

UNIVERSITY OF CALIFORNIA, SAN DIEGO

DEPARTMENT OF ETHNIC STUDIES

WINTER 2006

ETHNIC STUDIES 289: LAW, (DIS)PLACEMENT AND THE POSTCOLONIAL: IDENTITY, PLACE AND THE “OTHER”

Prof. Mark Harris

Lecture: Monday 11- 1.50

Office Hours: Tues (3:30 – 4:30 p.m.) & Thurs (4:30 – 6:30 p.m.) or by appointment

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COURSE DESCRIPTION

This subject will consider the extent to which the law is deployed in the formulation of the “other” with particular reference to the post-colonial experience of the Indigenous peoples in Australia, Canada and the USA. Drawing from a range of post-colonial theorists, including Hall, Said and Bhabha, students will examine the manner in which the law is utilized in constructions of race, ethnicity and connection to place.

REQUIRED READINGS

- Ashcroft, B et.al. (eds.), *The Postcolonial Studies Reader*, London, Routledge, 1997
Bhabha, H., *The Location of Culture*, London Routledge, 1994
Fanon, F *The Wretched of the Earth*, Penguin, 1967
Fitzpatrick, P, *The Mythology of Modern Law*, London, Routledge, 1992
Said, E, *Orientalism*, Harmondsworth (UK), Penguin, 1985

COURSE EVALUATION

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| Attendance & Course Participation | 20 |
| Research Paper | 30 |

TENTATIVE SCHEDULE

Introduction- The Originatory Violence of the Law The Battle of Algiers

In the first class we will view Gillo Pontecorvo's 1966 film *The Battle of Algiers*. The film utilizes a *faux* documentary style to chronicle the struggle of the Algerian people for independence from French colonial rule in the period from 1957 to 1964. Amidst the escalating violence perpetrated by both sides, the film traces the radicalization of a petty criminal, Ali la Pointe, who joins the Algerian resistance movement, the National Liberation Front (FLN). While the film's narrative does not continue to the moment of liberation it provides a poignant illustration of the issues that arise in the moment of colonial struggle.

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Week Two

The Colonial Struggle and Representations of "the other"

This week's class takes up the issues raised in the Battle of Algiers and considers the writings of Franz Fanon in his seminal work, *The Wretched of the Earth*. It is worth noting that Fanon's writing was championed by Jean-Paul Sartre (see the preface to *The Wretched of the Earth*). During the height of the Algerian struggle for independence Sartre commented upon the manner in which the indigenous Algerian population (remembering that there were French colonists who were born in Algeria and who were referred to as *pieds-noirs*) were represented in the colonial thinking. He noted:

This rebellion is not merely challenging the power of the settlers, but their very being. For most Europeans in Algeria, there are two complementary and inseparable truths: the colonists are backed by divine right, the natives are sub-human. This is a mythical interpretation of reality, since the riches of the one are built on the poverty of the other. In this way exploitation puts the exploiter at the mercy of his victim, and the dependence itself begets racialism. It is a bitter and tragic fact that, for the Europeans in Algeria, being a man means first and foremost superiority to the Moslems. But what if the Moslem finds in his turn that his manhood depends on equality with the settler? It is then that the European begins to feel his very existence diminished and cheapened

From this statement by Satre we move to Said's account of the construction of the Oriental through a variety of colonial discourses and consider his assertion that "the Orient was almost a European invention" which was "based on the Orient's special place in European Western experience".(1979:1)

Reading

Fanon, *The Wretched of the Earth*

See also: Ashcroft et al, *Post Colonial Studies Reader*, pp.151-180

Week Three

Representations of the "Other"

The extent to which the representations of the "other" are central to the colonialist trope, will be considered in this class. We will examine the work by Said in this context, and then go on to consider the Spivak article "Can the Subaltern Speak". While Spivak's article is reproduced in part in Ashcroft, I will arrange for the full text to be made available to the class.

Reading

Said, *E Orientalism*

Spivak, G "Can the Subaltern Speak"

See also: Ashcroft et al (eds), *The Postcolonial Studies Reader*, pp.85-113

Week Four

Inside/Outside the Law: The Role of Law in the (post) colonial?

In any analysis of colonial societies it is clear that the law is implicated in the production of the colonial subject and the confirmation of the power of the colonizer. We will discuss Fitzpatrick's re-reading of the nexus between myth and law and how this has ramifications for the construction of race and the other (see particularly pp.63-91 and pp.107-145)

Reading

Fitzpatrick P, *The Mythology of Modern Law*

Week Five

The Postcolonial Moment – "Strange Creatures from the Deep"

An abiding theme throughout this course is the indeterminacy of the "post-colonial", which simultaneously is defined, and yet resists definition. In this section of the course we shall also consider the manner in which the "nation" and "national consciousness" is constructed and the ramifications of such enterprises for the colonial "other".

Reading

Bhabha, H., *The Location of Culture*

Ashcroft B (et al) *The Postcolonial Studies Reader*, pp.7-84, 151-182

Weeks Six and Seven

Identity and the quest for “authenticity”: Ethnicity and Indigeneity and Hybridity

In this class we will consider the manner in which ethnicity and indigeneity are imbricated within the postcolonial discourse – noting the manner in which essentialist discourses can be deployed to limit and circumscribe the possibilities for representation of the ethnic or indigenous “other”.

Reading

Ashcroft, B (et al) *The Postcolonial Studies Reader*, pp.213-248

Weeks Eight and Nine

Race, space and place in the post-colonial landscape

Place and displacement, Ashcroft et al. observe, “are crucial features of the post-colonial discourse”. In this class we will examine the ways in which notions of place and space are constructed and the methods which are used to map out superior claims to the space. The construction of the colonial space and the importance of naming place are dealt with in extracts by Lee and Carter respectively, however this class is not limited to these considerations of the nexus between race and place.

Ashcroft B (et al) *The Postcolonial Studies Reader*, pp.391-424

Week Ten

Reflections: Globalisation and the survival of the Ethnic/Indigenous Other

In the final class we will review the trajectory of the course and reflect upon the issues that have arisen and the questions that (in all likelihood) remain unanswered. One tentative issue for reflection is the contradiction that exists between the trend towards globalization that homogenizes and essentialises other cultures, against the increasing claims for distinct group or cultural rights that are being articulated by ethnic and Indigenous minorities.