

LAWS 2105A Social Justice and Human Rights

Instructor: Craig McFarlane

Email: craig_mcfarlane@carleton.ca

Office Hours: by appointment

Pre-Requisites: One of LAWS 1000, HUMR 1001, PAPM 1000, PSCI 1000 (or PSCI 1001 and PSCI 1002)

Course Meets Tuesday and Thursday 11:35AM—2:25PM. Please check Carleton Central for room location.

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 “his” relation to 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 destroyed the classical foundations upon which rights were thought to rest. 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, targeted killing, and indefinite detention) and those which seek to extend the concept of rights beyond the boundaries of the human to animals and the natural world. Finally, the course will consider whether human rights and social justice is beside the point: is it normatively obligatory to plan the intentional extinction of the human species (if not all conscious species)? 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

The following book is **required** and is available for purchase at Octopus Books.

Scahill, Jeremy. *Dirty Wars: The World is a Battlefield*. New York: Nation Books, 2013.

All other readings are available through cuLearn or online.

Evaluation

Reading Responses 25% (10 x 2.5%)

Short Essays 50% (2 x 25%)

Take-Home Exam 25%

Assignments

Reading Responses (10 x 2.5%) Reading responses are due at or before the start of class the day the readings in question are discussed. *Under no circumstances will late reading responses be accepted.* Students are free to write on whatever they want; however, the response must relate to the readings. Responses should be in the range of 500 words long and students should include the word count on their assignment. Assignments must be submitted in hard copy to the instructor. Students may *only* submit one reading response via email, but it must be submitted in PDF format.

Short Essays (2 x 25%) Essays are due *before* the start of class the day they are due. Each essay relates directly to course readings and discussions. Secondary reading is neither expected nor forbidden, but if you decide to do additional research and reading beyond what is on the syllabus, then it is your duty to cite this work properly. Essays should be roughly 1750 words long, excluding citations. The total word count for your essay should appear in the essay (for instance, on the last page). Your essay should clearly indicate your name and student number in the headers.

- First essay: due May 27 covering the readings and discussions from May 8 to May 20 (inclusive).
- Second essay: due June 12 covering the readings and discussions from May 22 to June 3 (inclusive).

Take-Home Exam (25%) In style and content, the take-home exam is identical to the short essays. The take-home exam is due June 26 and covers the readings and discussions from June 5 to 12 (inclusive). The instructor cannot provide extensions for this assignment and, accordingly, any such request regardless of its merits will be rejected as a matter of course. Only the Registrar is able to grant an extension in the form of a Deferral.

Accommodations

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 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/>

Classroom Decorum

In order to facilitate learning—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 email 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).

It is expected that students adhere to all university, faculty, and departmental regulations, especially those pertaining to academic integrity and plagiarism. Ignorance of these regulations is not an excuse.

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.

Schedule

May 6: Introduction

No assigned readings.

May 8: Philosophical Anthropology I

Hobbes, Thomas. *Leviathan*. Edited by Richard Tuck. Cambridge UP, 1996.

Locke, John. *Second Treatise of Government*. Cambridge UP, 1988.

May 13: Philosophical Anthropology II

Montesquieu. *The Spirit of the Laws*. Edited by Anne M. Cohler, Basia C. Miller, and Harold S. Stone. Cambridge UP, 1989.

Rousseau, Jean-Jacques. "Discourse on the Origin and the Foundations of Inequality Among Men." In *The Discourse and Other Early Political Writings*, edited by Victor Gourevitch, 111–222. Cambridge UP, 1997.

May 15: For The Rights of Man and Citizen

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. 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. Columbia UP, 2001. <http://bit.ly/gLY4di>

May 20: Some Concerns about the Rights of Man and Citizen

Bentham, Jeremy. "Anarchical Fallacies." In *The Nature and Process of Law: An Introduction to Legal Philosophy*, edited by Patricia Smith, 94–100. 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 *Karl Marx: Selected Writings*, edited by David McLellan, 46–70. Oxford UP, 2000.

Wollstonecraft, Mary. *A Vindication of the Rights of Woman*. Edited by Janet Todd. Oxford UP, 1999.

May 22: Statelessness and the Right to Have Rights

Arendt, Hannah. *The Origins of Totalitarianism*. New York: Harcourt, 1985.

Rancière, Jacques. "Who Is the Subject of the Rights of Man?" *The South Atlantic Quarterly* 103 (2004): 297–310. <http://bit.ly/1rtSES5>

Somers, Margaret. *Genealogies of Citizenship: Knowledge, Markets, and the Right to Have Rights*. Cambridge UP, 2008.

May 27: Terrorism and State Violence

Primoratz, Igor. *Terrorism: A Philosophical Investigation*. Cambridge: Polity, 2013.

Tilly, Charles. "War Making and State Making as Organized Crime." In *Bringing the State Back In*, edited by Peter Evans, Dietrich Rueschemeyer, and Theda Skocpol, 169–91. Cambridge UP, 1985.

May 29: Torture and Indefinite Detention

Scahill, Jeremy. *Dirty Wars: The World is a Battlefield*. New York: Nation Books, 2013.

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

Waldron, Jeremy. "Torture and Positive Law: Jurisprudence for the White House." *Columbia Law Review* 105 (2005): 1681–1750. <http://bit.ly/g12shM>

June 3: Drones and Targeted Killing

Scahill, Jeremy. *Dirty Wars: The World is a Battlefield*. New York: Nation Books, 2013.

Lin, Patrick. "Drone-Ethics Briefing: What a Leading Robot Expert Told the CIA." *The Atlantic*, December 2011. <http://bit.ly/tfURvF>

Strawser, Bradley Jay. "More Heat than Light: The Vexing Complexities of the Drone Debate." *3 Quarks Daily*, February 25, 2013. <http://bit.ly/YqVA2W>

Witt, John Fabian. "On Adopting a Posture of Moral Neutrality." *3 Quarks Daily*, February 25, 2013. <http://bit.ly/13h0bKk>

Levine, Steven. "Drones Threaten Democratic Decision-Making." *3 Quarks Daily*, February 25, 2013. <http://bit.ly/YqVIET>

Naqvi, Feisal H. "Even War Has Limits." *3 Quarks Daily*, February 25, 2013. <http://bit.ly/WlsGQ2>

Hajjar, Lisa. “Is Targeted Killing War?” *3 Quarks Daily*, February 25, 2013. <http://bit.ly/WlsBfh>

Strawser, Bradley Jay. “Reply to Critics: No Easy Answers.” *3 Quarks Daily*, February 25, 2013. <http://bit.ly/138zLe2>

June 5: Wealth, Debt, and Inequality

Graeber, David. *Debt: The First 5000 Years*. Brooklyn: Melville House, 2011.

Piketty, Thomas. *Capital in the Twenty-First Century*. Harvard UP, 2014.

June 10: Rights of Non-Humans

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

Stone, Christopher D. “Should Trees Have Standing? Toward Legal Rights for Natural Objects.” In *Should Trees Have Standing? Toward Legal Rights for natural Objects*, 3–54. Los Altos, CA: W. Kaufmann, 1974. <http://bit.ly/QM5AWi>

June 12: Extinction

Benatar, David. *Better Never to Have Been*. Oxford UP, 2006.

Overall, Christine. *Why Have Children? The Ethical Debate*. The MIT Press, 2012.

June 17: No class