

Course Title: Decolonizing Justice: art and the mythic narratives of modern law

Course Number: CSOC-363 Fall 2022

Instructor: Ryan Jeffery

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Class Meets: Wed 1 – 3:50 pm

Butler Building 4 room D

COURSE DESCRIPTION

“Law is the circuit between imagination and the material world.”

- Jedediah Purdy

“Law works in the imaginary, since the law imagines and can only formulate all the things that could and must not be done by imagining them. It imagines the negative.”

- Michel Foucault

This course considers the relationship between the fields of art and law within the histories of colonization. In recent years the language of decolonizing discourse has increasingly entered into progressive projects that have traditionally employed the language of civil rights and social justice. This is particularly prevalent in arts and education under calls for decolonizing the museum, schools, the syllabus and so on. Yet as the title of an essay by scholars Eve Tuck and K. Wayne Yang reminds us, “Decolonization is not a metaphor.” Ascribing broader definitions to the project of decolonization, they argue, risks obscuring its central demand which is the repatriation of Indigenous land and life. Though decolonization is not a metaphor, the ideologies behind the world historic projects of European colonization relied, and still rely heavily on myth and metaphor to legitimize ongoing projects of domination, exploitation and oppression. No better example of this might be what sociologists have called the process of racialization; where peoples and societies are grouped and divided into racial hierarchies that dictate various economic, political and crucially *legal* privileges or burdens. This course seeks to question the role of the metaphor within the field of law, in order to think through how the aim for real material and legal reparations are entangled with immaterial ideologies, narratives and assumptions that originally legitimized these world historic “legal” crimes by way of legal fictions. In other words, a legal process that might attempt to undo colonization, requires appeals to institutions that are built on the very same liberal principles of liberty and authority that paved the way for colonization in the first place.

We will begin with the mythic origins of the Occidental or Western identity and its corresponding legal and political philosophies. How do these ideas continue to reproduce themselves in the aesthetics of modern law, from judicial robes and temple-like courthouses, to the sacred covenant of the constitution? Aside from and art and culture, where does the field of law sit in relation to other disciplines of the humanities and sciences? Can we better understand current alarms over calls of liberalism in crisis, by looking deeper to the project of democracy, against the dynamics of oligarchy, authoritarianism or what Ran Hirschl has recently called *juristocracy* or judicial supremacy.

Weekly readings from a variety of perspectives will be put in dialogue with artists, filmmakers, performers and other cultural producers as we attempt to better understand old narratives that still haunt modern legal regimes. This course begins with the assertion that despite legal discourses of procedure and neutrality e.g. justice is (color)blind, law is in fact something fundamentally political, therefore the endeavor to understand legal regimes is an endeavor to understand power. If art is to challenge and prompt a healthy critique of culture and societies, it is then incumbent upon artists to engage with and understand how legal institutions organize our shared soci

COURSE READINGS & DEADLINES:

WEEK 1 (Sep 14) course overview

WEEK 2 (Sep 21) How to Establish an Order: The Myth of Modern Law

READING 1

Peter Fitzpatrick (selected pages) *The Mythology of Modern Law* (New York, NY: Routledge Press, 1992)

WEEK 3 (Sep 28) How to Conserve an Order: Counterrevolution and Law

READING 2

Corey Robin “The First Counterrevolutionary” *The Reactionary Mind* Second Edition (Oxford UK: Oxford University Press, 2018)

WEEK 4 (Oct 5) How to Remake an Order: From Feudalism to Liberalism

READING 3

Silvia Federici (selected pages) *Caliban and the Witch* (New York, NY; Autonomedia Press, 2004)

WEEK 5 (Oct 12) How to Expand an Order: A New World to Discover Order

READING 4

Jedediah Purdy “God’s Avid Gardeners” *After Nature: A Politics for the Anthropocene* (Cambridge, MA: Harvard Press 2015)

WEEK 6 (Oct 19) Film Screening *Everybody in the Place: An Incomplete History of Britain 1984 - 1992* by Jeremy Deller

Essay 1 Due

WEEK 7 (Oct 26) *Constitutus*: to form into a whole

READING 5

Eric Foner “Preface” *The Second Founding: How the Civil War and Reconstruction Remade the Constitution* (New York, NY; W.W. Norton & Company Inc. Press, 2019)

WEEK 8 (Nov 2) Bound to the Mast: the cult of the covenant

READING 6

Aziz Rana “Why Americans Worship the Constitution” Public Seminar October 11, 2021

WEEK 9 (Nov 9) Who Are the People?

READING 7

Keeanga Yamahtta Taylor “Introduction” *How We Get Free: Black Feminism* (Chicago, IL; Haymarket Books, 2017)

WEEK 10 (Nov 16) The Imperial Boomerang (the F-word)

READING 8

Alberto Toscano “The Long Shadow of Racial Fascism” *Boston Review* October 28, 2020

Presentation Proposal Due

WEEK 11 Nov 23 *No Class**

WEEK 12 Nov 30 Film Screening *What is Democracy?* By Astra Taylor

Essay 2 Due

WEEK 13 Dec 7 The Black Radical Tradition (and the other F-word)

READINGS 9

Robin D.G. Kelley “Surrealism and Us” *Freedom Dreams: The Black Radical Imagination* (Boston, MA; Beacon Press, 2002)

WEEK 14 Dec 14

Final Presentations

