

* This is a preliminary syllabus subject to revision. Please check back for an updated syllabus as the semester approaches. In the meantime, feel free to email me with questions at sungyupkim@snu.ac.kr.

2022 Summer
Seoul National University

Law and Colonialism in Western History

Hours and Venue TBD

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TBD

Designed for students without prior knowledge of the subject, this course broadly examines the intertwined histories of law and colonialism in the context of western imperialism. Rather than trace the development of abstract legal concepts and technical doctrines, or present a comprehensive historical survey, the course selectively looks at how law and colonialism shaped people's daily experiences. Focusing on tangible case studies, students will explore how the law was understood, utilized, and transformed by diverse historical actors from colonists, settlers, indigenous people and bonded laborers, to imperial officials, lawyers, proprietors, and intellectuals. Using these case studies as springboards, students will discuss topics such as:

- the role of property and labor laws in colonial conquest, dispossession, and enslavement
- the embroilment of criminal justice with contending ideas of legitimate violence
- law's daily function as a mode of colonial governance and social discipline
- colonial courts as sites of negotiation between plural legal customs and values
- resistance to and appropriation of western law by indigenous, colonized, and enslaved peoples
- the role of legal knowledge in shaping racial identities and perceptions of civilization and barbarity
- the historical circumstances and power relations that allowed western notions of rights, constitutionalism, and the rule of law to gain the status of universal ideals

The objective of the course is not to survey the entire history of law and colonialism, which is of course a vast subject. As should be clear from the details regarding evaluation provided below, absolutely no memorization is required for this course. What you will do, instead, is actively engage in class discussions based on the reading assignments. Rather than treat the readings as the last word on a given subject, which they most definitely are not, look at them as entry points for broader and deeper contemplation. Learning, in this course,

is genuinely meant to be a collaborative process, in which we can help each other gain further insights by posing thought-provoking questions and sharing different perspectives. Through our discussions, we want to collectively advance our understanding as to how law and colonialism has shaped the modern world, and how they continue to be deeply relevant to the lives of many people in both former colonies and imperial metropolises.

What you are expected to do in this course:

1. Read the historical essays for each meeting, according to the schedule below, before coming to class. The essays will be discussed in class, and will be directly relevant to the tests. The reading load should add up to about 30 to 50 pages for each meeting. Many of the readings (especially journal articles) can be downloaded by searching in the university library's website (library.snu.ac.kr). Those which are not available (mostly book chapters) will be provided through eTL (etl.snu.ac.kr), the university's educational platform.

To supplement the essays, we will read one short textbook about western imperialism. So this is the one book you need to purchase for this course. The book is available in e-book format at Amazon.com and play.google.com. (I will ask for an e-book copy to be made available through the university library's website. If that works, I will notify it in an updated syllabus.)

Douglas Northrop, *An Imperial World: Empires and Colonies Since 1750* (New York, 2016)

2. Communication through eTL and e-mail is an important element of this course. Check your e-mail settings in eTL to ensure you are receiving e-mail announcements. You are responsible for checking e-mails at least once in every 24 hours, thus keeping yourself up to date about any time-sensitive instructions or information. If you e-mail me, you can also expect to have my response within 24 hours.

We will also run a message board in eTL for posting questions prior to each meeting. Feel free to ask any type of question related to the reading selections, from simple factual questions to critical interrogations. Your questions will be used to help launch class discussions, and it would be ideal if others have a chance to read them before class, so aim to post your question by the evening before the day of the meeting.

3. Be active in class. Grab every opportunity to participate in discussions, and try to provide your own viewpoints and interpretations on the subject at hand. You are welcome to bring in aspects of your own major, personal experience, or refer to contemporary events, media, or pop culture, as long as you can make it relevant to the discussion topic.

Not only that, try to *raise questions*. Raising good questions is just as important as being able to answer them. This course is not simply about passively absorbing information; it is more about learning how to question what you thought you already knew, and to form your own sense of what is important and worth exploring.

Collaboration is an important aspect of this course. Be ready to cooperate with your classmates. Listen patiently to what your classmates are saying in discussions, and try to respond with pertinent remarks. Do not be afraid to contradict someone or disagree with the person, but do so in a civil manner. Although not a formal requirement, I expect that you will gradually learn every one of your classmates' first names, so that you can address them directly during discussions.

4. We will have daily in-class writing exercises, based on the reading assignments, except in our first and last meetings. Details are provided below under 'Evaluation.'

5. You will write one short essay at the end of the semester. Please plan ahead and make sure to submit them on time! Details about the essay assignment are provided below.

6. As part of a group, you will do one in-class historical reenactment. More on this below.

7. Attendance is mandatory. Make sure to inform me in advance if you are unable to attend class. If you will be unable to attend due to illness or athletic or artistic performances, notify me beforehand with apposite documentation. You may e-mail me a scanned image or photo of your document. If presenting a doctor's note, make sure your doctor explicitly recommends that you should not attend class and specifies the recommended duration of your absence. Make-up tests will not be granted unless you have already provided clearly documented reasons for your absence *prior* to the class you miss. Other than in exceptional situations, a make-up test must be taken within one week of the class you missed. It is your responsibility to contact me and request a make-up test.

What you are NOT expected to do in this course:

1. Do not be late to class, and please use the restroom before class. We will usually take a 10-minute break around the middle of each meeting.

2. Refrain from any actions that may distract the instructor or your classmates. (Yes, this includes texting or browsing on your cellphone, and chatting with the person next to you!) Unless expressly granted permission, you are asked to refrain from using any electronic devices during our class meetings. Laptops are certainly convenient tools for taking notes, and access to internet could potentially be useful for looking up information related to in-class discussions. For most people, however, it is simply too difficult to resist the temptation to check e-mails or read social media posts every now and then, which can easily distract both yourself and others around you.

3. During class discussions, you will be strongly encouraged to speak up and freely express your thoughts, but please remember that all discussions in class are *moderated* by the instructor. This is to ensure that everyone gets an equal opportunity to speak, and to keep discussions within the bounds of what the instructor deems educational.

4. Do not cheat or plagiarize, or condone these behaviors or assist others who plagiarize, period.

Cheating, in the context of academic matters, is the term broadly used to describe all acts of dishonesty committed in taking tests or examinations and in preparing assignments. Cheating includes but is not limited to such practices as gaining help from another person or using unauthorized notes when taking a test, relying on an electronic device if such an aid has been forbidden, and preparing an assignment in consultation with another person when the instructor expects the work to be done independently. In other words, cheating occurs when a student makes use of any unauthorized aids or materials. Furthermore, any student who provides unauthorized assistance in academic work is also guilty of cheating.

Plagiarism is a specific type of cheating. It occurs when a student claims originality for the ideas or words of another person, when the student presents as a new and original idea or product anything which in fact is derived from an existing work, or when the student makes use of any work or production already created by someone else without giving credit to the source. In short, plagiarism is the use of unacknowledged materials in the preparation of assignments. If you are unsure about something that you want to do or about the proper use of materials, then ask me for clarification.

Evaluation

Categories and Weights

In-Class Writing Exercises	50%	
Essay	15%	
Attendance and Participation	20%	
In-Class Presentation	10%	
eTL Questions	5%	Aim to post questions at least five times

Numerical Score to Letter Grade Conversion Table

<i>Grade</i>	<i>Minimum Score</i>	<i>Grade</i>	<i>Minimum Score</i>
A+	97	C+	77
A	93	C	73
A-	90	C-	70
B+	87	D+	67
B	83	D	63
B-	80	D-	60
		F	Below 60

* Each category of evaluation will be graded as a numerical score on a scale of 100. Your course grade will be computed automatically as the weighted average of the scores you earned in each category.

* This course does not offer extra credit opportunities or “curve” grades. This is to ensure that you take each category of evaluation seriously and put in due effort to fulfill the learning objectives of the course. As long as you show due effort, you are guaranteed to earn at least a passing grade. If you have concerns about whether you will be able to pass the course, for example after earning a low score on the first in-class writing exercise, please feel free to discuss your concerns with me during my office hours.

1. In-Class Writing Exercises

There will be one or two broad interpretive questions each time, for which you will be given about 25 minutes, typically at the start of each meeting, to answer with a short essay. The questions will primarily concern the topic and reading of that particular meeting, but can also be related to subjects discussed in earlier meetings. You will be asked to connect relevant pieces of information with broad historical questions, and utilize this knowledge to form an interpretive argument about a given historical subject. You may consult your notes along with the readings, but no other material or devices. The best way to prepare for the tests is to give the essays a thoughtful reading. You do not have to memorize anything, but try to grasp the author’s theses, underlying assumptions, and supporting evidence. Pay attention to the historical context and think about the broad implications as you read. As long as you clearly made due effort to comprehend the reading in your own terms and tried to utilize it effectively to answer the question, it is fine if you end up getting some of the details wrong or misunderstood a few things. Your scores for each test will typically be posted to eTL within a week. Feel free to come discuss the results with me during my office hours.

2. Participation

The more you speak in class, the more likely you will get credit in this department. But simply talking a lot will not guarantee you credit. Your participation will be evaluated based on a) how well your comments respond to the ongoing discussion and b) how well you incorporate what you learned from the reading assignments and from previous meetings. That said, there are no penalties on comments that somewhat miss the mark; so really, as long as you behave in a civil manner, there’s nothing to lose by raising your hand and speaking!

3. Historical Reenactment

Partly as a way to breathe life into legal issues that people in the past struggled with, but also partly just for fun, we will have about five historical reenactments throughout the semester. Depending on the size of the class, each group will have three to five members. Each reenactment will be based on an essay. Those essays typically contain depictions of particular court sessions or other legal encounters, which can be the basis of your reenactment. But don’t feel obliged to stick too closely to the script. While giving due consideration to the specific social and cultural contexts surrounding each case, be imaginative regarding the details. You can create new dialogues between your historical characters, embellish certain details of the case that were left unexplained in the essay, or even add new scenes (a parallel court drama, a litigant’s discussion with family or neighbors, a legislative or administrative debate among officials, etc.). Your reenactment can feature multiple scenes, but in total it should last about 30 minutes. Each reenactment will be followed by a Q&A session. Try to design the reenactment in a way that would invite the audience to ask pertinent historical and

legal questions, some of which you may be able to answer based on the essay you read. So at the beginning of the reenactment provide only the barebones of the background, and let the rest of the historical context come out later as you answer questions.

We will form the groups early in the semester so that you can start preparing, knowing which reading and topic your group will be dealing with. The essays that will be used for reenactments are marked with an asterisk in the schedule below. For those meetings, only the designated group needs to read the essay, and everyone else gets a day free of reading assignments. The audience, of course, must listen carefully throughout the presentation and try to ask good questions. For these meetings, the in-class writing exercise will be based on the content of the presentation and the following discussion, and will thus take place at the end of the meeting.

4. Short Essay (800-1,000 words)

Your task is to make an original interpretation about some aspect of the history of law and colonialism, based on the readings and discussions of this course. The scope is any and all subjects discussed throughout the semester. Freely create your own subject and thesis, but make sure your entire essay is firmly focused on developing that thesis.

Try to incorporate as many disparate themes, cases, and pieces of information from **multiple weeks' readings and discussions**. In order to do this, think hard in terms of comparison, change, and continuity. Your goal, in other words, is to bring to light hidden interconnections across time, space, and peoples from a fresh analytical angle.

Try to be as creative as possible in devising your essay's subject, but ultimately develop your arguments into a single, cogent, empirically sound thesis. Once you have established your essay's subject, go through the relevant essays again, and try to reinterpret them in a reasonable but original way that would make them directly support your arguments. You may also selectively refer to our in-class discussions, not as concrete grounds of evidence, but as possible interpretive viewpoints.

Apart from that, **do not draw upon any other sources whatsoever**. Unless you're a professional historian, relying on too many sources of information is bound to hamper your creative thought process. If you give them careful thought, the readings from our course should give you more than enough to work with.

Feel free to come discuss ideas for your essay with me at any point during the course, but not right before the submission deadline. Especially in analytical writing, defining your essay's subject, setting the scope of your discussion, deciding upon your main lines of argument, and creating an outline best suited for presenting your arguments, can be much more important than the part of actual writing. So aim to seek guidance at the planning stage of your essay.

* SUBMISSION GUIDELINES: We will **use eTL for essay submissions**. You are *not* required to hand in a physical copy. Simply log into eTL, and post your essay as a computer file to the link provided for each assignment. It is your responsibility to **ensure that you upload the correct version of your essay** by the deadline.

Due date TBD

If you experience problems uploading to eTL, please try with a different web browser. **If all else fails, you can e-mail me your paper at sungyup.kim@snu.ac.kr**. To ensure that your e-mail submission does not get lost, please create a new independent message (i.e., do not send it as a response to one of my announcements or other messages), and **send it with the following header**:

"Law and Colonialism essay: [student full name]"

Late submissions will incur **automatic point deductions (4 out of 100) per day**. It is your responsibility to ensure that your paper is submitted properly and on time. Aim to complete your paper and submit at least a few hours ahead of the deadline, so that you have enough time to react in case you encounter unforeseen technological issues such as internet connectivity problems.

* REQUIRED FORMAT: **800-1,000 words**. Please upload your essay as a ***docx file or *hwp file**. Pdf files, Odt files, etc. will not be accepted. If you do not have Hangul or Microsoft Word, you can use google docs (docs.google.com). With google docs, you can create a document online for free and save it as a *docx file. (Go to 'file' > 'download as') It is your responsibility to ensure that your file is in the required format and can be opened without any technical issues.

Do not copy the question in your essay. No need to list the course title or the professor's name. All you need on top is your own name and the title of your essay. Do not add a separate sheet for 'works cited.'

* REFERENCES: When referring to any of essays used in the course, simply write the author's name and page number (if relevant) at the end of your sentence or paragraph. No need for footnotes, and no need for a 'list of references.' Here is an example:

The European view of African American culture was also strongly imbued with primitivism, as was evident in the "vogue negre" in early twentieth-century France (Schmeisser, 110-112).

Avoid lengthy descriptions simply summarizing portions of a primary or secondary document. Make sure each and every part of your essay is directly related to the task of developing your own arguments and interpretations.

Avoid block quotes. *Form your own sentences* wherever possible, and use direct quotes only for certain notable phrases. Never assume that any of your quotes are self-explanatory; you should always embed them within your own interpretations. Confine direct quotes to key phrases of the passage that are most relevant to the

point you are making, and include them as part of your own sentence. Here's an example of how you would ideally quote from a source:

Coltrane, on the other hand, is praised for having a vision that "extended beyond race and nationality" (Burns, 439).

* CRITERIA FOR EVALUATION, in order of significance:

- 1) Does the essay present a strong, original, and focused thesis by creatively interconnecting multiple themes and drawing upon careful analyses of the most relevant readings from the course?
- 2) Does the essay show a good understanding of the relevant historical context, based on what we read and discussed in this course?
- 3) Is the essay organized in a thoughtful and logical way, making it easy to follow the discussion?
- 4) Are the paragraphs coherent, each clearly centering upon a single central subject?
- 5) Are the sentences well structured, and is each word thoughtfully and aptly chosen?

Schedule

DAY 1. Opening Discussion

In what sense and to what extent do we feel that colonialism has shape our world? What are its ongoing legacies? Who makes the law and for what? How do laws change? Do laws reflect universal values or particular social situations, including specific cultural norms, power relations, and historical legacies?

DAY 2. Claiming Colonies: Sovereignty and Legitimacy

- Patricia Seed, "Taking Possession and Reading Texts: Establishing the Authority of Overseas Empires," *The William and Mary Quarterly* 49:2 (Apr., 1992), 183-209.
- Northrop, *An Imperial World*, Introduction

DAY 3. Constituting Empires, from Europe and America to the Pacific

- Linda Colley, "Those Not Meant to Win Those Unwilling to Lose," in Linda Colley, *The Gun, the Ship, and the Pen: Warfare, Constitutions, and the Making of the Modern World* (New York, 2021), Ch. 6.

DAY 4. Creating Colonial Legal Knowledge in India

- Bernard S. Cohn, "Law and the Colonial State in India," in Bernard S. Cohn, *Colonialism and Its Forms of Knowledge: The British in India* (Princeton, 1996), Ch. 3.
- Northrop, *An Imperial World*, Ch. 1: "The Raj: British Empire in India and South Asia, 1757-1947"

DAY 5. Turning Colonial Land into European Property in India

- Judith Whitehead, "John Locke, Accumulation by Dispossession and the Governance of Colonial India," *Journal of Contemporary Asia* 42:1, 1-21.

DAY 6. Rules Masquerading as Exceptions: State-Sanctioned Zones of Violence in India

- Elizabeth Kolsky, "The Colonial Rule of Law and the Legal Regime of Exception: Frontier "Fanaticism" and State Violence in British India," *American Historical Review* 120:4 (Oct. 2015), 1218-1246.*

DAY 7. Atlantic Slavery, Mobile Populations, and Imperial Jurisdictions

- Linda M. Rupert, "'Seeking the Water of Baptism': Fugitive Slaves and Imperial Jurisdiction in the Early Modern Caribbean," in Lauren Benton & Ross eds., *Legal Pluralism and Empires, 1500-1850* (New York, 2013), Ch. 8.
- Northrop, *An Imperial World*, Ch. 3: "Hidden Empire: Dependency, Domination, and Neo-Colonialism in the Americas, 1783-1933"

DAY 8. Indigenous Sovereignty, Imperial Diplomacy, and Cross-cultural Justice in North America

- Nancy O. Gallman and Alan Taylor, "Covering Blood and Graves: Murder and Law on Imperial Margins," in Brian P. Owensby and Richard J. Ross eds., *Justice in a New World: Negotiating Legal Intelligibility in British, Iberian, and Indigenous America* (New York, 2018), Ch. 7.*

DAY 9. Policing and Racializing Colonial Populations in South America

- Sylvia Sellers-Garcia, "Walking While Indian, Walking While Black: Policing in a Colonial City," *American Historical Review* 126:2 (July 2021), 455-480.*

DAY 10. Nation-States and High Imperialism

- Daniel J. Walther, "Racializing Sex: Same-Sex Relations, German Colonial Authority, and Deutschtum," *Journal of the History of Sexuality* 17:1 (Jan. 2008), 11-24.
- Northrop, *An Imperial World*, Ch. 2: "The Scramble for Africa: European Colonialism and African Resistance, 1806-1945"

DAY 11. Building and Challenging Colonial States in South Africa and Australia

- Lauren Benton, "Subjects and Witnesses: Cultural and Legal Hierarchies in the Cape Colony and New South Wales," in Lauren Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400-1900* (Cambridge, 2004), Ch. 5.*

DAY 12. Claiming Citizenship in French West Africa

- Lorelle D. Semley, "'Evolution Revolution' and the Journey from African Colonial Subject to French Citizen," *Law and History Review* 32:2 (May 2014), 267-307.*

DAY 13. Settlement and Dispossession in Israel/Palestine

- Brenna Bhandar, "Improvement," in Brenna Bhandar, *Colonial Lives of Property: Law, Land, and Racial Regimes of Ownership* (Durham, 2018), Ch. 3.

DAY 14. Between Liberal Universalism and Justification of Colonialism

- Antony Anghie, "The Evolution of International Law: Colonial and Postcolonial Realities," *Third World Quarterly* 27:5, 739-753.

DAY 15. Wrap-Up Discussion

- Describe and discuss your ideas for the essay assignment