1. **Title of the module**

LAWS6530 (LW653): Law and Postcolonial Theory

1. **School or partner institution which will be responsible for management of the module**

Kent Law School

1. **The level of the module (e.g. Level 4, Level 5, Level 6 or Level 7)**

Level 6

1. **The number of credits and the ECTS value which the module represents**

30 credits

1. **Which term(s) the module is to be taught in (or other teaching pattern)**

Autumn and Spring Terms

1. **Prerequisite and co-requisite modules**

None

1. **The programmes of study to which the module contributes**

Law LLB; International Legal Studies with a Year Abroad LLB; Politics and Law BA; Law and Sociology BA; Law and Social Anthropology BA.

1. **The intended subject specific learning outcomes.  
   On successfully completing the module students will have:**
   1. an appreciation of the significance of postcolonial theory and its principle areas of application;
   2. a systematic understanding of the juridical and political ideas central to postcolonial theory,
   3. a detailed understanding of how legal concepts, techniques and practices shape the relationship between the ‘Global North’ and ‘Global South’;
   4. a detailed understanding of the epistemological evolution of the field of post-colonial studies, notably those developments emerging in the Global South, such as the ‘de-colonial’ perspective;
   5. an ability to apply their detailed knowledge and understanding of postcolonial theory to a critical analysis of law;
   6. enhanced their study skills that are of particular relevance and value to post-colonial studies and research.
2. **The intended generic learning outcomes.  
   On successfully completing the module students will be able to:**
   * 1. critically read and understand materials drawn from a range of disciplines (e.g. law, history, politics, sociology)
     2. critically read and understand complex theoretical arguments;
     3. analyse relevant contemporary topics using the methods and techniques learned in this module;
     4. demonstrate independent research and draw on different sources to produce an analysis of juridical and political issues;
     5. formulate research questions and independently identify and analyse contemporary issues that can be examined through the application of (postcolonial) theory.
3. **A synopsis of the curriculum**

This module is designed to provide an understanding of the interrelationship between postcolonial theory and law in modernity (late nineteenth century to the present). More specifically, drawing upon postcolonial theory and critique it explores the historical relationships of power, domination, practices of imperialism, colonialism and globalization and the role of law in this context. In particular, the module pays attention mainly to two aspects of the relationship between law and postcolonial studies: the ways in which law and legal technique have been utilised in the context of European colonization and what the contemporary implications of this may be, and the ways in which postcolonial theory has influenced critical legal studies, and aided in the development of post-colonial legal theory.

The objective is to build a solid understanding of the relationship between postcolonial theory and law through some of the key texts that have shaped the field of postcolonial studies and law from the Subaltern Studies School to postcoloniality, and to more recent approaches such as globalization and decolonization. The texts used in the module are situated in a diverse range of disciplines, including history, social theory, philosophy, literature, cultural studies and law. They cover key themes such as race, community, identity, ‘otherness’ gender, sexuality, sovereignty/border making, governmentality, bio-politics, epistemic violence of western regimes of knowledge including legal knowledge, and justice. To students who are interested in undertaking research in the areas of human rights, international law, indigenous rights, jurisprudence and critical legal theory, an understanding of these texts is indispensable.

1. **Reading list (Indicative list, current at time of publication. Reading lists will be published annually)**

Cesaire, A. (1972) Discourse on Colonialism, (New York: Monthly Review Press).

Chakrabarty, D. (2007) Provincializing Europe: Postcolonial Thought and Historical Difference, (New Jersey: Princeton University Press).

De Castro, E.V. (2015) The Relative Native Essays on Indigenous Conceptual Worlds, (Chicago: Hau Books).

Haldar, P. (2007) Law, Orientalism and Postcolonialism: Jurisdiction of the Lotus Eater, (London: Cavendish).

Harries, C. (1993) ‘Whiteness as Property’ Harvard Law Review vol. 106, no 8, pp.1707-91.

Fanon, F. (2001) The Wretched of the Earth, (London: Penguin Classics).

Mbembe, A. (2001) On the Postcolony, (Berkeley: University of California Press)

Said, E. (1978) Orientalism, (London: Penguin).

Spivak, G. (1987) ‘Can the Subaltern Speak’ in C. Grossberg and L. Nelson (eds.), Marxism and the Interpretation of Culture (Illinois: University of Illinois Press), pp. 271-315.

Stoller, A. (2016) Duress Imperial Durabilities in our Times, (London: Duke University Press)

1. **Learning and teaching methods**

The module is allocated 300 hours of study (consisting of 40 contact hours and 260 hours of private study)

There will be a two-hour seminar per week (excluding reading and writing weeks). These will serve the purpose of exploring and applying the core elements and themes and will contribute to the module’s intended learning outcomes by developing and consolidating the knowledge and understandings listed in the learning outcomes.

The remaining 260 hours will be allocated to private study and will contribute to the module’s intended learning outcomes by allowing students to develop and consolidate their knowledge, understandings, and their own perspectives, through preparing for the seminars and pursuing the subject by following the directed readings and conducting their own research. Some of this time will also be directed at preparation for and completing the module assessments.

1. **Assessment methods.**

13.1 Main assessment methods

100% Coursework

1. An in-class test (worth 20%) at the end of the first term
2. An essay outline which will count for 20% of the marks
3. An essay of 5000 words (including footnotes), which will count for 60%

13.2 Reassessment methods

The module will be reassessed by a reassessment instrument of an essay. The reassessment will test all of the learning outcomes as indicated below in the mapping for the essay.

1. **Map of module learning outcomes (sections 8 & 9) to learning and teaching methods (section 12) and methods of assessment (section 13)**

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Module learning outcome** | 8.1 | 8.2 | 8.3 | 8.4 | 8.5 | 8.6 | 9.1 | 9.2 | 9.3 | 9.4 | 9.5 |
| **Learning / teaching method** |  |  |  |  |  |  |  |  |  |  |  |
| Seminars | X | X | X | X | X | X | X | X | X | X |  |
| Private Study | X | X | X | X | X | X | X | X | X | X | X |
| **Assessment method** |  |  |  |  |  |  |  |  |  |  |  |
| Class Test (20%) | X | X | X | X | X |  |  |  |  |  |  |
| Essay outline  (20%) |  |  |  |  | X | X | X |  | X | X | X |
| Essay (60%) | X | X | X | X | X | X | X | X | X | X | X |

1. The School recognises and has embedded the expectations of current equality legislation, by ensuring that the module is as accessible as possible by design. Additional alternative arrangements for students with Inclusive Learning Plans (ILPs)/declared disabilities will be made on an individual basis, in consultation with the relevant policies and support services.

The inclusive practices in the guidance (see Annex B Appendix A) have been considered in order to support all students in the following areas:

**a) Accessible resources and curriculum**

1. Preference will be given to electronic resources that meet minimum accessibility standards and support the use of assistive technologies.
2. A module outline will be made accessible at least four weeks before the module starts.
3. Prioritised reading lists will be made available sufficiently in advance to accommodate the provision of alternative formats and support those with a slow reading speed.
4. Seminar outlines will be made available in electronic format in advance to allow all students to prepare (particularly students with notetaking difficulties).
5. Since the contact hours of the module are structured around a seminar format Lecture Capture will not be required.

**b) Learning, teaching and assessment methods**

The inclusive practices in the guidance (Annex B Appendix A, section b (1) and (2)) have all been considered in order to support all students in their assessments on this module.

1. **Campus(es) or centre(s) where module will be delivered:**

Canterbury

1. **Internationalisation**

The subject of postcolonial theory is inherently international in both its nature and focus.

**FACULTIES SUPPORT OFFICE USE ONLY**

**Revision record – all revisions must be recorded in the grid and full details of the change retained in the appropriate committee records.**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Date approved | Major/minor revision | Start date of the delivery of revised version | Section revised | Impacts PLOs (Q6 & 7 cover sheet) |
| 25/01/2018 | n/a | September 2018 | n/a | No |
|  |  |  |  |  |