

## Course Outline

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| COURSE:        | LAWS 2105A  |
| TERM:          | Social Justice and Human Rights<br>Early Summer 2013  |
| PREREQUISITES: | One of LAWS 1000 [1.0], HUMR 1001 [1.0], PAPM 1000 [1.0], PSCI 1100 and PSCI 1200.                            |
| CLASS:         | Day & Time: Tuesdays & Thursdays 6-9 pm<br>Room: Please check with Carleton Central for current room location |
| INSTRUCTOR:    | Amy Conroy  |
| CONTACT:       | Office: Loeb B442<br>Office Hrs: Tuesdays 4:30 – 6:00 pm<br>Email: amyconroy@connect.carleton.ca              |

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You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

**Pregnancy obligation:** write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

**Religious obligation:** write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

**Academic Accommodations for Students with Disabilities:** The **Paul Menton Centre** for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or [pmc@carleton.ca](mailto:pmc@carleton.ca) for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your **Letter of Accommodation** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.carleton.ca/equity/>

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### COURSE DESCRIPTION

This course explores 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.

### REQUIRED TEXTS

Falk, Richard, *Achieving Human Rights* (New York: Routledge, 2009).

Other readings will be made available on the course website using the ARES link to the Carleton library.

### PLAGIARISM

All work must be original. Work submitted in fulfillment of another course is not to be submitted for

this course. Please note that all cases of suspected plagiarism will be reported to the Department of Law and Legal Studies. The Student Academic Success Centre (SASC) has excellent resources to clarify academic writing requirements. Please refer to the SASC website at <http://www1.carleton.ca/sasc/writing-tutorial-service/writing-resources/>. You may also make an appointment to meet with me if you have any questions about citation or other questions on writing.

## **EVALUATION**

**(All components must be completed in order to get a passing grade)**

| Component                        | Date   | Value | Notes  |
|----------------------------------|--|-------|--|
| Attendance / Class Participation | Ongoing  | 15%   | Attendance will be taken at each lecture. Students will have the opportunity to earn participation marks through in-class discussion and debates as well as through participation in discussion boards on the course website.  |
| Mid-Term Exam                    | May 23 <sup>rd</sup> – May 28 <sup>th</sup>  | 30%   | This is a take-home examination. Mid-term question(s) and directions will be distributed in class on May 23 <sup>rd</sup> and responses will be due at the beginning of class on May 28 <sup>th</sup> . Responses <i>must</i> be submitted in hardcopy by 6:10 pm on May 28 <sup>th</sup> to be considered on time. Any exams handed in after 6:10 pm will be considered late and subject to a penalty of 10% per day. No email copies will be accepted and any submissions made after class on May 28 <sup>th</sup> will need to be delivered to the drop box in the Department of Law and Legal Studies (Loeb C473). |
| Research Topic and Abstract      | June 4 <sup>th</sup> in class  | 15%   | Overview of the final paper topic along with an organized plan, to be submitted in class by 6:10 pm. Approximately 2-3 pages typed and double-spaced. All submission must be in hardcopy. No email submissions will be accepted and late submissions must be delivered to the drop box in the Department of Law and Legal Studies (Loeb C473). A late penalty of 10% per day will be applied to abstracts handed in after the deadline.  |
| Final Research Paper             | Due by 2pm on June 21 <sup>st</sup> in the Dept. of Law and Legal Studies drop box | 40%   | Approximate length of 12 pages. All submission must be made in hardcopy and delivered to the drop box in the Department of Law and Legal Studies (Loeb C473). No email submissions will be accepted. A late penalty of 10% per day will be applied to essays handed in after the deadline.   |

## **SCHEDULE**

| Date                | Topic                          | Readings   |
|---------------------|--------------------------------|--|
| May 7 <sup>th</sup> | Introduction / Course Overview | N/A  |
| May 9 <sup>th</sup> | Human Rights and the           | <b>Please Read:</b><br>Falk: Chapters 1, 4, and 5. |

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|                      | Democratic Ideal   |   |
| May 14 <sup>th</sup> | Post WWII Development of International Human Rights      | <p><b>Please Read:</b><br/>Falk: Chapters 6, 7 and 8.</p> <p><b>Optional Reading:</b><br/>Thomas Buergenthal. “International Human Rights Law and Institutions: Accomplishments and Prospects” (1988) 63 Washington L. Rev. 1.</p>  |
| May 16 <sup>th</sup> | 9/11 as a Contemporary Challenge to the Post WWII Regime | <p><b>Please Read:</b><br/>Falk: Chapters 9 and 10.</p>   |
| May 21 <sup>st</sup> | Humanitarian Intervention                                | <p><b>Please Read:</b><br/>Falk: Chapter 11.</p> <p>Ken Roth. “War in Iraq: Not a Humanitarian Intervention.” (2004) Human Rights Watch <a href="http://www.electroniciraq.net/news/printer1354.shtml">http://www.electroniciraq.net/news/printer1354.shtml</a></p>   |
| May 23 <sup>rd</sup> | Mid-Term Exam  | All content covered in the assigned readings, lectures, slides, and in-class videos up to and including May 21 <sup>st</sup> .  |
| May 28 <sup>th</sup> | Library Information Session / Academic Writing Workshop  | <p>*Guest Lecturer Julie Lavigne (Research Specialist in Human Rights at the Carleton Library) will give a presentation on the use of Library Resources. Please come prepared with any questions on hard-to-find resources for your final paper.</p> <p>**The remainder of this class will be used to go over the requirements and expectations for the final paper.</p> <p>***No assigned readings</p>   |
| May 30 <sup>th</sup> | Indefinite Detention                                     | <p><b>Please Read:</b><br/>Erwin Chemerinsky. “Thinking About Habeas Corpus” (1987) 37(748) Case Western Reserve Law Review 749.</p> <p>UN Commission on Human Rights, “Situation of Detainees at Guantanamo Bay” E/CN.4/2006/120, available online: <a href="http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=country&amp;category=&amp;publisher=UNCHR&amp;type=&amp;coi=CUB&amp;rid=&amp;docid=45377b0b0&amp;skip=0">http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=country&amp;category=&amp;publisher=UNCHR&amp;type=&amp;coi=CUB&amp;rid=&amp;docid=45377b0b0&amp;skip=0</a>.</p> <p><b>Optional Reading:</b><br/>Judith Butler. “Indefinite Detention” In <i>Precarious Life: The Powers of Mourning and Violence</i> (London: Verso, 2004).</p> |
| June 4 <sup>th</sup> | Torture  | <p>*The film “The Guantanamo Trap” (New York, NY: Films Media Group, 2011) will be shown in class.</p> <p><b>Please Read:</b><br/>Jeremy Waldron. “Torture and Positive Law: Jurisprudence for the White</p>  |

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|                       |   | House” Columbia Law Review 105, no. 6 (2005): 1681–1750.<br><a href="http://bit.ly/eI47fn">http://bit.ly/eI47fn</a>  |
| June 6 <sup>th</sup>  | Racial Segregation and Forced Migration in Canadian History                   | <b>Please Read:</b><br>Constance Backhouse. “Racial Segregation in Canadian Legal History: Viola Desmond’s Challenge, Nova Scotia, 1946” (1994) Dalhousie L.J. 299.<br><br>Tina Loo. “Africville and the Dynamics of State Power in Postwar Canada” (2010) 2 Acadiensis 23.  |
| June 11 <sup>th</sup> | Privacy as a Human Right: Advancements in Criminal Investigation Technologies | <b>Please Read:</b><br>Daniel J. Solove. “Understanding Privacy” (2008) George Washington University Law School Public Law and Legal Theory Working Paper No. 420, available online: <a href="http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1127888">http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1127888</a> .<br><br>*Please also familiarize yourself with the facts of and decisions in the following cases (available at <a href="http://www.canlii.ca">www.canlii.ca</a> ):<br><br><i>R v Stillman</i> [1997] 1 S.C.R. 607.<br><i>R v Tessling</i> [2004] 3 S.C.R. 434.   |
| June 13 <sup>th</sup> | Women’s Equality: Reproductive Rights in History                              | <b>Please Read:</b><br>Angus McLaren. “Birth Control and Abortion in Canada 1870 – 1920” (1978) 59(3) Canadian Historical Review 319.<br><br>Sandra Rodgers. “Women’s Reproductive Equality and the Supreme Court of Canada” in <i>Health Law at the Supreme Court of Canada</i> , Jocelyn Downie and Elaine Gibson eds. (Toronto: Irwin Law, 2007).<br><br><b>Optional Reading:</b><br>Christine Overall. “Feminist Philosophical Reflections on Reproductive Rights in Canada” in <i>Challenging Times: The Women’s Movement in Canada and the United States</i> , Constance Backhouse and David H. Flaherty (Montreal, QC: McGill-Queen’s University Press, c1992). |
| June 18 <sup>th</sup> | Course Wrap Up / Review of Grading Scheme for Final Papers                    | N/A  |