluating the claims the literature makes.

2. Weekly summaries of the readings. 10%

Please prepare a summary (not an outline) of each reading for weeks 3 through 11. Each summary should be (ideally) no longer than 1 page (single-spaced). Please include a proper citation and your name. Also, pose at least one question (on any of the readings) for the seminar possibly to address. Put this on a separate sheet, typed out twice, with your name on each half so you can hand one copy to me and one to your discussion group. You may use the summary to inform your seminar participation and then hand it in to me at the end of each seminar. I will not mark these summaries except to register that you have handed them in and that they are indeed summaries of the literature. They are for your preparation and capacity-building. They will also help

you prepare for and write the essays and take-home examination.

You may fail to write summaries one week between week 3 and week 11 without losing marks.

Therefore, failure to hand in 8 complete sets of summaries on time (or submitting summaries that are clearly inept) over the course of seminar will result in a loss for each week you do not hand them in.

3. 2 short essays 5 -8 pages (max.) (double-spaced) 10% for the first essay, 20% for the second, for a total of 30%.

The first short essay must be written on Week 5 readings.

The second short essay must be written on Weeks 8 and 9 readings.

Each short essay is **due the Friday following the seminar in which we discuss the relevant literature (in other words, 4 days later). The first one is due October 10 by noon, the second is due November 20 by 6pm.** No late essays will be accepted unless you discuss the matter with me ahead of time and have a very good reason.

The short essays should **evaluate** some aspect of the literature for the relevant week. Your evaluation must be based on a clear, concise, demonstration that you understand the literature but it should also go beyond mere description or summary of the literature. The paper should be conceptual in nature, not merely empirical. The short essays will be marked on the basis of **demonstrated understanding of the main themes in all of the literature for that week**, the thoughtfulness of the issue(s) chosen for consideration, and the evaluation and argument provided. Writing style, grammar, proper citation etc. will count in your mark.

Please provide a title page for your essay that includes your name, student number, date, course number, and an indication of which essay (first or second) is being submitted. Please number your pages. I will return your marked essays in seminar within two weeks of their submission. If you are not in seminar that day, I will leave them in the main Law Dept office for you to pick up.

4. Take-home examination *or* research essay 40%. Due Wednesday 17 December by noon

The **take-home examination** will be distributed in the final seminar. It is due on Wednesday 17 December before noon. Late exams will result in failure in the course in the absence of a medical excuse that I judge to be adequate. You may submit your exam as an email attachment so long as: (1) you get it to me before 4pm on the due date, and (2) **you** take the responsibility for any technological failures. In other words, late exam answers will not be accepted. The take home examination will pose a question and ask you to integrate and assess the literature we have read and discussed this term. You will not be required to do outside research for the examination. But, you will be expected to have mastered a wide swath of the literature. The exam answer should be approximately 3000 words (about 8 double spaced pages) and no longer than 3500 words (about 10 pp double spaced, Times New Roman 12).

You may do a **research essay** instead of the take home examination. If you choose this option please clear the subject with me by November 10. The research essay must draw on an area of research related to the course. You will be required to do research beyond the readings in the course. The essay must be original to this course. The research essay should be about 5000 words (about 15 pp. double spaced) and no more than 5500 words (about 18 pages double-spaced) not including endnotes. It is due Wednesday 17 December by noon. Late essays will result in failure in the course in the absence of a medical excuse.

GENERAL RULES:

Failure to complete any aspect of the requirements may result in failure in the course.

Plagiarism will not be tolerated. There is a zero tolerance policy on plagiarism which means that any act of plagiarism – whether intentional or inadvertent – will be taken directly to the Dean.

The OED (Oxford English Dictionary) defines plagiarism as follows: “The action or practice of taking someone else's work, idea, etc., and passing it off as one's own; literary theft.”¹ Plagiarism includes failing to use quotation marks around quoted material, even if one provides a citation, or providing an inadequate citation such as failing to provide a page number for quoted material.

In addition to Carleton’s site on plagiarism, a very useful source is:

<http://www.writing.utoronto.ca/advice/using-sources/how-not-to-plagiarize>

"Standing in a course is determined by the course instructor subject to the approval 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 Dean."

Please note: The seminar schedule, readings and the precise tasks for seminar participation are subject to change.

SEMINAR SCHEDULE

1.Introduction September 8

**2.Contemporary Examples of Violence, Injustice, or Repression and their Contestation
September 15**

Dutta, Sunil. “I’m a Cop. If you don’t want to get hurt, don’t challenge me.” *Washington Post* 19 August 2014.

<http://www.washingtonpost.com/posteverything/wp/2014/08/19/im-a-cop-if-you-dont-want-to-get-hurt-dont-challenge-me/>

Listen to:

<http://www.washingtonpost.com/blogs/the-fix/wp/2014/08/18/video-john-olivers-scathing-take-on-ferguson/>

Students are to submit a short one paragraph description, and a question on a recent example of resistance to violence, injustice, or repression to discuss in seminar.. If you wish, you may also submit a short journalistic article (e.g. from a newspaper) on the

¹ “Plagiarism, n,” *Oxford English Dictionary*. Third Edition, June 2006.

topic. Please submit it before 10 am Sunday morning on CuLearn. All students are then expected to read all the submissions. Examples from other societies/states are welcome but I prefer that you focus on non-war examples (in other words, not Syria, Iraq, Afghanistan etc.) You might wish to think about particularly creative examples of resistance, or particularly pressing examples of violence, injustice, and repression. Etc.

3. Mass Incarceration as violence and its resistance

September 22

Dayan, Colin. "With Law at the Edge of Life." *South Atlantic Quarterly* 113, no. 3 (2014): 630-639.

Lewis, Mark Taylor. "Decolonizing Mass Incarceration: 'Flesh Will Wear out Chains'." *JCRT* 13, no. 1 (2014): 121-142.

Supplementary:

Gilmore, Ruth Wilson. "Race, Prisons and War." In *The Socialist Register 2009: Violence Today*. Leo Panitch and Colin Leys, eds. (London: Merlin Press, 2008):73-87.

Gilmore, Ruth Wilson *Golden Gulag: Prisons, Surplus, Crisis and Opposition in Globalizing California*. University of California Press, 2007.

Dayan, Joan. "The End of the Eighth Amendment." *Boston Review* October/November, no. 2.5 (2004).

Foucault, Michel. *Discipline and Punish*.

Scheper-Hughes, Nancy. "The Militarization and Madness of Everyday Life." *South Atlantic Quarterly* 113, no. 3 (2014).

4. Occupy Movements, Reclaim the Commons September 29

Douzinas, Costas. 2013. *Philosophy and Resistance in the Crisis*. Cambridge: Polity Press. Prologue and chapters 1 (quickly – but do read p.29 carefully), 2, and 3

Bailey, Saki, and Ugo Mattei. "Social Movements as Constituent Power: The Italian Struggle for the Commons." *Indiana Journal of Global Legal Studies* 20, no. 2 (2013): 965-1013.

Supplementary:

Dean, Jodi. "Occupy Wall Street: After the Anarchist Moment." In *The Socialist Register 2013: The Question of Strategy*, eds. Leo Panitch, Greg Albo, and Vivek Chibber. London: Merlin Press, 2014.

Spourdalakis, Michalis. "Left Strategy in the Greek Cauldron: Explaining Syriza's Success." In *The Socialist Register 2013: The Question of Strategy*, eds. Leo Panitch, Greg Albo, and Vivek Chibber. London: Merlin Press, 2014.

Badiou, Alain. *The Communist Hypothesis*. London: Verso, 2010. Esp. 1-71 on May 68
Zizek, Slavoj. *The Year of Living Dangerously*. London: Verso, 2012.

5. Conceptualizing Oppression, Violence, Resistance **October 6**
Short Essay – 1 on this topic due Friday October 10 by noon.

*Young, Iris Marion. *Justice and the Politics of Difference*. Princeton: Princeton University press, 1999. Ch. 5 “Five Faces of Oppression,” pp. 39-65.

Marcuse, Herbert. "Repressive Tolerance." (1965).
<http://ada.evergreen.edu/~arunc/texts/frankfurt/marcuse/tolerance.pdf>

O'Neill, Shane. "Struggles against Injustice: Contemporary Critical Theory and Political Violence." *Journal of Global Ethics* 6, no. 2 (2010): 127-139.

Harvey, David. “The Future of the Commons.” 2011. Available on line – Google author and title.

Supplementary:

Ayyash, Mark Muhammad. "The Paradox of Political Violence." *European Journal of Social Theory* 16, no. 3 (2013): 342-356.

Mbembe, Achille. "Necropolitics." *Public Culture* 15, no. 1 (2003): 11-40.

Deranty, Jean-Phillipe. "Injustice, Violence and Social Struggle: The Critical Potential of Axel Honneth's Theory of Recognition." *Critical Horizons* 5, no. 1 (2004): 297-322.

Lavergne, Cecile. "Questioning the Moral Justification of Political Violence: Recognition Conflicts, Identities and Emancipation." *Critical Horizons* 12, no. 2 (2011): 211-30.

THANKSGIVING October 13 – no class

6. Capitalism, The State, and Political Struggles **October 20**

* Poulantzas, Nicos. *State, Power, Socialism* New Left Books. 11-15; 17-20; 35-top 38; bottom 44-46; 76-92; 123-126; 136-top138; 140-153; 203-204; 251-265. (about 65 pp)
Book on reserve.

*Macpherson, C.B. *The Real World of Democracy*. Massey Lecture Fourth Series. CBC 1965. Read 35-60. [The whole lecture can ALSO be listened to here:
<http://www.cbc.ca/ideas/episodes/massey-lectures/1964/11/09/massey-lectures-1964-the-real-world-of-democracy/>]

Supplementary:

Hall, Stuart. “Nicos Poulantzas: State, Power, Socialism.” *New Left Review* 119, Jan-Feb (1980); reprinted in most recent edition of *State, Power, Socialism*.

Jessop, Bob. *Nicos Poulantzas: Marxist Theory and Political Strategy* London: MacMillan, 1985.

Geras, Norman, "The Controversy About Marx and Justice." *New Left Review* 150, March-April (1985): 47-85.

Wood, Ellen Meiksins. *The Retreat from Class: The New 'True' Socialism*. New York: Verso Press, 1986. Ch.s 9 and 10.

Hunt, Alan ed. *Marxism and Democracy*. 1980.

Andreasson, Stefan. "Stand and Deliver: Private Property and the Politics of Global Dispossession," *Political Studies* 54, 2006: 3-22.

Macpherson "Property"

Brie, Michael. 2009. "Emancipation and the Left" *The Socialist Register* 2008.

Frazer, Elizabeth and Kimberly Hutchings, "Avowing Violence: Foucault and Derrida on Politics, Discourse and Meaning," *Philosophy and Social Criticism*, 37 no. 1 (2011)

Frazer, Elizabeth and Kimberly Hutchings "Reflections on Politics and Violence"

Youtube 1:23 long. Excellent intro. Esp on Gandhi and Fanon, but also addresses other strands briefly.

Frazer, Elizabeth and Kimberly Hutchings, "Remnants and Revenants: politics and violence in the work of Giorgio Agamben and Jacques Derrida," *British Journal of Politics and International Relations*, 13, no.2, (2011): 127-144.

FALL BREAK October 27 - no class

7. Ensnared by Rights or Enacting Rights?

November 3

*Douzinas, Costas. "Adikia: On Communism and Rights." In *The Idea of Communism*, edited by Costas Douzinas and Slavoj Zizek, 81-100. London: Verso, 2010.

Douzinas, *Philosophy and Resistance in the Crisis*, chapter 5.

Ranciere, Jacques. "Who Is the Subject of the Rights of Man?" *South Atlantic Quarterly* 103, no. 2/3 (2004).

Supplementary:

Geras, Norman. "Democracy and the Ends of Marxism," *New Left Review* 203, Jan-Feb (1994): 92-106.

Balfour, Ian, and Eduardo Cadava. "The Claims of Human Rights: An Introduction." *South Atlantic Quarterly* 103, no. 2/3 (2004): 277-97.

Schaap, Andrew. "Enacting the Right to Have Rights: Ranciere's Critique of Hannah Arendt." *European Journal of Political Theory* 10, no. 1 (2011).

8. Conceptualizing Resistance/Disobedience

November 10

Habermas, Jürgen. "Civil Disobedience: Litmus Test for the Democratic Constitutional State." *Berkeley Journal of Sociology* 30 (1985): 95-116.

Habermas, Jürgen. "Right and Violence -- a German Trauma." *Cultural Critique* 1, no. Autumn (1985): 125-139.

Welchman, Jennifer. "Is Ecosabotage Civil Disobedience?" *Philosophy and Geography* 4, no. 1 (2001): 97-107.

Ertur, Basak. "The Gezi Uprising and Particularities of Discontent." *Law and Critique* 25 (2014): 3-7.

Examples to discuss: Gezi and Ferguson

Supplementary:

Thomassen, Lasse. "Within the Limits of Deliberative Reason Alone: Habermas, Civil Disobedience and Constitutional Democracy." *European Journal of Political Theory* 6, no. 2 (2007): 200-218.

White, Stephen K., and Robert Farr. "'No-Saying' in Habermas." *Political Theory* 40, no. 1 (2012): 32-57.

Fung, Archon. "Deliberation before the Revolution: Toward and Ethics of Deliberative Democracy in an Unjust World." *Political Theory* 33, no. 2 (2005): 397-419.

9. Conceptualizing Resistance/Disobedience – 2 November 17
Short Essay 2 on weeks 8 and 9 due Friday, November 20 by 6pm.

Douzinas, *Philosophy and Resistance in the Crisis*, chapter 6 (esp), and 9, 10, and 11

Supplementary:

Harvey, David. *Rebel Cities: From the Right to the City to the Urban Revolution*. New York: Verso Press, 2012.

10. Hunger Strikes and Force Feeding November 24

Mukhopadhyay, Baijayanta. 2013 "Hunger's Empire," *Briarpatch Magazine*. September 1, 2013. <http://briarpatchmagazine.com/articles/view/hungers-empire>

Samir Naji al Hasan Moqbel, "Gitmo Is Killing Me" 14 April 2013 *New York Times*, http://www.nytimes.com/2013/04/15/opinion/hunger-striking-at-guantanamo-bay.html?_r=0

Dayan, Colin. "With Law at the Edge of Life." *South Atlantic Quarterly* 113, no. 3 (2014): 629-639. (re-read)

Ziarek, Ewa Ptonowska. "Bare Life on Strike: Notes on the Biopolitics of Race and Gender." *South Atlantic Quarterly* 107, no. 1 (2008): 89-105.

Supplementary:

Film, "Hunger" by Steve McQueen. On Netflix.

McGregor, JoAnn. "Contestations and Consequences of Deportability: Hunger Strikes and the Political Agency of Non-Citizens." *Citizenship Studies* 15, no. 5 (2011): 597-611.

Reiter, Keramet. "The Pelican Bay Hunger Strike: Resistance within the Structural Constraints of a U.S. Supermax Prison." *South Atlantic Quarterly* 113, no. 3 (2014): 579-611.

Anderson, Patrick. *So Much Wasted: Hunger, Performance, and the Morbidity of Resistance*. Durham: Duke University Press, 2010.

Feldman, Allen. *Formations of Violence: The Narrative of the Body and Political Terror in Northern Ireland*. Chicago: University of Chicago Press, 1991.

Bargu, Banu. "Human Shields." *Contemporary Political Theory* 12, no. 4 (2013): 277-295.

11. Prisoners' Hunger Strikes: Civil Disobedience, Democratic Action, or Weaponization of Life? December 1

*Bargu, Banu. "Spectacles of Death: Dignity, Dissent, and Sacrifice in Turkey's Prisons." In *Policing and Prisons in the Middle East: Formations of Coercion*, edited by Laleh Khalili and Jillian Schwedler, 241-262. New York: Columbia University Press, 2010.

Bargu, Banu. "Forging Life into a Weapon," *Social Text* May 21, 2011. Available online.

Gürcan, Koçan and Ahmet Öncü. "From the Morality of Living to the Morality of Dying: Hunger Strikes in Turkish Prisons," *Citizenship Studies*, 10, no. 3 (2006): 349-372.

Habermas, Jürgen. "Civil Disobedience: Litmus Test for the Democratic Constitutional State." *Berkeley Journal of Sociology* 30 (1985): 95-116. Re-read

Supplementary:

Bartholomew, Amy with Firat Rusen Güllüoğlu, "Hunger Strikes, Death Fasts and a Radical Interpretation of Habermas." 2014 manuscript

12. Final considerations: Violence, resistance, rights, and the state December 8
Take-home exam distributed.

Harvey, David. "The Future of the Commons." 2011. Available on line – Google author and title.

Supplementary:

*Zizek, Slavoj. 2012. *The Year of Dreaming Dangerously*. New York: Verso Books, 2012. Chapter 7, "Occupy Wall Street, Or, the Violent Silence of a New Beginning," pp. 77-89.

Take-home exam/research essay due Wednesday, December 17 by noon.

Some classics on law and violence:

Agamben, Giorgio. *The State of Exception*. Chicago: University of Chicago Press, 2005.

Agamben, Giorgio. *Homo Sacer: Sovereign Power and Bare Life*. Stanford UP 1998

Althusser, Louis.

Arendt, Hannah. *On Violence*. Orlando: Harcourt Brace, 1970.

Benjamin, Walter "Critique of Violence," in *Reflections, Essays, Aphorisms, Autobiographical Writings*, Walter Benjamin, ed. Peter Demetz. New York: Harcourt, Brace, Jovanovich, 1978, 277-300. [Available online:

http://english.columbia.edu/files/english/content/Critique_of_Violence.pdf]

Fanon, Franz. *The Wretched of the Earth*. New York: Grove Press. 1963.

Derrida, Jacques. "Force of Law"

Schmitt, Carl. *The Theory of the Partisan*

Schmitt, Carl. *State of Exception*