

York University Socio-Legal Studies Program

Proposed updated Common Theory Reading List 1.0 (September 1, 2019)

Theories of Relationships between Law and Society

Robert Gordon (1984). "Critical Legal Histories." *Stanford Law Review*. 36(1/2):57-125 (this is a good primer to introduce the general schools of thought below).

Legal Positivism

Hart, H. L. A. (1961). *The Concept of Law*. Oxford: Clarendon Press.

Fuller, L. (1964). *The Morality of Law*, rev. ed. New Haven: Yale University Press.

Soper, P. (1977). "Legal Theory and the Obligation of a Judge: The Hart/Dworkin Dispute" 75 *Michigan Law Review* 473.

Finnis, J. (1996). "The Truth in Legal Positivism," in *The Autonomy of Law*, ed. Robert P. George. Oxford: Clarendon Press, pp. 195-214.

Fuesser, K. (1996), "Farewell to 'Legal Positivism': The Separation Thesis Unravelling," in *The Autonomy of Law*, ed. Robert P. George. Oxford: Clarendon Press, pp. 119-162.

Structuralism

Durkheim, E. (1983) [2014] *The Division of Labor in Society* (Lukes S, ed. and Halls WD, trans.) New York: Free Press.

Lukes, S., & Scull, A. (1983). *Durkheim and the Law*. Oxford: Martin Robertson.

Rheinstein, M. (Trans.). (1966). *Max Weber on Law in Economy and Society*. Cambridge: Cambridge University Press.

Trubek, D. (1972). "Max Weber on Law and the Rise of Capitalism." *Wisconsin Law Review*. 720, 737.

Functionalism

Terrebonne, R.P. (1981). "A Strictly Evolutionary Model of Common Law," *The Journal of Legal Studies* 10 (2): 397-407.

Williamson, O. (1975). *Markets and Hierarchies: Analysis and Antitrust Implications: A Study in the Economics of Internal Organization*. University of Illinois at Urbana-Champaign's Academy for Entrepreneurial Leadership Historical Research Reference in Entrepreneurship. Available at SSRN: <https://ssrn.com/abstract=1496220>

Nonet, P., & Selznick, P. (1978). *Law & Society in Transition: Toward Responsive Law*. Routledge, London.

Sugarman, D. (1983). "Law, Economy and the State in England, 1750-1914: Some Major Issues." In D. Sugarman (Ed.), *Legality, Ideology, and the State* (11 ed., pp. 213-266). (Law, state, and society). London: Academic Press.

Interpretive Approaches

Geertz, C. (1973) "Thick Description: Toward an Interpretive Theory of Cultures" in *The Interpretation of Cultures*, New York: Basic Books. Pp. 3-30.

Rabinow, P. & Sullivan, W. (1979). "The Interpretive turn: Emergence of an Approach," In Paul Rabinow and William M. Sullivan (eds) *Interpretive Social Science: A Reader*. Berkeley, Los Angeles, London: University of California Press. pp. 1-24.

Kelman, M. (1981). "Interpretive Construction in the Substantive Criminal Law", *Stanford Law Review*, 33: 591-673.

Geertz, C. (1983). *Local knowledge: Further Essays in Interpretive Anthropology*. Charleston: Basic Books.

Scheppele, K.L. (1987). "The Re-Vision of Rape Law", *University of Chicago Law Review*, 54: 1095-1116.

Coombe, R. (1989). "'Same as It Ever Was': Rethinking the Politics of Legal Interpretation". *McGill Law Journal*, 34 (3): 604-652.

Merry, S.E. (1990). "The Discourses of Mediation and the Power of Naming", *Yale Journal of Law & the Humanities* 2(1): 1-36.

Banakar, R., & Travers, M. (2002). "Interpretive Approaches", in Raza Banakar and Max Travers (eds) *An Introduction to Law and Social Theory*. Hart Publishing: Oxford and Portland. pp. 205-208.

Marxism

Marx, K. (1843). "On the Jewish Question." In R. Tucker (Ed.), *The Marx-Engels Reader* (pp.26- 46). New York: Norton & Company.

----- (1846). Excerpts from "The German Ideology," pp. 146-155; "The Real Basis of Ideology, 2. The Relation of State and Law to Property", pp. 186-200 in *The Marx-Engels Reader* (2nd ed. 1978, edited by R.C. Tucker).

Pashukanis, E.V. (1924). *Law and Marxism: A General Theory*. London: Ink Links.

Gramsci, A. (1935). *Selections from the Prison Notebooks*. Lawrence & Wishart: London.

Althusser, L. (1971). "Ideology and Ideological State Apparatuses" In *Lenin and Philosophy*. New York: Monthly Review Press. pp. 127-186.

Thompson, E.P. (1975). *Whigs and Hunters: The Origins of the Black Act*. London: Allen Lane.

('Introduction: The Black Act', 'The Windsor Forest', 'The Windsor Blacks', and 'Consequences and Conclusions', pp. 21-80, 219-269).

Hay, D., et al. (1975). *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England*. 2nd Edition (2011). London: Penguin.

Williams, R. (1977). *Marxism and Literature*. Oxford and New York: Oxford University Press. (Provides an excellent introduction to Marxist concepts such as Ideology and Hegemony).

Hall, S., et al. (1978). *Policing the Crisis: Mugging, the State, and Law and Order*. Macmillan. London. UK.

Hirst, P. (1979) *On Law and Ideology*. London: Macmillan Press.

Spitzer, S. (1983). "Marxist Perspectives in the Sociology of Law. *Annual Review of Sociology*, 9, 103-124.

Cotterrell, R. (1992). "Law, Power and Ideology" in *The Sociology of Law*. Butterworths: London, pp. 104-145.

Hunt, A. (1993). *Explorations in Law and Society: Towards a Constitutive Theory of Law*. New York: Routledge. (Chapter eleven: "Marxism, Law, Legal Theory and Jurisprudence". Pp. 249-266).

Fine, R. (2002). Marxism and the Social Theory of Law. In Banakar, R. and Travers, M. (eds.) *An introduction to law and social theory*. Oxford and Portland: Hart Publishing. Pp. 101-117.

Mieville, C. (2005). *Between Equal Rights: A Marxist Theory of International Law*. Chicago, IL: Haymarket Books.

Buckel S. and Fischer-Lescano A. (2009). "Gramsci Reconsidered: Hegemony in Global Law", *Leiden Journal of International Law*, 22 (3): 437-454.

Deconstructionism

Cornell, D. (1991). *Beyond Accommodation: Ethical Feminism, Deconstruction and the Law*. Rowman & Littlefield Publishers.

Cornell, D., et al. (eds). (1992). *Deconstruction and the Possibility of Justice*. New York: Routledge.

Derrida, J. (1992). "Force of Law: The 'Mystical Foundation of Authority.'" *Deconstruction and the Possibility of Justice*. Ed. Drucilla Cornell, Michel Rosenfeld, and David Carlson. New York: Routledge, pp. 3-67.

Maley, W. (1999). "Beyond The Law? The Justice of Deconstruction." *Law and Critique* 10: 49-69.

Schlag, P. (2005). "A Brief Survey of Deconstruction." *Cardozo Law Review* 27 (2): 741-752.

Post-structuralism

Foucault, M. (1972). *Power/Knowledge*. New York: Pantheon Books

- Dreyfus, H., & Rabinow, P. (1982). **Michel Foucault: Beyond Structuralism and Hermeneutics**. Chicago: University of Chicago Press. (SELECTIONS: pp. 102-125, 143-167).
- Rose, N. (1987). "Beyond the Public/Private Division: Law, Power and the Family". **Journal of Law and Society**, 14: 61-76.
- Hunt, A. (1993). **Explorations in Law and Society: Towards a Constitutive Theory of Law**. New York: Routledge. (Selection: Chapter thirteen, "Law as a Constitutive Mode of Regulation". pp. 301-333).
- Rose, N., & Valverde, M. (1998). "Governed by law". **Social and Legal Studies**, 7 (4): 541-552.
- Valverde, M. (2003) **Law's Dream of Common Knowledge**. Princeton: Princeton University Press. (Selection: 'Introduction', pp. 1-27).
- Hunt, A. (2004) "Getting Marx and Foucault in Bed Together!" **Journal of Law and Society**, 31(4): 592-609.
- Conley, J.M., & O'Barr, W.M. (2005). **Just Words: Law, Language, and Power**. Chicago and London: University of Chicago Press.
- Golder, B. (2013). "Introduction: Re-reading Foucault on law, power, and rights." In Ben Golder (ed) **Re-Reading Foucault: On Law, Power, and Rights**. New York: Routledge. Pp. 1-10.
- Gordon, C. (2013). "Expelled Questions: Foucault, the Left and the law." In Ben Golder (ed) **Re-Reading Foucault: On Law, Power, and Rights**. New York: Routledge. Pp. 13-38.
- Fitzpatrick, P. (2013). "Foucault's other law." In Ben Golder (ed) **Re-Reading Foucault: On Law, Power, and Rights**. New York: Routledge. Pp. 39-63.

Governmentality

- Foucault, M. (1977) [2009] **Security, Territory, Population: Lectures at the College de France 1977-1978**. New York: Palgrave Macmillan.
- Foucault, M. (1991). "Governmentality." in Graham Burchell, Colin Gordon, and Peter Miller (Eds.), **The Foucault Effect: Studies in Governmentality** (pp.87-104). Chicago: University of Chicago Press.
- Scott, D. (1995). "Colonial Governmentality." **Social Text**, 43: 191-220.
- Ferguson, J. & Gupta, A. (2002). "Spatializing states: Toward an ethnography of neoliberal governmentality." **American Ethnologist**, 29: 981-1002.
- Rose, N., Valverde, M. & O'Malley, P. (2006) "Governmentality." **Annual Review of Law and Social Science** 2: 83-104.
- Miller, P., & Rose, N. (2008). **Governing the Present: Administering Economic, Social and Personal Life**. Cambridge: Polity.
- Brockling, U., et al. (2011) "From Foucault's Lectures at the College de France to Studies in Governmentality: An Introduction." In Ulrich Brockling, Susanne Krasmann, and Thomas Lemke (eds.) **Governmentality: Current Issues and Future Challenges**. New York: Routledge. Pp. 1-33.
- Brady, M., & Lippert, R. (2016). **Governing Practices: Neoliberalism, Governmentality, and the**

Ethnographic Imaginary. Toronto: University of Toronto Press.

Lemke, Thomas. (2019). ***A Critique of Political Reason: Foucault's Analysis of Modern Governmentality***. Translated by Erik Butler. London: Verso. [an excellent history of Foucault's thought that situates his theory of governmentality as a resolution to conflicts in his earlier theorizations of power, subjectivity and resistance].

Legal Subjectivity: Subject Positions & Identity

Hall, S. (1973). "Encoding and Decoding." In Simon During (ed) ***The Cultural Studies Reader***. London: Routledge.

Coombe, R. (1991). "Contesting the Self: Negotiating Subjectivities in Nineteenth-Century Ontario Defamation Trials." ***Studies in Law, Politics and Society*** 11: 3-40.

Mertz, E. (1994). "Introduction: legal loci and places in the heart: Community and identity in sociolegal studies." ***Law and Society Review***, 971-992.

Zerner, C. (1994). Through a Green Lens: The Construction of Customary Environmental Law and Community in Indonesia's Malaku Islands. ***Law and Society Review*** 28 (5): 1079-1122. Abbreviated in E. Larson & P. Schmidt, (Eds). ***The Law & Society Reader II***. NYU Press, 2014, 343- 350.

Sarat, A., & Kearns, T.R. (Eds.) (1995). ***Identities, Politics, and Rights***. Ann Arbor: University of Michigan Press.

Connolly, W. (2002). ***Identity/Difference: Democratic Negotiations of Political Paradox, Expanded Edition***. Minneapolis: University of Minnesota Press.

Peach, L. (2002). ***Legislating Morality: Pluralism and Religious Identity in Lawmaking***. Oxford: Oxford University Press.

Engel, D.M. & Munger, F. (2003). ***Rights of Inclusion: Law and Identity in the Life Stories of Americans with Disabilities***. Chicago: University of Chicago.

Lawrence, B. (2003). "Gender, Race, and the Regulation of Native Identity in Canada and the United States: An Overview." ***Hypatia*** 18 (2) 3-31.

Brown, W. (2006). ***Regulating Aversion: Tolerance in the Age of Identity and Empire*** Princeton: Princeton University Press.

Thobani, S. (2007). ***Exalted Subjects: Studies in the Making of Race and Nation in Canada***. Toronto: University of Toronto Press.

Sohoni, D. (2007). "Unsuitable Suitors: Anti-Miscegnation Laws, Naturalization Laws, and the Construction of Asian Identities." ***Law & Society Review*** 41(3)P: 587-618. Abbreviated in E. Larson & P. Schmidt, (Eds). ***The Law & Society Reader II***. NYU Press, 2014, 351-358.

Grammond, S. (2009). ***Identity Captured by Law: Membership in Canada's Indigenous Peoples and Linguistic Minorities***. Montreal: MQUP.

Coombe, R. (2011). "Cultural Agencies: 'Constructing' Community Subjects and their Rights." In Biagioli, M., Jaszi, P., & Woodmansee, M. (Eds.) ***Making and Unmaking Intellectual Property: Creative***

Production in Legal and Cultural Perspective. University of Chicago Press.

Eisenberg, A. (2011). ***Reasons of Identity: A Normative Guide to the Political and Legal Assessment of Identity Claims***. Oxford: Oxford University Press.

Behrman, S. (2013). "Legal subjectivity and the refugee." ***International Journal of Refugee Law***, 26 (1), 1-21.

Sokhi-Bully, B. (2013). "Human Rights as Technologies of the Self: Creating the European Governmental Subject of Rights." In Ben Golder (Ed) ***Re-Reading Foucault: On Law, Power, and Rights***. New York: Routledge. Pp. 229-247.

Golder, B. (2015). ***Foucault and the Politics of Rights***. Stanford: Stanford University Press. (Selection: "Who is the subject of (Foucault's) human rights?").

Lemke, T. (2019). ***A Critique of Political Reason: Foucault's Analysis of Modern Governmentality***. Translated by Erik Butler. London: Verso. (Selections: Discipline 64-85, Subjectivity and Resistance 109-119, From Discipline to Government 127-152, The Government of Individuals: Neoliberalism 243-264, The Genealogy of the Modern Subject 284-306, Subjectivity and Power 307-340).

Colonialism & Imperialism

Fanon, F. (1961). ***The Wretched of the Earth***. New York, Grove Press.

Said, E. (1979). ***Orientalism***. New York: Vintage.

Memmi, A. (1991). ***The Colonizer and the Colonized***. Boston: Beacon Press.

Cohn, B. (1996). ***Colonialism and Its Forms of Knowledge***. Princeton: Princeton University Press.

Cooper F. & Stoler, A. L. (Eds.). (1997). ***Tensions of Empire: Colonial Cultures in a Bourgeois World***. Berkeley and Los Angeles: University of California Press.

Coombes, A.E. (1997). ***Reinventing Africa: Museums, Material Culture and Popular Imagination in Late Victorian and Edwardian England***. Storrs: Yale University Press.

Loomba, A. (1998). ***Colonialism/Postcolonialism: The New Critical Idiom***. New York: Routledge.

Merry, S.E. (2000). ***Colonizing Hawai'i: The Cultural Power of Law***. Princeton: Princeton University Press.

Anghie, A. (2007). ***Imperialism, Sovereignty and the Making of International Law***. Cambridge: Cambridge University Press.

Mawani, R. (2010) ***Colonial proximities: Crossracial Encounters and Juridical Truths in British Columbia, 1871-1921***. Vancouver: UBC Press.

Esmeir, S. (2012). ***Juridical Humanity: A Colonial History***. Stanford: Stanford University Press.

Stoler, A. (2016). ***Duress: Imperial Durabilities in Our Times***. Durham: Duke University Press.

Postcolonialism

Fitzpatrick, P. (1992). *The Mythology of Modern Law*. New York: Routledge.

Darian-Smith, E. (1996). "Postcolonialism: a Brief Introduction." *Social & Legal Studies* 5 (3): 291- 299.

Silbey, S. (1997). "'Let Them Eat Cake': Globalization, Postmodern Colonialism and the Possibilities of Justice." *Law & Society Review* 31 (2): 207-235.

Darian-Smith, E. & Fitzpatrick, P. (Eds.). (1999). *Laws of the Postcolonial*. Ann Arbor: University of Michigan Press.

Ahmed, S. (2000). *Strange Encounters: Embodied Others in Postcoloniality*. New York: Routledge.

Escobar, A. (2004). "Beyond the Third World: Imperial Globality, Global Coloniality and Anti-globalisation Social Movements." *Third World Quarterly* 25 (1): 207-230.

Santos, B. de Sousa & Rodriguez-Gravito, C. (2005) "Law, Politics and the Subaltern in Counter-hegemonic Globalization", in B. Rajagopal (Ed.), *Law and Globalization from Below: Towards a Cosmopolitan Legality*. Cambridge: Cambridge University Press, 1-26.

Stoler, A. (2008). "Reflections on Ruins and Ruination." *Cultural Anthropology* 23(2): 191-219.

Feminist Approaches

Mackinnon, C. (1982). "Feminism, Marxism, Method, and the State: an Agenda for Theory" *Signs* 7 (3): 515-544.

Smart, C. (1989). *Feminism and the Power of Law*. Routledge. London. UK

---- *Law, Crime and Sexuality: Essays in Feminism*. (1995). London: Sage Publications.

Brown, W. (2001) "Suffering the Paradoxes of Rights." In Wendy Brown and Janet Halley (Eds). *Left Legalism/Left Critique Durham*. Durham: Duke University Press, p. 420-434.

Fletcher, R. (2003). "Feminist Legal Theory." In R. Banakar & M. Travers (Eds.), *An Introduction to Law and Social Theory*. Oxford: Hart, pp. 135-154.

Comack, E., & Balfour, G. (2004). *The Power to Criminalize: Violence, Inequality and the Law*. Femwood Publishings: Halifax.

Lacey, N. (2004). "The Constitution of Identity: Gender, Feminist Legal Theory, and the Law and Society Movement." In A. Sarat (Ed.), *The Blackwell Companion to Law and Society*. Oxford: Blackwell, pp. 471-486.

Race/Racialization/Critical Race Theory

Fanon, F. (1952). *Black Skin, White Masks*. New York: Grove Press.

Fitzpatrick, P. (1987). "Racism and the innocence of law." *Journal of Law and Society* 14 (1): 119-132.

- Mclaren, A. (1990). *Our Own Master Race: Eugenics in Canada 1885-1945*. Toronto: McClelland & Stewart.
- Williams, P. (1992). *The Alchemy of Race and Rights*. London, UK: Harvard University Press.
- Harris, C. (1995). "Whiteness as Property." In K. Crenshaw et. al. (eds). *Critical Race Theory: The Key Writings that Formed a Movement*. New York: The New York Press, pp. 103-122.
- Bell, D. (1995). "Racial Realism", In K. Crenshaw & G. Peller (Eds.), *Critical Race Theory: The Key Writings That Transformed the Movement* (pp.302-314). New York: New York Press.
- Mills, C. W. (1997). *The Racial Contract*. Ithaca: Cornell University Press.
- Razack, S. (1998). *Looking White People in the Eye: Gender, Race and Culture in Courtrooms and Classrooms*. Toronto: University of Toronto Press.
- Backhouse, C. (1999). *Colour Coded: A Legal History of Racism in Canada 1900-1950*. Toronto: University of Toronto Press.
- Winant, H. (2000). "Race and Race Theory." *Annual Review of Sociology* 26: 169-185.
- Delgado, R. & Stefancic, J. (2001). *Critical Race Theory: An Introduction*. New York: New York University Press.
- Goldberg D.T. (2001). "Polluting the Body Politic!: Race and Urban Location." In Blomley, N., Delaney, D., & Ford RT (Eds.) *The Legal Geographies Reader: Law, Power and Space*. Oxford: Blackwell Publishers, pp. 69-86.
- Razack, S. (Eds) (2002). *Race, Space, and the Law: Unmapping a White Settler Society*. Toronto: Between the Line. (Selection: 'When Place Becomes Race', pp. 1-20).
- Gill S.D. (2002). "The Unspeakability of Racism: Mapping Law's Complicity in Manitoba's Racialized Spaces." In S. Razack (ed.) *Race, Space, and the Law: Unmapping White Settler Society*. Toronto, ON: Between the Lines, pp.157-183.
- Wacquant, L. J. D. (2002). "From Slavery to Mass Incarceration: Rethinking the 'Race Question' in the US". *New Left Review*, 13: 41-60.
- Gomez, L.E. (2004) "A Tale of Two Genres: On the Real and Ideal Links Between Law and Society and Critical Race Theory." In Sarat A (ed.) *The Blackwell Companion to Law and Society*. Oxford: Blackwell, pp. 453-470.
- Tuitt, P. (2004) *Race, Law, Resistance*. London: The Glass House Press.
- Haney-Lopez, I. (2006) *White by Law: The Legal Construction of Race*. New York: New York University Press.
- Gross, A. (2008). *What Blood Won't Tell: A History of Race on Trial in America*. Harvard Univ. Press.
- Razack, S. (2008). *Casting Out: the Eviction of Muslims from Western Law and Politics*. Toronto: University of Toronto Press.

Walker, B. (2010). *Race on Trial: Black Defendants in Ontario's Criminal Courts, 1858-1958*. Toronto: University of Toronto Press.

Moran, Rachel. (2010). "What Counts as Knowledge? A Reflection on Race, Social Science, and the Law". *Law & Society Review* 44: 515-551. Abbreviated in in E. Larson & P. Schmidt, (Eds). *The Law & Society Reader II*. NYU Press, 2014, 403-409.

Gomez, L.E. (2012). "Looking for Race in All the Wrong Places." *Law and Society Review*, 46 (2): 221-245.

Harris, A. (2013). "Critical Race Theory." In Banakar, R. and M. Travers (Eds.), *Law and Social Theory*. Oxford: Hart.

Darian-Smith, E. (2013), *Law and Societies in Global Contexts: Contemporary Contexts*. Cambridge University Press. (Selection: Re-racialising the World, 314-377.

Intersectionality

Crenshaw, K. (1991). "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color." *Stanford Law Review* 43 (6): 1241-1299.

Scales. A. (2006) *Legal Feminism: Activism, Lawyering, and Legal Theory*. New York: New York University Press.

Conaghan, J. (2009). "Intersectionality and the Feminist Project in Law." In Grabham, Emily, Davina Cooper, Jane Krishnadas and Didi Herman (Eds.) *Intersectionality and Beyond: Law, Power, and the Politics of Location*. New York: Routledge, pp. 21-48.

Williams, T. (2009). "Intersectionality Analysis in the Sentencing of Aboriginal Women in Canada: What Difference Does it Make?" In Grabham, Emily, Davina Cooper, Jane Krishnadas and Didi Herman (Eds) *Intersectionality and Beyond: Law, Power, and the Politics of Location*. New York: Routledge, pp. 79-104.

Major Sub-fields in Socio-Legal Studies

Legal History

Horwitz, M. (1977). *The Transformation of American Law, 1780-1860*. Harvard University Press.

Gordon, R. (1981). "Historicism in Legal Scholarship," *Yale Law Journal* 90:1017-1056.

----- (1984) "Critical Legal Histories", *Stanford Law Review*, 36(1/2):57-125.

----- (1996) "The Past as Authority and as Social Critic: Stabilizing and Destabilizing Functions of History in Legal Argument," in *The Historic Turn in the Human Sciences*, ed. Terence McDonald (University of Michigan Press, 1996). Pp. 339-378.

Welke, B.Y. (2001). *Recasting American Liberty: Gender, Race, Law, and the Railroad Revolution, 1865-1920*. Cambridge: Cambridge University Press.

Hall, K. (2008). *The Magic Mirror: Law in American History* (2nd Ed. Oxford University Press).

Erickson, L. (2011). *Westward Bound: Sex, Violence, the Law, and the Making of a Settler Society*. Vancouver: UBC Press.

Alexander, M. (2011). *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New Press.

Walker, B. (2012). *The African Canadian Legal Odyssey: Historical Essays*. Toronto: U of T Press.

Baker, G.B. (2013). *Essays in the History of Canadian Law, Volume XI: Quebec and the Canadas*. Toronto: U of T Press.

Gordon, R. (2017). *Taming the Past: Essays on Law in History and History in Law*. Cambridge University Press.

Sugarman, D. (2017). "Promoting Dialogue between History and Sociolegal Studies. The Contribution of Christopher W. Brooks and the 'Legal Turn' in Early Modern English History." *Journal of Law and Society*, 44: S37-S60.

Girard, P., et al, (Eds.) (2018). *A History of Law in Canada Volume 1: Beginnings to 1866*. Toronto: U of T Press.

Legal Pluralism

Griffiths, J. (1986). "What is Legal Pluralism?" *Journal of Legal Pluralism* 24: 1-56.

Kleinbans, M.M. & Macdonald, R. (1997). "What is a Critical Legal Pluralism?" *Canadian Journal of Law & Society* 12 (1997): 25-46.

Walby, K. (2007). "Contributions to a Post-Sovereignist Understanding of Law: Foucault, Law as Governance and Legal Pluralism". *Social & Legal Studies*, 16(4), pgs. 551-571.

Von Benda-Beckmann, F. & and Keebet von Benda-Beckmann (Eds.) (2008) *Dynamics of Plural Legal Orders: The Journal of Legal Pluralism and Unofficial Law*. Lit Verlag.

Barzilai, G. (2008). "Beyond Relativism: Where Is Political Power in Legal Pluralism?" *Theoretical Inquiries in Law*, 9 (2): 395-416.

Melissaris, E. (2009). *Ubiquitous Law: Legal Theory and the Space for Legal Pluralism*. Ashgate Pub Co.

Tamanaha, B., et al. (Eds.) (2012). *Legal Pluralism and Development: Scholars and Practitioners in Dialogue*. Cambridge: Cambridge University Press.

Berman, P.S. (2014). *Global Legal Pluralism: A Jurisprudence of Law Beyond Borders*. Cambridge: Cambridge University Press.

Reyntjens, F. (2016). "Legal Pluralism and Hybrid Governance: Bridging Two Research Lines." *Development and Change* 47 (2): 346-366.

Legal Consciousness

- Ewick, P., and Silbey, S. (1998) *The Common Place of Law: Stories from Everyday Life*. Chicago and London: University of Chicago Press.
- Engle, D. (1998) "How Does Law Matter in the Constitution of Legal Consciousness?" in Bryant G. Garth and Austin Sarat (eds.) *How Does Law Matter?* Evanston: Northwestern University Press. pp. 109-144.
- Nielsen, L. B. (2000). Situation Legal Consciousness: Experiences and Attitudes of Ordinary Citizens about Law and Street Harassment. *Law & Society Review* 34 (4): 1055-1090. Abbreviated in E. Larson & P. Schmidt, (Eds). *The Law & Society Reader II*. NYU Press, 2014, 232-239.
- Ewick, P. (2004). 'Consciousness and Ideology', in Austin Sarat (ed.) *The Blackwell Companion to Law and Society*. Malden, Oxford, and Victoria: Blackwell. Pp. 80-94.
- Marshall, A. (2005). Idle Rights: Employee's Rights Consciousness and the Construction of Sexual Harassment Policies. *Law & Society Review* 39(1): 83-124. Abbreviated in E. Larson & P. Schmidt, (Eds). *The Law & Society Reader II*. NYU Press, 2014, 243-252.
- Silbey, S. (2005). "After Legal Consciousness", *Annual Review of Law and Social Science*, 1: 323– 68.
- Gallager, M. E. (2006). "Mobilizing the Law in China: 'Informed Disenchantment' and the Development of Legal Consciousness." *Law & Society Review* 40 (4); 783-816. Abbreviated in E. Larson & P. Schmidt, (Eds). *The Law & Society Reader II*. NYU Press, 2014, 253-260.
- Kirkland, A. (2008). "Think of the Hippopotamus: Rights Consciousness in the Fat Acceptance Movement." *Law & Society Review* 42 (2): 397-432. Abbreviated in E. Larson & P. Schmidt, (Eds). *The Law & Society Reader II*. NYU Press, 2014, 361-369.
- Calavita, K. (2010). "Law in the Everyday, Everywhere", in *Invitation to Law & Society. An Introduction to the Study of Real Law*. Chicago: University of Chicago Press.
- (2010). "The Talk versus the Walk of Law", in *Invitation to Law & Society. An Introduction to the Study of Real Law*. Chicago: University of Chicago Press.

Critical Criminology

- Foucault, M. (1977). *Discipline and Punish: Birth of the Prison*.
- Quinney, R. (1980). *Class, State, and Crime: On the Theory and Practice of Criminal Justice*. New York.
- Garland, D. (1990). *Punishment and Modern Society: A Study in Social Theory*. Chicago: University of Chicago Press.
- Gordon, D. (1990). *The Justice Juggernaut: Fighting Street Crime, Controlling Citizens*. Rutgers University Press.
- Hunt, A. (1991). "Postmodernism and Critical Criminology." In B.D. MacLean and D. Milovanovic (eds). *New Directions in Critical Criminology*. Vancouver, BC: Collective Press, pp. 779-786.

Barak, G., Henry, S., & D. Mil (1997). "Constitutive Criminology: An Overview of an Emerging Postmodernist School." In B.D. MacLean and D. Milovanovic (eds.) *Thinking Critically about Crime*. Richmond: Collective Press, pp. 93-99.

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