

**BRIDGE #3**

**JANUARY 24-28, 1994**

**CULTURE, DIFFERENCE AND LAW**

**Patrick Macklem & Craig Scott**

**Faculty of Law**

**University of Toronto**

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BRIDGE #3

WEEK OF JANUARY 24-28, 1994

CULTURE, DIFFERENCE AND LAW

Patrick Macklem & Craig Scott

Session 1: Culture, Difference and Cultural Difference

Monday, January 24: Afternoon

2:00-2:40	<u>Respect for Cultural Difference</u>  Craig Scott	1. Taylor, "The Politics of Recognition" in Gutmann, ed., <u>Multiculturalism and 'The Politics of Rescognition'</u> ,  2. Said, <u>Covering Islam: How the Media and the Experts Determine How We See the Rest of the World</u> ,  3. Spurr, <u>The Rhetoric of Empire: Colonial Discourse in Journalism, Travel Writing &amp; Imperial Administration</u>

2:50-4:10	<p><u>Culture, Difference and Identity</u></p> <p>Nitya Iyer</p>	<p>1. Duclos, "Lessons of Difference"</p> <p>2. Iyer, "Categorical Denial: Equality Rights and the Shaping of Social Identity"</p>
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4:20-5:00	<p><u>Whose Culture(s)?</u></p> <p>Nitya Iyer</p> <p>&amp; Craig Scott</p>	<p>1. Anderson, "The Biography of Nations" in <u>Imagined Communities</u></p> <p>2. Devan &amp; Heng, "State Fatherhood: The Politics of Nationalism, Sexuality and Race in Singapore" in Parker et al, <u>Nationalisms and Sexualities</u></p> <p>3. Weston, "Coming Out to 'Blood' Relatives" &amp; "Exiles from Kinship" in Weston, <u>Families We Choose: Lesbians, Gays, Kinship</u></p> <p>4. Herdt and Boxer, "Introduction: Culture, History, and Life Course of Gay Men" in Herdt, ed., <u>Gay Culture in America: Essays from the Field</u></p> <p>5. Dolnick, "Deafness as Culture"</p>
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**Session 2: Difference and Judging**

Tuesday, January 25: Morning

9:00-10:20	<u>Perspective, Privilege and Judging</u>  Jennifer Nedelsky &  Mary Eaton	1. Nedelsky, "The Challenges of Multiplicity"  2. McIntosh, "White Privilege and Male Privilege: A Personal Account of Coming to see Correspondence Through Work in Women's Studies",
10:30-11:10	<u>Who Judges? A Sociology of the Legal Profession</u>  John Hagan	The Task Force on Gender Equality, <u>Touchstones for Change: Equality, Diversity and Accountability</u>
11:20-12:00	<u>Who Does the Judge Hear?</u>  John Borrows	1. Leslie Hall Pinder, <u>The Carriers of No: After the Land Claims Trial</u>  2. McEachern C.J.B.C. extracts from <u>Delgamuukw v. B.C.</u>

Tuesday, January 25: Afternoon -

First Half of Class

2:00-3:30	Discussion Groups 1-4:  <u>Juries as Judges:</u> <u>Questions of</u> <u>Composition &amp;</u> <u>Representation</u>	<u>R. v. Parks</u>
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Second Half of Class

3:30-5:00	Discussion Groups 5-8:  <u>Juries as Judges:</u> <u>Questions of</u> <u>Composition &amp;</u> <u>Representation</u>	<u>R. v. Parks</u>
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**Session 3: Cross-Cultural Dialogue**

Wednesday, January 26: Morning

9:00-10:15	<u>Human Rights, Universality and Cultural Relativism</u>  Abdullahi An Na'im & Heiner Bielefeldt	1. An Na'im, "Toward a Cross-Cultural Approach to Defining International Standards of Human Rights: The Meaning of Cruel, Inhuman and Degrading Treatment or Punishment"  2. Bielefeldt, "Christians and Muslims Facing the Challenge of Human Rights"
10:25-11:10	<u>Aboriginal/Non-Aboriginal Dialogue</u>  John Borrows	1. Riddington, "Cultures in Conflict: The Problem of Discourse"
11:10-12:00	<u>Commentary/Discussion:</u>  An Na'im, Bielefeldt, & Borrows	

**Session 4: Cultural Pluralism and the Constitutional & International Ordering of Societies.**

Wednesday, January 26: Afternoon

2:00-2:40	<u>Cultural Pluralism and Freedom of Religion</u>  Stephen Waddams	<u>Adler v. The Queen</u>
2:50-3:30	<u>Moral and Legal Responses to the Multi-Cultural, Multi-Ethnic State</u>  Denise Réaume	Réaume, "Moral and Legal Responses to the Multi-Cultural, Multi-Ethnic State"
3:40-4:30	<u>Problems of Electoral Representation</u>  Kent Roach	1. Roach, "Chartering the Electoral Map into the Future"  2. Guinier, "The Triumph of Tokenism: The Voting Rights Act and the Theory of Black Electoral Success"  3. Turpel, "Indigenous Peoples' Rights of Political Participation and Self-Determination: Recent International Legal Developments and the Continuing Struggle for Recognition"



Thursday, January 27: Morning

<p>Thursday 9:00-10:30</p>	<p><u>Law Beyond Difference? International Law and the Aspiration to World Government</u></p> <p>Karen Knop &amp; Rob Howse</p>	<p>1. Falk, "A New Paradigm for International Legal Studies: Prospects and Proposals"</p> <p>2. Morgan, "Retributory Theatre"</p> <p>3. Lessing, "Ernst and Falk"</p> <p>4. Kant, "Perpetual Peace: A Philosophical Sketch"</p> <p>5. Kojève, "Tyranny and Wisdom"</p> <p>6. Strauss, "Restatement on Xenophon's Hiero"</p> <p>7. Gutman, "The Challenge of Multiculturalism in Political Ethics"</p>
<p>10:40 - 11:30</p>	<p>Discussion</p>	

