

HIST 5312: Studies in Borderlands History / “Law and Power in Borderlands Spaces”
Department of History

Dr. Jeffrey P. Shepherd
 Office: LART 326
 Hours: M/W 10:00 – 12:00
jpshepherd@utep.edu
 747-6805

CRN 17709
 LART RM. 309
 Mondays 1:30 – 4:20

Course Overview

This graduate studies course will focus on two crucial components of borderlands history: law and power. While the notion of “the law” may seem concrete in that it derives from the decisions of components of the state (presidents and prime ministers, the courts, a legislature, or a municipal body), it is in fact a very mercurial concept that is rooted in ideological assumptions, social constructions, and debatable epistemological foundations. Power, on the other hand, has provoked endless debates about its sources, scope, meaning, shape, function, objective, and nature. Like “law,” cultures construct power differently across space and time, and philosophers and social critics have searched for its multiple meanings. This class, then, will investigate the ways in which law and power have been constructed and contested across numerous geo-political, discursive, and conceptual borderlands. Drawing from the scholarship of Critical Legal Studies, Critical Race Theory, post-colonialism, and works on settler-colonialism, this class will introduce students to a wide range of books and articles that are both “classical” and “cutting edge.” Topics and themes include sexuality and the state, courts and racialization, Indigenous treaties and colonialism, immigration law and the surveillance state; miscegenation law; and the intersections of power and bodily intimacy. Students will read one book and one article every week, and have the option of writing three 6-8 page papers or one larger theoretical/synthetic paper of 22-25 pages.

Reading List

- Mary Dudziak and Leti Volpp, Eds. “Legal Borderlands: Law and the Construction of American Borders.” *American Quarterly*, Vol. 57, No. 3. (Sep., 2005). Special Edition (JStor)
- Ian Haney Lopez. *White by Law: The Legal Construction of Race*. (NYU Press, 2006). 10th Anniversary Edition. 0814736947
- Barbara Welke. *Law and the Borders of Belonging in the Long Nineteenth Century United States*. Cambridge University Press, 2010). 0521152259
- Margot Canaday. *The Straight State: Sexuality and Citizenship in Twentieth-Century America*. (Princeton University Press, 2011). 0691149933
- David Wallace Adams and Crista DeLuzio (Eds). *On the Borders of Love and Power: Families and Kinship in the Intercultural American Southwest*. (University of California Press, 2012). 0520272390
- Nayan Shah. *Stranger Intimacy: Contesting Race, Sexuality and the Law in the North American West*. (American Crossroads). University of California Press, 2012. 0520270878
- Stuart Banner. *How the Indians Lost Their Land: Law and Power on the Frontier*. (Belknap Press, 2007). 067402396X
- Alexandra Harmon. (Ed). *The Power of Promises: Rethinking Indian Treaties in the Pacific Northwest*. (The University of Washington Press, 2008) 0295988398

- Michel Hogue. *Metis and the Medicine Line: Creating a Border and Dividing a People*. (The University of North Carolina Press, 2015). 1469621053
- Andrew Needham. *Power Lines: Phoenix and the Making of the Modern Southwest*. (Princeton University Press, 2014). 0691139067
- Juan Mora Torres. *The Making of the Mexican Border: The State, Capitalism, and Society in Nuevo León, 1848-1910*. (University of Texas Press, 2001). 0292752555
- Daniel Nugent. *Spent Cartridges of Revolution: An Anthropological History of Namiquipa, Chihuahua*. (University of Chicago Press, 1998).
- Mae Ngai. *Impossible Subjects: Illegal Aliens and the Making of Modern America*. (Princeton University Press, 2014). Updated Edition with new foreword. 0691160821
- Grace Delgado. *Making the Chinese Mexican: Global Migration, Localism, and Exclusion in the U.S.-Mexico Borderlands*. (Stanford University Press, 2013) Reprint Edition. 0804788626

Assignments, Assessment and Course Expectations

Book Reviews (10 x 10 = 100 pts)

These are standard book reviews that you would see in most academic journals. In general, they cover the main components of a book: brief author bio; thesis and argument; summary of content and themes; sources and methods; critique and analysis. You may choose which ten books you write about. They are due on the day in which we read that book. In addition to the standard title and citation information, please insert at the top of the page under your name, the number of the book review.

Annotated Bibliography (50 pts)

Students will compile an annotated bibliography of ALL BOOKS used in the class, including assigned readings and the books you use for your papers. This will be submitted separately from the references tied to your final paper at the end of the course. If you are a doctoral student you will incorporate this bibliography into the annotated bibliography for your portfolio. By annotation, I mean 1-2 sentences describing the purpose/argument of the book.

Attendance and Participation (100 pts)

Students will contribute to discussion. All articles are posted on the course website. Attendance is mandatory, but you are allowed one unexcused absence before I deduct 10% of your grade per missed class. Think about dropping the course if you foresee missing more than one class. Chronic absences will result in failure of the course. You also must arrive on time and remain in class. Each student will lead discussion on a book of your choosing. Directions will be provided during the first class.

Synthetic Paper(s)

Option 1: (150 pts)

One synthetic essay that includes a narrative analysis of historical content, themes, patterns, and events related to law and/or power in borderlands spaces. This paper is neither a historiography delving deeply into historical debates and scholarly interpretations, nor is it a research paper employing primary resources. Although it will acknowledge the historical interpretation and reflect an awareness of scholarly viewpoints, your paper will synthesize content, concepts and themes from secondary sources

tied to law and/or power. Your paper will be 20-22 pages (EXCLUDING ENDNOTES & REFERENCES), and must include a total of 12-15 books and 3-5 essays. A maximum of 5 of books may come from assigned readings. Students may recycle some information from their book summaries.

Option 2: (3 x 50 pts = 150)

Three Review Essays of 8 pages, focusing on narrative analysis of historical content, themes, patterns, and events related to law and/or power. Each paper will revolve around *3 assigned readings* AND *2 additional related books* of your choosing that are not required for the whole class. Each short paper should include an additional essay or two. Students may recycle some information from their book reviews. See the Course Schedule for due dates of different parts of the synthetic paper.

Grading Scale: **A = 400-360** **B = 359-320** **C = 319-280** **D = 279-240**

Important Dates

Aug. 22nd	Classes begin
Aug. 22-25	Late registration
Sept. 5th	Labor Day Holiday– University closed
Sept. 7th	Census Day
Oct. 28th	Drop/Withdrawal Deadline
Nov. 24-25	Thanksgiving Holiday – University closed
Dec. 1st	Last class day
Dec. 2nd	Dead Day
Dec. 5-9	Final Exams
Dec. 10th	Fall Commencement

Course Schedule (Subject to Change)

Week One (8.22)	Introductions and Overview Readings: Dudziak and Volp, Introduction
Week Two (8.29)	Critical Race Theory Reading: Lopez, <i>White by Law</i> ; articles from CLS
Week Three (9.5)	LABOR DAY, NO CLASS, UNIVERSITY CLOSED
Week Four (9.12)	Policing Sexuality and Enforcing Heteronormativity Reading: Canaday, <i>The Straight State</i> Due: Topic Abstract and Preliminary Bibliography (Option1)
Week Five (9.19)	Law, Society, and Citizenship Reading: Welke, <i>Law and the Borders of Belonging</i>

Week Six (9.26)	Intimacies in the Borderlands Reading: Adams and DeLuzio, <i>On the Borders of Love and Power</i> Due: Review Essay #1
Week Seven (10.3)	Personal Encounters and Legal Regimes Reading: Shah: <i>Stranger Intimacy</i> Due: Topic Abstract revisions (if any), updated and expanded Bibliography, brief outline of your paper
Week Eight (10.10)	Indigenous Peoples Reading: Banner, <i>How the Indians Lost Their Land</i>
Week Nine (10.17)	Race, Nation and Indigenous Borderlands Reading: Hogue, <i>Metis and the Medicine Line</i>
Week Ten (10.24)	Treaties in the Canada – U.S. Borderlands Reading: Harmon, <i>The Power of Promises</i> Due: Review Essay #2
Week Eleven (10.31)	Place, Power and Modernization Reading: Needham, <i>Power Lines</i>
Week Twelve (11.7)	History, War and Power in Chihuahua Reading: Nugent, <i>Spent Cartridges of Revolution</i>
Week Thirteen (11.14)	Political Economy and Building the Border Reading: Mora-Torres, <i>Making of the Mexican Border</i> Due: Rough Draft of Paper (Option 1)
Week Fourteen (11.21)	Transnationalism and Racialization Reading: Delgado, <i>Making the Chinese Mexican</i>
Week Fifteen (11.28)	The Social Construction of “The Illegal Alien” Reading: Ngai, <i>Impossible Subjects</i>
December 5	Final Paper (Option 1) Review Essay #3 (Option 2)