



*A cow ringing the justice bell
in a Sri Lankan watercolor
(photo: M. Sharafi)*

University of Wisconsin–Madison
**LEGAL STUDIES & HISTORY 510:
LEGAL PLURALISM**
Prof. Mitra Sharafi
Spring 2020

Course information:

TTh 9.30-10.45am, Mechanical Engineering 1164

Canvas course webpage: <https://canvas.wisc.edu/>
(You must be registered for access.)

Instructional mode: face-to-face only

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 English-speaking 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 identify the main argument of a scholarly reading;

- be skilled at writing essays that make an argument in relation to secondary-source readings;
- be able to give an oral presentation based on independent research; 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 (5%): You will be required to submit:
 - a. **three very short reading responses to class readings (max. 150 words) for any three classes marked with an asterisk (*) below. You must sign up for these classes on a first-come, first-served basis (any time until the work is due) on our course website.** 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. These reading responses will only be graded for completion, meaning that I will not give you a grade or comments, but will simply indicate that you are getting credit for the reading response. If the standard is extremely low or incomplete or if your reading response is up to 5 hours late (see below), I reserve the right to give only partial credit (or no credit, in extreme cases). I will not accept reading responses that are more than 5 hours late. Please note: I will accept make-up reading responses (no need to sign up) on the last day of class only (Class 27).
 - 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 21-24). During one of these sessions, you will give a short presentation based on your research paper draft. During another session (assigned to you according to your presentation group), 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**. 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 27. To boost your participation grade, you may submit feedback on your classmates' drafts on a session not assigned to you.

- Midterm exam (25%): Our closed-book midterm exam will take place during **Class 14 (Tuesday, March 10) in *Sewell Social Science Computer Lab, room 3218.*** *Please note that our exam will *not* be held in our normal classroom or building.*
- Research paper (20%): In this short research paper, you will analyze one LP-related controversy or example of two normative systems interacting through a particular issue (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. I highly recommend that you come to see me during office hours about your paper at least once.

You may sign up via our Canvas course page any time during the two weeks after the opening of the list at 7pm on T, Feb.4, 2020. You must have signed up for a topic by 7pm on T, Feb.18, 2020. 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 **12 noon one week before your in-class presentation** (presentations will take place during Classes 21-24). For example, if your presentation is scheduled for Thursday, April 16, then your first draft will be due by 12 noon on Thursday, 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 **12 noon one week after your in-class presentation**. Continuing with the example above, this means that if you give your presentation on Thursday, April 16, your first draft will be due by 12 noon on Tuesday, April 9 and your final version will be due by 12 noon 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 exam (30%):** Our closed-book final exam will take place on **Tuesday, May 5, 2020 at 2.45pm-4.45pm** in ***Sewell Social Science Computer Lab, room 3218.*** ***Please note that our exam will *not* be held in our normal classroom or building.***
- **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 unexcused 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 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 on the days when you have submitted a reading response. 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 (5%) and an extended research paper (5,000-6,000 words, plus bibliography) due toward the end of the semester (date to be agreed upon with instructor) (75%), along with attendance (10%) and participation (10%). You will not take the midterm or final exam, nor will you be required to give a presentation or attend Classes 21-24 (Presentations of groups 1-4). You should prepare your research paper in consultation with instructor, and you should read broadly in the field of legal pluralism so that you can situate your topic within it. A good place to start is with the following review of the field: Sally Engle Merry, "Legal Pluralism," *Law and Soc. Rev.* 22 (1988) 869-96.
- Grading scale:
 - A: 90% and above
 - AB: 85-89%
 - B: 80-84%
 - BC: 75-79%
 - C: 65-74%
 - D: 55-64%
 - F: below 55%

See the grading rubric posted on our course website.

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.

Diversity and inclusion:

- Diversity is a source of strength, creativity, and innovation in this course and at UW-Madison. I value the contributions of each person and respect the profound ways your identity, culture, background, experience, status, abilities, and opinion enrich the university community. I also see the pursuit of pedagogical excellence in teaching and diversity as inextricably linked goals. The University of Wisconsin-Madison fulfills its public mission by creating a welcoming and inclusive community for people from every background – people who as students, faculty, and staff serve Wisconsin and the world.
<https://diversity.wisc.edu/>

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: Your research paper 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. 21, Class 1: Overview of the course** (no readings) + screening of film (30 min.), *Courts and Councils: Dispute Settlement in India* (UW Center for South Asia, 1981)¹
- **Th, Jan. 23, Class 2: Introduction to legal pluralism** through current events round-up readings (from the final class of Legal Pluralism, spring 2019)
Q: What conflicts between systems of law, values and norms can you identify from the 2019 news stories here? Which ones pose the hardest dilemmas, to your mind, and why?
 - Readings posted on course website
- **T, Jan.28, 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.30:** *no class today (recommended: use class time to investigate potential LP paper topics—see posted list and links on Canvas website)*

COMMERCIAL COMMUNITIES

- **T, Feb.4, Class 4: *LP & Property beyond the state**

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>

- 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?*
- **T, Feb.4: 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 two weeks; see posted PDF for list of topics**
- **Th, Feb. 6, Class 5: *Merchants 1—Introduction**
 - Eric A. Feldman, “The Tuna Court: Law and Norms in the World’s Premier Fish Market,” *California Law Rev.* 4 (March 2006), PDF version: 1-29, 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.11, Class 6: *Merchants 2— Minority Trading Communities**
 - 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?*

ATHLETIC COMMUNITIES

- **Th, Feb. 13, Class 7: *Sports 1—LP & Violence in sports**
 - 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. 18, Class 8: *Sports 2—LP & Chemical substances in sports**
 - 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 sports authorities strive to “get it right,” given the situations illustrated by the Andreea Raducan, Lance Armstrong, and Dutee Chand cases?*
- **T, Feb.18: Sign-up list for research paper topics closes at 7pm today (Canvas)**

VIOLENT COMMUNITIES

○ **Th, Feb.20, Class 9: *The Feud**

- 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. 25, Class 10: *The Duel**

- 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 groups of men resolved disputes by dueling in Latin America circa 1900, and why was reform (abolition of dueling) so difficult?

● **Th, Feb. 27, Class 11: *The Mafia.** 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), 40-9
- Federico Varese, *The Russian Mafia: Private Protection in a New Market Economy* (Oxford: Oxford University Press, 2001), 1-6 (excerpt from Introduction), 102-20 (Ch.5: The Contract and the Services) [Note: also available as an e-book via Madcat: <https://www.library.wisc.edu/>]

Q: How have the mafia's dispute resolution services operated (in different times and places)? Why and when have they been most effective?

RELIGIOUS COMMUNITIES

● **T, March 3, Class 12: *Jewish Law**

- Davina Cooper, "Talmudic Territory? Space, Law and Modernist Discourse," *J. of Law and Society* 23:4 (1996), 529-48

Q: Why did the proposal to create an eruv in the London suburb of Barnet cause controversy in the 1990s? What were the arguments for and against, and who made them?

● **Th, March 5, Class 13: *Islamic Law**

- Wael B. Hallaq, *An Introduction to Islamic Law* (Cambridge: Cambridge U. Press, 2009), 57-71 (Ch.5: Shari'a's society), with glossary and chronology (for reference)
- Fatwa by the Ayatollah Khomeini on sex-reassignment surgery (1987) in M. Alipour, "Transgender Identity, The Sex-Reassignment Surgery Fatwās and Islāmic 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
 - “Islamic finance: the future is great, believes Dr. Kamal Munir,” Judge Business School, University of Cambridge (7min.02): https://www.youtube.com/watch?v=n8Ndjl_5g0o
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 and video assigned)?
 - **T, March 10, Class 14: Closed-book midterm exam in Sewell Social Science computer lab, room 3218. Please note that our exam will *not* be held in our usual classroom or building.**
 - **Th, March 12, Class 15: *Catholicism and Canon Law**
 - 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 (PDF version: 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 14-Sunday, March 22: spring break**
- **T, March 24, Class 16: *Protestant Christian traditions and Law**
 - 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 26: Class 17: 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: (1) Rohit De, *A People’s Constitution: The Everyday Life of Law in the Indian Republic* (Princeton: Princeton University Press, 2018), 123-7,

148-68 (from Ch.3. The Case of the Invisible Butchers: Economic Rights and Religious Rights); and (2) Iain Marlow, "[Cow Vigilantes in India Killed at Least 44 People, Report Finds](#)," *Bloomberg News* (21 Feb. 2019), PDF version: 1-3

- **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

INDIGENOUS, MINORITY & IMMIGRANT COMMUNITIES IN THE WESTERN WORLD

- **T, March 31, Class 18:** Screening of clips from film, *Tribal Justice* (Anne Makepeace, 2017) (no readings)
- **Th, April 2, Class 19: *Indigenous peoples & law in Australia & North America**
 - Truth and Reconciliation Commission of Canada (TRCC), *Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada* (2015), v-vi (Preface), 1-6 (from Introduction)
 - TRCC, *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, 634-42 (from 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?*

Th, April 2 (by 12 noon): start of rolling submission deadline for first draft of research paper. Your first draft is due by 12 noon one week *before* the date of your in-class presentation. Presentations will take place during Class 21-24.

- **T, April 7, Class 20: *The Cultural Defense**
 - 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 (or religiously) provocative act?*

PRESENTATIONS

For classes 21-24: 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.

- **Th, April 9, Class 21: Presentations of Group 1**, with written feedback from **Group 4** (feedback due the day before by 12 noon)
- **T, April 14, Class 22: Presentations of Group 2**, with written feedback from **Group 1** (feedback due the day before by 12 noon)
- **Th, April 16, Class 23: Presentations of Group 3**, with written feedback from **Group 2** (feedback due the day before by 12 noon)

Th, April 16 (by 12 noon): 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 12 noon one week *after* the date of your in-class presentation.

- **T, April 21, Class 24: Presentations of Group 4**, with written feedback from **Group 3** (feedback due the day before by 12 noon)

INDIGENOUS, MINORITY & IMMIGRANT COMMUNITIES (CONTINUED)

- **Th, April 23, Class 25: 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 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

- **T, April 28, Class 26:** Screening of clips from film, *American Gypsy: A Stranger in Everybody's Land* (Jasmine Dellal, 2000) (no readings)
- **Th, April 30, Class 27: Legal Pluralism in current events** [*Please note that make-up reading responses may be submitted for today's class (optional); no sign-up needed*]
 - 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?*
- **Tuesday, May 5, 2020 at 2.45pm-4.45pm: Closed-book final exam (30%) in *Sewell Social Science Computer Lab, room 3218.* Please note that our exam will *not* be held at the official exam location listed on the university exam schedule.**