

**Jurisprudence and Political Philosophy of Colonialism and Anti-Colonialism**  
**Center for Transnational Legal Studies**  
**Syllabus and Reading List**  
**Spring 2022**

Meetings: Wednesdays, 9.00-12.00, 19 January – 30 March

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Course Webpage: <https://tinyurl.com/4hzcvk9y>

### **Course Description**

This course will examine some of the ethical, political, cultural, and legal issues that arise from colonialism and anti-colonial resistance. Questions to be addressed include the nature of colonial domination, the relationship between colonialism and imperialism, ways in which the legacy of colonialism is embedded in international law and institutions, and what new forms of freedom and self-rule are possible in the aftermath of colonialism. Texts to be studied include classics such as Frantz Fanon's *Wretched of the Earth* and MK Gandhi's *Hind Swaraj*, as well as contemporary scholarship from lawyers, philosophers, and political scientists. Class meetings will be discussion-heavy and largely directed by students.

2 Credits. Evaluation: Class participation (20%), Class presentation of a topic discussed in the course (30%), Research paper (4,000 words) (50%).

One-plus option: For 1 extra credit, a limited number of students who need to fulfil a graduation requirement at their home university may write a major research paper.

### **Learning Outcomes**

By taking this course, students will gain a good understanding of historical and contemporary philosophical approaches to colonialism and will be able to refine their own views of what an ethically and politically satisfactory international legal order looks like. Students will also gain experience thinking about the relationship between law and philosophy and undertaking ethical and political assessments of legal institutions. Students will develop their writing skills by completing a philosophically rigorous essay.

### **Texts**

All texts will be available on the course website. We will read all of one book:  
Frantz Fanon, *Black Skin, White Masks*, translated by Richard Philcox (Penguin, 2008), ISBN 978-0241396667.

If you wish to purchase a hard copy of this text, I recommend that you purchase the edition indicated above, so that we have the same page numbers and the same translation.

## **Course Requirements**

The required assignments for the course, described in detail below, are the following: (1) class attendance and participation; (2) one class presentation; (3) an initial topic for the final essay; (4) a rough draft of the final essay; and (5) a final draft of the final essay. If you are at all concerned that you may not be able to satisfy one of the course requirements on time, please get in touch with me as soon as possible.

## **Class Participation**

Philosophy is a conversational activity. This is a small, graduate-level module that will meet once a week, for three hours. Our meetings will be heavy on discussion, and it is important that you come to our meetings prepared to converse about the week's assigned readings.

Please come to our meetings ready to discuss all the assigned books and articles. Note that philosophical conversation is more about listening and thinking than it is about speaking, especially when the conversation involves more than two people. I do not care about the quantity but rather about the thoughtfulness of your contributions to the discussion. A thoughtful contribution is one that arises from the careful attention you will pay to the text and to your face-to-face interlocutors.

Attendance and participation grades will be based on engagement in class discussion, including actively listening to and supportively engaging with other participants, arriving fully prepared for discussion, and routinely making comments that advance the discussion. Failure to attend, failure to participate, and failure to engage with other participants can negatively affect your attendance and participation grade, while particularly insightful contributions and attentive engagement with other participants can positively affect your grade.

## **Class Presentation**

**N.B. The precise details of this assignment are subject to change, until the number of students enrolled in the class becomes clear.**

As mentioned above, our class discussions will be largely directed by students. Everyone will take turns presenting and leading discussion. Each student will present on one topic over the course of the semester. In the first week of the term, I will circulate a list of presentation slots and ask your preferences. I will use these preferences to come up with a presentation schedule for the term. Students may choose to present individually on a topic or in a group. A group would typically consist of 3 students, although there might be one or two groups of four, depending on scheduling constraints.

**Individual Presentations:** If the assigned presenters choose to present individually, the total time available for each presentation (including discussion) will be about 50 minutes. When you present, you should be prepared about 20 minutes of lecture material; this will allow you to cover the prepared material while allowing plenty of time for interruptions and discussion.

Group Presentations: If the assigned presenters chose to present as a group, the presenters may use their discretion in dividing up our class time, although they should plan on allowing for a short break about halfway through our meeting.

Options for presentations include but are not limited to collaboratively preparing short lectures on assigned reading followed by structured class discussion; designing small group activities; organising in-class debates or role-playing exercises; and exploring practical applications of theoretical material. Groups and individuals are encouraged to use creative and innovative teaching methods.

Whether you are presenting individually or in a group, you should write up a set of notes for your presentation—this could be lecture notes, handouts, PowerPoint slides, plans for a debate or role-playing exercise, or anything else you would like. Your notes should provide a good sense of how you plan to structure class discussion. Please email me drafts of your notes and any handouts or slides that you plan to use **by the end of the day on Monday on the week of your presentation**. I will review your notes and send you comments and suggestions. (Typically, I will send my comments by Tuesday morning, although there are some weeks—notably, Week 10—when I am likely to send comments later in the day on Tuesday.)

Note that the material for weeks 4 and 5 is particularly suited for group presentations. The material in all other weeks could be presented either by groups or individuals, although the weeks that could most naturally be broken into individual presentations are weeks 7 and 11.

I will present on the readings for week 1 at our first meeting.

### **Initial Essay Topic and Outline**

The essay will be on a topic of your choosing that grows out of one of our meetings or readings. The essay should be about 4,000 words (or, if you are taking the one-plus option, 6,000 words). This word count excludes footnotes. A statement of your planned essay topic is due by 17.00 on 4 March. The essay topic should be a one-paragraph abstract or statement of a question that you plan to discuss in your final essay, which should be followed by a brief (maximum one page) proposed outline of your essay. You will submit your essay topic and outline by posting it on the discussion board on the course website. This topic is not a commitment, and you may change your mind about your paper topic, but you will receive feedback on your proposed topic to help you improve your final paper.

### **Rough Draft of Essay**

You will submit a substantial draft of the final essay by 17.00 on 1 April. (This should be a full draft of 4,000 words, or, if you are taking the one-plus option, of 6,000 words.) You will submit your draft through the course website. I will provide comments on your draft to help you revise and improve your essay.

### **Final Essay**

The final draft of the essay is due by 17.00 on 3 May through the course website. Note that this deadline is earlier than the final deadline for most CTLS classes since our meetings will only run through the end of March.

### **Academic Integrity**

Students are expected to abide by Georgetown University's policies on academic integrity. These policies are detailed in the Georgetown Law Student Handbook of Academic Policies, which is available at <https://www.law.georgetown.edu/academics/academic-resources/registrar/student-handbook/>.

A few important reminders about academic integrity are relevant to the writing assignments for this course:

- Write your own papers and properly attribute other people's ideas and words that you include in your writing.
- If you copy someone else's words into your assignment word for word, indicate that these words are a quotation by enclosing them in quotation marks.
- Provide a citation if you paraphrase someone else's idea in your own writing.
- Whenever you cite something, provide a citation that includes enough information that your reader could locate the material that you're citing. (For our course materials, you can just give the author's last name and a page number.)
- If you have any questions about what constitutes academic misconduct, please ask.

## Schedule of Readings

**N.B. The scheduled of readings remains subject to change, contingent on scheduling of class presentations. The reading list will be finalised once presentations have been scheduled.**

Note that, because we will have nine meetings of three hours each, rather than thirteen meetings of two hours each, we have somewhat more reading per week than would a more extended course. Please budget your time accordingly.

### **Week 1: Representing Colonialism / Colonialism and International Law (19 January)**

#### Required Readings

- Conrad, Joseph. (1899) 2005. *Heart of Darkness*. 4th edition. Edited by Paul B Armstrong. New York: Norton. 3-77.
- Achebe, Chinua. (1977) 2005. 'An Image of Africa: Racism in Conrad's *Heart of Darkness*.' In Joseph Conrad, *Heart of Darkness*. 4th edition. Edited by Paul B Armstrong. New York: Norton. 336-49.
- Said, Edward W. (1993) 2005. 'Two Visions in Heart of Darkness.' In Joseph Conrad, *Heart of Darkness*. 4th edition. Edited by Paul B Armstrong. New York: Norton. 422-29.
- 'The King's Testament, 2 August 1889.' 1909. Collected in *American Journal of International Law* 3(1) Supplement: 26-27.
- 'Letter of the King to M Beernaert, 5 August 1889.' 1909. Collected in *American Journal of International Law* 3(1) Supplement: 27-28 (1909).

#### Supplemental Readings

- 'General Act of the Conference of Berlin Concerning the Congo.' (1885) 1909. Collected in *American Journal of International Law* 3(1) Supplement: 7-25.
- 'Documents Concerning the Congo.' 1909. *American Journal of International Law* 3(1) Supplement: 5-96.
- Hochschild, Adam. 1999. *King Leopold's Ghost: A Story of Greed, Terror and Heroism in Colonial Africa*. Boston: Mariner.
- Fitzmaurice, Andrew. 2012. 'Liberalism and Empire in Nineteenth-Century International Law.' *American Historical Review* 117(1): 122-40.

### **Week 2: Theorising Colonialism (26 January)**

#### Required Readings

- Fanon, Frantz. (1952) 2008. *Black Skin, White Masks*. Translated by Richard Philcox. London: Penguin. Chapters 1-4.

#### Supplemental Readings

- Césaire, Aimé. (1955) 2000. 'Discourse on Colonialism.' In *Discourse on Colonialism*, translated by Joan Pinkham. 31-78. New York: Monthly Review Press.

### **Week 3: Theorising Colonialism, continued (2 February)**

#### Required Readings

Fanon, Frantz. (1952) 2008. *Black Skin, White Masks*. Translated by Richard Philcox London: Penguin. Chapters 5-8.

#### Supplemental Readings

Pallas, Josh. 2016. 'Fanon on Violence and the Person.' *Critical Legal Thinking: Law and the Political*. 20 January. <https://criticallegalthinking.com/2016/01/20/fanon-on-violence-and-the-person>.

Wynter, Sylvia. 1995. '1492: A New World View.' In *Race, Discourse, and the Origins of the Americas: A New World View*, edited by Vera Lawrence Hyatt & Rex Nettleford. 5-57. Washington: Smithsonian Institute Press.

### **Week 4: Swaraj (9 February)**

#### Required Readings

Macaulay, TB. (1835) 1972. 'Minute on Indian Education.' In *Selected Writings*. Edited by John Clive and Thomas Pinney. Chicago: University of Chicago Press. 237-51.

Gandhi, MK. (1909) 1997. *Indian Home Rule [or Hind Swaraj]*. In *Hind Swaraj and Other Writings*. Edited by Anthony J Parel. Cambridge: Cambridge University Press. Chapters 4-8, 11, 13-14, 16-17, pp. 26-45, 58-61, 66-74, and 79-99.

Bhattacharyya, K.C. (1928) 2011. 'Swaraj in Ideas.' In *Indian Philosophy in English: From Renaissance to Independence*. Edited by Nalini Bhushan and Jay L Garfield. Oxford: Oxford University Press. 102-12.

#### Supplemental Readings

Burra, Arudra. 2021. 'The Lamps in Our House: Reflections on Postcolonial Pedagogy.' *Miami Institute for the Social Sciences Philosophy Forum*. 23 March. <https://www.miamisocialsciences.org/home/wlieiebx357qf0ag75vemn5dnjg8h4>.

Mantena, Karuna. 2016. 'Popular Sovereignty and Anti-Colonialism.' In *Popular Sovereignty in Historical Perspective*. Edited by Richard Bourke and Quentin Skinner. Cambridge: Cambridge University Press. 297-319.

Mazrui, Ali A. 1963. 'Consent, Colonialism, and Sovereignty.' *Political Studies* 11(1): 36-55.

Tagore, Rabindranath. 1921. 'Tagore's Reflections on Non-Cooperation and Cooperation.' In *The Mahatma and The Poet: Letters and Debates between Gandhi and Tagore 1915-1941*. Edited by Sabyasachi Bhattacharya. New Delhi: National Book Trust, India. 61-68.

### **Week 5: Culture and Self-Rule (16 February)**

#### Required Readings

Fanon, Frantz. (1963) 2004. 'On National Culture.' In *The Wretched of the Earth*. Translated by Richard Philcox. New York: Grove. 145-80.

- Getachew, Adom. 2019. *Worldmaking after Empire: The Rise and Fall of Self-Determination*. Princeton: Princeton University Press. Chapter 1, 14-36.
- Sultan, Nazmul S. 2020. 'Self-Rule and the Problem of Peoplehood in Colonial India.' *American Political Science Review* 114(1): 81-94.

### Supplemental Readings

- Bose, Anuja. 2019. 'Frantz Fanon and the Politicization of the Third World as a Collective Subject.' *Interventions* 21(5): 671-89.
- Dubey, Madhu. 1998. 'The "True Lie" of the Nation: Fanon and Feminism.' *Differences: A Journal of Feminist Cultural Studies* 10(2): 1-29.
- Roberts, Neil. 2004. 'Fanon, Sartre, Violence, and Freedom.' *Sartre Studies International* 10(2): 139-60.

### **Week 6: NO MEETING – King's College London Reading Week (23 February)**

### **Week 7: Economics, Environment, and Liberation (2 March)**

***Initial essay topic and outline due by 17.00 on Friday, 4 March***

### Required Readings

- Cabral, Amilcar. (1970) 1973. 'National Liberation and Culture.' In *Return to the Source: Selected Speeches by Amilcar Cabral*. Edited by Africa Information Service. New York: Monthly Review Press. 39-56.
- Táíwò, Olúfẹ́mi O. 2022. *Reconsidering Reparations*. Oxford: Oxford University Press. Chapter 2 & Appendix B.
- Knox, Robert. 2020. 'Haiti at the League of Nations: Racialisation, Accumulation, and Representation.' *Melbourne Journal of International Law* 21(2): 1-30.

### Supplemental Readings

- Azikiwe, Nnamdi. (1949) 1970. 'A Denunciation of European Imperialism.' In *The Africa Reader: Independent Africa*, edited by Wilfred Cartey and Martin Kilson. New York: Vintage.
- Táíwò, Olúfẹ́mi O & Beba Cibralic. 2020. 'The Case for Climate Reparations.' *Foreign Policy*. October 10. <https://foreignpolicy.com/2020/10/10/case-for-climate-reparations-crisis-migration-refugees-inequality>.

### **Week 8: Decolonial Visions: Avant-Gardism (9 March)**

### Required Readings

- Glissant, Édouard. (1990) 1997. *Poetics of Relation*. Translated by Betsy Wing. Ann Arbor: University of Michigan Press. Chapters 1-3.

### Supplemental Readings

- Glissant, Édouard. (1990) 1997. *Poetics of Relation*. Translated by Betsy Wing. Ann Arbor: University of Michigan Press. Chapters 4-5, Notes.

**Week 9: NO MEETING – CTLS Mid-Semester Break (16 March)**

**Week 10: Decolonial Visions: Humanism and Difference (23 March)**

*Guest speaker: Professor Jacques Lezra*

Required Readings

Wynter, Sylvia. 2003. 'Unsettling the Coloniality of Being/Power/Truth/Freedom: Towards the Human, After Man, Its Overrepresentation—An Argument.' *CR: The New Centennial Review* 3(3): 257-337.

Supplemental Readings (very highly recommended for this week)

Lezra, Jacques. Forthcoming. 'Defective Institutions: or, Critique.'

**Week 11: Colonialism and Movement (30 March)**

***Rough draft of essay due by 10.00 on Friday, 1 April***

Required Readings

Achieme, E. Tendayi. 2019. 'Migration as Decolonization.' *Stanford Law Review* 71: 1509-74.  
Deloria, Jr., Vine. (1970) 2007. *We Talk, You Listen: New Tribes, New Turf*. Lincoln: Bison Books. Chapters 8 & 11, pages 138-52 & 181-97.  
Whyte, Kyle Powys. 2016. 'Indigenous Experience, Environmental Justice, and Settler Colonialism.' In *Nature and Experience: Phenomenology and the Environment*. Edited by Bryan E. Bannon. London: Rowman & Littlefield. 157-74.

Supplemental Readings

Abizadeh, Arash. 2008. 'Democratic Theory and Border Coercion: No Right to Unilaterally Control Your Own Borders.' *Political Theory* 36(1): 37-65.  
Jaggar, Alison M. 2020. 'Decolonizing Anglo-American Political Philosophy: The Case of Migration Justice.' *Aristotelian Society Supplementary Volume* 94: 87-113.

**Essay**

***Final draft of essay due by 17.00 on Tuesday, 3 May***

*Updated 13 February 2022*