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## **THE PROGRAMME**

What is it about law that renders it a necessary object of critical interrogation? What are the available critical tools and strategies for the critique of law? What do they expose, ignore, and reproduce? These questions guide an inquiry into the conditions of possibility for global/racial justice before a post-colonial (juridic, economic, and symbolic) context, in which the racial and the law together produce the foremost legal subjects, e.g. in the determination of the victim of human rights abuses (such as “the veiled woman”) and in the production of the elusive outlaw (such as “the terrorist”).

This inquiry takes four steps: first, a review of two racial critiques of the law that identifies their main claims, the formulations of the law they challenge, and the critical openings they offer; second, a return to the key texts, which produced the notion of law at work in the global present, seeking to identify the distinguishing traits of the law and of the subject and social configuration it is said to govern; third, a discussion of two attempts to re-formulate the concepts of law and the racial, playing close attention to the reframings of the global present they suggest; and finally, a mapping of three programmes for global/racial justice – Restitution, Reconciliation, and Reparation – deployed under the banner of human rights. The task here is to analyze these programmes in light of the racial critiques of the law, key statements, and the reformulations of the law and the racial covered in the previous parts.

At the closing of this seminar, an examination of another facet of the law – law enforcement – raises the question of whether or not its pervasiveness in the global present marks a refashioning of the mechanisms of global subjection.

### **Your Tasks:**

#### **1 - Email Responses**

Every week you will email to everyone in the class an one-thousand (1,000) word-long response to the assigned readings. In your response, you should: (a) identify the text(s)’s main concepts and formulations, (b) related these to points raised in the previous discussions and (c) include at least three questions for discussion in class.

#### **2 – Discussion Mediation Guidelines**

**Weeks 2-6** - each week a group of students will be responsible for leading the seminar. The groups will be responsible for (A) drawing from the questions raised in the email responses, preparing a guide for class discussions and (B) presenting the assigned companion reading. Everyone will present during this phase.

#### **3 – Part IV**

**Weeks 7-10** - the discussion mediators and I will select a number of articles and (when possible) actual cases to be read and discussed in class. Everyone will present during this phase.

## THE ITINERARY

### Week 01 – What Lies Beneath?

#### Part I

### Week 02 - The Racial Critique of Law

Reading: Peter Fitzpatrick, *The Mythology of Modern Law*

Companion: Crenshaw et al, *Critical Race Theory: The Key Writings that Formed the Movement*

#### Part II

### Week 03 - Foundations

Reading: Thomas Hobbes, *Leviathan*

Companion: John Locke, *Second Treatise of Government*

### Week 04 - Consolidation

Reading: G.W.F Hegel, *Philosophy of Right*

Companion: Immanuel Kant, *The Science of Right*

### Week 05 - Formulations

Readings: John Austin, *The Principle of Jurisprudence Determined* (selections) and Ronald Dworkin, *Law's Empire* (selections)

Companions: H. L. A. Hart, *The Concept of Law* (selections) and Roberto M. Unger, *Law in Modern Society* (selections)

#### Part III

### Week 06 - Rewriting Law & Globality

Readings: Denise Ferreira da Silva, *Toward a Global Idea of Race* (selections) & “Mapping the Territory of Legality”

Companions: Peter Fitzpatrick, *Modernism and the Grounds of Law* (selections) & “Terminal Legality”

#### Part IV

### Week 07 - Restitution? Australia's Native Title & Aboriginal Sentencing Courts

### Week 08 - Reconciliation? South Africa's Constitutional Court

### Week 09 - Reparation? U.S.'s struggles for reparations for Slavery and Internment

### Week 10 - With/out Rights & Law? The global 'wars' on terror and crime