Law, Faith and the Postcolonial: Critical Perspectives in Comparative Law

Course Outline

Week 1 – Introduction
The first seminar will introduce central themes in postcolonial and critical theory. It will compare the objectives of these theoretical positions in relation to the more historical and descriptive approach that comparative law (be it comparative law that has focused on Europe and North America or comparative law that has focused on Africa, the Middle East and Asia) has taken. While this course does not eschew some of the most important historical literature in comparative law, it also draws on material that is informed by phenomenological, deconstructive and psychoanalytical approaches. Here we tease out what it was that drove Britain and Europe beyond its boundaries, firstly the Americas and then South to Africa and East to the Middle East and Asia.

Week 2 – Europe, the Colonial Encounter and Its Other

Core Reading

Additional Reading

Week 3 – Nation, Law and Identity: the peace process and the “theft of enjoyment” in Ireland/Northern Ireland

Core Reading

Week 4 – Israel and Palestine: the Holocaust, dispossession of land and the Palestinian claim to self-determination

Core Reading

Week 5 – State Formation in Pre-Colonial South and South East Asia

Core Reading
Stanley Tambiah, *World Conqueror, World Renouncer* - Ch 6, Cambridge University Press. 1976


*Additional Reading*


*Georges Coedes, The Indianised States of Southeast Asia*, pp. 14-35.


**Week 6 - The Asokan Persona and the Galactic Polity in South and South East Asia and the Social Contract in Buddhist Political Theory**

*Core Reading*


__‘Studying Theravada Legal Literature’, *Journal of the International Association of Buddhist Studies*, (1997), Vol 20, No 1, 63

*Additional Reading*


**Week 7 - Surveying the Legacy of Buddhist Law in Theravada Buddhist South East Asia: Burma and Thailand**

*Core Reading*


Additional Reading
Swearer and Sommai Premchit, ‘Relationship Between Religious and Political Orders in Northern Thailand, in Bardwell L. Smith (ed) Religion and Legitimation in the Pre-Colonial Kingdoms of South East Asia.

http://instruct1.cit.cornell.edu/courses/hist244/LaLoubere.html

Week 8 - Colonialism and the Transformation of the State in South Asia.

Core Reading

Additional Reading

Week 9 - Colonialism and the Reinvention of Islamic Law


Additional Reading
D.A. Washbrook, ‘Law, State and Agrarian Society in Colonial India’ in Modern Asian Studies (1981), Vol. 15, pp. 649-

Week 10 - Colonialism and Legal Transformation in the Malay/Javanese World

Core Reading

Additional Reading

Week 11 - The Colonial Transformation of Law in Buddhist South East Asia

Core Reading
Anthony Reid, The Land Below The Winds, 1988, pp.137-146 (gives a general comparison between S.E. Asian legal systems just before the colonial period).

Additional Reading

Week 12 - The Colonial Transformation of the Bureaucratic Imaginary in Sri Lanka (a Buddhist case study)

Core Reading

Additional Reading
Week 13 – The Empire Strikes Back – the politics of the *hijab* (veil) in Europe

