



Tilework from Prag Mahal Palace
(Bhuj, India)

**LEGAL STUDIES & HISTORY 510:
LEGAL PLURALISM
PROF. MITRA SHARAFI • SPRING 2019**

Course information: TTh 9.30-10.45am • Sewell
Social Science Building 6116 • Canvas course
webpage: <https://canvas.wisc.edu/> (You must
be registered for the course to have access.)

Instructor's contact information:
mitra.sharafi@wisc.edu • (608) 265-8428
•Office Hours: T 2.30-4pm or by appointment

(by e-mail) • Office: Law 6112 (directions: enter the Law School from Bascom Mall
and go up to the sixth floor *on the right side of the building*, not on the Law Library
side of the building)

Course description: This 3-credit course explores the vibrant and diverse world of dispute resolution systems in the past and present. The common law—the dominant type of state legal system in Anglophone jurisdictions—is only one kind of law. Non-state normative orders also exist. Like the law of the state, these other orders have rules, ways of enforcing these rules, and adjudicatory bodies that resolve disputes among their members. These systems appear in the clan, tribe, club, school, ethnic group, religious community, profession, and trade. The course covers a wide array of non-state actors and orders, drawing upon scholarship produced by lawyers, historians, and anthropologists. We will examine everything from medieval Icelandic feuds to “mafia law,” the Tokyo tuna court to dispute resolution among orthodox Jewish diamond traders, and Australian aboriginal customary law to the Kurdish Peace Committee in London. The course compares adversarial and conciliatory models of dispute resolution, along with fault- and no-fault-based systems. We will also explore institutional and justice-based arguments for and against the recognition of non-state law by the state, and strategies to move between legal orders through forum shopping. Interactions between coexisting legal orders is another key theme of the course. We will grapple with relationships of conflict and competition between legal systems, and with the possibility of other relations, including symbiosis, imitation, convergence, adaptation, avoidance, subordination and the destruction of one legal order by another.

Learning outcomes: By the end of this course, you should:

- recognize the social, political, and cultural features of state- and non-state systems of law, and how they interact with each other;
- appreciate the place and relevance of law, dispute resolution, custom, and religion within the humanities and social sciences;
- be aware of the historical, cross-cultural, and global aspects of normative systems;
- be able to summarize and critically engage with the main argument of a scholarly reading;

- be skilled at writing essays that make an argument in relation to secondary-source readings; and
- be able to productively contribute to in-class discussion.

If you are taking the graduate version of this course, you should also be able to:

- describe and critically assess developments in the scholarly literature; and
- advance an argument grounded in primary-source evidence in an extended research paper

How this course meets credit-hour policy standards: This course meets as a group for two 75-minute sessions per week and carries the expectation that you will spend an average of 3 hours outside of class for each class period. In other words, in addition to class time, you should plan to allot an average of 6 hours per week for reading, writing, preparing for discussions, and/or studying for exams for this class.

Grades & Course Requirements: Your final grade will be based upon the following:

- Reading responses and draft feedback (10%): You will be required to submit:
 - a. **three very short reading responses to class readings (max. 100 words) on the three days when you are “on call”** (see below for description of this system). Your reading response should consist of: (1) a succinct response to the reading questions for the day (listed on the syllabus), and (2) a question of your own, prompted by the readings. You should type your reading response directly into Canvas. (You can alternatively e-mail it to me if there are any issues with Canvas.) You should do no outside research for the reading responses.
 - b. **one round of “track changes” feedback on classmates’ research paper drafts:** Once everyone has selected topics, you will be assigned to Group 1-4 for our research paper-based presentation sessions (Classes 23-26). During one of these sessions, you will give a short presentation based on your research paper draft. During another session, you will read your classmates’ first drafts and use “track changes” to add edits and comments. Your classmates will then use this feedback to revise their papers and submit the final versions of the paper.

Your reading responses and draft paper feedback will be due electronically (submitted via our course website) **Mondays by 12 noon for a Tuesday class or Wednesdays by 12 noon for a Thursday class.** Each item will be graded out of 10 points (for reading responses, you will be able to see your grade and any comments on the Canvas website; for draft feedback, I will e-mail you). There will be a penalty for lateness (=work submitted after 12 noon but before 5pm on the day before class) and for reading responses that exceed the word limit. I will not accept submissions received after 5pm on the day before class. I will also not notify you when your response or feedback is late or missing. **It is your responsibility to know when your submissions are due.** There will be one opportunity to make up for a missed

reading response or feedback round: Class 28. To boost your participation grade, you may submit feedback on your classmates' drafts on a session not assigned to you.

- Midterm exam (30%): Our midterm exam will consist of two essay questions (out of a choice of three). **It will take place during Class 19 (Tuesday, April 2)** in Sewell Social Science computer lab, room 3218, **not in our usual classroom.**
- Research paper (20%): You will analyze one particular case study, technique or school of thought from the history of forensic science in this short research paper (2,500-3,000 words, plus bibliography). Please identify your topic via the sign-up screen on our Canvas course page (max. one student per topic). I will provide a list of potential topics on the website, but you may also choose a topic that is not on the list if you obtain my prior approval.

You may sign up via our Canvas course page any time during the one week after the opening of the list at 7pm on T, Feb.19, 2019. You must have signed up for a topic by 7pm on T, Feb.26, 2019. A penalty will be applied to your overall paper grade if you sign up late.

You must *submit the first draft of your paper* by **midnight at the end of the day that is exactly one week before your in-class presentation** (presentations will take place during Classes 23-26). For example, if your presentation is scheduled for Tuesday, April 16, then your first draft will be due by midnight at the end of the day on Tuesday, April 9. Your short oral **presentation** will summarize your paper. Your classmates assigned to your presentation class will read your first draft and provide you with written comments, which I will read first. The whole class will also have the chance to ask you questions on your work following your presentation. Using your classmates' comments, you will revise your first draft and *submit your final version of your paper* by **midnight one week after your in-class presentation.** Continuing with the example above, this means that if you give your presentation on Tuesday, April 16, your first draft will be due by midnight at the end of the day on Tuesday, April 9 and your final version will be due by midnight at the end of the day on Tuesday, April 23. You must include with your final submission a cover note explaining changes made in response to your classmates' comments. Up to 48 hours after the final paper deadline, late papers will be accepted with a 5-point penalty (the paper will be graded out of 100 points) for every 12 hours that the paper is late. Late papers submitted more than 48 hours after the deadline will not be accepted. **It is your responsibility to keep track of the scheduling deadlines associated with all stages of your paper.**

- Final reflection essay (20%): There will be no final exam in this course. Instead, you will write a final reflection essay (1,500-2,000 words), which will be due at 12.05pm (just after noon) on Thursday, May 9, 2019. This piece will involve no outside research. It will give you an opportunity to explore how your own thinking on course themes has developed over the semester, particularly through our in-class discussions (including our jigsaw discussion sessions).
- Class attendance (10%): Coming to class is essential. This means arriving punctually and staying until the end of class.
 - Lateness: Arriving more than 15 minutes late or leaving more than 15 minutes early counts as an absence from that day's class. Arriving late (=up to 15 minutes after I have taken attendance) **three or more times** constitutes chronic lateness and will be factored into your attendance grade.
 - Absences: I will take attendance at the beginning of each day's session. **You may miss up to two classes on days when you are *not* on call during the semester**. There will be no deductions for these two absences, and there is no need to let me know that you will be missing these classes. Beyond these two absences, however, missing a class will count as an unexcused absence. Exceptions include missing class for medical, military, or athletics-related reasons (all with documentation), or for religious reasons (with prior written notice). Missing class for a family vacation (beyond your two permitted absences) will count as an unexcused absence. **You will automatically fail the class if you have more than four unexcused absences** (i.e., without documentation for an exception listed above and beyond the two allowable absences) during the semester. If you have an ongoing medical condition that may cause periodic absences, please let me know (with documentation) as soon as possible during the semester. In such cases, we can set up alternative arrangements pertaining to attendance policy.
- Class participation (10%): You are expected to contribute regularly to class discussions. If you are uncomfortable speaking in class, you should come to see me during office hours in order to express your thoughts on course materials in an alternative setting. Participation is particularly important for the days when you are "on call." You should be aware that absences may have an adverse effect not only on your attendance but also on your participation grade, as you cannot participate if you are not present.
- Graduate version of this course: If you are taking this course as a graduate student, your grade will be based on the three reading responses described above (10%) and an extended research paper (5,000-6,000 words, plus bibliography) due on Friday, April 19, 2019 (50%), along with the final reflection essay (20%), attendance (10%) and participation (10%). You will not take the midterm exam, nor will you be required to give a presentation or attend Classes

23-26 (Presentations of groups 1-4). Your final reflection essay will have the same deadline as for the rest of the class: 12.05pm (just after noon) on Thursday, May 9, 2019.

- Grading scale:
 - A: 90% and above
 - AB: 85-89%
 - B: 80-84%
 - BC: 75-79%
 - C: 65-74%
 - D: 55-64%
 - F: below 55%

Disabilities or other medical issues:

- If you have a **disability, learning difficulty or other medical condition** that you feel may affect your work, attendance or participation in our course, please let me know (with documentation) as early as possible during the semester. Any such discussions will remain confidential. The McBurney Disability Resource Center offers special facilities through which students may take exams (for instance, with time and a half), so it is important that you let me know of any special support you may require: <http://www.mcburney.wisc.edu/> Where appropriate, we may also set up alternative arrangements pertaining to attendance.

“On Call” System:

- Groups: Our class will be divided into 5 groups of 4-5 students each (whether red, orange, green, blue, or purple). The **list of names** for each group will be posted on our course website.
- Rotations: Each group will be on call for three classes over the course of the semester. I have indicated which group will be on call for each class. ***It is your responsibility to know *when* you are on call, and to be well prepared for those classes especially. Your reading responses will be due by 12 noon the day before these classes. If you must miss a class when you are scheduled to be on call, arrange with a classmate to switch days and inform me of the change, or contact me at least one week in advance so that I can help you coordinate such a change.***

Format for written Work:

- Reading responses: You should type your responses directly into Canvas in the dropbox for the relevant class number. You should submit annotated versions (using “track changes”) of your classmates’ research paper drafts to the relevant dropbox on Canvas.

- Research paper and final reflection essay: Your research paper and final reflection essay should be typed in 12-point font with 1-inch margins, double-spaced, and submitted electronically via our Canvas course page. If in doubt about whether your submission has been properly submitted using Canvas, please also e-mail your paper to me. However, our Canvas dropboxes are my preferred method of submission.

Course materials:

- All **readings** for the course are available **electronically** through our Canvas course website. Because laptops may not be used in class (see below), I recommend that you bring summary notes to class if you want to avoid printing out the readings for each day's class. Your summary notes should enable you to answer the reading questions for the day's readings (posted on the syllabus for each class). I also recommend that after taking notes on a reading, you fill in the following headings in one sentence each: 1. summary of the main argument, 2. most important contribution, 3. most serious criticism, 4. how this reading fits with our other course readings and themes. Usually, bringing a record of these four summary headings (along with the answers to the reading questions) should be enough to enable you to participate in our in-class discussion.

Course content note:

- Please note that some of the course content may be sensitive and personal in nature, including material that relates to religion, race, indigeneity, immigration, and multiculturalism. If you suspect that specific material is likely to be emotionally challenging for you, I'd be happy to discuss any concerns you may have before the subject comes up in class. Likewise, if you ever wish to discuss your personal reactions to course material with the class or with me individually afterwards, I welcome such discussions as an appropriate part of our classwork.

Technology:

- Laptop ban: **For pedagogical reasons, I do not allow the use of laptops or other electronic devices (including phones) in class.** In order to ensure a full and engaged learning experience, the use of any type of electronic device in class is prohibited unless required for properly documented medical reasons and/or arranged through the McBurney Center. This includes the wearing of headphones during class. Any recordings made of our class (using the medical/McBurney exception) shall be for students' own study purposes. Such recordings shall only be made with prior permission from me and are not to be made available to anyone outside of our class.
- E-mail etiquette: Please e-mail me with any procedural or logistical questions after you have consulted our syllabus and Canvas page and been unable to find the answer there. (If you notice that something is missing or incorrect on Canvas, I would appreciate an e-mail.) In general, you will get better quality feedback and substantive discussion by coming to office hours. All e-mails should include the appropriate form of greeting and be signed with your name. I

will not reply to messages that do not include these basic courtesies. In this course (as in life), you should aim to be clear and polite in your e-mails, delete automatic signatures that are not appropriate, and reread your messages before you send them.

Academic Misconduct:

- **The stakes:** You have a lot to lose if found to have committed academic misconduct. Misconduct during your undergraduate years may be recorded and submitted to future potential employers and institutions for post-graduate study. If you plan to apply to law school or graduate school, you should realize that any academic misconduct could prevent you from being accepted, or from pursuing your desired profession later on (e.g., practicing law). It is therefore critical that you familiarize yourself with UW's policies and procedures governing academic misconduct:
<http://www.students.wisc.edu/doso/academic-integrity/>
- **Plagiarism:** Any intentional attempt to claim the work or efforts of another person without authorization or citation constitutes academic misconduct. This includes cutting and pasting text from the web without quotation marks or proper citation, or paraphrasing from the web (or any other source) without crediting the original. I take such actions seriously, and **regularly do anti-plagiarism checks on student assignments**. If I suspect that you have plagiarized, I may request an in-person meeting and may penalize you in grading your assignment. Failure to meet with me in person to discuss these issues may result in an "incomplete" for the assignment and potentially for the course. In addition, I may pursue disciplinary measures.
- **Other forms of misconduct:** Because I grade on a curve, cheating by your classmates affects your grade directly. If you believe that a classmate has committed academic misconduct, report it to me.

Course reading schedule:

LEGAL PLURALISM: THE BIG PICTURE

- **T, Jan. 22, Class 1: Overview of the course** (no readings)
- **Th, Jan. 24, Class 2: Introduction to legal pluralism as a concept (red group on call)**. Screening of film (30 min.), *Courts and Councils: Dispute Settlement in India* (UW Center for South Asia, 1981)¹
 - Sally Engle Merry, "Legal Pluralism," *Law and Soc. Rev.* 22 (1988) 869-96

¹ A film guide (optional) is posted on our website and available here:
<http://southasia.wisc.edu/wp-content/uploads/2013/07/Courts-and-Councils-Dispute-Settlements-in-India.pdf>

Q: What shift in approach occurred among scholars of legal pluralism during the period Merry describes?

- **T, Jan.29, Class 3: Jigsaw discussion #1—Normative systems across time and place:** Do the ONE set of readings below that will be assigned to you by group (groups A-D to be determined before this class). Be prepared to explain this reading to classmates who have not done the same reading. For further details, see handout (to be distributed and posted in advance):
 - **Group A:** (1) Inge Kleivan, “Song Duels in West Greenland—Joking Relationship and Avoidance,” *Folk* 13 (1971) 9-25; and (2) “Inuit Song Duels from the Canadian Arctic” from Norbert Rouland, “Les modes juridiques de solutions des conflits chez les Inuit,” *Etudes Inuit Studies* (1979) vol.3 supp. issue (trans. Mitra Sharafi), 1-2
 - **Group B:** Gray Cavender, “A Note on Voudou as an Alternative Mechanism for Addressing Legal Problems,” *Journal of Legal Pluralism and Unofficial Law* 27 (1988) 1-18
 - **Group C:** Allan E. Shapiro, “Law in the Kibbutz: A Reappraisal,” *Law & Society Review* 10:3 (1976), 415-38
 - **Group D:** Thomas Barfield, “Culture and Custom in Nation-building: Law in Afghanistan,” *Maine Law Review* 60:2 (2008), 348-73
- **Th, Jan.31, Class 4:** Guest lecturer on **LP and South Asia** (TBC) (no reading; no group on call)

COMMERCIAL COMMUNITIES

- **T, Feb.5, Class 5: LP & Property beyond the state (orange group on call)**
 - Robert C. Ellickson, *Order without Law: How Neighbors Settle Disputes* (Cambridge, MA: Harvard U. Press, 1991), 40-64 (Ch.3: The Resolution of Cattle-Trespass Disputes)
Q: When has the interaction of state and non-state norms caused tension among California cattle ranchers, and which system has generally commanded greater authority among ranchers?
- **Th, Feb. 7, Class 6: Merchants 1—Introduction (green group on call)**
 - Eric A. Feldman, “The Tuna Court: Law and Norms in the World’s Premier Fish Market,” *California Law Rev.* 4 (March 2006), 313-69, plus notes
Q: In what ways does the Tsukiji tuna court in Tokyo operate differently from most state courts, and how does it meet the needs of traders who deal in fish?
- **T, Feb.12, Class 7: Merchants 2— Minority Trading Communities (blue group on call)**
 - Barak D. Richman, “How Community Institutions Create Economic Advantage: Jewish Diamond Merchants in New York,” *Law and Social Inquiry* 31 (2006), 1-21 (originally 383-418), plus notes

Q: How do orthodox Jewish diamond traders function so efficiently and effectively, given the special characteristics of the diamond trade?

FILM

- **Th, Feb. 14, Class 8:** Screening of film, *American Gypsy: A Stranger in Everybody's Land* (Jasmine Dellal, 2000), with Dr. Elizabeth Lhost (no readings, no group on call)

ATHLETIC COMMUNITIES

- **T, Feb. 19, Class 9: Sports 1—LP & Violence in sports (purple group on call)**
 - To watch in advance (41 min.): *The Code: Documentary on Fighting in Hockey* (Canadian Broadcasting Corporation, 2016)
<https://www.youtube.com/watch?v=qwe6LgsPn-A>
 - Q: What arguments are made in the debate over whether fighting should continue to be allowed in professional hockey?*
- **T, Feb.19: Sign-up list for research paper topics opens at 7pm (course website): sign up for a topic (max. one person per topic) during the next week**
- **Th, Feb.21, Class 10: Sports 2—LP & Chemical substances in sports (red)**
 - Decision in the case of Andreea Raducan, Court of Arbitration for Sport (28 Sept. 2000), 1-9
 - “Entre Nous,” *The Advocate* 71:2 (2013), 169-76 (on Lance Armstrong)
 - Podcast to listen to in advance (35 min.): “Gonads: Dutee,” *Radiolab* (21 July 2018) <https://www.wnycstudios.org/story/dutee>
 - Q: How should anti-doping authorities strive to “get it right,” given the situations illustrated by the Andreea Raducan, Lance Armstrong, and Dutee Chand cases?*

VIOLENT COMMUNITIES

- **T, Feb. 26, Class 11: The Feud (orange)**
 - William Ian Miller, *Bloodtaking and Peacemaking: Feud, Law and Society in Saga Iceland* (Chicago: U. of Chicago Press, 1990), 179-220 (Ch.6: Feud, Vengeance, and the Disputing Process)
 - Q: What were the basic rules of the medieval Icelandic feud?*
- **T, Feb.26: Sign-up list for research paper topics closes at 7pm today (Canvas)**
- **Th, Feb. 28, Class 12: The Duel (green)**
 - David S. Parker, “Law, Honor and Impunity in Spanish America: The Debate over Dueling, 1870-1920,” *Law and History Rev.* 19:2 (2001), 311-41

Q: What kind of men resolved disputes by dueling in Latin America circa 1900, and why was reform (abolition of dueling) so difficult?

- **T, March 5, Class 13: The Mafia (blue).** Screening of clips from film, *The Godfather* (dir. Francis Ford Coppola, 1972)
 - Peter Reuter, "Social Control in Illegal Markets" in Donald Black, ed., *Toward a General Theory of Social Control, vol.2* (Orlando: Academic Press, 1984), 29-58
 - "[Mafia's 'Ten Commandments' Found](#)," *BBC News* (UK) (9 Nov 2007), 1-2 (online edition)

Q: Under what circumstances did the mafia historically provide dispute resolution services, and why was it often effective?

RELIGIOUS COMMUNITIES

- **Th, March 7, Class 14: Jewish Law (purple)**
 - Michael Ausubel and Michael J. Broyde, "Legal Institutions" in Gershon David Hundert, YIVO Institute for Jewish Research, eds., *The YIVO Encyclopedia of Jews in Eastern Europe* (New Haven: Yale University Press, 2008), 1-8
 - Davina Cooper, "Talmudic Territory? Space, Law and Modernist Discourse," *J. of Law and Society* 23:4 (1996), 529-48

Q: What made Jewish law different from the law of the host societies in which Jews lived historically, and why did the proposal to create an eruv in the London suburb of Barnet cause controversy in the 1990s?

- **T, March 12, Class 15: Islamic Law (red)**
 - Wael B. Hallaq, *An Introduction to Islamic Law* (Cambridge: Cambridge U. Press, 2009), 7-13 (Ch.1: Who's who in the Shari'a), 57-71 (Ch.5: Shari'a's society)
 - Fatwa by the Ayatollah Khomeini on sex-reassignment surgery (1987) in M. Alipour, "Transgender Identity, The Sex-Reassignment Surgery Fatwās and Islāmīc Theology of A Third Gender," *Religion and Gender* 7:2 (2017), 170
 - Sheikh Yusuf al-Qaradawi and others, "Fatwa on American Muslims in the US Military" (27 Sept. 2001), PDF version: 1-4
 - Selection of cyberfatwas (on adoption, finance, and organ transplants) from Islam Question & Answer and Islam Online Archive websites (1998-2018), PDF version: 1-6

Q: What were the basic features and figures of Islamic legal systems before European colonial rule in the Muslim-majority world, and how may Islamic law seem different now (on the basis of the fatwas you read)?

- **Th, March 14, Class 16: Catholicism and Canon Law (orange)**

- John H. Langbein, Renée Lettow Lerner and Bruce P. Smith, *History of the Common Law: The Development of Anglo-American Legal Institutions* (Austin: Wolters Kluwer, 2009), 125-37, plus notes
- Podcast to listen to in advance: “Act One: Confession” (interview with Patrick Wall; 21 min.) of “Enemy Camp 2010,” *This American Life*: <http://www.thisamericanlife.org/radio-archives/episode/404/enemy-camp-2010>; or read transcript (pp.1-10)
- Q: *What features made canon law (the ecclesiastical law of the Catholic Church) different from English common law during the Middle Ages, and how may priestly sex abuse be a story about legal pluralism today?*
- **Sat., March 16-Sunday, March 24: spring break**
- **T, March 26, Class 17: Protestant Christian traditions and Law (green)**
 - Carol Weisbrod, “Utopia and the Legal System,” *Society* (Jan.-Feb.1988), 62-5
 - Sarah Barringer Gordon, *The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth-century America* (Chapel Hill: U. of North Carolina Press, 2002), 1-15 (from Part One: The Laws of God and the Laws of Man), 97-107 (from Ch.3: The Logic of Resistance), plus notes
 - Q: *How did Christian Utopian and Mormon communities engage with the law of the state (government) in the 19th-c. US, and with what results?*
- **Th, March 28: Class 18: Jigsaw discussion #2—LP, food & religion:** Do the ONE set of readings below that will be assigned to you by group (groups E-H to be determined before this class). Be prepared to explain this reading to classmates who have not done the same reading. For further details, see handout (to be distributed and posted in advance):
 - Group E: Mary Douglas, *Purity and Danger: An analysis of the concept of pollution and taboo* (London and New York: Routledge Classics, 2002), 51-71 (Ch.3: The Abominations of Leviticus)
 - Group F: Paul S. Drazen, “The Dietary Laws” in Martin S. Cohen and Michael Katz, eds, *The Observant Life: the wisdom of Conservative Judaism for contemporary Jews* (New York: Aviv Press, 2012), 305-38
 - Group G: (1) Muhammad Samiullah, “The Meat: Lawful and Unlawful in Islam,” *Islamic Studies* 21:1 (1982), 75-77; and (2) Febe Armanios and Boğaç Ergene, *Halal Food: A History* (New York: Oxford University Press, 2018), 70-84 (from Ch.3: Slaughter), 165-77 (from Ch.7: Manufactured Products), plus glossary (for reference)
 - Group H: (1) James Laidlaw, *Riches and Renunciation: Religion, Economy, and Society among the Jains* (Oxford: Clarendon, 1995), 151-72 (Ch.7: The Ascetic Imperative); and (2) Andrew Buncombe, “[The vegetarian town: They wouldn’t hurt a fly but the Jains upset Palitana with meat-free plea](#),” *Independent* (UK) (6 July 2014), PDF version: 1-2

- **T, April 2, Class 19: Midterm exam in Sewell Social Science computer lab, room 3218. Please note that our exam will *not* be held in our usual classroom.**

INDIGENOUS, MINORITY & IMMIGRANT COMMUNITIES IN THE WESTERN WORLD

- **Th, April 4, Class 20:** Screening of clips from film, *Tribal Justice* (Anne Makepeace, 2017)
- **T, April 9, Class 21: Indigenous Customary Law in Australia & North America (blue)**
 - Truth and Reconciliation Commission of Canada, *Canada's Residential Schools: The History, Part 1: Origins to 1939. The Final Report of the Truth and Reconciliation Commission of Canada, Vol.1* (Montreal and Kingston: McGill-Queen's Press, 2015), 629-42 (Ch.27. Separating children from their traditions: 1867-1939)
 - Rob Riley, "Aboriginal law and its importance for Aboriginal people: observations on the task of the Australian Law Reform Commission" in Bradford W. Morse and Gordon R. Woodman, eds., *Indigenous Law and the State* (Dordrecht: Foris, 1987), 65-70

Q: How have settler colonial governments and their successor states interacted with indigenous customary norms and cultures in North America and Australia since the 19th century, and with what indigenous responses?
- **T, April 9 (by midnight): start of rolling submission deadline for first draft of research paper. Your first draft is due by midnight at the end of the day exactly one week *before* the date of your in-class presentation. Presentations will take place during Class 23-26.**
- **Th, April 11, Class 22: The Cultural Defense (purple)**
 - Alison Dundes Renteln, "The Use and Abuse of the Cultural Defense," *Canadian J. of Law and Society* 20: 1 (2005), 47-67

Q: What are the arguments for and against convicting a person of manslaughter instead of murder (thereby reducing the sentence) on the grounds that the accused was responding to some culturally provocative act?

PRESENTATIONS

For classes 23-26: For the next four class sessions, you will present findings from your research paper (first draft) in a short presentation (no powerpoint), followed by Q&A from classmates. Another assigned group of students will read presenters' first drafts in advance. They will use "track changes" to provide comments and questions. These annotated versions of each first draft will be read by instructor and forwarded to the

authors shortly before their presentations. After their presentations, authors will revise their papers in light of their classmates' written and in-class feedback. Authors must submit with their final draft a short cover note describing changes made in response to classmates' comments. Students who are not in the group assigned to provide feedback may also read presenters' first draft and submit comments and questions to instructor, who will forward them to the author. Providing feedback on this optional basis will be factored into your participation grade.

- **T, April 16, Class 23: Presentations of Group 1**, with written feedback from **Group 4** (feedback due the day before by 12 noon)
- **Th, April 18, Class 24: Presentations of Group 2**, with written feedback from **Group 1** (feedback due the day before by 12 noon)
- **T, April 23, Class 25: Presentations of Group 3**, with written feedback from **Group 2** (feedback due the day before by 12 noon)
- **T, April 23 (by midnight): start of rolling submission deadline for final version of research papers. Your finished paper is due (with cover note explaining changes made in response to classmates' comments) by midnight at the end of the day exactly one week *after* the date of your in-class presentation.**
- **Th, April 25, Class 26: Presentations of Group 4**, with written feedback from **Group 3** (feedback due the day before by 12 noon)
- **T, April 30, Class 27: Jigsaw discussion #3—LP & immigrant/minority communities in the western world:** Do the ONE set of readings below that will be assigned to you by group (groups I-L to be determined before this class). Be prepared to explain this reading to classmates who have not done the same reading. For further details, see handout (to be distributed and posted in advance):
 - **Group I:** Brian R. Martin (Chief Justice of the Supreme Court of the Northern Territory, Australia), "Judicial Conference of Australia Colloquium (5 Oct. 2007): Customary Law—Northern Territory," 4-6, 23-45 (including press release by Aboriginal elder at pp.41-5)
 - **Group J:** Latif Taş, "One state, plural options: Kurds in the UK," *J. of Legal Pluralism and Unofficial Law* 45:2 (2013), 167-89
 - **Group K:** Walter O. Weyrauch and Maureen Anne Bell, "Autonomous Lawmaking: The Case of the 'Gypsies'" in Walter O. Weyrauch, ed., *Gypsy Law: Romani Legal Traditions and Culture* (Berkeley: University of California Press, 2001), 11-20, 27-48, 85-7.
 - **Group L:** (1) Rupinder Singh, "[11 Things You Wanted to Know About My Turban But Were Too Afraid to Ask](#)," Mashupamericans.com (accessed on 4 April 2018), 1-4; (2) Satvinder Singh Juss, "Kirpans,

Law, and Religious Symbols in School," *Journal of Church and State* 55:4 (2013), 779-90; (3) "Operational Circular: Head Protection for Sikhs Wearing Turbans" (UK), 18 November 2004, 1-3; (4) Audrey Gillan, "['Proud to be Welsh and a Sikh': Schoolgirl wins court battle to wear religious bangle](#)," *The Guardian* (UK), 30 July 2008, 1-3; and (5) Christopher Mathias, "[The Lessons of the Oak Creek Massacre](#)," *Huffpost* (16 Nov. 2017), PDF version: 1-6

- **Th, May 2, Class 28: LP in current events** [no group on call; make-up reading responses may be submitted for today's class (optional)]
 - readings TBA (stories in the news during our semester together); to be posted on our course page

Q: In what ways do today's readings reinforce or complicate themes we have explored in this course?
- **Thursday, May 9, 2019 at 12.05pm (just after noon): Final reflection essay due (to be submitted via our Canvas page). Please note that there will be *no final exam* held at the official exam location posted on the university's timetable. (Our official exam time is 10.05am-12.05pm on May 9, 2019. The essay is due at the end of this period.)**