



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 2022

Course information:

TTh 9.30-10.45am • Soc. Sci. 6112

Canvas course webpage:

<https://canvas.wisc.edu/>

(You must be registered for access)

Instructional mode: in person (unless circumstances change)

Instructor's contact information: mitra.sharafi@wisc.edu • Office phone: (608) 265-8428
(e-mail is the best way to reach me)

Office Hours: T 3.30-5pm via Zoom.

Please sign up for a 15-minute slot by 1pm on the day of our meeting:

<https://docs.google.com/spreadsheets/d/1hwixNZk5wniryYgPi6yfqXfBlIqJHP6xruisvRNk8/edit?usp=sharing> Or by appointment (by e-mail)

Zoom link for office hours: <https://uwmadison.zoom.us/j/6082658428>

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 may appear in the clan, tribe, club, school, sport, ethnic or religious community, profession, and trade. The course covers a wide array of non-state actors and orders, drawing upon the writings of lawyers, historians, anthropologists, and journalists. We will examine everything from medieval Icelandic feuds to “mafia law,” the Tokyo tuna court to

Version of 25 Jan. 2022
Please note that this syllabus may change in response to shifting pandemic-related conditions. All announcements on changes to the course will be posted on our course website. Announcements from Canvas should be automatically e-mailed to you, too. It is your responsibility to stay updated on all changes by checking our course website and your inbox. Please check Announcements on our course website before e-mailing me with questions about any changes to the course format.

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.
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- If you are taking the graduate version of this course, you should also be able to:
 - summarize 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 Quizzes (10%): you are required to take a short online multiple-choice quiz for any ten of the classes marked with an asterix (*) below. These quizzes will be available by the end of the day one week before the class date, so you will have just under a week to take each quiz. It is your duty to ensure that you do your ten quizzes. I will not monitor this. If you do less than ten, you will receive a zero (0) for each missed quiz. You are free to take more than ten quizzes. If you do, I will use your best ten scores.

- Feedback on classmates' first drafts of research paper (5%): you are required to provide written feedback on the first drafts of several classmates' research papers. These assignments will be made closer to the date of the presentations based on these first drafts. I will assess and grade your feedback, before sharing it with the author. Your classmate will then use this feedback to revise their paper before submission. To boost your participation grade, you may also submit feedback on classmates' drafts for a session not assigned to you.

Your draft paper feedback will be due electronically (submitted via our course website) **Mondays by 5pm for a Tuesday class or Wednesdays by 5pm for a Thursday class.** There will be a penalty for lateness (=work submitted after 5pm and before 8pm on the day before class). I will not accept submissions received after 8pm 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.**

- Midterm exam (25%): Our open-book midterm exam will take place during **Class 12 (Th, March 3).**
- Research paper (20%): In this short research paper, you will analyze one LP-related controversy or topic (2,500-3,000 words, plus bibliography). Please identify your topic via the sign-up list linked to 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 week after the opening of the list at 5pm on T, Feb.8, 2022. You must have signed up for a topic by 5pm on T, Feb.15, 2022. 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 **5pm one week before your in-class presentation** (presentations will take place during Classes 22-25). For example, if your presentation is scheduled for Thursday, April 14, then your first draft will be due by 12 noon on Thursday, April 7. 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 **5pm one week after your in-class presentation.** Continuing with the example above, this means that if you give your presentation on Thursday, April 14, your first draft will be due by 5pm on Thursday, April 7 and your final version will be due by 5pm

on Thursday, April 21. 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 open-book final exam will take place on **Wednesday, May 11, 2022 at 2.45-4.45pm** (location TBA).
- **Class attendance (10%):** Coming to class is essential. This means arriving punctually and staying until the end of class. We will be using a daily attendance app (set up as a Canvas quiz). Please bring a device (laptop, phone, or other) that will allow you to check in by taking this "quiz" at the start of each class session.
 - **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 attendance has been taken) **three or more times** constitutes chronic lateness and will be factored into your attendance grade.
 - **Absences: 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. Excused absences 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. 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. If you have to miss class beyond two "freebie" absences, please fill out the Excused Absence form [here](#) (also linked to our course page), if possible in advance of your absence.
- **Class participation:** You are expected to contribute regularly to the conversation in class, both in whole-class and small-group discussion. 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. Office hour visits also count toward class participation, in other words. Participation is particularly important during our jigsaw discussion days. You should be aware

that absences may have an adverse effect not only on your attendance but also on your participation, as you cannot participate if you are not present. While participation will not count for a set % of your overall grade, exceptionally strong or poor participation may push your final grade up or down by one letter grade increment.

- Graduate version of this course: If you are taking this course as a graduate student, your grade will be based on the reading quizzes (10%) 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) (80%), along with attendance (10%). Participation may act as a discretionary factor in pushing your overall grade up or down by one letter grade increment (as above). You will not take the midterm or final exam, nor will you be required to give a presentation or attend Classes 22-25 (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 situation 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 (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. Your summary notes should enable you to answer the reading questions for the day's readings (posted on the syllabus for each class). The reading questions are meant to help you prepare for the quiz. 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.
- 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 (after class, by e-mail, or in office hours), I welcome such discussions as an appropriate part of our classwork.
- Technology: Please bring to class a device that will allow you to check-in for attendance purposes at the start of each class (via the attendance "quiz" on our Canvas page). I will post for each class a Word document "outline" that you may download, as the basis for your notes. I allow laptops in class, but only for the purposes of taking notes and consulting readings for our course. I do not allow wearing headphones during class, except for a McBurney-related accommodation. Please note that spending time on other online activities that are not relevant to class undermines the quality of our learning community's

interactions, and may adversely affect your grade via participation. 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.

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: <https://conduct.students.wisc.edu/academic-misconduct/>
- 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.
- COVID-related policies: As per campus policy, all students, employees and visitors to campus are **required to wear masks** when inside campus buildings. Teaching and learning while wearing a mask can be challenging. Please try to speak up so that your classmates and I can hear you. I may ask you to repeat yourself as necessary. Please let me know if you have any issues hearing me. If you have any symptoms or have had Covid exposure, please stay at home. I will be especially understanding of absences given the circumstances, and I encourage you to err on the side of caution when making decisions about

whether to come to class. I will do the same, and if I have to cancel class I will notify you by posting an Announcement as soon as possible. We will then move class online. If a health situation arises that might lead to a long-term absence or otherwise serious disruption with course progress, you should let me know by e-mail.

Course reading schedule:

- **T, Jan. 25, Class 1: Overview of the course** (no readings)

- **Th, Jan. 27, Class 2: Introduction to legal pluralism** through current events round-up readings (from the final class of Legal Pluralism, spring 2020) + screening of film (30 min.), ***Courts and Councils: Dispute Settlement in India*** (UW Center for South Asia, 1981)¹
Q: What conflicts between systems of law, values and norms can you identify from the 2020 news stories here? Which ones pose the hardest dilemmas, to your mind, and why?
 - Readings posted on course website

- **T, Feb.1, 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 exercise description (to be 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: W. Michael Reisman, *Law in Brief Encounters* (New Haven: Yale University Press, 1999), 51-5, 67-96 (Ch.2: Standing in Line and Cutting In), plus notes

COMMERCIAL COMMUNITIES

¹ A film guide (optional) is posted on our Canvas site.

- **Th, Feb.3, Class 4: *LP & Property beyond the state**
 - 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.8, 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), 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.8: Sign-up list for research paper topics opens at 5pm (course website): sign up for a topic (max. one person per topic) during the next week; see posted PDF for list of topics**

- **Th, Feb. 10, 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

- **T, Feb.15, 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.15: Sign-up list for research paper topics closes at 5pm today (Canvas)**

- **Th, Feb. 17, Class 8: *Sports 2—LP & Chemical substances in sports**
 - “Entre Nous,” *The Advocate* 71:2 (2013), 169-76 (on Lance Armstrong)
 - Decision in the case of Andreea Raducan, Court of Arbitration for Sport (28 Sept. 2000), 1-9

- Podcast to listen to in advance (35 min.): “Gonads: Dutee,” *Radiolab* (21 July 2018) <https://www.wnycstudios.org/story/dutee>
- Notification of *Semenya v. Switzerland*, European Court of Human Rights Press Release (17 May 2021), 1-2

Q: How should courts (both state and non-state) strive to “get it right,” given the situations illustrated by the Andreea Raducan, Lance Armstrong, Dutee Chand, and Caster Semenya cases?

VIOLENT COMMUNITIES

- **T, Feb. 22, 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 (including exceptions) for the medieval Icelandic feud?

- **Th, Feb.24, 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?

- **T, March 1, 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)

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

- **Th, March 3, Class 12: Open-book midterm exam**

RELIGIOUS COMMUNITIES

- **T, March 8, Class 13: *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 10, Class 14: *Islamic Law

- Shahla Haeri, “Mot’a” [temporary marriage], *Encyclopedia Iranica* (online edition), 1-5
- 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), 1-4
- selection of cyberfatwas (on adoption, finance, and organ transplants) from Islam Question & Answer and Islam Online Archive websites (1998-2018), 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 legal devices, issues, and positions are captured by this sample of legal opinions (fatwas) and scholarly overviews of Islamic law? Consider especially any surprising or unexpected features of these materials.

Sat., March 12-Sunday, March 20: spring break

• **T, March 22, 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 (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?

• **Th, 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?

- **T, March 29, 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 exercise description (to be 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), 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), 1-2

INDIGENOUS, MINORITY & IMMIGRANT COMMUNITIES IN THE WESTERN WORLD

- **Th, March 31: Class 18: *Indigenous peoples & law in Australia and N. 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?
- **T, April 5, Class 19:** Screening of film clips from *Tribal Justice* (Anne Makepeace, 2017) (no readings)

- **Th, 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?

Th, April 7 (by 5pm): start of rolling submission deadline for first draft of research paper. Your first draft is due by 5pm one week *before* the date of your in-class presentation. Presentations will take place during Class 22-25.

- **T, April 12, Class 21: 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 exercise description (to be 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: Stephen R. Munzer, "Secularization, Anti-Minority Sentiment, and Cultural Norms in the German Circumcision Controversy," *University of Pennsylvania Journal of International Law* 37:2 (2015), 506-29, 545-8, 577-8
- 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), 1-6

PRESENTATIONS

For classes 22-25: For the next four class sessions, you will present findings from your research paper (first draft) in a short presentation (no slides), 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. I will read

these annotated versions of each first draft before sending them 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 contribute to your participation.

- **Th, April 14, Class 22: Presentations of Group 1**, with written feedback from **Group 4** (feedback due the day before by 5pm)
- **T, April 19, Class 23: Presentations of Group 2**, with written feedback from **Group 1** (feedback due the day before by 5pm)
- **Th, April 21, Class 24: Presentations of Group 3**, with written feedback from **Group 2** (feedback due the day before by 5pm)

Th, April 21 (by 5pm): 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 5pm one week *after* the date of your in-class presentation.

- **T, April 26, Class 25: Presentations of Group 4**, with written feedback from **Group 3** (feedback due the day before by 5pm)

INDIGENOUS, MINORITY & IMMIGRANT COMMUNITIES (CONTINUED)

- **Th, April 28, Class 26: *Roma law**
 - 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.
Q: Describe the substantive rules of Roma law, including key tenets of purity and pollution laws. How do dispute resolution processes occur within the Roma communities described? What types of sanctions exist? What is the Roma view of the state and its legal system?
- **T, May 3, Class 27:** Screening of film clips from ***American Gypsy: A Stranger in Everybody's Land*** (Jasmine Dellal, 2000) (no readings)
- **Th, May 5, Class 28: *Legal Pluralism in current events**

- 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?

- **Wednesday, May 11, 2022 at 2.45pm-4.45pm: Open-book final exam (location TBA)**