

Course Outline
LAWS 2105 C, Winter 2013

SOCIAL JUSTICE AND HUMAN RIGHTS

Prerequisites:	One of LAWS 1000 [1.0], HUMR 1001 [1.0], PAPM 1000 [1.0], PSCI 1000 [1.0] (No longer offered), PSCI 1001 and PSCI 1002 (no longer offered), PSCI 1100 and PSCI 1200.
Class Time:	Wednesdays 11:35AM-2:25PM
Classroom:	Please check with Carleton Central for current room location
Instructor:	Dr. Roger R. Rickwood, LL.M., LL.B.
Office:	B442 Loeb Building
Office Hours:	Wednesdays 10:00-11:15AM (or by appointment)
Phone Number:	(613) 520-3690
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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 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/>

COURSE DESCRIPTION

This course is designed to examine, in an increasingly complex international and national context, the theories, principles and practices of law and social justice. Definitions of human rights and social justice vary.

In general, human rights are those basic rights that belong to the people because they are human beings regardless of nationality, race, gender, sexual orientation or religion, without which people cannot live in dignity. Human rights involving the dignity and equality of all persons are generally written down in national and international legal instruments. Followers of religious natural law believe that these human rights are derived ultimately from spiritual sources. However, according to cosmopolitans, they do not depend on religious grounding or on legal recognition for their existence. Secular cosmopolitans consider them to be indivisible, inalienable and universal and cannot be compromised. They believe these rights are derived from rational observation and analysis. Based on a belief in a social contract, contractarians consider that human rights must be written down and protected by positive law against arbitrary interference by governments. They call these rights civil liberties. Human rights, whatever their source, are considered by the United Nations and most societies to include life, justice, freedom and equality.

In general, social justice is the concept that community and state activity should be based on just and equitable treatment of all peoples regardless of colour, socioeconomic class, gender, age or sexual preference. Social justice requires fairness and respect for the rights of both the majority and minorities in a country. Achieving social justice implies a duty on citizens, civic society groups, states and international institutions to deal with issues facing types of individuals and groups that are disadvantaged and/or underrepresented in society such as: women; gay, lesbian, bisexual and transgender persons; children; linguistic and ethnic minorities; aboriginal peoples; racialized communities; immigrants and refugees; poor and undernourished persons; the elderly and persons with disabilities. Social justice is thus concerned with distributive justice whereby decision makers seek to ensure that the benefits and burdens of public policy are fairly and equally distributed. Social justice, where possible, seeks reconciliation between opposing groups and restorative solutions whereby victims of past injustices are compensated and rehabilitated. Increasingly achieving social justice is forcing advocates to incorporate principles and practices of enhanced environmental maintenance and protection into their activities to ensure human sustainability.

The historical, legal and jurisprudential perspective utilized in this course surveys evolving international instruments, national statutory and constitutional protections, especially those relating to or recognized by Canada. Human rights law is examined as an evolving instrument of social change impacted by changing philosophical, cultural, economic, security and political factors. Progress on recognizing and achieving human rights begins with the *Magna Carta* and the English *Bill of Rights*, the American *Declaration of Independence* and the French Declaration of the *Rights of Man and the Citizen*. Progress has been slow because of the doctrine of state sovereignty arising out of the *Treaty of Westphalia*.

This course will examine the progress of social justice and human rights during the interwar period between WWI and WWII; through the “Golden age of Human Rights” with the passage of the UN *Declaration of Human Rights* in 1948; to the later passage of related international instruments and President Carter’s attempts at advancing human rights; to the more recent setbacks with the Iranian Revolution, the 9/11 attacks, the London bombings and the current Syrian situation. We will then examine the current state of affairs and how advocates of human rights and social justice are pursuing their goals through state and non-state processes. In particular, these advocates have now coupled future human rights achievement with environmental protection due to increasing ecological vulnerability brought about by globalization, climate change and resource exhaustion.

REQUIRED TEXTS

Goodhart, Michael, *Human Rights Politics and Practice*. Oxford: Oxford University Press, 2009.

Falk, Richard, *Achieving Human Rights*, New York and London; Routledge, 2009.

Handouts (See readings as list.)

Documents and Guides as posted to Web CT site for Laws 2105C

SUPPLEMENTARY TEXTS

Dunne, Tim and Nicholas Wheeler, *Human Rights in Global Politics*, Cambridge: Cambridge University Press, 2006.

Steiner, Henry J., Phil Alston, and Ryan Goodman, *International Human Rights in Context: law, politics, morals*, 3rd ed., Oxford: Oxford University Press, 2008.

EVALUATION

N.B. All components must be completed in order to get a passing grade

First mid-term exam (2 hours, closed book)	30% - February 13
Second mid-term exam – Take home case study	20% - Due March 20
Final examination (2 hours)	40% - (TBA, in examination period)
Class/lecture participation	10% - (in-class attendance taken)

There will be a **late penalty** of 2 % per day and no case study report will be accepted after March 27. Case studies will only be accepted in **hard copy format**.

Exam preparation can benefit from reviewing instruments, statutes, notes and materials on 2105 C WebCT site. UN, Supreme Court of Canada, and Dept. of Justice websites can be accessed online via WebCT site. Carleton Law Citation Style Guide is on WebCT site and Department home page.

SCHEDULE

- January 9 **Course Introduction and Thematic Overview** - Historical evolution of Human Rights: law, politics and morals – from Common Law to Statutory Rights, Declarations of Rights and Constitutional Entrenchment of Fundamental Rights
- UDHR (www.un.org); CCRF and CBR; Magna Carta, Declaration of Independence and the US Bill of Rights, the French Declaration of the Rights of Man and the Citizen; Federal and provincial human rights codes
 - Goodhart, Introduction: Human rights in politics and practice, pp.1-8
 - Falk, chapters 1 and 2
 - Goodhart, chapters 5 and 6

January 16 **Historical, Normative and Theoretical Foundations of Human Rights.**

- Anthony Langlois “Normative and Theoretical Foundations of Human Rights” article in Goodhart, pp. 12-24
- Falk, chapter 3
- Goodhart, ch.3 and 7

January 23 **Legal Regimes and Human Rights: State Sovereignty and Cosmopolitan Ideals**

- Rhona Smith “Human Rights in International Law” article in Goodhart, pp. 26-45
- Falk, chapters 13 and 14

International Relations and Human Rights: Understanding Hegemony and Diversity

- Tim Dunne and Marianne Hanson “ Human Rights in International Relations” article in Goodhart, chapter 4

January 30 **Civil and Political Rights: Liberalism and Democratic Ideals**

- Christian Davenport “Political Democracy and State Repression” article in Goodhart, pp.129-146.
- *International Covenant on Political and Civil Rights* (www.UN.org)
- Falk, chapters 4 and 5

February 6 **Social and Economic Rights (ESR): Recognizing Social, Economic and Cultural Needs and Provisions for their enhancement**

- *International Covenant on Economic, Social and Cultural Rights* (www.UN.org)
- Sakido Fukuda “Human Rights and Politics in Development” article in Goodhart, pp.164-179

Social Justice and Globalization

- Davis Richards and Donald Gelleny “Economic Globalization and Human Rights” article in Goodhart, pp. 164-179

February 13 **FIRST MID-TERM EXAMINATION (In-class – 2 hours, closed book)**

February 20 **READING WEEK – NO CLASS – NO OFFICE HOURS**

February 27 **International Criminal Law and Human Rights**

- Falk, chapters, 6, 7 and 8
- Goodhart, ch. 16 and 17 and 19

SECOND MID-TERM EXAMINATION - HAND OUT, TAKE-HOME – DUE MARCH 20

March 6 **UN Declaration on Rights of Indigenous Peoples**

- *UN Declaration on Indigenous Peoples* (www.UN.org)
- *Royal Proclamation of 1763, Constitution Act, 1867, S.91(24) and S.109, Constitution Act, 1982, Part 1, S,25 and Part II, S.35 and S.35.1*
- Handouts on Royal Commission on Aboriginal Affairs and Truth and Reconciliation Commission
- Goodhart, ch. 15

March 13 **Womens Human Rights And Gender Equality**

- Convention for the elimination of all forms of Discrimination Against Women (CEDAW)
(www.UN.org)
- Constitution Act, 1982, Part 1, S.15 and S.28 Charter and Part II Rights of Aboriginal Peoples, S.35. and S.35.1
- Goodhart, ch. 12 and 13
- Human Rights and Forced Migration**
- Goodhart, ch. 14

March 20 **Transnational Civil Society and Human Rights Activism**

- Marlies Glasius “Global Civil Society and Human Rights” article in Goodhart, pp. 147-163
- Handouts on “Transnational civil society” and “Civil society and the media in global crises” from Tim Dunne and Nicholas Wheeler from *Human Rights in Global Politics* (Cambridge: Cambridge University Press, 2006).
- Goodhart, ch. 18, “The Environment”

CASE STUDY DUE

March 27 **The Global War on Terror and Human Rights**

- Falk, chapters 9, 10 and 11

April 3 **Beyond Politics**

- Falk, chapters, 12 and 13
- Goodhart, chapter 20 (Future of human rights) and Conclusion Chapter.

-Course evaluation

-Final Exam Review

April 13-27 **FINAL EXAM - TBA**
(2 hours – closed book – in exam period)