Schedule

Course: Tuesday-Thursday 11h30-13h00
Office Hours: Wednesday 11h30-12h30 (other times by appointment)
3674 Peel, room 202
Tel: 514-398-6647
E-mail: rene.provost@mcgill.ca
Assistant: Libby Parker (libby.parker@mcgill.ca)

I am happy to meet to discuss the content or structure of the course, or any other questions, after class, during my office hours or during an appointment, which you can make by email.

Course objectives:

The concept of a legal tradition. Nature of particular legal traditions, such as those of the civil and common law; selected other traditions, both secular and religious. Cultural and philosophical foundations of particular traditions, and their implementation through the institutions of each tradition. Relations between traditions (colonialism, legal pluralism, accommodation, cross-cultural jurisprudence). Relations within traditions. Agency.

Documents:

Obligatory texts:


Additional documents:

All other materials used in the course will be available electronically on MyCourse.

Evaluation:
20% Two (2) reflection pieces on assigned readings to be posted under ‘Discussions’ on MyCourse two days prior to the date on which the reading comes up

20% In-class presentation on a selected legal tradition

60% Term paper (15 pages approximately) on a topic to be determined in agreement with the instructor. Due Tuesday April 10. The final essay will be submitted under the student’s name (as opposed to exam number) through MyCourse and Turnitin (www.turnitin.com). More information is available at http://kb.mcgill.ca/kb/article?ArticleId=1560&source=Article&c=12&cid=2.

The course is a research seminar, which implies the need for attendance and participation in class discussions.

Statement on integrity: The University Senate has adopted a rule requiring that the following statement be included in all course outlines:

“McGill University values academic integrity. Therefore all students must understand the meaning and consequences of cheating, plagiarism and other academic offences under the Code of Student Conduct and Disciplinary Procedures (see http://www.mcgill.ca/integrity for more information).”

As a simple rule of thumb, remember to always place between quotation marks any language (more than 3-4 consecutive words) that is borrowed from someone else, and to include a footnote reference for any idea borrowed from an outside source.

In accord with McGill University’s Charter of Students’ Rights, students in this course have the right to submit in English or in French any written work that is to be graded.

Schedule of Sessions:

1. 8 January 2012 Introduction

2. 10 January 2012 Conceptualising legal normativity


3. 15 January 2012 The Invention of Tradition
Terrence Ranger, “The Invention of Tradition in Colonial Africa,” in Terrence Ranger and Eric Hobsbawm eds., The Invention of Tradition 211-213, 247-262

G Carter Bentley, “Hermeneutics and World Construction in Maranao Disputing,” American Ethnologist


4\ 17 january 2012 A Theory of Traditions

HP Glenn, Legal Traditions of the World, Chapter 1

5\ 22 January 2012 Between Traditions

HP Glenn, Legal Traditions of the World, Chapter 2

6\ 24 January 2012 Chthonic Tradition

HP Glenn, Legal Traditions of the World, Chapter 3

Rupert Ross, ‘Being Indian is a State of Mind’, Dancing with a Ghost (Toronto: Octopus Publishing Group, 1992) 70-87

7\ 29 January 2012 Chthonic Tradition cont’d

HP Glenn, Legal Traditions of the World, Chapter 3

Rupert Ross, ‘Being Indian is a State of Mind’, Dancing with a Ghost (Toronto: Octopus Publishing Group, 1992) 70-87

8\ 31 January 2012 Mapping the Emergence of a Tradition

John EC Brierley and Roderick Macdonald, Quebec Civil Law: An Introduction to Quebec Private Law, Toronto, Emond Montgomery Publications Limited, 1993, pages 6-32

Map, Written and Oral Customs in France in the 16th Century

Codal form : Nouvelle coutume de Paris, art 88-95 & Code civil du Québec, art 899-907

Historical Documents : Concession de terre en censive, 18 Nov. 1655 ; Alexis de Tocqueville, « Un procès à Québec, 1831 », in Voyages en Sicile et aux États-Unis (Gallimard, 1957).
André Morel, « La réaction des Canadiens devant l’administration de la justice de 1764 à 1774 - une forme de résistance passive » (1960) 20 R du B 53-63

Historical Documents : Lettre publiée dans La Minerve, 4 avril 1857 ; Discours prononcé par D Girouard au convocation de l’Université McGill, vers 1860 ; The Examiner, janvier 1861; Conférence de l’avocat de bellefeuille, 1864.

9\ 5 February 2012  Civil Law Tradition

HP Glenn, Legal Traditions of the World, Chapter 5


10\ 7 February 2012  Civil Law Tradition Cont’d

HP Glenn, Legal Traditions of the World, Chapter 5


11\ 12 February 2012  Common Law Tradition

HP Glenn, Legal Traditions of the World, Chapter 7


12\ 14 February 2012  Common Law Tradition Cont’d

HP Glenn, Legal Traditions of the World, Chapter 7


13\ 19 February 2012  Talmudic Legal Tradition

HP Glenn, Legal Traditions of the World, Chapter 4

14. 21 February 2012  Talmudic Legal Tradition Cont’d

HP Glenn, *Legal Traditions of the World*, Chapter 4


15. 26 February 2012  Islamic Legal Tradition

HP Glenn, *Legal Traditions of the World*, Chapter 6


16. 28 February 2012  Islamic Legal Tradition Cont’d

HP Glenn, *Legal Traditions of the World*, Chapter 6


Reading Week : 4-8 March 2012

17. 12 March 2012  Hindu Legal Tradition

HP Glenn, *Legal Traditions of the World*, Chapter 8

Werner Menski, ‘Postmodern Hindu Law’

18. 14 March 2012  Hindu Legal Tradition Cont’d

HP Glenn, *Legal Traditions of the World*, Chapter 8

Werner Menski, ‘Postmodern Hindu Law’

19. 19 March 2012  Asian Legal Tradition

HP Glenn, *Legal Traditions of the World*, Chapter 9

TBC

20. 21 March 2012  Asian Legal Tradition Cont’d

HP Glenn, *Legal Traditions of the World*, Chapter 9
21. 26 March 2012  Other Traditional Forms of Governance

Mary Douglas, ‘Accountability Among the Azande’

Peter Geschiere, ‘Witchcraft and the State: Cameroun and South Africa’

22. 28 March 2012  Traditions and Relations of Power: Colonialism


23. 2 April 2012  Intersecting Traditions

Tim Kelsall, “Insufficiently Hybrid: Assessing the Special Court for Sierra Leone”

René Provost, “Magic and Modernity in Tintin au Congo (1930) and the Sierra Leone Special Court”


24. 4 April 2012  Micro-Traditions


25. 9 April 2012  Reconciling Legal Traditions

HP Glenn, Legal Traditions of the World, Chapter 10

Mireille Delmas-Marty, Ordering Pluralism (2009) 1-16

26. 11 April 2012  Legal Education Across Traditions
