

Course Outline

COURSE:	LAWS 2105 Social Justice and Human Rights
TERM:	Summer 2012
PREREQUISITES:	One of LAWS 1000, HUMR 1001, PAPM 1000, PSCI 1000 (or PSCI 1001 and PSCI 1002)
CLASS:	Day & Time: Tuesday and Thursday 6:05–8:55 Room: Please check with Carleton Central for current room location
INSTRUCTOR:	Craig McFarlane
CONTACT:	Office: B442 Loeb Office Hrs: By appointment Email: craig.mcfarlane@carleton.ca

Students with disabilities requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities (PMC) for a formal evaluation of disability-related needs. Documented disabilities could include but are not limited to mobility/physical impairments, specific Learning Disabilities (LD), psychiatric/psychological disabilities, sensory disabilities, Attention Deficit Hyperactivity Disorder (ADHD), and chronic medical conditions. Registered PMC students are required to contact the PMC, **613-520-6608**, every term to ensure that I receive your Letter of Accommodation, no later than two weeks before the first in-class test/midterm requiring accommodations. If you only require accommodations for your formally scheduled exam(s) in this course, please submit your request for accommodations to PMC by the deadlines published on the PMC website. <http://www1.carleton.ca/pmc/students/dates-and-deadlines/>. For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: www.carleton.ca/equity

Calendar Description

Theories and practices of law and social justice. Issues examined may include: civil democracy and repression; global governance and the rule of law; democratic movements and social power; human rights instruments, regimes and remedies; armed conflict; and humanitarian intervention.

Course Overview

This course presents a critical examination of the concept of human rights. We will begin discussing early modern political theory, especially its conception of “man” and the political community. We will then turn to the French Revolution, which was the first political movement to articulate its goals in terms of humanity, rights, and citizenship. Here we still study both proponents of the Revolution, its opponents and its critics. Then we will turn to the twentieth century looking at how devastating global wars—such as World War I and II—potentially rendered human rights inoperable. We will then turn to recent debates which challenge the concept of human rights from two different directions: those

which seek to subvert human rights (the War on Terror, torture and indefinite detention) and those which seek to extend the concept of rights beyond the boundaries of the human to animals. Finally, the course will consider whether human rights and social justice is beside the point: it is normatively obligatory to plan the intentional extinction of the human species. And then we will consider the somewhat more optimistic possibility of a renewal of rights through the idea of cosmopolitanism. The readings assigned in this course are historical and/or theoretical (in other words, difficult and demanding) and evaluation is by three essays and written assignments for every class. Students are advised to keep this in mind when registering.

Required Texts

All readings are available on WebCT/cuLearn in PDF or online.

Evaluation

Assignments are due at or before the start of class the date they are due. Any assignments submitted after the start of class or to the drop box (even if it is submitted *before* class) will be deemed late. Late assignments are penalized one mark per day late (e.g., an assignment two days late which merits a grade of A- will be given a grade of B). Extensions will not be granted under any circumstance. *Please note that all major assignments must be completed in order to pass this course*; i.e., failure to submit both short papers and the take-home exam will result in a mark of FND. Plagiarism will not be tolerated and will result in the matter being referred to the Dean of the Faculty of Public Affairs and will most likely result in a failure on the assignment, if not also the course. There are no exceptions to any of these policies. While all grades are subject to approval by the Chair of the Department of Law and the Dean of the Faculty of Public Affairs, provisional marks will be posted to WebCT/cuLearn as they become available.

Participation 15%

The advantage of summer courses is that they tend to be small and informal. Accordingly, they are well-suited to active participation. In this case, participation means more than just showing up—being a warm body increasing the ambient temperature of an already too hot room is not participation. It is expected that students arrive to class having done the reading(s), having thought about the readings, and having questions and/or comments on the readings.

Response Papers 15% (10x1.5%)

Students will write a response paper on each set of readings. The nature of the response is entirely up to the student, but they should be about 300 words long. Each response is worth 1.5 marks (10 responses X 1.5 marks = 15% of final grade). Responses will not be marked or commented on (i.e., not judged) and will receive 1.5 marks if (1) they are handed in at the start of class the day they are due and (2) they meet the minimal requirement of being

roughly 300 words long. If assignments do not meet these two requirements, then they will be assigned a grade of 0. Accordingly, assignments will *only* be accepted in class: *do not submit assignments to the drop or late because they will not be read or marked!* Students may avail themselves of *one* freebie whereby they can email a response paper in PDF or RTF format to the instructor *prior* to the start of class (i.e., no later than 5:59PM) if they cannot make it to class. Likewise, it is recommended that students include the word count of the response somewhere in the assignment. There are *no* exceptions to these rules.

Short Papers 40% (2x20%)

Students are *required* to complete two short papers (about 1500 words). Failing to complete both assignments will result in a grade of FND. The best way to learn theoretical concepts is to read and write about them. These papers are intended to be short exercises in which the student enquires into the logic of a particular set of concepts, discussing their strengths and weaknesses, and their potential applications. It is expected that the papers will extend beyond mere summaries of the readings and will attempt to critically engage with them. Papers must be written in standard English, with proper citations and a bibliography. Any recognized style (APA, MLA, Chicago, etc) is acceptable.

Assignments are due on the following days:

- May 31 Discussion of Human Rights (May 15–24, inclusive)
- June 12 Discussion of End of Human Rights (May 29–June 5, inclusive)

Take-Home Exam 30%

In effect, the take-home exam is identical to the two short papers. That is, the assignment is mandatory and failure to complete it will result in a grade of FND. Likewise, the take-home exam is to be about 1500 words long and is organized around the final set of readings. A more detailed question will be provided on the last day of classes.

- June 27 Discussion of Justice Beyond Rights and the Human (June 7–19, inclusive)

Submission of Short Papers and Take-Home Exam

The Short Papers and Take-Home Exam are to be submitted to the instructor through WebCT/cuLearn. Assignments **must** be submitted in either PDF or RTF format; no other format will be accepted and, as such, an assignment submitted in a format other than PDF or RTF will not be marked. The assignment submission system is set-up to mark assignments late as of 6:00PM the day they are due for the short papers and as of 4:00PM the day the take-home exam is due. In the case of the take-home exam, late papers *will not be accepted*.

Please Note

In order to facilitate participation—and minimize distraction—computers *will not* be permitted in the classroom (unless the use thereof is an accommodation approved by the Paul Menton Centre). Likewise, texting or any other use of cell phones, iPads, and so on will not be tolerated.

It is also expected that students are judicious in their use of email. Hence, when contacting the instructor via email, it is expected that you will use your Carleton Connect account (this is a legal requirement), put the course code and a brief description of the email in the subject line, and write the body of your email in coherent English (i.e., full sentences, proper spelling, grammar and punctuation).

Finally, I cannot emphasize strongly enough how important it is to keep up with assigned readings and to attend all the lectures. The material is intentionally difficult and challenging.

Course Schedule

May 8 No Class

Class cancelled.

May 10 Introduction

No assigned readings.

May 15 Philosophical Anthropology I

Hobbes, Thomas. *Leviathan*, 74–100, 106–9, 136–45. Edited by Edwin Curley. Indianapolis: Hackett, 1994.

Locke, John. *Second Treatise of Government*, 267–82, 285–302, 330–53. Cambridge: Cambridge UP, 1988.

May 17 Philosophical Anthropology II

Monstequieu. *The Spirit of the Laws*, 3–9, 156–66. Edited by Anne M. Cohler, Basia C. Miller, and Harold S. Stone. Cambridge: Cambridge UP, 1989.

Rousseau, Jean-Jacques. “Discourse on the Origin of Inequality.” In *The Basic Political Writings*, 24–81. Edited by Donald A. Cress. Indianapolis: Hackett, 1987.

May 22 The Rights of Man, Citizen and Woman

National Assembly of France. “Declaration of the Rights of Man and of the Citizen.” In *Democracy: A Reader*, edited by Ricardo Blaug and J.J. Schwarzmantel, 88–90. New York: Columbia UP, 2001.
<http://bit.ly/excKXy>

Paine, Thomas. "The Rights of Man." In *Democracy: A Reader*, edited by Ricardo Blaug and J.J. Schwarzmantel, 84–7. New York: Columbia UP, 2001.
<http://bit.ly/gIY4di>

Wollstonecraft, Mary. "Of the Pernicious Effects Which Arise From the Unnatural Distinctions Established in Society." In *A Vindication of the Rights of Women*. Vol. 5 of *The Works of Mary Wollstonecraft*. London: Picking & Chatto, 1989.
<http://bit.ly/HUtMkd>

May 24 Criticisms of the Declarations

Bentham, Jeremy. "Anarchical Fallacies." In *The Nature and Process of Law: An Introduction to Legal Philosophy*, edited by Patricia Smith, 94–100. Oxford: Oxford UP, 1993.

Burke, Edmund. "Reflections on the Revolution in France." In *The Political Theory Reader*, edited by Paul Schumaker, 38–40. London: Wiley-Blackwell, 2010.
<http://bit.ly/gHic3M>

Marx, Karl. "On the Jewish Question." In *Democracy: A Reader*, edited by Ricardo Blaug and J.J. Schwarzmantel, 234–9. New York: Columbia UP, 2001.
<http://bit.ly/fIMYBI>

May 29 The Death of Human Rights?

Arendt, Hannah. *The Origins of Totalitarianism*. New York: Harcourt, 1985. [Chapter 9]

Douzinas, Costas. *The End of Human Rights: Critical Legal Thought at the Turn of the Century*. Oxford: Hart Publishing, 2000. [Chapter 14]

May 31 Torture and Indefinite Detention

Waldron, Jeremy. "Torture and Positive Law: Jurisprudence for the White House." *Columbia Law Review* 105, no. 6 (2005): 1681–1750.
<http://bit.ly/eI47fn>

Butler, Judith. "Indefinite Detention." In *Precarious Life: The Powers of Mourning and Violence*, 50–100. London: Verso, 2004.

June 5 War

Wright, Evan. "The Killer Elite." *Rolling Stone* 925 (2003): 56–60, 62, 64–66, 68.
<http://bit.ly/HTEbKy>

Wright, Evan. "From Hell to Baghdad." *Rolling Stone* 926 (2003): 52–61.
<http://bit.ly/HNSVa5>

Wright, Evan. "The Battle for Baghdad." *Rolling Stone* 927 (2003): 75–80.
<http://bit.ly/HR8GgP>

Wright, Evan. "Dead-Check in Falluja." *The Village Voice* November 16, 2004.
<http://bit.ly/J4aA0X>

June 7 Animals I

Ritvo, Harriet. *The Animal Estate: The English and Other Creatures in the Victorian Age*. Cambridge, MA: Harvard UP, 1987. [Chapter 3]

June 12 Animals II

Kymlicka, Will and Sue Donaldson. *Zoopolis: A Political Theory of Animal Rights*. Oxford: Oxford UP, 2011. [Chapter 5]

June 14 Is Humanity a Scourge?

Benatar, David. *Better Never to Have Been*. Oxford: Oxford UP, 2006. [Chapters 2 and 6]
<http://bit.ly/l3d0gn>

June 19 Justice Beyond Rights?

Derrida, Jacques. "On Cosmpolitanism." In *On Cosmopolitanism and Forgiveness*, 3–24. New York: Routledge, 2001.
<http://bit.ly/httCkK>

Benhabib, Seyla. *The Rights of Others: Aliens, Residents, and Citizens*. Cambridge: Cambridge UP, 2004. [Chapter 1]
<http://bit.ly/HVnRKs>